

Town of Montgomery Planning Board Meeting  
Held at the Town Government Center, Second Floor  
110 Bracken Road, Montgomery, New York 12549  
Monday, July 29, 2019

PRESENT: F. REICHLE, Chairman  
J. BEAUMONT, Vice Chairman  
R. PENNINGS, Board Member  
W. KELLY, Board Member  
J. BROWN III, Board Member  
R. MONTEMARANO, Board Member  
R. McGUIRE, Board Member

ALSO PRESENT: L. DOTSON, Garling Associates, Planning Consultant  
A. FETHERSTON, Engineer for the Planning Board  
MEMBERS OF THE AUDIENCE

ABSENT: R. W. HOYT, Attorney for the Planning Board

PLANNING BOARD CLERK: S. HADDEN

RECORDING SECRETARY: J. CASTON, Recording Secretary

#### AGENDA

7:30 PM Comment Session

7:30 PM 915 Route 17K LLC (Skubitsky/Magurno)  
915 & 917 State Rte. 17K & Bracken Road  
SEU Permit/Site Plan/3-lot Commercial Subdivision  
Continuation of the Public Hearing

7:45 PM Alicea Holdings LLC, ASAP Scrap Recycling, LLC – NYS Rte. 208  
SEU Permit and Amended Site Plan – Continuation of the Public Hearing

7:40 PM Angry Orchard – Walden Lanes Parking Expansion – NYS Route 52  
Amended Site Plan Approval - Discussion

Do It Best Corp. – Neelytown Road – Amended Site Plan  
Notice of Intent to Declare Lead Agency

Cranesville Block – Stone Castle Road – S.E.U. Permit Renewal – Extension Request  
Aug. 29, 2005 – Approval by Resolution; 3-year Renewal Expires July 29, 2019

Ponds at Montgomery - NYS Rte. 17K  
Fourteen-lot Major Subdivision with One Commercial Lot  
Extension Request of Conditional Final Approval; Expires 07/22/2019  
February 11, 2010 Approval Reinstated; Thirty-seven 90-day Extensions Granted

Red Birch, INC. – NYS Rte. 17K – SEU Permit & Site Plan Approval  
Extension request of Final Approval – CFA Granted 2/13/2017 (18-months)  
Expires 8/13/2019 – 3<sup>rd</sup> 6-month extension

Chairman Reichle called the meeting to order.

Comment Session

Chairman Reichle asked can I see a show of hands of people who would like to make a comment in the comment session? There's not too many, we'll try to keep it 10 minutes total as we do have a couple regularly scheduled public hearings to resume tonight.

Donald Berger, audience, said the articles that Medline seems to be putting in papers, the local Wallkill Valley Times and the Times Herald Record, they're claiming that they're going to be paying employees 24 bucks an hour. If you go to the website, Medline, Middletown, New York, they range, they start at \$11.00 an hour and they go up to 16, 17 dollars an hour. What I would like this board to do is do your due diligence and find out what kind of salaries they are going to be paying the employees if they are here because they seem to be sending out miscommunications here.

Chairman Reichle said there's going to be a DEIS Hearing on the 13<sup>th</sup>, that will be up to the applicant's consultants to address these concerns, they'll have to have it in their document.

Mr. Berger said surprise, surprise. You also seen the Times Herald Record just this past week about the low paying jobs that are happening here in Orange County, that's a result of our boards allowing these groups or warehouses to come into our community. Orange County is not spiraling up with folks, if you allow these types of warehouses in it's spiraling downward, we're going to be a low-income county. We can't allow this to happen, it's here you've seen it, I'm sure you're all-ready. I was wondering if this board is in receipt of this email (regarding radioactive materials at the existing Medline site)? Was that put in your packets?

Chairman Reichle said yes, we've addressed that, there's actually been a site inspection and we have evidence as to what is going on there. Jay, you were out looking at that?

Vice Chairman Beaumont said he did the Medline site today, they have received a letter from the Fire Chair Chairman of the Slate Hill Fire Department, which says, it's not true. There is no radio-active material at the Medline site in Wawayanda, also Medline does material distribution, they don't do pharmaceuticals at all and radio-active materials for diagnostics are a pharmaceutical, they don't have a license for it. They couldn't have it there if they wanted and they are also awaiting a letter from the Building Inspector in Wawayanda who has inspected their entire facility and he'll report as to whether or not he's found any storage of radio-active material and I haven't received that letter yet.

Mr. Berger said you're saying that the Slate Hill Fire Departments lying, okay, that's nice. What I'm really concerned about here is that, you're all familiar with the Freedom of Information Act, FOIL request? I'm really curious Mr. Beaumont, maybe you can answer this question. This letter was given to you at 10:00 o'clock Friday at 7:45 RJ Smith called up Michael Sussman about this letter. How did Mr. Smith know about this letter? It's my understanding, and I've foiled for a lot of things in this town, it takes up to 30-days to receive my response to my FOIL request. How did he receive this copy of this letter within an 8-hour period?

Vice Chairman Beaumont said I can't tell you beyond the fact that I scanned it and emailed it over to Sue Hadden, we have to share all of our stuff with our applicants and what they do is...

Mr. Berger said he's not your applicant, he's a citizen.

Comment Session

Vice Chairman Beaumont said I don't know that we shared with Mr. Smith, but perhaps the applicant did share with Mr. Smith.

Mr. Berger said alright so within 8-hours this here was disseminated throughout the Medline Industry, everybody knew about this letter.

Vice Chairman Beaumont said I can only tell you from my...

Mr. Berger said it seems a little strange, it takes me 30-days to get information from this town, thank you.

Nina Snyder, audience, said I'm still feeling as though our town boards are not protecting the residents who live here. On July 11<sup>th</sup> at the town board meeting, James Farr, the interim building inspector gave a report that raised red flags to all present who heard what he had to say. Our town is failing to keep up with required commercial inspections such as, concrete testing, steel inspections, stormwater inspections and fire code inspections and more on the 22 active commercial site plans under review. Considering the problems related to stormwater damage at Legoland, you would think our town would be alerted to prevention here, yet Mr. Farr noted that the town of Montgomery has failed to complete its basic stormwater inspections. It is the Town of Montgomery's responsibility to enforce projects for compliance with the stormwater prevention. Farr reported that these inspections have only been sporadically completed or not at all. Protecting the Tin Brook immediately comes to my mind, also alarming to me was the lack of routine fire code inspections, required by state code. Mr. Farr noted 192 commercial occupancies that have not had their fire inspections and said it would take one person 1 to 1 ½ years to get caught up. We all deserve better than that. Another example he gave was that a gas line was put in the wrong place because nobody was watching over a project. Overall, he said that we need to plan ahead for these things, and we have not. I thought we were better, but this report shows a klunky ineffective chaotic system failing our responsibility and one that leads us open to litigation. This leads to my question to each of you on the planning board. If you are unable to adequately review all the numerous commercial projects on the table before you, what proactive steps are you taking to slow down the process to be thorough? I started to review the huge DEIS for Medline and wondered how you would have the time to cover all these projects and still have a life? We need to be confident that you are protecting the residents and our quality of life over those for-profit applicants, full of rosy tinted promises while clamoring full steam ahead for approval. This is a moral and ethical question and we are fully watching how you proceed. How could you not see the need for a pause, a moratorium while we fix our dated Comprehensive Plan and get caught up on all the delinquent required inspections? You may be sitting on that side of the table, but we are counting on you to responsibly uphold all the rules and regulations, unlike what the Farr report stated. The Residents Protecting Montgomery Grass Roots Group has information on their website and Facebook page to help others understand the call to action. We need to protect our quality of life, thank you.

Katrina Tipton, audience, said I'm trying to figure out how our town boards work together, and this is probably not the purpose of this comment period, but I wanted to ask how does the town board and the planning board interact? The reason I'm asking is because I've been coming to these meetings very regularly and I've never seen a town board member at these meetings and I think it would be above and beyond to ask you guys to attend yet another meeting and go to a town board meeting and to interact with them in that format and you guys have been very clear with us.

Comment Session

Ms. Tipton - I appreciate that as to the responsibilities you hold in this role and where your jurisdiction begins and ends with each applicant, but these applicants are making claims in their environmental impact statements about what our town infrastructure is capable of and very aspirational claims that the town's infrastructure will be developed and will be able to support these future huge developments and that's outside of your jurisdiction, you don't have a judiciary duty to make these things happen. I wanted to ask how you are able to reconcile the aspirational claims that these applicants are making with the town board's action or inaction on whether or not to enact them and I'm saying that because as part of the SEQRA process once an environmental impact statement is final, it's almost dictating what the town is required to do or what they have to do in order to make these projects work with sufficient infrastructure and I'm thinking in particular of requirements to improve wastewater treatment systems. Whether or not the town would take over a wastewater system and you may recommend or not recommend about it as going into and patching into an over lidded sewage treatment plant, those are fiduciary responsibilities, those are decisions that must be made with permits and bonds and as a tax payer, it might be a conflict.

Chairman Reichle said we are well aware of it, it's another portion of our concern. At this point in the draft environmental impact statement, it's up to them to proceed, if they want to, they proceed at their own risk. At some point in time the rubber is going to hit the road and it's going to work or not, but this has been brought up before, a long time ago when it came to their ability to have public utilities, so we're all over it.

Ms. Tipton asked how do you interact with the town board to make sure they understand the responsibilities they may undertake on behalf of the taxpayers, if they say yes or no to these SEU Permits or something like that?

Chairman Reichle said it all has to be able to work and they don't get an approval unless it will. The capacity has to be there, they have to have the ability to do it.

Ms. Tipton asked does the town have to bring in a new sewer plant on-line, that may be a cost to the taxpayers? I'm concerned about people sneaking in under the rug

Chairman Reichle said I don't think anybody is sneaking under the rug on this one. The district would pay for any improvements to the sewage treatment plant.

Ms. Tipton said I know I haven't met many of you in person, but as a friend I hope the town board understands the weight of responsibility that you hold and the number of applications, because one of the things we are to do is to ask for a moratorium and if the town board isn't hearing it that from you as well as from us they may not understand the gravity of our situations. As a friend I hope you are sharing your feelings with them as well, thank you.

John Cappello, Attorney with the Jacobowitz and Gubits Law Firm said, I'm representing Medline in this application and I feel compelled to respond to one issue that was brought up today as it relates to radio-active materials and allegations that were made in how Medline received these allegations. We were at a town board meeting a couple weeks ago, that allegation was made in public, that there were radio-active materials on the site without a license.

Comment Session

Mr. Cappello - We asked the person who made that allegation what their justification was, whether they verified it because we had asked the client when we heard about it and we were told there was nothing on the site. They promised us they would verify it and that person said before we said anything, we verify it. I said you just said it at the public meeting, there are people on Facebook who are sharing this information alleging that a crime or actions are occurring at the site and we'd like to know what the allegation is so we can respond to it. We received no response from that person that we asked, even though we were promised it in a day or two. The first indication that we had of it is when Ms. Hadden, as she has, as she is required to do, when she gets a comment regarding our application, she forwards us to respond to it. I would think that people if they really were concerned that there were radio-activity, I was surprised that they didn't contact the fire department, they never contacted the town to look, they put it on Facebook as an allegation and we looked at the redacted copy of that email. We immediately contacted the fire department to see if it was true, because if it was true it was a big deal. The fire department had no indication of it, they said they had been on the site, they did training exercises on the site, they have inspected the site, they have no indication. Today the fire department went on the site, they confirmed in writing that they had no indication that there had never been an indication of it. We had a reporter come to the site, to review the site and we invited the board members or anyone who would want to come to the site that was impartial to see if there were any radio-active materials. I am hoping that that allegation will be removed from the website and those people who are encouraging people to share it would remove it. There are issues regarding this. We are looking forward to the public hearing, we are looking forward to the comments as the DEIS as any EIS will detail, there will be a list, if this is approved of conditions that the applicant will have to meet. When we talk about sewer, the applicant will not only have to meet the conditions of this town, they will have to meet the conditions of the DEC. The DEIS is very clear who the cost would be before those improvements, who will make those improvements. It's clear in the EIS, it will be clear in the conditions, but we welcome comments on those issues. We welcome comments on stormwater, we welcome comments on traffic, because we understand that people are potentially impacted on this and they have concerns. We are open, the applicant has been open to addressing those issues, but when it comes to a hate campaign or campaigns to denigrate people, to claim that a certain person is affiliated with this, those comments are not justifiable comments. Because someone wants to develop, who has a company that has supplied medical products to this region for years, that's supplied to the hospitals that you go to whenever anyone, God forbid you have an operation, those instruments to be used on the affirmation were probably purchased from Medline. They are a company that has been in business, they are a reputable company. If you have a concern about them locating this facility, we are willing to listen to your concerns, but to lie, in this public climate, there has to be an enemy, regarding a discussion, we await the discussion with the board, thank you very much.

Susan Cockburn, audience, asked if Richard Hoyt was coming tonight?

Chairman Reichle said he won't be here tonight.

Ms. Cockburn said she wanted it on record that this is kind of like schemed and smarmy, but there's a lot of shilling going on and when women in particular leave the meetings, in the lobby and in the parking lot they have been accosted by people for projects and I wanted to bring it to your attention that I got a phone call from a realtor. I have a private number and I really find it offensive that somehow my number got out.

Comment Session

Ms. Cockburn - There have been people in the lobby and the parking lot that have been directly accosted. One of them was told that I'm a liar, that's unseemly behavior and I want it on the record.

Chairman Reichle said we are going to have a police presence at the DEIS hearing. I've talked to the chief, so there will be some policeman there.

915 Route 17K LLC (Skibitsky/Magurno) - 915 & 917 State Rte. 17K & Bracken Road  
SEU Permit/Site Plan/3-lot Commercial Subdivision - Continuation of the Public Hearing

Chairman Reichle opened the continuation of the 915 Route 17K LLC Public Hearing.

Lawrence Marshall, PE with Mercurio, Norton, Tarolli and Marshall and representing the applicant said the revisions that we made since the last presentation for this project are primarily some clean up items relating to an inconsistency of information between the plans as well as the EAF. A revised EAF has been submitted to the board for their consideration. In addition to that we have revised the grading plan and landscaping plan as it relates to the Route 17K corridor. We had proposed to install an earthen berm along the corridor of Route 17K to further shield the potential warehouse building that's proposed on Lot 2. The berm will begin and wrap around the corner of Bracken Road and 17K and continue up to the proposed entrance to the facility off 17K and then it will pick back up on the westerly side of the property to further shield the parking area and the warehouse. We have also included a berm along the westerly edge on proposed Lot 3, as there was concerns from the neighbor to the west regarding visibility. In addition to that we had revised the landscaping plan for the project, we've added a double row of pine trees along all the tops of the berms that will be constructed, and we have increased the planting size. Before they were 6 to 8 feet, we have proposed 12 to 15-foot pine trees on the berm.

Chairman Reichle said so everyone is aware, we received new plans on Friday. We just circulated them this evening, so there will be a forthcoming review from our consultants. It will take a little bit of time to get that done. He then opened the floor to the audience for comment.

Susan Cockburn asked, for the double rows of trees, are they having an underground sprinkler system or some kind of water system, because you see plenty of sites where there is a row of dead trees?

Chairman Reichle said our site plan requirements require that they are guaranteed for a period of time, I believe it is 2-years that we require.

Planner Dotson said if it is a feature of the site plan, it is a site ordinance. When people plant, they have a 2-year guarantee, but if it's part of the approval then it's a permanent feature, so it's very much in the applicant's interest to make sure that they water those very special plants.

Chairman Reichle said they have to replace them if they die, it's part of a site plan feature, they have to maintain it.

Thomas Walcott, audience, said he is from the Village of Maybrook and asked, these supposed warehouses, are they going to be spec warehouses or is a business already slated to use them?

915 Route 17K LLC (Skibitsky/Magurno) - 915 & 917 State Rte. 17K & Bracken Road  
SEU Permit/Site Plan/3-lot Commercial Subdivision - Continuation of the Public Hearing

Chairman Reichle said I believe there is no end user at this time.

Mr. Walcott asked the gentleman talked about the planting of the pine trees as visibility, as a warehouse they will probably be forklift operations, are they going to have anything regarding those forklifts as far as making noise? Because they said there was a residential neighbor to the west with a visibility issue, I'm sure the noise will be an issue. I live in Maybrook and I can attest there is 24/7 beep, beep, beep; they do more business going backwards then they do forwards.

Susan Reichardt, audience, said we are the neighbors on the left and asked, I know there is going to be a berm and the trees are there, are you clearing that land where the trees already are all the way down to the swampy area, could you clarify for us on that?

Mr. Marshall said there is a DEC wetland along the westerly portion of the property that does end into the property and then there is a 100-foot buffer that extends beyond that. We are not proposing any encroachment into the wetland nor near the wetland buffer. At the very least there will be a 100-foot buffer area between the proposed area of construction and the westerly property line, but specifically in the area of the proposed development on Lot 3, that extends substantially further.

Mrs. Reichardt asked have you looked into the well or what your water source is going to be and how it would affect us, because we're still all on wells there going west?

Mr. Marshall said again, I stated at the last meeting, the proposed potable water system for this development is a well located on Lot 2, that will serve the three properties. The fire suppression water for the sprinkler system is proposed to be obtained from the fire suppression district on Bracken Road from the Town of Montgomery. The proposed potable water usage is relatively low in comparison to a single-family home. I don't know the exact figures, I don't have them with me, I can look them up.

Chairman Reichle said it wasn't a lot.

Mr. Marshall said it's like 2,500 gallons; 1,800 gallons per day. I'll look it up, we have the calculations. A single-family home with 4-bedrooms typically has a design usage of 440 gallons per day and this development is approximately 4 of those.

Mrs. Reichardt said one of the issues, I know we're concerned with the noise for sure, the 24-hour beep, beep, but also lighting the buildings, for us anything about lighting, because that's going to be like we are in daylight 24/7.

Chairman Reichle said that's on our radar too. I know Mr. Kelly is working on the lighting, or working on getting the plan to work on the lighting for this.

Member Kelly said absolutely, but not at this point I haven't because of possible changes, nothing has been firmed up on that.

915 Route 17K LLC (Skibitsky/Magurno) - 915 & 917 State Rte. 17K & Bracken Road  
SEU Permit/Site Plan/3-lot Commercial Subdivision - Continuation of the Public Hearing

Chairman Reichle said we will be looking at it quite extensively and thoroughly to make sure light doesn't spillover the boundary line; it's not lit up like a Christmas tree, keeping the light in on the site and not spilling out into the roadway, where it doesn't need to.

Member McGuire said it's not a 24-hour operation, I believe 6 a.m. to 6 p.m., 7 a.m. to 7 p.m.

Mrs. Reichardt said sometimes the parking lots are lit up all the time and that's a problem, whether they are parking or not. You know what I mean? So, we're concerned about it. Thank you so much.

Cory Zahakos, resident, said I have a lot more questions. I know you guys just got the information, but the first thing I wanted to ask was because I am still unclear. The water, you already have a well site picked for the potable water, but it hasn't been tested as far as I know.

Chairman Reichle said it hasn't been drilled.

Mr. Zahakos said it hasn't been drilled. How do you know it is going to support SD 1 and the point I made last time was you're going to have 3 separate businesses, you're going to subdivide it into 3 parcels, you're saying one supply is going to share that water equally? Is that how this is going to work? Each house has their own well, so I don't know how this is going to work.

Chairman Reichle said they are going to share the well, I believe. They're going to have a water system for the 3 buildings.

Mr. Zahakos said you're not sure it's going to meet the quantity needed. The other thing I was looking at, your new EAF form and there's a couple of discrepancies that I was saying, minor stuff. On the first page, you're saying that the front office will be 1,000 square feet, but on other documents I saw 1,400 square feet. Is it 1,400 or is it 1,000? Warehouse one, on the first page of the EAF it says that the proposed is a 74,050 square foot warehouse on Lot 1, but there was a Garling document dated July 12, 2019 listed it at 73,800 square feet. Which one is it? I found it interesting, I don't know how you did it, I think it's great because under Section C on Page 5 of this thing, you list the anticipated water usage demand per day as 1,500 gallons per day. On June 6<sup>th</sup> you listed it as 2,500 gallons per day, so you went down 1,000 gallons. I don't know how you did it, congratulations. Also, Section D, it says will the proposed action generate liquid waste? It was yes, 1,500 gallons a day, again your own documents of June 19<sup>th</sup>, which is only a month ago or so said 2,500 gallons. Again, it's a discrepancy. Again, I know I brought this up last time, if a public well supply will not be used, describe the plans to provide the water supply for the project and it says onsite public water supply and supposedly 10-gallons per minutes. When we asked the questions last time, if you can't get that water drilled and working, what is your alternative? What will you do? Again, I pointed out last time we were here, the subdivision paperwork that I found said you should have an engineering study showing the water is done, that it can be met before you decide to even subdivide to begin with. I don't have that in front of me right now. I overheard someone saying, it doesn't mean that we have alternatives, so I'd just like to know what the alternatives would be if the water doesn't pan out to support the 3 warehouses. He said himself we have alternatives, so I don't know what those alternatives are. How much impervious surface will the project create in relation to the total size of the project, Page 6? They're basically saying nothing but building rooftops. When you pave and you put all this driveway stuff, doesn't it make it impervious surfaces?

915 Route 17K LLC (Skibitsky/Magurno) - 915 & 917 State Rte. 17K & Bracken Road  
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Mr. Zahakos said I don't understand that point on Page 6 of the current EAF. On Page 7, which was an eye opener, we're projecting 107 parking spots on this site, but the Creighton Manning Report of June 3<sup>rd</sup>, 2019, says no, it's like 116 spots, that's almost a 10% difference, that's a discrepancy. Also, this is the one that really got me, hours of operation, someone just mentioned it, the new report says Monday through Friday during construction, 7 to 7, Saturday 8 to 5, has not changed from the previous, but they did change, they said they will not do any Sunday construction, so that's great, I'm all for that. Hours of operation, however, was originally 6 to 6, Monday through Friday, 6 to 6 Saturday, 7 to 5 on Sunday, no holidays. You're new EAF says 24 hours a day operation 7-days a week including holidays.

Mr. Berger asked what do you have to say about that Mr. McGuire?

Member McGuire said he was reading right from the plans.

Mr. Zahakos said the original plans said the original stuff that was dated of June and here we are one month later. I wasn't happy with hours operating on Sunday, but at least there's a window. Now it's all changed to 24 hours a day 7-days a week including the holidays, that's what they're proposing. This is in, I'll say it again, along the 17K stretch is a residential area. Tell me how that fits into the environment that I'm living in for the last 35-years. As far as the DEC, I know you've had conversation, but where does the DEC stand with the closure and the monitoring of the landfill?

Engineer Fetherston said we submitted a letter today to Sue's office.

Mr. Zahakos asked stating what? Can you tell us? I know I talked to the DEC officials too, it was her impression that this has not been monitored properly, she is now in charge of conducting negotiations with Sterling and she is not sure which way she is going with it. Also, well #4 has that been put on the map? It wasn't last time and now it is on the map, it's right under the parking spots. Well #4 is what they're supposed to monitor until DEC says no, unless I misunderstand it. Again, that is something that you guys have to keep in mind. What's going on. There are just too many things that don't seem to be adding up and it changes very quickly, is all I'm going to say.

Lori ?, audience, said I'm new to the meeting, I haven't been to one before. I'm a long-term Montgomery resident and also the Senior Vice-President of Human Services, that's the third largest employee of Orange County and my questions aren't environmental they are in a different area and I'm not against expansion. I live in the village and I was all for the winery. When there's expansion that adds to the value of the town and people would want to come and participate and that makes good sense. It's not that I'm opposed to expansion, but what I'm looking for is what value is this bringing to the community. I have a (inaudible) residence, which is why I'm here today, that's one of the selling points is that there will be jobs for the area. Has anybody been down Neelytown Road lately? There's a ton of buildings there. I went on-line, and I looked at how they are doing with staffing and they are having a really hard time finding people to take those jobs. Ethan Allen has jobs for \$14.72 an hour, Staples has 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> shifts at \$16.00 an hour. Cardinal Health, United Parcel, Home Depot, WRC Freight has jobs in Maybrook at \$16.00 an hour. Capstone Logistics has them at \$17.50, UNFI has them up to \$23.50 and FedEx has jobs and that's just in Montgomery. Then you got Newburgh, Monroe, there's so many warehouse jobs in the area. I don't know if the company has even done an analysis of where they are going to get the staff for this project.

915 Route 17K LLC (Skibitsky/Magurno) - 915 & 917 State Rte. 17K & Bracken Road  
SEU Permit/Site Plan/3-lot Commercial Subdivision - Continuation of the Public Hearing

Ms. Lori said in Orange County we have a 3.3% unemployment rate right now, which is lower than New York State and lower than the national average. I don't know that people are really in need of warehouse jobs, maybe other kinds of employment. The employer I work for has a variety of jobs, we have everything from service, to counselors, case managers, bus drivers to industrial workers, to food service workers and I have constantly for the last two-years have over 200 openings that I can not fill. I'm not sure where these people are coming from and I'm wondering what other benefits these projects are bringing to our community, besides jobs that we perhaps don't need or want. I'm curious about that and how we are thinking about that. I'd hate to build all these huge warehouses and then have them go vacant, because the analysis wasn't done, and you can't staff them and then the companies have to go somewhere else and we're left with that and I moved to Montgomery a lifetime ago. I never thought I would be living in the capital of warehouse in the country. The things with logic that add more value to the community, like the winery, or something cultural, or arts, or help children, or there must just be something besides warehouses, that we could perhaps consider and that's my concern.

Marie Reynolds, audience, said she is from the Village of Maybrook and my concern is that several years our elementary school closed. Half our kids now go to the Village of Montgomery and half go to Berea. We have a company here, or a builder who has no idea what they are going to put in those big boxes. Trucks are going to be coming and going every day, buses are going into that Berea Elementary School every day, that is a big concern for me. As you know, every day people pass school buses that are stopped. Heaven forbid something would happen to some of our kids, whether they be Montgomery kids, Coldenham kids who come to Berea, because I lived in Coldenham when Berea opened, we went over there. Is that something that you're looking at? You have warehouses that we don't even know who's going in there yet and they're already planning to run 24/7 as this gentleman told us, that's something that needs to seriously be looked at. Thank you.

Steven Rainaldi, audience, asked I was wondering if the final DOT study has been submitted. I tried to call a gentleman today and he is not going to be back from vacation until Wednesday. Between Fedorko Lane and Bracken Road, you have like 5 entrances going onto 17K. I don't see the need for a curb cut on 17K. There is Lake Vue Drive, you're going to have that curb cut going off the old Skibitsky's property. The property adjacent, on the other side is for sale, 25-acres. What's going to happen when that sells? In a matter of 150-feet you're going to have at least four entrances to get onto 17K with the sun in your eyes in the morning and the sun in your eyes in the evening. I know you stated at the last meeting that you could put limitations and place a sign in there where they can't take this onto 17K that they have to go Bracken. That doesn't apply to Russin Lumber because I went to go get coffee this morning and some guy just pulled out with a 52-footer and went right across the other side of the road. I don't know when the traffic study was done, but like the lady said, you have to take into account the teachers, the students that drive, the school buses, the parents. There are 52 houses on Lake Vue, everybody going to work in the morning, coming back. I don't see the need to have that curb cut on 17K.

Cheri Zahakos, audience, said I did get in today to review some paperwork that you might not have had time to review. This is from the attorney's representing the 915 Route 17K LLC, it's from Dickover, Donnelley and Donovan. The letter is specifically written from Robert J. Dickover, it was dated on July 22<sup>nd</sup>, so it's pretty recent.

915 Route 17K LLC (Skibitsky/Magurno) - 915 & 917 State Rte. 17K & Bracken Road  
SEU Permit/Site Plan/3-lot Commercial Subdivision - Continuation of the Public Hearing

Mrs. Zahakos said it is kind of in reply in summary of the last meeting and also some other prior issues that you brought to their attention and of course it addresses, dear planning board members, as you know the firm is the counsel for this particular project. I'm summarizing, thank the board and their constitutes for the thorough review of this project and the applicant to address the area of concerns, as to the height of the proposed warehouse buildings, the town code provides that in the I3 District that the building height is not to exceed 55. They state that their buildings are going to be around 40, mine is 39. They said that that is well within and under the maximum that is allowed for that particular code and that they are substantially the same as other buildings including warehouse buildings along Bracken Road. One of these I would like to point out, are those warehouse buildings, they are as you all know a permitted use. This is a special exception use. I understand that they want to associate themselves with the other warehouses, but they are indeed to be treated differently, it is a special exception use to where the board can hear our cry and our worries. It should be taken into consideration that it is not a fit, it's really not harmonious, but they say they want to be like everybody else there and be included with warehouse buildings along Bracken Road. Further reduction and the height of the two warehouses severely limits their use for the intent and purpose. Lessened height on the inside of the building will make the available space for internal storage, it devalues the property from a monetary standpoint and makes this less desirable for such a user. It sounds to me like they're trying to claim hardship. First of all, the building is only built on speculation and it's only a proposal. The building that doesn't exist and you're not limiting its use. They're asking permission to come into the town, a New Jersey applicant, into our town and they're trying to dictate to you saying heh, everybody else has this, we want it to and oh by the way, if you don't let us have it, we're going to have a problem because it's less desirable. Less desirable is a warehouse out your front door, that's the way I look at it. I understand what they are saying, and I too, I want this land settled, it's like of sword of Damacles, it's hanging over our heads. Everyday something happens and we don't know if it's going to be a bad use or a decent use, harmonious, commensurate with the neighborhood, but they're claiming that it's going to hurt them for their intents and purposes. There are almost 30 other uses and by the way that includes a playground. We're not hurting them, they haven't done anything yet, they want to do something. Then it says in consideration of the perceived visual impacts of the building, the applicant is willing to revise the plans to partially obscure the view of the buildings from the New York State Route 17K by construction of the earthen berm along the roadway frontage, which he stated as 17K is higher than the elevation than the project site and even without the berm the building will be obscured from the view of 17K because the roadway is higher and the building is lower. If I recall from their documents one side will be dug down to make grade 7 feet and the other will be on grade and I happen to know when I'm on 17K, I see everything about that property, including the rabbits that used to jump around the toilet that used to be there. I don't buy into that, that's because it's a little downhill. Number one is certainly applicable to that, but the one on 17K is no way that I can (inaudible). It also should be noted that the view of that building from the two residences, on one of them I do believe, my neighbor Steve is perhaps the other, is a very worthily corner and across the highway from the project site are minimal, because Route 17K is between and separates those two residences from the property site. I feel that's a little frivolous in answers, Steve can you stand up. Do you live across the street from me?

Mr. Rainaldi said yes.

Mrs. Zahakos asked, and I see you, don't I?

915 Route 17K LLC (Skibitsky/Magurno) - 915 & 917 State Rte. 17K & Bracken Road  
SEU Permit/Site Plan/3-lot Commercial Subdivision - Continuation of the Public Hearing

Mr. Rainaldi said (inaudible).

Mrs. Zahakos said the point is that 17K does not stop anything, so to use this as a justification of visibility seems to me that we are going back to how serious are they taking you, our town, our law, and our community and I'm a part of that community and I'm a resident here. Further the only direct view that would be observed would be by cars coming out of Lakeside, it's actually the Lake Vue community, approaching the Lake Vue Route 17K intersection, that view is not directly of the proposed buildings on either, but rather one of the already existing Town of Montgomery utility station, surrounded by a chain link fence and behind that the existing and vast wetland area that lies to the west of the proposed project site. I don't know about you, but our road T's directly into 17K. If the only thing I ever saw looking straight ahead was the sewer system, that little tiny chain linked area than I'm dead, because to get out of Lake Vue onto the highway I know you all may not experience it, you may all experience it in your own way, it's deadly. There are times you just can't do it. To say that the only thing I see when I pull out of Lake Vue is wrong. I look to my left and I look to my right, to the board, I see it, I'm not blind to it. This vast wetland, vast means boundless, limitless, immeasurable. The wetland lies between the properties on the right, 17K and Bracken Road and their property, it's not and you know what, plants die in the winter, it's truly visible, even the border that I have with my house is on 17K. If the state decided to clear cut it, I'd have no protection or visible buffer. They are as clear to me as your faces. Then it explains that other than the two residences it goes into the fact that there is only one other residence in the proximity to the proposed building and that residence is also across 17K, and that the Shady Lawn place and they said that that existing drive is opposite the intersection of Bracken Road and 17K and they said that residence to residence which is the proposed building to that residence is 225 and then they say it's approximately 600 feet from the proposed access drive on New York State Route 17K. While using the EAF mapper, it's really only 360 feet. I'm not sure where 600 comes from and that's driveway to driveway. If they want to talk building corner to building corner, here we go, we're bounded by a rock wall, we're bounded by a street and we're not talking reality. I live in reality; you live in reality. Who your neighbors are, what goes on, what you see and what you experience, it's not a pretend thing here, it's very real? On the northside they talk about the 17K property is not zoned for residential use, but it's Zoned as B-4 and the house on the corner is in the B-4 and other than that the structured land is otherwise vacant, which is true and we also know that it's a B-4, but behind that residential agricultural area stretches clear to Ulster County. It's not just a nothing, you as the board in my mind and these people in the town and those people who come to town, we have to think not just the current, but the future uses and how's it going effect that. The curb cuts, is it smart? Should they stick to only the two on Bracken Road, is there really a need for a third? These are things that you can put your fingerprints on, along with the hours of operation. Are you kidding me? Out my front door 24/7 and holidays, really and you have the right to say no. This isn't a permitted use, you have the right to limit it, to make it cohesive. I don't even really want them there, but if they have to come here, we need to work together to make it work and you, each and every one of you need to stand on what is right for your community, not somebody coming in with a spec building. To the northside they say that to the east of the project is Bracken Road which is RA-2, which it is and then they bring up the railroad and the drainage ditch and then they talk about overgrown growth, which by the way, goes away in winter. Anybody who knows anything about New York, deciduous trees go away in the winter. It is extremely unlikely in that area that anymore residential development will occur, that's pure speculation on their part. Who knows? We don't know where we are going to be in 10 to 15 years here.

915 Route 17K LLC (Skibitsky/Magurno) - 915 & 917 State Rte. 17K & Bracken Road  
SEU Permit/Site Plan/3-lot Commercial Subdivision - Continuation of the Public Hearing

Mrs. Zahakos - We didn't know we were going to be suffering warehouse pressure. Then they go on with the south of the project and they state it is Zoned I-1 and developed into industrial style buildings. In speaking of the buildings, one of the things I would also like to ask, and it was asked previously, we've yet to see any architectural rendering of what the building will look like. If they want it to look like an amazing building, that's commensurate with Montgomery, so when people drive by and they go, I love that, that's different, but if it's going to look like another tin building we need to know that too because as part of the consideration of being commensurate with the community. I know that was over a month ago that was asked for and I haven't seen it yet in any of the documents. They say to the west of the project is Zoned RA-2, however being the adjacent burdens of significant sized New York State protected wetland and they go back to the wetland. There is a property itself is in a some identified commercial business use, that is just on the other side of that wetland. If they took the time to pay attention to our town, they would have found out that it's not commercial, because that's a RA-2 area, not commercial. Again, they're treating us like we don't matter, because maybe we're not lawyers, or millionaires to throw ourselves around in. We're insignificant in this and I don't believe that you all feel that we are any more than you would want yourself to be made felt that way. They talk about traffic assessment, they talk about the environmental aspects. As a request to be a no construction business set on Sundays, the applicant agrees to curtail construction activities on Sundays, however the business of warehousing takes places on a continuous basis and in the absence of knowing who the ultimate warehouse operator will be and having the consent to such an imposition to request to curtail operating hours, imposes a significant and detrimental burden on the value and use of the premises. The applicant respectfully declines this imposition. How does that make you board members feel? You guys have the right to say what's going on and their saying, we want to be like every other warehouse. Every other warehouse is not in an SEU and it's not surrounded by residences, there's a difference. I don't know if you know, but they proposed that 3<sup>rd</sup> lot to be a gravel yard. It's no longer a gravel yard folks, according to the document July 22<sup>nd</sup>, as to the use of the buildings, the intended use of the two buildings on Lot 1 and 2 is for warehousing. The intended use for the building on Lot 3's use, the applicant currently has a contract for the sale of Lot 3 to a buyer who intends to use that lot for a short term storage of repossessed automobiles and the building of the office that's business, that use would naturally be up to the site plan review and approval. This is like switching out and now we have cars, now we have to consider is there going to be dripping, and whatever. How long? There are only 5 parking spots. How many cars are they going to park there for repossession? How long are they going to stay? They said they already have contract for it, when we haven't even approved this whole plan. Is there something that is going on that we don't know about, that they believed that you guys are just going to yield and say yeah, you got it? I don't mean to be theatrical; this is my life. What if I sat in front of you, and I don't know where you live, but I said to you right out your front door, and I have a picture I'm going to show you, you want to look at a warehouse?

Member Montemarano said I am.

Mrs. Zahakos said but you don't like it. What if you could have stopped it or put some reasonable curtailment on it, because you were able to, wouldn't you? 24/7, I'm a Christian, doesn't matter, I celebrate Christmas. Do I really want to hear beepers on Christmas Day? No, and so they're asking for the 24 hour and by the way, within the I-3 Zoning District the Town Code permits the uses of these things and they list it and by the way when he gives it he gives it 15 right in Section, this is in the listing of applicable uses, he uses the items he might be aware of.

915 Route 17K LLC (Skibitsky/Magurno) - 915 & 917 State Rte. 17K & Bracken Road  
SEU Permit/Site Plan/3-lot Commercial Subdivision - Continuation of the Public Hearing

Mrs. Zahakos - Fifteen office business two building contractors, (d)-use, non-use, blah, blah, and this is not our book. This lawyer has gone on and used the E-Code, because he quotes it as 235-7-2. Even his numbers are not accurate as to what Code he is quoting. To understand, we as a community need these people to do the job right and here, I just want to say, they talked about how they are going to cover the berm. While you read your Code, in Section 140-50-37.03 of the current book it says front yard along with the roadside and above and that means all land within 250 feet of state or county highway, which contain parking areas and there are 20 feet of parking area on that site, shall have said parking screened by the use of existing vegetation, which they are going to strip in order to do their construction. Berms with low plantings, evergreens planted in double staggered rows, with shrubs and trees, 10-feet on center in each row. The stonewall is solid fenced is determined by the planning board. They went from deciduous trees that lose and Spirea, which I have on my yard, which are beautiful, they also lose their leaves. To planting double rows of trees, which according to what I'm reading, they're already required to do. Plus, they're supposed to put in other types of trees. I do appreciate them moving the notch, but I don't think they're fulfilling it. When they talked about vision and I truly am done, this is how they advertised it and what they state here is, description and this is the Skibitsky property. Eighteen acres of industrial land with great visibility, 600 feet frontage of 17K and 1,300 feet frontage on Bracken Road. What does great visibility mean to you? That's my front door they are talking about. Now, the other thing, we know property, and then I won't speak for the rest of the night. Property values, we can all discuss property values. They want to claim hardship because they can't get what they want. I can't get the lottery numbers either, but here it is, it comes right out of from the realtor, because we did invest in our house and so you know how passionate I am for my town. I told my husband the only way we are going to do anything for our house to make it look commensurate for Montgomery, I lived in a 300-year old house out here on 416, I loved this town, it was bucolic. If you don't recognize what these people recognize as a goldmine and if we sell out to these people all this land for warehouses, we're really not protecting our investment. There's so much more it they want to hear, we're behind an airport, we have bucolic land, we have that, they want it, but what could we do better with it to make our lives better. They talk about land, there's the Camoin Quigley Study in 1970 that is one of the first to document the negative effect of these industrial properties. The proximity to industrial land uses is almost unanimously found to have a deteriorating effect, that was also from Govern and Mauroski in 1980, that have to be defined in terms of noise in the proximity of undesirable views and excess traffic that's all detrimental. These are actual studies that people have done. Healens and Simmons in 1992 found that traffic generated by commercial activity only will produce negative home value impact. Corwell Juval in Copian 1985 anything with 1,500 feet or a half a mile, property values decline within increased proximity to these centers. Also, there's other studies, they said here in one of one the documents that we have, this is directly from Max Properties. Any conscious concerned homeowner is definitely going to want to know the impact of the new existing commercial property nearby on their property values. Much of the impact depends on the proximity to your property according to the home base center for common concerns report, those large commercial developments and projects as well as fog spewing industrial complexes tend to have a much greater impact, a negative one on your home values. This is all a direct quote, let's face it, people don't want to live near factories, or warehouses. I think that is obvious and I'm not trying to be a NIMBY, if they want to build the warehouse down on the very bottom and do an amazing something so that when people come along 17K and they try to get to our historic villages. We have a goldmine here, the Wallkill River. We have the Orange County Park, the Farmer's Museum, we have railroad, we have Schrade, we have Montgomery, but here's the problem, this is from Quantum Listings.

915 Route 17K LLC (Skibitsky/Magurno) - 915 & 917 State Rte. 17K & Bracken Road  
SEU Permit/Site Plan/3-lot Commercial Subdivision - Continuation of the Public Hearing

Mrs. Zahakos - I found embarrassment for myself and my community, this is how it's advertised here, location, industrial area that has attracted most of the large box development, due to the ease of access to highways and water and sewer, okay, as well as lean zoning and approvals. The last thing I want to do, this is a picture from my home, because I want you to understand specifically. I want the board to see, this is out of my front yard looking at the Skibitsky property, that's what I see, that's my home view. I'm supposed to live with this, because somebody wants to make money on a piece of property with a harsh use that's not permitted, that isn't homogeneous, does not act like the good neighbor, changing things, wants to be big. We don't know even who's going to be in it, they want to run it 24/7 and you have the power to make the difference and I thank you.

Chairman Reichle said so everyone is aware, we have a number of things that we need addressed. I'll announce now that we are not going to close this hearing on this project this evening. There will be another shot at this because we have a set of plans to review and get them comments. We also have DOT, needed an accident report. I don't believe that has been accomplished. We have the issue with the DEC and the capped land fill, so we're working on that also. I'll let you know also that I reached out to DOT and I will follow up on the speed limit on 17K; my email has been forwarded to the right person.

Thomas Spadafora, audience, said he lives on Lake Vue Drive and he's been here a long time. It seems with all these companies you're allowing to come here are tax exempt. This building here alone used to be a lighting company and the town, if I remember correctly used to be in Walden and now they're here because they left it here for 10-years and they left us holding the bag as most of these companies do and that's something that everybody and all of you sitting there have to start thinking where it leads us. I've been here since 1978, I moved up from the city to get a better life for my kids. They all went to the local school; nobody seems to be doing anything for us. I used to deal with Carl, we knew each other well and the town seemed to be doing good and I don't understand what the hell happened.

Marco Menendez, audience, said I also lived on Lake Vue Drive the last 21 years. My family has been known in the town for 100-years, I remember when this was all farmland. Watching it grow and deteriorate, warehouses and vacant buildings. It's not like I remember it growing up in the 60's and 70's. My family has been here a long time, worked for a dairy around here, it's no longer a farm.

Chairman Reichle said there used to be roughly 70 milking farms in the Town of Montgomery, now there's three.

Stephen Rainaldi, audience, said in 1980, I was working in Newburgh and my boss said to me come on let's go traveling and he brought me up 17K to go up into Roscoe and I said to him Charles, who would live out here? There's nothing, there's Spruce Lodge, there's a deli, there's the A&P. There's the light at Scotts Corners, the other light down in Coldenham and then the light down in Newburgh. Where are we now? From Lake Vue Drive it's 13 lights to get from my house down to Union Avenue. You know what, too much traffic, too much of a mess.

Dominic Panessa, audience, said the fact about the diesel fuel and the pollution that all of these trucks are going to cause. Vehicle fuel is a mist and it floats in the air and the neighbors are going to be breathing it and it is going to go on 24- hours a day. We have a health issue here as well.

915 Route 17K LLC (Skibitsky/Magurno) - 915 & 917 State Rte. 17K & Bracken Road  
SEU Permit/Site Plan/3-lot Commercial Subdivision - Continuation of the Public Hearing

Deborah Corr, audience, said Orange County is suffering from really poor air quality to begin with. Once you start bringing in all of these warehouses and they are fueling particulate matter, particulate matter gets into your lungs, particulate matter gets into your blood stream, it gets into you heart. Particulate matter has been associated with Alzheimer, it has been associated with poor development in children and you can do what Hamptonburgh had the hutzpah to do and say no. It was amazing to see that town really protect their people, it was amazing. Does anyone have a relationship with anyone who is selling this property, any real estate broker, anyone on the board, you really need to consider recusing yourself if you have a long-term relationship with someone or the Orange County Partnership.

Chairman Reichle said we would be recused even if we were a neighbor on this board.

Ms. Corr said I wanted to go back to federal. According to federal unemployment guidelines and I had Bill Fioravanti and other people come up to me and say jobs, jobs, jobs. We are at 0% according to federal guidelines for unemployment, we do not need the jobs and where will these people be housed on top of it all, thank you.

Susan Cockburn, audience, said I wanted to reiterate what they said early on with this, when I was town supervisor Jim Taylor, Taylor Recycling told me in a meeting, he said about this property don't ever let them subdivide it off where the landfill is because there's a serious issue with what's in there and it's already been brought up that it's not monitored correctly and no one knows what's going on with this and I feel like I would be remised if I didn't state that again for the public that lives here that that's a big problem.

Chairman Reichle asked the board if they had any comments? Hearing from no one he said we haven't heard from Orange County Planning either on this; we should hear soon. We have the accident history that the DOT asked for, architectural renderings, Andrew's review and some more considerations from us as to conditions for this project. Anybody else have anything to add?

Member Montemarano said you say you have somebody interested in the 3<sup>rd</sup> lot and I don't see it on any of the plans yet how you would like to develop that, especially over the landfill cap. When you do have information on that, we need to consider that also.

Chairman Reichle said we did hear from County Planning on this and I believe you addressed their comments. There are a few things to be done and we will get our reviews to you once the latest plan is reviewed. We should adjourn this hearing to the 26<sup>th</sup> of August, and this will be the public's notice.

Vice Chairman Beaumont motioned to continue the 915 Route 17K Public Hearing to August 26, 2019 at 7:30 p.m., seconded by Member Kelly. All in favor, all ayes, motion carried.

Alicea Holdings LLC, ASAP Scrap Recycling, LLC – NYS Rte. 208  
SEU Permit and Amended Site Plan – Continuation of the Public Hearing

Chairman Reichle opened the continuation of the Alicea Holdings, LLC, ASAP Scrap Recycling, LLC Public Hearing.

Marissa Weiss, Attorney with the Jacobowitz and Gubits Law Firm and representing the applicants said we're here seeking an amended site plan and special exception use permit for a scrap metal recycling facility, which will be located in the southeastern portion of this 27.2-acre site. There already is an existing use on the site, we explained that last time, that's Headzup and they are currently a storage yard that takes in, purchases, stores, resets and then resells metal scrap from metal shelving racking units and in addition we are applying for a special exception permit use for a recyclable handling and recovery facility as well as an automobile recycling facility. They will be taking in both everyday scrap metal, but also there will be some automobile recycling that happens on the site, if this is approved as well. We have received two state registrations, we already applied for them, we obtained them, that is how the state goes about any scrap metal facility and how they deal with that regulation. Those two registrations themselves are a scrap processor, registration from the NYSDMV, that's found at Part 81 of the New York State Regulations with regard to scrap metal processing facilities. We also have a metal processing and vehicle dismantling facility registration from the state and those pursuant to the state. A Part 360 solid waste regulations for metal recycling and vehicle dismantling facilities as well. As we stated at the last meeting on the 8<sup>th</sup> we were here for the start of the public hearing, this evening we are here to receive any additional and new comments. We are unfortunately unable to submit a full written response for tonight's meeting. We have a few outstanding comments that haven't been addressed, for example the fire department hasn't gotten back to us yet, so in the interest of not providing a piecemeal response for the public, we think that it makes more sense to put everything and package it all together for both the public and the board's review, so they can have everything in front of them. We hope to do that in the next couple of days in time for the next meeting. We do have Matt here this evening, he is going to give a little bit more of a ground level discussion of the actual site layout in reference to the adjacent property as well as any of the adjacent resources that have been discussed by both public and the board.

Mathew Towne, PE with Willingham Engineering said this is a 27.2-acre site, owned by Alicea Holdings. There is the existing site used as Marissa said, it's a storage yard, racking facility, which is a permitted use in the I-3 Industrial Zone. The new facility, ASAP Scrap Recycling is going to go over here, in the southeast portion. It is going to be located on the existing graveled area, so it's primarily set up as a transfer station for scrap metal recycling to accommodate scrap metal generated from the Headzup facility and that was discussed at the last meeting, but they will take used shelving or racking from warehouses, cut off the pieces that they are not going to use and reuse and now they will be able to send them right there for processing recycling removal. We're proposing about .6 acres of site disturbance and that's going to include a new interior access drive to get to the site. There's going to be a fence separating the two sites, gates here to control which site you are going to go to. We are going for a DOT minor commercial driveway permit, we haven't heard back from them yet, but there are going to be improvements to the driveway entrance. This will be a building for precious metal storage and handling. This will be the Enviro-rack, which I'll talk about later, that's for the vehicle processing. This is an enclosure for storage, here's the scale, so that's the layout of how the site's going to work. When a customer comes in, they're going to come off Route 208, they'll stop here at the proposed gate and there is going to be video monitoring there as well as a microphone. They'll speak with someone over here, this is the weigh station, so there will be an employee there.

Alicea Holdings LLC, ASAP Scrap Recycling, LLC – NYS Rte. 208  
SEU Permit and Amended Site Plan – Continuation of the Public Hearing

Mr. Towne - They'll let them in if it's clear and they'll come over here to the scale, they'll be weighed for their materials and the materials will also be inspected by the employee at the weigh station. As long as everything is good to go, they are permitted into the site and they will be directed to wherever their materials are going to go. The precious metal, this is where cars will go, light iron, steel over here. Then they will have an employee with them to unload and then they will turn around and come out and be weighed again, payment process, paperwork, all that and then they leave the site. Typically, customers won't need to park here, but there is parking, it is going to be primarily for employees, but it can be used by others if necessary. There's no water or sewer specific to this use, employees are going to use existing facilities on the Headzup property and as part of this application we are going to be improving that wastewater sub-surface disposal system. The Enviro-rack is a big piece of this, that's how the vehicles are processed when they get to the site. The peddler will bring or the transported vehicle will come over there and the vehicle will be unloaded, it will be moved onto the rack using a forklift and then there are drills and funnels to remove all the fluids and collect them and there's also a special vacuum wand that was purchased that removes all the fuels, fluids from the lines and any residuals left within the tanks after the drill and funnel have been used. There are four, one hundred eighty-gallon tanks, and then there is an extra 600 gallon catch basin underneath the entire system, it's going to be elevated on a concrete pad, so that's impervious and then that is also going to prevent any surface run-on, any surface flow from going into the operation's area. It's going to be enclosed so precipitation isn't going to fall on the area. Batteries are going to be removed and stored as necessary, tires are going to be removed, after all fluids are drained the vehicle is going to be moved over here, another piece of equipment, that's where the crusher is and it brings the car down. It takes the roof down to just below the windows, so it's not totally crushing anything, it's just flattening it, that's what they are going to do. After that the vehicles are moved onto a flatbed and brought into this storage area. Again, a concrete pad, impervious surface, it's going to be monitored daily for any potential leaks, there's a roof over the top. Again, surface is elevated so there's not going to be any run-off of surface water, and it's going to await a full load there. The other DEC permit that we need is the multi-sector general permit for stormwater drainage from industrial facilities and we're preparing an operational SWPPP in accordance with all the guidelines listed in that permit. We're working on that now; it's probably going to be done in a week. There are a lot of structural practices involved in that. They're called best management practices, that's the enclosures, that's everything on a concrete pad, that's all the spill kits, employee training, there's a lot that goes on with it, including monitoring, sampling, site visits from the DEC, stormwater testing at environmental laboratories for specific effluents from this specific site. There's a lot that goes on with that permit and the operational SWPPP and we're going to be meeting all the requirements with the DEC for that. As Marissa said, we are corresponding with the Walden Fire Department, still waiting to hear from them. Another thing I wanted to point out, this is the Rail Trail over here, the site is 8 to 14 feet lower than the Rail Trail, there's over 350 feet between the Rail Trail and the site and as you can see, it's densely vegetated. I've got some pictures here, these are leaf off conditions, looking at the site. There's a berm on the westside of the Rail Trail also, it's 4 to 6 feet high. This is the top of one of the buildings, you can't see it there. This is from George, a six-foot tall guy who is holding the camera up. It's pretty well buffered visually. These are views from inside the site towards the scale to the south, and you just see that that's vegetation there, there is over 100-feet to the property line. Hours of operation, 7:30 a.m. to 4:30 p.m. Monday through Friday and then Saturdays 8 a.m. to noon, holidays off and no Sundays.

Alicea Holdings LLC, ASAP Scrap Recycling, LLC – NYS Rte. 208  
SEU Permit and Amended Site Plan – Continuation of the Public Hearing

Ms. Weiss said with that we would be welcome to hear any new or additional comments from the public as well as the board. We do intend not to respond tonight, we want to respond entirely in written format, to provide the best comprehensive response for everybody to review.

Stephen Rainaldi, audience, asked with respect to the concrete pad, do you know how thick it is going to be and what the PSI is of the mix, if it's going to be 3,000?

Mr. Towne said no, it wouldn't be 3,000, it will be at least 4,000.

Mr. Rainaldi said I would recommend at least 5,000.

Mr. Towne said these are not going to be driven on.

Mr. Rainaldi said I don't mean for driving on it, I just mean for storage and everything else.

Mr. Towne said they will be reinforced.

Donald Berger, audience, said at the last meeting, I think it was the 8<sup>th</sup>, the one thing I left here really confused by was not you, but one of the other gentleman you were with, I had asked a question about what the truck traffic would be and he said one per week leaving your plant. You just got done talking about that, you're going to be taking things in and out, so that sounds to me like you're going to be doing it immediately in and out. Again, he referenced one truck a week leaving that site, and then you guys had a difficult time addressing when someone asked you the route in you would be taking once they leave the facility, whether they are going to go through Walden, or they are going to go north up to New Paltz, you really didn't define that, but more curious was the amount of trucks that would be leaving your plant, not bringing stuff in, but leaving your plant with materials?

Mr. Towne said we are estimating one to two tractor trailers a week, that's our estimate right now. When I say get them in and out as quickly as possible, if we can get two out in a week or three out in a week that's great, we're not anticipating that volume. My point was just that materials aren't going to be stored on site, it's not a junkyard, we're not just storing and keeping items here.

Mr. Berger said you mentioned on each tractor trailer there are about 9 cars. Am I right with that?

Mr. Towne said there can be up to 9 cars, but it doesn't have to be 9 cars, it can be a mix of metals and cars, so it's whatever they get.

Ms. Weiss said it would depend on who's taking it off site, which hauler specifically is coming in.

Mr. Berger said it doesn't sound like you are doing a lot of work there if you are only taking one tractor trailer there with 9 cars on it in a week's time, unless you are referring to more scrap than you are cars.

Mr. Towne said right now it is anticipated that the scrap metal is going to be the larger portion of the business.

Alicea Holdings LLC, ASAP Scrap Recycling, LLC – NYS Rte. 208  
SEU Permit and Amended Site Plan – Continuation of the Public Hearing

Chairman Reichle said that you already do.

Mr. Towne said now they take the scrap metal and send it off site to a third party, this is allowing them to do it all within their own site.

Chairman Reichle asked that's why the licensing?

Mr. Towne said yes.

Mr. Berger asked can you address the route I was referring to?

Mr. Towne said that's going to depend on where they are going.

Chairman Reichle said that's the question that we had too. Do these cars go to Albany?

Mr. Towne said yes, it does go to Albany.

Chairman Reichle said they are going to go out 300, probably to the Thruway. They're not going through Walden to go to Albany, is what we are getting at, they're going to go north.

Mr. Berger asked they are going to go through the Hamlet of Wallkill and get on 300 from there?

Chairman Reichle said get on 208 and go through Wallkill maybe or they'll go up to 44/55 and across; they'll stay on state roads I would say.

Mr. Berger asked will they go up through New Paltz to the Thruway?

Chairman Reichle said it is kind of hard to go through New Paltz with a tractor trailer.

Ms. Weiss said as we are alluding to, we can't really control which way a truck goes, but we will have a set policy that we provide to any hauler that comes in when they get their paperwork setup that says we prefer that you go this route and that will be submitted in our written submission.

Noreen Reynolds, audience asked which way will the traffic bring in the old cars, and the old scrap metal, will they go through the Village of Walden, which is a nightmare to drive through or are they going to come from Wallkill areas, from 208 down into the property?

Ms. Weiss said it depends, like we've been saying, wherever they are coming from and what makes sense for them. I'm very aware and I think everybody in this room is of the traffic that's in Walden and I think if a tractor trailer, whoever is bringing it in can avoid that, they would avoid that just from a practical standpoint, but then again, we can't control where they come from. We can have a policy that we provide to them, but that's not something we can control.

Kathy Pitts, audience asked does the Hamlet of Wallkill know what's going on, are you required to let them know that you are having tractor trailers going through their little tiny hamlet?

Alicea Holdings LLC, ASAP Scrap Recycling, LLC – NYS Rte. 208  
SEU Permit and Amended Site Plan – Continuation of the Public Hearing

Chairman Reichle said I believe the business plan for this is to have the mom and pop that have a car in their backyard get it towed in there. This isn't a place where commercial entities are going to bring a bunch of scrap, it's not like your going to have Weinerts come bring you scrap. This is going to be if I have a car that I want to get rid of I'm going to tow it over there and they are going to pay me for it, or get somebody to do it for me, that's the premise of this whole thing. I believe that's correct, isn't it, Matt?

Mr. Towne said yes.

George Sanchez, audience, said I am one of the owners here, the tractor trailer that we are speaking about, it's a tractor trailer that will come in once a week, maybe twice a week once we have a full load for them to go. It will be you that wants to bring in any scrap metal, a filing cabinet, whatever to get rid of. Whatever route you want to take from your house to get to where we are, is the route you take to come into us. You come into us, you drop your stuff and then you go out, we're not getting tractor trailer loads of metal brought into our facility. We're counting you are coming in to bring me a filing cabinet, a pan of copper, aluminum, whatever you want to bring me in your car, your pickup truck, that's what we're getting. Once we have a full load of that, that's when we'll have the tractor trailer come in load it up and that tractor trailers out, and that's it.

Nina Snyder, audience, asked you would prohibit any construction demo from bringing in stuff to you, you just want it to be for individual residence, but not for construction?

Mr. Sanchez said if there was a construction demo that we were doing, we would have our people go out there, do it and load our trucks there and from there go right to the yard, we wouldn't bring it back to our place.

Mrs. Snyder asked even if they had shelving and you have the new facility?

Mr. Sanchez said the metal racking, that's what we do now, we have the metal racking there.

Thomas Spadafora, audience, asked with relation to fuels that you are going to be taking out of these cars, are you going to store a lot of it on your property, do you have anything with what you are going to do to get rid of it?

Mr. Sanchez said as Matt alluded to, we have the Enviro-rack, that has 4, one hundred-gallon tanks that will be holding all the fuel there. Once we have the gauge on it, once it starts filling up, we'll call the proper authority's facility, they'll come in, they'll replace that tank with another one, and take it off our grounds.

Mr. Spadafora asked and that's good for that area there to have all that fuel stored there?

Chairman Reichle said it's contained.

Mr. Spadafora asked is it double contained?

Alicea Holdings LLC, ASAP Scrap Recycling, LLC – NYS Rte. 208  
SEU Permit and Amended Site Plan – Continuation of the Public Hearing

Chairman Reichle said double contained, an outfit like Safety Clean or somebody will come clean it out, a licensed hauler will come in that would clean it out, like at a gas station, take the oil when the people are going for service. Is that right?

Mr. Sanchez said yes.

Thomas Walcott, audience, asked would you be taking electric cars in and if so, how would you deal with those battery packs?

Mr. Sanchez said all the batteries from all the cars will be removed from all the cars and then the same thing, once we have, whether it's regular car batteries, we'll put them on a pallet with cardboard underneath, we'll make it 3 rows in shrink wrap and put it in a sealed container until we have a load and then we'll load that truck, that goes out. It's a forklift that picks 4-foot batteries, it's the same thing, we have special places for them and ship them out as well. Everything gets pulled out of the car before the engine gets dumped in.

Mr. Walcott asked from what I understand this is a new venture on your part, as far as dealing with the autos?

Mr. Sanchez asked myself?

Mr. Walcott said yes.

Mr. Sanchez said I have been working at this industry for about 15-years now.

Mr. Walcott asked is there any special training group your employees would have to have to dismantle the electric batteries from electric cars? Is it state required? The reason I ask is I know as a fire fighter you have to have special training to know where to cut batteries on an electric car and it is just a concern I had.

Mr. Sanchez said each employee we have will have a certain duty that they will be doing on the yard, whether they're a fork lift operator, they have to take a course as well, whether they're operating a machine, they have to be certified to do anything.

Karina Tipton, audience, asked I can't remember if the last time you were here if anybody asked you to complete a traffic analysis or accident report for this stretch of 208 between Walden and Wallkill? I just drove down that road a couple of weeks ago and it's a beautiful stretch of road, but it is super curvy and it's not in great condition, the surface is pretty messed up. I was just wondering if that had been asked already and the other thing is you mentioned a new permit, metal processing and vehicle dismantling and in previous meetings and in your materials you were very clear that you would not be dismantling any vehicles, so I wanted to ask for some clarification on what that permit is for?

Mr. Sanchez said what I mean by dismantling vehicles is when the car comes in and it gets placed on the Enviro-rack before we operate, after the battery is taken off, we'll take the tires off, the catalytic converter will be taken off, that's what we will take off. We're not selling to the public, we just take the tires off, the batteries, the catalytic converter, we take that off as well.

Alicea Holdings LLC, ASAP Scrap Recycling, LLC – NYS Rte. 208  
SEU Permit and Amended Site Plan – Continuation of the Public Hearing

Ms. Weiss said that's just the title of the permit that we have that encompasses a lot of things, but there's certain subparts that only apply to our facility or that would only apply to other facilities.

Ms. Tipton asked does the permit itself restrict you only to removing tires, batteries, catalytic converters that you were talking about or does it give you permission in the future to dismantle an entire vehicle, if you decided to change your operation?

Mr. Sanchez said that's not the business we're in, that's what is there for the money I plan on making, so it wouldn't work that way.

Mr. Towne said there is a traffic study, the DOT is looking at that as far as their review for the driveway entrance, so that is being done.

Ms. Weiss said also the registration that we have with DEC, the reason it's a registration and not a permit is because we are under a certain threshold, so it's a lower level of the permit that would be allowed under DEC, we have applied for the lower level. If that ever needed to be changed, we would have to change our permit.

Mr. Berger asked these cars when they come to you, explain to me how the VIN numbers are checked that these are legit cars, they're not stolen cars?

Mr. Sanchez said when they come in the weighmaster will come out there, you either have to present the title or you will have to fill out an MV-35 form. When we get the title, what we need to do is match the VIN number to the form. Every car that is brought in that's scrap, we have to do all the paperwork and every single car that has come into that facility, we need to fill out the paperwork and send it to DMV, because your letting the DMV know that you got the car. If they come with no title, or a car that still has a lien on it, if you don't have that lien release, I can't take that car. We have to follow all of the regulations, so every single car that comes in we fill out all of the paperwork, we'll have a camera, it'll take a picture of the car that comes in, what car hauled it in and the license plate. We take the license of the driver of the car, scan it, send it up to DMV, with everything that came in.

Steven Toth, audience said I live right next door. I would like to know from the town who permitted the position of the scale and the concrete pads? They were installed last fall in September or October where they said it was gravel for a period of time, it was only like a marshy area. You can look it up on Google for a property, it's all grass there. They only put the stone in last fall, installed the scale, the slab, everything last fall. I was just wondering who signed off from the town on this?

Chairman Reichle said you would have to check with the building department, we don't know anything about it.

Mr. Toth said if they did allow this I feel bad for George then, because if they allowed him to put this scale in, he should know that this probably will go and then I got sympathy for George because he put his heart and soul into this place and then it got shot down and that's not fair to him, it's not fair to us next door. I'd like to know who from the town signed off on these permits for this.

Chairman Reichle said the planning board wouldn't have anything to do with this.

Alicea Holdings LLC, ASAP Scrap Recycling, LLC – NYS Rte. 208  
SEU Permit and Amended Site Plan – Continuation of the Public Hearing

Mr. Toth said as for ASAP here, when they're doing their metal rack work and everything, they're beating on the steel, all week 5:30 to 6:00 p.m. Monday through Friday, even all-day Saturday. It's pretty annoying when I'm trying to have a family barbeque and I hear people, everyone knows what a big metal hammer hitting warehouse racking sounds like, when it's next to a metal building that is echoing right to us, what that sounds like when they are only a couple hundred feet away from us, from a residence. We do not appreciate you when you are adding your work all the way to your side of the property, right next to ours. You have all that land to use, why don't you spread your work out instead of piling it all next to a residency and beating on steel right next to our house? We really would appreciate that.

Elizabeth Toth, audience, said she lives next door to this place which is going to be a scrapyard. I would like to sell my house, but it's going to devalue because a junkyard is going to come next door to us. My taxes are going to go way up and any of you on the board, nobody would want that next to their house, a scrapyard or a junkyard because it's noisy even on Saturday and I can hear it in my home, even with closed windows and we don't have anymore eagles flying above our house or property because of the noise and there's the Wallkill River right across the street and a brook between us and this company, which is blocked off for some reason and I don't see any healthy reason for doing this project.

Cheri Zahakos, audience, asked you said individuals may come with their car, in that it would be more convenient for the individual and not say for the large company like down on the waterfront, Newburgh?

Chairman Reichle said like consolidated, no.

Mrs. Zahakos said exactly, but you will be allowing gypsies, the people who come around to purchase your cars and drag in 3 and 4 and 5, is that kind of like part of the picture too? What is your max usage per se on the ins and outage, just out of curiosity? What is the noise when you go to crush these and add the crusher, what's the decibel rating on that, for the people who are here? I have sympathy and understanding what they're saying. If you truly want this, could you now figure out some buffer for the residents, like they do along the highway? There's a cost of doing business and you want to make a profit, but people want to have a quality of life. Is it possible that some kind of insulating wall, that is built similar to walls on highways and the Thruway to insulate, so that you help these people out in the community? What is the decibel of the crusher, what will they hear over the hammer and I assume that they're back taxes, (inaudible) and air conditioning as well and that will all be controlled and monitored? I can tell you when I used to commute on 9W, there is a recon place, where they are bringing in, it's a greater level than what you sound to be, but I can tell you every time I got behind one of these trucks, it was scary, it was 30 miles an hour in a 55 mile an hour zone and it became very cumbersome and burdensome to the area. I believe this is all you want to do right now, but what do you want to be when you grow up? All businesses want to grow, everybody wants to be profitable. What's your end game in this and what do you see?

Ms. Weiss said if there is any change to the site plan and special exception use permit, we would have to come back here and get a reapproval. I don't think we envision anything specific beyond what is going on here anytime soon, that would be addressed in the future, it wouldn't be like it would happen overnight.

Alicea Holdings LLC, ASAP Scrap Recycling, LLC – NYS Rte. 208  
SEU Permit and Amended Site Plan – Continuation of the Public Hearing

Ms. Weiss - It is something that we would have to go through this review process like we are doing tonight. As far as anybody coming on site and buying off the site, there is going to be no sale on site of anything and regardless of sale nobody is allowed to come to the site and just pick and choose what they want, even if they worked to pay for something, that's not allowed.

Mrs. Zahakos said she didn't mean to come and buy, what I meant was, the gypsies that come around and give 3, 4 and 5 cars. Will you be allowing them to drop them off also? They're haulers, they go around finding cars and selling them.

Ms. Weiss said if they have the appropriate DMV registration and title and anything that would be required to be brought on site, of anybody, regardless of who they are. You can't discriminate against a specific person, as long as they have all of that information. It sounds what you're describing is someone that wouldn't have all of that information, that would not be allowed, but other than that, if they did, they would be allowed to come on site.

Mrs. Zahakos asked you could allow multiple vehicles coming in (inaudible)?

Mr. Towne said one or two flatbeds was the estimate you could have up to 9 vehicles on one flatbed.

Mrs. Zahakos asked up to 18 cars a week, crushing right?

Mr. Towne said maximum, we don't anticipate that it will be that high.

Mrs. Zahakos said now the decibel during crushing.

Ms. Weiss said we will be responding to that very comprehensively in our written submission detailing all the different factors of the proposed use as well as the existing use and those decibel levels and what those would be in our written submission and that should be before the board and before the public within the next few days.

Barbara Lerner, audience, asked are you going to be responding to all of the written questions that have been previously raised?

Ms. Weiss said yes, that's why you see me writing down, we have been filming and taking all of those into account and writing them down exclusively.

Ms. Lerner (inaudible). You're comfortable with the response from Art, he's a really great guy, in speaking with the company called Iron Axe they have no presence in New York State. I don't know if they have liability coverage for New York and if they don't that could potentially be an issue in terms of the product sales, every once in awhile a company fails. Do you have a pollution solution in your insurance policy, because we have a pollution and a solution like most businesses and (inaudible)? What is the plan of response when there is a leak or a spill? You talk about the DEC coming and monitoring it. New York State DOT spilled on my property when they were constructing Route 17. DEC doesn't have the time to come in, we had to self-monitor and forced the contractor to clean up. I'm not all that comfortable with leaving the responsibility to a department that is just as overburdened as you are.

Alicea Holdings LLC, ASAP Scrap Recycling, LLC – NYS Rte. 208  
SEU Permit and Amended Site Plan – Continuation of the Public Hearing

Ms. Lerner - They don't have that many people to go out and monitor the site, and when spills occur, they can dissipate very, very quickly by seeping into the ground. I am very concerned with the proximity to the river that you are, you are 600 feet away.

Chairman Reichle said I believe they got your letter. Correct, from Barbara Lerner? So, they'll need to address all your concerns.

Ms. Weiss said yes, we have.

Ms. Lerner asked if that would be written?

Ms. Weiss said yes.

Susan Cockburn, audience, asked you said that it is going to be monitored daily, who monitors?

Mr. Towne said that would be self-monitoring, employees on site. There is going to be a lot of employee training involved with obtaining coverage under this permit from the DEC and part of that is going to be inspecting all the places where there could potentially be leaks.

Ms. Cockburn asked if there is a leak, are they trained?

Mr. Towne said yes, there are spill kits, and you'd use a drip pan and you would contain it and control it and patch it.

Chairman Reichle said and drain it and strain it.

Mr. Towne said strain it, use the vacuum to clean it up.

Ms. Weiss said as Matt noted in that specific industrial permit, for stormwater there are specific best management practices that are applied and carried out in the event of many different types of things that could happen, they're all spelled out, they are very extensive. There's a checklist that needs to be followed for lack of a better term, if anything were to happen.

Fred Mertz, audience, said he works at Indian Point, and it's a big industrial site and that's what this is going to wind up being. We have huge sumps around oil containers or even oil storage or even flammables. How are you going to do that on your site, control the flammables, the fluids, the batteries, everything else? How is that going to be controlled for firefighting aspects of it, how can you mitigate?

Mr. Towne said the storage tanks of the Enviro-rack are all steel, everything is going to be contained and enclosed.

Mr. Mertz asked if they are bunkered? They may be steel, but are they going to be bunkered as well? Let's say a tree falls on there or just open to environment, it's still going to rust, so there is a possibility of leaks and everything else, not now, but somewhere down the line, to environmentally protect those containers because of the closeness of the Wallkill.

Alicea Holdings LLC, ASAP Scrap Recycling, LLC – NYS Rte. 208  
SEU Permit and Amended Site Plan – Continuation of the Public Hearing

Mr. Mertz - If you're just building this now, that little extra goes along way with people that are nearby or even those who live close to the Wallkill or might even see a slick going upstream into the Hamlet of Wallkill or even into New Paltz, things of that nature.

Mr. Towne asked when you mean bunkers, like that sits in something?

Mr. Sanchez said the Enviro-rack, these are the containers, they sit in this hole and there are four of them, two on this side and two on the back and they sit in there and that's how they are held. When they come to replace them, they have i-hooks in there so they can lift them up, pull them out and drop the next one in there, that's how they're done.

Mr. Mertz asked the total capacity for each one of those is?

Mr. Sanchez said for each one of these, four here, hold 180-gallons, each one of them.

Mr. Mertz asked are you going to have a collection sump underneath all of that?

Mr. Sanchez said underneath here is another catch basin that holds over 600-gallons in case there's any spill. Once this starts filling there's a gauge on each one of them, as he said, people will be certified to look and I will be on the premises also, walking, constantly checking and once they are getting full, we'll call the proper facility to come and lift it, take it and drop a new one off.

Mr. Mertz said looking at the capacity of all four, it's 720 gallons and you've got a 600-gallon capacity underneath it. Doesn't really make a lot of sense? Why not build something bigger, like 1,000 to hold everything?

Mr. Towne said it's over 1,300 gallons.

Mr. Mertz asked each of the Enviro-tanks holds 180 gallons, right, there's four of them, that's 720 gallons total?

Mr. Towne said and there's 600 gallons...

Mr. Mertz said that's the capacity of all of them, if you have 600 of a base underneath to catch 720 gallons, there's 120 going somewhere.

Mr. Sanchez said correct we're doing one car at a time.

Mr. Mertz said I'm just looking long-range; the capacity of those tanks far exceeds what you have to catch underneath.

Chairman Reichle said they would all have to fail at once.

Engineer Fetherston said if four tanks break at one time.

Alicea Holdings LLC, ASAP Scrap Recycling, LLC – NYS Rte. 208  
SEU Permit and Amended Site Plan – Continuation of the Public Hearing

Chairman Reichle said if one breaks it's 180, two, three would be held, they would all have to fail all at once for that not to work.

Mr. Mertz said I understand all that, if you're building it now why not go for that little extra?

Mr. Sanchez said also on these catch basins, we're going to have 55-gallon drums also on the side that will pump out anything that is capping here. We will never let it get to 500, no, it's constantly going to be funneling it out so that it doesn't get full.

Mr. Mertz asked what about the flammability of the liquids that you're going to be storing, is there a plan other than calling the local fire department?

Mr. Sanchez said the Enviro-rack comes equipped with fire extinguishers as well, it's all pneumatic, so it's all air powered, the whole thing.

Mr. Toth asked if there's a fire, if that catches fires in the middle of the yard and everybody is out to lunch, what's going to happen with everything? It's going to go up in the air, right?

Mr. Sanchez said there will always be someone on the facility at all times.

Mr. Toth asked overnight?

Mr. Sanchez said overnight there will a fire alarm on the Enviro-rack.

Mr. Toth said but there's fuel tanks, I'm looking out for my drinking water, the well is only a couple of feet away from that.

Mr. Sanchez said the fuel will be enclosed and it covers everything.

Mr. Toth said we have two drinking water wells, overnight say something happens to that and next thing you know the indicators that tell you it failed, the lines that go to (inaudible) fail and next you know it overflows, goes into the ground and contaminates our well water.  
You can't say there is always going to be someone there, because your gone at night.

Mr. Sanchez said correct then the car would be taken off.

Mr. Toth said but the fuel is still in those tanks.

Mr. Sanchez said in the tanks, correct, just like it would be in the car overnight.

Mr. Toth said I'm just saying, lightning, it's all metal, thunderstorms.

Chairman Reichle said it's under a roof, it's covered.

Mr. Toth said it's out in the open right now.

Alicea Holdings LLC, ASAP Scrap Recycling, LLC – NYS Rte. 208  
SEU Permit and Amended Site Plan – Continuation of the Public Hearing

Mr. Sanchez said because we haven't gotten the approval yet.

Mr. Toth said they got all the buildings and everything already else up there.

Ms. Weiss said the buildings are existing.

Mr. Toth asked for how long?

Ms. Weiss said they are preexisting for the previous use that was on the property before.

Mr. Toth asked how long? Just give me a year.

Ms. Weiss said we can try to find that out for you, and we can submit that.

Mr. Toth said look it up on Google maps, the property, there is nothing there and that is about a year ago.

Chairman Reichle we'll look into it.

Mr. Toth said no, you can let me talk. If you look this up this is a grass field, marshy area, right now you have a scale installed, two concrete pads, all stone, this is all grass here, this used to be all a marshy area, I know, I live next to it and that is what I am wondering, who permitted it to install the scale and these slabs less than a year ago from the Town of Montgomery. You can't say this was there, preexisting, you just look it up on Google, you can see right here, there is nothing there. You said this was a given, you can't tell me when, it wasn't there a year ago, if you want to see a picture of the place. You actually have it right up there, a picture of the scale, when was that steel installed. I know on your plans you said it was existing, for how long?

Ms. Weiss said I said that the buildings were existing, not the scale.

Mr. Toth said if you look at your plans it says existing scale, 2000. How long has that existed for?

Mrs. Toth said this is my son and that platform and scale were built last August, because I came back in October and I saw a big red light and my son said he was going to call up George and see what it is and that was around before October, everything was put in.

Mr. Toth asked if I look up the application for the Town of Montgomery that was applied by George, if you look at the plan, does it say existing 70-foot concrete pad on your plans? There's a metal processing pad, there's an existing scale, existing mounting pad on where the scale is. How long has that been existed for? Existing trailer to be utilized for office, how long has that existed? So, you did this without permits and you're asking for forgiveness later.

Ms. Weiss said we will address this in our written response because right now we are not going to get concrete answers and I know that's what you want.

Alicea Holdings LLC, ASAP Scrap Recycling, LLC – NYS Rte. 208  
SEU Permit and Amended Site Plan – Continuation of the Public Hearing

Mr. Toth said if I wanted to put a concrete pad down in my yard for a shed, I would have to come to the Town of Montgomery, get the approval for it. They would have to come here to the site and inspect it and make sure everything is safe, before I even build. Isn't that proper law?

Ms. Weiss said yes, understood, we are adding multiple more concrete pads and it's part of our site plan application.

Mr. Toth talking over (inaudible).

Ms. Weiss said I didn't say that, you were talking about the buildings and that's what I was talking to.

Mr. Toth said you said it's going to be converted in the notes, the building trailer is going to be converted into the office, when it's installed as the office. Why do you have to lie on the application?

Ms. Weiss said I don't think anyone is lying on their application, we checked to be very forthcoming.

Mr. Toth asked did you present the existing building permit for the concrete pad and the scale with the application to the board?

Ms. Weiss said I do not believe so.

Chairman Reichle said it was existing when we got the application. When the application came in, what you see is existing, was existing and we did a site inspection. So, whatever happened prior to the application being made we're not privy of.

Mr. Toth asked there is no proof of any permits for this to be allowed to be put there? If the town approved it, they went around without going through a variance and that just goes to show the corruption, if there is any corruption going on with the town and Mr. Rod Winchell is trying to get to the bottom of this corruption with the town and that's why my vote is for him. I hope there's no corruption going on with getting a permit that went on, because if you had a permit to go for these pads and this scale it would have to go for a variance before any of this would even touch the ground. Am I right or wrong?

Chairman Reichle said it may just be a building department issue, he could have probably issued, I'm guessing, I don't know.

Mr. Toth said just like how the noise is driving away bald eagles. I spoke to Susan here, I was on the phone with her a few months ago about when this is going to be on the agenda? Remember I was on the phone with you, I had my ten-year old daughter I was picking up from the school bus and I said hold on a second, there's a bald eagle above me?

Clerk Hadden said yes.

Alicea Holdings LLC, ASAP Scrap Recycling, LLC – NYS Rte. 208  
SEU Permit and Amended Site Plan – Continuation of the Public Hearing

Mr. Toth said that was the last time I saw a bald eagle, that's a federally protected bird. Should the New York State Attorney General look into this for the town allowing this to happen and for Homeland Security to look into a fairly protected animal to be driven away because they don't care? New York State Attorney General, Homeland Security, it's a federally protected bird, the bald eagle, the bird of our country.

Ms. Lerner asked you said that the tanks are lifted out when they're full and they're not pumped out?

Mr. Sanchez said the company found that they can be either lifted out, or pumped out, they can either or.

Ms. Lerner asked what is your plan?

Mr. Sanchez said I'm going to have them pumped out.

Mr. Berger said I think from what this gentleman is saying over here, it all goes back to how we opened up this planning board meeting tonight, where we are trying to get across here that this town is not prepared to move forward on anything. Here this gentleman is saying that something was built on the property and there were no permits issued. It just goes back to what Mr. Farr said and his analyzation of this town of what's not getting done around here and we just can't be moving forward on all these projects when we can't keep up with existing projects we have.

Chairman Reichle said we don't know that there wasn't a permit, they're going to let us know.

Ms. Corr said wouldn't the owner state that?

Chairman Reichle said I don't think the owner is here this evening.

Ms. Weiss said he is not, and we will check into that.

Chairman Reichle asked anyone else? Hearing from no one he asked the board if they had any comments?

Member Brown III said this might be for George, the standard business practices would probably be really something that should be documented, something that we could read, something you should have on hand at all times. I would also include MSDS, Material Safety Data Sheets, some fire department training in case of emergencies, also training records for your employees documented.

Mr. Sanchez said yes, we have that.

Member Kelly said I asked these gentlemen the last time we talked about any lighting on the project and I was told you would be primarily operating during daylight hours. I would just want to make a note in the record that if there are any luminaires to be installed on these new buildings that details would be submitted to the planning board because we watched the gentleman back there talking, he doesn't need to be lit up by you and he may not want that.

Alicea Holdings LLC, ASAP Scrap Recycling, LLC – NYS Rte. 208  
SEU Permit and Amended Site Plan – Continuation of the Public Hearing

Mr. Kelly - This is the sort of thing we are very careful about, but if you are not planning to operate at nighttime than you are not going to be putting up any luminaires on the building, let alone any on poles.

Vice Chairman Beaumont said I'm really interested in seeing the industrial SWPPP when you get it done.

Ms. Weiss said we plan on submitting that to the town.

Chairman Reichle said you are going to respond to comments, and you'll address the Orange County Department of Planning comments. I went out there on Saturday because of their comments and I walked along the whole site on the rail bed, and you can't even see a roof now and I had to walk up on the bank to even see anything. I couldn't see anything on your end at all, where you are going to work. I did go up and walk up the bank so I could see the yard and I also looked at the building at the far northly building and you can see that. You guys have a lot of material there for the racking, it was 2:30 in the afternoon, it was quiet I didn't hear anything and I could see the roof of the storage buildings, but I could not see down, to respond to the County comments, I couldn't see at all where you are going to be doing your operation.

Ms. Weiss said we are planning on submitting a separate response to the County comments.

Chairman Reichle said the noise is something that we may want to look at.

Ms. Weiss said we have a comprehensive decibel response to the existing and the proposed and all of the different facets of that.

Chairman Reichle said why don't you come back in on the 12<sup>th</sup>, it's our next meeting, we do have a hearing already scheduled that evening so maybe 7:45 p.m. This will be the public's notice that this public hearing will be reconvened on August 12<sup>th</sup> at 7:45 for ASAP, you won't get a notice in the mail. I'll entertain a motion to proceed that way.

Vice Chairman Beaumont motioned to adjourn the Alicea Holdings, LLC, ASAP Scrap Recycling, LLC Public Hearing to August 12, 2019 at 7:45 p.m., seconded by Member Kelly. All in favor, all ayes, motion carried.

Angry Orchard – Walden Lanes Parking Expansion – NYS Route 52  
Amended Site Plan Approval - Discussion

Chairman Reichle said congratulations on your purchase of the Hoe Bowling Alley. So that everybody knows, Angry Orchard, Boston Beer bought the old bowling alley and they're going to add some parking to their establishment.

Dominic Cordisco, Attorney for the applicant and with Drake, Loeb Law Firm said we have been working on this project for almost the past year now and we have been revising the plan. As you noted they have purchased the former Walden Lanes, the intent is to demolish the building and incorporate the parking lot into the overall cidery facility. They are looking for an amended site plan approval that would incorporate this additional parking with the improvements that Walter can talk about.

Walter Kubow, PE with Chazen Companies said the applicant plans to level the physical building, pave that area of the building footprint for additional parking. We've addressed landscaping comments, we've got a lighting plan that has addressed all the comments. There will be a sign application forthcoming, but that has not been made yet. We've got the gates at both entrances, the westerly one is the one we are going to lock as stated. Sight distances are adequate for the easterly entrance. We've got fencing and landscaping protecting against the neighbor.

Chairman Reichle said yes, they were happy about that.

Mr. Kubow said if you have any other questions or concerns, we are willing to listen.

Chairman Reichle said you're going to have a wood chip path from the back of where the old bowling alley was, it's going to go out to the cidery.

Mr. Kubow said yes, a path from the old bowling alley to the apple orchard.

Chairman Reichle said with maybe some bollard lights or something. Was that decided?

Member Kelly said pole mounted 12-feet.

Mr. Kubow said just a few of them, 7 or 8.

Member Kelly said I approved that Fred.

Chairman Reichle said yes, I got your memo. The lighting will probably be shut off at some time in the evening?

Mr. Kubow said it will be timed.

Member Kelly said it is not going to be on all night?

Mr. Kubow said no.

Mr. Cordisco said I believe the lights within the parking lot already shut off within an hour or two hours after they close.

Angry Orchard – Walden Lanes Parking Expansion – NYS Route 52  
Amended Site Plan Approval - Discussion

Chairman Reichle said I know there was an improvement over the winter on the new parking lot, they did get shut off. You're not adding impervious, you're taking the old building down. When it comes to demoing the old building, is there anything we have to worry about as far as, it's an old building, it's probably going to be broken up with an excavator with pinchers on it? There will be a best management plan for that, by whoever does the demo?

Mr. Cordisco said that's correct and we did a pre-demolition survey of the building and we understand what's in it, there are some tiles as you would find.

Chairman Reichle said asbestos tiles.

Mr. Cordisco said that's correct and they will be properly removed, and we will do everything under the auspices of a demolition permit with the town.

Chairman Reichle said you are going to close off the westerly entrance and gate it, it is only for emergency purposes, it will have a lock box on it and just use the other entrance. The other thing we were concerned about as I walked it and I've noticed it lately. The water that comes from this parking lot, ends up all down in that lower corner out on Route 52. I know that you are going to add a drain and put new curbing and then you are going to rebuild the drain that's there already and exits out to that and probably hydro-vac that pipe, clean that pipe out, it's probably a mess. The ditch is in really bad shape and I know it's in the DOT right of way. I'm wondering if there's a way that we could get that ditch cleaned out? I volunteered to write a letter to DOT, I don't know how far that would go. Maybe you can get me someone there, because Chazen is also dealing with the one on the corner. Is that correct with Gas Land?

Mr. Cordisco said that's correct.

Chairman Reichle said I have no problem reaching out and sending an email and following up. I'm not going to say it's got to be done now, but at some point, that ditch needs work and the maintenance is lacking and it's hurting the people next door because it's low anyway, but it's not draining. It's draining even poorer because the ditch is full, it's not your fault, but the water from your site does come this way and I know that we're not increasing impervious, there's no need to do continuation for that, but I think if we could get to the right person maybe we could get some movement on cleaning that because that would benefit everyone. Okay?

Mr. Cordisco said certainly, I can put you in contact with the regional engineer for the DOT.

Chairman Reichle said they did get a letter stating the purpose of all of this and the desire was not to increase any impervious. Do they need to respond to us on that?

Mr. Cordisco said I would say no, only in the sense that they did get the letter and they acknowledged to me that they had gotten the letter, but I don't believe that they will actually respond to it. The point ultimately is that we don't need approval from the DOT for the project because these are existing curb cuts out onto that state road and the letter that the DOT had written previously had suggested a drainage study without fully understanding the nature of the project and the fact that we were not increasing any impervious areas into the site.

Angry Orchard – Walden Lanes Parking Expansion – NYS Route 52  
Amended Site Plan Approval - Discussion

Mr. Cordisco - I think it would be difficult to get the state agency to write a letter that says, upon further reflection, you don't have to do further study, because further study is off, here it's not warranted.

Chairman Reichle said I know that that area on the east by William Valk is rough in there and brushy and I know that at some point you'll probably clean that up, so that you can install your fence and then your shrubbery, your landscaping. It's our hope and I think you would do it anyway as a matter of fact to mark the boundary, so that the neighbors can see where it is. There is a chain link fence there now that is not on the boundary, it never was. Out at the road, it's clear a foot and out back it's clear 14 ½ feet, if you look on the existing conditions plan, so some clarification of where the boundary is for the neighbors maybe and you can do that in the process of doing your clearing and I don't think they would have a problem. You can talk to them when the time comes, but they wouldn't have a problem if you clean up over there whatever you want because it's just a brushy mess anyway, just food for thought when it comes time to clean that up.

Planner Dotson said he should write a letter, because I don't know if they are going to feel comfortable going on somebody else's property.

Chairman Reichle said I'm not suggesting that, I think it's most important that the boundary is marked, so that the neighbors know where it is, let's just leave it at that.

Mr. Cordisco said we can certainly do that.

Chairman Reichle said you need to do it to put the fence in anyway.

Mr. Cordisco said correct.

Chairman Reichle asked anything else? Hearing from no one, he asked this is pretty straight forward, right?

Planner Dotson said I think it is, I think Rich talked to me about the front. I was looking at this as being pre-existing and in fact they are making it better, they're putting a split rail fence along the front. They're adding considerable vegetation in the island and if they decide they are going to move that parking out of the front, then the place where they would put it is more towards the west to the neighbors and if the planning board really wants to see that, that's one thing.

Chairman Reichle said I look at it as it's there, because it's parking in the front yard.

Mr. Cordisco said if we were designing a new parking lot, of course we would have to either meet the requirements or seek relief for that and we're not. It's an existing lot that we're incorporating and improving. On the incorporating part, any condition of approval should include that we will merge the two lots.

Chairman Reichle said correct, because it's an accessory use.

Mr. Cordisco said we can do that at the assessor's office.

Angry Orchard – Walden Lanes Parking Expansion – NYS Route 52  
Amended Site Plan Approval - Discussion

Chairman Reichle asked if anybody had any questions?

Member Brown III said our intention is to maintain that in the winter, plowing. Is that correct? I thought we mentioned that at a workshop.

Chairman Reichle asked both entrances will be gated when you're not using it, is that correct? You build a nice parking lot, you don't want anybody, when you can't watch them. People pull all kind of stuff, there would be garbage like there is now.

Mr. Cordisco said in regard to the sign, the intention is to use the square footage that is there already for Walden Lane, but with the signage that matches the other signage at the facility, that would say Angry Orchard, additional parking.

Member Kelly asked no lighting on the sign?

Mr. Cordisco said no lighting on the sign.

Chairman Reichle said everything else is done. We've gotten this to Karen, but we haven't heard. We probably will discuss this next Wednesday at the workshop.

Mr. Cordisco said we were anticipating or at least like to ask for consideration of approval tonight, because we are eager to start working on this aspect of the project.

Chairman Reichle said we need some sort of a Negative Declaration for this. Don't we Leslie?

Planner Dotson said yes.

Chairman Reichle asked we don't have to circulate, or do any of that?

Planner Dotson said no.

Chairman Reichle said no, but we don't have anything prepared. We can easily do it on the 12<sup>th</sup> and wrap it up. I think we'll have heard from Karen by then and we'll get that to you right away. I don't think there was anything else. In the meantime, if you want to get me the DOT engineer, I'll get on him. Sorry, I couldn't be a little more helpful.

Mr. Cordisco said no, I understand. Would you like us to come to the work session?

Chairman Reichle said I don't really know if there's a need to, we have enough on our plate. I may brief the board a little bit about it, but there's really not much here, we may discuss it for 2-minutes, for full disclosure, but I think we're in pretty good shape with this one.

Mr. Cordisco said if you need anything from us, let us know.

Do It Best Corp. – Neelytown Road – Amended Site Plan  
Notice of Intent to Declare Lead Agency

Chairman Reichle said for Do it Best, we need a Full EAF before we can notice our intent to declare lead. We'll send our comments to the applicant.

Cranesville Block – Stone Castle Road – S.E.U. Permit Renewal – Extension Request  
Aug. 29, 2005 – Approval by Resolution; 3-year Renewal Expires July 29, 2019

Chairman Reichle said Member Brown III and I went out last Tuesday, met with John Dow from Amsterdam. He runs a lot of these operations for them. Anytime we get a complaint with Cranenville, we can go there to do a site inspection whenever we want. He was very easy going with that, anytime you guys want to come up. The site isn't perfect, they've got material there. They make those blocks out of the leftover concrete. He showed us a receipt, they sold 600 and some of those blocks last year in 2018. They also sold over 11,000 cubic yards of material, the material is the concrete that hardens, they have a crusher come in and make it into an aggregate and then they sell it. They've got more up there than they want. The catch basins have a magnetic screen that are cleaned everyday and he showed it to us and it's a nice 2 by 4 cast iron flat grate and it's like Velcro, but it's magnetic on the top. The one was clean and the other one wasn't, the other one had a little bit of concrete sediment on it.

Member Kelly asked if they have little metal pieces that it brings up?

Chairman Reichle said no, it's magnetized to the grate, so it doesn't fall off. It lets the water through but not the concrete, fine, so it's got a little film of concrete on the top and then they wash it off. Three times a year, Busy Bee, they have a service come in to suck out the basins, because years ago they didn't do that, they had them hydro-vac it out and having Busy Bee come in at 8 to 9 thousand dollars a year is cheaper than having them hydro-vac them. There are some best management practices, they have a binder that they are adhering to as the DEC had asked for. There are improvements that have been made. He said they do 240 yards a day. The blocks are 2 by 2 by 6, they're roughly a yard of concrete. Any approval to extend for the extension would be retroactive to when it was due, because we have been extending this out as they've met the DEC requirements. This last extension goes back to August 29<sup>th</sup> of 2018, so if we grant another 3-years, it would be August 29<sup>th</sup> of 2021. So they're not getting a free pass from now, they are getting it from when it was due, just as we normally do with an extension request and like I said, if we hear anything I can call John and he'll be there or he'll have Brian that's the other guy, and we can go up and look at it and we'll talk to him. Does anybody have any questions? Hearing from no one he said I'll entertain a motion to grant a 3-year renewal and that's going to go out to August 29<sup>th</sup> of 2021 and we have the letter set up by Rich, so we're all set.

Member Pennings motioned to grant a 3-year Special Exception Use Permit Renewal by Resolution to the Cranenville Block Company, to extend from August 29, 2018 to August 29, 2021, seconded by Member Kelly. All in favor, all ayes, motion carried.

Ponds at Montgomery - NYS Rte. 17K  
Fourteen-lot Major Subdivision with One Commercial Lot  
Extension Request of Conditional Final Approval; Expires 07/22/2019  
Feb. 11, 2010 Approval Reinstated; Thirty-seven 90-day Extensions Granted

Chairman Reichle reviewed the extension request form.

Member Pennings motioned to grant a 90-day extension of conditional final approval for the Ponds at Montgomery subdivision with one commercial lot, to extend from July 22, 2019 to October 21, 2019, seconded by Member Montemarano. All in favor, all ayes, motion carried.

Red Birch, INC. – NYS Rte. 17K – SEU Permit & Site Plan Approval  
Extension request of Final Approval – CFA Granted 2/13/2017 (18-months)  
Expires 8/13/2019 – 3<sup>rd</sup> 6-month extension

Chairman Reichle reviewed the extension request form.

Member Pennings motioned to grant a 6-month extension of final approval for the Red Birch, INC. to extend from August 13, 2019 to February 13, 2020, seconded by Vice Chairman Beaumont. All in favor, all ayes, motion carried.

Member McGuire motioned to adjourn the meeting, seconded by Member Pennings. All in favor, all ayes, motion carried.

Respectfully Submitted,

Suzanne Hadden, Clerk