

TOWN OF NEW WINDSOR

ZONING BOARD

April 11, 2016

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
 FRANCIS BEDETTI
 HENRY SCHEIBLE
 RICHARD HAMEL

ALSO PRESENT: GEOFFREY CHANIN, ESQ.
 ZONING BOARD ATTORNEY

 STEPHANIE RODRIGUEZ
 ZONING BOARD SECRETARY

ABSENT: PATRICK TORPEY
 GREGORY BIASOTTI

MEETING AGENDA:

1. Carpet Mill Outlet
2. Kenneth & Anna Kiskis
3. Jointa Lime

REGULAR MEETING:

MR. KANE: I'd like to call the Town of New Windsor
Zoning Board of Appeals regular session for April 11,
2016 to order.

PRELIMINARY MEETINGS:

CARPET MILL OUTLET (16-06)

MR. KANE: Our first preliminary meeting is Carpet Mill Outlet. A variance is required to permit an existing freestanding sign that does not maintain constant intensity or color at all times. Located at 94 Windsor Highway in an HC zone. Anybody here from Carpet Mill? Come on up. What we do in New Windsor is we hold two hearings, preliminary hearing and then a public hearing. Preliminary hearing allows us to get all the information we need and if you don't have it, give you the ability to come to us and give that to us. By law, everything we do as far as a vote has to be done at the public portion of the hearing. The reason we hold that prelim meeting is other towns I've been at their meetings and you don't come in with the right information you lose, can't come back for six months. So that's why we do a prelim. The public will be similar as this, same type of questions going on but the public or whoever got the notice would be involved. So explain to us in your own words, speak loud enough for that young lady over there to hear you and tell us exactly what you want to do.

MR. CHANIN: Just step back and stand in the well by the table over there and speak loud enough for other stenographer to hear you. What is your name?

MR. BORDEN: My name is Kenneth Borden, I have Carpet Mill Outlet, 294 Windsor Highway. Basically this is an LED message sign, it gives out messages of different things we offer. It's very similar to the sign that exists now that Devitt's has, pretty much it's the same sign. It also does public service, it will do, Amber Alerts is connected to the state police as far as when an Amber Alert comes out it will automatically throw an Amber Alert up there for the public. It's also similar to the Walgreens sign which is also in the town. It's the latest technology that's out there. It, I think that would bring more business to the area, to my business and would end up benefiting the town in as far as bringing more business from other areas of this county to the Town of New Windsor from other areas of Orange County and from other counties possibly.

MR. KANE: Let me just start with this. We obviously have approved those type of signs coming in but having

been doing this for 20 years I have yet to see it does not maintain constant intensity and color at all times. What's, can you tell, shed a little light on that? Is the sign doing something different than the other signs?

MR. BORDEN: It gives time and temperature and it gives, it gives a message of the different products that we have, that we sell. Basically, it's a message sign.

MR. KANE: The amount of time between the messages coming up, how much time do you have between each message that winds up, is it too fast that makes it--

MR. BORDEN: No, we don't want to make it so somebody's distracted, okay.

MR. KANE: Right.

MR. BORDEN: Just enough to get the message across where nobody is distracted. Basically don't want to distract the public driving.

MR. KANE: Okay, has this, I haven't been by that in a while, has this sign, the LED sign been up for a while or you guys just put it up and you're coming in now for a variance?

MR. BORDEN: Quite honestly, we were, we had, we had gone for this in 2007 and we were issued a permit and we didn't have, quite honest with you, we didn't have the funds for it. We went through this before and we were approved and we came again and we were given the permit and subsequently we didn't know that we had to go before this board so the sign was erected.

MR. KANE: Okay, gentlemen, just trying to understate the process because I've never seen that kind of a denial before so it's a little weird.

MR. BORDEN: We're kind of backtracking, the sign is actually up which--

MR. KANE: And it's LED, it's interior lit, non-flashing?

MR. BORDEN: Correct, it's really not flashing, it fades from one sign to another.

MR. KANE: Some things I say are for the record. Questions from the board at this point?

MR. BEDETTI: Yeah, I have a question. The LED portion I'm looking at the photograph here, the LED portion, did that replace a previous sign?

MR. BORDEN: Yeah, we actually eliminated the sign, we took two signs down for the one sign so we eliminated what was up there. So there were two signs before and we eliminated two for one so we actually decreased the signage.

MR. BEDETTI: That was the first thing that came to my mind is that my question besides the fact that it's a changing message sign was it the square footage?

MR. KANE: They didn't note that, that's what I say strangely we've never seen this.

MR. BEDETTI: I didn't know whether other signs are being replaced.

MR. KANE: I'm going to suggest we take a look at it, how that's presenting itself compared to Walgreens' board, it's the same as Devitt's.

MR. BEDETTI: But you essentially now have--

MR. BORDEN: One on the top was pre-existing and there used to be two underneath, now we eliminated it to one.

MR. BEDETTI: We should really check on the square footage of that whether that meets the--

MR. KANE: Make a note to doublecheck with the building department on this exactly what they're being denied for. Is it a second sign going in or is it an upgrade of the sign, exactly what we're trying to find out.

MR. BEDETTI: How much time?

MR. BORDEN: Ten or 15 seconds.

MR. BEDETTI: The other day when I went by it was five. Now, our code is not written for these signs, I spoke to the building department about that so but and that's an issue.

MR. KANE: We're going to get some information from the

building department as far as what the denial is to make sure that we get the right mailings going out and if it's approved that you get the right type of approvals that are necessary. So I'd rather make sure that we cross the Ts and dot the Is and we'll take it from there.

MR. BEDETTI: You don't have any scrolling, do you have scrolling capabilities on there besides just changing like--

MR. BORDEN: If I do, it probably does, but I don't do that.

MR. KANE: Okay, further questions?

MR. BEDETTI: I'm good.

MR. KANE: No further questions, I'll accept a motion.

MR. HAMEL: I'll make a motion that we schedule a public hearing for Carpet Mill Outlet for the sign variance.

MR. BEDETTI: I'll second.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. KANE	AYE

MR. KANE: We're going to get that information. This is your next steps, there's always paperwork and any questions, give Stephanie a call.

MR. BORDEN: You got it.

MR. KANE: We'll get that other information and then we'll get that information to you as far as what we need to do as far as the next steps.

KENNETH & ANNA KISKIS (16-08)

MR. KANE: Next is Kenneth and Anna Kiskis. An interpretation is requested to allow a single-family dwelling with two kitchens. Located at 28 Leslie Avenue in an R-4 zone. Same thing, name, address, speak loud enough for this young lady to hear you and tell us exactly what you want to do.

MS. KISKIS: Hi, my name is Anna Kiskis. I live at 228 Leslie Avenue in New Windsor, of course. And what I'd like to do is just put a kitchen area downstairs and upgrade to a little bit better of furnishings, that's it.

MR. KANE: So your intent with doing this is to have a second kitchen in a single-family home? You have no intent on making any type of rentals or rental space out of that home for that kitchen?

MS. KISKIS: No, just for my sister-in-law.

MR. KANE: That's all going to be on a single gas and electric meters coming into the home?

MS. KISKIS: Yes, shared.

MR. KANE: And obviously, no other additions are being put onto the house?

MS. KISKIS: Footprint is actually staying the same.

MR. KANE: No other bedrooms being added?

MS. KISKIS: No, right.

MR. KANE: Okay, any questions?

MR. BEDETTI: Is there free access between this area and the rest of the house?

MS. KISKIS: Yes, there's a stairway with a door up at the top and we're going to put a door down at the bottom so we have a little bit of privacy between the areas but there will be a door on both ends.

MR. BEDETTI: But free access?

MS. KISKIS: Free access, no locks or anything.

MR. SCHEIBLE: But is there an exit door?

MS. KISKIS: Absolutely.

MR. SCHEIBLE: There's going to be an exit door and that's already been existing to the bottom floor?

MS. KISKIS: Yes, that was pre-existing, yeah.

MR. BEDETTI: Was that area ever rented out?

MS. KISKIS: No.

MR. BEDETTI: There's no intention to rent it out?

MS. KISKIS: No, no.

MR. KANE: Okay, any further question at this time?

MR. HAMEL: Yeah, we have a little schematic here of the main floor, there's two floors in the house, correct?

MS. KISKIS: No, there's a main floor and then the basement.

MR. HAMEL: Where is the kitchen?

MS. KISKIS: In the basement, in the present laundry area I figured because of the water, sewage already there.

MR. KANE: Like a real second kitchen when I was growing up in the basement, it's cooler, easier to cook in the summer?

MS. KISKIS: That's right.

MR. BEDETTI: That cat is not renting it?

MS. KISKIS: No.

MR. KANE: And he's not dinner, is he?

MS. KISKIS: No.

MR. BEDETTI: That was one of the nicest pictures that I've seen.

MR. KANE: No further questions, I'll accept a motion

for the public hearing.

MR. BEDETTI: I'll make a motion that we schedule a public hearing for an interpretation to allow a single-family dwelling with two kitchens. Located at 228 Leslie Avenue in an R-4 zone.

MR. HAMEL: Second it.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. KANE	AYE

MR. KANE: Next step, here's your paperwork, any questions, give Stephanie a call.

MS. KISKIS: Okay, great, thank you.

MR. KANE: Thank you very much. Have a great evening, take care.

FORMAL DECISION:

1. Emergency One
2. Stephen Jones
3. Shop Rite, BHC Big V LLC

MR. KANE: We have three formal decisions to approve. I'll take a motion on all three or individually as you please.

MR. BEDETTI: I'll make a motion that we accept formal decisions identified as Emergency One 15-20, Stephen Jones, 16-an 4, Shop Rite BHC Big V LLC identified as 16-5 as written and distributed by e-mail.

MR. SCHEIBLE: I'll second it.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. KANE	AYE

DISCUSSION:

JOINTA LIME (16-03)

MR. KANE: It's time for the discussion on Jointa Lime, you want to start off?

MR. CHANIN: Yes, okay, sure, hi, everyone. The board requested quite reasonably and properly that you be presented with more information. And the way we discussed it last time was that this was going on to be a two tiered approach. One is that after you hear the information, you're going to decide in the first place whether or not this was subject to the zoning ordinance and therefore might require the applicant to apply for a variance which would then put it before the board to either approve or disapprove. If you found that everything involved in this matter was personal equipment, portable and you found that it was not subject to the zoning ordinance, then there's no further business before the board. So the first decision that you instructed us to provide you with was information so you could determine whether or not it is subject to the further decision making of this board or whether or not the applicant would then have to apply for a variance. So to that end, I have been in touch with the town attorney, Mr. Blithe, and he told me and I think they're here tonight that we would have Peter Fitzgerald, the project manager for D.A. Collins, D.A. Collins is the parent company of Jointa Lime and Mr. Fitzgerald agreed that he would be here tonight to answer any questions you have with respect to the plant and specifically with respect to the equipment and other materials that you will have to determine whether or not should or should not be subject to the zoning ordinance. And I assume one of these gentlemen is Mr. Fitzgerald?

MR. FITZGERALD: I am.

MR. CHANIN: Just again, speak loud enough not only for the board but for our wonderful stenographer to hear you. So the best way for you guys to start would be simply to state your name.

MR. FITZGERALD: My name is Peter Fitzgerald, as mentioned, I'm project manager for D.A. Collins, parent company of Jointa Lime.

MR. MILLSPAUGH: And I'm Mark Millspaugh with Sterling

Environmental, we're the consultants that put the site plan together.

MR. CHANIN: Mr. Fitzgerald and Mr. Millspaugh, the floor is yours.

MR. FITZGERALD: Alright, well, what I tried to do with the little packet is number one just kind of show the first two pages of the specifications of the plant from the manufacturer. Gencor is the manufacturer of the asphalt plant, they make two very distinct and different asphalt plants. One is stationary, it's fixed at a given location, there's significant infrastructure involved with that. And the second type which we showed here is what we have which is a highly portable unit. And third page just kind of shows just an overhead look of where the plant's located and then behind it there's six or eight pictures of the actual unit itself that shows the various pieces of processing equipment and highlights the portability of it. As you can see, everything is attached to axles and wheels, meaning we can pull it out and pull it in very quickly.

MR. CHANIN: Let me just interject that our prior conversation when this item first appeared as an agenda item on the board basically consisted of my sharing with the board some generalities not specific to your project. But those generalities included various criteria that had been used in other cases that may or may not apply to this case where various courts, legal authorities, public officers have used those criteria to determine whether or not something is or is not real property. And basically, those criteria included such things as whether or not the material we're talking about is or is not permanently affixed either to the ground or some other building, whether or not it is intended that it be moved at some point, whether or not if it's moved how much damage it would cause to where it was formally affixed, what it's used for, what its dimensions are and so forth. So if you agree that those are appropriate criteria among others then perhaps included in your remarks could be some addressed to those criteria.

MR. FITZGERALD: Yes, I mean, the nature of this plant when we got it was for very specific projects that warranted a portable asphalt plant very similar to the Stewart Airport project, that was what kind of brought us to the location, it was a very large asphalt placement job on the runways. Those are great jobs for

an asphalt plant because you're placing a high volume of tonnage. And typically, the contractors want a plant that's very close and as we looked around this property really couldn't get any closer without being on the airport. So this plant and that job married up very well. While it was here, you know, that started three years ago, it also did a couple Thruway projects that were again large volume where proximity to the job is a big key in executing the job itself. With that said, all the structures are extremely portable, the axles you can move it in, pull it out. We kind of landed down here for Stewart Airport and noticed that there's a great market, you know, a great we call it a gap in the market, we think it's a little bit underserved and we didn't even intend to stay here passed the airport job but as things change, you look at business around you and we felt it was a good opportunity. With that said, we're negotiating a lease with the town that is a fixed term so we intend to leave the site and will restore it exactly how it was.

MR. KANE: Can you tell us how long that term is?

MR. FITZGERALD: It's a 10 year term with options and again, it, just because it's a 10 year term means that's our obligation to the town, but if another project, another airport, interstate, we may make the business decision to pull it out and we're prepared to send the 12 tractors down it takes to hook it up and pull it to the next job and per the lease restore the site to just as it was before we got there. And based on how all the property or the, excuse me, the process equipment is configured, it's a very minimal site work as you're leaving. It's kind of the gist of it.

MR. KANE: On this guy right here, this piece of equipment, that looked like it's attached to blocks, is that true?

MR. FITZGERALD: Those are support concrete piers and that's just to stabilize the load. I mean, those, I should of given you a higher picture, these are two asphalt storage silos, each can hold 200 ton of asphalt, so you need something stabilizing that load underneath it and those will be removed as well.

MR. KANE: Yeah, when you go and they're bolted onto this--

MR. FITZGERALD: They're bolted onto that.

MR. KANE: And how high is that piece of equipment?

MR. FITZGERALD: It's 68 feet.

MR. CHANIN: What's that piece of equipment called?

MR. FITZGERALD: Those are asphalt storage silos. And the first picture is actually portable components that when you put it on blocks, you have to remove.

MR. KANE: Right, yeah, I understand.

MR. HAMEL: What type of fuel do you use to heat the--

MR. FITZGERALD: We use a combination of natural gas and utility line power.

MR. HAMEL: Where do you get the natural gas from, from the road, do you have a connection?

MR. FITZGERALD: Central Hudson ties right in.

MR. SCHEIBLE: I've never been up there really when you were in operation, I have driven passed it many a time but maybe on the weekend I've never seen, you know, are there fumes coming out of the, of this operation into the neighborhood?

MR. FITZGERALD: No, there's a bag house that's on I think it's page six, this unit here, and it's a bag house that has bags inside that everything clings to so that all that's going up the stack is well within our permitted limits per emissions. In a cold day, it looks like it's smoke but it's really water vapor coming out the stack.

MR. CHANIN: Who's Chanel (phonetic)?

MR. FITZGERALD: A Canadian based company that we purchased the plant from. They did such good job with the paint scheme we didn't have the heart to change it.

MR. BEDETTI: I have two questions. One is beside that tower, the asphalt silo or whatever you want to call it, do you have any idea what the distance is from there to the property line adjacent to that?

MR. FITZGERALD: About six feet or so.

MR. KANE: So the 68 foot thing is back towards the rear of the piece of property?

MR. FITZGERALD: Yes, if this is the front, yeah, Brook Street, World Trade Way and silos are here.

MR. MILLSPAUGH: The property line is some distance from the edge of payment

MR. BEDETTI: The second question was is there any, what's the next highest tallest structure adjacent to the property line?

MR. FITZGERALD: Yeah, the bag house right here that we just talked about has a stack and it's, I don't have the exact height but it's significantly lower than the silos.

MR. BEDETTI: You don't have any idea how high it is?

MR. FITZGERALD: Off the top of my head, I'd say it's 25 feet.

MR. BEDETTI: And how close is that to the nearest property line?

MR. FITZGERALD: Probably 80 to 100 feet in.

MR. BEDETTI: , and you say the option on the lease is 10 years?

MR. FITZGERALD: That's correct.

MR. BEDETTI: Negotiable after 10 years?

MR. FITZGERALD: Yes.

MR. HAMEL: How long has the plant been operating so far?

MR. FITZGERALD: June of 2013 was the startup.

MR. SCHEIBLE: So the main reason why you came into this neighborhood which makes a lot of sense was you did the runway blacktop?

MR. FITZGERALD: Correct.

MR. SCHEIBLE: Just want to make sure we're on the same page here.

MR. KANE: And segway into some Thruway jobs and looks like a good mark.

MR. FITZGERALD: Correct.

MR. BEDETTI: Other than the site where the main operation takes place, does part of this lease deal with other parts, other areas beside that main say like the salt silo beyond that?

MR. FITZGERALD: Yes, yes, there's some, this is the footprint of the plant right here. But as you come around Brook Street where that salt shed is there's another piece of property that we're leasing from the town and we have a recycle operation there. But that's all portable process equipment as well. And there's also on the other side of Brook Street by the old waste water treatment plant I believe is a storage area we have just for raw materials. But this is really it, only location that will have processing equipment, the rest will be storage.

MR. KANE: .

MR. BEDETTI: And the storage materials, materials that are being stored are all virgin materials, they're not scrap or--

MR. FITZGERALD: The only thing that's not--

MR. BEDETTI: -- waste asphalt?

MR. FITZGERALD: There's waste asphalt that we call millings that comes off the jobs as they're ground up we reuse it and really pull the asphalt out and turn it back into kind of virgin material.

MR. BEDETTI: Where do you store that?

MR. FITZGERALD: That's stored in bins and in the storage areas similar to the virgin material.

MR. BEDETTI: So there's, you're describing three separate parcels or three separate areas?

MR. FITZGERALD: Yes, there's three tax IDs.

MR. BEDETTI: Are part of our consideration here or are they separate leases?

MR. FITZGERALD: One lease, three parcels, one of the parcels this main one is really where the asphalt plant is. The other two are for storage.

MR. SCHEIBLE: The Port Authority owns a piece of property on the runway side, is that right, is that the Port Authority?

MR. FITZGERALD: They own a small parking lot and just behind that parking lot is where we store materials at the Town of New Windsor property.

MR. BEDETTI: Is that salt silo going to stay or is that going to be--

MR. FITZGERALD: It's going to stay, we're ultimately going to have this whole parcel and once the town has gotten all the salt out of it we're going to use it for our material storage needs.

MR. BEDETTI: And the silo itself is going to stay in place or are you going to construct something else?

MR. FITZGERALD: No, we like it just how it is.

MR. SCHEIBLE: If I understand right, you're looking for a, it's going to be a 10 year lease from the Town of New Windsor? Just want to have that put in the record.

MR. FITZGERALD: Yes, Town of New Windsor owns the property, we have a fixed 10 year term with options, if we don't execute the options or choose to go a different direction with the business within 10 years we'll finish out the term and the site will be returned to substantially similar conditions.

MR. CHANIN: Is that lease still in negotiation or has it been approved?

MR. FITZGERALD: It's been negotiated, hasn't been signed.

MR. CHANIN: The town board hasn't approved it?

MR. FITZGERALD: Correct.

MR. BEDETTI: It has not been?

MR. CHANIN: No.

MR. KANE: Not been approved yet.

MR. HAMEL: Since land has been operating, have you had any spills or anything where you had to get involved in notifying?

MR. FITZGERALD: We've had normal, what we call normal spills related to trucks, the brake hydraulic lines, we have a spill response program similar to many manufacturing operations, we notify DEC, we notify them of our corrective action and most of the time they close the case right away. If it's big enough, they may want to come out and see it but most of the time documentation, you submit it and they close it out. Again, most of the time it's really related to the aggregate deliveries where a truck has an issue on the site not related to the site or the processing equipment itself.

MR. SCHEIBLE: Most of the truck traffic that will entail quite a bit of truck traffic in and out that's for sure. Now I'm looking at it's Brook Street that takes you out to 207, will that be the main ingress egress?

MR. FITZGERALD: Yes.

MR. SCHEIBLE: Not that you're going to be going up to take a shortcut to get to the 287 or whatever you call it there right--

MR. KANE: 747.

MR. SCHEIBLE: 747, I was close.

MR. FITZGERALD: Our preferred truck route and the same for three years everything coming in off the interstate just makes for a better flow, keeps trucks off the town's streets, very easy to control the outgoing, you know, trucks, if they're going to the Thruway jobs, going to the airport we know exactly where they are. When we're getting into commercial operations, little harder to control exactly where your customers are going. As far as the inbound, what we can control it will be off the interstate and off town roads.

MR. SCHEIBLE: Off the interstate you're talking?

MR. FITZGERALD: 84.

MR. SCHEIBLE: There's not I'll say 747, I hope you weren't talking about that one there, I know you're going to finally reach but you would go down 207 and go up to reach--

MR. FITZGERALD: Get on 84.

MR. SCHEIBLE:

MR. BEDETTI: The configuration of the plant as it exists is right now, is it the same layout that you've used for the past three years?

MR. FITZGERALD: Yes, nothing's changed.

MR. BEDETTI: Rearranged?

MR. FITZGERALD: No.

MR. HAMEL: Hypothetical question, do you think that if everything was approved that you would change anything as far as locations?

MR. FITZGERALD: No, of the processing equipment, no.

MR. HAMEL: So you wouldn't be expanding in any way as far as, you know, right now?

MR. FITZGERALD: Correct.

MR. HAMEL: And I don't know how the lease negotiations, you know, how they're written but--

MR. FITZGERALD: No, the flow of the plant, you know, works, just the design, and I would leave everything exactly as it sits today.

MR. KANE: Questions?

MR. BEDETTI: I don't have question but I have a comment, am I allowed to make a comment?

MR. KANE: We'll do that in a minute. Any further questions for these gentlemen?

MR. CHANIN: I just want to point out to everybody and for the record that we only have four board members here tonight. So if what we said earlier is the way

that the board is going to proceed which is that the first question that has to be answered is whether or not the company here is subject to the zoning ordinance in the first place. My first question is whether or not this board or the gentlemen from Jointa Lime have any reservations or hesitations about proceeding when we have less than a full board here tonight? And the way that you would proceed would be to try to answer the first question which would be do you need more information? And if your answer to that question is no, you don't need more information, then the next question would be to answer the question whether or not they're subject to the zoning ordinance. So the first question, are you uncomfortable about the fact you don't have a full board? Do you need more information? And then to answer the substantive question about whether or not you're going to rule that this is real property which is subject to the zoning ordinance or not real property or not subject to the ordinance.

MR. KANE: So one by one.

MR. BEDETTI: I'm not uncomfortable with making a decision with less than a full board.

MR. KANE: With you, I'd rather wait for the full board.

MR. BEDETTI: I didn't say that, I said I'm not uncomfortable.

MR. KANE: I didn't hear the un. I am, I prefer the full board.

MR. BEDETTI: Fine.

MR. SCHEIBLE: Also this is a large issue here, I would like to see the entire board sitting here.

MR. KANE: Yeah, and then we can have a little bit--

MR. CHANIN: Do you gentlemen understand?

MR. HAMEL:

MR. CHANIN: You understand what we were just talking about?

MR. FITZGERALD: Yes.

MR. CHANIN: So then since we're going to wait until we have a full board, the next question is does the board want additional information that we can ask for tonight so that they're prepared when we have them on our next agenda?

MR. KANE: I know the questions I have have been answered so I don't need further information. You know, little bit more discussion with the board members but not further information. How do you guys feel?

MR. BEDETTI: I feel the same.

MR. SCHEIBLE: Same.

MR. KANE: No further information is required for us, we'll put it on the agenda for the next meeting for April 25, okay? Steph, just make a note we definitely need to have everybody here cause I do want to have a little further discussion on it.

MR. SCHEIBLE: But you're still in operation?

MR. FITZGERALD: Correct.

MR. SCHEIBLE: That's why I feel comfortable pushing it to the next meeting.

MR. CHANIN: Mr. Fitzgerald and Mr. Millspaugh, do you have any difficulty returning for another session with the board on April 25?

MR. FITZGERALD: No.

MR. MILLSPAUGH: Not at all.

MR. KANE: We'll share everything that has happened here tonight with the other board members just in case they have their own questions.

MR. CHANIN: They'll get the minutes.

MR. FITZGERALD: Okay, great.

MR. KANE: That's it for this evening then. Do you have a comment you want to make now?

MR. BEDETTI: I was just going to add to the question at our next meeting with a full board we'll be making the decision as to whether they need to comply with the

code?

MR. KANE: That's correct.

MR. CHANIN: An issue comes up that where you say hey, I need more information about that.

MR. BEDETTI: Right, and if by chance we make that decision that they need that we believe they need to comply with the code then--

MR. KANE: Through the regular process.

MR. BEDETTI: Exactly, okay.

MR. KANE: Changes there.

MR. BEDETTI: Okay, we're on the same page, we're good, I'm good.

MR. KANE: It's the government, nothing changes.

MR. CHANIN: Thank you very much.

MR. KANE: Thank you very much, gentlemen.

MR. CHANIN: We'll see you next month.

MR. CHANIN: By the way, even if you're not asked for it, if you think you're going to have more information that would either further elucidate the issue, by all means bring it, don't wait to be asked.

MR. FITZGERALD: Absolutely.

MR. KANE: Any of you want to discuss anything right now? Do you feel the need or do you want to wait for the full board for any other questions or observations?

MR. CHANIN: Any legal questions, any questions about the criteria?

MR. KANE: So we'll wait?

MR. BEDETTI: I'll wait until we have a full board rather than have to go through it all over again. My comments are not going to change between now and then.

MR. KANE: You and me both, alright.

MR. HAMEL: I have reservations about the plant the way it is right now but, you know, but I'm looking at it from a different aspect, I see safety things, I see next to the road, it's wide open, all that kind of stuff. And I guess if we do say that it needs a variance and we're going to do it, these are things that will be--

MR. KANE: Those would also be things handled by the planning board after we get done.

MR. CHANIN: Exactly.

MR. KANE: That we can address, not our job.

MR. CHANIN: Keep in mind we have to stay within the parameters of the factors that we consider, not somebody else.

MR. HAMEL: I just go by that, that's my background.

MR. BEDETTI: My comments had to do with applying the code to any particular situation.

MR. KANE: As long as we're at it, what I saw everything is on tires, yeah, it's totally portable. I have a little tickling in the back of my mind about the portability of the equipment, that's that big thing that circumvents rules going through. But the other thing is that 68 feet, it's bolted down on cement blocks, therefore, it's a building or structure. The rest is portable and movable on wheels, fine, I understand it. And if they're going to be there up to 10 years, to me, it's not a three or six month application. If it was all on wheels, I might feel differently. I feel it's a circumventing of the rules but that's a personal opinion, but that bolting down and a 68 foot height I just don't see passed that.

MR. BEDETTI: Their contract is taking away from the fact of it's portability, portability I come to a job, I finish the job and I go. Well, if I came to a job here and I'm going to stay for 13 years, well, take the tires off.

MR. KANE: Exactly. I would have a different opinion if they were here to do the airport job and only going to be six months or whatever I'd say fine, there's a cleanup, I wouldn't bother. But this seems more permanent no matter what kind of verbiage you want to

put on portability.

MR. CHANIN: In the context of eternity, nothing is permanent but that's not the proper lens through which to regard this.

MR. KANE: True.

MR. SCHEIBLE: I was asking how many years he was going to be there, right, New Windsor owns another big major piece of property right across the street. And if they find a developer that maybe would do something on that piece of property, it's going to chase them away, well, I don't want to be overlooking an asphalt plant, right, condos or whatever, right?

MR. KANE: Whatever.

MR. SCHEIBLE: Whatever, I wouldn't want to live there overlooking an asphalt plant. So that's just, that's what's going through my mind.

MR. KANE: That has to do with the nature of the neighborhood.

MR. CHANIN: Again, keep in mind we have to stick with our criteria, not the town board's criteria.

MR. KANE: Nothing else, motion to adjourn?

MR. BEDETTI: So moved.

MR. SCHEIBLE: Second it.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. KANE	AYE

Respectfully Submitted By:

Frances Roth
Stenographer