

TOWN OF NEW WINDSOR

PLANNING BOARD

February 8, 2012

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PLANNING BOARD CHAIRMAN

MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

JAMES PETRO
PLANNING & ZONING BOARD COORDINATOR and
PROPERTY MANAGER

JENNIFER GALLAGHER
BUILDING INSPECTOR

NICOLE PELESHUCK
PLANNING BOARD SECRETARY

ABSENT: HENRY VAN LEEUWEN

REGULAR MEETING:

MR. ARGENIO: I'd like to call to order the February 8 regular meeting of the Town of New Windsor Planning Board. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: Our planner is not here yet, he'll be here in a minute but we'll get started.

ANNUAL MOBILE HOME PARK REVIEWS:

BRITTANY TERRACE

MR. ARGENIO: The mobile home parks are next and I'm sure Jimmy will be here in a few minutes. Oh, Jimmy's here, excellent. First is Brittany Terrace Mobile Home Park. Somebody here to represent this? Ma'am, your name?

MRS. KEAN: Joan Kean.

MR. ARGENIO: Jennifer, has somebody from your office been out to see this?

MS. GALLAGHER: Yes, we have.

MR. ARGENIO: What do you have to say about it?

MS. GALLAGHER: Everything is in order.

MR. ARGENIO: Which is in typical Brittany Terrace fashion, I'm happy to hear that. Ma'am, do you have a check made out to the Town of New Windsor in the amount of \$460?

MRS. KEAN: Yes.

MR. ARGENIO: I will accept a motion for one year extension.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: If you would tender the check to Nicole, that's it.

MONACO MOBILE HOME PARK

MR. ARGENIO: Next is Monaco Mobile Home Park.
Jennifer, has someone from your office been out to do
an inspection?

MS. GALLAGHER: Yes, everything's fine.

MR. ARGENIO: How many units are out there?

THE APPLICANT: One, two, three.

MR. ARGENIO: Okay, very good. Do you have a check
made out to the benefit of the town in the amount of
\$250?

THE APPLICANT: Yes, I do.

MR. ARGENIO: I'll accept a motion for one year
extension.

MR. FERGUSON: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: See you in one year.

NUGENT MOBILE HOME PARK

MR. ARGENIO: Next is Nugent Mobile Home Park. What's your name, sir?

MR. SHAH: Saldeb Shah.

MR. ARGENIO: Jennifer, has somebody from your office been out there to visit?

MS. GALLAGHER: Yes.

MR. ARGENIO: What kind of shape is the place in?

MS. GALLAGHER: Okay, it's fine.

MR. ARGENIO: It's good?

MS. GALLAGHER: Yes.

MR. ARGENIO: Do you have a check made out to the benefit of the Town of New Windsor for \$250?

MR. SHAH: I can do that.

MR. ARGENIO: Now would be the time you should do that. If anybody sees fit I will accept a motion we offer a one year extension?

MR. BROWN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Roll call.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

REGULAR ITEMS:

ARKEI MOTORS SITE PLAN (12-01)

MR. ARGENIO: First regular item Arkel Motors construction of an addition. It's represented by Mr. Shaw who I see is coming up. The application proposes two building additions totaling 2,560 square feet to be used as service bays and parts and storage. The plan was reviewed on a concept basis only. Greg, just as the point of information, this plan and for the benefit of the members, we had this plan quite a few weeks ago and Mark reviewed it at a workshop at Town Hall. I had a look at it and insomuch as the application was pretty basic, we have already forwarded to the Orange County Department of Planning because you're right there on Route 32 and they have responded local determination.

MR. SHAW: Good.

MR. ARGENIO: Just in the interest of keeping things moving, you're not unnecessarily jamming things up so what say you tonight?

MR. SHAW: Very simply, the property is in the C design shopping zone and it totals 7.3 acres. What we're proposing are two additions to the facility, one would be an 800 square foot addition for parts and storage and the second addition which would be to the south would be for two bay service areas. This is an existing, non-conforming use in this zone but because of the fact that we're expanding it substantially less than 30 percent we're allowed to do so. Also, I'd like to bring to the board's attention with respect to the front yard setback in this zone for the use that we have selected we're obligated to provide a front yard setback of 100 feet, we're at 46 feet. But in the wisdom of your planning board engineer, we're not increasing the non-conformity so the board historically has taken the position that it is an existing, pre-existing, non-conforming condition.

MR. ARGENIO: You're not making it any worse.

MR. SHAW: Correct. All right, so Arkel Motors has been around a long time, I'm sure you're all familiar with it. They repair vehicles, anything from tow trucks to tractors to municipal equipment and this would allow them to expand their operation by creating

two additional bays and some more room for parts and storage. And as far as the site disturbance, it would be at a minimum just basically rerouting the storm water to the north around the parking area.

MR. ARGENIO: What's driving that? That's substantial regrading there, what's compelling you to do that?

MR. SHAW: We have an embankment there and you're going into the embankment and you're going to chase the grade up the hill.

MR. ARGENIO: So because of the addition this property the driving lane which is pushing you into the embankment?

MR. SHAW: Correct, it's the addition and also widening up the lane on the southerly side to 30 feet to satisfy the fire inspector. That added to it also.

MR. ARGENIO: That drainage course in the rear exists now?

MR. SHAW: Yes.

MR. ARGENIO: You're sure?

MR. SHAW: Yes. In fact, we're tying into the existing drainage course that exists there.

MR. ARGENIO: Greg, I'm curious not that it makes a big difference but who owns the lot to the north?

MR. SHAW: The lot to the north is owned by--

MR. ARGENIO: I see it says Route 52 Realty.

MR. SHAW: It's the same entity that owns this parcel, both owned by the same corporation.

MR. ARGENIO: It's interesting so they're using that lot for storage of vehicles now it seems?

MR. SHAW: Yes.

MR. ARGENIO: Okay, while you guys are having a look at it, I'm going to do a couple housekeeping things here. Greg pointed out they are allowed a 30 percent expansion which they are substantially under that. Mark has done a little leg work here and he's telling

me here there's no outside agencies involved. So if anybody sees fit, I'll accept a motion that the Town of New Windsor declare itself lead agency under the SEQRA process.

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Roll call.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. GALLAGHER: Those fuel tanks by addition number two are they above or below ground? Says fuel tanks to be removed.

MR. SHAW: They were aboveground.

MR. GALLAGHER: Are they currently being used, being relocated?

MR. SHAW: I'm really not sure what the final disposition is.

MR. ARGENIO: Two small additions here. Jennifer and Mark, this seems to be like this is one that's almost on the edge of almost not having to come to the planning board almost but for the county thing and the setback issues.

MR. EDSALL: That is correct and I think it is a good opportunity always to provide better vehicle movement, emergency access and Greg's cooperated and improved that aspect.

MR. ARGENIO: Yeah, that cutting into that embankment is probably the thing that's going to trip it if nothing else because it's a bit of site work.

MR. CORDISCO: In addition, whenever you're looking at a non-conforming use and an expansion of a non-conforming use you want to be sure.

MR. ARGENIO: Understood. And that vehicle storage

area in the back has shale on it already?

MR. SHAW: Yes.

MR. PETRO: MR. Chairman, Mr. Shaw has school taxes to pay, another reason for this.

MR. ARGENIO: Anybody sees fit, I'll accept a motion we declare a negative dec under the SEQRA process.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded, roll call.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Mark, focus me on something relative to this application, I don't see a lot going on here, I see two very similar and basic additions. Do we have anything over here that's giving us issues?

MR. EDSALL: No, it's in good shape. One other item I will just bring up is I asked Greg to make sure that this particular lot he verified from a parking standpoint that it stood on its own, that there was proper reserved spaces and as you pointed out, the lot to the north is a separate lot and that could always be sold and used for something else in the future. So Greg's assured me that the parking is adequate on this site alone.

MR. ARGENIO: Yeah, and knowing the area well obviously it seems to me that most of their parking customer or otherwise occurs on the Arkel Motors site proper and what I typically see on the plot to the north is storage of vehicles.

MR. EDSALL: Exactly. So he's indicated that the site plan reflects compliance standing on its own.

MR. ARGENIO: Is your owner here with you?

MR. SHAW: No, he is not, he was going to come but his

wife had surgery two days ago so he elected to spend the night with her.

MR. ARGENIO: No excuse. I will poll the board on the need for a public hearing, I'll go to my right and I will ask Howard and Harry collectively, do you guys have any thoughts on the need or not for a public hearing for this application?

MR. FERGUSON: I don't think there is any.

MR. BROWN: How many residents are around there? I don't see any.

MR. ARGENIO: Yeah, it's the Masonic Lodge to the left and I think it's the lodge building itself to the left, the neighbors are on the lot, one lot to the south and there's a couple of neighbors right next to it.

MR. BROWN: No noise that's going to be created from this other than what's being done now.

MR. ARGENIO: It's a closed building.

MR. BROWN: I don't see any need.

MR. GALLAGHER: No need for the public hearing, I don't believe.

MR. ARGENIO: I agree with you guys.

MR. GALLAGHER: Motion we waive the public hearing.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion has been waived and seconded we waive the public hearing for Arkel Motors. Roll call.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Have a look at it, guys. As I said, Mark Edsall, is there anything else you need to be highlighting for us? It's so basic.

MR. EDSALL: No, as you indicated--

MR. ARGENIO: It's a slab, it's a little bit of paving, he's going to regrade and we're going to get our access, the interagency issues have been resolved. Are there any interested agency issues? I see no indication of any here on my summary sheet. Jennifer, anything else on this?

MS. GALLAGHER: No, I've got nothing.

MR. ARGENIO: Do you guys have anything else?

MR. GALLAGHER: I have nothing.

MR. ARGENIO: Am I missing anything procedurally other than the bond estimate?

MR. EDSALL: You did lead agency, you got the negative dec out of the way?

MR. ARGENIO: Yes.

MR. CORDISCO: Waive public hearing.

MR. ARGENIO: Yes.

MR. EDSALL: So that's it.

MR. CORDISCO: Ready for approval.

MR. GALLAGHER: Motion for final approval for Arkel Motors.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer final approval for Arkel Motors subject to Mark's comment number seven in its entirety, not the least of which is the bond estimate containing appropriate unit prices as approved by the planning board engineer. I'll have a roll call.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

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MR. ARGENIO: Good luck.

PALMER SUBDIVISION (11-17)

MR. ARGENIO: Second regular item on tonight's agenda is Palmer minor subdivision on Shore Drive. The application proposes subdivision of the .7 acre parcel into two single family lots. The plan was previously reviewed on a concept basis only. The applicant is here tonight for referral to the zoning board because he does not meet the appropriate requirements. Tell us what's your name for the benefit of the stenographer.

MR. MARSHALL: Good evening, my name is Larry Marshall. This is a proposed two lot subdivision on the easterly side of Shore Drive. Just to give you a little history on these parcels, back in 1950, Melville and Doris Palmer originally purchased the parcel that's shown as lot one and in 1969, they purchased three additional lots in this much larger subdivision and that's shown as lot two. And in 1978 through a divorce, Doris conveyed all the rights and interest of the land to Mel. And in November of 1978, he had requested from the tax map department to combine the two tax map parcels into one.

MR. ARGENIO: What year was that?

MR. MARSHALL: 1978 into one parcel. And back in 2003, the Palmers attempted to convey lot two to their son, Neil, for the purpose of building a home for himself and that was deemed an illegal subdivision which is why we're here this evening to request a referral to the Zoning Board of Appeals.

MR. ARGENIO: Okay. I don't understand the last part of that. Can you say that again the last part of it?

MR. MARSHALL: Regarding the 2003?

MR. ARGENIO: Why you are here specifically tonight, the events from 2003 to today which compel you to be here tonight?

MR. MARSHALL: Well, in 2003, the Palmers they had, when they purchased it in 1978, when Mel purchased it or the, I'm sorry, 1969 they had believed that they had two parcels and they conveyed, they combined the two parcels of land for tax reasons to only receive one tax bill rather than two. So in 2003, Mr. Palmer wanted to convey to his son what is shown here as lot two.

MR. ARGENIO: The 15,000 square foot lot?

MR. MARSHALL: Correct. And because it had been combined into one tax map parcel that was deemed to be an illegal subdivision, that conveyance which there's a lot of history back and forth.

MR. ARGENIO: What happened in 2003?

MR. MARSHALL: Nothing, that was it, it was basically I went back and forth to a couple of attorneys, they deemed it to be an illegal subdivision.

MR. ARGENIO: The original subdivision back from years ago?

MR. MARSHALL: No, the conveyance of lot two was deemed to be an illegal subdivision.

MR. EDSALL: Jerry, I might be able to help a little bit. What happened was is that when they combined them it was back when the sewer districts were all being created and it was on a unit charge per lot. So I believe what ended up being the catalyst to combining them is to save money on sewer tax bills so they combined them so that they would not only have a single tax bill but they would have a lower tax bill so they kept it that way for years and years and years paying a lower tax amount.

MR. ARGENIO: Follow the money.

MR. EDSALL: There's always some reason. And in 2005, I have a letter in front of me from the former attorney Mr. Crotty, the attorney for the town, when they attempted to by deed sell a portion of the lot basically mirroring the old lot lines, when they tried to sell a portion of the lot and the tax map department contacted the town assessor's office and said you can't do that, you have one lot, you can't split it now so the town attorney deemed it an illegal subdivision, told the tax map department you cannot split it.

MR. ARGENIO: Everything was abandoned and we're back to one lot?

MR. EDSALL: So now they're trying to do it via a subdivision procedure but since the zoning changed they need to go to the zoning board to get the lot configuration they want.

MR. ARGENIO: That's an interesting scenario that you should probably get focused and bone up on for the benefit of the zoning board because one of the things I like to ask not that it's incredibly relevant, I always say what's your hardship, what's driving your rationale. And without you uttering another word, you have offered that, you have offered that.

MR. PETRO: Mr. Chairman, first I just want to say that Mr. Palmer's a personal friend of mine but it has no bearing, I have nothing to do with this property. Most of the story and everything that I've heard really is immaterial to anything.

MR. ARGENIO: I'm always curious when people want to go to zoning and get that 20,000 foot lot.

MR. PETRO: He combined the lot to save money. Now they want to go backwards. In October, 2003, the town went to two acre zoning which I helped to do and now he can't do that but I say on their behalf I know the area quite well and your best case is to go to the zoning board so that it would be conforming with most of the lots in the area.

MR. ARGENIO: I was going to say looks like based on the location map if you guys look on the top right the new lots are certainly in keeping with what's in the area.

MR. PETRO: All this other stuff going back and forth with Mel who I knew personally and Doris and everybody, I don't know about any of that, but certainly matches everything else that's on the road. That's your best argument. The town zoning is two acres, is that correct?

MS. GALLAGHER: No, it's one acre there.

MR. PETRO: Well, whatever it is, it doesn't fit but that's what I had to say about it.

MR. ARGENIO: I agree with that and I think the other stuff is very relevant, I think it is relevant and I think Jimmy's point is one hundred percent on board and I think the whole thing is relevant and I think that's not, that I need to tell you your business but that's your argument to the zoning board. Do you guys have any questions to my right, Dan, do you have any

thoughts on this?

MR. GALLAGHER: No.

MR. ARGENIO: Okay, member number six, do you have any other comments? Jimmy, anything else?

MR. PETRO: No.

MR. ARGENIO: Okay, if anybody sees fit, I'll accept a motion that we declare this application incomplete at this time.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare this application incomplete at this time. I'll have a roll call.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: At this time, you have now been referred to the zoning board, take heed to Mark's comments, he's got some very minor clean-up comments on there and it would seem to me that the spin on this is favorable, Jimmy, from the planning board, based on the discussion we had here tonight. Anything else I can do for you?

MR. MARSHALL: No, that's it.

MR. ARGENIO: Have a good night. Jimmy's the link between the planning and the zoning board so remember that.

ANTONIO'S BARBER SHOP SITE PLAN & SPECIAL PERMIT
(12-02)

MR. ARGENIO: Antonio' Barber Shop home professional office, 258 Riley Road. Application proposes barber shop use at the existing residence in the form of a home professional office. Come on up, give the stenographer your name.

MR. MUGNANO: My name is Antonio Mugnano.

MR. ARGENIO: Let's have a look, you guys have plans down there? So, Antonio, you've got to move out of the way so I can point, so it's an existing home, where are we here, what's the address?

MR. MUGNANO: 258 Riley Road.

MR. ARGENIO: Take me there.

MR. MUGNANO: Route 94 under the, over the railroad tracks you make a right on Riley Road, it's the second house on the right.

MR. ARGENIO: So we have a two story home, we have a substantial paved driveway, you have a garage adjacent to the house. It would seem to me you're going to take a portion of the garage and you're going to operate a barber shop out of the garage?

MR. MUGNANO: Yes.

MR. ARGENIO: Is that about close?

MR. MUGNANO: That's dead on.

MR. ARGENIO: Property's in the R-3 zone in the town, it's located on 94 and Riley Road. Property has a looped driveway, this is for home professional office. Do you have anything on this?

MRS. PELESHUCK: Jen might.

MR. ARGENIO: I want to read this from Mark's comments from, this is from Mark's comments for the benefit of the members, a review of the home professional office guidelines defines the following requirements, use must clearly be secondary to use as a dwelling. Seems as though that's the case. Use must not change the character or structure as a residence and activity must

not occupy more than half the ground floor of the area. Seems as though that's the case. You shall not employ more than one person. Who is going to be working there?

MR. MUGNANO: Myself.

MR. ARGENIO: Seems as though that threshold works. You shall not create a public nuisance, that's yet to be seen. But does anybody disagree with my assessment of this?

MR. GALLAGHER: No.

MR. EDSALL: I think the bottom line is that the spaces in front of the dwelling may make you meet the requirements so the other ones you don't need at all anyway so just keep in mind those probably really don't realistically all exist.

MR. GALLAGHER: Do you plan on having set hours of operation, days, is it going to be more of an appointment?

MR. MUGNANO: If it goes forward, I can, you know, work with the scheduling and everything with the hours. Typically barber shops are closed on Mondays, I'd like to try and keep it minimal, you know, right now, things are tight, I work in the plaza in Vails Gate. I've been there for the past 15 years. The shop has been there for 60 years but between paying rents and everything, money's tight so I'm trying to watch out for the future cause when the time happens where if it doesn't go through I need a backup.

MR. ARGENIO: Mark, what's this business, this is a home professional office, a guy wants to put a barber seat in his garage, what's with this Cornwall business?

MR. EDSALL: With what?

MR. ARGENIO: Cornwall business on the seventh comment.

MR. EDSALL: I understand how minimal the application is, unfortunately, neither I nor anybody in this room wrote the New York State General Municipal Law and when it's within 500 foot of the municipal boundary, it has to number one go to the county and number two the state legislature added 239 NN to the State Law which says you have to send it to the adjoining municipality as we

have done.

MR. CORDISCO: For any site plan subdivision or special permit use.

MR. EDSALL: I can't disagree with you that it seems foolish but unfortunately we're stuck with the law as it's written in Albany, I guess for larger applications it makes sense. This is unfortunately an inconvenience but you have to have a public hearing because it's a special permit. I will make sure that the notices go out.

MR. ARGENIO: What would be the major environmental concerns that we would have to consider?

MR. EDSALL: For which referral?

MR. ARGENIO: This application.

MR. EDSALL: I don't know that you have--

MR. ARGENIO: There's a SEQRA determination here?

MR. EDSALL: This should be a real easy one.

MR. ARGENIO: Do we need to do lead agency first?

MR. CORDISCO: At this point, the board has to refer this application to the County Planning Department before.

MR. ARGENIO: Procedurally, we cannot do that. Okay, all this is gobbledigook for you. The law requires because of your proximity to the state highway, we have to refer to the county for review which I don't understand but it's the law. So we need to do that. And we will do that and chances are we'll get a response back that says no exception. But I can't speak for them. Second thing is because of your proximity to the Town of Cornwall line, town line, we have to also refer to them. I can't imagine what comments they would have on it. But as Mark said, we don't make the law, we don't change the law, we have to abide by the law. So we will refer to those folks. The law also says that this facility will operate under a special permit and one of the reasons that we have special permits is cause a lot of times some uses have a greater impact than yours does and the special permit allows us to revisit it every year. So if somebody is

not doing what they should be doing, the planning board has the ability to remove or revoke or not renew that special permit. Bottom line is this, we have to have a public hearing, we have to refer to these other agencies. I can't imagine what they would come up with but this is the law and we need to follow the law. Do you guys have any comments on this? Any questions? Mark, am I missing anything?

MR. EDSALL: No, I'll take care of the referrals.

MR. ARGENIO: So if anybody sees fit, I'll accept a motion we authorize the public hearing.

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded. I'll have a roll call.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Antonio, there's nothing else for you to do at this point. The lovely Nicole will take care of sending it to the county, take care of sending it to Cornwall, she'll schedule the public hearing, we'll have the public hearing. Let's make sure that we've heard from the other parties before we--

MRS. PELESHUCK: Do the public hearing.

MR. ARGENIO: Correct, so we can get you wrapped up in one more meeting.

MR. MUGNANO: When the Cornwall thing happens, do I have to go to Cornwall?

MR. ARGENIO: No, they'll tell us.

MR. EDSALL: They have not yet responded to any of these referrals, never.

MR. MUGNANO: Just has to be made known to them.

MR. EDSALL: It's a notification.

MR. MUGNANO: Like a variance.

MR. ARGENIO: No, we have to make it known to them, that's it.

MR. EDSALL: They have never responded.

MR. MUGNANO: Okay.

MR. ARGENIO: You will hear from Nicole at some point in time and we'll see you here again at some point in time.

MR. MUGNANO: Thank you very much.

MR. ARGENIO: Thank you.

THE GROVE AT NEW WINDSOR SUBDIVISION (12-03)

MR. ARGENIO: Last item on tonight's agenda is The Grove at New Windsor. Mark is calling that SCC Canyon 2, I'm sure there's a reason for that.

MR. EDSALL: That's what it says.

MR. ARGENIO: This application proposes subdivision of the existing property into two lots with lot number two being conveyed to the Town of New Windsor for its use. Just, I don't want to steel your thunder, but just a brief background, this is a very simple application for the members, they want to transfer one of the lots to the Town of New Windsor. It's on our side of the subdivision which is the reservoir side so it makes sense for us. Very simple, very basic, these guys are here to represent it, I don't want to speak for them so as such.

MR. DUNN: I'm Lenny Dunn with Sayerbrook known as SCC Canyon 2 and Justin Dates with Maser Consulting is here as well. Like you said, Mr. Chairman, were proposing to subdivide one lot into two very similar lots, one would be the common area surrounding the 70 fee simple units that this board approved last year, lot two would be the 76 units undeveloped unbuilt units up at the top of the hill that were abandoned simply because in the current market environment the cost to develop those lots simply exceeds the value of the finished lots.

MR. ARGENIO: So the more marketable lots are down below?

MR. DUNN: They're already developed.

MR. ARGENIO: You have developed and sold all of them?

MR. DUNN: Not sold all of them, Baker's sold some of them, 30 of them and Hawthorne Drive and last two buildings and Balsam Drive.

MR. ARGENIO: Go ahead, is that it?

MR. DUNN: Simple as that.

MR. ARGENIO: Mr. Dates, do you have anything?

MR. DATES: If you want specific numbers, I can supply them.

MR. ARGENIO: How is it possible we have engineers here to represent an application and they have nothing to say? Could that not be an indication of how simple this is? It's a lot line change, guys, and we're the neighbors, this is as you guys know part of the Stewart lands that the town has taken back.

MR. PETRO: In the process of.

MR. ARGENIO: It's our property, as I said, it's adjacent to the reservoir and our land.

MR. PETRO: Mr. Chairman, if I may, a couple of items. I know that we have conditional approval probably slated for tonight but there will be a couple easements which I'm sure you're going to get to and also add one other thing to one of your conditions. I guess I can ask you as the owner if there's a construction trailer just up from the accelerator that's on the property, looks like you just maybe put it there, I'm not too sure.

MR. ATWOOD: Correct.

MR. PETRO: What's your plans?

MR. ATWOOD: I would hope that the town would allow us to leave it there until we're complete with the operations down below and then we'll remove it. We might come in with a bit larger trailer, take that out and put a bit larger one in.

MR. PETER: I would say there'd be no problem as long as we don't need the lands but that would be common sense but the odds of that are--

MR. ARGENIO: We agree in spirit that they can leave that there for an indeterminate period of time, if we question that they need to move it, they'll move it.

MR. PETRO: I don't see that as a problem. I agree with you.

MR. ARGENIO: Or we can get an excavator to move it ourselves.

MR. PETRO: Just so you're aware, it was there, looks like it was just installed.

MR. ARGENIO: Any questions? Very simple, it's a lot line change. The only subject-to that we have on this is what we just discussed with Mr. Petro and he's obviously intimately familiar with this because of the activities up on that parcel that, Jimmy, what's that 126 acres?

MR. PETRO: Approximately, 120 conveyed back from First Columbia plus--

MR. ARGENIO: Jimmy's involved in this parcel and we'll see more of him in the future relative to this parcel, this is why he's so involved in it. So the only subject-tos are what we just discussed and Mark we just need to make sure and this comment is directed at you guys that you accept the subject-to, Mark and Dick McGoey need to have the opportunity to work with you just to make sure that we, the town are in agreement with the metes and bounds and that we're agreeing, in agreement that the appropriate easements are in place. Do you agree to that?

MR. DATES: Yes. Actually, my office and Mr. McGoey and Mr. Edsall have already been in conversations so that process already started.

MR. ARGENIO: I'm aware of that but at the end of the day, you need to agree with the metes and bounds that we come up with. Certainly the map that you have there adequately represents the approximate limits of what we're doing here but there are some easement issues that need to be resolved.

MR. DATES: Understood.

MR. ARGENIO: No qualifications? You always qualify with something, Justin, it's always one thing.

MR. DATES: I don't want to muddy the waters, very basic application here.

MR. EDSALL: Jerry, just two have quick comments. I have coordinated with Dominic, he's included a provision in the approval resolution that reflects the issues of getting those easements in place and I have coordinated with Mike Blythe, town attorney, with Mr. McGoey, Dominic, myself.

MR. ARGENIO: I saw that in the documents but it doesn't hurt to have it memorialized with the

stenographer.

MR. EDSALL: The second issue just for the record it is not a lot line change, it is a minor subdivision because we're not merging what's called lot two into the town parcel.

MR. ARGENIO: Understood, a technical component but I stand corrected on that. Dominic, do we need to declare ourselves lead agency?

MR. CORDISCO: You need actually a negative dec but before we get there, I just want to mention that this plan did not need to be sent to the County Planning Department because it's not within 500 feet.

MR. ARGENIO: Why would it need to be sent to County Planning if it's not within 500 feet?

MR. CORDISCO: If it's not within 500 feet, it doesn't need to go. I just want the record to be clear on that point. And in addition to considering a negative dec, you also need to decide whether or not to hold a public hearing. I advise, you know, I mean, if you don't need me, I could be at my--

MR. ARGENIO: If anybody sees fit, I'll accept a motion that we declare ourselves lead agency. Let's cover all bases.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded that we declare ourselves lead agency. Roll call.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Anybody sees fit I'll accept a motion that we declare a negative dec for the SCC Canyon 2 LLC minor subdivision.

MR. BROWN: So moved.

MR. FERGUSON: Second it.

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

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I'll go around the room on a public hearing, we're the neighbors and it's a lot line change, I'm sorry, subdivision, minor subdivision. Does anybody, I mean, anybody have any thoughts on a public hearing? Doesn't make a lot of sense but I want to ask.

MR. GALLAGHER: I don't see a need for it.

MR. ARGENIO: I agree with that. If there were site plan developments, buildings and such, we want to let people know but there is none of that. I'll accept a motion that we waive that public hearing.

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Does anybody have anything else on this? Mark, have I missed anything?

MR. EDSALL: You're good.

MR. CORDISCO: If you're going to consider approval, my recommendation was that you would grant both preliminary and final subdivision approval so they're both actually together, they're two separate steps but for the purposes of your motion you can combine them into one.

MR. ARGENIO: Okay, I'll accept a motion for preliminary and final approval for SCC Canyon 2 LLC minor subdivision.

MR. BROWN: So moved.

MR. FERGUSON: Second it.

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

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Anything else to come before the board?
Motion to adjourn.

MR. BROWN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer