

TOWN OF NEW WINDSOR

PLANNING BOARD

June 13, 2012

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PLANNING BOARD ATTORNEY

MARK EDSALL, P.E.  
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER  
BUILDING INSPECTOR

NICOLE PELESHUCK  
PLANNING BOARD SECRETARY

MEETING AGENDA:

1. JHCS MHP
2. Hudson View MHP
3. Paradise MHP
4. Meadowbrook Estates sub.
5. Covington Estates sub.
6. Philip Williams S.P.
7. Ray's Transportation
8. Zulu
9. Continental Organics

**REGULAR MEETING:**

MR. ARGENIO: I'd like to call to order the June 13 regular meeting of the Town of New Windsor Planning Board. Everybody please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: Welcome everybody, it's been a bit since we have met. I certainly love seeing everybody's smiling faces. We don't have a big agenda, it shouldn't take a lot to get through it. That said, we'll get down to business.

APPROVAL OF MINUTES DATED 3/14/12

MR. ARGENIO: If anybody sees fit, I'll accept a motion for approval on the minutes dated March 14, sent out May 4, 2012.

MR. FERGUSON: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded we accept them as written. Roll call.

ROLL CALL

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

ANNUAL MOBILE HOME PARK REVIEWS:

HUDSON VIEW MHP

MR. ARGENIO: Hudson View Mobile Home Park is the first park review on tonight's agenda. Do you have something on this Jen? What's your name, ma'am?

MS. TOBACK: Dorothy Toback.

MR. ARGENIO: Miss Toback, nice to see you. You're okay. Jen, can you tell me about the Hudson View Mobile Home Park, tell the members?

MRS. GALLAGHER: Sure, this was the one if you guys remember a year or so ago we had a lot of issues with this one, they did great, they cleaned it up.

MR. ARGENIO: Where is it?

MRS. GALLAGHER: On 9W.

MR. ARGENIO: Near Robert Arms?

MRS. GALLAGHER: Yes. Ken went out, did his annual inspection, there's a few minor issues with like 911 numbering, Dorothy got sent a notice May 29. She has some time to fix it but it's minor issues, it's nothing compared to what it was.

MR. ARGENIO: Mrs. Toback, do you have possession of that notice, not with you tonight, but are you aware?

MRS. TOBACK: Yes, I'm aware, everything's been taken care of.

MR. ARGENIO: You either have taken care of everything on that list or you'll take care of everything on that list in the near future?

MRS. TOBACK: Absolutely.

MR. ARGENIO: That's a question. And we're glad to see that those days have gone by and are far in all of our pasts. Quite frankly, I for one am happy that there's no trailers hanging over the bank as it were, the cliff. Do you guys have any questions on this? Ma'am, have you brought a check for the benefit of the town in the amount of \$250?

MRS. TOBACK: Yes.

MR. ARGENIO: Anybody sees fit, I'll accept a motion for one year approval.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded by Mr. Ferguson we offer Mrs. Toback of the Hudson View Mobile Home Park one year extension on her permit to operate. Roll call.

ROLL CALL

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

MR. ARGENIO: Thank you. You can give the check to Nicole, fill it out or do whatever you need to do.

MRS. TOBACK: It's done.

MR. ARGENIO: Thank you, Mrs. Toback, have a good evening.

PARADISE MOBILE HOME PARK

MR. ARGENIO: Paradise Mobile Home Park. Sir, what's your name?

MR. MANIX: Ken Manix.

MR. ARGENIO: I seem to remember you from last year. Jennifer, has somebody from your office been out to visit this facility?

MRS. GALLAGHER: Yes, we have.

MR. ARGENIO: What say you about this facility?

MRS. GALLAGHER: Everything is fine there.

MR. ARGENIO: That's fantastic, I think I remember saying the same thing last year. Thank you, Mr. Manix, for keeping a nice place and allowing New Windsor to be a nice place for all of us to live. I'll accept a motion for one year extension.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: That we offer them a one year extension, Paradise Mobile Home Park for their permit to operate. Roll call.

ROLL CALL

MR. FERGUSON            AYE

MR. BROWN                AYE

MR. GALLAGHER           AYE

MR. VAN LEEUWEN        AYE

MR. ARGENIO             AYE

MR. ARGENIO: You do have a check, I would hope?

MR. MANIX: Yes.

MRS. PELESHUCK: Thank you very much.

MR. MANIX: Thank you.

MR. ARGENIO: Thank you.

MR. VAN LEEUWEN: How many units is that, sir?

MR. MANIX: I have 37 sites, 27 units, 10, you know, just washed out.

MR. ARGENIO: Vacant sites?

MR. MANIX: Yes.

MR. ARGENIO: For the record, we do have the check. Thank you sir for coming in.

REGULAR ITEMS:

MEADOWBROOK ESTATES CLUSTER SUBDIVISION PLAN AMENDMENT  
(01-42)

MR. ARGENIO: Regular items, we have a couple of reapprovals here we're going to try to get to them first. Meadowbrook Estates subdivision. Sir, what's your name and what firm are you with?

MR. TROCHIANO: My name is Anthony Tronchiano from Pietrzak & Pfau Engineering.

MR. ARGENIO: What do you have? This should be a relatively straightforward procedure. Do you have anything to offer at this point in time?

MR. TROCHIANO: Just requesting extension of preliminary approval. We have plans submitted to the agencies for our approvals, the realty subdivision and water main extension from the health department is pretty much wrapped, just contingent on our approval from the DEC, everything's at the DEC, just waiting to hear back.

MR. FERGUSON: It's at the DEC and you're waiting to hear from the DEC?

MR. TROCHIANO: Also the water supply issue as well.

MR. ARGENIO: Since you've received your preliminary approval you have not changed the plans or anything of that nature?

MR. TROCHIANO: The only revisions have been stuff that was requested specifically from the health department, that's it.

MR. ARGENIO: Dominic or Mark, is there anything else we need to add on this and the approval and the extension is lawful and appropriate at this time?

MR. CORDISCO: Absolutely.

MR. VAN LEEUWEN: So moved, Mr. Chairman.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded. That being the case, unless anybody has any further discussion for a

six month extension of preliminary approval.

ROLL CALL

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

COVINGTON ESTATES SUBDIVISION & PUD (10-24)

MR. ARGENIO: Next is Covington Estates Subdivision.  
Your name please?

MR. WEINBERG: David Weinberg.

MR. ARGENIO: Just very briefly tell us the status of  
your application at this point.

MR. WEINBERG: Everything is the same as it was for the  
past several years. I'm still in the midst of trying  
to get the financing to be able to start the  
construction of it. All the approvals are in place  
except this one now that needs a reapproval. And I'm  
just continuing my quest for construction financing,  
that's where I'm at right now, all the approvals are in  
place.

MR. ARGENIO: Difficult nowadays, isn't it?

MR. WEINBERG: It's more than difficult, I get close  
and then something happens and I go back to the  
beginning and I start over.

MR. ARGENIO: It's unfortunate, it's an indication of  
the state of the state and the state of the economy. I  
wouldn't want to be a developer in this economy. Do  
you guys have any questions to my right?

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: I just have one quick question, is that  
a 90 day also?

MR. ARGENIO: This is six months.

MR. CORDISCO: Actually, if I could, this project has  
received conditional final approval, actually received  
it several times. In light of the circumstances, it's  
a 360 day approval and what in the past without needing  
to get into it too much in the past you can only grant  
360 days but now New York State has changed their laws  
that have allowed you to extend it even further beyond  
that. What I would suggest is that we adopt a new  
resolution that reapproves the project given the fact  
that there's no changed circumstances here whatsoever  
and that the approval would run for another 360 days.

MR. ARGENIO: I think we're okay with that, Dominic, I

certainly wouldn't want to go more than that because we at the planning board like to know that the folks that are applying here are alive and well from time to time. Dominic and Mark, it's your collective opinion that this is lawful and appropriate at this time?

MR. EDSALL: Yes. Just one item you've got here an application that a combination of three different elements, subdivision, PUD and a site plan. So I would make sure that the record is clear that all three applications or all three elements are being approved or reapproved for 360 days.

MR. ARGENIO: The record will reflect just that. To refresh everybody's memory, this is off Route 300 near the railroad tracks there.

MR. BROWN: Next to Continental Manor.

MR. CORDISCO: What we have done in the past is actually to draft up a resolution for your signature because this is a larger project. Of course Mr. Weinberg knows the circumstances but if the project was ever to change hands, we would want the record to be clear of exactly what the extension was and what the conditions of that were as well.

MR. ARGENIO: Please attend to that.

MR. CORDISCO: Certainly.

MR. ARGENIO: Mr. Van Leeuwen has made a motion we offer them a one year extension.

MR. BROWN: Second it.

ROLL CALL

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

MR. ARGENIO: Thank you, Mr. Weinberg. Good luck to you in a pursuit of happiness and financing.

MR. WEINBERG: Thank you, appreciate it.

## PHILIP WILLIAMS SITE PLAN (12-07)

MR. ARGENIO: Phillip Williams site plan represented by Mr. Shaw. This application proposes a new office addition in place of an existing two story house. The plan was previously reviewed at the 14 March, 2012 planning board meeting. Greg, tell us where we are with this in the town and tell us what you've done so far. I don't recall this so we're going to need a little bit of history. I do recall this, you're near Babcock Autos?

MR. SHAW: Correct. This is State Farm again, it's about across the street from Neil Schlesinger's little shopping mall, the one him and Jimmy own.

MR. SHAW: Just to tie in a little bit more, Temple Hill Road intersects with Old Temple Hill Road at that sharp triangle, just move two or three lots toward Vails Gate, that is the parcel and it does have frontage on both Temple Hill and old Temple Hill Road. Presently on the site which is just under a half an acre is an existing office a little under 1,300 square feet and a two story house. On the south side of the structure there's a parking area for Mr. Williams' business, State Farm, I'm sure you're very familiar with it. What our proposal is to take down the residence and attach to the existing office construct a new office of 1,736 square feet. All total, we would have just a little under 3,000 square feet of office space, that being 2,988 square feet. We were before your board I believe in April and it was for a referral to the Zoning Board of Appeals upon which we needed three variances. And on April 19, Mr. Williams who represented himself very well obtained all three variances, one variance was for a front yard setback off of Old Temple Hill Road, a minimum side yard setback, a variance of four feet and a parking variance of two spaces. In the redevelopment of the site, we pretty much followed the existing layout, we kept the parking on the south side of the building, we're utilizing the existing entrance on Temple Hill Road but on Old Temple Hill Road we did something a little different. Mr. Williams in his business has a problem where he has a lot of businesses, specifically taxis that cut through his parking lot.

MR. ARGENIO: You have offset the entrances on the two different roads?

MR. SHAW: Correct, we have created a little bit of a turning issue so hopefully that will stop that problem. And finally, again, it being such a small area we're replacing the water and the sanitary sewer services and we have generated landscaping plans, site lighting plans and re-graded up the parking area but other than that again it being a small site there are not that many more on-site improvements.

MR. ARGENIO: Same entrance on Temple Hill Road?

MR. SHAW: Yes.

MR. VAN LEEUWEN: I think it's an improvement.

MR. ARGENIO: Well, it is a commercial area, what is it, NC over there?

MRS. GALLAGHER: No, it's a C Zone.

MR. ARGENIO: We have heard back from planning, we sent it to planning and their response was local determination, which was nice. I certainly don't see any intermunicipal issues here with this location. I will read from Mark's comment number two, the plans have been completed to include grading, landscaping, lights, soil erosion prevention and detailed plans, all previous comments from the prior review and work sessions have been addressed on the plans. Were you at the zoning meeting?

MRS. PELESHUCK: Yes.

MR. ARGENIO: And?

MRS. PELESHUCK: No one came to speak, there were no letters, no calls about it.

MR. ARGENIO: Nothing?

MRS. PELESHUCK: Nothing.

MR. ARGENIO: Jen, have you taken any calls at the building department?

MRS. GALLAGHER: None.

MR. VAN LEEUWEN: I don't see a problem, do you?

MR. ARGENIO: I'm just--

MR. VAN LEEUWEN: Make a motion to approve.

MR. ARGENIO: The walk is the appropriate width, the handicapped spot is in the right spot. Mark, I have nothing from sewer and water but this is an addition, no new hookups so shouldn't be an issue, correct?

MR. EDSALL: Just so the record is clear on the county's local determination they did have two pages of comments but they basically dealt with sharing use with adjoining properties which generally is difficult and would be a problem for Mr. Williams' site plan, some of the missing elements of landscaping and lighting the county just wasn't aware that we had asked for it as well, that's been taken care of, won't be a problem. The balance deals with blasting in case they run into rock in doing the work and I have great confidence in our fire inspectors to deal with that if that happens. So I think all the county's comments even if it was local determination have been considered.

MR. ARGENIO: Yes, I see here it does say local determination and again they're getting into areas that are really more pertinent to our local folks in Jennifer's office and Jennifer, you know, the rock outcropping? Come on, guys, these are site issues.

MR. EDSALL: They're things that we always handle locally but I wanted to acknowledge that we had taken care of it.

MR. VAN LEEUWEN: Is there a dumpster on this property?

MR. SHAW: No, there's not. No need for one. Presently, there's not a dumpster on the property and the garbage is picked up by the town, correct?

MR. WILLIAMS: Single can every week.

MR. EDSALL: We asked that at the March appearance.

MR. VAN LEEUWEN: Okay, sorry, I wasn't here.

MR. EDSALL: Not a problem, got the same answer, that's a good sign.

MR. VAN LEEUWEN: Make a motion.

MR. ARGENIO: To my right, do you guys have any comments on this?

MR. BROWN: No, seems everything is covered.

MR. ARGENIO: Offsetting of the entrances is probably a good idea, taxis start going through, you might have to install some nail strips or some such thing. Danny, do you have anything else?

MR. GALLAGHER: I don't see anything.

MR. ARGENIO: Where is the garbage picked up?

MR. WILLIAMS: Old Temple Hill Road.

MR. ARGENIO: That's probably a better spot to pick it up.

MR. VAN LEEUWEN: Nothing, we have complied with everything.

MR. ARGENIO: I understand we have to adjust the address. The public hearing, Mark or Dominic, other than that any comments on this?

MR. CORDISCO: Public hearing and then consideration of a negative dec.

MR. ARGENIO: Does anybody have an opinion on the public hearing for this application? Nicole just spoke to the status of the public hearing or participation at public hearing for the zoning board. If anybody didn't hear, I can have her repeat it. Does anybody have an opinion on this?

MR. BROWN: Nobody spoke?

MRS. PELESHUCK: Nobody spoke, nobody came.

MR. ARGENIO: Jennifer, have you fielded any phone calls at Town Hall?

MRS. GALLAGHER: No.

MR. GALLAGHER: Make a motion we waive public hearing.

MR. FERGUSON: Second it.

ROLL CALL

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

MR. ARGENIO: If anybody sees fit to offer a motion for negative dec?

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded from Mr. Ferguson. If there's no further discussion, roll call.

ROLL CALL

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

MR. ARGENIO: Mark or Dominic, have I missed anything on this? Is there any stone that remains unturned on this application as simple as it is?

MR. EDSALL: Only condition which Dom and I were just discussing is the normal cost estimate for site improvements.

MR. ARGENIO: Bond estimate?

MR. EDSALL: Yes.

MR. ARGENIO: Anybody wants to make a motion for final approval subject to the bond estimate?

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

MR. ARGENIO: Thank you for coming in, sir, and I'm sure you're going to do a fine job there with those improvements.

MR. VAN LEEUWEN: I think it's an improvement.

MR. ARGENIO: Greg, thank you.

MR. SHAW: Thank you.

## DISCUSSION

## RAY'S TRANSPORTATION

MR. ARGENIO: Mark, we're going to talk about Ray's Transportation for a brief moment, I think, along with you and Jen?

MR. EDSALL: Yes.

MR. ARGENIO: I'm aware of the issue but let's make everybody else.

MR. EDSALL: Ray's Transportation who had received conditional site plan approval we know it's at least 360 days ago or more are requesting that the scale is relocated, would be relocated from the--

MR. ARGENIO: Truck scale?

MR. EDSALL: Truck scale from the east side of what they're showing as the storage fuel storage tank to the west side. That's really intended more to protect the scale from truck traffic as far as parked trucks, it's just a more convenient location. Looking at the plan, it doesn't appear to have any impact whatsoever and relative to the trucks accessing that side of the fuel tanks there's bollards around the entire fuel tanks so that's not an issue. When they made that request, we did a followup with Nicole and in fact their conditional site plan approval has expired. So it's my recommendation that you reapprove it and reapprove it with the understanding that they will submit plans that show the fuel tanks in their new location. And I think they need to be told to make sure that they get done within the 360.

MR. ARGENIO: Just so everybody's clear, Ray is my next door neighbor in business. The reason, and I spoke to him about this, it's not finalized is they got final approval I think three years ago or thereabouts and they left expecting that Nicole would call and say you have to pay us. The other thing here is the amounts, Nicole was expecting them to call to say hey, Nicole, what do we owe? Ray Stackhouse who just walked in the room, just step right up here. Raymond didn't call Nicole which it's his obligation to do and he acknowledges that, Nicole didn't call him so it just quite frankly never got finalized. It's really that simple.

MR. EDSALL: There are no new issues from zoning or from environmental so I believe that it's appropriate that you just reapprove it and have them show the scale where they want it.

MR. ARGENIO: Ray's still has their truck traffic, it seems to me where we requested it to be just for the benefit of the members we requested that they use Route 32 entrance and not the back entrance as they are lawfully entitled to do and in lieu of that we didn't request a traffic study and a light and anything else like that and seems as though they have honored that request. But Jennifer just FYI so you know it seems to me and some of the people in the neighborhood that there are field trucks coming from the river and quote unquote cutting through that McArthur Avenue neighborhood on the commercial road and they are trying to cut that Route 32 Union Avenue corner off.

MR. GALLAGHER: Before the railroad tracks they're turning and coming out by you.

MR. ARGENIO: Right, taking that right where McArthur is where we approved the Dunkin Donuts warehouse.

MR. BROWN: Isn't that a police matter?

MR. ARGENIO: It was but we're here talking about traffic and that area and that's a sensitive issue down in there so the intent of the town I think Jennifer and you can correct me if I'm wrong the intent is to have that used down there by the people, the neighbors that have been there and not to local neighbors that have been there forever and not invite a lot of additional traffic in there, you know, your Al Cherry, A & R Concrete, Tilcon, the guys that have been occupying that place forever, not being used as a cut through, just so you know that's going on. Ray, I think that I have adequately and Mark has adequately explained your situation. Do you have anything else to offer?

MR. STACKHOUSE: No, just mentioned that the scale.

MR. ARGENIO: Mark spoke about that before you came in, thank you for being punctual, by the way.

MR. STACKHOUSE: You guys are moving fast tonight, what can I say?

MR. ARGENIO: Mark, have I missed anything?

MR. EDSALL: No, I think the application was fine. They just, it just needs reapproval.

MR. ARGENIO: I'll accept a motion that we offer reapproval with the truck scale relocated per the drawing that Mark has possession of that will be part of the permanent record, yes?

MR. EDSALL: Yes.

MR. ARGENIO: And Ray, you'll contact Nicole and ask her about the fees and get squared away and get your application buttoned up so we don't have to do the dance again?

MR. STACKHOUSE: Yes.

MR. ARGENIO: Motion made by Mr. VanLeeuwen.

MR. GALLAGHER: Second it.

ROLL CALL

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

MR. ARGENIO: Ray, thank you for coming in tonight, hopefully we didn't keep you too long.

MR. CORDISCO: On this one I won't do a resolution, I think the record is entirely sufficient.

MR. ARGENIO: It's abundantly clear.

MR. CORDISCO: What's going on and they don't need to be held up by me doing a resolution.

MRS. PELESHUCK: Do they need new plans?

MR. CORDISCO: They do.

MR. EDSALL: From what Jerry's indicating is that the plan that I have what we'll do is attach the minutes and put it in the file.

MR. ARGENIO: You have a red line plan?

MR. EDSALL: I'm giving it back to our code enforcement officer and she'll attach a copy of the minutes and put it in the file.

MR. ARGENIO: End of story, let's not make things more complicated.

MR. EDSALL: I have no time charging this so you can use the prior close-out.

ZULU

MR. ARGENIO: Zulu is next. What are you gentlemen's names?

MR. DINA: My name is Phil Dina, D-I-N-A and he's Mario Diaz. I think we have an application before the board for a sign and mailbox for our airsoft field and then I think the board had some questions possibly for us.

MR. ARGENIO: So you want to put a sign up?

MR. DINA: A sign.

MR. ARGENIO: And a mailbox. Do you want to do that on 207 or do you want to do that on Toleman Road?

MR. DINA: 207, I believe, I'm sorry, I'm confused, Toleman Road.

MR. ARGENIO: You want to do that on Toleman Road likely on the driveway that already exists and goes into that property I would imagine?

MR. VAN LEEUWEN: No.

MR. ARGENIO: So you want to do a new driveway?

MR. VAN LEEUWEN: Do you want me to stand out there?

MR. ARGENIO: Yes, that would be better, let's keep things on the up and up. Henry VanLeeuwen has just excused himself, he's the owner of the property. Normally, if there's any type of conflict the person in the conflict would leave the room. I'm not going to do this because Henry has intimate knowledge of the property, knows the parcel and I want to reserve his expertise for the benefit of the board members. So, sir, Mr. Dina, Mr. Dina, you want to relocate your driveway from 207 over to Toleman Road?

MR. DINA: That would be correct.

MR. ARGENIO: That's probably a good thing, alright, I'm guessing, I don't want to speak for you guys but I'm thinking that's probably good. So and this is to Mr. VanLeeuwen or Mr. Dina, where on Toleman Road?

MR. VAN LEEUWEN: It's, there's two parcels of land there, okay, they're on both parcels. The main parcel

they're on is the 36 acre parcel which is to the rear of the property.

MR. ARGENIO: That I filled in.

MR. VAN LEEUWEN: Correct, to the rear. Okay, and there is a driveway I'd say about 6, 700 feet in to the left-hand side that goes into that 36 acres.

MR. ARGENIO: Now, Henry, is that the existing driveway that drops down?

MR. VAN LEEUWEN: No, there's an existing driveway there which they can use.

MR. ARGENIO: Here's where I'm going to do. Why can't they use that driveway? It already exists. We'll have no issue with the highway superintendent.

MR. VAN LEEUWEN: Fine, we'll do that as long as they agree.

MR. ARGENIO: I'm not intimate with the property but I think that driveway goes down an intersection, the driveway you guys already have.

MR. DINA: We're okay with that.

MR. ARGENIO: So the record is clear, the proposal is to relocate the driveway over to Toleman Road to the existing driveway that will now be a common driveway for the Verizon cell tower people to maintain their tower and you guys, tell us about the sign.

MR. DINA: The sign we would ask the board to consider is two by two plastic vinyl green with white lettering just to have a marker so people can come in. They set their GPS but being the parcel is such a large parcel the driveway's kind of tricky to get into if you don't know the property well. Some of our clients do travel a fair distance.

MR. ARGENIO: Mrs. Gallagher, can you speak to the sign?

MRS. GALLAGHER: Yes, on the minutes that you have in front of you from the last meeting they stated just that 24 inches by 24 inches mailbox sign, that's not what's up there now on 207.

MR. ARGENIO: The sign seems bigger.

MR. DINA: It's two by three.

MR. ARGENIO: So you're going to put a two by two up. Jen, are you okay?

MRS. GALLAGHER: Yes, he's got to get the permit which he's applied for and he's agreed to make it smaller to the two by two.

MR. ARGENIO: And the mail box should be okay, yes?

MRS. GALLAGHER: Yeah, that's fine.

MR. ARGENIO: Any questions Harry or Howard?

MR. GALLAGHER: Nothing.

MR. ARGENIO: This is good, we're moving along here. I suspect we have not hit the heavy lifting. What else?

MR. DINA: The board might have some questions for us and we're here to answer.

MR. ARGENIO: The board does have some questions, tell the board and the building inspector about the structure that exists on the site.

MR. DINA: Okay, the structure is a piece of theatrical facade, when we first came to you on April 27 of last year we own an air soft park, part of the environment.

MR. ARGENIO: Can I talk for a second? I'm looking at the closed building, unless we're talking about something else, not a theatrical facade, this building has four sides. I have photos from all the way around showing it has four sides. How is that a facade?

MR. DINA: It actually can be moved.

MR. ARGENIO: It's not a facade, it's a building. Let's be clear, it has four walls.

MR. DINA: It does have four walls, it doesn't have a roof, we don't believe that it qualifies for the definition of a building under the current statutes in the town. We believe that we're operating under and built it under the exemption under 107-4 (b) which allows an exemption for theater facades or scenery.

The building's not habitable, it doesn't have a foundation nor roof, it's basically four pieces of plywood and I can actually move it with my truck if I wanted to move it, it's on skids.

MR. ARGENIO: Okay.

MRS. GALLAGHER: Mr. Chairman, the exemption that he's referring to I'd like to read the whole thing. It says construction of temporary motion picture, television or theater stage sets and scenery. That is not what the intent, this building is not an intent, the intent of what this exemption is for.

MR. ARGENIO: I would agree with the words that you just said, go ahead. Is that it?

MRS. GALLAGHER: I mean to us this would never pass an inspection.

MR. ARGENIO: Let me take it off your hands then, here's the deal. You guys interrupt me if you disagree, here's the deal. I appreciate what you're trying to do, it's all good, I know your thing is well attended, when I go to my brother's house on weekends down the road I see the cars off in the back there and that's fantastic. I'm sure those people are spending money buying donuts and ham and egg sandwiches in our town which is a good thing. May seem like minutia to a lot of people but it's a darn good thing. Here's what I need you to do. You need to understand our position on this, we're not making, giving you a bad time but God forbid, indulge me for 20 seconds, not more, I was at the Sacred Heart feast this weekend and I volunteer, I worked all weekend cooking food and blah, blah, blah, there's tents erected just for the weekend, a storm blew through, not this weekend, the weekend before a storm blew through on Sunday, it came in, it hit and it threw one tent into the middle of Broadway and moved another tent. God forbid we should be put in the unenviable position, you guys, Mr. VanLeeuwen as the property owner and this board including Mr. VanLeeuwen as part of this board, some kids or people are in this and something like that happens, storm comes in and this thing gets picked up and blown away and somebody gets hurt. It's a problem. I hope you can appreciate the concern that we have, put the code aside. I hope you can appreciate the concern we have. I respectfully request that you honor the wishes of the building inspector and work with her to remedy this issue. I

would expect and I probably should go off the record on this but I would expect that in what you're doing there, I've done the paint ball thing before, never your specific thing, but I would expect that you would have like different fenced in areas with fences and stuff and usually there's areas you climb up and slots you shoot through. But to have a two story structure with four walls without a building permit that doesn't meet code is a bit of an issue. It really is. And I hope you can understand where we're coming from. I hope you can. But if you can't, that's your issue. I hope you can understand we're trying to look out for you guys, the property owner, the people of the town. We want you to stay here, we want kids to rent that. I would encourage you and invite you to try to work with the building inspector to come up with some type of structure, I shouldn't even use the word structure, some type of bunker let's say cause when you were here last you used the term bunker, you said we'll be stacking up trees and things of that nature.

MR. DINA: Correct.

MR. ARGENIO: No buildings, yeah, I said that, no buildings.

MR. DINA: In addition to props.

MR. ARGENIO: Nor buildings. Our insurance company won't allow it, props, buildings, look, it's got four walls, windows, it's a building of sorts. I would encourage you to work with Jennifer to see if you guys can come up with something that helps to attract people to your facility so you can stay in our town and get more people there and continue to pay Mr. VanLeeuwen rent and Jen, I'm not aware of any complaints.

MRS. GALLAGHER: This is actually what started the whole thing was a complaint.

MR. ARGENIO: Let's table this issue. I'm talking about his clients being abusive to the neighbors, shooting sheds, barns, things of that nature.

MRS. GALLAGHER: No.

MR. ARGENIO: They're well behaved and doing what we had expected of them to do in our town. We need to resolve this. Do you guys have anything to add? Danny, do you have anything to add?

MR. GALLAGHER: No.

MR. ARGENIO: We need to resolve it, please work with Jennifer and let's resolve it. Her and I spoke about this earlier in the week and we went back and forth and the flavor of this discussion is very similar to the flavor of the discussion that I had with her that, you know, let's not minimize things, we love it when people attract people from outside of our area and they spend money in our delis and they spend money in our town.

MR. DINA: We understand and accept that we're looking forward to working with Jennifer and the town. We have had a wonderful one year, it's been great for us.

MR. ARGENIO: How many businesses can say that after their first year? Not many.

MR. DINA: It's been a wonderful ride. The building that you see in front of you was inspired by the police department, that was built for them for the show. I'm sure you guys have been on the website, actually a commercial we have now we became a focus for a training facility for law enforcement now so that's why the town has started to shape up the way it had and that's what we're actually building towards. The field is closed to the general public during the week, law enforcement has full reign of the field.

MR. ARGENIO: Can I come over there if I want to?

MR. DINA: Yes, we actually play against law enforcement, we sharpen their skill sets. I'm tired of going to funerals with flags on them. So if I can sharpen their skill sets and having men and woman make a nice day there I've done what I've had to do.

MR. ARGENIO: I take my hat off to you, sir, please work with Jennifer. I would appreciate it. The board would appreciate it and let's move forward.

MR. DINA: Thank you for your time. We'll talk.

MR. ARGENIO: Dominic and Mark, anything else?

## CONTINENTAL ORGANICS

MR. EDSALL: One more item, Continental Organics. Mark, go ahead.

MR. VAN LEEUWEN: Am I allowed to come back?

MR. ARGENIO: Yes, please come up Mr. VanLeeuwen.

MR. VAN LEEUWEN: I've got to ask the chairman.

MR. EDSALL: As the board may recall, there was the project on Mt. Airy Road, Continental Organics and as part of the inspections we had some concerns and they have addressed some concerns and in turn they have asked that some field changes be accepted. The first item on the list of proposed field changes was actually a concern, we had a safety concern. The storm water basin that's along Mt. Airy we thought because of its proximity and depth could potentially be a problem so we asked the applicant to lay out a guiderail, they have proposed timber guiderails.

MR. ARGENIO: Rain garden area?

MR. EDSALL: Yes.

MR. ARGENIO: We call it a detention basin.

MR. EDSALL: It's a rain garden, it's a form of storm water treatment that was put where it was to protect the reservoir, Brown's Pond, and it needed to be there because of the fact that the former Belle's was an existing property with all the pavement. So there was no other place to put it, its proximity became a concern, they have agreed to put it in the timber guiderail as shown, it's been reviewed with Highway Superintendent Fayo, he agreed that it was a concern and they're going to step up to the plate and add that to the plan. The second issue was because it's a phased construction, they have occupied the greenhouses in the front of the former Belle's building but the back area is not finished and they are in construction on the back area and we wanted to make sure they had paved parking spaces. So they proposed some spaces along the bottom of the plan, temporary parking spaces which in turn rolled into item number three. They have received numerous requests from residents, from the county and from our Town Supervisor to consider having some minimal availability of cash and carry to help out

the local residents.

MR. ARGENIO: Similar to that where he allowed with Temple Hill and Zafar, Hank Scheible's?

MR. EDSALL: Yes, it's not something that they wanted to do, it's not something that they allocated space to do but they were asked and they thought that it would be great for the local residents to have that available. So item number three is to provide a farm stand style cash and carry, it's actually not going to be inside, it's going to be under the overhangs on the concrete walkways and they're having very limited hours, they're proposing Thursdays and Saturdays for limited hours. So that's a requested field change and in fact what they'll do is they'll keep the parking spaces that are now temporary and use them in the long run for the cash and carry and then when the cash and carry's not occurring of course that's their temporary parking. They are also as part of their operation asking, it's not even a site improvement but they just want to let everyone know they do have a raised bed planting area which they are showing, they are comparing outside growing versus the greenhouse growing so they use the compost and they're growing product in that area, those shown on the plan. And the last item is something that was beneficial to them and was a request from the fire inspectors was a spacing between all these greenhouses. I believe it was 10 foot, they're now proposing 20 foot. They found a way to lay it out and construct with more spacing between the building and also helps them with the maintenance of their fans. So that was something they worked out with the fire inspectors and they didn't want to do it without asking the board for their concurrence so all positive improvements from what I'm seeing. They have been very cooperative with the town on everything they have done. It's a learning experience because first time we've seen it, it's the first time they've done it and to my knowledge there's none in the region so--

MR. VAN LEEUWEN: There's one in Warwick coming up, it's being worked on right now.

MR. EDSALL: This is the first active one.

MR. VAN LEEUWEN: Yes, these guys sit on the Orange County IDA and these guys have been very, very willing to help everybody, very willing to help people and cash and carry for local people for fresh fish, talapia is

what they do.

MR. EDSALL: This is going to be for the vegetables.

MR. VAN LEEUWEN: And vegetables, it's great for our local people.

MR. EDSALL: So these are requests, if the board believes that they don't rise to the level of a site plan amendment but are just acceptable field changes which is what I would recommend we can put copies of the plans in the file. I did tell them to go through the expense of preparing a plan because I wanted the record to be absolutely clear.

MR. ARGENIO: Harry and Howard, do you guys have any comments?

MR. FERGUSON: I think that's fine.

MR. BROWN: They have been very, they're good for the town.

MR. GALLAGHER: No, the work they have done so far has been excellent there so that's nice.

MR. ARGENIO: I think we're in agreement, Mark, I think it also is critically important and I want to emphasize it in this most strongest of terms that we do have an appropriate plan that accurately reflects what we discussed here tonight in our file in Nicole's possession please.

MR. EDSALL: Multiple copies and they're in the file now.

MR. ARGENIO: I'm looking for 30 copies, is that a problem?

MR. EDSALL: We can make as many as you want.

MR. ARGENIO: Jen, do you have any problems with this?

MRS. GALLAGHER: No, Mark has already talked to me about it so no.

MR. ARGENIO: Do we need to vote?

MR. EDSALL: No. And just for the record, this is something that we discussed a couple months ago.

MR. ARGENIO: We discussed it several months ago about the concept of it and they those folks were good with it. Then we discussed it again a week or two ago.

MR. EDSALL: In the interim I told them this has enough as far as multiple little changes I said look, go through the expense and give the board something clear for the record so they paid Pietrzak and Pfau to prepare a plan.

MR. ARGENIO: What else?

MR. EDSALL: So the record just concurs.

MR. ARGENIO: Yes. Nothing else? 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