

TOWN OF NEW WINDSOR

PLANNING BOARD

October 28, 2015

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

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. Number One Shed, Inc.
2. MCB Partnership (canceled by applicant)
3. Quality Carton
4. Five Corners S.P.
5. Meadowbrook Estates approval extension
6. Beaver Dam Water Corp.
7. Shop Rite
8. New York Granite

REGULAR MEETING:

MR. ARGENIO: Welcome everybody to the regular meeting of the Town of New Windsor Planning Board for October 28. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

PUBLIC HEARINGS:

NUMBER ONE SHED, INC. (14-01)

MR. ARGENIO: First item on tonight's agenda is Number One Shed, it's a public hearing. Who's here to represent this?

MS. VALIENDO: Diane Valiendo.

MR. ARGENIO: This application proposes conversion of existing retail shed, sales and display area to mixed uses. The application was previously reviewed at the 26 November 2014 and 9 September 2015 planning board meetings. It's here tonight for a public hearing. So just so everybody knows the lay of the land here, typically what we'll do is Mrs. Valiendo will give the planning board a brief tour of what she wants to do on the map, what she has up there on the easel and if we have any questions, we'll ask her. If we don't at that time we'll open it up to the public and if you want to speak, just raise your hand and you'll sign in and you'll be able to say what you want to say, express your concerns with the understanding that this is not a debate. Purpose of a public hearing is to help this board gather information so we can make an appropriate decision for the best interest of the town and the people in it. So that said, Mrs. Valiendo, can you tell us what we're doing here?

MS. VALIENDO: Basically, what I'd like to do is my warehouse to let it be rented out or leased out or sublet out, whatever the proper word is for storage. Right now, I have a bounce arena in the one garage.

MR. ARGENIO: Can you point to that?

MS. VALIENDO: And in the front right now I have Butler and he's storing his trucks on the premises on the outside and his excavating equipment in that and on the inside any tools or anything like generators and stuff like that that could be, grow legs and walk away.

MR. ARGENIO: Mark has a note you have an electrical contractor as well?

MS. VALIENDO: No, I do not.

MR. EDSALL: Must of changed again.

MS. VALIENDO: I never did.

MR. EDSALL: It says it on the plan.

MS. VALIENDO: We were talking about it that I might be able to.

MR. EDSALL: Mr. Chairman, item number C on the plans is electric.

MR. ARGENIO: I see it.

MS. VALIENDO: I didn't want to rent it out to the gentleman who happens to be a neighbor of ours until I could find out if I could do it. I don't want to have somebody stay there and say hey, you have to get out but we did discuss it but it never came to fruition because I'm still waiting for an answer.

MR. ARGENIO: What we have to look at, the way the planning board looks at your application, Mrs. Valiengo, is what you've written on the plan, we have to accept it on its merits for its face value if it says area A is the bounce house site, says area B is a lawn landscaping contractor, if it says area C is an electrician and area D is an excavating company, that's what we have because whatever approval you receive goes according to the plans, it will be filed in the Town Hall.

MS. VALIENDO: No, you say I know the Butler says leave, I have to come back and get permission or a permit if a plumber goes in there and wants to store his plumbing stuff--

MR. ARGENIO: Jennifer or Mark, how would that work exactly?

MR. EDSALL: If it's a similar use, same class and the board's approved a particular activity, we don't care if they're storing electrical or plumbing parts and it's an interior storage and that's similar continued use.

MR. ARGENIO: I see but if they suddenly wanted to store fireworks in there that would be a different situation.

MR. EDSALL: If you have an approval for inside storage on a particular item and there's outside storage added

that would be a change unacceptable as well.

MR. ARGENIO: Members, any question on that or commentary, Danny?

MR. GALLAGHER: Not at this time.

MR. ARGENIO: Go ahead.

MS. VALIENDO: And then also in, back outside I have Deyo Landscaping and he stores his truck or two, a trailer.

MR. ARGENIO: Okay, I'm going to just read from a couple of Mark's notes, actually, you know what I'd like to, members, do you have any other questions, Harry or Howard, do you have anything you want to get to specifically?

MR. BROWN: Not yet.

MR. VAN LEEUWEN: No, I'm fine.

MR. ARGENIO: You know what, give me the public hearing notice, let's go to the public and get whatever commentary they have and then we'll talk about this a little bit. On the 7th day of October 2015, Stephanie compared seven addressed envelopes containing notice of public hearing for this application that were supplied to her by Mr. Wiley, they were mailed out in accordance with Town Law. Tonight is the night for that public hearing. So that said, I'm going to open the public hearing, if somebody has a question, would like to make a comment, please raise your hand and be recognized. Ma'am, young lady in the front, if you can just state your name, sign in and then state your name verbally and your address for the stenographer so she can put it in the minutes?

MS. SMITH: My name is Michele Smith, I live at 20 Suburban Court in New Windsor.

MR. ARGENIO: Come on forward, tell us what your concerns are, there's a plan if you care to reference the plan.

MS. SMITH: We've been residents at 20 Suburban Court which is the adjacent property to Mr. Shed which is for the last seven and a half years, for six years roughly pretty dormant, quiet neighbors, friendly, able to

coexist. Last year and a half, noise pollution, disturbances, disagreements, looks like a truck parking lot and it's unacceptable because it's adjacent to our property. We've asked neighborly could you do something about all the traffic in and out, could you do something about the visual eyesore, the audio, the visual?

MR. ARGENIO: What's the visual?

MS. SMITH: Well, they had big excavating trucks, lots of dumpsters and dump trucks and just construction equipment all over the place revving engines at 5:00 in the morning. With all due respect, Mr. and Mrs. Shed, I don't know your names.

MS. VALIENDO: Valiendio.

MS. SMITH: Mr. and Mrs. Valiendio are not present these hours in the morning, we live here, so we kindly asked, and it's been a bone of contention for the last year and a half, we asked of the town to intervene, we understand to some extent that's not the town's position but we're asking for some relief. Some of the uses are being understated. There have been fences put up but nothing that protects our property and our quality of life, nothing. So I would like to ask is there any proposal for there to be any fence between your property and our property, Mrs. Valiendio's property, the shed property and 20 Suburban?

MR. ARGENIO: There's talk of fences in the application, I'd have to look specifically to understand exactly where but continue.

MS. SMITH: And how many businesses are storing their equipment?

MR. ARGENIO: At this point in time, they're proposing four.

MS. SMITH: Right, inside, outside? Everybody seems to be outside, what we see everybody's outside.

MR. ARGENIO: Well, ma'am, let me just try to help you understand what they're applying for. Mr. Shed which is a permitted use in that zone which is retail storage, assembly, manufacturing, the bouncy house rental which I assume would be outside, a landscaping contractor which is outdoor equipment storage, an

electrical contractor which is indoor storage, an excavating contractor which is outdoor equipment storage is what they're proposing at this juncture right now.

MS. SMITH: Right, and are there any numbers of vehicles, do we have an approximate number of vehicles because what we see--

MR. ARGENIO: I don't think we have that information at this point in time, unless Mrs. Valiando, do you have a number?

MS. SMITH: What's being stated about the landscaping and how many vehicles I have is not what I see when I exit and enter my home.

MR. ARGENIO: Anything else in addition to that?

MS. SMITH: Not at this time.

MR. ARGENIO: Yes?

MR. SMITH: My name is Willy Smith.

MR. ARGENIO: You work for MTA?

MR. SMITH: Yes, I also live at 20 Suburban Court.

MR. ARGENIO: Are you guys related?

MR. SMITH: Yes, that's my wife. Like my wife stated earlier, we've been living there approximately seven and a half years, have no problems, but if you have five businesses that you're subleasing your property to, each business has different hours of work. Now if you have an excavating company that comes in at 4:00 in the morning that wakes my wife up, my kids, my grandkids up in the morning, you may have another landscaping company that start works at 6:00 in the morning, their hours might fluctuate from six in the morning to six at night or four in the morning to eight at night. It's never no peace when you sublease your property to other people. So it's never no peace. It's times my wife go out to work, loud music, I don't know if Mr. Shed--

MR. ARGENIO: What type of music is it?

MR. SMITH: I don't know what kind of music. I know it's loud, could be Rap, R&B, Country, I don't know

what kind of music it is. But if my wife is on her way to work and the people that she subleasing to is using the bathroom in front of my wife, what kind of, you know--

MR. ARGENIO: Urinating outside?

MR. SMITH: Yes, sir.

MR. ARGENIO: Let's be clear.

MR. SMITH: Right, I didn't want to say it, certain words you don't supposed to use, that's not a quality of living at all. I lived all my life in Harlem for 25 years, I come up here for a change of life, I don't come up to hear, to see the things that I saw growing up.

MR. ARGENIO: How do you like it up here?

MR. SMITH: I love it up here so far.

MR. ARGENIO: We're happy to have you up here.

MR. SMITH: Thank you for having me, seven and a half years.

MR. ARGENIO: Anybody else? Yes, sir?

MR. DIAZ: Peter Diaz, I live at 13 Horseshoe Bend and I'm on the opposite side of the privacy fence on the back side of the property. I share similar sentiments to them, last year and a half they had a granite company in there and this company they would operate with the back door open grinding away at this granite till all hours of the night blasting their Spanish music, big clouds of smoke. So I would imagine they didn't have the proper exhaust or filtration system in this, that's the reason why they're wearing these masks, you could see the clouds of dust coming from inside the place. Now this was two, three times a week they'd be out there making this noise till well into the evening. I live right outside, I live very close to that back storage area and I couldn't keep my windows open.

MR. ARGENIO: Is it fair for me to say, Mr. Diaz, as you're on the same page you want your quality of life maintained, noise issues?

MR. DIAZ: I understand they have to make a living but I, the same way I share, I have consideration for my neighbors I expect them to have consideration for me. So the hours that I, that are posted of operation I read that file the eight to six again there's landscapers there bright and early in the morning turning on the heavy machinery, conversations, jokes and that's the time you get up.

MR. ARGENIO: We're with you.

MR. DIAZ: The only other issue I have is with the privacy fence, if it was put up in '96 it has never been maintained. So there are areas of the fence that are in disrepair, there's at least three panels that are tilted over onto their property. Three years ago when the three panels fell onto my property what they did was they took a panel off the end of the line and--

MR. ARGENIO: Put it in the middle?

MR. DIAZ: Yes, so they're missing the panel at the end and there's at least four or five other panels on the fence that need to be replaced and we're not talking big dollars here, it's an eight foot piece.

MR. ARGENIO: We get it. What else do you have?

MR. DIAZ: Other than that, that's really my beef.

MR. ARGENIO: Anybody else? Sir, what's your name?

MR. SMITH: Willy Smith.

MR. ARGENIO: Can I call you Willy?

MR. SMITH: Sure.

MR. ARGENIO: Anybody else have anything to say from the public, from the audience?

MR. GALLAGHER: Motion to close the public hearing.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion made and seconded that we close the public hearing on Mr. Shed. Roll call.

ROLL CALL

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

MR. ARGENIO: I'm going to say a couple things then we want to hear from the members, Harry, pass those photos to Danny, I only gave you half.

MR. VAN LEEUWEN: I gave them to him.

MR. ARGENIO: Okay, so let me just share a couple things with you folks so you're aware. And Mrs. Valiengo, we all have rights here as property owners, if you own property in the Town of New Windsor, you have rights, certain rights, you have rights as a citizen, you have rights as a property owner. But there's a little bit of a situation here that occurs in other sections of the town that we can't correct here at the planning board but I do want to address it. Ever so briefly, you guys, you live on a zone line which is the line for the NC and the R4 zone, meaning you have residential then there's a line and then in the forward area closer to Blooming Grove Turnpike it's the Neighborhood Commercial Zone. So the zone line changes that doesn't mean you have to live with noise and dust and things of that nature. Willy, we're happy to have you here as long as you're following the rules and living like everybody else and we're all, we should all peacefully coexist here. You said you like it better up here than Harlem, I'm glad because I think I like it better as well.

MR. VAN LEEUWEN: I don't like Harlem either.

MR. ARGENIO: I want to make you guys aware of something, Willy in particular, Mr. Diaz, if somebody's making noise outside your house, loud noise that's waking you up, ma'am, Michele, right, may I call you Michele?

MS. SMITH: Yes.

MR. ARGENIO: At 5:00 in the morning, you should call Town Hall. I don't mean to make Jennifer's job more difficult but we have folks in the town that enforce these noise laws. We have noise laws in this town, you can't start heavy equipment up before 7:00 a.m.

MRS. GALLAGHER: Yes, and Mr. and Mrs. Smith have, we've talked to them and at 5:00 in the morning we're not there so they have been informed to contact the police and they have, they have.

MR. ARGENIO: The only reason I mention that is that I want you to be aware of some of the rights that you have. I didn't know you were aware of that, you're obviously aware of that, that's good. And there's hours of operation for businesses as well. Noise aside, they can operate during certain hours, we obviously have an issue in that arena here. So let's move passed that just for a moment. And let's move on to the application on its merits. Mrs. Valiengo owns that property, I assume she does or is related to the owner.

MS. VALIENGO: Yes, I do.

MR. ARGENIO: She has rights to do with her property what she will as long as she complies with the laws of our town, same as I would expect from you, Mr. Smith, same as I would expect from you, Mr. Diaz, same as everybody else in this room that lives in the town, we have to follow the rules. But she has to follow those rules too. So let's talk about that a little bit. We have the zone here that's a Neighborhood Commercial Zone and Mrs. Valiengo is proposing a host of uses here and for the benefit of the members, I did speak to Mark and Jennifer both about this application. And it's my understanding that they also spoke to counsel about the interpretation of the definition of the NC zone and Mark or Jen, please correct me if I misspeak, the Mr. Shed use in this zone is a use by right, meaning they don't need any variances, they have the right to operate the Mr. Shed business on that parcel. The other uses, the bounce house, the landscaping contractor rental, electrical contractor rental and the excavating contractor rental are not, are not a use that's allowed them by right, is that correct?

MR. EDSALL: I believe the bounce house is use A8.

MR. ARGENIO: Bounce house is use by right as well?

MR. EDSALL: I believe so.

MRS. GALLAGHER: Yes.

MR. ARGENIO: Let's talk about landscaping, electrical

and landscaping, Mrs. Valiendo, I'm going to tell you my opinion but there's five people up here. It seems to me that even if this lot were somewhere else and not next to these residences, you're packing a lot of stuff onto this parcel, it seems to me, it seems to me but again, there's five guys up here, I'm only one of the five.

MR. BROWN: I agree exactly.

MR. ARGENIO: I was thinking the same thing. Now, you certainly, I believe the planning board has the right and again, Mark, correct me if I misspeak or counsel, correct me if I misspeak, to sign off on, you know, your electrical contractor, indoor storage, your landscaping contractor indoor storage, we have the ability to sign off on that type of use, that type of rental so you can make a little money and stay in our town. But you have a lot going on here and to have all of these uses on that one small parcel I think is too much.

MS. VALIENDO: Can I speak?

MR. ARGENIO: I want to hear from Mark and/or Jennifer. My opinion is that to install these we would be twisting the code to put them in there, they don't belong there, they don't belong in that geographic location. I don't think they belong by definition. So that said, Mark or Jennifer, what else do you have to add for the benefit of the members so we can discuss this and think this through rationally? You think I'm off base with the statement I just made about the uses?

MRS. GALLAGHER: No, I think that's kind of why Mark left that open with the use class to be verified by the board because to try to fit it in, we tried to do that at the workshop and that's why we left it open.

MR. ARGENIO: You couldn't fit it in, Jennifer, cause it doesn't fit. I mean, how do you have houses here and here you have excavators? That's why there's a PI zone, my business is in a PI and there's other zones that, you know, that are where that's allowed but there's typically not homes right next to the machines. Go ahead.

MR. EDSALL: Mr. Chairman, you spoke very appropriately that anyone who lives on a boundary between I'll call it a residential zone and a non-residential zone

there's some conflicts.

MR. ARGENIO: We've had that issue before.

MR. EDSALL: However, normally, when you have a non-residential zone tucked into a primarily residential zone, you have the neighborhood commercial, key word being neighborhood because there are uses that are more compatible, some retail, some services that serve the neighborhoods. You spoke also accurately that normally when you have construction equipment and heavy uses it's industrial, this is not a PI zone.

MR. ARGENIO: This would be more, use would be more like a Highway Commercial or a PI zone, something like that.

MR. EDSALL: Exactly and that's why from the very beginning when I initiated my reviews of this application, I commented on the use classes for Mr. Shed and for the bounce house and asterisked the construction operations for use class to be verified because it candidly did not have a use in the NC zone that it fit under so I left that kind of floating.

MR. ARGENIO: You put it in our lap.

MR. EDSALL: Exactly, I don't have the right to make that decision. But on the other hand, I wanted to flag it that it's an open item and I think the public hearing, the comments that we heard support neighborhood commercial use is appropriate next to residential but not a Planned Industrial packed up in this particular area.

MR. ARGENIO: Members, do you have any questions or comments to what you just heard?

MR. VAN LEEUWEN: How about making everything inside instead of out and cut the noise down and fix the fence?

MR. ARGENIO: I have a thought on that and I think you nailed a lot of it just now. We're going to start with that, that's a good thought. We're going to come back to that, that's where I was going to start. Danny, do you have any other thoughts?

MR. GALLAGHER: No.

MR. ARGENIO: Mrs. Valiendo wanted to make a comment please.

MS. VALIENDO: Yes, both of them had spoken about the noise with the granite gentleman did leave, he hasn't been there in over a year now, he's gone, yes, he moved out anyway, he's gone for that noise and when that was brought to my attention, it was only once that it was brought to my attention that you came about the music and I did talk to Manny and he did stop.

MR. ARGENIO: So he's not there anymore?

MS. VALIENDO: He's not there anymore.

MR. ARGENIO: What else?

MS. VALIENDO: The other one started revving up the truck and doing all that is Black Rock, he's no longer there anymore because of that also he was, he was inconsiderate and he was rude, you're right, he came in at 5:00 in the morning and revved up his diesel trucks, that's no longer there.

MR. ARGENIO: Please address the board.

MS. VALIENDO: As far as Deyo with the landscaping, he has two trucks, one with a trailer and one for dump truck, okay, and then he has his plows in back, he comes in the morning, starts his truck and leaves. He parks his trucks, his truck is here and here, his commercial vehicles I'll call it, his other trucks that are his personal use, how he gets to work and how his worker gets to work and I think there's two, sometimes his dad helps him, altogether there's like three personal cars that come and they park here, they come out and they go over there, they normally did not start until seven, that's what they told me.

MR. ARGENIO: Board, please.

MS. VALIENDO: They normally do not start until seven, that's what they told me.

MR. ARGENIO: What you just outlined, what you just said is exactly precisely the reason that this is not a good idea, exactly what you just said is because the granite guy was a problem, he left, the other trucking guy was a problem, well, he left, the landscaping guy, well, maybe he's a problem, maybe he's not, that's

exactly why, exactly why I'm thinking the way I'm thinking is because there's always going to be a problem here. There's always going to be a problem. Now, let me get back to Henry what you said because you're on to something. It certainly would seem to me unless it's a violation of code and Mark and Jennifer you have to help me with this, I don't think that the electrical contractor, I don't think that's a problem, seems to me that indoor storage of pipe or plumbing supplies or electrical supplies, probably a van or two outside that would make sense to me. Again, I'm trying to apply common sense which is probably, Henry, what you were doing as well, that seems to be reasonable. The landscaping contractor, you know, you never know, they could have big trucks, maybe they do, maybe they don't, certainly shouldn't be starting them before 7:00 a.m. I don't want Jennifer to have to be the cop so I don't know, I mean, that's where I'm at. Mr. Shed seems to make sense, the bouncy house is a use by right, I think the electrical contractor or plumbing contractor inside makes sense. But to try to lease out additional portions, right, small portions of this lot I think it's a mistake and I think we're looking for a heartache here, that's what I think. Members, somebody?

MR. VAN LEEUWEN: Other people have to live there too.

MR. ARGENIO: Danny Gallagher, please speak.

MR. GALLAGHER: What's, as far as topo, I don't see anything on the map where you guys are higher than the houses, are your houses higher looking down?

MR. SMITH: We're down.

MR. GALLAGHER: You're looking down at everything in the back yard and storage because the pictures that I was seeing I did see a lot of trailers with tarps, pipes on the ground, a lot of outside storage which wouldn't be appealing to neighbors. I wouldn't be happy with that, I definitely wouldn't.

MS. VALIENDO: Those are my trailers and they've been there and they're no longer there anymore.

MR. GALLAGHER: I see PVC pipe.

MS. VALIENDO: Those are all mine and they're no longer there. And I also do have a pay loader and a forklift

and I did move it behind the wall but, you know, those are my things, my things, okay. And as far as with the landscaping, it's really, it's a pickup truck and a trailer, he's not a problem. Has Deyo been a problem? He even cuts your lawn. Okay, as far as Butler, he stores his stuff inside the warehouse, he has four dump trucks that he stores there, starts off and leaves, that excavator was just there, it's been there because he says he has to fix it and then it's leaving and going to a farm but otherwise, that's not there, okay, so it's really--

MR. ARGENIO: Howard and Harry, speak to me.

MR. FERGUSON: Like Danny said, just looked like there's no organization on the property, just looks like a mini construction zone.

MR. VAN LEEUWEN: That's one of the big problems.

MS. VALIENDO: Can I show the true pictures that I have recently?

MR. ARGENIO: Hold on one second.

MR. BROWN: I agree, it's just too much in a small space.

MR. EDSALL: Mr. Chairman, if I might, the danger in site plans as it may be is that when you approve a site plan, you're not approving a specific user or a specific company, you're approving uses and the uses are supposed to fit into the zoning bulk table for that zone.

MR. ARGENIO: It's tough to go back.

MR. EDSALL: That's right, you can have the nicest excavating contractor in the world with small trucks who doesn't show up for work until 10:00 and has he truck engines so they don't make any noise and next week that guy can move out and you can end up with the biggest trucks with the most diesel exhaust and guess what, it's the same use in the code. So my point that I'm heading toward is it's the use that you have to consider. We are having difficulty with the outside equipment storage fitting into the code, I think as far as the rental of an interior space the electrical contractor who may store his parts there may have a little office, take some phone calls, fill up his van

and leave, that fits under the service establishments, it's not a contractor's yard, not outside storage. I'm agreeing with Henry, that one doesn't fly square in the face of the zoning code. You have to look at the fact, don't look at the particular individuals or the company's outside equipment storage allowed in the NC zone if it's not and the board says we don't feel that it's, they have two choices, they can go to the zoning board and ask for a variance or go to the zoning board and appeal that you've made the wrong decision or Jennifer has interpreted the code wrong. That's really where this should be going.

MR. ARGENIO: I think she's interpreting the code correctly.

MR. VAN LEEUWEN: I know she is.

MR. ARGENIO: I want to go through a couple bullet points, Mark has some comments, do you have a copy of Mark's comments?

MS. VALIENDO: No, I do not, I'd like to see the pictures too because I also have pictures.

MR. ARGENIO: They're not my pictures.

MS. VALIENDO: Within the last year and Jen knows once this whole thing started I've been cleaning up that place, okay, that I'd like to see those because we don't, it doesn't look a mess, it's nice and neat and orderly. All of you at the last meeting said you were going to stop by and take a look, I don't know whether you did but if you did, you would have seen it's orderly because I'm considerate.

MR. VAN LEEUWEN: I looked but I will tell you something there's nothing wrong with fixing that fence.

MS. VALIENDO: What fence are we talking about?

MR. VAN LEEUWEN: It's laid down a little here, it's not straight, it doesn't look neat and I know the trouble is noise travels down, not up, always comes down.

MS. VALIENDO: That's why I'm saying I'm down here, they're up higher than I am, they're a good four or five feet higher than me.

MR. ARGENIO: At the end of the day, I think you're trying to force uses into this parcel that are not permitted by the code. I need to be blunt, that's where we're at. I'm going to read a couple of Mark's comments here because I want you to have the benefit of them because what I'd like you to do, I'd like you to take off those uses that are on the fringe and come back with the uses that I think are reasonable that we can approve, lawfully approve, like the Mr. Shed, like the bouncy house, like the electrical contractor being inside the building. I think we can get through that pretty easily. Mark has some comments there, note three we need to have the parking calculation on the plan. And ma'am, you pointed to your plan you said and the landscaping guy comes in and he parks here and here and here, I don't see any parking places where you were pointing. So my only point in saying that wherever the people are going to park put a note there that it's a parking spot so you don't get jammed up.

MS. VALIENDO: I'll move him over to one, two and three.

MR. ARGENIO: If that's what it is, that's fine, that's not where I want them to park, you should show where you want them to park where it meets code and we're okay as long as it meets the code, it's fine.

MS. VALIENDO: I didn't really think parking was an issue.

MR. ARGENIO: It's not an issue but we're going to clean some things up here, we need to supply handicapped parking spaces. Are you familiar with that?

MS. VALIENDO: It's no retail, there's no retail, if I'm not doing any retail for them it's not, they're not running a business, they're storing their equipment there and that's what I do, I supply.

MR. ARGENIO: Mr. Shed, I don't understand Mr. Shed, this is an NC zone, Neighborhood Commercial, Mr. Shed does not provide for walk-in customers.

MS. VALIENDO: I thought you were talking about for everybody else? I'm saying--wait a minute.

MR. ARGENIO: No, I'm talking about for this parcel, am I right?

MR. EDSALL: Yeah, there's got to be one parking calculation showing all uses and everyone shares the parking. Just another note about the uses you'll see on my first bullet under one, Mr. Shed, which is retail and storage is use A3 which is now allowed in the zone. Assembly and manufacturing is the pre-existing, non-conforming that's the use that they showed a prior existence of and they're looking to continue.

MR. ARGENIO: That's the Mr. Shed use.

MR. EDSALL: A portion of the Mr. Shed use, the assembly portion, cause the assembly portion of their business is not a use allowed in NC as well but because it pre-existed, it's continuing, just want the record to be clear that's something that's not there by right of the bulk table.

MR. ARGENIO: And I did say it was permitted by right, it's permitted by not by right, it's permitted because it's a pre-existing, non-conforming use. Okay, show the location of the waste dumpster if you have one.

MS. VALIENDO: I don't have one.

MR. ARGENIO: Okay, the bulk table is not complete, you need to verify the required and permitted, I'm reading word for word for Mark's comments.

MS. VALIENDO: I don't know what a bulk table is.

MR. ARGENIO: I'm sure your engineer will know.

MS. VALIENDO: Where is that?

MR. ARGENIO: I think that's the problem. Let's get a couple of formalities behind us. I'll accept a motion that the Town of New Windsor Planning Board declare itself lead agency for this application.

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. Roll call.

ROLL CALL

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

MR. ARGENIO: We did refer this to planning, Orange County Planning, Mrs. Valiendo, by law it has to go to Orange County Planning because you're within 500 feet of a state highway. So we did send it to planning knowing that there would be some changes on it but what they're going to do is kind of a broad stroke review and if it comes back without some comments about the proximity to the residential district I'll be shocked but we'll see what they come back with. But members, correct me if anybody wants to add something or if anybody disagrees, I think you need to take those uses out the heavier uses I think you need to make sure you're showing the fences where they actually exist and where you're proposing them and I think we'll move you forward at this point as best you can. But Mrs. Valiendo, I don't believe those uses belong in this location.

MS. VALIENDO: What uses, just Butler?

MR. ARGENIO: Butler, I don't want to say Butler, an excavating company and/or a landscaping contractor, those two uses I do not believe belong there.

MR. EDSALL: From the standpoint of outside storage.

MR. ARGENIO: From the standpoint of outside storage, if you have a garage there and you have a guy who wants to park his mower in there, some such thing as that, that's a different discussion, talking about outside from a perspective as Mark said outside storage, correct.

MS. VALIENDO: If I put a garage there because I sell portable garages then Deyo could stay because it's really a truck and a trailer and his plows, that's all it is?

MR. VAN LEEUWEN: You should show what elevation your neighbors are.

MS. VALIENDO: He's about five feet taller than me at one end and then it goes down to the ground, it's quite

a bit higher.

MR. VAN LEEUWEN: That should show on this map.

MR. ARGENIO: You know what--

MR. VAN LEEUWEN: It makes it easier for us then we can tell where the noise comes from and how bad the noise is, we can tell.

MS. VALIENDO: What noise are we talking about? I'm confused with the noise besides the music and that you had said the trucks, since Black Rock moved out, he wasn't a landscaper, he was an excavator and since the granite guy moved out, has there been noise, has there been music?

MR. ARGENIO: Let me stop it right now, Mrs. Valiando, do not address the audience, audience with all due respect, we had a public hearing, we all chatted and we closed the public hearing. So I think we got the message. I do think we got the message. Mrs. Valiando, we're not going to argue with you.

MS. VALIENDO: I'm not arguing.

MR. ARGENIO: Are you unclear about anything that I've said?

MS. VALIENDO: Yeah.

MR. ARGENIO: I'll say it again just so we're clear. Get your plan revised, come back to this board, this board is going to disallow the occupying of this space with the excavating company and a landscaping contractor.

MS. VALIENDO: How about my gate, can my gate go up?

MR. ARGENIO: I don't know anything about a gate.

MRS. GALLAGHER: She's talking about her fence, she's proposing a fence six foot high and she, we're going to call it screening so you'll see on the plan the proposed six foot high fence across and down.

MR. EDSALL: It's four locations, I list them under comment two.

MRS. GALLAGHER: And I believe that's between the

Smith's and them.

MR. SMITH: No, there's no fence there.

MR. EDSALL: Proposing one.

MRS. GALLAGHER: She's proposing.

MR. ARGENIO: Proposed six foot fence.

MRS. GALLAGHER: She's proposing the fence across the front, down the side between her and the Smith's and then there's already a fence but that's the fence that Mr. Diaz is stating is in disrepair, the stockade fence in the back.

MR. ARGENIO: Let me go to Mark, we have an application in front of us, typically, when we have an application in front of us, the law reads that the applicant shouldn't be working on this site while they're in front of us.

MR. EDSALL: Unless the board approves something and I would hesitate having you parse out a piece of the application, especially if their fence is, you may want to get some feedback from the fire inspectors, I don't know that we've gotten that review yet.

MR. ARGENIO: Do we have that yet? Henry, you want to make a point?

MR. VAN LEEUWEN: What about an eight foot fence that would help keep the noise down?

MR. EDSALL: Not a chain link.

MR. VAN LEEUWEN: No, talking wooden fence.

MS. VALIENDO: Then it's going to be maintenance.

MR. VAN LEEUWEN: But the noise travels right through to keep the noise down.

MS. VALIENDO: I had planted Christmas trees there that, there were pictures of that, they all died.

MR. ARGENIO: I have a note from--

MS. VALIENDO: I took them out this year.

MR. ARGENIO: We're not going to debate about trees anymore, we have an application, we need to stay focused on the application.

MS. VALIENDO: That was before in lieu of a fence, I thought it would look nicer, they'd get taller because they're up higher.

MR. ARGENIO: But they died.

MS. VALIENDO: They all come to spring every single one was dead.

MR. ARGENIO: I have a note from Ken here approving this which tells me he's approved the fences so--

MR. EDSALL: So if the board cares to authorize the fences to go up, they need to make application to the building department and you could poll that if it's the board's desire.

MRS. GALLAGHER: They're proposing six foot chain link fence.

MR. ARGENIO: With privacy slats or no?

MS. VALIENDO: Yes, it does have privacy slats.

MR. ARGENIO: What are they proposing, Jennifer?

MRS. GALLAGHER: Six foot chain link fence.

MR. ARGENIO: Does it have privacy slats in it?

MR. EDSALL: It doesn't say that on the plan.

MS. VALIENDO: Yes, they do, the gate has it.

MR. VAN LEEUWEN: It looks cheap, I like to see a wooden fence even with the slats in it, okay, the noise still travels through it.

MS. VALIENDO: Stockade fence looks like heck after a while, I would think that the chain link my opinion looks nicer.

MR. VAN LEEUWEN: Ma'am, if you want to put 10 gallons in a two gallon hat, okay, I can understand it cause you rent it, okay, but you also gotta work with us so we can help them and help you. That's why I'm saying

an eight foot fence and I'm saying a stockade fence, not a chain link fence cause the chain link fence is not going to help the noise whatsoever, it's not.

MR. ARGENIO: Maybe with the stockade fence maybe that issue will go away.

MR. VAN LEEUWEN: Yeah, it will go away and if you put it up seven or eight feet definitely will go away.

MR. ARGENIO: Mrs. Valiendo, we've been on this for 45 minutes, this is a simple thing, I think the board, does everybody agree with me by the way, do you agree with me, Danny?

MR. GALLAGHER: Yes.

MR. VAN LEEUWEN: I have no problem with you, I'll tell you if I do.

MR. ARGENIO: So I think the board is kind of unanimous in what we're recommending to you and you I think are, want to make a counteroffer if you want to put the fence up, is that right?

MS. VALIENDO: I wanted permission to put my gates up, I had no intentions of putting--

MR. VAN LEEUWEN: I have no problem with the gates, I'd like to see the fence.

MR. ARGENIO: Is it gates or is it a fence?

MS. VALIENDO: Okay, when I first came to Mark and Jen, okay, I wanted to put, people have been cutting through, stealing stuff and just, whatever, I wanted to put a gate up so people would stop. I planted, tried to plant nature so it would like nice, fill in and look nicer for my neighbors cause I am considerate, okay. Since they died, I removed the trees and I said alright, to make Mr. Smith happy, I'll relinquish and put up a fence. I, myself, it's a matter of opinion, but I think the chain link fence looks a lot cleaner, looks nicer and it's not, it's maintenance free.

MR. VAN LEEUWEN: But it doesn't help you.

MS. VALIENDO: How does it not help, that's a matter of--

MR. VAN LEEUWEN: The noise continues. That's the biggest complaint that the--

MR. GALLAGHER: The complaints we hear were noise and visual, a chain link isn't going to help that.

MS. VALIENDO: If I put slats they're still going to see because they're 20 feet higher, they're up high.

MR. ARGENIO: This is going to get put to bed.

MS. VALIENDO: Want me to put a stockade fence up? It's cheaper for me, fine, I'll put it up.

MR. ARGENIO: Fine, we're good to go. You have the direction on the, what this, what we'll allow in this location, you'll put your stockade fence up and your gates so your security concerns go away.

MRS. GALLAGHER: Excuse me, height?

MR. ARGENIO: Six foot.

MRS. GALLAGHER: Six or eight? Hank wanted eight.

MR. DIAZ: The existing fence is eight, stockade fence in the back is eight.

MR. VAN LEEUWEN: That will help keep the noise down.

MR. ARGENIO: And noise is certainly a problem.

MR. VAN LEEUWEN: If somebody stands here and in the back of the room there's two guys arguing you can hear it.

MR. ARGENIO: Mrs. Valiendo--

MS. VALIENDO: Because it goes like this, it's not going to line up, okay, the gates are six foot, you know, what you see of that maybe a foot to two foot so if I have a--

MR. VAN LEEUWEN: I'm trying to help you, that's all.

MS. VALIENDO: Just saying aesthetic wise.

MR. ARGENIO: Get an engineer to design it so they'll make it work, I mean, we're trying to walk the line here.

MS. VALIENDO: I'll put an eight foot fence, I don't care.

MR. ARGENIO: An eight foot stockade fence, there's noise issues and visual issues, that's at least a step in the right direction to mitigate those issues.

MS. VALIENDO: Am I going to be pulled back for aesthetic things when they turn around and say it's an abortion, it looks horrible?

MR. ARGENIO: I can't tell you what's going to happen in the future.

MS. VALIENDO: Is there a right if I do what you ask am I going to get a complaint saying that looks horrible?

MRS. GALLAGHER: The fence has to be maintained, if it becomes in disrepair like Mr. Diaz said then we'll have every right to come out and tell you to repair your fence, but not change it from a stockade to a chain link to a vinyl, no, the board is approving a stockade fence, that's what you're to put up eight feet high. And then do you want her to repair the back fence that Mr. Diaz said?

MR. ARGENIO: If it's in disrepair, it should be repaired, yes, if it's in disrepair, it should be repaired.

MS. VALIENDO: So I have to then tell Mr. Butler that he has to go?

MR. ARGENIO: I'm not telling you, the planning board does certain things, that's all we do, I don't know about Mr. Butler, Mr. Black Rock or anybody else, I'm not going to have a debate with you, Mrs. Valiendio.

MS. VALIENDO: I don't mean to be debating, I'm trying to understand what I'm to do next. Okay, but thank you, gentlemen, have a great night. I'm putting up a fence. Jen, I'll be calling you tomorrow. Thank you.

MRS. GALLAGHER: You're welcome.

October 28, 2015

26

REGULAR ITEMS:

MCB PARTNERSHIP, LLC LOT LINE CHANGE (15-14)

CANCELED BY APPLICANT

QUALITY CARTON (15-15)

MR. ARGENIO: First item Quality Carton, 617 Little Britain Road. Plan proposes 41,000 square foot addition to the existing 85,000 square foot building on the existing site. The plan was reviewed on a concept basis. Hi, guys. What's your name, sir?

MR. BARATTA: Dan Baratta.

MR. ARGENIO: Do you have a plan?

MR. PFAU: Yes, I do.

MR. ARGENIO: Why don't I have a real map up here? I want the one with the contours.

MR. EDSALL: Sheet three.

MR. ARGENIO: Somebody take the lead here, tell us what you guys want to do.

MR. PFAU: I will, just real quickly, Mr. Chairman, describe the site plan and Mr. Baratta will just describe the operation of the existing facility and our proposal. The project site is four tax lots about 25 plus acres and the proposal is to put about a 41,000 square foot expansion onto the existing 85,000 square foot building. My understanding this is really, this portion of the building will not require any additional employees, water or sewer usage, so there will be no additional parking required, it's strictly storage.

MR. ARGENIO: No bathrooms or anything?

MR. YANNONE: We have none designed right now.

MR. ARGENIO: Is there going to be a bathroom?

MR. YANNONE: No.

MR. VAN LEEUWEN: Just strictly for storage?

MR. PFAU: Yes. What we have in the southerly portion of the site you'll see it on the cover sheet we're going to be providing storm water detention and quality on this.

MR. ARGENIO: Joe, I've got a problem with that. It's right against the building, you think this is going to

fly with the firemen, no access to the back of the building, none, zero?

MR. PFAU: Well, there's--

MR. ARGENIO: I mean that in all sincerity, not being a wise guy.

MR. YANNONE: You do have Steele Road which circles the building.

MR. ARGENIO: You're not proposing a bridge over the pond.

MR. PFAU: We have access up to this point here and this point here and you can actually access Steele Road from this point right here.

MR. ARGENIO: There's a driveway back there?

MR. PFAU: Yes.

MR. ARGENIO: Well, they'll do their due diligence, we don't tell them how to do their job.

MR. YANNONE: I apologize, it's been a few months, I went there with Five Corners too, I think we did a glance at this plan and before it went too far with the engineer talked about, you know, the access points.

MR. ARGENIO: With who?

MR. YANNONE: Fire.

MRS. GALLAGHER: This will be sprinklered as well.

MR. YANNONE: Yes, it is sprinklered the building.

MR. ARGENIO: We'll deal with the firemen as I said, Ray, we don't tell them how to do their job.

MR. YANNONE: Before we get too deep, I try to get some feedback especially with a situation like this.

MR. ARGENIO: It's right next to the building, man, continue with your tour of the plan.

MR. PFAU: Reason for that, Mr. Chairman, is that this storm water treatment facility is strictly for the building expansion, it's going to be collecting the

roof leaders and the additional--

MR. ARGENIO: Does the lot line currently go right through the middle of the building?

MR. PFAU: Yes, it does. Matter of fact, sheet two is a lot line adjustment and consolidation plan and what that will do there's a lot line that goes straight through another lot line here, what we're doing we're eliminating the lot line that goes through the existing building and we're taking this lot line that went this way, shifting it around the proposed expansion so we're cleaning up that situation as well.

MR. ARGENIO: Mark has that comment here. Our initial review indicates that the grade of the proposed cast iron sewer line located in the area of the building addition may be acceptable to remain with the proposed building addition, you should verify the elevation of that. Joe, you should--

MR. PFAU: Yes, well, that's, we'll certainly do that, I think we have the inverts and I'll show those on the plans.

MR. VAN LEEUWEN: Are there any houses or anything like that that need to be torn down?

MR. YANNONE: No.

MR. ARGENIO: What's the propane comment here, Mark, the plans depict propane tank rack in the area of the building addition.

MR. EDSALL: Yeah, in the building addition area they show a propane rack, I'm sure they're moving it, not sure if they're removing or relocating.

MR. ARGENIO: What's the propane for?

MR. YANNONE: Forklifts.

MR. ARGENIO: I see natural gas here.

MR. EDSALL: So you may want to decide where that's going so the fire inspectors can look at that as well.

MR. ARGENIO: Mark, for this type of addition what's the parking component?

MR. EDSALL: I believe the parking is either based on maximum work shift or if it's warehousing I think it's one per 1,000.

MR. ARGENIO: Do we have parking plans? Did you review a parking plan for that or you've not gotten to that point?

MR. PFAU: We discussed a little bit at the workshop, we put a notation on here because this particular expansion is not increasing the number of employees for the facility, it's our interpretation that we wouldn't require additional parking.

MR. ARGENIO: Wow, okay, is that your interpretation too, Mark?

MR. EDSALL: Well, what we need to do is we need to make sure based on their current maximum work shift that they have the correct amount of parking. And if they do, then Joe's absolutely right.

MR. PFAU: I'll indicate that on the plan.

MR. YANNONE: There's a surplus, if you drive up there, I know the lot lines are changing now, but these lots are, rarely there's anything in there, the trucks park in the back, there's yards everywhere.

MR. EDSALL: If you've got a huge parking lot in the eastern most lot--

MR. ARGENIO: I see it. Joe, are you going to show us parking stalls and lane widths and things of that nature?

MR. PFAU: If the planning board would like to see that I can.

MR. ARGENIO: Yeah, I think that would be appropriate.

MR. PFAU: Okay.

MR. ARGENIO: We're a little deficient of details here and this is your first submission and I get that. Where is the access? You know what else I can't tell by this plan, Joe, I don't understand the traffic movements.

MR. PFAU: First sheet shows the entrances in, it comes

in off little Britain.

MR. ARGENIO: What are we doing to keep trucks off Steele Road? What are we going to do about that?

MR. YANNONE: There's no way to get to Steele Road from the property.

MR. ARGENIO: Joe just got done telling me there's going to be a driveway from the expansion to Steele Road.

MR. PFAU: It was not for the facility, it was for emergency access for the fire department.

MR. ARGENIO: Okay, don't get upset, it's okay.

MR. YANNONE: Like a pull-in.

MR. PFAU: Yeah, because it's at the same grade, if you're right in this area here on Steele Road, it's at the same grade as the facility there.

MR. ARGENIO: I think we need to show as you just, I think we're alluding to the fact that there's not unfettered access to Steele Road with the delivery trucks, tractor trailers, panel vans, whatever they may be.

MR. YANNONE: We were planning on screening the lot line with pines.

MR. ARGENIO: I was going to point that out to the members, I assume they saw that but I did notice that, you're out in front of us and that's a good idea because that probably would have come up.

MR. YANNONE: Also, just to note too the back of the building is going to act as a retaining wall. We had the building manufacturer there already so we're going to be burying a portion of the building so the height--

MR. ARGENIO: Pre-cast panels?

MR. YANNONE: We haven't determined how to build the foundation, do a concrete wall and put the steel on top, steel building, but the retaining wall will be concrete. So we're going to be partially underground so you're not going to have a full elevation of that warehouse hitting Steele Road, it should be between

that and the evergreens should be screened very nicely.

MR. ARGENIO: So you will have some bit of foundation showing?

MR. YANNONE: No, it will be buried because it's going to act as a retaining wall, if you look at the topo that's there.

MR. VAN LEEUWEN: I get it now.

MR. ARGENIO: I don't.

MR. EDSALL: They're building that back wall into the hill so it will be a retaining wall and you'll have less of an exposed face in the back.

MR. ARGENIO: So the grade rises, now I understand.

MR. YANNONE: Yes.

MR. VAN LEEUWEN: All the way across here.

MR. ARGENIO: Joe, I think you should show the traffic improvements and figure something else out to show us what's going on at the loading dock, that is the proposed loading dock and some type of methodology to keep the trucks--

MR. YANNONE: The loading dock is existing and it's going to tie in here.

MR. ARGENIO: Joe, it says proposed loading dock, unless I misread it, did I misread it?

MR. EDSALL: It's on the new addition.

MR. ARGENIO: Says proposed loading area right on page whatever it is, that's the only reason I made the comment. We have a loading dock going in, that's why I made the comment for Steele Road.

MR. YANNONE: This is used for secondary access, there's a large overhead door on the other side of the loading dock now that they just bring in.

MR. ARGENIO: How do I know that by looking at this?

MR. YANNONE: Understand.

MR. ARGENIO: Follow what I'm saying, Joe?

MR. PFAU: Yes.

MR. ARGENIO: Let's keep the traffic off Steele Road, that's your intent, right, so no traffic on Steele Road?

MR. BARATTA: No.

MR. ARGENIO: Members, on drawing three of four you'll see that Joe included evergreen screening at the back of the property there, the south side, I'm sure he anticipated somebody making a comment on that, that's a steep slope too, look how steep.

MR. VAN LEEUWEN: It is very steep.

MR. ARGENIO: Joe, let me ask you a question. How close is the top of your slope to Steele Road? Cause you don't, you've not illustrated Steele Road. I see lines that could be a property line, could not be, maybe not, maybe yes, maybe no, I'm looking at drawing three, Joe.

MR. EDSALL: They show the edges of Steele Road, one of my comments was to make it clearer and easier to understand.

MR. PFAU: I'll label the edge of pavements on Steele Road.

MR. EDSALL: The road's shown, just hard to pick out.

MR. ARGENIO: Is that one of your comments?

MR. EDSALL: Yes, one of my bullet comments.

MR. ARGENIO: I don't want to go round and round about the storm basin being right against the building, the firemen will determine if that's okay or not but that's not something I've ever seen before.

MR. ARGENIO: Mark has a note and I have not seen them on the plans as of yet, the applicant's engineer should explain what's being done with the existing monitoring well located at the rear of the existing building and under the proposed addition. What are those monitoring wells for?

MR. YANNONE: Your existing wells.

MR. BARATTA: I'm not sure.

MR. ARGENIO: Sir, would you please come up?

MR. J. BARATTA: Jack Baratta. We had Macbeth Kollmorgen, Macbeth, they had an environmental issue which they've over the last 25 years have cleaned up and they're just monitoring it every six months or a year.

MR. ARGENIO: What do you do with them, do you build them inside the building?

MR. YANNONE: It's my understanding I'm building around them and they're going to remain.

MR. J. BARATTA: We have one inside the building.

MR. ARGENIO: Fuel spill?

MR. J. BARATTA: They were painting these things and throwing the paint out in back of the building, that was many, many years ago.

MR. ARGENIO: Wow, okay, just a question, that's all, thank you.

MR. J. BARATTA: You got it.

MR. ARGENIO: Are you the owner?

MR. BARATTA: I'm the general manager of the business that's currently in there.

MR. ARGENIO: You guys have the same last name.

MR. BARATTA: He's my father also.

MR. ARGENIO: I feel your pain, I'm just saying. Members, who has something, anything?

MR. YANNONE: The other thing that I think will be beneficial there's the tower that's a vacuum.

MR. J. BARATTA: We have a waste system on the roof, we're actually replacing it now as we speak with a very quiet one, doesn't put out any noise, we had some noise issues in the past, we spent a ton of money putting a

muffler, keep the neighbors happy.

MR. ARGENIO: Do you guys compete with Esposito or different business?

MR. BARATTA: Same industry, different niche.

MR. J. BARATTA: He does the fancy stuff.

MR. ARGENIO: So you got some cleanup here, Joe, you've got to give us some details and again, I think one of the reasons we're not hearing a lot from the members we don't have a lot of details but sometimes that's not a bad thing, that's a good thing.

MR. PFAU: We're in the final throws of the SWPPP, one of the things that we're doing in the big items is developing the Storm Water Pollution Prevention Plan for this because we're 40,000 square foot service.

MR. ARGENIO: This is sprinklered?

MR. PFAU: Yes.

MR. VAN LEEUWEN: Has to be.

MR. ARGENIO: Mark, we can take lead agency?

MR. EDSALL: Let's talk a minute about some other procedural issues. This one looks as if it's close enough to the Town of Newburgh that it's got to go to them.

MR. ARGENIO: I don't think there's any question about it.

MR. EDSALL: The other one is do we care as we did with Central Hudson to send a courtesy referral to the City of Newburgh inasmuch as it's very close to their public water supply?

MR. ARGENIO: I would be shocked if counsel couldn't spit out a number that says if you're within X number of feet of a line you need to submit.

MR. EDSALL: That's for the line, talking about the City of Newburgh water supply, they're protected under a section of the State Public Health Law.

MS. QUINN: As a courtesy.

MR. ARGENIO: What does it hurt?

MR. EDSALL: The law says we have to send it but if nothing else as a courtesy we have to send it to them so we'll take care of those two. We were just speaking on the side here about that. As far as lead agency and Orange County referral, I'd like to do them all at once so the question is are these plans sufficient in showing what's going on to make those circulations?

MR. ARGENIO: I think Joe's got to tighten it up a little bit.

MR. EDSALL: Authorize it and when we get the plan--

MR. ARGENIO: Do you guys--

MR. PFAU: We'll be making a submission on Friday, we'll respond to necessary comments and adding the details.

MR. ARGENIO: Can you do that, Joe, show us the movement in the back, the loading dock, a crash gate or whatever you're proposing there and have the traffic movements and lines in the parking lots, the details that we like, we like to look at pictures, just saying.

MR. EDSALL: So if you're authorizing those circulations we'll do so as long as we get new plans.

MR. ARGENIO: Subsequent to our receipt of the new plans.

MR. EDSALL: Last procedural item and I apologize to these guys for not point it out at the workshop, whenever we have a lot line change in a site plan we separate the two because the lot line change actually gets filed with the county. So we keep a separate file on that because you'll have to legally change the boundaries of the lot and merge the two. And so we'll ask that you make a separate lot line change application, that way we can get that one stamped and when you're done you can file it with the county, the site plan stays local, so if you could do that, we'll treat them as two applications and circulate them both.

MR. PFAU: Do you still want the lot line adjustment plan as part of the site plan set as well?

MR. EDSALL: Pull it out, you can show it as on your site plan as revised lot line location so that--

MR. ARGENIO: We'll review them one at the other.

MR. EDSALL: We'll piggyback them in the meetings.

MR. ARGENIO: Any thoughts on this?

MR. FERGUSON: No.

MR. GALLAGHER: I'm good.

MR. ARGENIO: You with me Mr. VanLeeuwen?

MR. VAN LEEUWEN: I'm done.

MR. ARGENIO: Mark, anything else?

MR. EDSALL: No, it's first visit so we're getting there.

MR. ARGENIO: Joe, Raymond, you got anything else?

MR. YANNONE: Just a question. We only have one meeting in November and one in December and there's a lot going on behind the scenes to get to this point with the company and they had another building that sold.

MR. BARATTA: We have some urgency on our end, anything we can do to expedite, we're trying to consolidate warehouses, we have leases that are expiring in the timeframe, just trying to business plan a little bit.

MR. YANNONE: So the question is if Joe's able to get, run it by the fire, Joe gets the plans in by Friday, is there any way we could move forward with a public hearing while we're going through this process? Because that would be the thing that's going to bog everything down with one meeting a month, if everything else is right, of course.

MR. ARGENIO: I don't think there's any question we're going to have a public hearing, how are you going to build this addition?

MR. EDSALL: Then you could just, again, because we're dealing with one meeting a month, you could authorize the public hearing as long as the plans are responsive

to the comments tonight.

MR. ARGENIO: That's what we need, we need that competent set of plans. Members, don't you agree with me? We're right on Steele Road, everybody on Steele Road is going to see this thing going up, nobody told me, nobody told me, it would be foolish to not have a public hearing, don't you think?

MR. GALLAGHER: Should we authorize it now?

MR. ARGENIO: Subject to Mark receiving those plans.

MR. GALLAGHER: Authorize a public hearing for Quality subject to.

MR. ARGENIO: Subject to Mark receiving the revised plans, will you please work Stephanie with Mark and Joe on this?

MR. PFAU: Do you know what the date of the public hearing is or the meeting?

MRS. GALLAGHER: Can we just slow down a little bit with that because we have to figure out with the mailings and all that stuff so we're not setting a date for the public hearing here, if that's okay with you.

MR. ARGENIO: That's fine with me, Jennifer.

MR. EDSALL: If everything works out for you guys.

MR. ARGENIO: We have set a date for this public hearing at the meeting.

MR. EDSALL: The next meeting is on the 18th of November if you're so lucky.

MR. ARGENIO: And the public hearing will fall when it falls, everybody needs to do what they need to do. Joe, you need to get the plans tightened up and but Raymond, I want you to understand something and I want you to understand Mr. Baratta just because we're trying to do the right thing and keep you moving, we've given no assurances for any approval at all in any way, shape or form.

MR. YANNONE: I clearly understand that,

MR. BARATTA: We're just asking for any help you can

give.

MR. ARGENIO: Your engineer and your builder will tell you that the planning board in the Town of New Windsor we always try our best to keep applications rolling, we have no interest in unnecessarily jamming you up.

MR. VAN LEEUWEN: I've known your father for many, many years, I have no objection.

MR. BARATTA: Thank you.

MR. ARGENIO: Roll call for public hearing.

ROLL CALL

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

MR. ARGENIO: Anything else guys? Okay, let's move on.

FIVE CORNERS SITE PLAN (15-08)

MR. ARGENIO: Five Corners site plan. This application proposes development of the two tax lots adjacent to New York State Route 32. The plan was previously reviewed at 22 July 2015, 9 September 2015 and 14 October 2015 planning board meetings. Mark has supplied the planning board with certain procedural thresholds which were achieved by this applicant from DOT, SEQRA, et cetera, et cetera. The last thing that was out there was the DOT, I think it was DOT made a comment on the trip generation from the site and they asked that the engineer do an analysis of the trip generation. So tell us about it.

MR. PFAU: We basically did an analysis of the previous uses, including the two buildings, the two buildings that were removed from the site. And basically, the results that was compared to our proposal which is two buildings and our proposed uses and the crux of the analysis is based on different distributions we had reduction of between 30 and 60 something percent.

MR. ARGENIO: Depending on what time of day you did your analysis.

MR. PFAU: That's right.

MR. EDSALL: Their study that was dated this month shows between 29 and 67 percent reduction.

MR. ARGENIO: Anything else we need to do with this?

MR. EDSALL: No, I think from a procedural standpoint, you've done due diligence, they've addressed all the comments, they've now provided the information for this board's purposes that you could consider a negative dec and then move on to approval. They still will need to wrestle with the DOT if they need a permit or not but that's their requirement.

MR. ARGENIO: If you remember, Henry, we didn't do the negative dec because we wanted the traffic first so if you want to make that motion?

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded that we declare

a negative dec under the SEQRA process for Vails Gate Five Corners site plan.

ROLL CALL

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

MR. ARGENIO: So we now have a negative dec. Mark, is there any reason we can't take this application over the wire seeing as essentially at the last meeting they met all the requirements of this board?

MR. EDSALL: My suggestion is you adopt a conditional or a conditional approval, authorize counsel to prepare the formal resolution for the chairman's signature.

MR. ARGENIO: What are, was there any particular specific subject-tos?

MR. EDSALL: Normal subject-tos with fees and the cost estimate and the normal stuff, no heavy lifting as you like to say.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded we offer conditional final approval subject to counsel drafting said approval.

ROLL CALL

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

MR. ARGENIO: Good luck to you.

DISCUSSION ITEMS:

MEADOWBROOK ESTATES CLUSTER SUBDIVISION (01-42)

MR. EDSALL: First is an extension for the Meadowbrook Estates cluster subdivision. This falls under the new law passed by the state which allows the board to grant continued conditional final subdivision approvals and this would be for 90 day extension, I'm sorry, a six month extension.

MR. ARGENIO: Any reason we shouldn't be considering that?

MR. EDSALL: I would say not.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board offer Meadowbrook Estates cluster subdivision six month extension for the same plans that were approved at a prior date. Roll call.

ROLL CALL

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

BEAVER DAM WATER CORP. (PA2015-633)

MR. ARGENIO: Beaver Dam Water Corporation.

MR. EDSALL: Debbie is here, she'll explain what they're proposing and then we'll jump in.

MS. ALDRIDGE: I'm Debbie Aldridge, business manager for the water company. Basically, what we're proposing to do is put a maintenance access driveway at the rear of our property on Linden Avenue.

MR. VAN LEEUWEN: Is this in Beaver Dam?

MS. ALDRIDGE: Yes.

MS. ALDRIDGE: Basically, the front of our property is on Maple Avenue, we have a paved driveway to access the property, we have two underground water storage tanks that we abandoned when we put in our new aboveground water tower. They have been abandoned, they're still in the ground and basically there's no access to the aboveground water storage tank that's there now and one day we'll need to access it for maintenance or disassembly to replace it and there is really no adequate access.

MR. ARGENIO: This driveway probably should have been part of the original application.

MS. ALDRIDGE: Yes.

MR. ARGENIO: Was it Troy that represented this?

MS. ALDRIDGE: In the beginning, yeah, there was a few engineers that were involved. But basically what we're proposing is about 100 foot access drive unpaved to the back of that existing water storage tank. We need to remove the tanks.

MR. ARGENIO: You don't need to remove them, if you ever do need to remove them.

MS. ALDRIDGE: The Department of Health wants them abandoned, they didn't really define what they mean by being abandoned, whether they're ripped out of the ground or they're filled.

MR. VAN LEEUWEN: How big are they?

MS. ALDRIDGE: One of them is 19,000 gallons, the other one is 10,000 gallons, one is steel the other one's concrete.

MR. ARGENIO: So, Mark, I'm getting the flavor here that should this be an application or should this be a discussion item?

MR. EDSALL: It's a discussion item so you can decide if you believe that the installation of a gravel drive on property they own for infrequent use for maintenance purposes rises to the level of requiring a site plan amendment or if the board feels that no, this is no, has no major issue involved, you could just turn it over to the highway superintendent for issuance of whatever permit may be required for a gravel driveway.

MR. ARGENIO: Nothing's a problem until it's a problem, we all know how this goes. Certainly the way you just described it it certainly sounds incredibly innocuous, is there more to it than what he just described?

MS. ALDRIDGE: No, we'd really have no need to use it other than to provide access for a truck to do whatever they have to do for the tank, we wouldn't even use it for parking.

MR. ARGENIO: Are you going to build it, the gravel drive?

MS. ALDRIDGE: Well, I've gotten a quote from an excavator to basically clear the land because there's trees there, it's to grub the property, to basically grade it and then just put like a gravel drive.

MR. EDSALL: The assurance that was given at the work session is that it would be located in the center of the property and they'd clear only that area needed for the driveway so that they wouldn't clear property line to property line.

MR. VAN LEEUWEN: How much land do you folks have there?

MS. ALDRIDGE: It's four lots, two lots in the back, two lots in the front.

MR. VAN LEEUWEN: They're only 50 foot, right?

MS. ALDRIDGE: Twenty-five foot.

MR. ARGENIO: We started out talking about putting a gravel driveway in, now we're clearing, now we're grading, sewer line going up there too or--

MS. ALDRIDGE: No.

MR. EDSALL: No good deed goes unpunished. You'll recall when the board last reviewed the site plan application I think it was 07-04 might be the application number, there were some people who weren't particularly pleased and there was an Article 78 filed for the approval, if you recall. So the safest course would be to have a very expeditious site plan amendment application and the other course which depends what the board wants to do could be to just refer this to the highway superintendent. Those are the two options.

MR. ARGENIO: Well, I'm going to tell you what I think. I think they should do a site plan amendment.

MS. QUINN: I would agree.

MR. ARGENIO: I would love to say sweep it off our plate and give it to Anthony, just let him go put the driveway in, there was an Article 78, there's going to be clearing, you're going to be cutting trees down, who knows who's going to pop out of the woodwork. I think we've got to dot our Is and cross our Ts.

MR. EDSALL: They've already got a plan, just got to draw two lines for the driveway, say this is where we want to put it.

MR. ARGENIO: What was your name?

MS. ALDRIDGE: Debbie Aldridge.

MR. ARGENIO: This is going to help us being buttoned up and our process and procedure is going to help you. You're not in a rush to build it next week are you?

MS. ALDRIDGE: No.

MR. ARGENIO: If you're okay, let's do it in the form of an amendment.

MR. EDSALL: Done.

MR. ARGENIO: I don't mean to go against you but--

MR. EDSALL: Wasn't a matter of going against me, I gave you two options, I wanted to make sure the board was comfortable.

MR. ARGENIO: Let's do that, we'll get it done. Quite frankly, you should come to the next meeting, when the plans come, you come.

MS. ALDRIDGE: Okay, alright.

MR. ARGENIO: Mark, what else?

SHOP RITE (PA2015-427)

MR. ARGENIO: Next is Shop Rite.

MR. EDSALL: This one has some handouts. Shop Rite came to the workshop and the trend in grocery stores appears to be to try to centralize access to a single location in and out and then balance the emergency egress points. Some people say it's a theft protection effort, people who take full shopping carts and go out one of the far doors. So they've moved their main entrance if you look at the front of Shop Rite to the right. The left entrance is now an emergency exit and the left doors now a pickup for those orders, online home orders. Shop Rite ran into a problem, their customers are not happy about the fact that during inclement weather if they park in the left parking lot they've got to walk across the whole parking lot to get to the entrance on the far right side. So they're proposing, and these two sheets are a vestibule is the first sheet showing the actual vestibule, two doors on each end in and out, they're putting the handicapped, little carts people can ride around in that little area there, vending machines are going to stay where they are but they're going to be inside this enclosure. And on the second sheet, it gives you a big overview where the vestibule's proposed, there's plenty of room, I made sure there was a sidewalk left, if you don't want to go through the vestibule, there's still a sidewalk, you don't have to walk across the parking lot. They want to move some handicapped parking for disabled and seniors over to the right side so they stack up more handicapped on that right side. I look at it as being a minor site plan amendment that I recommend you acknowledge and turn over to Jennifer's department.

MR. GALLAGHER: This is the new trend, lot of Shop Rites are doing it, Middletown redid their store.

MR. ARGENIO: You're the Coca-Cola man, that's why you see it.

MR. EDSALL: They've been very cooperative, that's why we tried to give them the right direction.

MR. ARGENIO: I'm okay with you. Danny, you good with having your wife take care of this?

MR. GALLAGHER: Absolutely.

MR. VAN LEEUWEN: I move Danny's wife take care of this.

MR. ARGENIO: Okay, Jen, you own it.

NEW YORK GRANITE (21-11)

MR. ARGENIO: New York Granite.

MR. EDSALL: The last one is New York Granite which the board has approved. As with Ray's Transportation when they actually went to build their building, they changed their mind. So with New York Granite they had an addition that was truly an addition to the back of the garage. And in working out their operations, they've determined that they would be better served if they take the addition and put it 27 foot off the building, actually would become a freestanding building versus an addition. I've gone over this with Jen and with the fire inspectors and then they submitted a plan and some proposals and Tom Lucase looked at it again, he's good with it, we're all good with it. But technically it needs to have a new plan prepared and new plan stamped. I suggested you handle it the same as you did Ray's which is to authorize a revised plan to be reviewed and stamped and have counsel prepare the new approval resolution.

MR. ARGENIO: They bought our highway garage as you guys know which was a kind of a big load off, quite frankly, I happened to walk into Jennifer's office when she was there, the plan was out on the table when I walked in.

MRS. GALLAGHER: Correct.

MR. ARGENIO: My only concern was the fire folks because they're moving, it's shifting ever so slightly and the gates and stuff and I talked to Tommy myself and he was yeah, we're good where they put a Knox box there and they're good so if you guys are good, they're good, we'll have Jennifer handle it.

MR. EDSALL: Well, this would be one counsel suggests that you actually authorize preparation of a new approval resolution and authorize stamping of a new plan.

MR. ARGENIO: Okay, do we need to do that in the form of a motion?

MS. QUINN: We need an authorization for a resolution.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion, I'm going to have Mark, you read this in, motion has been made and seconded that we authorize--say the words, Mark.

MR. EDSALL: Authorize a new approval, updated approval resolution and a new set of plans for New York Granite Corporation site plan as per the new plan reviewed and approved by fire inspector's office.

MR. ARGENIO: I wanted Mark to say it cause I didn't want to miss anything. Motion made and seconded. Roll call.

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