

TOWN OF NEW WINDSOR

PLANNING BOARD

February 12, 2014

MEMBERS PRESENT: DANIEL GALLAGHER, ACTING CHAIRMAN
HENRY VAN LEEUWEN
HOWARD BROWN
DAVID SHERMAN

ALSO PRESENT: TAYLOR PALMER, ESQ.
PLANNING BOARD ATTORNEY

MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER
BUILDING INSPECTOR

CAMMY AMMIRATI
PLANNING BOARD SECRETARY

ABSENT: JERRY ARGENIO
HARRY FERGUSON

MEETING AGENDA:

1. Brittany Terrace MHP
2. Nugent MHP
3. Monaco MHP
4. Sisters of the Presentation(13-17)
5. 1196 River Road/Temporary Office Trailer on Site
6. Stonegate at New Windsor/Approval Extension
7. Plotkin-Walsh Road/Site Plan Amendment

REGULAR MEETING:

MR. GALLAGHER: Welcome everybody to the Town of New Windsor Planning Board meeting. Obviously, you can tell I'm not Jerry Argenio. He's on vacation this week, I'm going to step in and hopefully everything will go smoothly. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

APPROVAL OF MINUTES DATED 1/8/14

MR. GALLAGHER: Motion to approve the minutes dated January 8, 2014 sent out via e-mail on January 23, 2014?

MR. VAN LEEUWEN: So moved.

MR. SHERMAN: Second it.

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

ROLL CALL

MR. BROWN	AYE
MR. SHERMAN	AYE
MR. VAN LEEUWEN	AYE
MR. GALLAGHER	AYE

ANNUAL MOBILE HOME PARK REVIEWS:

BRITTANY TERRACE

MR. GALLAGHER: First on the agenda tonight we're going to have the annual mobile home park reviews, Brittany Terrace. State your name for the stenographer.

MS. KEAN: Hi, my name is April Kean.

MR. GALLAGHER: Jen, anybody from your office been out there? What say you?

MRS. GALLAGHER: Yes, we have no problems there.

MR. GALLAGHER: Miss Kean, do you have a check made out to the town in the amount of \$470?

MS. KEAN: Yes.

MR. GALLAGHER: I'd like to make a motion we grant a one year approval.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. BROWN	AYE
MR. SHERMAN	AYE
MR. VAN LEEUWEN	AYE
MR. GALLAGHER	AYE

NUGENT MOBILE HOME PARK

MR. GALLAGHER: Next is Nugent Mobile Home Park.
Please state your name for the stenographer.

MR. SHAH: Sam Shah.

MR. GALLAGHER: Jen, has someone from your office been
out there?

MRS. GALLAGHER: We have and we have no issues.

MR. GALLAGHER: Thank you.

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

MR. BROWN: Second it.

MR. GALLAGHER: Motion made and seconded for one year
extension.

ROLL CALL

MR. BROWN	AYE
MR. SHERMAN	AYE
MR. VAN LEEUWEN	AYE
MR. GALLAGHER	AYE

MR. GALLAGHER: Do you have a check for \$250?

MR. SHAH: Yes.

MR. GALLAGHER: Thank you.

MONACO MOBILE HOME PARK

MR. GALLAGHER: Monaco Mobile Home Park. Please state your name for the stenographer.

MR. MONACO: Nicholas Monaco.

MR. GALLAGHER: Jen, have you been out there?

MRS. GALLAGHER: We did go out there. We found one item that's actually on for a discussion item this evening. Would you like me to bring it up now while we have a representative from the park?

MR. GALLAGHER: Might as well.

MR. EDSALL: Makes sense.

MRS. GALLAGHER: Something very simple, we went out, we found this, a six foot fence was erected around the park, it is six foot high. And the way this mobile home park sits it's kind of on a corner so a six foot fence is not allowed on a corner lot. However, there is no sight distance issues with this fence. You have pictures of it, you can see that, you know, my office doesn't have any objection to it being there. In the code it states that the mobile home park should actually have a well-maintained fence around their property. And it also states that the planning board can approve a fence as screening around a property in excess of six foot high. However, this is six foot high, it's not in excess of it.

MR. GALLAGHER: So there's no need for a variance?

MRS. GALLAGHER: Not if you approve it.

MR. GALLAGHER: As screening?

MRS. GALLAGHER: Yes.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Any issues about it?

MR. SHERMAN: No.

MR. BROWN: No.

MR. GALLAGHER: Make a motion that we approve, do we

need a motion for that or just--

MR. EDSALL: Well, relative to the fence, I think the minutes are adequate that you have accepted that as part of the site plan. The key issue always is sight distance. And since the building inspector's office has checked it, I think there's no other issue. So just include it in the annual one year extension and acknowledging the six foot fence being added to the plan.

MRS. GALLAGHER: They have turned in a permit application, we were actually holding it up to see if you guys approved it. So we'll put right on the building permit that you approved it as screening.

MR. GALLAGHER: Alright.

MR. VAN LEEUWEN: Make a motion that we approve subject to.

MR. EDSALL: With that noted and a one year extension.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. BROWN	AYE
MR. SHERMAN	AYE
MR. VAN LEEUWEN	AYE
MR. GALLAGHER	AYE

MR. GALLAGHER: Do you have a check made out to the Town of New Windsor in the amount of \$250?

MR. MONACO: Yes.

MR. GALLAGHER: Please give that to Cammy and we're all set for one year.

MR. MONACO: Thank you.

MRS. AMMIRATI: We'll give you a call when the permit is ready.

MR. MONACO: Yes, thank you.

REGULAR ITEMS:

SISTERS OF THE PRESENTATION (13-17)

MR. GALLAGHER: Regular items, Sisters of the Presentation. Someone here to represent this?

MR. BAYARD: Yes, I'm Mark Bayard with the Chazen Companies representing the Sisters.

MR. GALLAGHER: This is the Sisters of the Presentation of the Blessed Virgin Mary minor subdivision. Application proposes minor two lot subdivision of the 87 acre property with no physical changes to the site nor any changes in use. The application was previously reviewed at the January 8, 2014 meeting. Anything new, any changes? I know we've heard back from Orange County, I believe.

MR. BAYARD: Nothing new, unless anyone has any questions?

MR. GALLAGHER: Orange County came back with local determination.

MR. VAN LEEUWEN: I'll make a motion to approve. We've been over this before.

MR. PALMER: We have to do a SEQRA determination.

MR. GALLAGHER: First?

MR. PALMER: Yes, there's no other involved agencies, Mr. Chairman, as Mark's comments reference.

MR. GALLAGHER: Okay.

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

MR. GALLAGHER: Motion for SEQRA negative dec.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. BROWN	AYE
MR. SHERMAN	AYE
MR. VAN LEEUWEN	AYE

MR. GALLAGHER AYE

MR. VAN LEEUWEN: I'll make a motion to approve the subdivision.

MR. PALMER: Mr. Chairman, we would recommend at this time that there would be a condition added to this subdivision approval, we have prepared a condition that has been discussed with the engineer. If you'd like I can read it?

MR. EDSALL: That's actually a note on the plan now. Why don't we put, have Taylor read that into the record.

MR. PALMER: That would be on the plan. "The existing religious use on the site predates the requirement for site plan approval contained in the Town of New Windsor Zoning Law. If the use on either lot of this proposed subdivision, or ownership thereof, ceases to qualify as a religious land use or uses accessory thereto, the owner of such lot(s) shall be required to obtain site plan approval, and special use permit approval if required, from the Town of New Windsor Planning Board."

MR. EDSALL: Taylor had coordinated that with me earlier so we sent that to the applicant, it's already on the plan.

MR. GALLAGHER: What's left?

MR. EDSALL: You've done lead agency and negative dec. The only correction we need and it's in the process of being done is the quitclaim deed for the strip along south Jackson had some typos so we'll make sure that's resolved with the town attorney before the plan's stamped. But it's very minor. With that one condition I think you're in good shape for approval.

MR. GALLAGHER: Anything to this with the county is suggesting that the cemetery be included?

MR. EDSALL: That was a suggestion. The applicant had responded that it was actually their preference that the cemetery remain on the lot that they're going to maintain ownership of where the residences are which is lot one.

MR. VAN LEEUWEN: Make a motion that we approve the subdivision, two lot subdivision.

MR. BROWN: Second it.

MR. GALLAGHER: Motion made and seconded that we approve the two lot minor subdivision subject to.

MR. EDSALL: Subject to those conditions read in.

MR. GALLAGHER: Roll call.

ROLL CALL

MR. BROWN	AYE
MR. SHERMAN	AYE
MR. VAN LEEUWEN	AYE
MR. GALLAGHER	AYE

MR. PALMER: Mr. Chairman, we'll prepare a resolution for the board.

MR. GALLAGHER: Okay, very good, we're all set. Thank you, guys.

MR. VAN LEEUWEN: Jen, shouldn't we waive the fees?

MR. EDSALL: Town board can waive fees, the town board does if they so desire.

DISCUSSION

1. 1196 RIVER ROAD/TEMPORARY OFFICE TRAILER ON SITE

MR. GALLAGHER: Now we're onto a couple discussion items, 1196 River Road.

MR. EDSALL: Yes, 1196 River Road has been an area of concern for the fire inspector and building inspector's office. There's a building in disrepair that in fact had some problems with water leaks, freezing, lack of heat and electrical problems, so on and so on and so on. So that's underway of getting corrected. And because they need to have a place to work out of, they are requesting a six month temporary trailer approval. We're recommending that the board grant that approval and turn the matter over to the building department with the following conditions being required. That the temporary trailer have heat and a bathroom, that they properly abandon the sprinkler line and install a new service to the permanent building as part of the repairs, that they provide temporary heat for the bay area while the building construction is ongoing and that the existing, rather the trailer's electrical service must be correctly installed and obtain an electrical inspection and they obtain a permit from the building department for the trailer. With those conditions which I did by the way develop with the fire inspector's office, Jen can add anymore but I think we've hit what we're concerned about.

MR. GALLAGHER: Fire inspectors have no issues?

MRS. GALLAGHER: We have major issues but we've talked to Mark and what Mark suggested is what our office is suggesting as well, Mark sat down--

MR. EDSALL: I developed these after a meeting with Barney Bedetti so I think we're both on the same page.

MR. GALLAGHER: There's no action that we should take?

MR. EDSALL: You have no application. So I think what you'd do is acknowledge the problem and turn it over to the building department for issuance of the temporary trailer permit.

MR. GALLAGHER: Anybody have anything on this?

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

two items.

MR. GALLAGHER: To allow the building department to handle this?

MR. VAN LEEUWEN: Yes.

MR. BROWN: Second it.

MR. GALLAGHER: Let the building department handle the River Road temporary trailer on site. Roll call.

ROLL CALL

MR. BROWN	AYE
MR. SHERMAN	AYE
MR. VAN LEEUWEN	AYE
MR. GALLAGHER	AYE

09-29 STONEGATE AT NEW WINDSOR/APPROVAL EXTENSION

MR. GALLAGHER: Next we have Stonegate at New Windsor approval extension.

MR. EDSALL: Mr. Chairman, Stonegate has been very active in working with the town on the developer's agreement which is a bit of a complexity because we're working out an arrangement to relocate a sewer pump station, we're installing a new water main loop into I believe it's Nye Street up on the top. So there's quite a few different properties involved besides the applicant's property. They have been very cooperative, very helpful. I heard from Mr. Shaw today, he sent me a new, what he hopes to be the final developer's agreement, he sends his best to the board. My recommendation is that you grant a six month extension.

MR. PALMER: It would be two 90 day extensions so it would be a six month extension.

MR. EDSALL: Six month extension for the application for the conditional final. I believe that will have all our ducks in the row and the applicants are very much looking forward to starting construction in the spring.

MR. PALMER: This was not set to expire until March 8 of 2014 so they have come in with ample time in order to request the extension.

MR. GALLAGHER: Runs from March 18 on?

MR. EDSALL: Yes.

MR. VAN LEEUWEN: I'll move it.

MR. BROWN: Second it.

MR. GALLAGHER: Motion made and seconded we grant 180 day extension to Stonegate at New Windsor. I'll take a roll call.

ROLL CALL

MR. BROWN	AYE
MR. SHERMAN	AYE
MR. VAN LEEUWEN	AYE
MR. GALLAGHER	AYE

MR. FINE: We requested one year extension.

MR. EDSALL: Normally, they go in either, actually there's a site plan.

MR. PALMER: It's two 90 day extensions so we're doing it at 180 days for the two 90 day extensions, that's per the code.

MR. EDSALL: It can be extended.

MR. PALMER: Unlimited extensions.

MR. GALLAGHER: We used to do one 60.

MR. EDSALL: We'll be done well before the 180 but you can extend it.

MR. FINE: I'm Tony Fine, the owner of Stonegate. Thank you, appreciate it.

MR. GALLAGHER: You're welcome.

PLOTKIN-WALSH ROAD/SITE PLAN AMENDMENT

MR. GALLAGHER: Last we have Plotkin-Walsh Road site plan amendment. Mark, you have information on this one?

MR. EDSALL: Just as an intro, Mr. Plotkin is here tonight as a discussion item or a pre-application meeting. I had met in a work session type meeting with Mr. Plotkin on January 29 to review some of the generalities of the project. And he had at that point began developing an application to the board. I understand that as of today, there's a complete application before the board. The delay in getting that packaged up is why they're not on as a regular item. We didn't have a complete application but we're trying to help accelerate this to the point that the board is familiar with it and that's why they're on as a pre-application/discussion item tonight.

MR. GALLAGHER: Okay, would you like to state your name?

MR. KELLEHER: I'm Peter Kelleher from Sterling Environmental Engineering.

MR. GALLAGHER: Would you like to explain anything?

MR. STERLING: Yes, this is for the construction and operation of a precast concrete facility in support of the Tappan Zee Bridge in support of the Tappan Zee Bridge replacement project and other projects.

MR. GALLAGHER: You plan on making the cast concrete on Walsh Road, storing them, a little bit of everything?

MR. STERLING: Just in particular the bridge replacement parts.

MR. GALLAGHER: So you're fabricating new parts, storing them and to be shipped down towards the Tappan Zee?

MR. STERLING: Correct.

MR. GALLAGHER: Anything else, Mark?

MR. EDSALL: Well--

MR. GALLAGHER: We really need to review the plan

before we can discuss or take any further action on anything.

MR. VAN LEEUWEN: When can we get some plans?

MR. STERLING: You should have some plans already.

MR. EDSALL: I don't know if you want to go over the plans at all, there's a board there.

MR. GALLAGHER: If you want to put a plan up, you can kind of show us what's going on. We can't take any action tonight but-

MR. VAN LEEUWEN: At least we'll know what we're talking about.

MR. STERLING: This is an existing property that--

MR. PLOTKIN: This is the 47 acre piece of property, previously Ray's Transportation and prior to that U.S. Precast doing precast concrete.

MR. VAN LEEUWEN: I remember that.

MR. PLOTKIN: It's really an extension of what was previously used on the site.

MR. STERLING: The two entrances to the site are the existing entrances to the, on the western side and eastern side and the material will be made in a concrete batch plant and then cured over here and stacked for storage.

MR. VAN LEEUWEN: Is the concrete going to be mixed on the site or is it going to be mixed on trucks?

MR. PLOTKIN: Because of the critical criteria required for this, it's considered a 100 year project so high quality control so it's going to be a batch plant set up specifically for this.

MR. VAN LEEUWEN: Just worried about the traffic, that's all, not that I'm going to give you a hard time.

MR. PLOTKIN: No, it should minimize traffic because you're not going to have cement trucks.

MR. VAN LEEUWEN: That's what my concern was.

MR. PLOTKIN: Just going to have trailers coming in with materials, the flow of materials should be coming from the west and north coming down the hill so they wouldn't tear up the flow, that's the gravel and sand coming in to the batch plant which would be on the site and then the finished product after it's stored takes a six month storage period to cure. So that will take up 35 acres filled up and then the pieces are designed to be shipped by water really 14 foot six wide.

MR. VAN LEEUWEN: Fourteen foot six?

MR. PLOTKIN: Yes, we need a radius permit, we're going to go 1,000 feet over the road then we would take the lower entrance of Walsh Road that's existing, head down to River Road, again, everything downhill so we're not tearing anything up, hit River Road, make a left and coming into our property on Water Street you can't make a right angle turn, it's too sharp, you'd come 45 degrees where Warrick office is that's our property turn and then go straight across. Then the intent would be the shipping would be whatever days the shipping loads the barge and we would have flagmen at two points, crossing the road coming down the hill you'd put flagmen directing traffic, slowing traffic down.

MR. VAN LEEUWEN: How many people are you going to hire? I also sit on the IDA, that's why I want to know that.

MR. PLOTKIN: The intent somewhere starting with 125 up to 150 topping at 225, it's a big operation, 6,900 individual slabs to be prepared.

MR. BROWN: How long do they predict it's going to last?

MR. PLOTKIN: Three years, minimum three years, maybe even four if you count the final shipment would be like four years.

MR. VAN LEEUWEN: You're going to hire a lot of people.

MR. PLOTKIN: Lot of people, it's all under a union umbrella. The agreement was signed with Tod Diorio, Laborers Local 17 combination, our yard is Boilmakers 5 so it's kind of a split, the laborers would do the dry work and the ironworkers will do the lathe work, 417 will do the rebars, 17 will do the forming of the plant

and the shipping and the loading will be our shipyard workers, Local 5, so it's really three different unions but it's under a union umbrella and it would be the two approaches and the main deck probably the biggest precast job in the country at the time.

MR. VAN LEEUWEN: Great, and it's coming to Newburgh.

MR. PLOTKIN: Hopefully, we still got to get it, we don't have the contract yet, the bids are going to be opened in about a week and a half, two weeks, but they want to hit the ground running as soon as they make the award.

MR. VAN LEEUWEN: You're going to have quite an operation, my friend.

MR. PLOTKIN: It's going to be nine months, a year operation, you can't really pour in weather like this but it will be, there will be overtime because it will be like a 10 hour workday, guys will like a couple hours overtime.

MR. VAN LEEUWEN: Great for Newburgh and great for the county.

MR. PLOTKIN: I don't even think you're going to see it because when you look at the property, the trees and everything in the front you don't really see it, it will be like it will be not there.

MR. VAN LEEUWEN: Zoning allows it so hey, we can't stop it, we don't want to stop it, no way.

MR. PLOTKIN: Hopefully, it will be a good thing. And we're trying to concurrently with that to develop the Port of Newburgh, we're still trying for the steel assembly, but if we had the port built right now, we would be getting the entire steel assembly for that bridge if we were ready. So we're contending with Coinman's (phonetic), which is a small port just outside of Albany that's got enough width to it. The problem with our port we don't have the width because they want to do the columns in the 1,000 ton assembly pieces and roll them out on rollers onto a barge and you need about five, 600 feet of width, that's why we have a concurrent application to the Army Corps to put a bulkhead at the north end of our property in combination with the city's piece of property up to the sewer plant which would create the Port of Newburgh

really.

MR. VAN LEEUWEN: Well, your property's right next to the sewer plant.

MR. PLOTKIN: We have the rowing club in between, they would be relocated, they're not interested not necessarily in the river but on a lake so we're working on an arrangement to move the rowing club.

MR. VAN LEEUWEN: Tomahawk Lake, what's wrong with that lake?

MR. PLOTKIN: No, not Tomahawk Lake, they would be allowed there. But we're really the only marine to rail terminal between New York and Albany, it's going to waste, it should be utilized, not that we need it for this project but if we're at a port, the product will come up, get barges coming out of New York City, it's quicker to offload containers in the Port of Elizabeth onto a barge, ship them up here and put them on the rail than to get the rail cars down there, it's so congested. So that's part of the concept for the port. This would be an adjunct to the port really. But New Windsor's very critical to the port because we have like maybe 27 acres on the waterfront, we've got 47 acres across the street plus 10 so really 57 acres across the street and you need that support for the port, 27 isn't enough so it's kind of a joint combination New Windsor Newburgh.

MR. VAN LEEUWEN: Thank you for bringing it to New Windsor and the City of Newburgh.

MR. EDSALL: As indicated, it's a use that's entertained in the code but even more important, the existing prior uses on the site are consistent with what Mr. Plotkin is proposing. So he's not really proposing a new use, he's proposing an expanded use, a much larger use of one that has existed on this site which makes the application a little easier to handle as it may be from a zoning compliance standpoint. Some of the issues that I spoke with Mr. Plotkin about on January 29 in support of the application was having some traffic evaluations done. He advised me today that he had brought a traffic engineer on board and we should be getting a traffic study, not an exhaustive traffic study, but at least an evaluation for the board to review because there's going to be some traffic generated both from this operation and the interaction

between the Port of Newburgh and this site. Second issue because of the larger operation we wanted to make sure that we addressed storm water and we have a complete SWPPP submitted for the site, we're waiting on that as well. Last item that I had asked for because the initial plan I saw didn't have topography on it but they have now generated a plan which overlays the proposed operation on an aerial type topography depiction so now you can get an understanding of where the uses lay compared to the slopes and so on. So that I just noticed was part of the package that we have received today. So there's some progress. We do have a short EAF so in my mind we have a complete application. But I would suggest and ask that the applicant get in the traffic information and the SWPPP as soon as possible because they are critical elements for us to finish our review. The second issue I believe this is within 500 foot of the property easily of River Road which is a state road. General Municipal Law 239 mandatory referral to the County Planning Department. As of today now that we have plans and an application, we can make that referral. Any way Dave that you can inspire them to turn it around in a quicker time period, if not, we're stuck with a 30 day clock, so just to give you a heads-up on that.

MR. PLOTKIN: Right, okay.

MR. VAN LEEUWEN: I can help there if you need some help.

MR. GALLAGHER: Do we foresee any zoning issues?

MR. EDSALL: No, I don't see any at this point, I haven't reviewed anything yet, but I don't anticipate that's an issue because again, it's a pre-existing use, even if there were some zoning snafus--

MR. PLOTKIN: When you say county?

MR. EDSALL: County Planning. So County Planning will get a referral, I'll work with Cammy on that, the form tomorrow so we'll turn it right around now that we have the application and the plan so that's timing wise I see is the biggest hangup.

MR. GALLAGHER: Orange County, get at it. Very good, that's everything, thanks guys. Mark, anything else?

MR. EDSALL: No, I just, Taylor just indicated if

there's any DEC permits he needs for this specific site that we should make sure if we do circulate for lead agency we do that as soon as possible and include DEC so Taylor's going to review that with Dominic. If we have to get that out, we'll get that letter out tomorrow as well. So we'll try to keep everything moving but try to get something in as quick as you can to us.

MR. PLOTKIN: Thank you.

MR. VAN LEEUWEN: Motion to adjourn.

MR. BROWN: Second it.

ROLL CALL

MR. BROWN	AYE
MR. SHERMAN	AYE
MR. VAN LEEUWEN	AYE
MR. GALLAGHER	AYE

Respectfully Submitted By:

Frances Roth
Stenographer