

TOWN OF NEW WINDSOR

PLANNING BOARD

July 24, 2013

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER
BUILDING INSPECTOR/PLANNING BOARD
SECRETARY

ALSO PRESENT: DAVE SHERMAN

MEETING AGENDA:

1. Creek View MHP
2. Mt. Airy MHP
3. Summit Terrace S.P.
4. Summit Terrace Sub.
5. Lands of Nowicki
6. Cumberland Farms
7. 266 Quassaick Ave. S.P.
8. 287 Windsor Highway

REGULAR MEETING:

MR. ARGENIO: Welcome everybody to the regular meeting of the Town of New Windsor Planning Board for July 24, 2013. I want to introduce to everybody including the professionals and the rest of the members Cammy Ammirati, she's the new planning board assistant. She's in the building department working with Jenn and she's the one if you guys call for something, you need some help with something, it certainly would be good to lighten Jennifer's load. So call Cammy. Cammy,

welcome aboard.

MRS. AMMARATI: Thank you.

APPROVAL OF MINUTES DATED 5/22/13

MR. ARGENIO: First item on tonight's agenda is the approval of the minutes dated May 22, 2013 and sent out June 28, 2013. Accept a motion?

MR. GALLAGHER: So moved.

MR. VAN LEEUWEN: Second it.

ROLL CALL

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

MR. ARGENIO: We'll move right along to the annual mobile home park reviews.

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ANNUAL MOBILE HOME PARK REVIEW:

CREEK VIEW

MR. ARGENIO: First is Creek View, Arthur Glynn,
somebody here to represent this? No? Jenn, if he
comes in, point him out to me.

MT. AIRY MOBILE HOME PARK

MR. ARGENIO: Mt. Airy Mobile Home Park. Yes, sir, your name?

MR. PALTRIDGE: Rich Paltridge

MR. ARGENIO: Jenn, has somebody from your office been there to have a look?

MRS. GALLAGHER: Yes.

MR. ARGENIO: What say you?

MRS. GALLAGHER: No problems.

MR. ARGENIO: That's great, thank you for maintaining a nice park, Mr. Paltridge. If anybody sees fit, I'll accept a motion for one year extension.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded we offer Mr. Paltridge and the Mt. Airy Mobile Home Park one year extension, assuming he has a check for \$250 which he's bringing up to the dais. Roll call.

ROLL CALL

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

MR. ARGENIO: We didn't hold you up, did we?

MR. PALTRIDGE: No, quick one. See you next year.

PUBLIC HEARINGS:

SUMMIT TERRACE SITE PLAN (13-07)
SUMMIT TERRACE SUBDIVISION (13-08)

MR. ARGENIO: Next on tonight's agenda is Summit Terrace site plan. I see Mr. Sarchino here to represent this.

MR. SARCHINO: That's correct.

MR. ARGENIO: This is two applications, this is the site plan and it's the lot line change, I believe subdivision plan, so Mr. Sarchino's here to represent this. So Joe, if you can come up and get set up. What we're going to do is in the same fashion that we always do it we're going to open it up to the public. No, we're going to open it up to the board and have the board review it and then after the board reviews it we're going to open it up to the public for comment and we're going to do both reviews at the same time, which is pretty typical of how we do things. So that said, I just want to read the header for this project. This application is a 270 unit multi-family residential project on the 19.5-acre property. The plan was previously reviewed at the 8 May 2013, June 26, 2013 planning board meetings. This application is before the board for a public hearing at this time. Mr. Sarchino, we talked about some things at the last meeting and we asked you to clean a couple of things up, I think, we talked about dumpster locations, we talked about some sidewalk routing. So if you could just kind of update us on what you've done with that and then kind of give us a general update. I don't want to get into all the minutia cause I'd like to open it up to the public and then we'll get back to the board. So that said, go ahead Mr. Sarchino.

MR. SARCHINO: Okay, couple of things as you mentioned was dumpster locations and sidewalks were issues that we wanted to deal with. So we went back and we took a look at the dumpster locations, recycle bins, trash locations, we added one adjacent to the clubhouse here, we added another adjacent to building 10 and we kept the one between buildings 3 and 10 and also added another down by building eight.

MR. ARGENIO: Mark, have you had a look at those? Are they in conformance with what we typically look for?

MR. EDSALL: Yes, the plan generally was in good shape but there was couple tweaks and Joe's addressed those.

MR. SARCHINO: The other thing that we had done was to add a sidewalk path or a path through the center of the project so if you will note on the plan there's a sidewalk along the parking area here, there's a sidewalk that runs between the units connecting the units to the clubhouse. There's also offshoots to the sidewalk that connect the road systems so people can access the path system from the center of the property and make their way to the clubhouse. We also added a gazebo in the center of the project here which would basically be to the center of the path system.

MR. ARGENIO: That's what we asked you to do was to do that sidewalk in the center and I think we asked for additional landscaping.

MR. SARCHINO: Yes, we did add, well, I think the landscaping was generally in good shape but one thing that we did add was trees in the center court or the center area here.

MR. ARGENIO: That's what we talked about was adding something in the center area.

MR. SARCHINO: We added a good amount of landscaping within the buffer here so that was accomplished and it's shown on the landscaped plan that was submitted.

MR. ARGENIO: Was there an issue in this area here, this area here, didn't we talk about something with the grades here? Was there some issue in this area here?

MR. SARCHINO: Well, I think what we did is actually up in here there was some grading issues with the retaining walls in here, we pulled the project, this parking lot used to extend up the slope, we took that parking out, we relocated it on the site elsewhere so we were able to grade this area much better than we were, sides are all graded now down a two and a half on one slope and the retaining wall is also stepped in here, it's terraced rather than a single wall, we have a terraced wall.

MR. ARGENIO: That's a better package.

MR. SARCHINO: Overall the grading was much improved

through this whole area.

MR. ARGENIO: Members, I can't remember everything we talked about but Mr. Sarchino as I remember was fairly receptive to the things we discussed. Does anybody have any other comments they want to bring up before we open it up to the public? Danny, you seem to be looking over this way.

MR. GALLAGHER: No, nothing right now.

MR. ARGENIO: Harry or Howard, do you guys have anything you want to get out before we open it to the public?

MR. FERGUSON: No.

MR. ARGENIO: Do you have the notice there Jenn, please? On the 2nd day of July 2013, Jennifer compared two addressed envelopes containing notice of public hearing pertinent to this application with the certified list provided to her by the assessor, Todd Wiley, regarding this application for planned subdivision special permit, et cetera. And the notices were sent out and if just to remind everybody the issue was not the fact that it was two property owners within the proximity. The issue was that it was a lot of units and we wanted the opportunity to advertise it in the newspaper in case somebody had some concerns. So that said, if there's anybody that would like to comment on this application or question, ask a question, please raise your hand and be recognized and you'll be afforded the opportunity to speak? Does anybody have any comments they'd like to make at this time?

MR. GALLAGHER: Motion we close public hearing.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Seeing no hands, motion made and seconded that we close the public hearings for both the site plan and subdivision on this application. Roll call.

ROLL CALL

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

MR. VAN LEEUWEN: Whereabouts is the gazebo?

MR. SARCHINO: Right here in the center of the center area.

MR. ARGENIO: Henry, I don't think you were here. This was a big grass area and it was the opinion of the board, I don't remember, I think Howard brought it up, Howard or Harry brought it up that you have this big grass area and it might not be a bad idea to establish a walking path in that area and that will keep people from walking on the roadways on the sidewalks near the road, it will get them, give them a place to move around where they're not slogging through mud and grass so Mr. Forgione who is the owner agreed with that and as did Mr. Sarchino with no resistance and they, and actually that comment was also part of the county's comments as well.

MR. SARCHINO: As I had said, the center path links to the roadway system and/or the project in this location, in this location and again in this location here, here and here, so we kind of linked it in so everybody could get to it off one path and then make their way to the clubhouse. The detail for the gazebo is I think on the last page of the detail sheets, also it's on there.

MR. ARGENIO: For the benefit of the members, Howard and Danny and Henry and Harry, Mr. Forgione, would you, Mark and you have been discussing this traffic issue that has been an issue for this board for quite some time and it also showed up on the county's comments which I'll get to in a few minutes to share with the members of the board so you guys have been chatting a little bit, I'm so aware of where we're at, can you, Mr. Forgione, please bring the members up to speed as to what was discussed?

MR. FORGIONE: Yes, chairman, your town engineer and I have spoken a number of times and met with regards to the ongoing issue with a left turn lane and the ability to extend the left turn lane on Route 207 to abate some of the traffic that will be created by this project. So we have agreed to extend help, do the work to extend the shoulder, widen the shoulder so that you can extend the left turn lane on 207. Further, to assure that this work will be done in a timely manner we'd be willing to also ask that you tie it to the number of C.O.s issued in the project so that the board is assured that it will occur before a certain amount of

number of units have been delivered. I leave that up to you, chairman, and the board as to what percentage of the units but I think that we would be willing to do it early on in the project as well.

MR. ARGENIO: So I'm going to, Mr. Forgione, I'm going to try to put this in my own words, I don't want to put words in your mouth but I want to put it in my own words. You guys have agreed to do the widening in the vicinity of the Thruway bridge to give us the additional distance, the additional distance in that center turn lane back to about Moores Hill Road, it ends just before Moores Hill Road congruent with the plans that--

MR. EDSALL: The plans, Phil Grealy.

MR. ARGENIO: -- Phil Grealy has crafted, you've seen those plans and you guys are going to make those improvements for us to give us additional stacking in that center lane, that's the goal.

MR. EDSALL: Just to be clear, the center lane, the turn lane which will be a left turn onto Route 300 heading in the southbound direction extends back almost to Moores Hill but then it reverses and it actually becomes a left turn lane into Moores Hill but the widening goes as far as Moores Hill then it tapers out.

MR. FORGIONE: Yes, you said it better.

MR. EDSALL: I've looked at it so many times.

MR. CORDISCO: And driven it.

MR. ARGENIO: I don't have to tell you guys how important this is and I don't have to tell you guys how long we've been talking about this and I have expressed my gratitude to Mr. Forgione for doing this and I think and again, I'm only one member, I can't speak for everybody but in my mind that really is the only issue with SEQRA is the traffic. And I think this mitigates it, I mean, Phil Grealy has done the study, there's no need for you to pay for additional studies, traffic studies and such and now the onus is going to be on Mark and the town to get the property because part of this arrangement is that we need to do that.

MR. EDSALL: We continue to pursue the strip of property, I've been communicating with the attorney by

e-mail for the town, we have attempted to have Verizon's counsel start to talk to Mike Blythe, I've met multiple times in the field with their technical people, make sure there's no conflicts with Verizon's underground utilities since the switch station is immediately adjacent. That's not a problem. It's just a matter of us keeping the pressure on Verizon. We have an ally, Senator Larkin who's been helping us push this job for at least five to six years so we just have to keep on it.

MR. ARGENIO: The town and oh, he's here, Mike Blythe, do you have anything to add?

MR. BLYTHE: I had originally been in communication with a woman named Allie Payer (phonetic) with Verizon and unfortunately changing horses in midstream somebody has, that has to be dealt with. Mark put me in contact with them. I anticipate very quickly to get in touch with their counsel to see if we can move this along so that we can somehow move it to the front burner on this with Verizon.

MR. ARGENIO: So you will assist with this?

MR. BLYTHE: Absolutely.

MR. ARGENIO: I think it's important.

MR. BLYTHE: Absolutely.

MR. EDSALL: We talked and decided the two of us should start pushing.

MR. ARGENIO: This is a big deal and quite frankly, I think it's appropriate, lot of units and a lot of that traffic is going to be coming in that direction and I don't want to waste a lot of words but I think it's important. So some numbers were bantered around, 25 percent complete, by 25 percent of the C.O.s, having it complete by 50 percent of the C.O.s, I'm thinking maybe we could use some number in between, maybe 35 percent.

MR. EDSALL: Thirty-five, 33, anyplace in there. And the bottom is Mr. Forgione has indicated that what may drive the timing is when the similar work is being done on the site, he may have that contractor come down and do it, it may happen earlier, we don't know, but good news is at least we've got a plan now.

MR. ARGENIO: We have a commitment, we have a plan.

MR. VAN LEEUWEN: What about the piece of property next, if you're looking at from the road to Verizon is here, there's a garage, there's a street which is--

MR. EDSALL: Silver Stream.

MR. VAN LEEUWEN: What about the garage on the side of the Thruway?

MR. ARGENIO: I don't think we need property there.

MR. EDSALL: There's a very small sliver that we're looking to obtain but it doesn't affect the ability for the widening.

MR. ARGENIO: What I was going to say we already have the turning lane there where we're going to create it is west of there, so I don't think that there's a big impact, mainly Verizon if we can get Verizon squared away I think we're good.

MR. VAN LEEUWEN: It's going to be tough enough, yes.

MR. ARGENIO: So the number is 35 percent, do you accept that?

MR. FORGIONE: Yes. I do just have one question, the timing, my understanding is that you're doing the design and the permitting for it and we're, like we had, we want to start the project so long as it doesn't take you two years or a year to get the permit to do the work where we hold up our C.O.s because of your inability, the town's inability to get the permit.

MR. EDSALL: Clearly, if we're in the process of obtaining the permits and it gets delayed, it would be inappropriate and unfair to tell you because of our delay we're going to hold you up.

MR. ARGENIO: That won't happen.

MR. VAN LEEUWEN: Sir, you're not in New Jersey, you're here in New York.

MR. FORGIONE: Because it was also discussed that Mr. Edsall was going to try to get the county involved and state involved to resurface and stripe it as well,

so I don't know if that's going to delay the process. We're willing to commit to doing the work before 35 percent of the C.O.s are issued. I'm just saying if we're not, if you run into a snag with acquiring property slows us down, that was it.

MR. ARGENIO: If we run into a problem with the acquiring the property and we can't and you can't do the work because of our issues with the, the 35 percent does not apply, we still expect you to do the widening at some point in time when we get property.

MR. FORGIONE: Absolutely, just tying it to the C.O.s, that's all.

MR. CORDISCO: No, that's fine I think.

MR. ARGENIO: Am I making your hair hurt with all this?

MR. CORDISCO: Not at all, my hair was hurting for other reasons so that's quite alright.

MR. VAN LEEUWEN: He's married like the rest of us.

MR. CORDISCO: No, I think the record is clear on that and certainly the negative declaration and the appropriate resolutions will reflect the fact that there was some flexibility there, if there's a delay that is not a result of the applicant but for whatever permitting process that they have the ability to push that back but not obviate or eliminate the requirement to do the work.

MR. ARGENIO: That's right. Harry or Howard, do you guys have any questions about the widening or any other comments?

MR. BROWN: No.

MR. ARGENIO: We certainly have talked about it enough.

MR. FERGUSON: Are they putting a flag pole?

MR. ARGENIO: In the widening?

MR. FERGUSON: In the entrance to the site?

MR. ARGENIO: Ask Joe.

MR. SARCHINO: I thought that was the old days.

MR. VAN LEEUWEN: No, it's still happening.

MR. SARCHINO: Yes, well, right in the front here next to our sign we'll add the flag pole.

MR. ARGENIO: Yeah, and just so you know, we're not going over the wire tonight, they still have outside approvals stuff to do but they have done on the plans they have done everything we have asked them to do, am I right, Mark?

MR. EDSALL: No, they're being very cooperative.

MR. ARGENIO: Danny, do you have any particular questions that you'd like to ask about the widening? This is, again, this has been a long time coming.

MR. GALLAGHER: No, I'm pretty aware of it.

MR. ARGENIO: Henry?

MR. VAN LEEUWEN: No, I don't, I'm very happy about that widening and Mr. Forgione, I appreciate it.

MR. FORGIONE: I appreciate you, thank you very much.

MR. ARGENIO: I'm going to go and just take a quick moment and hit some of the county things then we'll go to some procedural issues.

MR. EDSALL: Dom and I were going over this and because some were binding, some were advisory, it might be helpful if we go one by one and put a little bit of a status in. We can interject that if it's acceptable cause there's some that we have made some good progress on, I would hate to have them not appreciate it.

MR. ARGENIO: Them not appreciate it, the county?

MR. EDSALL: Of course.

MR. ARGENIO: Interrupt me if there's something else there. The sidewalk thing we're on that, that's number one, the comment about the sidewalks inside the place and we're on that long before they made a comment on it.

MR. CORDISCO: Mr. Chairman, I would just note on that particular comment they made it a binding comment but

if you look closely at what they're saying, what they recommend specifically last sentence that the board work with the applicant to provide the necessary internal vehicle trips design, a comprehensive sidewalk network, I think you have already done it. So in this instance, binding comment is, has already been addressed.

MR. ARGENIO: Thank you. I don't think number two is particularly relevant. Number three, we just talked about that at length, that's the widening on 207.

MR. EDSALL: I would just add that rather than go through an exhaustive traffic study to review the nearby intersections clearly we have already done that we were doing that before this applicant came in.

MR. ARGENIO: And before the county showed up at our doorstep.

MR. EDSALL: We have identified what was the most problematic intersection and I think having something constructed is much better than just studying it.

MR. ARGENIO: Four again I don't think is particularly relevant. Do you guys want to elaborate on it? That's fine, talks about architecture and things like that, I don't know how that's a county issue.

MR. EDSALL: One of the things they wanted us to do was try to integrate the two phases and because one is a military housing and the other one is not military housing, I don't believe that you could integrate them because you have different requirements.

MR. ARGENIO: Just made my point. Number five talks about parking, as far as I'm concerned, the code is the code. And there's nothing more to talk about that. Counselor, yes?

MR. CORDISCO: It's up to the board.

MR. ARGENIO: I mean, unless somebody disagrees with me certainly chime in. Number seven is lighting.

MR. EDSALL: Go back to six.

MR. ARGENIO: Mark, speak to that, that talks about the road width.

MR. EDSALL: Yeah, as the board may recall, the standard town road requirement is 30 foot, the existing roads are 26 that are being matched into, the fire inspectors did a review of the project and deemed that a continuation of the existing 36 was acceptable and it met the minimum state standard of 26, even though it didn't meet the 30 which is required on new projects where new roads are being constructed here it's an extension of existing. I am a little concerned that the county's recommending going down to 24 since there's two problems, it wouldn't meet the town law and it wouldn't even meet the state law.

MR. ARGENIO: Mark, there's nothing to talk about here because I have a note from Jenn that they received a variance from the fire prevention board to go down to 26.

MR. EDSALL: But the 26 still meets the state law, we're down to 24 not only violates town law but also violates the state law. I don't know how anybody could give a variance to violate the state law locally.

MR. ARGENIO: Move on. Number seven, Mark comments on lighting, make sure that the lighting on building 10 is not washing into the folks back yard there, would you please work with Mr. Sarchino on that?

MR. EDSALL: I will.

MR. ARGENIO: We don't typically analyze isolux curves and that type of thing but have a look at that, that probably has merit. Michael Blythe, you wanted to make a comment?

MR. BLYTHE: I just think the record should reflect with regard to the integration of the two projects, I spoke to Jeff Williams, a representative of AMCC who is the one in control of the property and works with the Navy and they in fact built Stewart Terrace, the military housing, they are comfortable with the project design on the project itself so in terms of the Navy and the owners of the property in the area, there's no problem at all.

MR. ARGENIO: Thank you. I don't think we were going anywhere with it anyway, Mike, but thank you for that, that's good to know.

MR. ARGENIO: We get into the, there's some bullets

here, they talk about the use of porous asphalt, things like that and I've got to tell you I don't know that the county should be designing projects for Mr. Sarchino, Mr. Forgione or any other applicant that's here. Unless I'm misinterpreting that last comment, Mark?

MR. EDSALL: No, the storm water plan is being reviewed by our office. They have already gone through initial round of the SWPPP and I'm confident that the final SWPPP will meet the state standards.

MR. ARGENIO: It's what it is, you agree?

MR. EDSALL: I agree.

MR. ARGENIO: You guys have any questions, Harry or Howard, Danny?

MR. VAN LEEUWEN: I have one. The buildings, what are they going to be made of, brick or going to be wood or aluminum or plastic?

MR. ARGENIO: The elevations were at the last meeting, we asked them to bring it.

MR. SARCHINO: Yeah, I have them.

MR. GALLAGHER: All of the walkways that were put in and they come out to the road, are they all going to have handicapped wheelchair access?

MR. SARCHINO: Yes, they would, they would have the proper ramp.

MR. ARGENIO: They're nice brick, they've got shutters, nice thing over the door where you can come in, not have to stand in the rain while you're waiting at your door.

MR. SARCHINO: The lower floor of the building in the front is shown as either stone or brick face. We're not sure exactly which it would be yet but there are shutters, building has been created to step back, you know, up and back and up and back so it's not just a flat face so there's some relief on different portions of the structure. There's some balconies that you can see here. The siding right now is proposed to be aluminum siding, vinyl siding, I'm sorry, vinyl siding and there's shutters to match the doors and things like

that.

MR. ARGENIO: Joe, you know what, I don't see, kind of glad I don't see it, tell me if I'm missing it, I don't see any air conditioning units sticking out of the windows mounted in the walls or anything of that nature.

MR. SARCHINO: Yes, there's a unique way that they do their air conditioning in the back, there's panels that are recessed in, Joe, you probably much easier can explain that.

MR. FORGIONE: Yeah, the systems are essential HVAC gas fired heat and hot water. Inside these outdoor spaces you'll see some shutters here, you'll see some grills, the unit itself sits inside there so there's no, if you look at the back there's no condenser units laying on the ground.

MR. ARGENIO: And we don't have an aluminum thing sticking out of the wall that says Fedders or Carrier.

MR. FORGIONE: That's electric heat and air conditioning, we don't use that, this is all gas fired.

MR. ARGENIO: Thank you.

MR. SARCHINO: They are well hidden, not obvious.

MR. ARGENIO: Guys, chime in if you got something on your mind. I'm going to move to a couple of procedural things. Do we need to declare lead agency, Dominic?

MR. CORDISCO: No, the board had already done that.

MR. ARGENIO: Mark's got that on here, oh, I have his old comments, I should be looking at the new ones. So Mr. Sarchino, you need the Department of Health and DEC?

MR. SARCHINO: Correct. The application has been made to the health department, we're waiting for the review to come back, should be shortly. And we have an application pending with the DEC right now for the construction of the storm water basins in the buffer, they're waiting for a determination of significance before they can continue to process, that's what we're hoping we would get tonight from the board besides closing the public hearing, that's what we're looking

for.

MR. ARGENIO: I closed the public hearing?

MRS. GALLAGHER: Yes.

MR. SARCHINO: Thank you very much on that.

MR. ARGENIO: Seems to me, again, I'm going to go to the members, it seems to me that from the SEQRA perspective really the only significant issue was the traffic and we have that tied down, I mean, unless you guys disagree, Harry or Howard, do you guys agree with that?

MR. BROWN: Yes.

MR. ARGENIO: Henry, do you agree?

MR. VAN LEEUWEN: Absolutely, very happy with that situation.

MR. ARGENIO: Anybody sees fit, go ahead, Mark.

MR. EDSALL: Just so that the record is complete, the availability of services, be it water, sewer, police, ambulance were all discussed as part of the overall project discussion with the infrastructure committee. The only issue that was left unattended as we discussed tonight was the traffic. But all the other service provisions, availability to serve the project was discussed at infrastructure and it was determined that there are flow service problems. So hence, when you have all the other studies that are included, storm water, the applications for the health department, DEC, they'll address the details but the ability to provide services I think has been fully determined.

MR. ARGENIO: Thank you for that. If anybody sees fit, I'll accept a motion we declare negative dec under the SEQRA process for this application.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Known as Summit Terrace subdivision or do we do both?

MR. CORDISCO: It would be for the entire action, for

subdivision--

MR. ARGENIO: For the subdivision and for the site plan. Mark?

MR. EDSALL: And the EAF was prepared as a common single action.

MR. ARGENIO: Which is technically the way we do things. I'll accept that motion.

MR. VAN LEEUWEN: I made it.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor declare negative dec under the SEQRA process for Summit Terrace site plan, Summit Terrace subdivision. Roll call.

ROLL CALL

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

MR. ARGENIO: So that should enable you to do some other things that you need to do that you know about that I don't cause you're an engineer and you're much smarter than me.

MR. SARCHINO: I don't know about that.

MR. CORDISCO: Mr. Chairman, if I may, my office will prepare a detailed negative dec that outlines what we discussed tonight so that the record is entirely clear about that, we'll get that to you within the next day or so so that you will have it that way rather than waiting for the minutes, they'll have a written negative dec that they can take to their other agencies.

MR. SARCHINO: That would be most appreciated, that would be great.

MR. ARGENIO: Guys, does anybody have anything else on this plan that we need to go over? Henry, in all fairness to you, we did, you weren't at the meeting but

we gave them a lot of -- are you alright?

MR. VAN LEEUWEN: Yeah.

MR. ARGENIO: We gave them a lot of direction on sidewalks, we talked about the threshold on the clubhouse, Mark, did we not?

MR. EDSALL: Fifty percent.

MR. ARGENIO: So we talked about the walls, Mr. Sarchino has changed the walls. We talked about some grading issues over here. The traffic, Joe, oh man, I think you missed something here, bud, we'll just take a look. Again, we're not going over the wire tonight but Joe, take a look at this, can a dump truck get in there and get the dumpsters?

MR. SARCHINO: Well, we think he can come around but a lot of times they'll pull them out, pull up to them, dump them and push them back in, so it could go either way, they're on rollers, you open the doors, you can slide them.

MR. VAN LEEUWEN: The only problem is when there's snow on the ground.

MR. SARCHINO: They'll have to wait for the snow to clear, luckily, this is all private development and they'll get it cleared, they don't have to wait for any town clearing, not that the town's bad, but they'll be doing their own clearing and they'll arrange that. Town is very good.

MR. VAN LEEUWEN: If you wait until the snow goes away, that will be April.

MR. ARGENIO: Howard?

MR. BROWN: If the dumpsters are covered, you wouldn't have to worry about a snow condition.

MR. VAN LEEUWEN: If you wheel them, gotta do it by hand.

MR. BROWN: No, they can back their truck, they wheel them right to the truck, there's only a foot.

MR. ARGENIO: Yeah, yeah, you're right there.

MR. SARCHINO: But most of them they can pull up to and dump but there's a few that they'll roll out.

MR. ARGENIO: Any other issues, do you guys have any other thoughts on this? Joe did everything we asked. Henry, any other thoughts?

MR. VAN LEEUWEN: No.

MR. ARGENIO: Harry and Howard, do you guys have anything additional you'd like to add?

MR. FERGUSON: No.

MR. ARGENIO: Mr. Sarchino, anything else we can do for you? I think we pretty much have everything covered.

MR. SARCHINO: Final approval would be nice.

MR. ARGENIO: Probably not. We talked about the widening, I think we're, Mark, we're pretty thorough with the widening.

MR. EDSALL: I think they're in very good shape and I think the push now is going to be for them to get the outside agency approvals.

MR. ARGENIO: Okay.

MR. SARCHINO: Thank you very much, appreciate your time tonight.

MR. ARGENIO: Mr. Forgione, thank you. Mr. Sarchino, thank you.

MR. CORDISCO: On the, Mr. Chairman, just on the approval comment because this is a site plan, the board does not grant preliminary and final site plan approval, they just grant final site plan approval.

MR. FORGIONE: Yes, thank you.

REGULAR ITEMS:

LANDS OF NOWICKI (13-09)

MR. ARGENIO: Lands of Nowicki. The application proposes re-subdivision of lot nine of the Nowicki subdivision with two single family lots created from the 91 acre parcel. This plan was reviewed on a concept basis. Sir, what's your name?

MR. TAROLLI: My name is John Tarolli from Mercurio, Norton, Tarolli and Marshall.

MR. ARGENIO: We have met, I'm sorry about that.

MR. TAROLLI: I've grown older, you haven't.

MR. ARGENIO: I wish.

MR. TAROLLI: Very recently the nine lot Nowicki subdivision was filed.

MR. ARGENIO: Guys, this is the project out near my house, if you come on Station Road, go passed Neil's house then you go passed my road, you go under the trestle, it's that giant project on the left, it's not a lot of lots but it's a lot of land. Go ahead.

MR. TAROLLI: Right, and so we've shown the eight proposed houses which was approved several years ago but we had drainage district formation issues which took a long time to resolve. That's been resolved, those eight lots and this entire tract of 100 acres has been filed so we're now, the Nowickis want to go ahead and they want to just segregate their house lot from this larger tract.

MR. ARGENIO: Can you take a highlighter and highlight where you want to cut this thing in half?

MR. TAROLLI: Yes, so lot nine is lot one and two on here is about 100 acres.

MR. ARGENIO: Write lot one and two, got it.

MR. TAROLLI: So one contains the old farmhouse, barn and some sheds and Nowickis want to keep that about 10 acres and the vacant land they don't use, they don't farm about 90 acres they want to sell.

MR. ARGENIO: We were on the racetrack project together, is that right?

MR. TAROLLI: That's correct.

MR. ARGENIO: Car track, you know how I remember? Cause I remember your plans were so beautiful cause your printer is color.

MR. TAROLLI: Calligraphy style.

MR. ARGENIO: Yeah, fantastic. So you want to recreate lot one and lot two?

MR. TAROLLI: That's correct.

MR. ARGENIO: Okay, why didn't you create them before?

MR. TAROLLI: Well, we were in the midst of three or four years OF review and approval for the nine lots and to have broken that and done it, we were fearful, the Nowickis were, that it would just slow the process down. As it turns out, it's taken a hell of a long time because of the drainage district. But in hindsight, we didn't want to interrupt that process. So they since found a buyer for the vacant land and are interested to get this approved. We have shown a typical house, we have done the sewer system testing for that typical house location, just for the record, and that's it.

MR. ARGENIO: So next is the 10 lot subdivision of lot two?

MR. TAROLLI: Well, I don't know what the buyers' intentions are. They're investors, they want the piece of land, Nowickis don't want it, they don't use it, so I don't if that ultimately will become a development but at this time, they haven't disclosed to me what they want to do with it.

MR. VAN LEEUWEN: What's the perc tests up in here?

MR. TAROLLI: It would be on sheet two, if you have the plans, and we just picked a location that seemed, you know, I don't think anybody is going to build there but percolation test was nine minutes and 24 minutes.

MR. ARGENIO: How long?

MR. TAROLLI: Nine for one hole and 24 minutes for the other one.

MR. VAN LEEUWEN: That's better than most of New Windsor.

MR. TAROLLI: We intend to coordinate with Mark's firm before final approval.

MR. ARGENIO: Let me remind you that his guys need to witness the perc tests, west end of the Town of New Windsor is heavy glacial fill, 98 percent of where you go, so please coordinate that with him.

MR. EDSALL: Mr. Chairman, just for clarification this went to the county health for the initial subdivision.

MR. ARGENIO: Comment three, Mark?

MR. EDSALL: Yeah, and as far as I recall if within three years you re-subdivide a lot which was part of a realty subdivision reviewed by the County Health Department, you have to return the new lots to the county as well. Now if the county waives that or says no, that's still not in effect, you can review it locally fine. But my understanding is that the Realty Law still requires that this minor subdivision go to the county because it's within three years.

MR. TAROLLI: I'll check on that. When I last asked the question, they said since the acreage was over five on both lots that they don't have a problem with it.

MR. EDSALL: It might be, John, if they say it's over five and I know that on over five they don't require perc tests, whereas the Town Law does, Town of New Windsor does, if in fact we can do it locally, great, we'll work with you and get it done.

MR. ARGENIO: Check it out.

MR. EDSALL: Just verify, maybe have Ed or Lee send an e-mail over and we'll run with it.

MR. VAN LEEUWEN: Who owns this land now?

MR. TAROLLI: Lou and Janet Nowicki.

MR. VAN LEEUWEN: Still their property?

MR. TAROLLI: They since closed on the eight lots, they have sold the eight lots after the map was filed about a month ago but they still own this 91 acres.

MR. ARGENIO: Dave, are you alright? Haven't heard much from you tonight. What do we have to do here? This is very simple, you have to go to county because you're in an AG district.

MR. TAROLLI: So you have to send it because we're near the municipal boundary.

MR. ARGENIO: Yeah, within 500 foot of a municipal boundary and it's in an AG district so both things are tripping county, I think, is that right, Mark?

MR. CORDISCO: County Planning. I would suggest that you circulate for lead agency because of the need for realty subdivision approval.

MR. VAN LEEUWEN: Make a motion we declare negative dec.

MR. ARGENIO: Let's not do that as of yet. We need to circulate for lead agency first, we'll get to that so do we need to vote on that, Dom, circulation, just circulate?

MR. CORDISCO: Just for clarification, there's, it's only necessary if you require realty subdivision approval, so if, are there any other permits or approvals that you need?

MR. TAROLLI: No, there aren't. The only catch 22 I have is DOH, typically, if they think they have jurisdiction but you don't want to show a large tract for their approval, they'll ask you to put it's not for residential approval at this time. So that's in contradiction to your requirement that you want to see a house. So I will see if I can work that out with the health department, they don't want to particularly see this but you do.

MR. CORDISCO: You know it's a letter, it's a, you know, you could authorize it.

MR. ARGENIO: Send it out.

MR. EDSALL: Why don't you authorize it, if John can get an answer within a day or two, we won't have to do

it.

MR. ARGENIO: Fine.

MR. CORDISCO: That way he doesn't have to come back for another meeting.

MR. TAROLLI: Either way this requires a hearing?

MR. CORDISCO: No.

MR. ARGENIO: But it does have to go to County Planning.

MR. TAROLLI: That I understand. Explain why it doesn't require a hearing.

MR. ARGENIO: Would you like to have a public hearing?

MR. TAROLLI: No, based on 275 units and no shows, I'm not too concerned about it.

MR. ARGENIO: That's not, you just never know, you don't, John, you don't know.

MR. TAROLLI: But I wanted, the attorney for my client has been asking the question, so when is the hearing going to be?

MR. ARGENIO: Dominic, click the clock now, send a bill to Tarolli.

MR. CORDISCO: The clock has been clicking.

MR. ARGENIO: Go ahead.

MR. CORDISCO: No, the Town of New Windsor has its own subdivision law that defines this as a minor subdivision and for minor subdivisions in the Town of New Windsor public hearings are waivable.

MR. TAROLLI: Under state statute for town law when it says any subdivision shall require a public hearing you don't consider this a subdivision, you consider it something else?

MR. CORDISCO: It's a subdivision but what happens is that the state law is a floor and it allows the local municipalities to adopt their own codes.

MR. TAROLLI: I'll accept that, thank you. Okay, as soon as I find out from the County Health Department I will schedule with your office. If the answer was yes, you can go with local field testing.

MR. EDSALL: It might not be a bad time to ask if the board desires a public hearing because if there's going to be one, it would be now, you'd want to work towards scheduling it so you can ask that.

MR. TAROLLI: I'm going to ask Mr. Argenio if you'd like to have a public hearing.

MR. ARGENIO: Guys?

MR. GALLAGHER: I will defer to you, you know the area.

MR. ARGENIO: I mean look, if it came down to whacking it up into lots, I might say yes, but this I don't see it, I mean, come on.

MR. GALLAGHER: The next phase of these lots.

MR. ARGENIO: Possibly, but I don't see it here unless somebody feels--

MR. VAN LEEUWEN: I'll make a motion we waive public hearing.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded we waive the public hearing for this Nowicki subdivision.

ROLL CALL

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

MR. ARGENIO: Okay.

MR. TAROLLI: Thank you.

MR. ARGENIO: What else?

MR. TAROLLI: That's it.

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MR. ARGENIO: Go do what you gotta do, come back and we'll keep it moving.

CUMBERLAND FARMS (13-10)

MR. ARGENIO: Next is Cumberland Farms, Bohler Engineering. I don't see Mr. Bohler here, what's your name, sir?

MR. O'BRIEN: Timothy O'Brien.

MR. ARGENIO: Mr. O'Brien, okay. This application proposes exterior freezer box enclosure on the west side of the building. The plan was reviewed on a concept basis only. This is another one that's going to have to go to county because they're within 500 feet of a state highway. I'm sorry, what's your name?

MR. O'BRIEN: Timothy O'Brien.

MR. ARGENIO: What say you this evening?

MR. O'BRIEN: We're here to present the project to you, it's a walk-in cooler/storage facility that's going to be attached to the building. I visited the site a couple times, basically here's your existing site plan, this is a previously approved plan. We do have comments from your consultant engineer which we have reviewed today. I have met with him a couple months ago at a workshop meeting to discuss the project as well. The cooler will be or the walk-in storage/cooler will be alongside the building next to the trash enclosure. If you look over at the right side of the building, the existing trash enclosure we'll move that a little bit to offset it and install the new walk-in cooler/storage facility.

MR. ARGENIO: Point to the cooler.

MR. O'BRIEN: It's right here.

MR. ARGENIO: The rectangle?

MR. O'BRIEN: Right, this dark rectangle right here, it's not the ugly old type aluminum paneled looking thing that's unattractive, they're a nicer looking one. I have an image of it. When I met with Mark a while back, we thought we could put some kind of wall around it. I'm told that they can't do that, that's why they have these.

MR. ARGENIO: Don't come in here and say you can't, it's a question of what it's going to cost and how much

effort it's going to take so let's not get confused here.

MR. O'BRIEN: Right, I did review Mark's other comments, one is right now we're proposing to replace the existing trash enclosure with a fenced enclosure, we can change that to a masonry structure as Mark has requested.

MR. ARGENIO: Now how do we make that a masonry structure similar to the building, Mark, if the building's vinyl?

MR. EDSALL: My understanding from looking at the elevations was that the building was brick face.

MR. O'BRIEN: Portions are brick, portions are vinyl.

MR. ARGENIO: So brick.

MR. O'BRIEN: Probably brick or split face block.

MR. ARGENIO: Brick would be better if the building's got brick.

MR. EDSALL: Is the finish of the enclosure matching adjoining vinyl? Is that the proposal?

MR. O'BRIEN: That side of the building is brick, the back of the building is vinyl, there's some white vinyl on the facade board, the front eave is also white vinyl.

MR. EDSALL: Other than eaves which aren't the face of the building, are the three faces that face the public also brick?

MR. O'BRIEN: I believe so.

MR. EDSALL: So it's a stretch to say it's a vinyl building other than the back which you don't see, to be realistic.

MR. ARGENIO: I'm sorry, Mark, go ahead, finish your comment.

MR. EDSALL: No, just saying that the back was finished in vinyl because it's literally just the back with the fence behind it facing landscaping trees which are buffered to the multi-family housing, it's not finished

walls but the finished walls that are before the public for viewing are all brick so it's a brick building.

MR. ARGENIO: Got it. Your bullet number, your number two bullet two talks about bollards, 24 bollards, I see 24 bollards at the gas pumps but I don't see 24 bollards around in the parking places.

MR. O'BRIEN: Page two.

MR. ARGENIO: Okay, let's go to page two. My goodness.

MR. O'BRIEN: I actually asked them why they do that today and I guess they had one site where somebody went into the building and killed somebody. So they're installing bollards on all their stores now. There's I think three or four existing bollards out front in the parking lot protecting the exist pillars for the front overhang so what they'd like to do is propose any bollards along the front curb line. I did talk to them about that, I gotta look at the survey and take some dimensions if we can clear five feet and sidewalk or six feet and the sidewalk they can place them in the sidewalk rather than out in the parking lot.

MR. ARGENIO: In the parking lot, Mark is right, you're going to have to measure your nine by 19 from the street face of the bollard and now you're going to be impacting your lane widths which could trigger fire and you just don't need to.

MR. O'BRIEN: Right now you have 31 feet here so we do have plenty of room to make these front ones wider, these ones over here would not be affected, I just got to look at over here.

MR. ARGENIO: What's ADA on the sidewalk, 30 inches?

MR. O'BRIEN: Thirty inches because they have like over here they have the propane tanks, you still have to have some room.

MR. ARGENIO: I understand.

MR. O'BRIEN: So we'll look at that and I think that's, we'll either make these spaces 20 feet, make up the additional 10 inches basically.

MR. ARGENIO: Mr. O'Brien, can you give us, bring to the board a picture of what this cooler looks like on

another site or a picture of what the manufacturer says it's going to look like?

MR. O'BRIEN: I wanted to try to get a cut sheet in the packet.

MR. ARGENIO: I prefer an image.

MR. O'BRIEN: There's one.

MR. ARGENIO: What's that, the side of the building?

MR. O'BRIEN: It's right here.

MR. ARGENIO: Is that a cooler?

MR. O'BRIEN: That's a cooler right there.

MR. ARGENIO: That's okay, so that's at another facility?

MR. O'BRIEN: That's correct, yes.

MR. ARGENIO: That doesn't look too unsightly, that looks fine. Do you guys have that picture?

MR. O'BRIEN: It's actually in all the packages.

MR. ARGENIO: Some kind of white stuff.

MR. O'BRIEN: Everybody pictures them--

MR. VAN LEEUWEN: Doesn't look out of place.

MR. O'BRIEN: Everybody pictures it when I say it as the ugly aluminum ones.

MR. ARGENIO: Now, did you put appropriate bollards around that so it doesn't get banged up?

MR. O'BRIEN: No, we didn't need it over there, we have a large striped area here like a loading zone.

MR. ARGENIO: Do you have a curb?

MR. O'BRIEN: We have a curb here and ramp, loading ramp here.

MR. ARGENIO: No problem.

MR. BROWN: How much noise does that freezer put off?

MR. O'BRIEN: I really can't answer that, I don't imagine--

MR. BROWN: How much noise does the freezer put out because there are homes right next door?

MR. O'BRIEN: I can get a sheet on the decibels if they have that.

MR. CORDISCO: It might be helpful to in addition to that to show the distance to the nearest apartment, not the property line but the actual apartment.

MR. ARGENIO: I agree.

MR. CORDISCO: Because you can then get some estimations as to what the decibels would drop off over that distance.

MR. O'BRIEN: Right now, we're about 24 feet from the property line, actually greater than that, we're about, I think it's about 26 feet from the property line to the corner of the building, we're another four or five feet so approximately 30 feet from the property line and I imagine those buildings are back even further.

MR. ARGENIO: Get a number on it, a distance.

MR. VAN LEEUWEN: Yeah, I'd like to see a number on it too.

MR. ARGENIO: Any reason we can't take a lead agency on this guys? Counsel?

MR. CORDISCO: No.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board declare itself lead agency for the Cumberland Farms application corner of Caesars Lane and Blooming Grove Turnpike.

ROLL CALL

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

MR. ARGENIO: This has to go to county, doesn't it?

MR. EDSALL: Yes.

MR. ARGENIO: So there's a fence in the back of this?

MR. O'BRIEN: That's a good, glad you brought that up, one of Mark's comments were I guess when it was originally built in 2007 there were some issues back there, I'm not familiar with that.

MR. ARGENIO: What are the issues, Mark?

MR. EDSALL: There was, and I'm, it's my belief it was fixed but we just don't want to have a reoccurrence, the fence when it was put in was put in unusually high as in all the debris from the site, paper, waste, whatever else was blowing underneath the fence, since it was a foot and a half above the ground and the building inspector and our office made them reinstall the fence so it actually served the purpose.

MR. ARGENIO: Okay.

MR. EDSALL: They reinstalled it so as long as we don't recreate that problem we're okay cause I think the posts were put in high and they messed up the fence installation initially.

MR. ARGENIO: Guys, for this cooler, what about a public hearing, anybody have any thoughts on that? Danny or Henry or anybody?

MR. VAN LEEUWEN: There's a lot of people living around there.

MR. ARGENIO: Jennifer's pointing out it's commercial on this side. And what I was thinking on the people thing for the noise I think that's a very relevant comment, what I was thinking if Mr. O'Brien could give us a cut sheet on it and figure out the decibels and what's acceptable and what's not, Mark could have a look at that, give us the distance to the nearest residence. If it becomes an issue, Howard, we can

require them to put up a little sound wall behind there if we need it. But I think this is pretty innocuous unless somebody disagrees for some reason, maybe one of you guys knows this area better than I do.

MR. VAN LEEUWEN: I would like to make a motion to waive the public hearing but I would like to hear about the decibels first.

MR. ARGENIO: So you want to hold that vote?

MR. VAN LEEUWEN: I would like to hold that vote until we find out how noisy it is in case anybody comes in and says hey, wait a minute.

MR. ARGENIO: You guys okay with that? We'll hold that in abeyance. Makes sense. Mr. O'Brien, the onus is going to be on you, please produce us a cut sheet for the freezer that indicates the decibel levels at relative distances and give us an indication on the plans or indicate on the plans please how far the nearest residence is. And Mark will have a look at that, just make sure we're not interrupting anybody's beauty sleep in the evening because fair is fair.

MR. O'BRIEN: That's correct.

MR. VAN LEEUWEN: We like to do that ahead of time.

MR. O'BRIEN: If I can't get, I've asked for a cut sheet several times already, if I can't get that we'll try to get decibels from other sites.

MR. ARGENIO: That would be fine as well something from an engineer.

MR. VAN LEEUWEN: Otherwise we might have to put up a wall.

MR. O'BRIEN: I agree.

MR. O'BRIEN: Okay.

MR. ARGENIO: What else, counsel, procedural things? Mr. O'Brien, any other thoughts? Members, any other thoughts?

MR. O'BRIEN: Just a couple of other comments that we can easily address.

MR. ARGENIO: I'm not even getting into them, there's technical comments from Mark that I don't need to take everybody's time up going over them about the size of the box where your name is, I don't care, work it out with Mark.

MR. O'BRIEN: You got it, no problem.

MR. ARGENIO: Anything else? Thank you for coming in.

MR. O'BRIEN: Alright, when is your next meeting deadline?

MRS. GALLAGHER: You have to call me tomorrow.

MR. ARGENIO: Call Jenn tomorrow, she'll give it to you.

DISCUSSION:

266 QUASSAICK AVENUE - SITE PLAN (PAVING/STRIPING)

MR. ARGENIO: Discussion, next thing, Mark Edsall, 286 Quassaick Avenue.

MR. EDSALL: 266 Quassaick is a one story brick building with two restaurant occupancies.

MR. ARGENIO: Where is it, Anthony's Deli?

MR. EDSALL: 266 we're talking about right now, aren't we? 266 is Mr. Siaoji.

MRS. GALLAGHER: It's the Panda and the old Nino's Pizzeria.

MR. ARGENIO: Got it.

MR. BRAUN: Midway Market is next door.

MR. ARGENIO: To the left?

MR. BRAUN: Right.

MR. ARGENIO: Got it, you're hired.

MR. EDSALL: I'm not going to attempt to say this gentleman's name property but we'll put in the record the spelling of the name, it's Z-H-A-N-G S-I-A-O-J-I. The bottom line he's looking to make sure that he has the correct number of parking spaces based on an intended number of seats in each restaurant. He wants to restripe, maybe do some repaving, maintenance and create a one way loop around the building and put in some proper signage for traffic.

MR. ARGENIO: No additions, no curb cuts, no curb, no catch basins?

MR. EDSALL: Nothing, so it's purely fixing up the paving, striping the paving properly, putting the correct parking signs in for handicapped parking, the one space and because it's a one way loop having some signage that delineates it.

MR. ARGENIO: Unless anybody disagrees, I would submit to the board that this is more building inspector, Mark Edsall issue than the planning board issue, unless

anybody disagrees? Howard? Harry?

MR. FERGUSON: No.

MR. GALLAGHER: Agreed.

MR. ARGENIO: Henry says he's okay too.

MR. EDSALL: What will happen based on the number of parking spaces he delineates that will mandate the maximum number of seats total on the site and that will be in Jenn's records.

MR. ARGENIO: Handle it with Jennifer.

287 WINDSOR HIGHWAY - ANTHONY'S DELI

MR. EDSALL: One other item, 287.

MRS. GALLAGHER: It's here.

MR. ARGENIO: I don't see it on my agenda.

MR. EDSALL: 287 Windsor Highway is looking to put in a walk-in freeze in the back. Jenn, this one came into your department, it was in the rear, correct?

MRS. GALLAGHER: Yes, it's right in the back there.

MR. ARGENIO: What does he want to do, put that cooler in the back?

MRS. GALLAGHER: Yes.

MR. EDSALL: In this particular case, in contrast to the prior application, this is not in a developed area, it's in the rear of the building.

MR. ARGENIO: What's back there, Mark, isn't that Lannis Avenue?

MR. EDSALL: No, he has a, he has some overflow parking for employees.

MR. VAN LEEUWEN: There's all houses here.

MR. ARGENIO: So what else is back there?

MR. EDSALL: In the rear of the building he has some parking for employees and he's got storm water basin but it's, as I said, in the rear of the building.

MR. ARGENIO: Let me ask you this direct question. From the back of the building to his property line, how far is it about? If you don't know exactly.

MR. EDSALL: Got to be several hundred feet.

MR. ARGENIO: Oh my goodness, Henry, come on, the other guy was right on the property line, this is no big deal, several hundred feet.

MR. VAN LEEUWEN: I know those people back here, Lannis Avenue is a problem.

MR. ARGENIO: Several hundred feet from the cooler to the property line.

MR. VAN LEEUWEN: Yes but--

MR. ARGENIO: I know they're a problem, believe me, I've been dealing with the problems for eight years, 10 years here and you've been dealing with them for 30.

MR. VAN LEEUWEN: Over 30.

MR. ARGENIO: Over 30. I mean, Mark, you've been there. You've seen the site, is there sufficient distance if you're saying it's several hundred feet, I can't see noise being any issue at all.

MR. EDSALL: The property to the side is, I believe is commercial and like I said, it's at least between 2 and 300 feet to the back property line.

MR. VAN LEEUWEN: Then I have no problem with it.

MR. BROWN: That's almost the borderline for the public hearing, it's 500 feet, right?

MR. ARGENIO: Yeah. Okay, okay, so it seems as though the consensus of the board is that Mark and Jennifer can handle this, tell him he can put his cooler in. If we get any noise complaints, we're going to come and see him.

MR. EDSALL: I'm sure you'll say something to us.

MRS. GALLAGHER: We? You're going with me?

MR. ARGENIO: I'll come, I enjoy the time we spend together. Did I say that? What else we got? Anybody else have anything?

MR. VAN LEEUWEN: Motion to adjourn.

MR. GALLAGHER: Second it.

ROLL CALL

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

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MR. ARGENIO

AYE

Respectfully Submitted By:

Frances Roth
Stenographer