

TOWN OF NEW WINDSOR

PLANNING BOARD

June 12, 2013

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY
A/P TAYLOR PALMER, ESQ.

MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER
BUILDING INSPECTOR/PLANNING BOARD
SECRETARY

ABSENT: HENRY VAN LEEUWEN

MEETING AGENDA:

1. Hudson View MHP
2. Paradise MHP
3. Crestmoore @ New Windsor S.P.
4. 32 Plaza S.P.
5. USAI, LLC S.P.
6. Vails Gate Terminal S.P.
7. Covington Estates Sub. & PUD

REGULAR MEETING:

MR. ARGENIO: Welcome everybody to the June 12 regular meeting of the Town of New Windsor Planning Board. Everybody please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: I don't see Henry. Dave, we'll give him

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a minute, if he doesn't show up in a couple minutes,
I'd like you to come up.

ANNUAL MOBILE HOME PARK REVIEWS:

HUDSON VIEW MOBILE HOME PARK

MR. ARGENIO: The first item on tonight's agenda is the Hudson View Mobile Home Park. Somebody here for that? Please come up, ma'am. Ma'am, what's your name?

MS. TOBACK: Dorothy Toback

MR. ARGENIO: Mrs. Toback, I remember you, nice to see you.

MS. TOBACK: Nice to see you.

MR. ARGENIO: Has somebody from your office been out to Mrs. Toback's facilities and have a look?

MRS. GALLAGHER: Yes, we have.

MR. ARGENIO: How is it?

MRS. GALLAGHER: Everything's good, she's keeping the park up.

MR. ARGENIO: Thank you for that. Do you have a check made out to the benefit of the town in the amount of \$250?

MRS. TOBACK: I have my checkbook, I didn't know how much it was, I was going to call you and ask you but I just wrote the check but I can write it out and to whom do I give it to?

MRS. GALLAGHER: To me.

MR. ARGENIO: You'll write that check?

MRS. TOBACK: I'll write that check, 250, right?

MR. GALLAGHER: So moved.

MR. ARGENIO: To the Town of New Windsor, 250. Inasmuch as she's agreed, Danny has made a motion for one year extension.

MR. BROWN: Second it.

ROLL CALL

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

MR. ARGENIO: If can you write the check that would be fantastic.

MRS. TOBACK: Thank you so much.

MR. ARGENIO: Thank you for keeping the place nice.

PARADISE MOBILE HOME PARK:

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

MR. MANNIX: My name is Ken Mannix.

MR. ARGENIO: I think I knew that, I remember that from
last time. Jenn, what say you? Has somebody from your
office been out there?

MRS. GALLAGHER: Yes, everything is in order in his
park.

MR. ARGENIO: As such, I'll accept a motion for one
year extension if anybody sees fit?

MR. BROWN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

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

MR. ARGENIO: Do you have a check for the town? I
almost forgot the most important part.

MR. MANNIX: Yes.

MR. ARGENIO: Thank you for coming in this evening and
thank you for maintaining a decent and respectable
facility.

MR. MANNIX: Thank you.

MR. ARGENIO: Just for the benefit of everybody here,
not that it's any particular relevance, but Jennifer is
sitting up here with me and she will continue to sit up
here with me for a period of time. Nicole has elected
to move on to other opportunities and is no longer the
planning board secretary. So don't call the planning
board office and ask for Nicole, call and ask for
Jennifer.

MRS. GALLAGHER: Thank you for that.

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MR. ARGENIO: Gives you incentive to find a replacement.

MRS. GALLAGHER: Yes, that's true.

REGULAR ITEMS:

CRESTMORE @ NEW WINDSOR SITE PLAN (13-02)

MR. ARGENIO: Regular items, Crestmoore at New Windsor. Dave, why don't you come on up, bud? Crestmoore at New Windsor represented by Chuck May. The application proposes a 26,300 square foot building proposed for use as an assisted living facility. Application was previously reviewed at the 27 February 2013 planning board meeting. Let me just get my stuff straightened out here. What's your name, sir?

MR. MAY: Chuck May, Charles May.

MR. ARGENIO: I think I knew that. Mr. May, you've been in front of this board I think once or twice with this application, Danny, you can come up here. Okay, Mr. May, can you please tell us what we're here to discuss tonight and give us a tour of your plan drawings if you would?

MR. MAY: Okay, as you may recall we're a 138 bed, unit bed assisted living facility which is going to be occupied on the presently known as the Duffer's little golf course which is located on 32.

MR. ARGENIO: Do you have a picture?

MR. MAY: This is the actual site plan. The use is a commercial use, the zone is a commercial zone, the use is going to be medical. As you may recall, we have the building situated exactly where the entrance to the existing Duffer's is located. We have 73 parking spaces, the building has not changed too much, we're also--

MR. ARGENIO: Excuse me, folks, I can't hear him. Go ahead, Mr. May.

MR. MAY: We have enough parking to accommodate not only the employees but the visitors which may come to the facility.

MR. ARGENIO: Mrs. Toback, can you please not speak?

MRS. TOBACK: Oh, I'm so sorry.

MR. ARGENIO: It's okay. Go ahead Mr. May.

MR. MAY: We also have developed a 30 foot wide fire lane, the fire lane is now wrapped around the rear of the building, actually continues into the parking area. The width of the entire parking area is 30 feet in width. We have been to probably three workshops with the town engineer and we feel as though we've made a lot of progress with the particular project. We have developed a lighting plan and a grading plan and we have developed a location for the actual pump station. We're going to have a pump station in the rear of the building. We'll actually have a forced main which comes up to this particular location and proceeds by gravity across Route 32 and the location for the sewer manhole is actually at United Rental. We have developed the plan to the point where we have a lighting plan, plant plan, grading plan and soil erosion control plan. So, therefore, we have met with Mark for at least three workshops.

MR. ARGENIO: We don't have the benefit of those plans here this evening but I would assume that in the near future you will transmit them to Jennifer, yes?

MR. MAY: Immediately, if not sooner, tonight I have six sets with me tonight.

MR. ARGENIO: Landscaping, et cetera?

MR. MAY: Yes, sir. One of the plans that the planning board had requested was a comparison of the new facility to the existing office building which is located on Route 32. What we have done is we have taken a section through this location and by that we have also shown the center line of Windsor Highway. You have a plan before you I believe and if you could follow my little pointer would show you that this line is actually the center line of Windsor Highway and the building would sit down below Windsor Highway, not facing directly on Windsor Highway. So we feel as though even though it's a four story building you're going to see possibly maybe two of the upper stories. And of course it's going to be a little bit higher than the existing office building, probably we feel as though it's going to be around four feet.

MR. ARGENIO: Mr. May, when you say office building, there's no office building there now.

MR. MAY: Whatever this building is here.

MR. ARGENIO: That's the tee off things, is that right?

MR. EDSALL: Next door.

MS. BABCOCK: It's the strip mall.

MR. ARGENIO: The building next door, I get it, understood.

MR. MAY: So with that, we have wanted to demonstrate to the planning board that the building would be in compliance with the other buildings and it wouldn't be out of scale which I think you can see by the cross-section that we have taken through here.

MR. ARGENIO: Okay, I would like to request Mr. May if you would, this is an important corridor in our town, 32 from Five Corners all the way down to the City of Newburgh, please make sure you show us sufficient detail in the front of the building. I don't have that here, I just ripped through the plans a bit and I don't think I have them here unless I'm missing it.

MR. MAY: We do have architecturals.

MR. ARGENIO: No, I'm looking for the planned view of the appurtenances in the front of the building, such as some trees, bushes, curb layout, dimensions of the sidewalk, offset dimensions from the sidewalk on the westerly side to the curb, you know, offset dimension of the easterly side of the sidewalk to the building, just so we can have an understanding of what from a planned view perspective the front of the building is going to look like. But that said, I'd love you to put those architecturals up there because we did ask you for them as well, let's focus on the front. Which is the front?

MR. MAY: Well, this is actually, this is the westerly view. The northerly view, this would actually be the front view of the plan and these are the other side views, this would be where Windsor Highway would be located in this particular direction.

MR. ARGENIO: Where is your water coming from?

MR. MAY: We have a 10 inch line which is located in Route 32 which is right across the road.

MR. ARGENIO: What are you going to do, bore that?

MR. MAY: Yeah, we're going to have horizontal boring to get into it, also have to horizontally bore the sewer line.

MR. ARGENIO: Is that on the other side of the road as well?

MR. MAY: Yes, we've had our ground penetrating radar out there to try to determine where the utilities were located. We were able to find the sewer but the transite pipe was a little bit vague. So it's very difficult, so in order to be able to overcome that, we're going to have to do, we're going to specify hand digging in that particular location until they find the transite pipe.

MR. ARGENIO: Okay, what are you doing in the back of the parcel?

MR. MAY: Well, in the rear of the parcel, you'll see one we have developed, one we have, you're talking about this area right here?

MR. ARGENIO: Yeah, what's that going to be?

MR. MAY: In this particular area right here we're going to have our detention basin quite honestly, which is now being developed and that's going to be developed in this particular area. We would probably have developed some areas where we could take these patients and walk them, could be a garden area, could be a place where they would just recreate or whatever they might have to do in that particular location.

MR. ARGENIO: That's going to be maintained, it's not going to be grass, that will be to seed, it will be mowed?

MR. MAY: Definitely. I believe the owner is sensitive to the fact of the needs of these types of patients are the fact that they have to be outdoors, they have to be able to be in an area where they can, recreation areas and things like that. Not that they're going to be playing basketball or anything like that but just going to be walking.

MR. ARGENIO: Do you have a fence around the facility?

MR. MAY: I hadn't intended to have a fence at this

point but I know for a fact that these patio areas are all fenced in, these are areas where we have outdoor dining.

MR. ARGENIO: Mark, is there a need for a fence with this type of thing in your engineering opinion, in your prior experience in other municipalities?

MR. EDSALL: As they develop the rear area, there might be a more attractive way to do it, but they may want to have some safety barriers.

MR. ARGENIO: That's exactly where I'm going.

MS. BABCOCK: If I may, my understanding is that they do do it within the building because the patients that are allowed out it's very limited and under very secure circumstances. And so it's not that somebody could just decide I want to go get some fresh air and walk out the front door, it's not that type of facility. They would need to get special permission, they'd have to be walked, my understanding, I don't want to say guards, but there's that type of thing.

MR. ARGENIO: Michele, your dad will walk right out the door, you never know where he's going to go from there.

MS. BABCOCK: My understanding they cannot do that, they cannot just simply get up and walk out.

MR. ARGENIO: So the in and out of the building is controlled?

MS. BABCOCK: Yes.

MR. ARGENIO: So people are not wandering the parcel freely?

MS. BABCOCK: Correct.

MR. EDSALL: Many of these facilities now, you know, not trying to make it as a negative implication, but they have the ankle bracelets because it sets off an alarm if they go out the door because if they get outside, they can do harm to themselves, they could wander so a lot of the, but they do that as a security item.

MR. ARGENIO: Harry or Howard, do you guys have any additional thoughts on this?

MR. BROWN: Yeah, on the assisted living, what does that entail? Does it entail health or age?

MR. MAY: I think Michele can give you an answer on that.

MS. BABCOCK: It could be either, it's not age driven, anybody at any age can be in a facility such as that. It has to do with the level of care that's needed.

MR. BROWN: Just getting that if you put someone in there or someone goes in there on their own because they can't help themselves, they may have their faculties and they can do whatever they want as far as going out on a break or something like that?

MS. BABCOCK: Well, I think as part of the agreement to become a resident within the facility you agree to certain rules and regulations and those would be that you'd need to get clearance in order to leave the building.

MR. ARGENIO: That's what she's saying to go out the doors it's controlled, you have to have I guess a card swipe or something.

MS. BABCOCK: My understanding it's controlled in as well as out so no one can just freely walk into the building and roam and vice versa, no one can get out without special permission.

MR. ARGENIO: Harry, got any thoughts on this? Let me just say that to you guys too, Mr. May, we do want more detail in the front, we really, I'd like to be able to comment on some of the things that go on, things that are going on on here but I really can't cause there's not a lot of detail. So that's my desire to get some more detail but that said, Harry, do you have any additional thoughts?

MR. FERGUSON: Just a flag pole in the front.

MR. ARGENIO: Go back to the prior page with the clubhouse shown on there. David, any additional thoughts?

MR. SHERMAN: Just about the orchard, orchard is not part of the property?

MR. MAY: No, it's not. We will not be disturbing the orchard whatsoever. The property line runs right along the border.

MR. SHERMAN: Is that a road?

MR. MAY: That's a road that's on the orchard, not on our property.

MR. GALLAGHER: I see you have a bus shelter near the entrance now, is that going to be something with a covered roof?

MR. MAY: Oh, definitely, we feel as though, you know, there will be employees that would want to--

MR. GALLAGHER: Is that the reason for the bus for the employees?

MR. MAY: Most likely employees, yeah.

MR. ARGENIO: What do we need from DOT?

MR. EDSALL: Well, the board generally has taken the position that a site plan application that does not have any construction within the state right-of-way nor does it modify the curb cut entrance and where the trip generation or traffic demand is not significantly different than the prior use the referral to the DOT in many cases is optional.

MR. ARGENIO: How would we know if the trip generations are significantly different or not?

MR. EDSALL: We can ask them to give us trip generation numbers in comparison.

MR. ARGENIO: How will we know what the baseline is?

MR. EDSALL: Well, you have the golf range and based on the golf range and size of the golf range you can do the trip generations based on the tables.

MR. ARGENIO: I think we should look at that.

MR. EDSALL: You can do that comparison. If you believe it's not a significant change, you could easily reach the conclusion that the intensity of the use is roughly the same and they're not making any modifications in the state right-of-way.

MR. ARGENIO: I think that's probably going to end up being a reasonable conclusion. But I'd like to have it based in some sort of logical fact.

MR. GALLAGHER: Year round as opposed to seasonal trips?

MR. ARGENIO: Another good point. Michele, any other thoughts?

MS. BABCOCK: No, we'd be happy to provide that information.

MR. ARGENIO: Not that in particular.

MS. BABCOCK: The project in general, no, no.

MR. ARGENIO: We need some detail. I'd like to schedule a public hearing tonight. We're certainly going to have one but I don't think it's appropriate with the level of detail we want for the plans, I don't think, unless somebody disagrees.

MR. FERGUSON: Have they bought this property or is it just--

MR. ARGENIO: Ask him, I don't know.

MR. FERGUSON: He said he saw it's still available.

MR. BROWN: Have you guys bought this property already, acquired the property?

MR. MAY: No, they haven't acquired the sale of the property at this point.

MR. ARGENIO: Why are you concerned about that?

MR. BROWN: Just curious.

MR. EDSALL: Mr. Chairman, a good mechanism to obtain that information on the traffic now that we've kicked off the review process with a short EAF, I think the project of this size it may warrant an actual EAF and just with the traffic numbers maybe as an attachment comparing the trip generation for the previous use and the proposed use.

MR. ARGENIO: I'm good with that. You heard that on

the full EAF?

MS. BABCOCK: We have submitted--

MR. EDSALL: I got a short, I don't have an actual--

MS. BABCOCK: A full EAF was submitted.

MR. EDSALL: Maybe you can just have a--

MS. BABCOCK: So then--

MR. EDSALL: So maybe in the EAF give the trip generations but attach a comparison.

MR. MAY: There was a miscommunication between Michele and myself.

MS. BABCOCK: I apologize for that. I'm not sure if you want to see this. If we can show this, if this is somewhat helpful to what you're looking for?

MR. ARGENIO: That is very helpful. I don't know that I want to root through it at this point being that the members don't have it.

MS. BABCOCK: I have enough for all of them.

MR. ARGENIO: Why didn't you, why wasn't that submitted?

MS. BABCOCK: This was just done as part of the review that Chuck attended with the work session with Mark and so we had thought we were going to be on the last agenda so these plans that you're looking at this evening were submitted several weeks ago. But these are actually the most recent up to date plans that have been reviewed. Do you want me to hand them out?

MR. ARGENIO: Yeah, give it to these guys. Mr. May, can you come up here please? Where is the sidewalk that's going to serve this whole thing?

MR. MAY: Well, we have one.

MR. ARGENIO: You're going to have to have a look at that again. Danny, ask your question about the dumpster.

MR. GALLAGHER: I see that it's offset a little bit, is

this going to be a hand rollout to where the truck will pick it up?

MR. MAY: This is going to be, as a matter of fact, Mark e-mailed us that the dumpster which is preferred by the Town of New Windsor it's a 20, 30 feet long.

MR. EDSALL: The dimensions aren't really mandatory. What I, Mr. Chairman, I shared with them the style dumpster, multi-family complexes where it's architectural bottom stone, brick, whatever and then has the fire resistive top similar to the multi-families, they've worked very well in the town.

MR. ARGENIO: I'll give you the comments on that, Mr. May. It would seem to me there should be access to that from the driveway. Two comments. Rather than be isolated in the grass area, you know, like adjacent to the driveways.

MR. MAY: We'll put a little--

MR. ARGENIO: You'd agree with that?

MR. MAY: Certainly.

MR. ARGENIO: The other thing I'm going to suggest, I don't know that it matters much to the planning board but it would make sense to me if this dumpster enclosure were closer to the building for convenience for your owner or your tenant or whatever the case may be. Think about it, I'm not asking you to solve it right now.

MR. MAY: The thing of it is we didn't want to have it near the dining areas, these are dining areas.

MR. ARGENIO: Think about it, it's a suggestion. I don't know that it's a particular planning board approval or not approval issue but you want to have it centrally located so it's relatively convenient. Michele, is there any other plans on here that you'd particularly want to direct me to? Mark, have you looked at the isolux curves?

MR. EDSALL: I've looked at them at the workshop meeting, they're moving along, plans are coming together. The comments I have tonight, some items may be covered on the newer plans.

MR. ARGENIO: Let me ask you this question. Municipal fire is disapproved and the first bullet on the disapproval says the island at the entrance must be removed, it does not meet the minimum width and turning radius. Which island is that?

MR. EDSALL: Do you have the right sheet?

MRS. GALLAGHER: Maybe they changed it on the plans.

MR. ARGENIO: Possibly it's been changed since this comment, okay, let's not beat this to death. Everybody is on a different sheet of music here and it seems as though you're making nice headway. Mark, is there anything else we need to hit in particular tonight with this?

MR. EDSALL: Well, the only let's say issue of fair significance is the fact that the bulk table needs a bit of correction. I don't think it's going to create any problems for compliance. My only concern is the building height, you need to have the height as is defined in the Town Code given to the architect, the architect would then be able to define the building height as it's defined in New Windsor and look at permitted height based on the 12 inches per foot to the nearest lot line. Because one of two things are going to happen at that point if the numbers don't work you're either going to change the plan or going to go to the ZBA. And I think that's a very important issue, given the fact that I believe you're progressed to the point that the board could consider a public hearing in July. So that's a very critical issue.

MR. CORDISCO: If I could add to that, I would suggest that the board also prior to as a condition to scheduling a public hearing would require submission of long form EAF as previously pointed out that contains the comparison for the traffic generation for the existing use and the proposed use.

MR. ARGENIO: Okay.

MR. CORDISCO: Thank you.

MR. ARGENIO: Anything else?

MR. EDSALL: Only if you ask.

MR. ARGENIO: Michele, thank you for coming in.

Mr. May, thank you for coming in.

MS. BABCOCK: If I may, we were hopeful tonight that the board would go forward and declare their intent to be lead agency so that we can circulate for coordinated review on this application.

MR. ARGENIO: Is that appropriate, Mark?

MS. BABCOCK: Just asking about circulating for notice of intent for lead agency upon the submission of the full EAF.

MR. CORDISCO: Yes, yes because--

MR. ARGENIO: Notice of intent to circulate.

MS. BABCOCK: Notice of intent to declare lead agency.

MR. ARGENIO: So which implies that we have circulated already.

MR. EDSALL: No, we've had it prepared, I've been coordinating with Michele waiting for authorization for tonight. I've got two referrals ready, one to the county planning which I did want to do with the full EAF and secondly the lead agency coordination letter.

MR. ARGENIO: So what would the motion be specifically?

MR. CORDISCO: Motion would be to authorize the engineer to circulate the board's intent to serve as lead agency.

MR. ARGENIO: Okay, anybody sees fit, I'll accept a motion.

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that we authorize ourselves to be lead agency.

MR. CORDISCO: You declare your intent to be lead agency.

MR. ARGENIO: Declaring our intent to be lead agency for Crestmoore. Roll call.

ROLL CALL

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

MR. CORDISCO: As part of that, we would also send the plans to the County Planning Department.

MR. ARGENIO: Yeah, I guess.

MR. EDSALL: Of course the updated plans because I believe the updated plans--

MR. ARGENIO: That's why as I said, I don't like getting plans the evening of but--

MR. EDSALL: I think for purposes of referral, I can tell you that many of the additions and corrections to the plans are pursuant to the workshops which are just really completion items so--

MR. ARGENIO: Okay, let's get it done, get it done so Mark, you'll be reviewing this plan?

MR. EDSALL: Yes.

MR. ARGENIO: That's a question.

MR. EDSALL: Well, is it the board's desire or intent to authorize scheduling a public hearing as long as the plans address the latest comment?

MR. ARGENIO: No intention of scheduling a public hearing tonight, none, zero.

MR. CORDISCO: If I may suggest, the applicant just received numerous pages of comments, technical comments. Do you intend to respond to those comments with revised plans or would they prefer that a review be conducted on these plans?

MR. ARGENIO: Dominic, how do I or how do you know if a portion or all of the comments have not been addressed in these other plans? It's the whole reason we're not supposed to be handing in plans the night of a meeting.

MR. CORDISCO: Exactly. But what I'm asking is does

the applicant want to have an opportunity to digest those comments and either say please review the plans I submitted or I'm going to submit revised plans?

MR. ARGENIO: Here's what you do. These plans that you just handed us that I've had a glance at please don't do that again, please don't do that again. Mr. May, have a look at Mark's comments, you may have made all the corrections, you may not have, whatever you need to do in the form of corrections, make those corrections and do a formal submission to the lovely Jennifer and we'll act from that point.

MR. MAY: Okay.

MR. ARGENIO: I think it's a good point, Dominic, let's start from the standard and move from there.

MR. MAY: Do you have comments from Mr. Luchese?

MR. ARGENIO: Don't go by my comment, I'm going to tell you why because I think Mr. May that comment may be old. Call Jennifer, the comment I was reading from may be an older comment.

MR. MAY: Okay, thank you.

MS. BABCOCK: Thank you very much.

MR. ARGENIO: Thank you, Michele. Thank you, Mr. May.

32 PLAZA SITE PLAN (12-14)

MR. ARGENIO: Next on tonight's agenda Route 32 site plan on Windsor Highway. This is you too, Mr. May?

MR. MAY: Yes, sir.

MR. ARGENIO: This application proposes 5,600 square foot addition to the existing building on the site. The plan was previously reviewed at the 14 November 2012 planning board meeting. I think is this the Cowan's Jewelers' building?

MR. QELAJ: Yes.

MR. ARGENIO: It is, okay. Tell us what you guys are doing here, I think I remember this one. This is the one with the illegal gambling den, right? Go ahead Mr. May.

MR. MAY: The project is located on Route 32. You may recall the project has Cowans Jewelry, Subway and a Mexican restaurant presently there. So what we'd like to do is unfortunately this, it had a fire many years ago and so therefore now Tony Qelaj has purchased the property and he wants to restore it. We feel as though we'd like to--

MR. ARGENIO: What's your name, sir?

MR. QELAJ: Charlie Qelaj.

MR. MAY: He'd look like to restore the area and place one, two, three, four retail shops in that particular location. We have developed a site layout, site layout plan with handicapped parking, I believe you have copies of those and developed a grading plan. We have also developed a wall detail in this, in the back of the facility. The wall detail is based upon one of the actual designer's suppliers of walls by the Town of New Windsor, I believe there were three of them and one of them is LHV. We're going to be using, the wall will be submitted to the town engineer designed by a geo-technique person. He will give drawings for review. We have also submitted a drainage report to John and what we have done is we have actually developed a drainage so we're collecting in dry wells, all of the roof drainage from the entire facility. There are three dry wells here. There will be another three dry wells here and then--

MR. ARGENIO: Point to that again please.

MR. MAY: I said we analyzed the building, the roof we're going to be collecting all of the roof runoff from the new and the old facility in dry wells and infiltrating it into the ground as you can see probably on SG1 drawing.

MR. ARGENIO: I'm wrestling with this a little bit, Mr. May, I'm going to tell you exactly what I'm wrestling with. Where is that pipe going?

MR. MAY: That pipe, well, what's going to happen we're going to actually be filling the rear of the site so what exists there now, what we call a french drain, the drain itself was something that had been in place so we're going to increase the capacity, actually will have not what it is, just an overflow to that particular area. The dry wells have been designed for the 25 year storm and they have really been very conservative and we have run some calculations so we don't feel as though they'll be, you know, continuously running into that drain area, that's not the entire intent. But perhaps if it does have an occasion to overflow it would go into that location.

MR. ARGENIO: I'm going to tell you I'm not going to read Mark's comments cause there's quite a few pages, quite a few pages but I am going to tell you when I look at this here and I look at this, I'm not seeing a french drain drawn or illustrated or indicated in the back of that building.

MR. MAY: Well, there's a line here that shows--

MR. ARGENIO: I can see the lines, tell me how I would know that's a french drain?

MR. MAY: Well, we can note it on there that it's an existing drain which has been there for a long period of time, part of the town system.

MR. ARGENIO: So it exists?

MR. MAY: It exists.

MR. ARGENIO: How would I know if it exists or it's proposed?

MR. MAY: We'd have to note it that it's an existing.

MR. ARGENIO: Mark, am I missing something? Why does it say top of wall twice with two different numbers?

MR. MAY: Because the wall has, the wall is not a straight wall which runs--

MR. ARGENIO: Stepped?

MR. MAY: Yes. So you're going to have two types of walls, that's one step and another step.

MR. ARGENIO: Got it. How would we know the height of the wall?

MR. MAY: Well, we have a typical wall elevation.

MR. ARGENIO: Typical does not indicate an exact height.

MR. MAY: Well, I would say from the information that we have is a good indication of how the wall is going to sit on the site, we're going to be submitting as I said.

MR. ARGENIO: This is not typical, this is specific, looks like to me you're talking about on page SG1.

MR. MAY: SG1, that information is taken from our survey, it's a rather detailed wall.

MR. ARGENIO: Yeah, it's certainly anything but typical.

MR. MAY: However, as I said before, we will be, drawings will be submitted, I have to show it in detail so I can understand it.

MR. ARGENIO: What kind of wood fence are you talking about?

MR. MAY: There's an existing wood fence.

MR. ARGENIO: It exists?

MR. MAY: Existing wood fence.

MR. ARGENIO: Yeah, it would be good to note that existing wood privacy fence.

MRS. GALLAGHER: I don't know how well your back fence is but a lot of those wood fences in the back along that area are in disrepair. So I would make sure that yours is okay because if it's not, we're going to say something to you guys when we go out with building permits and stuff.

MR. QELAJ: My understanding those fences do not belong to me, I kept repairing them but they're not mine.

MRS. GALLAGHER: It should be yours. Way back when when all these commercial buildings were built, that was the screen between the homes and the commercial buildings. So if it's not yours, we'd need to check on that and you guys might want to suggest that you put up some screening yourselves.

MR. QELAJ: Yeah, maybe.

MR. ARGENIO: Maybe the smart thing is to have him put his own fence in.

MR. EDSALL: That's why I raised that in the comments.

MR. ARGENIO: There's so many of them.

MR. EDSALL: My recollection is the same as Jenn, those were not put in by the residences and if the fence is in disrepair, even if it's in the wrong location and crosses the property line, if you're putting a wall in this is the appropriate time to fix the situation.

MR. ARGENIO: I agree. You should have a look at that, Mr. May, I think it's a good suggestion. I don't mean to beat you up, I don't want to sound that way but ultimately where does the water go at the end of the day when it's all said and done, where does the water go?

MR. MAY: The water is presently collected in this particular french drain which was actually built by the Town of New Windsor it's our understanding and when we analyzed the actual pre and post development, we determined that the impervious and the pervious areas were like at zero.

MR. ARGENIO: So it's about the same pre-build, post-build is about the same?

MR. MAY: I believe that because a lot of the pavement that's there is all broken up and all soil and everything. So when I submitted my report to John, that's the solution that we came up with. So essentially any of the runoff which is only going to be in this particular location because the rest of it runs out onto Route 32, the runoff as I said before is collected in the french drains.

MR. ARGENIO: So there's no discharge over here, you're telling me all the runoff goes into that french drain and disappears?

MR. MAY: It's going there now.

MR. ARGENIO: I don't know that that's what I'm asking you.

MR. MAY: It's going there now.

MR. ARGENIO: So it's going there and disappears, percs into the ground or it does whatever it does?

MR. MAY: Right into the ground right here.

MR. ARGENIO: I don't own the property, I don't know.

MR. MAY: I understand.

MR. EDSALL: Mr. May, does the drawing, the boundary survey that's sheet B is one is that the existing conditions as in boundary survey?

MR. MAY: Yes, that's pretty much the existing.

MR. EDSALL: Mr. Chairman, the reason why I'm asking that they get some drainage information for Mr. Szarowski to review, if you compare S1 to SG1 the rear and south sides of the property are not developed on the existing conditions. The proposal is to envelope the entire site in asphalt, it's unfathomable to me that there's not going to be a change in drainage. So they need to deal with drainage. They need to make the submittal and work with Mr. Szarowski to bring that to completed standards so we're not dealing with the same drainage problems we had for years in the neighborhood.

MR. ARGENIO: More importantly, how do we have the lack of development of impervious surface on drawing BS1 and then we have almost 100 percent impervious use on SG1

and the number doesn't change?

MR. MAY: Well, we submitted a report and we actually sat down with John and went through the whole thing as to how he wanted us to handle the drainage.

MR. EDSALL: I have not reviewed it, I hope that it's, the review is in progressive, not seen any writeoff on this site yet. Have you submitted a full report to him?

MR. MAY: Yeah, I submitted to it to Nicole as a matter of fact.

MR. EDSALL: I haven't seen anything back from him as of yet. So likely John will observe the same changes I do.

MR. MAY: I can come out tomorrow and see that he got it.

MR. ARGENIO: You know what you should do, let's keep this thing moving so it doesn't lose its head of steam. Can you resubmit that report to Jennifer please? Oh, you have it right here? Perfect, good.

MR. MAY: Yeah, the thing of it is I sat down with John for an hour and a half with Charlie to make a determination as to how we were going to be dealing with drainage.

MR. ARGENIO: We need to follow up on that.

MR. EDSALL: Part of my comments about the bulk table were showing coverage proposed and existing 85 with all the existing.

MR. ARGENIO: If Mr. May is saying he sat down with John, I'm sure he's not sitting here lying to us.

MR. EDSALL: No. What I'm saying is that the information on the plans, forget what the drainage study says, the information on the plans is not consistent with from the bulk table to when you look at the drawings, and that's part of my comments.

MR. ARGENIO: There's a mistake, let's get it buttoned up. By the way, what you're saying makes sense, I think at least let's get passed that. Mr. May, I'm going to make the same, no, I'm not going to make the

same comment, so your parking is all adjacent to 32, no parking against the building, no in-line parking here?

MR. MAY: Mr. Argenio, the reason why we have parking over here is the fact that we developed a 30 foot wide fire lane so it's virtually impossible to have parking perpendicular to the building. That's the reason this parking already exists, therefore, this is a logical place to have the handicapped.

MR. ARGENIO: I'm good with it, just want to make sure I understand what I'm looking at. And quite frankly, I like the fact that there's not a whole lot of concrete and asphalt. I like the fact that it's green, I think done right I think the building will look beautiful, that's not our sole function here to make people plant trees but certainly we like to live in a nice town all of us do.

MR. MAY: Well, Mr. Qelaj wants to enhance the plaza.

MR. ARGENIO: Do you guys agree with that? Dave, do you agree with that? Mr. May, oh my goodness, look at the beautiful page LP1, top right-hand side, I think that's fantastic, luminaires are absolutely fantastic. See that, Mark?

MR. EDSALL: They're very nice, good coverage on the lighting.

MR. ARGENIO: You look like you don't know what to say.

MR. MAY: This is actually the detail I've been using for quite a while on most of our projects. We like that, the only thing we have to change is that Mark wants to have .5 foot candle out here so we'll revise.

MR. ARGENIO: I'm not going to go through all of his comments cause a lot of them are like engineering comments, you know, engineer this, engineer that. So I don't want to waste a lot of your time, I shouldn't say waste, that's not fair, but I don't want to take up a lot of time on that. Do you guys have anything else to my right, Howard and Harry?

MR. FERGUSON: The only question I have is the drive around through the back is that 30 foot width as well?

MR. MAY: I believe we have, you know, I can't answer that question but I would have to check it but it

exists, that's the thing.

MR. ARGENIO: If I had to bet a dollar, Howard, I would bet fire department is mostly concerned about the front so they can get the ladder truck in and, you know, their heavy artillery there. Dave Sherman, anything?

MR. SHERMAN: No.

MR. GALLAGHER: No. Mark I had one about the bottom parking spot but I see Mark has a comment almost looks unusable.

MR. MAY: That's a tough one.

MR. ARGENIO: Motorcycle, they may we need it. I'm aware of it but it's going to have to be Charlie's spot.

MR. ARGENIO: Write motorcycle or moped.

MR. MAY: I'm aware of it.

MR. ARGENIO: Mark or Dominic, do we have anything else we need to get through this procedurally?

MR. CORDISCO: No.

MR. EDSALL: Not at this time.

MR. ARGENIO: Mr. May, do you have any other questions that you have for us, anything else we can help you with?

MR. MAY: I guess what we'd like to do, I haven't seen Mark's comments so I don't know what he has.

MR. EDSALL: Right here, didn't want to interrupt the board in their discussions.

MR. MAY: I think we have submitted an EAF, right, Mark, short form a long time ago?

MR. EDSALL: I believe so, Chuck. It's time for you to declare lead agency anyway so we can move ahead with that.

MR. ARGENIO: Any lead agency issues or anything like that we can get behind this?

MR. CORDISCO: There's no other agencies I believe that have been identified.

MR. ARGENIO: Just us.

MR. EDSALL: At this point, we have a short EAF, given that it's a rebuild of an existing site, I'm comfortable with that on this project.

MR. ARGENIO: What about a public hearing, Dominic or Mark, procedurally when do we talk about that?

MR. EDSALL: Well, obviously, it's a waivable item, I think it's something--

MR. ARGENIO: I don't think it should be waived.

MR. EDSALL: So I think you should at least make a determination that if you are going to have one and then I would say after the plans maybe go through one more revision cycle, you might be in a position to schedule it.

MR. ARGENIO: Okay, yeah, I don't see us waiving it, I mean, this is a high occupancy, high visibility area, from time to time there's issues with the folks in the back.

MR. GALLAGHER: It's what we've done all the way down, we've always had a public hearing for every project all the way down.

MR. ARGENIO: Thank you for coming in.

MR. MAY: So you'll not be able to declare lead agency?

MR. CORDISCO: There's no other agencies that we're aware of, I mean--

MR. ARGENIO: There's no Town of Cornwall here.

MR. MAY: We'll respond to the comments, get back in an establish a date for a public hearing.

MR. ARGENIO: Yeah, come one back and Mr. May, the board is not, the agenda is not that full where you're going to have to wait for like three meetings before we can put you on an agenda. When you submit your stuff, get your ducks in a row, we can probably put you on an agenda almost right away.

MR. MAY: Okay, sounds fair enough. Thank you.

USAI, LLC SITE PLAN (13-06)

MR. ARGENIO: USAI, LLC.

MR. EDSALL: This application when it was before the board the last meeting you had decided that it was impossible to act on because it was still pending a response from the Orange County Department of Planning.

MR. ARGENIO: We do not do me-toos in the Town of New Windsor Planning Board.

MR. EDSALL: And based on our wonderful guidance from counsel, we couldn't do a SEQRA determination. So the two procedural open items would be consideration of a negative dec based on the information submitted and a review of the local determination review from County Planning and consideration of conditional approval. My suggestion is that it be contingent on them obtaining any permits needed for the modifications to the access to River Road as deemed required by DOT.

MR. ARGENIO: Do you guys understand what's going on here? Howard doesn't understand. Mark, explain it again please.

MR. EDSALL: When they were before the board the last time, obviously this is a very minor application to the extent that they're actually tearing down and razing as it may be some buildings that are in disrepair, cleaning up the parking lots and instead of a wide open access to River Road narrowing it down, cleaning it up, they're proposing no buildings. They've actually taking buildings away. The board decided they still wanted to have a record plan. They submitted very accurate as best we can tell complete plans. You couldn't act because you were waiting for County Planning we've got that as a local determination now. So you told the applicant don't bother coming back, we'll take care of it.

MR. ARGENIO: What we said was we just need the formality of the letter from the county planning and unless they come up with something that's crazy that we completely overlooked don't even bother coming back, we'll just handle it and move on and that's how we left it.

MR. BROWN: Okay.

MR. ARGENIO: Dave, did you understand?

MR. SHERMAN: Yes.

MR. GALLAGHER: Yes.

MR. FERGUSON: Yes.

MR. ARGENIO: Mark, so what do we need to do?

MR. EDSALL: First thing is the adoption of a negative dec under SEQRA.

MR. ARGENIO: I'll accept a motion.

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded we declare negative dec under the SEQRA process for USAI, LLC River Road.

ROLL CALL

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

MR. ARGENIO: What's next?

MR. EDSALL: County provided location determination, they did have some recommendations or at least brought some issues to your attention. Looking at them, I think they misunderstand that in fact that they are actually narrowing down their access to River Road and they're not building a new access to River Road and they're actually looking to eliminate some more parking as far as I understand their comments. And they want you to hire a, suggest a landscape architect.

MR. ARGENIO: On River Road where the tanks are? I didn't want to say that to anybody cause I didn't want to, I have to keep my mouth shut.

MR. EDSALL: They suggested a landscape architect to ensure that the species are adequate for the proposed locations. I think we can be assured that it's going

to be an improvement to River Road.

MR. CORDISCO: Those comments were made by a landscape architect.

MR. EDSALL: They were made by a landscape architect, the reviewer, but nonetheless.

MR. ARGENIO: You guys get it?

MR. EDSALL: Long and short of it is if you deem fit to adopt a condition approval, the condition be that they seek guidance from DOT, if they agree that this a wide open curb cut can be narrowed and obtain the appropriate permit.

MR. ARGENIO: I'll accept a motion to that effect, final, conditional final approval pending them resolving with DOT.

MR. BROWN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Roll call.

ROLL CALL

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

MR. ARGENIO: Thank you for coming in tonight.

MR. EDSALL: I will tell you Mr. Collier called me today to let me know that if need be, he would come in but I reminded him he didn't have to.

MR. ARGENIO: It's no big deal.

VAILS GATE TERMINAL SITE PLAN (13-01)

MR. ARGENIO: Okay, Vails Gate Terminal asked to be removed from the agenda as they're diligently working with the fire inspectors to get their facility up to snuff.

COVINGTON ESTATES SUBDIVISION & PUD (10-24)

MR. ARGENIO: That said, Covington Estates major subdivision and PUD. Application proposes creation of 125 lots with 124 multi-family units which were the subject of a prior site plan approval. The application was previously reviewed at the 13 October 2010, 17 November 2010, 12 January 2011 and 27 April 2011 planning board meetings. And Mark, the list is much longer than that, why don't you have the rest of them on there?

MR. EDSALL: Because this is only the subdivision application.

MR. ARGENIO: Okay.

MR. EDSALL: I would need three pages for the site plan.

MR. ARGENIO: I'm pretty sure I'm familiar with what's going on here. Ross, why don't you ever so briefly update the members, bring them up to speed? And then Mark, if you'd fill in any gaps, I'd appreciate it. Go ahead.

MR. WINGLOVITZ: Yeah, as Jerry mentioned, this is a long, has a longer history than 2010, it goes back to 2002 when the first application was made for the site plan for 124 units. That was approved in 2006 and then market was not there, we came back in 2010 with the subdivision application, basically just taking the approved 124 unit site plan, putting those on there on individual lots. We have now progressed, Mr. Weinberg has financing in place and we're finalizing the architecture and as part of the finalizing the architecture and the plan some minimum, some minor issues have come up that we addressed in a letter to you that we need to rectify so we make sure that the plans meets all the requirements that we have for the new buildings and so forth on the site. Item one is the architecture here. There was some minor changes, we have side entry on the ends instead of front entry, the buildings are a little bit deeper so we had to modify the lots ever so slightly from the approved plan in 2011. So that's part of the application here this evening. There was also some minor modifications to address issues that the DEC has brought up. We had previously gotten two sign-off letters saying there was no permits required from the DEC. But recently they

came back and indicated there's a potential for certain permits which we have resolved most of.

MR. ARGENIO: They changed their mind or legislation was passed?

MR. WINGLOVITZ: Changed their mind.

MR. ARGENIO: That's how I understand it. Go ahead.

MR. WINGLOVITZ: One of the changes we made to accommodate this was there was a sewer connection that crossed a federal wetland, not state wetland, but federal wetland, recrossing requires a state general permit. To avoid having to get that, we have modified the sewer to connect directly into the existing sewer line here with the new manhole instead of taking the existing manhole. It's a little bit more expensive but it avoids federal wetland crossing. So that's one of the changes. The other change was a pump station on the north side of the site which the sewer was pumped back up to the high point and flowed back to this connection point. What we have done to avoid the long term maintenance issues involved with the pump station Dave made a decision that we'd like to direct it directly to the sewer station so we don't have to get to the pump station.

MR. ARGENIO: Go back to the part where you're talking about the lift station for phase one.

MR. WINGLOVITZ: Lift station has been eliminated, no more lift station.

MR. ARGENIO: Why did you show the lift station before?

MR. WINGLOVITZ: There was a lift station right up here by the little playground.

MR. ARGENIO: So why did you have it before?

MR. WINGLOVITZ: There was a question regarding cost for boring underneath 300, we looked at that, evaluated that, decided it made more sense to maybe pay a little bit more but not have long term maintenance issues and the cost of borings in the last 10 years has come down significantly so when you revisit things 10 years later, you make different decisions than you did when you originally made them. Another issue is as part of the Attorney Generals' approval for the homeowners'

association, bonds will need to be posted for the improvements with the project. So if we do the project as one phase, one large bond will have to be posted for the Attorney General's office. What we're proposing is to break it into sections, we'd have three different phases, phase one and two compromise about half the units and phase three the other half of the units. So we did propose that this application would be filed in sections actually is the correct word, filing in sections. And we have broken up, broken these phases out based on discussions with Mark and they are all logical locations that work for sewer, water, storm water, again, high point here, high point here so everything flows back to that pond and that sewer connection, same thing here, high point located here, everything flows back to that pond and final phase which will go to this new connection and that new lot. Last but not least, as times gone by, the DOT who had also given us two previous sign-off letters on the project when we applied for our permit indicated to us that they would need to look at providing left turn lane for the project. So we have been in discussions with them, we think it all makes sense that we provide the left turn lane at this point based on new projects coming in, traffic, not new regulations but new interpretations of the regulations and we provide that by the end of phase two, provide left turn lane.

MR. GALLAGHER: Left turn lane in or left out?

MR. WINGLOVITZ: Turn lane in, improvement to 300.

MR. ARGENIO: Where are those plans?

MR. WINGLOVITZ: Those plans are at the DOT right now.

MR. ARGENIO: They have been crafted already?

MR. WINGLOVITZ: Yes.

MR. ARGENIO: Continue.

MR. WINGLOVITZ: That was it, I think with the minor changes.

MR. ARGENIO: Okay, I'm going to back up. Mark, can you please stay with me closely for my benefit and for the members' benefit? Mr. Winglovitz, I'm going to ask you to do something for me. I want you to interrupt, Mark, if anybody misspeaks in the next minute and a

half, two and a half minutes.

MR. EDSALL: Very well, might being Dom, he has a better understanding of this one.

MR. ARGENIO: You're here for a reapproval?

MR. WINGLOVITZ: Yes.

MR. ARGENIO: There are some changes associated with that reapproval, those changes are a direct result of time for the most part in that background, traffic may have changed, some laws may have changed, DEC may have changed their mind on some things?

MR. WINGLOVITZ: Correct.

MR. ARGENIO: In one sentence or less for each item, tell us again what exactly those changes are, one sentence per item, go.

MR. WINGLOVITZ: Lot changes as far as dimensions. Sewer connection changes from the points for both locations north and south.

MR. ARGENIO: That's in phase one and three?

MR. WINGLOVITZ: Yes.

MR. ARGENIO: That's two items. What's the next item?

MR. WINGLOVITZ: That's two and three together.

MR. ARGENIO: I meant to say one and two, I'm sorry.

MR. WINGLOVITZ: Phasing of the project is different than what's previously proposed.

MR. ARGENIO: That's item three. Go ahead.

MR. WINGLOVITZ: And just I guess make the board aware of the left turn lane requirements as part of our permit.

MR. ARGENIO: And that will be constructed in conjunction with?

MR. WINGLOVITZ: Phase two.

MR. ARGENIO: So upon the completion or upon the

beginning?

MR. WINGLOVITZ: Completion.

MR. ARGENIO: So you'll look for no C.O.s for phase three until that turn lane's complete?

MR. WINGLOVITZ: Correct.

MR. ARGENIO: Those are three things, four things that you said. We miss anything, Dominic?

MR. CORDISCO: Nothing significant. I mean, there's additional procedural hurdles that have been placed as a result of DEC changing their position.

MR. ARGENIO: I don't care about that, you gotta deal with that.

MR. CORDISCO: And the town board has to deal with that because one of the requirements is a formation of a sewage transportation corporation.

MR. ARGENIO: Do you guys understand? And I don't mean to be over-simplistic about it but for me to understand it prior to the tonight's meeting this is how I asked it to be explained to me in this simple a fashion cause I want to know what the changes are. So it's a reapproval and again typically we say okay, X, Y, Z project is a reapproval, the time has expired and they need reapproval to stay alive and are there any changes? No, there's no changes. But on this one the question is are there any changes and the answer is yes, there's four and Mr. Winglovitz just described the four changes. Dominic or Mark, anything we need procedurally other than just a vote on this?

MR. EDSALL: No, I think it would be worthwhile to get in since you've done a good job on boiling this down to four issues because Dominic was just educating me on the fact that we have to make sure we, it might be revisit SEQRA to affirm the negative dec.

MR. CORDISCO: Some minor changes so--

MR. EDSALL: But I think it's good to have the record clear, although it sounds like there's four changes, the dimensional changes are very minor in nature, the sewer connection actually simplifies the connection because it eliminates pump station and lessens the

impact because it doesn't go--

MR. ARGENIO: Accept a motion we affirm our prior determination relative to SEQRA. Go ahead, Dominic.

MR. CORDISCO: And in addition to affirming prior negative dec, what you'd be authorizing at least my suggestion would be would be a determination of consistency that would spell out these changes and say that they are not significant as long as, and they are consistent with the prior negative dec.

MR. ARGENIO: I'll accept a motion if anybody sees fit that we affirm our position, our negative dec position on this application and that the four items that we just discussed and annunciated as part of the permanent record are truly insignificant items as far as this project is concerned.

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Roll call.

ROLL CALL

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

MR. ARGENIO: If anybody sees fit, I'll accept a motion to reapprove this subject to and I'm going to make this very generic the minutes of the meeting tonight and the specific things that we have discussed over the past five minutes and thank you, Mr. Winglovitz, for being so concise in your description. I'll accept that motion.

MR. FERGUSON: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded by Mr. Brown. Roll call.

ROLL CALL

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

MR. ARGENIO: Anything else with this?

MR. CORDISCO: Mr. Chairman, just to clarify the new conditional final approval because that's what they received previously which you just reapproved would also contain all the conditions of the prior approval as well.

MR. ARGENIO: Right, so all of those conditions are still in full force.

MR. CORDISCO: Correct.

MR. ARGENIO: You agree with that, Mr. Winglovitz?

MR. WINGLOVITZ: Yes.

MR. ARGENIO: Say the words I agree with that.

MR. WINGLOVITZ: I agree.

MR. CORDISCO: We'll prepare a new resolution that spells all that out as well as a written determination of consistency so the SEQRA record will be complete.

MR. ARGENIO: Are we paying for two attorneys tonight?

MR. CORDISCO: No, paying for one.

MR. ARGENIO: I see you looking at him and him typing, I'm saying what's up here? Anybody have anything else?

MR. WINGLOVITZ: Thank you very much.

MR. ARGENIO: Motion to adjourn?

MR. BROWN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

MR. FERGUSON AYE

June 12, 2013

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MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. SHERMAN	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer