

TOWN OF NEW WINDSOR

PLANNING BOARD

September 23, 2015

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
HENRY VAN LEEUWEN
HOWARD BROWN
HARRY FERGUSON
DAVID SHERMAN

ALSO PRESENT: MICHAEL WEEKS
PLANNING BOARD ENGINEER

VERONICA MC MILLAN, ESQ.
PLANNING BOARD ATTORNEY

JENNIFER GALLAGHER
BUILDING INSPECTOR

STEPHANIE RODRIGUEZ
PLANNING BOARD SECRETARY

ABSENT: DANIEL GALLAGHER

MEETING AGENDA:

1. Central Hudson Amended S.P.
2. Jointa Lime Company
3. Charles J. Buser & Andrew Gulak

REGULAR MEETING:

MR. ARGENIO: Welcome everybody to the September 23 regular meeting of the Town of New Windsor Planning Board. Would everybody please stand for the Pledge of Allegiance?

(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: Joining us tonight is Mr. Michael Weeks

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from McGoey, Hauser and Edsall. Mr. Edsall has taken a little bit of a vacation. He'll be back in a week and a half so welcome, Mike.

MR. WEEKS: Good evening.

MR. ARGENIO: We don't have a big agenda but we do have an important agenda so let's get right to it.

CENTRAL HUDSON AMENDED SITE PLAN (15-06)

MR. ARGENIO: Central Hudson. This application proposes an additional parking lot access driveway, guard booth and related improvements. The plan was previously reviewed at the 22 July 2015 planning board meeting. As I remember, this was not an incredibly complex application so who are you?

MS. POLA: Stephanie Pola with Central Hudson.

MR. PAGGI: Larry Paggi.

MR. ARGENIO: Good to see you again.

MR. PAGGI: Good to see you.

MR. ARGENIO: So you said Stephanie, ma'am?

MS. POLA: Yes.

MR. ARGENIO: Larry, tell us what we're doing here, bring us up to speed.

MR. PAGGI: Absolutely.

MR. ARGENIO: What changes have you made, update us?

MR. PAGGI: Just to give a quick overview of the project to refresh everybody's memory, the genesis of the project was a new parking area to relieve some of the parking congestion in front of the existing building. In conjunction with that work, the building currently suffers from runoff discharging toward the doors in the front of the structure so there's going to be some grading modification. And just in front of the building there's a proposed extension of the storm water collection system to intercept that water before it hits the building. And then there's also a proposed pole barn in what would be the southwest corner of the building. And that really is just to create a roof over some vehicles so that when they're performing some maintenance in the wintertime they can do it out of the snow. In conjunction with the parking lot, a Storm Water Pollution Prevention Plan has been prepared. I think we have demonstrated that we're complying with all regulations.

MR. ARGENIO: Have you resubmitted the SWPPP to MG&E?

MR. PAGGI: We did, we just received their comments last Wednesday, we sent a letter off to Mark just yesterday with a detail of how we addressed everything, fully not expecting him to have any chance to review it but just to demonstrate we were able to address things.

MR. ARGENIO: That's got to be squared away, you realize that?

MR. PAGGI: We feel confident that we can do that.

MR. ARGENIO: I feel confident but it needs to be done.

MR. VAN LEEUWEN: No choice on our part.

MR. PAGGI: Absolutely. Probably the most significant matter is the fact that we're in a watershed protection overlay zone because of our proximity to Washington Lake or Lake Washington rather. Our discharge is nearby the lake, the SWPPP has been submitted to the City of Newburgh, the water supply for their review I believe 30 days has passed since that was submitted and we have not received any response. Again, I feel confident that we have demonstrated that we're making things better for them as well by providing treatment that now conforms to all the current regulations of the storm water.

MR. ARGENIO: Larry, I seem to recall having a discussion with you at one of your prior meetings and I think one of these members on this board asked you the question, why don't you have a walkway for the parking that exists on the right side of the new parking lot as you pull in so those folks can get on a concrete walkway and walk to the crosswalk? I remember you being asked about that and you said you were going to include that, you didn't include that.

MR. PAGGI: I think we did, I think we did.

MR. ARGENIO: Am I not seeing it? Do I have the wrong drawing here?

MR. PAGGI: What we have done is we have extended the flag--

MR. ARGENIO: What's that going to do?

MR. PAGGI: Well, where are you hoping to get from?

MR. ARGENIO: Right here, these people to walk this way and walk into your nice crosswalk there, doesn't that make sense?

MR. PAGGI: That can happen.

MR. ARGENIO: Did you misunderstand the discussion?

MR. PAGGI: I actually wasn't here at the previous meeting so might have been misunderstood. So that's something simple to do, there's existing vegetation, we didn't think you'd want us to violate that but we can do that.

MR. ARGENIO: I think you should. Do you guys follow me? Howard, remember the discussion?

MR. BROWN: Yes.

MR. ARGENIO: Stephanie's pointing out to me her notes from the last time you were here, connect front parking to the entrance via concrete walk.

MR. PAGGI: Right, and that was obviously a misinterpretation on our part. We just thought that you were looking for some physical pathway from this parking lot through.

MR. ARGENIO: I think that was part of the discussion as well.

MR. PAGGI: So we had--

MR. ARGENIO: Were you here last time?

MS. POLA: Our interpretation you were looking to go from this parking lot over, there's a walkway in between the set of bushes with the flag pole, there's a walkway in between that, we thought you were looking to extend that walkway so people could come from the parking lot here and cross. Our misunderstanding.

MR. ARGENIO: You take exception to what I'm saying, Harry or David?

MR. VAN LEEUWEN: I think you're right.

MR. ARGENIO: So when you pull into that lot, members, you pull into that lot, pull to your right, you see the number six on the thing, that's a six, count, go to the

end of the lot, look to your right, you see number four? That's a four count, so the walkway, so when you get out of those cars, you'll walk towards the building, step directly onto a concrete sidewalk and then you'll make a left, you'll make a right and you'll walk towards the building entrance.

MR. PAGGI: That's not a problem.

MR. ARGENIO: Minutia.

MR. PAGGI: That's exactly right.

MR. VAN LEEUWEN: Will that sidewalk be raised since you have a problem with flooding?

MR. PAGGI: Yeah, six inch step-up.

MR. VAN LEEUWEN: Can I ask you another question?

MR. PAGGI: Sure.

MR. VAN LEEUWEN: Where does water go before it gets to the lake?

MR. PAGGI: It comes backwards, actually, we've graded this so it will come back into an infiltration basin back here.

MR. ARGENIO: Am I right, Larry, that's a stone ditch?

MR. PAGGI: That's correct, that's exactly correct.

MR. ARGENIO: Larry, that sidewalk--

MR. PAGGI: This is not the infiltration, this is a pre-treatment, this is actually the infiltration basin up in here.

MR. ARGENIO: We can probably get to a drainage plan that would I'm sure show that, Henry. Make sure you make that sidewalk five or six feet wide because you have to allow for the noses of the cars will hang over onto that sidewalk.

MR. PAGGI: I can do that.

MR. VAN LEEUWEN: Should be raised a little bit because you're low there.

MR. ARGENIO: David Sherman, anything else to add?

MR. SHERMAN: I'm okay.

MR. ARGENIO: Let me ask you another question, I'm sorry, Stephanie?

MS. POLA: Yes.

MR. ARGENIO: Or Larry, I'm going to read from, county has a comment here, we advise the town to remind the applicant that no chemicals or other hazardous material may be stored in the pole barn and no de-icing chemicals should be used on the parking lot.

MR. PAGGI: We have actually provided a letter to the planning board from Central Hudson stating that they will comply with that, we have added that note to the plan that no chemicals or hazardous materials will be stored in the pole barn.

MR. ARGENIO: That means in and around the pole barn, that does not mean if it's two feet to the left it's okay, it means in and around the pole barn.

MR. PAGGI: The intention was that the pole barn's not intended to provide any storage for hazardous waste.

MR. ARGENIO: Not referring to the de-icing component, referring to chemicals.

MS. POLA: We submitted as part of the plan a drawing that showed where our Hazmat containment is for hazardous materials in very small amounts, we have a cage over on the side of the building.

MR. ARGENIO: Members, the other thing we have to keep in mind and Michael, Veronica, I'm sure you guys will agree with me on this, this is a public company, a public utility so they certainly have a lot of standards they'll have to meet that your normal applicant would not have to.

MR. PAGGI: The guard shack being one of them, now they have to provide security by providing a guard shack, they all have a guard shack.

MR. ARGENIO: Yes, they all have a guard shack now. If I could, I just want to address with Mike Weeks and Veronica for the benefit of the members we sent this to

the City of Newburgh asking for commentary, we have not heard anything back, correct?

MS. POLA: Nothing.

MR. ARGENIO: We have not heard anything back is what I said. You looked like your hair was going to jump out of your head.

MRS. GALLAGHER: No, I just showed you that.

MR. ARGENIO: Also, the Town of Newburgh, we neglected to send it to the Town of Newburgh, you can see the one corner of the building is in the Town of Newburgh, really not, there's no building impact in the Town of Newburgh. So I don't see that there should be any big deal with this but Mike, I did talk to Veronica today just in making sure things were buttoned up for this application and you had a discussion with Mike Weeks who had a discussion with Pat Hines who is the town engineer, could you share with the members of the board, Mike?

MR. WEEKS: Yes. It would appear from reviewing our file that notice, written notice was not made to the Town of Newburgh Planning Board. I did have the opportunity to walk down the hall and speak to Pat Hines who is the Town of Newburgh Planning Board Engineer, who did not think there would be an issue with it but who would present it to the, bring it up to the town planning board at the next meeting.

MR. ARGENIO: To make sure that we're compliant and we're being courteous to our neighbors next door, the Town of Newburgh, Stephanie, follow through with the process, send it to them. And as I said, any action we may take tonight is subject to their commentary. Now I appreciate it, Mike, the fact that you spoke to Pat Hines but we shouldn't circumvent John, we should make sure we send it to him, give him the opportunity to say what he needs to say because I would expect the same consideration, we as a board would expect the same consideration so you'll do that?

MS. RODRIGUEZ: Absolutely.

MR. ARGENIO: Chime in members any time you'd like. SEQRA lead agency was taken 7/22 of 2015, we sent this out to county and they sent a note back with local determination. I just pointed out their comment about

the chemicals which I think is probably a good comment I would think. We talked about the City of Newburgh referral, we talked about the Town of Newburgh referral, we talked about the SWPPP. Is there any comment from the board members on the idea of a public hearing for this application? It is in fact discretionary by this board and I am very neutral about it, I mean, I don't see the need, it's a parking lot and there's a little--

MR. VAN LEEUWEN: I make a motion we waive it.

MR. BROWN: Second the motion.

MR. ARGENIO: Seems as though we're concurrent on that. I have a motion, I have a second. Roll call to waive the public hearing.

ROLL CALL

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

MR. ARGENIO: So the public hearing is waived. I don't see the need here, I mean, this is pretty innocuous application.

MR. VAN LEEUWEN: They do the right thing.

MR. PAGGI: Thank you for that consideration.

MR. ARGENIO: Supplying us all the power, power goes out, you have to get it up and running.

MR. VAN LEEUWEN: Get them to put the gas line down Beattie Road, will you? Write that down.

MR. ARGENIO: Mark has a note about we have not taken, we have not declared negative dec, if anybody sees fit, I'll accept that motion.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board declare a negative

declaration under the SEQRA process for the Central Hudson Gas and Electric site plan amendment.

ROLL CALL

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

MR. ARGENIO: Veronica or Michael Weeks, have I missed anything procedurally with this that's of critical nature?

MS. MC MILLAN: No, Mr. Chairman, I think you're all set.

MR. ARGENIO: Larry, I want to point out a couple things, please get these in the minutes, please make a note of them and Mike, make a note for Mark for the final plans you need to include that sidewalk.

MR. PAGGI: That's not a problem.

MR. ARGENIO: We have effectively described where we want it, Michael, do you understand where we want that?

MR. WEEKS: Yes.

MR. ARGENIO: Pretty straightforward. Oh, obviously, if the Town of Newburgh chairman will send us a note back about something he's concerned about, you have to make sure he's okay but I can't imagine what he would be concerned about.

MR. PAGGI: If he sends anything back that's of no consequence we'll address it and send it off. If there's a consequence we may have to ask to come back before you.

MR. ARGENIO: The last thing was the chemical storage, we're not just talking about no chemical storage inside the pole barn building, we're also referring to in and around the pole barn building.

MR. PAGGI: Would you like us to modify the note to say that?

MR. ARGENIO: Yes, please. We do have fire inspectors

out and about and they do check those things and they do report back to, some people have a name for her when she sends her code enforcement letters out, we refer to her as Jennifer, the building inspector, senior code enforcement officer. Anything else?

MS. MC MILLAN: No, I don't believe so, Mr. Chairman.

MR. WEEKS: The SWPPP plan, modifications to the SWPPP.

MR. ARGENIO: I did talk to Mark yesterday about it and he said to me that he did believe that it was taken care of but it's not been formally signed off by your office yet, Michael, Mark did say he believes it's been taken care of. So we need to get that tightened up. So it's those four things. And the bond estimate, subject to those four things, members, do you have any other questions or comments on this?

MR. FERGUSON: No.

MR. SHERMAN: No.

MR. VAN LEEUWEN: No.

MR. ARGENIO: Subject to those four things, anybody want to make a motion for final?

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded by Harry that we offer final approval for Central Hudson Gas and Electric site plan amendment subject to what I read into the minutes a few minutes ago, please relay those to Mark so he knows what to follow up on.

MR. WEEKS: Will do.

ROLL CALL

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

MR. ARGENIO: Thank you, ma'am, for coming in and good luck to you.

JOINTA LIME COMPANY (15-12)

MR. ARGENIO: Next on tonight's agenda is Jointa Lime Company site plan and special permit on Walsh Road. The application proposes a hot mix asphalt plant on the property on the south side of Walsh Road east of New York State Route 9W. Plan was reviewed on a concept basis only. Who are you guys?

MR. FITZGERALD: Peter Fitzgerald with Jointa Lime Company.

MR. KELLEHER: Peter Kelleher.

MR. MILLSPAUGH: Mark Millspaugh, Sterling Environmental.

MR. ARGENIO: I expected you to be a lot older, I did.

MR. VAN LEEUWEN: Before we get done with this we're going to make him a little older.

MR. ARGENIO: My company has done business with Jointa Lime in the past but that in no way is going to affect my decision making ability. I probably know more about blacktop than anybody in this room and that includes the engineer probably, doesn't include you, Peter, you certainly know you're way around what you're doing.

MR. FITZGERALD: Appreciate that.

MR. ARGENIO: So now that that's in the record, tell us what you're thinking.

MR. FITZGERALD: Well, I'm sure most of the board is aware we've had a temporary asphalt plant located near Stewart for roughly the past two and a half years and our goal is to move our temporary facility and establish a permanent facility off Walsh Avenue.

MR. ARGENIO: That's not really your goal, Peter, is it? Your goal is to take the plant down at the airport and put a different plant on this site, is that correct?

MR. FITZGERALD: No, we're going to relocate the existing plant. We feel we have enjoyed our time in New Windsor and that was a big part of why we looked at the Walsh Avenue property, we'd like to continue being a proactive member of the business community in New

Windsor. And we have certain environmental components on the technical side.

MR. KELLEHER: Any questions you have we'll certainly be more than willing to answer. We have proposed about six acres on the existing industrial park.

MR. ARGENIO: Is that Plotkin property?

MR. FITZGERALD: Correct.

MR. VAN LEEUWEN: It's got to be him, he's the only one that owns any land in there.

MR. FITZGERALD: He owns obviously a large portion of the land.

MR. ARGENIO: Which leads to my next question. Why are you on this particular location on this property?

MR. FITZGERALD: We felt the existing site grading and we'll circle it here so we can see it better, you can looking towards the site, there's obviously a lot of land, we felt this six acre parcel set up for our operation in terms of looking at where we are currently it will be more organized, the site, except it gives us a lot more room to move around versus where we currently are.

MR. MILLSPAUGH: Also level and pretty well compacted from when Ray's Transportation was in there, he had a number of stockpiles and the west side has a steep embankment which we think helps define the operation and provide protection to the neighbors in terms of visual and noise.

MR. VAN LEEUWEN: Six acres, what are you going to use or use the whole thing?

MR. FITZGERALD: No, we'd only occupy the six acres on the western most part of Mr. Plotkin's property.

MR. VAN LEEUWEN: Six acres?

MR. FITZGERALD: Six acres.

MR. VAN LEEUWEN: We already have two blacktop plants in the area.

MR. FITZGERALD: Correct.

MR. ARGENIO: So it's a drum mix plant 300 ton an hour?

MR. FITZGERALD: No, it's 400 ton an hour, depending on the gas supply in terms of--

MR. ARGENIO: How are you fired?

MR. FITZGERALD: Natural gas on the burner and power for our motors.

MR. KELLEHER: The air permit will be developed on the full potential of the asphalt plant regardless of the gas supply.

MR. ARGENIO: Yeah, and typically I think Michael Weeks I think the air quality issue is more of a DEC issue, is that right?

MR. WEEKS: Well, they'll need a permit from DEC.

MR. ARGENIO: They'll issue that permit.

MR. WEEKS: But you still have the responsibility as potentially the lead agency to review and make sure there's no potential impacts.

MR. ARGENIO: Okay, I can tell you, let me just go through Mark's comments here because I've not read them. Mr. Millspaugh, take a copy of Mark's comments. I'm not going to, I'm going to try not to reread Mark's comments but I think it would be important for me to put some bullet points on some of them. My opinion is, and the other members can form their own opinion, but I'm going to tell you my opinion, I think you have a major problem with the traffic movement at the top of the hill on Walsh Road.

MR. VAN LEEUWEN: Definitely a big point.

MR. ARGENIO: I think you have a problem with that, Peter.

MR. FITZGERALD: Okay.

MR. ARGENIO: You know you've got 110,000 pound tractor trailer, I don't know what the grade is, 12 percent, whatever it is, and he's got to pull up and hold, I can just see a wrecker there towing trucks off that hill with some frequency.

MR. KELLEHER: Also does appear to be the required sight distance for the road but we understand what you're saying.

MR. ARGENIO: Okay.

MR. KELLEHER: Safety.

MR. ARGENIO: Yeah, and then your dump trucks are whatever they are, 70 or 72,000 pounds, assuming somebody's running legal and they'd have to pull that same, and that intersection is not great to begin with, trucks taken out of the mix, that intersection is not great to begin with. Also what are you proposing for Walsh Road for any resurfacing or rebuilding or such thing? I'm not going to ask Mike Weeks to what standard that road's been built because I'm sure he doesn't know at this particular moment but I'm sure he can find out. And it leads me to the thought process of is there a way of getting through Dave Plotkin's property and down to Marine Drive without going on Walsh Road? Ray's Transportation was located further east of this facility, now he did have stockpiles up there, you're correct about that, but he was located further to the east and rumor has it that there was at one point in time some type of access onto Marine Drive from Dave's property. So I guess the question if I was forced into a question the question is how do we as a town, Mike Weeks, you should be on this too, how do we as a town know that Walsh Road is not going to blow up when we put this load on it, right? Which I'm sure everybody will be running legal loads, hardy har, illegal.

MR. VAN LEEUWEN: I was in the truck business, I know.

MR. ARGENIO: Yeah, they're heavy loads, so that's the first thing, first thing that I'm thinking about is the traffic issue. And I think your movements should be down to Marine Drive because that intersection is going to be a problem at the top of the hill. The second thing is, you know, the Walsh Road issue, I'm sure it was not built to handle this type of weight.

MR. VAN LEEUWEN: No, I think what should be done is test borings done.

MR. ARGENIO: From the town or for these guys?

MR. VAN LEEUWEN: These guys to do test borings what Walsh Road consists of.

MR. ARGENIO: Mark Edsall, he may have some more insight because he's been an engineer in this town for many more years than I've been on this planning board and certainly not more years than you.

MR. VAN LEEUWEN: No, he hasn't.

MR. ARGENIO: Members, Harry or Howard Brown, do you guys have any other thoughts, anything else?

MR. VAN LEEUWEN: I think we have, we already have two plants in this town.

MR. FERGUSON: Walsh Road is a windy road and I think like you said, trucks coming out, they're not coming out at a fast pace.

MR. ARGENIO: At the top of the hill you have the same concern.

MR. FERGUSON: Yes.

MR. VAN LEEUWEN: Bad spot even for a car it's a bad spot.

MR. ARGENIO: It's a PI zone, they don't need any variances, it's zoned for this use, okay, and quite frankly and this is only my opinion again, if you're going to put up a blacktop plant, probably the location where I am is one of the best locations, it's PI, and we pull right out onto 32, right out onto a state highway, that's perfect, but down in this hole with no homes around you is also a good spot I think in my opinion.

MR. FITZGERALD: Sure.

MR. ARGENIO: But again, that doesn't address the other issues. Howard, did you have something you were going to say?

MR. BROWN: No.

MR. ARGENIO: David Sherman, any other thoughts?

MR. SHERMAN: No.

MR. ARGENIO: Henry, any additional thoughts you want to throw out there on this?

MR. VAN LEEUWEN: No, I already told you what my thoughts were.

MR. ARGENIO: I think you've got to be looking at the traffic, Peter, what was your first name?

MR. MILLSPAUGH: Mark.

MR. ARGENIO: I've heard your name a thousand times in your firm, Sterling. So, yeah, I think you've got to look at traffic close, I really do. Mark has air discharge and potential odor really no significant odor, especially the fact that you're going to be burning gas, that's certainly better. The AC smells a little bit but--

MR. VAN LEEUWEN: I'm more worried about the traffic situation.

MR. ARGENIO: That's an issue, Henry.

MR. VAN LEEUWEN: Big issue.

MR. ARGENIO: You come out, you make a left and you're up on this hill and you've got people coming from the left and right and the driver's trying to look out his mirror to try to see the other guy.

MR. VAN LEEUWEN: And you've got 94 coming in there too.

MR. ARGENIO: Yes. Mark, do you have anything else you want to talk about or add?

MR. MILLSPAUGH: Well, I think--

MR. ARGENIO: Pile on top.

MR. MILLSPAUGH: It was discussed and there was a proposal for a precast operation on this same property when Dave Plotkin was pursuing a bid on the Tappan Zee Bridge and the property has an existing multi-sector general permit which does not specifically include the industrial sectors for asphalt plants and we'd have to add that and we've discussed the zoning so what steered Jointa Lime to this property was those particular benefits. And I guess we'll scope out an appropriate

traffic study which would include looking at points of access down here, that's a steep bank so obviously there's some challenges to get from the flat area of the site down here but we can take a look at that.

MR. ARGENIO: Down below the highlighted area there's another significantly flat area and that plant operates on how big a piece right now, Peter?

MR. FITZGERALD: Two acres.

MR. ARGENIO: You're on two acres? The footprint of that plant with the AG zone is two acres?

MR. FITZGERALD: Two acres.

MR. ARGENIO: I believe it's significantly less than that, significantly less.

MR. FITZGERALD: The workable land.

MR. MILLSPAUGH: It's an irregular piece that totals two acres so when you look at what's really usable it's much less.

MR. ARGENIO: Looks to me like you're running that plant on about an acre of property, little bit more, maybe, not much more.

MR. FITZGERALD: Right, and that was the draw for this site.

MR. ARGENIO: You're shoehorned in there.

MR. FITZGERALD: You're not kidding.

MR. ARGENIO: When we put our first plant up, it came from New York City down in Queens and we went down to look at it, we were going to buy it, it was on half the land your plant is on, maybe less than half, maybe less than half, maybe less than half.

MR. FITZGERALD: That's impressive.

MR. ARGENIO: They had him shoehorned in there.

MR. FITZGERALD: Certainly a challenge but, makes the operation better.

MR. ARGENIO: So Mark, is there anything else, I mean,

I think we should send out the lead agency coordination letter, I don't think we should go to county as of yet because the location could change, the access could change down on Marine Drive so I think we should hold off on this until the next meeting. I think that makes sense. I think you need to be, Mark, do you have Mark's comments, right, yes?

MR. MILLSPAUGH: Yes, I'm just looking, he's looking for a minor edit on the EAF and looks like many of his bullets he's just pointing out to the board some of the substantive items of the site plan and EAF but there's one item where he wants the acreage corrected. We refer to the acreage as the lesser area that's much less than the full parcel so we need to make sure that it's a subset of a full parcel.

MR. ARGENIO: I agree. I think you should be looking at three things that you said, not to put words in your mouth, but the alternate access, the intersection of Walsh Road and Marine Drive and the intersection of Walsh Road and 9W. And Mike Weeks, you're going to relay to Mark in the discussion we had over the fitness of Walsh Road cause I don't believe that that road is fit for the loads that we're talking about, I don't believe that. What else can we do for you guys?

MR. MILLSPAUGH: Mark Edsall raised a question about sanitary facilities and in that, our site plan did not specifically call out septic system, they're going to use a Porta-John.

MR. ARGENIO: I'm not banged up about it for two reasons, it's going to be a Porta-John or that area of the town used to be called the sand banks, it's called the sand banks for a reason. The perc is probably 40 seconds, it's all that sand and gravel down there that New Windsor Building Supply sold for years and they sold down at Butterhill for years, you know who operated that gravel bank but--so guys, anything else, members of the board? Anything else from you guys?

MR. MILLSPAUGH: We'll get the amended EAF in right away.

MR. VAN LEEUWEN: I'm worried about the road, that's what I'm worried about.

MR. ARGENIO: Okay.

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MR. FITZGERALD: Absolutely, I appreciate your time.

MR. ARGENIO: Thank you for coming in.

CHARLES J. BUSER AND ANDREW J. & LINDA S. GULAK (15-13)

MR. ARGENIO: Next on tonight's agenda is Charles Buser and Andrew and Linda S. Gulak. I see Steve Drabick. The application proposes a lot line change for lot 26. The plan addresses a property line dispute between lots 25, 26 with lot 26, oh, that's great. What do you have? Steve is here to represent this, it looks like?

MR. DRABICK: Yes, I'm here representing both parties involved in the lot line change and as you had mentioned--

MR. ARGENIO: Family members?

MR. DRABICK: No, they're unrelated, Busers are not related to Gulaks. These are two separate parties. The application is twofold, as you mentioned, first part involves the acquisition of about a 25 foot strip along the southerly bounds of the current lands of Charlie Buser which he's acquiring out of the lands of Gulak. They have agreed to this and basically what it does is eliminates an encroaching situation with the driveway at the front of the one Buser property, increases the side yard distance and then also both parties have agreed that, to extinguish somewhat ambiguous right-of-way which was called for in the deed running along the center line of center right along the southerly bounds of the existing lane of the property of Buser. To what extent that right-of-way was used for is unclear, like I said, somewhat ambiguous. So with the acquisition of that 25 foot strip we're going to eliminate that.

MR. VAN LEEUWEN: Are they planning another house back there?

MR. DRABICK: No, strictly an exchange of properties.

MR. VAN LEEUWEN: I want that noted on the plan.

MR. DRABICK: Be glad to. This is not involving any development of either the Gulak property, obviously none of the Buser property.

MR. ARGENIO: So you're moving the lot line 37.7 feet some direction south, I guess, what else are you looking to do here, Steve?

MR. DRABICK: Well, the second part of this is that

based on current deed of records, there's a creation of a gore, an overlap along the westerly bounds of the property between Mr. Buser and Mr. Gulak.

MR. ARGENIO: It's 871 square feet.

MR. DRABICK: Right, that's actually a gore that was created by the deeds.

MR. ARGENIO: Is it your intent to extinguish the lot lines outlining that 870 foot triangular area?

MR. DRABICK: Yes.

MR. ARGENIO: Is that your intent?

MR. DRABICK: Exactly, the parties have agreed to a uniform straight line from corner to corner which in fact will eliminate the gore.

MR. ARGENIO: Are they here tonight these people?

MR. DRABICK: I don't believe so, no, neither one.

MR. ARGENIO: Go ahead.

MR. DRABICK: But the extent of the agreement here will eliminate the gore, the gore parcel actually would become a record piece of lands of Gulak and the overlap parcel which exists on the northerly lands, this northerly parcel of Buser which was a little more, almost 2,800 square feet that will become part of the Buser lot.

MR. ARGENIO: Do we have a proxy? Do you have a proxy from Mr. or Mrs. Buser and/or Mr. or Mrs. Gulak?

MR. DRABICK: Yes, I have notarized proxies from both parties.

MR. ARGENIO: So Mr. and Mrs. Gulak are good? So both of these folks have elected you as their duly deposed representative for this evening's discussion?

MR. DRABICK: That's correct.

MR. ARGENIO: So it's pretty fair for us to say that between Buser and Gulak things are good, whatever was in the past is in the past, but at this time, they collectively agree and they say Steve, this is what we

want to do, please get this taken care of at planning board?

MR. DRABICK: That's correct. And then also I can add to that that both parties have thoroughly reviewed this plan.

MR. ARGENIO: I would think. Why do they want to do this? It makes no material difference to either property except for the driveway encroachment.

MR. DRABICK: Do you mean the lot line change?

MR. ARGENIO: Lot line change.

MR. DRABICK: Lot line change, the issue has always been a driveway at the front of this property which if you look at the original boundary, well, the existing boundary now prior to lot line change for Buser property it's only like 11 feet off the side of the house. So the majority of this, this portion of the driveway is on the Gulak property. It's always been sort of a thorn of contention between the two and there was an offer made to purchase the 25 foot strip to eliminate that problem.

MR. ARGENIO: Okay, I get it. Hatfields and McCoys.

MR. DRABICK: Actually, the boundary dispute on the other portion of the property came in after the fact which we felt as long as we were coming before the board to seek approval for the lot line change we wanted to resolve that issue.

MR. ARGENIO: No other outside agencies involved here? We can assume lead agency if anybody sees fit.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded that the planning board declare itself lead agency. Roll call.

ROLL CALL

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

MR. ARGENIO AYE

MR. ARGENIO: Do you know these people?

MR. VAN LEEUWEN: No, but I do want that noted on the planning board that for both of the Buser lots no further building.

MR. DRABICK: These two lots, yes.

MR. ARGENIO: Veronica or Michael Weeks, have I missed anything? I know there's some procedural things but is this facially as simple as it appears to be or is there some man behind the curtain here?

MS. MC MILLAN: No, it appears to be in order.

MR. ARGENIO: So we should--

MR. VAN LEEUWEN: Is it Kosher?

MR. ARGENIO: It's Kosher, so we've declared ourselves lead agency. I'll accept a negative dec.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that the planning board declare negative declaration under the SEQRA process for Buser and Gulak lot line change.

ROLL CALL

MR. BROWN AYE

MR. SHERMAN AYE

MR. VAN LEEUWEN AYE

MR. FERGUSON AYE

MR. ARGENIO AYE

MR. ARGENIO: Anybody see the need for a public hearing for this lot line change? No buildings. Motion?

MR. VAN LEEUWEN: Waive public hearing.

MR. FERGUSON: Second it.

ROLL CALL

MR. BROWN AYE

MR. SHERMAN AYE
MR. VAN LEEUWEN AYE
MR. FERGUSON AYE
MR. ARGENIO AYE

MR. ARGENIO: Guys, anything else?

MS. MC MILLAN: No.

MR. VAN LEEUWEN: Motion to give them approval.

MR. ARGENIO: Do you think he won't put the notes, I'll do whatever you want, I don't see the need to hold this up, there's no building, it's lines and paper and comments that you had asked for. Tell Veronica what you want on those lots on the plans.

MR. VAN LEEUWEN: No further building.

MR. ARGENIO: Just the Buser lots.

MR. VAN LEEUWEN: Two Buser lots because otherwise somebody will put a road, a driveway in there and put another building up, a house in the back.

MR. ARGENIO: I don't see a need to drag it out.

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

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded we offer final approval to Buser/Gulak lot line change. Again, just to remind everybody, this is a simple lot line change, we have the proxies here that both owners, the Hatfields and the McCoys agree that Mr. Drabick represent them which tells me he's going to take care of it and it's no building at all and this is going to be a note added to each lot on the plan. Roll call.

ROLL CALL

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

MR. ARGENIO: Thank you, Steve, for coming in.

MR. VAN LEEUWEN: I want the building inspector to look it over before it's signed.

MR. ARGENIO: Anything else? Anybody? Mike? Motion to adjourn?

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth
Stenographer