



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

RICHARD D. MCGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

**MAIN OFFICE**

33 AIRPORT CENTER DRIVE  
SUITE 202

NEW WINDSOR, NEW YORK 12553  
(845) 567-3100

FAX: (845) 567-3232

E-MAIL: [MHENY@MHEPC.COM](mailto:MHENY@MHEPC.COM)

WRITERS EMAIL: [MJE@MHEPC.COM](mailto:MJE@MHEPC.COM)



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

**PROJECT NAME:** RAY'S TRANSPORTATION INC. SITE PLAN  
**PROJECT LOCATION:** ARGENIO DRIVE (OFF RUSCITTI DRIVE)  
SECTION 9 – BLOCK 1 – LOTS 45.1 & 45.2  
**PROJECT NUMBER:** 09-02  
**DATE:** 25 MARCH 2009  
**DESCRIPTION:** THE APPLICATION PROPOSES A CHANGE IN USE TO CONVERT THE FORMER LUMBER YARD TO A RAILROAD TIE PRODUCT TRANSFER STATION. THE PLAN WAS PREVIOUSLY REVIEWED AT THE 25 FEBRUARY 2009\* PLANNING BOARD MEETING.

*\*Applicant did not attend this meeting*

1. The property is located in the PI zoning district. The former use of the site was a lumber yard (Use A-13). This application proposes the processing of used railroad ties and products for shipping. The Board should discuss classification of this use (possibly use B-3). The site plan proposes no new buildings nor any related improvements. Currently there appears to be five (5) buildings on the site, and some concrete pads.
2. We have performed a conceptual review of the plans, also in comparison to the previous plans, and have the following comments:
  - It is noted that the property consists of two separate tax lots. The line is depicted on the plans. It is not normal practice for a site plan to be split with two tax lots. The Board should discuss the need for combination of the lots as part of the site plan application.
  - It was my understanding that the railroad ties were to be stored within (under) existing structures. In addition to the five (5) existing buildings on the site where "permanent" storage is proposed, there are ten (10) locations where temporary outdoor storage is proposed (8 with ties, 2 with "metal"). The previous plan depicted twelve (12) locations.
  - I was previously advised by the Fire Inspector's office that they objected to the previous layout since access within the site and to the buildings was obstructed. This plan provides several 30 ft. lanes. An updated review from the FI office is necessary.

**REGIONAL OFFICES**

• 111 WHEATFIELD DRIVE • SUITE 1 • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •  
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

- At the worksession, potential drainage and contamination impacts were discussed if outside storage was proposed in limited areas. The plan provides directional information regarding “drainage flow”, which in many cases appears to indicate that drainage flow runs uncontrolled and uncontained off the property. One area is indicated as a “Stormwater Recharge Area”. This is a concern with regard to the potential for creosote laden stormwater discharging off the site, or infiltrating into the ground with no protective measures (see next numbered comment).
  - It is noted that the symbol in the plan legend for outside storage is inconsistent with that depicted on the plan itself.
  - If outside storage is considered by the Board, a maximum height should be noted on the plan.
  - The “Use” data under the Zoning Information on the right of the plan should indicate “prior use”.
  - The plans propose no vehicle parking (other than truck parking), nor any handicapped parking. The Board and Code Enforcement Officer should verify this approach is acceptable.
  - No dumpster/waste provisions are shown on the plan. The Board should discuss the details of the use with the applicant to verify there is no need.
  - There appears to be an encroachment of the site’s fence onto the adjoining property. This should be resolved.
3. A brief study of creosote indicates that the product is a complex mixture of chemicals. It is my understanding that this type use involves coal-tar creosote, which may involve approximately 300+ chemicals in content, possibly even thousands. Chemicals in the mixture have been identified which may cause harmful health effects. There is a documented concern that creosote products can enter the groundwater and create the potential for contamination and toxicity. As such, the plan’s total disregard for containment and treatment, allowing the potential for uncontrolled discharge of possibly contaminated stormwater runoff is of great concern to this writer.
4. Based on information received from the Attorney for the Planning Board, there appears to be regulatory and/or permitting authority for this use by the NYSDEC. Further clarification of this issue should be received from the applicant. It may be advisable to include NYSDEC and the OCDOH in a SEQRA circulation for this application.
5. This project is within a 500-foot distance from NYS Route 32 and, as such, must be referred to the Orange County Planning Department as per New York State General Municipal Law (GML 239).

Respectfully Submitted,



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

4/23/09

P.B.# 09-02



Edward A. Diana  
County Executive

**ORANGE COUNTY DEPARTMENT OF PLANNING**

**DAVID CHURCH, AICP**  
COMMISSIONER

124 MAIN STREET  
GOSHEN, NEW YORK 10924-2124  
TEL: (845) 615-3840  
FAX: (845) 291-2533

[www.orangecountygov.com/planning](http://www.orangecountygov.com/planning)  
[planning@orangecountygov.com](mailto:planning@orangecountygov.com)

4/16/09

Mark Edsall, P.E., P.P.  
Town of New Windsor Planning Board  
555 Union Avenue  
New Windsor, NY 12553

Re: Request for lead agency status of Ray's Transportation

Dear Mark Edsall, P.E., P.P.:

Our office is in receipt of a lead agency coordination request. We have no interest in becoming the lead agency on this project, but we would like the opportunity to review any additional SEQR information that is provided by the applicant of this project.

Thank you for giving us the opportunity to respond to your request. We look forward to reviewing the application when it is referred to us for our comments. The planner from our office that will be reviewing this project is Todd Cohen; questions, comments, or additional information should be directed to him.

Sincerely,

David E. Church  
Commissioner