

TOWN OF NEW WINDSOR

PLANNING BOARD

November 13, 2013

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER
BUILDING INSPECTOR

CAMMY AMMIRATI
PLANNING BOARD SECRETARY

ALSO PRESENT: DAVID SHERMAN, ALTERNATE

MEETING AGENDA:

1. Hill & Dale MHP
2. Crestmoore @ N.W.
3. Angelo Estates
4. Highview Estates
5. Kings Road Estates
6. The Grove @ N.W.

Discussion

1. Vails Gate Terminal
2. Trotter Lane Sidewalks
3. KSM Underground
4. Super Laundromat
5. Mr. Shed
6. CRH Realty
7. Beer World
8. Yurko
9. 11-14 Temple Hill Road Apts.

REGULAR MEETING:

MR. ARGENIO: Welcome everybody to the November 13 regular meeting of the Town of New Windsor Planning Board. Would everybody please stand for the Pledge of Allegiance?

(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: Welcome everybody. First off, kind of unusual, maybe just a little stupid and silly but if you guys would indulge me, I'd appreciate it. There's kind of a, there's a guy in this town who's been a bit of an adversary of mine for many years but I respect his opinion and have respected his opinion for many, many years cause he was very passionate and he worked very hard to forward his interests and his view and his concept of how our town should be developed. And he recently passed away of cancer. I'm talking about Bill Steidle in case anybody doesn't know that. Him and I almost never agreed but he was always very respectful and I don't think he was a bad guy, I mean, just cause we didn't agree doesn't mean that he's a bad guy or I'm a bad guy, just means we didn't agree. So if you guys would indulge me just a moment of silence on the passing of Bill Steidle.

(Whereupon, a moment of silence was held in the memory of Bill Steidle.)

MR. ARGENIO: That's it, thank you everybody for indulging me with that, it's a little out of ordinary but I do have a lot of respect for him. So that said, let's get down to business.

APPROVAL OF MINUTES DATED 10/9/13

MR. ARGENIO: The first item I have is the approval of the minutes dated October 9, 2013 and sent out via e-mail on October 23. Anybody sees fit, I'll accept a motion.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Roll call.

ROLL CALL

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

ANNUAL MOBILE HOME PARK REVIEWS:

HILL & DALE MOBILE HOME PARK

MR. ARGENIO: Mobile home park review, Hill & Dale Mobile Home Park, somebody here for this? Please come forward, ma'am. What's your name?

MS. ARNDT: Cindy Arndt, A-R-N-D-T.

MR. ARGENIO: Where's your park?

MS. ARNDT: Right off 207, you know where Square Hill Road is, right off there, it's to the left.

MR. ARGENIO: Somebody from your office been there to look around?

MRS. GALLAGHER: Yes.

MR. ARGENIO: And what say you?

MRS. GALLAGHER: Everything is in order.

MR. ARGENIO: Ma'am, have you brought a check made out to the benefit of the Town of New Windsor for \$250?

MS. ARNDT: Yes.

MR. ARGENIO: That said, unless anybody has any further comments, I'll accept a motion that we offer them a one year extension.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

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

MR. ARGENIO: You can give that check to Cammy and I will sign your approval and you're good for another year. Thank you for keeping a neat facility. Thank you for coming in tonight.

PUBLIC HEARINGS:

CRESTMORE @ NEW WINDSOR SITE PLAN (13-02)

MR. ARGENIO: Public hearing for Crestmoore @ New Windsor, this is Mr. Charles May is representing this application, I believe. This application proposes a 26,315 square foot building proposed for an assisted living facility with 133 units and 190 beds. Application was previously reviewed at the 27 February 2013, 12 June 2013, 11 September 2013 and 9 October 2013. The application is before the board this evening for a public hearing. For those of you who are not familiar with this procedure, what we'll do is Mr. May will endeavor to bring the board up to speed on the improvements, changes and modifications and any updates he has relative to the plan. Board will have the opportunity to comment and then we'll open it up to the public for comment. So that said, I see Mr. May is set up, what do you have for us tonight, Mr. May?

MR. MAY: Just for informational purposes, Mr. Chairman, just to bring you up to date as to what the project is, the project is located on Route 32 obviously in the Town of New Windsor. It's located on a 6.8 acre site, the zone for this site is highway commercial, it's an approved use by the town, it's actually considered to be a medical building. It's a 190 unit, 190 bed assisted living facility. I believe originally you stated that the square footage of the building was 29,000 square feet.

MR. ARGENIO: No, 26,315 is what I stated.

MR. MAY: I believe we're now at 17,000.

MR. STRAUB: We're 117,000, 26,000 on the floor.

MR. ARGENIO: What's your name?

MR. STRAUB: Fred Straub, I'm sorry.

MR. ARGENIO: What do you have, Mr. May?

MR. MAY: It's 117,000, I'm sorry --

MR. EDSALL: Is that the footprint square footage?

MR. STRAUB: You have the footprint square footage, that's what the site plan footprint is but it's

actually four stories high so it's roughly 117,000 square foot.

MR. ARGENIO: Wait, wait, how many square feet is the building?

MR. STRAUB: It's 117.

MR. ARGENIO: Why do we have 26?

MR. EDSALL: That's the footprint, I apologize.

MR. ARGENIO: I got it, okay, go ahead.

MR. MAY: Since our last since, our last submission, Mr. Chairman, we had a workshop meeting with Mark. We also had discussed at the last meeting the fact that we wanted to have the balanced site, in order to achieve a balanced site the original plan we had presented to the town the second floor was intended to be on gravity, the gravity line to the entrance and then run across to the United Rental connection. Since that time in order to balance the site, what we have done is we removed the second floor from the gravity line and we have actually put the entire building on a force main which gives us a heck of a lot more flexibility.

MR. ARGENIO: So you're lifting all of the sewer?

MR. STRAUB: We're lifting all the sewer, the sewer, everything will run back to the pump station and then what it will do it will come up to the manhole and then be gravity fed across Route 32 in the gravity fed system.

MR. MAY: This gives us a lot of flexibility in balancing our site. Upon the last discussion, we, the Pike and Company we sent them plans and they actually analyzed the actual cut and fill and balanced it and our office complied and conformed with the actual balanced cut and fill. So right now, I think Mark always had comments concerning the four feet of fill and the five feet of fill that we had in certain areas of the project so now we're totally balanced. Other than that, as you know, previously we also had a little addition to the parking area, we were at 73 spaces, now we're at 86 spaces. Essentially, since the last submission of the site, layout hasn't changed, the landscaping hasn't changed.

MR. ARGENIO: Can I just, Mr. May, my apologies but I want to interrupt you just for a second. Mark, you had a typo in the entry that you typed 26,000, I assume all the parking calculations, et cetera, et cetera, are based on the--

MR. EDSALL: It's based on the use.

MR. ARGENIO: -- the appropriate square footage and the use?

MR. EDSALL: Yes.

MR. ARGENIO: Go ahead, Mr. May.

MR. MAY: As I said, our original plan, actually had parking up to this particular point. Now we expanded the parking area, we also had expanded the grading, we're actually remodeling the detention basin so now the detention basin is in conformance. So essentially with the building being lowered and now we have a balanced cut and fill project, we feel very comfortable that the layout, the lighting, the landscaping and all of the details that we have in the plan are pretty much buttoned up.

MR. VAN LEEUWEN: Let me ask you a question. In the back of the building, okay, what's the total height, is it a flat roof, is it a pitched roof?

MR. STRAUB: No, it's a pitched roof.

MR. VAN LEEUWEN: To the highest point, what's the total height?

MR. MAY: It's 252, it's actually written on one of the plans.

MR. MAY: Lower floor is 252 and the upper floor is actually the first floor elevation is 288.

MR. ARGENIO: So what's the net height?

MR. VAN LEEUWEN: It's 288 feet?

MR. ARGENIO: No, elevation, what's your net height?

MR. STRAUB: I'm going to say in between the floor joists because I know is about, it's not 12, it's about 10 feet and plus the floor joists is about, I'm sorry,

the floor trusses are about two foot. So if you take a look at each floor as you're going up you would be looking at about 12 foot so on the basement floor you're looking at nothing because you're going slack on grade so you would go up there 10 foot then 12, 12 and 12 you're probably 24-10.

MR. VAN LEEUWEN: Thirty-six feet.

MR. STRAUB: Then you've got the pitch of the roof.

MR. ARGENIO: You know what a number is? What's the number?

MR. STRAUB: About 52 feet.

MR. ARGENIO: Let me just--

MR. VAN LEEUWEN: I don't know if that passes zoning.

MR. ARGENIO: Let me just extend Henry's commentary. Mark has a concern about this as well and I want to read the comments so I don't paraphrase here at all as this is Mark's comments. As previously requested, 49.51 foot value under required height column should be deleted as previously requested, an actual value based on Town Code definition and the proposed architectural detail of the building should be noted under the building height, provide column. If the value exceeds 52 feet, you need a variance, you need to assure this board and demonstrate with your plans that you are under that threshold or go for a variance, it's up to you.

MR. STRAUB: Now, does that go to the peak of the roof, Mr. Argenio?

MR. VAN LEEUWEN: Yes.

MR. STRAUB: And that goes to the peak of the roof?

MR. VAN LEEUWEN: Total height, that means total height.

MR. ARGENIO: I believe Henry's correct about that.

MR. VAN LEEUWEN: I've been here about 38 years, I should know.

MR. ARGENIO: We just recently revamped the code, Jen,

you're very familiar, I'm sure she'd correct us if we misspoke.

MR. VAN LEEUWEN: I don't see her raising her hand so I know I'm safe.

MR. STRAUB: Let me say one thing, I do not know right now if we're under that 52 foot but I do know what the height of it is on a per floor basis and I know that we are probably, I know we're 10 foot, nine foot something, 10 foot and then we're another 12, 12 and 12.

MR. ARGENIO: Somebody needs to sit down and do that calculation, yes?

MR. STRAUB: Alright, I'm sure we have it on this plan somewhere, I just don't know where so I can't really say.

MR. ARGENIO: Well, our engineer I'm sure couldn't get it off the plan with a reasonable competence and that's not meant to be adversarial, figure it out and put it on there.

MR. STRAUB: Tell me if I'm wrong, it was kind of like the side yard you had to be 50 to 52 foot and your side yard had to be at least that too because that was the height allowance. I think it has something to do with the side yard thing and I did tell our architect that we had a cap of 52 feet. Now I don't have it in letter form from him but I do have it that it does not exceed 52 feet.

MR. ARGENIO: We gotta find out what the exact height of that building is.

MR. STRAUB: I'll get it for you, you got it.

MR. ARGENIO: Shouldn't be that big a deal.

MR. STRAUB: No, it's a phone call and a letter.

MR. ARGENIO: Mr. May, did you have anything else you wanted to go over?

MR. MAY: No, I just wanted to say that the side yard is actually 53 feet.

MR. STRAUB: I think we have the roof height on the

front elevation.

MR. ARGENIO: I don't want to debate it at this particular moment, I'd like to open the public hearing to my right, Mark, go ahead.

MR. EDSALL: Yeah, just quick Dominic was kind enough cause we all can't remember every single municipality definition, they do change, the definition is set so that it's the average height for the building to the nearest road. So you do have an advantage in the fact that the tallest portion of your building is the portion away from the road so that isn't pertinent in your particular case. But we don't have an actual number from the height of the building, the highest point excluding chimneys to the average front ground elevation.

MR. STRAUB: Well, the average front ground elevation is three floors.

MR. EDSALL: I know that in concept but three times I've asked for the bulk table to give me a number so please put the number on, simple as that.

MR. ARGENIO: Let me cut this off, we're not going to debate this.

MR. EDSALL: I just wanted to make it clear.

MR. ARGENIO: The code is the code and you need to enunciate that on the plan.

MR. EDSALL: There's an advantage to the fact that the tallest portion is not the portion that the code is concerned about so that helps you.

MR. ARGENIO: I'd like to open it up to the public to my right, Harry and Howard, do you guys have any thoughts, anything you want to quiz him on? We certainly have seen this a few times and I think we're well on our way here but Danny or Henry VanLeeuwen, do you have anything else you'd like to ask about?

MR. GALLAGHER: No.

MR. VAN LEEUWEN: Flag pole's going to go where?

MR. ARGENIO: Can I have the notice please? Public hearing notice, on the 22nd day of October 2013,

Carmela Ammirati, who is the planning board secretary, compared 10 addressed envelopes containing notice of public hearing for this application with the list that the town assessor provided her and the notice of public hearing was sent out in accordance with state and local law. At this time, the public hearing is open, if you have a comment, question or want to say anything about this application, please raise your hand and be recognized and you'll be afforded the opportunity to speak. Does anybody have anything they'd like to say, comment, question, et cetera? Mr. Dates, you seem to like to come and visit us, do you have any questions?

MR. DATES: No, sir.

MR. VAN LEEUWEN: I make a motion we close the public hearing.

MR. BROWN: Second it.

MR. ARGENIO: Seeing as there's no hands being raised, motion has been made and seconded that we close the public hearing for this application. I'll have a roll call.

ROLL CALL

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

MR. ARGENIO: Back to the board, the height thing is an issue, go ahead, you want to say something Mr. May?

MR. STRAUB: This is a plan that I believe is part of the drawings that Chuck has turned in. This is the rear of the building, this is the front of the building and then this drops back going back against the storage centers. This area here which is this area right here this is from this point to this .36 feet.

MR. VAN LEEUWEN: Then you're safe?

MR. STRAUB: Yeah, we're safe.

MR. ARGENIO: You won't let it go, will you?

MR. STRAUB: When somebody asks me a question I can't

answer it bothers me, so I wanted to make sure you got the answer.

MR. ARGENIO: Okay, there's a couple things I want to hit.

MR. VAN LEEUWEN: We need a flag pole.

MR. MAY: We have a flag pole. At the last meeting, we had the flag pole was 30 feet and if you remember, I dropped it down to 25 feet which is the requirement which is presently on the plan.

MR. VAN LEEUWEN: Okay, thank you, I haven't seen it yet, thank you.

MR. ARGENIO: Where is it there, Mr. May? Would you point it out? Michele are you with these guys?

MS. BABCOCK: I am.

MR. ARGENIO: Not the detail plan view, Mr. May, about where it's located on the plan view, about where is it located?

MR. MAY: It's located right in this location right in the front of the building.

MR. ARGENIO: Fantastic. That work for you?

MR. VAN LEEUWEN: Yes, that works for me.

MR. ARGENIO: Okay.

MR. MAY: It's on the landscaping plan.

MR. ARGENIO: There's a couple of fatal flaws here that I want to go over. I want to point them out and I'd like to you comment on it. We need to deal with these things because they're not dealt with and sometimes it's troubling for the board members when it says in Mark's comments as previously noted, as previously requested, things of that nature. There's a drainage easement noted on the plans, what is the status of the drainage easement, do you have, do you actually have that easement?

MR. STRAUB: Yes, yes, Mr. Schmere (phonetic), the gentleman who owns the property to the right-hand side of us we met with him, we sent it to his attorney, he

signed it, we signed it, we have that drainage easement.

MR. ARGENIO: Why don't we have it?

MR. STRAUB: I don't know.

MR. VAN LEEUWEN: Michele, do me a favor, straighten him out, beat him with a wet noodle.

MR. STRAUB: I really truly don't know why you don't have it.

MS. BABCOCK: The agreement is final, it's signed.

MR. ARGENIO: I don't want to beat it to death.

MS. BABCOCK: It's signed by both parties, it was my understanding that you did have it. Mark had raised the issue with me the other day and I did forward him a copy of it with the schedule describing along with the map showing the location.

MR. ARGENIO: Do you have that, Mark?

MR. EDSALL: I just got it after my comments I got it but Michele just forwarded it, I haven't had a chance to look at it but she did send it and that's to the north, correct?

MR. STRAUB: It's the property to the right-hand side, I don't know if that's north or not but--

MR. VAN LEEUWEN: So the easement is not on your property, is that what you're saying?

MR. STRAUB: No, it's on his property, Mr. Schmere's property who has the, he's got a little shopping plaza there of about 14 units.

MR. EDSALL: That's to the south but there's, you have a retaining wall easement you're working on to the north.

MR. STRAUB: That's on his property, that's on his property we have the easement.

MR. EDSALL: Something is wrong.

MS. BABCOCK: On the south side of the property, on the

south side of the property where there's the strip mall plaza that's where the drainage work is being proposed. We have a drainage easement for permanent drainage easement for construction and maintenance of that along the south side of the property. I think what Mark was just referring to is the, is along the north side of the property there was previously some retaining walls that were being proposed on the property line.

MR. STRAUB: Right here.

MS. BABCOCK: And those retaining walls have now been proposed to move them five feet off of the property line.

MR. ARGENIO: I don't have that here on my drawing, Michele.

MS. BABCOCK: Okay, my understanding is that Chuck did submit a written map note to Mark's office that would show that all of the retaining walls would be moved off five feet in order to allow for construction and maintenance of those walls along the north side of the property.

MR. STRAUB: We saw that and you can see that on that site plan where it shows that line going down the property line where it says retaining wall I said to Chuck put a note where you have the retaining walls and show that it's going to be five foot off of the property line. There will be no retaining walls built on the property line.

MR. ARGENIO: I don't have that here.

MR. VAN LEEUWEN: What are you going to do?

MR. STRAUB: Move them five foot in, the driveway's 10 or 15 feet in.

MR. ARGENIO: Let's just slow down for a second. It's simple, okay, I get it. It's not done, it affects the grading, it needs to be done. Could you please flip on that plan to drawing SG1, Samuel, Governor one, Samuel Grover one?

MR. EDSALL: Or site grade.

MR. ARGENIO: Site grading one, what's this here, Mr. May, right here?

MR. STRAUB: That's that easement.

MR. ARGENIO: That little square or rectangle is the easement?

MR. MAY: No, this is the easement line right here.

MR. ARGENIO: What's the square rectangle that's right there?

MR. MAY: That's a retaining wall.

MR. ARGENIO: Okay.

MR. MAY: That's a retaining wall because when we begin to grade, we begin to go beyond the easement so we actually have to put a retaining wall in order to mitigate any additional grading beyond our already granted easement by Mr. Schmere, that's the reason for that retaining wall.

MR. ARGENIO: Okay, it doesn't say retaining wall as opposed to, let me just finish please, it says retaining wall here, it does not say anything down here. Now I realize there's a section line through it but it doesn't say retaining wall so I'm asking the question, that's all.

MR. MAY: Okay.

MR. ARGENIO: Yeah, we have to get these things tightened up here. You have your dumpster enclosure there, what's this line here, this curved line right here, what's that curved line that looks like it has a catch basin on it?

MR. MAY: That's actually a contour line that wraps around.

MR. ARGENIO: This line, the parking lot is a contour line right there with the little box on it?

MR. MAY: No, I'm sorry, that's like a curb with a drop curb going into the dumpster.

MR. ARGENIO: So it's a curb, it's not a contour?

MR. MAY: It's a drop curb.

MR. ARGENIO: Looks like there's a catch basin there as well.

MR. MAY: Yeah, there's a catch basin there as well.

MR. ARGENIO: You can see my confusion.

MR. MAY: I'm sorry, I can understand that.

MR. ARGENIO: I don't think you need that drop curb there, it's a waste of 1,500 bucks but that's your business, not mine. Is this a retaining wall here as well?

MR. MAY: There is a retaining wall here also. When we dropped the site, we came up with some retaining walls.

MR. ARGENIO: Mr. May, I have to tell you, please don't perceive me as beating you up, I think you've done a fine job and you've done a nice job with the project evolving, it's evolved very nicely and, you know, Mr. Straub had some market needs that you guys needed to adjust and adapt to and you guys, I think he's done, you've done a nice job evolving and conforming.

MR. STRAUB: Everything that we did here this building the way we have it right now this building with the outside seating and everything we did outside, I mean, you can't, you can see a little, there's patio areas and things like that, this building is without a doubt the absolute Cadillac in the industry, there's no doubt about this and the need for this in this county is phenomenal.

MR. ARGENIO: Well, that remains to be seen. I don't doubt you one bit. And certainly, I don't refute the need on any level at all. Mark, I just, can you please clarify for me and guys, Howard and Henry and Danny, please just interrupt me if I'm rambling on and on here and you have a question. In your comments, Mark, you have a thing, a note here that says site utility plan SU-1 it says we previously recommended a cleanout manhole on force main, it would seem inappropriate to position this cleanout immediately outside the pump station, please reconsider. Can you elaborate on that a little bit, Mark?

MR. EDSALL: Yeah, normally for a sewer force main there's a cleanout fitting inside the pump station structure and then usually every so many hundred feet

or midway through the force main you put a cleanout manhole in because if you need to jet it or if you need to flush it, you don't want to do it at the beginning and you don't want to do it at the end, you want to have them spaced intermittently. And I would think for this length of force main if you're going to spend the money on a cleanout manhole, you're going to want it in the middle somewhere.

MR. ARGENIO: Why would you put it just outside the pump station?

MR. EDSALL: That's why I'm confused unless I'm misunderstanding it.

MR. MAY: May I raise my hand?

MR. ARGENIO: Certainly you can ask a question.

MR. MAY: We submitted the plans to Mr. Agido, we had a meeting with him last Thursday, we submitted plans which addressed your comments. We now have one, two, three cleanout manholes on the force main 200 feet apart.

MR. EDSALL: Exactly, and I didn't, I can tell you that if you look at my comments, Mr. Chairman, I note that I did receive a comment or call from Mr. Agido, it's on my last page of comments, also actually last bullet on the series that John Agido had told me he had several suggestions and just make sure that before the plans are finalized that he gets a chance to look at them but we seem to be heading in the same direction independently.

MR. STRAUB: John had some good points, let me tell you the guy knows his stuff.

MR. EDSALL: He lives with these things.

MR. STRAUB: He helped us a lot quite frankly on the pump station, everything else, we added another three or four foot collar on that because he said that thing's going to run forever, you've got to get more of a storage in that pump station.

MR. ARGENIO: He's very user friendly, wouldn't you agree?

MR. STRAUB: Absolutely, the guy is a bright guy.

MR. EDSALL: That's why we send that to his department because of his expertise.

MR. ARGENIO: Why do I have disapproval on municipal water, anybody know the answer?

MR. STRAUB: That's because when he first saw the plan, we didn't have that sump in the pump and he disapproved.

MR. ARGENIO: Domestic water.

MR. STRAUB: That was why though, I'm sorry.

MR. ARGENIO: Cause of the sewer?

MR. STRAUB: He takes care of water and sewer pretty much.

MR. ARGENIO: I have two separate line items, municipal sewer disapproved, I understand that you worked that out with him, I'm good with that but I also have domestic water disapproved.

MR. STRAUB: We didn't talk anything about the water line, he was happy with that.

MR. MAY: As a matter of fact, we did discuss with him the fact that we have the domestic line and we have the fire line which are both connected to the 10 inch main across the road, sometimes we don't do that in communities but he wants a separate line for the water and the fire line which we have on the plan, we've had on the plan for a while.

MR. STRAUB: Only thing I asked him, I asked him because in some towns he told me this doesn't do this, in some towns we work in the way they give you the sewer bill is they do a percentage of the water bill so I said to him I said we got a lot of plans, we've got a lot of landscaping. I want another separate water meter or I'd like to be able to drill a well, you can apply and try to get a well just for irrigation which we would like to do obviously but that's the only thing we talked about as far as the water.

MR. VAN LEEUWEN: It's a lot cheaper.

MR. ARGENIO: How does the code speak to that?

MRS. GALLAGHER: He has to hook up to town water.

MR. ARGENIO: No, relative to irrigation.

MRS. GALLAGHER: He has to get a sprinkler permit now, just got put into the code book.

MR. ARGENIO: It's a sprinkler permit or he's got to do a well.

MRS. GALLAGHER: A lawn sprinkler permit then John Agido will go over the plan that he turns in to him and they discuss it.

MR. STRAUB: That's okay though, I mean, that's the least expensive way to go.

MR. ARGENIO: Alright, alright, can you speak to the traffic, Mark?

MR. EDSALL: I can. One of the impacts of the clarification on the density of use with the 133 units and 190 beds is that the planning board asked that the applicant submit a letter report, not an actual traffic study but a letter report which would identify comparison between the maximum trip generation of the former Duffers versus the maximum trip generation of this project.

MR. ARGENIO: But all that is is a comparison of Duffers to this project, that's all.

MR. EDSALL: Correct. Clearly we understand that it's connected to a state highway, clearly we understand that they're not proposing any construction changes to the roadway access, it was merely a comparison of trip generation, the demand as it may be from that curb cut onto the highway. There is a morning increase that is from about 14 trips to 54 trips as estimated by Mr. Grealy, it makes sense because most people who are going to the driving range weren't going first thing in the morning versus people going to work to a facility. And this again is during the peak a.m. The peak p.m. is 40 trips for Duffers versus 57 for this facility about not even 50 percent more but again, you're looking at peak afternoon so it's not a tremendous increase but one thing that you've got to realize is that the numbers are such that 50 trips during the peak hour are not probably compared to the background

traffic of that highway a significant amount.

MR. ARGENIO: Does Phil indicate any fatal problems with these numbers that you just shared with us based on his traffic knowledge?

MR. EDSALL: No, I had talked to Michele to see if he had any indication of percentage background. I talked to Phil quickly out at another site and he conveyed to me that these numbers, these number of trip generations for an access onto a state highway are not significant numbers. But again, they are proposing no construction in a state right-of-way, the curb cut's there already and it's an adequate curb cut for these.

MR. ARGENIO: And they have every right to use it.

MR. EDSALL: Correct.

MR. ARGENIO: You guys got anything else? There's some things that need to be done here, Mr. May, let me be direct with you. Unless anybody else on this board wants to go in a different direction, which they have every right to do, I don't see this thing going over the wire tonight. There's some things that need to be taken care of. But I think that in my opinion I think you're in a good place. I think that you're right there, I think that you've done the things that we've asked, you addressed most of the things we've asked, you need to address the things that Mark is asking. Danny, do you have any additional thoughts on this? Anything else?

MR. GALLAGHER: Just quickly, I'm not sure if I'm missing it, are you proposing a fence around the detention pond?

MR. STRAUB: You know, right now, we don't have one around the detention pond, it's not that big of a detention pond.

MR. ARGENIO: Wet pond or dry pond?

MR. MAY: It's a wet pond.

MR. ARGENIO: You have to have a fence around it, put a fence around it, call it a day.

MR. STRAUB: Okay, alright, no problem.

MR. ARGENIO: Good grab, Danny. Guys to my right?

MR. FERGUSON: No.

MR. BROWN: I have nothing.

MR. ARGENIO: Harry, any thoughts?

MR. FERGUSON: No.

MR. ARGENIO: We've talked about this quite a bit. Typically, that type of fence what we usually look for is like black vinyl with maybe wood slats, makes it look nice.

MR. STRAUB: Did you see the dumpster, the dumpster when Pike looked at the dumpster they said Fred, this has got to be the Taj Mahal of dumpsters. I said look, it's a beautiful building, we want everything to be nice, we certainly will put up a nice fence.

MR. ARGENIO: We appreciate that, that's one of the primary corridors into our town and we'd like to have it looking nice. So, yeah, you guys need to do some things here. I don't think there's any heavy lifting. I would encourage you to take a copy of Mark's comments with you, address the comments, consider the things we discussed tonight, the building height issue we're going to need with no ambiguity a number, a two digit number, if you want to give us a three digit number that's fine as well. Michele, any questions?

MS. BABCOCK: Yeah, I'm good, thank you.

MR. ARGENIO: Okay, as I said, you're in a good place, you need to take care of these things, I assure you that if you can get, if you can give an answer to Mark's comments, we'll get you on the next agenda as soon as you're ready.

MR. STRAUB: May I ask you this? The comments that we have tonight for the fence, the building height obviously the retaining wall's been moved in the five feet which we already discussed and everything, I mean, that retaining wall first of all is only two foot high but obviously we'll move it in the five foot. I would like to ask because we have people coming off of a job and we're right around the holidays and we were looking to move onto this job obviously sometime in December. Now you have no other meetings in the month

of November, is there any way that we could ask for a site plan approval tonight subject to us taking care of the things that you, that we have discussed tonight and get them to Mark right away?

MR. ARGENIO: You may do that but you are not going to get the answer you want collectively, there's too many things. Now I'm going to look to Jennifer and I'm going to ask her and this is not designed to bounce it, you know, I'm rubber, you're glue, what bounces off me sticks to you, in the past we have made provisions for foundation permits and the like but is that typically residential.

MRS. GALLAGHER: No, we've done it with commercial. What we can do as a courtesy is if they have construction plans they're welcome to drop them off in my office, we can start to review them, they'll get no approvals until they have their approval from this board but we can start to review.

MR. ARGENIO: That would at least start the process.

MRS. GALLAGHER: Correct.

MR. STRAUB: One of the items that we would really be looking for I think certainly we can't close until we have final approval obviously. But the demolition permit if we could submit the demolition permit at this time.

MR. ARGENIO: I don't think that's unreasonable, are you okay with that?

MRS. GALLAGHER: He can drop it off.

MR. ARGENIO: Demolition application to get a demolition permit. But I'm going to say this to you, get your ducks in a row, you will not be looked upon favorably by this board, I can assure you if the next meeting time comes around and these items are not buttoned up.

MR. STRAUB: You got it.

MRS. GALLAGHER: Mr. Chairman?

MR. ARGENIO: Excuse me one second. Henry raised his hand twice and then we'll go to you. Yes, Henry?

MR. VAN LEEUWEN: Where is the labor coming from to put this building up?

MR. STRAUB: We have, most of the officers, the management team will come from Pike and Company from other jobs but the labor will come from mostly the community. But the management team is the team that we bring in to run the project.

MR. VAN LEEUWEN: I understand cause I sit--

MR. STRAUB: We're already talking to people locally, we haven't given them anything yet but the bids will be going out locally, first the excavation bids, secondly the foundation bids, you know, so on and so forth, one time or another there will be 100 men working on this project.

MR. ARGENIO: Jen, what were you going to say?

MRS. GALLAGHER: Are you the owner of the property yet?

MR. STRAUB: No, and it's funny, we can't be the owner until we have the approvals. The bank, the funding companies just will not give you any money until you have the approvals.

MRS. GALLAGHER: So I can't give you a permit until you have the owner sign off on the demolition.

MR. STRAUB: That's alright.

MR. ARGENIO: The owner of the property has to apply for the permit.

MR. STRAUB: We'll be the owners shortly thereafter, after this next meeting, I hope.

MR. ARGENIO: In addition to that, as Jennifer just said, if you want to get her plans, she'll start to review them for the issuance of whatever permits are necessary, unless I'm not sure of your process but she's graciously offered to start that review process. But as I said, get your ducks in a row because things will stop ever so quickly.

MR. STRAUB: We have started with the MEP work and the structural engineering work on the building, we've had three construction meetings already and when you're building a 117,000 square foot building, there's a lot

of MEP work, a lot of structural engineering work and everybody is sitting there and we're all going through things and it takes, you know, five, six hours every one of these meetings but we're not done with our structural engineer yet. We did do the deep tests out, the core borings out on the property so we have those results back, we can probably get the foundation done rather quickly but as you take the weight you're taking the weight of this building and you're going from the roof down and it's a lot of weight.

MR. VAN LEEUWEN: Yes, it is.

MR. ARGENIO: We have afforded you a bit of consideration, the ball's in your court, thank you for coming in tonight.

MR. EDSALL: Mr. Chairman, as you indicated, it's mostly cleanup items, so I think the best way to handle it just so that when they come in every single thing has been resolved is maybe have them if it's alright with the board, I'll arrange to sit down just on this project with them, we'll go through the plans and make sure every Is dotted, every Ts crossed so when they come back in, they can run right through.

MR. ARGENIO: Yes, I want the building height thing worked out.

MR. EDSALL: We can set up a separate meeting, we don't have time at the workshop.

MR. STRAUB: Thank you, Mark, appreciate it.

MR. ARGENIO: Good luck to you.

REGULAR ITEMS:

ANGELO ESTATES (99-14)

MR. ARGENIO: Okay, next item on tonight's agenda is regular items Angelo Estates minor subdivision. This application proposes the subdivision of the 4.4 acre property into three single family residential lots. It was previously reviewed at the 28 May 2008, 27 January 2010, 26 May 2010 planning board meetings. Somebody here to represent this?

MR. BIAGINI: I'm looking for just a reapproval, the approval expired.

MR. VAN LEEUWEN: Is that what you're looking for?

MR. BIAGINI: Yes.

MR. ARGENIO: Where is this at?

MR. BIAGINI: It's between Bull and Beattie, you know where Shaw is? Midway across from the apple orchard.

MR. ARGENIO: Okay, Mark, any zoning issues with this with the new zoning?

MR. EDSALL: No, in fact, the new zoning is somewhat less restrictive, some bulk requirements are identical but there are no problems created by the rezoning. So in my opinion, there's no reason why you couldn't consider reapproval.

MR. ARGENIO: What happened, economy tanked?

MR. BIAGINI: Economy tanked and I actually chose to go in and start building the road and put the improvements in rather than bond it and I've got it up to everything but paving. I've got two catch basins, just two catch basins and couple hundred feet of pipe.

MR. VAN LEEUWEN: I have no problem with this.

MR. ARGENIO: I don't either but I'm wrestling with that whole thing, how does that work, Jen, how does that work?

MR. VAN LEEUWEN: We have to reapprove again.

MRS. GALLAGHER: I didn't hear the question.

MR. ARGENIO: I mean he did the improvements.

MR. EDSALL: It's a private road.

MR. BIAGINI: It's a private road.

MR. ARGENIO: Nothing to talk about then. Okay, anything else with this, Dominic?

MR. CORDISCO: No, nothing.

MR. ARGENIO: Sorry, Ed, I missed that. Motion for reapproval of Angelo Estates minor subdivision 4.4 acre parcel into three single family residential lots.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: To extend or renew it. Roll call.

ROLL CALL

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

MR. ARGENIO: Okay?

MR. BIAGINI: Thank you.

MR. ARGENIO: I see you're not leaving.

HIGHVIEW ESTATES (06-09)

MR. ARGENIO: Highview Estates minor subdivision and lot line change. The application proposes a lot line revision followed by the re-subdivision of each lot and the construction of a private road. The plans were previously reviewed at the eight March 2006, 10 May 2006, 10 October 2007 and 14 November 2007 planning board meetings. I see Mr. Biagini is standing in front of me, I assume this is your project as well?

MR. BIAGINI: Yes.

MR. ARGENIO: Any changes in the plans since the last approval?

MR. BIAGINI: No.

MR. ARGENIO: Mark or Dominic, any engineering or legal issues that we need to consider before we reapprove this?

MR. EDSALL: This application is identical to the previous application in that the zoning is somewhat less restrictive and based on that, there's no problem with it being reapproved as proposed.

MR. ARGENIO: So I'll accept a motion for reapproval.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

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

ROLL CALL

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

KINGS ROAD ESTATES (13-1)

MR. ARGENIO: Kings Road Estates. This application involves subdivision of two existing lots totaling approximately 7.2 acres into six single family residential lots. The plan was previously reviewed at the 14 August 2013 planning board meeting.

MR. VAN LEEUWEN: They're all coming out on Kings?

MR. BIAGINI: All on Kings, we've been to the ZBA.

MR. VAN LEEUWEN: Did you find the well?

MR. BIAGINI: No, you know, I started mowing there but Jen told me to stop so I didn't find it.

MR. ARGENIO: Let's not get into it, okay, Ed, let's do everyone a favor and not get into it, okay? Let's spatially look at the application because that's what it warrants here. So Mr. Biagini, just, can you just tell us like a little history of this thing, how did it, how many lots was it, how many is it now?

MR. BIAGINI: Two approximately three acre lots.

MR. ARGENIO: It was 2 three acre lots?

MR. BIAGINI: Originally back in June or May when we, I purchased one and my brother, Vince, purchased one. And we decided to come in and, you know, subdivide both parcels and we thought we were staying under the limit off a, of a major subdivision, two lots we were increasing, we're getting a total of six lots. Evidently, we were wrong. According to the I guess New York State Law?

MR. EDSALL: Yeah, well, I'll jump in cause I had raised the issue.

MR. ARGENIO: I don't understand the lot count, Ed Biagini has three acres, Vince Biagini has three acres, what happened next?

MR. BIAGINI: We filed a joint application.

MR. EDSALL: Therein lies the problem.

MR. VAN LEEUWEN: I already know what it is.

MR. ARGENIO: Let the professionals run with this.

MR. EDSALL: I asked on my original comments please contact the health department to find out if it's a problem the way you submitted it, effectively--

MR. ARGENIO: Fifth lot over two acres trips county health.

MR. EDSALL: New York State Realty Law says that if you create the fifth lot five acres or less within a three year period, it's a realty subdivision under the state law. When they combined the applications so that they're creating, they're effectively doing a lot line change on one side and taking the other side and splitting it into five lots, they're triggering realty subdivision. They thought they were doing the right thing, it was an honest mistake in that it's efficient maybe to have one set of plans made. The problem is when you combine them into a joint application, you trigger the realty law. They'd be smarter and I'm suggesting to them that they have, there's two owners involved here, let them each do their individual subdivisions and if they need to realign the middle--

MR. ARGENIO: Then they'll be under the quantitative threshold.

MR. EDSALL: Exactly. And they can do a lot line change in the middle and it doesn't trigger the realty law. I've talked to Ed Simms of the Orange County Health Department, he agrees that as long as you don't trigger it he's not concerned, he doesn't want to impose their review unnecessarily but he agreed that the way the application was submitted it creates a problem.

MR. ARGENIO: What do you want from us tonight, Ed?

MR. BIAGINI: Well, nothing, but I'd like final approval on six lots but--

MR. VAN LEEUWEN: I'm sure you would, Eddy, you never want nothing.

MR. BIAGINI: There's nothing that you can do now, it's just that I didn't realize until today that I thought that we were still under the threshold and I didn't find that out because in my opinion, we are, I thought that the lot line change we did was just link up three

and three acres, I didn't know we're going with one lot and then so--

MR. ARGENIO: So in the interest of doing the right thing, we put you on the agenda, you've found new information today, you said look, let me come to see these guys tonight, explain to them what the heck is going on so at least next time I come in, they'll be keyed into what I'm doing and it will help things move along.

MR. BIAGINI: Right.

MR. EDSALL: I spoke with Ed this afternoon and again, it was an inadvertent mistake but we didn't want to have him lose time because of that misunderstanding. What the board could do tonight is with the understanding that there's going to be a second application made--

MR. ARGENIO: Send it to county?

MR. EDSALL: Number one, acknowledge that we can do the review locally and number two for two minor subdivisions is there going to be a desire to have a public hearing and if so, you may want to authorize it so that when their applications are here--

MR. VAN LEEUWEN: I don't think that's necessary.

MR. ARGENIO: Let me just say this, go ahead, finish, finish, finish.

MR. EDSALL: I'm not saying you should have a public hearing but the point is they can get that behind them the decision that you're going to have to--

MR. ARGENIO: I'm going to bounce that back to Mr. Biagini and here's how I'm going to do it. I have no idea what you're proposing for us, for me to say maybe Henry feels different.

MR. YANOSH: I'm Dan Yanosh, I'll show you--

MR. ARGENIO: Believe me, Ed knows what he's doing, trust me.

MR. BIAGINI: I thought I did until today.

MR. ARGENIO: I'll bounce it back to you so without

having any idea what you're doing, I mean, it's difficult to waive the public hearing. But I don't think what Mark is saying is unreasonable, just schedule a public hearing and run forward, it's up to you though.

MR. BIAGINI: What I would say to that is we had a public hearing on the 28th for the ZBA, there was nothing of any real consequence from the public.

MR. ARGENIO: Jennifer?

MRS. GALLAGHER: One woman showed up.

MR. ARGENIO: What was the issue?

MRS. AMMIRATI: She wanted to know what was going on.

MR. ARGENIO: Okay, go ahead.

MR. BIAGINI: And basically, the map that's here is not going to change substantially other than there will be to different owners.

MR. EDSALL: The Reader's Digest is it's going to be taking the plan and he's taking a pair of scissors and cutting it down the middle because it's going to be the same layout split into two applications.

MR. ARGENIO: Now we have information, that's what I'm getting at, Ed, we need to have information, it's just not fair for us to wholesalely (sic.) say--

MR. EDSALL: Just so the record is clear, if this was one applicant it may not, one owner it may not have the same answer. If these two lots had been created within the last three years, it wouldn't have this answer. The fact that the two lots have existed for quite a number of years and are owned by two different people that's why.

MR. ARGENIO: Okay, so here's the posture I'm hearing, here's the posture I'm hearing board members and I want to hear from everybody. It certainly seems as though based on what Jennifer said, based on what Mark just shared with us it certainly seems as though this is a candidate for an application that would typically we would waive the public hearing on based on what I've just heard.

MR. VAN LEEUWEN: Yup.

MR. ARGENIO: But I really think that we shouldn't waive the public hearing until we see the plans, we need to have the plan in front of us and I get it, Ed, and I believe you're an honorable, honest guy, I've never known you--

MR. VAN LEEUWEN: Now wait a minute.

MR. ARGENIO: I've never known you to be anything other than that. But, you know, based on what Mark just said, it would be like running a pair of scissors up the map and that's essentially what the drawings are going to look like, the likelihood of us waiving the public hearing certainly seems very, very high as long as what we just, you guys just described is what happens.

MR. BIAGINI: Sure.

MR. ARGENIO: Do you guys disagree?

MR. GALLAGHER: Are the houses going to be bi-levels?

MR. BIAGINI: That's all people can afford.

MR. YANOSH: You have a map in front of you that does show exactly--

MR. ARGENIO: Dan, thank you, we're done with this, thank you and I appreciate it.

MR. VAN LEEUWEN: You should of told him that this wouldn't work.

MR. YANOSH: I was trying to but you never let me speak.

MR. ARGENIO: You're in a good place, get the thing cleaned up and we'll move you forward, as you know, obviously.

MR. BIAGINI: Thank you.

THE GROVE @ NEW WINDSOR (12-03)

MR. ARGENIO: Let me summarize the tale of woe that we're about to hear. Is Mike Blythe here? Michael, are you here? This is going to be The Grove, it's going to be for a lot line change with easements and stuff like that.

MR. DATES: Correct.

MR. ARGENIO: And?

MR. DATES: Two lot subdivision.

MR. ARGENIO: Other people have not done things that they're supposed to do and you're here to say we need an extension.

MR. DATES: We do need an extension.

MR. ARGENIO: Is that it?

MR. DATES: Pretty much.

MR. ARGENIO: Mr. Dates, is everything okay, is there any fatal flaws with your plan or your efforts?

MR. DATES: No.

MR. ARGENIO: What's the problem? Seems to keep going on and on.

MR. DATES: The plan is set, we have addressed all Mark's concerns a while back. We've gone back and forth with the town on the declaration which gets into the easements and transfer of the land. We have addressed all those comments. Final copies of the declaration and whatnot is in the town's hands and we're just looking to have a signoff of that and that will close out that saga.

MR. ARGENIO: So it seems like it's in the hands of the Town of New Windsor now for review, et cetera?

MR. DATES: Yes.

MR. ARGENIO: You know what, this is up on the hill at the airport. And we need an extension. Counsel, any reason we can't consider that?

MR. CORDISCO: Not at all. In fact, this is, they received previously conditional final approval, New York State has changed its law so it now allows unlimited numbers of extensions and they're 180 day six month extensions.

MR. ARGENIO: Accept a motion for six month extension.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded we offer The Grove at Stewart Airport six month extension on their subdivision.

MR. DATES: Correct.

MR. ARGENIO: Roll call.

ROLL CALL

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

MR. BLYTHE: Yeah, Dominic, this has to do with the easements that we have been talking to Charlene Tortorelli about for about a year and they're just about, they're either in final form, I think they're ready to be finalized.

MR. ARGENIO: Michael, while you were in the lobby, I dumped everything on you. I'm just saying.

DISCUSSIONS:

VAILS GATE TERMINAL (13-01)

MR. ARGENIO: We have nine discussion items, believe it or not. Jennifer, I would think that that, lot of these have something to do with you. Vails Gate Terminals, I have a beautifully written letter from Engineering Properties from our friend, Jay Samuelson. Mark, tell us about Vails Gate Terminals.

MR. EDSALL: It's a long story.

MR. ARGENIO: Well, the abbreviated version, as I know it's, that these folks met with Mark and some other people in the town, the town fire inspector, Jennifer and Vails Gate Fire Department folks and they said X, Y, Z code doesn't apply, we're going to put our propane storage tanks in earthen berms. So that's, they'll be above grade but they're going to be like a big bump, they're going to have dirt, covered with dirt. And in that discussion, they offered to hire a certain engineer known as Gexcon (phonetic) U.S. out of Bethesda, Maryland to conduct a safety study on this type of propane storage. I have a very definite opinion on this that I share with Mark but first of all, Jennifer or Mark, have I pretty much accurately represented this thing or is there more to it?

MR. EDSALL: The discussions don't just center around the burial of the tanks which allows then certain volumes of storage because they're buried, there are a number of concerns.

MR. ARGENIO: Safety concerns?

MR. EDSALL: Safety provisions, exit routes upon the case of a disaster, evacuation areas in the case of a disaster, storage of propane or LP within the railroad considers on site how long they're going to be there, many things that are code related, many things that are operational related, some of which are just safety concerns and the fire inspectors I think are doing a very legitimate review that they're trying to kind of do two things twofold, one, read the code, see whether or not they have met all the code requirements. Secondly, be very cognizant of the location and be cognizant of the fact if there's a problem how are they going to handle it. So bringing in the Vails Gate Fire Chief, having the fire inspectors and having the

specialists there there's been a lot of progress made but still a lot of questions. So the issue came up maybe we can hire a third party specialist to help give us some guidance that might be more familiar with these facilities and does it all over the country. They have proposed somebody. I think it's a good idea to have a third party consultant, I don't think it's a good idea for a municipality to just take the consultant that--

MR. VAN LEEUWEN: They pick.

MR. EDSALL: Thank you. I think it's a good idea for the town to seek a consultant who they're assured are independent and are assured are fully capable to perform the review that the town needs. So I have done this a half dozen times probably in 25 years, one involved a very, very complicated project on the other end of the county for cobalt irradiation and everybody thought there was going to be a nuclear bomb dropped here. But the specialist was brought in from New York City and at the end of the two public hearings, everyone walked away happy that it was probably the safest thing that could ever happen and they have expanded it twice since and there hasn't been a single person come to the public hearings after that.

MR. ARGENIO: Jen, you got anything else?

MRS. GALLAGHER: I agree with Mark.

MR. ARGENIO: This is a propane distribution facility proposed on Route 94, maybe a quarter of a mile west of Five Corners just before the Thruway overpass.

MR. GALLAGHER: Old Riley Road.

MR. EDSALL: Right on the corner there.

MR. ARGENIO: The concern is if you're going to store propane don't do it in the biggest commercial zone that's saturated with senior citizens, saturated with retail shopping, saturated with traffic. And guys, I gotta tell you, I've received no fewer than half a dozen calls from various members of various fire departments and fire marshals, et cetera, expressing concern and my answer to them on behalf of all of us was as far as the safety aspect goes, you guys are the experts, you guys have to sign off on this. And Harry Ferguson, I don't want to speak for you, Harry, but Harry Ferguson is not going to analyze the evacuation

route and have the fire marshal say it's not appropriate then Harry Ferguson's going to say well, I think it's appropriate. I mean, that's what we do, we seek guidance from the experts and that's what I told all of them. And that's what I told this applicant and essentially, that's what Mark told these folks at that meeting. So where we're at is Mark is going to and we, Mark and I talked about this and I expressed the same thing that he said, I'm not happy with them picking the expert. So what we feel the best thing to do is unless somebody else has a better idea to call the code enforcement people of New York State and say who is an expert in this area cause we want to contact them and have them give us guidance. So that's where we're headed with this thing, unless somebody wants to do something else which I'm certainly okay with.

MR. GALLAGHER: I agree, I think it's a terrible spot.

MR. ARGENIO: Go down by the river.

MR. GALLAGHER: If that shuts down the school bus terminals.

MR. ARGENIO: Close to the Thruway, how about that, because the first thing the fireman said is to me was et cetera, et cetera, this, this and this, this distance, that distance, one of the first things you have to do is close the Thruway because it's within a certain radius. Where does that put the traffic? That puts Thruway traffic on 32 coming north on 32 to Five Corners which will also be closed. So there's issues, there's no shortage of issues so nobody is saying no but--

MR. VAN LEEUWEN: I don't think they should go right down the road from--

MR. ARGENIO: There's schools, there's seniors, there's--

MR. GALLAGHER: You shut down the school buses.

MR. ARGENIO: Lock down 40 school buses in that building and we can't pick the kids up, call Gallagher's.

MR. VAN LEEUWEN: You can't do that.

MR. ARGENIO: What's the matter?

MR. EDSALL: Nothing.

MR. ARGENIO: Don't make me come down there.

MR. FERGUSON: Where do they normally put these things in other areas?

MR. ARGENIO: Probably down in a place like near the river where they store all the gasoline, I would think.

MR. FERGUSON: Why in the world would they even think about putting it in a populated area?

MR. ARGENIO: Because they can, it's an approved use in the zone, is it not, Jennifer?

MRS. GALLAGHER: Yes, it is.

MR. ARGENIO: Shame on us for allowing that but it's an approved use in the zone.

MR. VAN LEEUWEN: Well, we don't want it there.

MR. ARGENIO: So, do you guys agree we'll get an independent expert?

MR. FERGUSON: Yes.

MR. ARGENIO: So that's the deal, Mark.

MR. EDSALL: Understood. Just for the record, we had communicated with the engineer for the project and thought it would be appropriate for him to be here tonight, we said it wasn't mandatory but we said it would be probably a good idea and they chose not to come.

TROTTER LANE SIDEWALKS

MR. ARGENIO: Trotter Lane sidewalks, don't see anybody here for that.

MR. EDSALL: That's a letter, Mr. Chairman.

MR. ARGENIO: So what are we discussing with that?

MR. CORDISCO: Sidewalks.

MR. ARGENIO: I don't know why they're not here, they need to be here, do they not?

MR. EDSALL: Mr. Kelson wrote a letter to the supervisor who then said it was a planning board matter. So Mr. Kelson wrote a letter to the planning board seeking a waiver of the sidewalks for Trotter Lane which is--

MR. ARGENIO: Okay, Mark, why does Mr. Kelson want the waiver? What's his justification?

MR. BLYTHE: Just in defense of the applicant, I spoke with Tovi Mermelstein today, he was under the impression Mr. Kelson was going to come tonight. I don't know if it was a miscommunication, it wasn't that he wasn't aware that it was on and he thought that he was not going to be represented.

MRS. GALLAGHER: Mr. Kelson came to my office, he was not told that he had to come to this meeting nor was he told that he had to come to the meeting, we thought that his letter written to us and he's been in contact with Mike's office several times.

MR. ARGENIO: We screwed up somewhere.

MR. EDSALL: It's Fox Meadow.

MR. ARGENIO: He wants waiver on the sidewalk, yes?

MR. EDSALL: Yes.

MR. ARGENIO: So what I would like to hear from him from his mouth or in letter form--

MR. VAN LEEUWEN: Why?

MR. ARGENIO: Precisely, you guys got it.

MRS. GALLAGHER: Do you have his letter?

MR. EDSALL: October 21st letter to the planning board.

MR. GALLAGHER: Any idea if we asked him for sidewalks?

MRS. GALLAGHER: Their site plan's approved with sidewalks, these are sidewalks that go to nowhere literally, it's a small subdivision.

MR. GALLAGHER: With future possible development?

MRS. GALLAGHER: No.

MR. ARGENIO: Let me just read, I'm going to read an excerpt from this letter and then I'm going to make a suggestion, blah, blah, blah, blah, blah, blah, I'm writing at the suggestion of the town attorney, Michael Blythe, blah, blah, blah, sidewalks, I'm advised that this matter was favorably considered at a meeting at the town's infrastructure committee, I can verify that and accordingly, Mr. Blythe suggested that the developer seek the approval of the planning board for this relief. It's our relief to offer or not in connection with this request, the developer has asked, the planning board's been made aware that in consideration of this relief he would favorably consider a charitable contribution to the town's recreation or similar fund which I think is, I think that's appropriate, I think that's appropriate. Michael Blythe, who's in the audience, can I request that you reach out to Mr. Kelson and find out what he is considering and give me a call?

MR. BLYTHE: I will be glad to do it. I just want to ask if the planning board has any suggestions, any particular needs that it can identify?

MR. ARGENIO: I think, again, guys, speak up please, I don't want to misspeak, but I think we have, we have always tried to look out for the kids, something to do with the recreation field or the ball fields or something like that I'm thinking. Henry?

MR. VAN LEEUWEN: I've got a couple questions, okay, how many lots are in this subdivision, first of all?

MR. BLYTHE: I'm not sure of the total, I think he has 18 left.

MR. VAN LEEUWEN: Eighteen left? Does the school bus go into the subdivision or does it stay on the main road?

MRS. GALLAGHER: Trotter Lane is private.

MR. VAN LEEUWEN: He's got to have sidewalks so the kids can walk to the school bus. Then you have to have sidewalks, you do, the kids gotta go to the school bus and school bus can't go into a private road.

MR. ARGENIO: Trotter Lane is going to be a dedicated road, is it not?

MR. EDSALL: It will be.

MR. VAN LEEUWEN: Oh, it will be.

MR. ARGENIO: Will be a dedicated road.

MR. VAN LEEUWEN: You said it's a private road.

MRS. GALLAGHER: It's a private road.

MR. ARGENIO: Will be dedicated public thoroughfare and the sidewalks they go nowhere, they're on the plans because that's what the code called for at the time.

MR. VAN LEEUWEN: Okay, I don't like sidewalks at all because I'll tell you they're nothing but a headache for the town, end result they're a headache for the town.

MR. ARGENIO: I can't imagine having sidewalks on Sesame Street where I live.

MR. BLYTHE: Similar to the application that the planning board favorably considered when Drew Kartiganer, I forget the name of the project, but it was before the board.

MR. ARGENIO: He also made a very charitable contribution to I think Mt. Airy Park which is now Kristi Babcock Park, can you get ahold of them?

MR. VAN LEEUWEN: I think he should come in and talk to us.

MR. BLYTHE: Whatever the chairman wants.

MR. ARGENIO: Maybe we'll have him come in, let me know what he says, okay?

MR. BLYTHE: I'll reach out to him tomorrow.

KSM UNDERGROUND

MR. ARGENIO: KMS Underground, 32 Walnut Street.

MR. EDSALL: The applicant came to a planning board workshop for the 32 Walnut site and the fire inspectors have identified the change in use for the building from its prior use, I'm not sure exactly what the classifications were, but the concern was that there was a change to this construction activity or construction company, they're a general contractor for Cablevision, other similar companies, the use is not only the storage of supplies but some manufacturing assembly. Jen and I went back and looked at the history of the approvals, used to be Mid Hudson Neon so there was manufacturing, assembly and storage there, they obtained some variances for building setbacks years ago.

MR. ARGENIO: Down near me in the back of Ruscetti Road.

MR. EDSALL: Yeah, there's some incidental storage outside and similar areas to the prior use, I don't see it as a concern as long as the uses are limited to those I just prescribed.

MR. ARGENIO: Has there been any complaints?

MRS. GALLAGHER: I believe so, that's why they're coming in.

MR. EDSALL: Yeah.

MRS. GALLAGHER: The fire inspector went out there and saw and had some problems with what was going on there.

MR. ARGENIO: Ken did but are the neighbors in the area calling and saying he's doing this late at night, he's doing this early in the morning, he's making noxious smells?

MRS. GALLAGHER: I'm not sure, is this the one with the tire, the tires as well?

MRS. GALLAGHER: We've had several complaints, I think there are two neighbors, the 33 Walnut is another one we're having problems with so--

MR. ARGENIO: When you say tires, you're referring next

to the American Legion?

MRS. GALLAGHER: Romero Tires.

MR. ARGENIO: Is that what this is?

MRS. GALLAGHER: No.

MR. ARGENIO: Which one, this one, Mark, across the street?

MR. EDSALL: Across the street I think it is. The long and short of it is if they limit their use to those I just identified, which is the construction materials, storage, some accessory, manufacturing assembly that's associated with that use it seems as if it's not a problem. But there are indications from Ken Schermerhorn that there are more things going on there. So if the board determines that a continued use is no problem but if they, more than that, you know.

MR. ARGENIO: Mark, it seems to me there's enough ambiguity that these people should be coming in and telling us what they're doing.

MR. EDSALL: We can do that and we'll ask for an updated evaluation from Ken.

MR. ARGENIO: I'm not asking for, you know, a 12 page plan set stamped by Greg Shaw, but I think they've got to come in and tell us what's going on. Jen, you have to get some unambiguous data too. You guys disagree with that? Danny?

MR. GALLAGHER: No.

MR. VAN LEEUWEN: No, I don't disagree.

MR. ARGENIO: That's it, that's what I think and the used tire man is a whole different subject.

MRS. GALLAGHER: No problem, he'll be next.

MR. ARGENIO: Go ahead.

SUPER LAUNDROMAT

MR. ARGENIO: Why do we have so many discussions items?

MRS. GALLAGHER: You guys should have a copy of this Super Laundromat with these trees. What happened we received a phone call from one of the residents that lives behind, this is where the old Marko's used to be, it's a now laundromat in the bottle redemption place.

MR. ARGENIO: Removing dead trees?

MRS. GALLAGHER: He was removing dead trees, he was worried about the trees falling onto where the parking area is. We got a complaint because there was trees on his approved site plan. So we had to go out there, talk to the guy. We told him that, you know, they were put up there for screening purposes and he's willing to go ahead and plant five new trees, Colorado spruce, we wanted to make sure that was going to be okay with you guys since he did alter his approved site plan.

MR. ARGENIO: Does anybody have an issue with that?

MR. VAN LEEUWEN: No.

MR. BROWN: How big are the trees he took down?

MR. VAN LEEUWEN: Five.

MR. BROWN: How big?

MRS. GALLAGHER: I don't have an actual height.

MR. ARGENIO: Why, where you going?

MR. BROWN: The trees were for screening purposes, correct?

MR. ARGENIO: Right.

MR. BROWN: And five feet that he's putting in now will that serve the purpose of screening of what the trees were there?

MR. ARGENIO: What I'm getting at if they're dead on, they're on his own property, he can remove the trees, quite frankly, we're in a very weak position to compel him to replant the trees to be honest with you, that's what my thought process is.

MRS. GALLAGHER: It was specific that there was some plantings there, didn't say how tall or anything like that but did show there was landscaping there.

MR. VAN LEEUWEN: Put other trees in almost equal height to the other ones.

MR. ARGENIO: What's the answer to Howard's question?

MRS. GALLAGHER: I don't have the actual height but this seems to be fine. When I talked to the woman that complained, I told her exactly what I'm telling you guys and she was okay with it.

MR. GALLAGHER: They're going to grow 40 to 60 feet what he's putting back, I mean, that's good enough.

MR. ARGENIO: I'm okay. Anybody else? Howard, is that okay for you?

MR. BROWN: Fine.

MR. SHED

MR. ARGENIO: Mr. Shed.

MR. EDSALL: Mr. Shed at 520 Blooming Grove, the site has morphed over the years and has never had the benefit of an approved site plan and they have appeared on at least one or two occasions before the board to explain what they're doing because the board did exactly what's happening tonight, things are changing, how are you doing this without a site plan. Their explanation was we've always been here, always been a commercial use, it went from one use to the next use to Mr. Shed use. Then they started building some shed parts in the back. Now they've rented out one of the back buildings to a granite contractor who creates granite counters for kitchens and bathrooms, whatever, so it's another, it's another party that they're renting out. So there's another business back there. And again, during normal inspection, they said there's no site plan approval for a granite manufacturing shop in the back of the Mr. Shed site and when they were brought in, they said but we always manufactured back here. Where is your site plan? Well, we never had one.

MR. ARGENIO: Jen, do you have complaints from residents?

MRS. GALLAGHER: Yes, we did, the person who lives on Suburban Court next right to them complained about it, that's how it came to our attention. We went out and saw that this person had moved in.

MR. VAN LEEUWEN: This is a piece of property should only be one application and one business being run on it, okay, not five or six.

MR. ARGENIO: I think that in concept I think I agree with Mr. VanLeeuwen but I don't see how this is any different than the other one we talked about, if we don't have anything on record, we should tell them to come on in and come with something that shows us what the heck you're doing. Again, not a 13 page drawing done by Greg Shaw but something we can put in the file and I think that's a start.

MR. EDSALL: It is.

MR. ARGENIO: Resolve the issue that, cause let's talk

about history here, Henry, just a little bit, 100 years ago when my great uncle put up his office in front of, on Route 32 where Devitt's used to be 100 years ago, the site plan was probably on the back of a matchbook and there was probably no file, nothing on file here. But then at some point in time, they moved or it was transferred and then there was a site plan. So my point is the law develops, things develop, we get things in the file and that's how we acquire these things and get them in the file to make sure people are in compliance. Make sense, Mark?

MR. EDSALL: It does and obviously years ago when Suburban Court wasn't built out if you did something in the back--

MR. ARGENIO: It was a non-issue.

MR. EDSALL: Unless the street behind that complained but now you've got, there's conflict between residential and commercial that just seems to be growing.

MR. ARGENIO: Correct.

MR. EDSALL: We can ask them.

MR. ARGENIO: Which we'll always have, remember Chet Palazo? His property was against the AP zone or the PI zone or something on Silver Stream, Chet, somebody's going to live on the zone line, I don't know what to tell you. Okay, let's get passed it.

MR. EDSALL: We'll get them in with some type of sketch.

CRH REALTY SITE PLAN

MR. ARGENIO: CRH Realty LLC site plan.

MR. EDSALL: This is a referral from the Town of Newburgh Planning Board for development of the site opposite Wal-Mart, Flannery and such, couple lots, couple different lots involved. As per GML 239 NN, they referred it to the Town of New Windsor and it found itself onto the mail at the planning board. The plan basically involves a three story office building, it says here 65,000 square foot, 65,250 total, it's going to be a medical office building, it's going to have access off of Old Little Britain Road.

MR. ARGENIO: If I can interrupt you, the bottom line is you're describing the project, it's a big medical office, there's a small sliver in the Town of New Windsor that's ever, ever, ever so small and I think at the end of this the question is do we want to be involved in it?

MR. EDSALL: There is two issues, one is the 239 referral which you're supposed to give feedback on which is it's the sister referral that you would make cause you're sending it to Orange County Planning, same section of the law, they created another one. Hey, it's one thing to send all this information to Goshen but it would be awful nice if you could send it to your neighbor. So this is a new thing send it to your neighbor. The access is going to be opposite Wal-Mart, the signal's going to be modified I'm sure and the side entrance off Old Little Britain Road. Town of Newburgh Planning Board, very capable board is going to review this. Number one, they want to know if you have any concerns right off the bat, we always talk about traffic on here but I'm sure that's not a surprise to them and just the fact that they have aligned the roads the way they have looks like they have already started thinking about the right way to do it. If the board has any other concerns, we should communicate them back.

MR. CORDISCO: Also in full disclosure, I represent CRH Realty in front of the Town of Newburgh.

MR. EDSALL: I take everything back that I said positive.

MR. CORDISCO: This is Crystal Run Healthcare, this is,

this is their new facility, it's going to be very similar.

MR. VAN LEEUWEN: Crystal Run?

MR. CORDISCO: Yes.

MR. VAN LEEUWEN: I don't see any problem.

MR. ARGENIO: I think we should let the Town of Newburgh Planning Board handle it.

MR. EDSALL: The two things that I think would be worthwhile and helpful to Newburgh and we have had a very good operating relationship with them, especially for Wal-Mart which was split by the town line. We can tell them make sure as you always do that traffic and drainage are well-handled in this area. And but number two, we could simplify CRH's job by saying for the roughly 200 foot triangle on the southerly side of the property which the only improvement is a curb for a short distance that the Town of New Windsor Planning Board has no interest in a site plan application and that we want all reviews and approvals to come from the Town of Newburgh. And you can even kill another stone by saying you want to remain an interested agency but as an involved agency you're deferring since you're not going to require any approvals if all that goes.

MR. ARGENIO: You done?

MR. EDSALL: I'm trying to be nice to Newburgh since they've been good to us.

MR. ARGENIO: Thank you and your partners.

MR. EDSALL: The question is can the board act in that manner and we'll never have to make a motion.

MR. ARGENIO: I'll make a motion, somebody else make a motion.

MR. VAN LEEUWEN: I'll make the motion.

MR. FERGUSON: Second it.

ROLL CALL

MR. FERGUSON AYE

MR. BROWN AYE

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MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

BEER WORLD

MR. ARGENIO: Beer World, that's the picture you guys have in front of you.

MR. VAN LEEUWEN: 323 Windsor Highway.

MRS. GALLAGHER: Obviously, you can see from the pictures that they have two large storage containers in the rear. Basically want your opinion on whether you think they need to revise the site plan or anything like that.

MR. ARGENIO: Jennifer, I don't think there's anything to talk about, if they have not created a problem with the fire access, people, these structures do not have footings as such.

MR. GALLAGHER: How about the pallets on top of the roof?

MR. ARGENIO: Pallets on top of the conex box, Danny, it's the back of the building, it's not a public area, it's their issue as far as I'm concerned.

MR. EDSALL: I think we should make the record clear that you're considering these temporary in nature and it's not an alteration to the site plan.

MR. ARGENIO: Absolutely.

MR. EDSALL: Whatever the fire and building inspectors believe is an appropriate layout.

MR. ARGENIO: If the firemen have a problem being in the way of a fire truck, they have to move them.

MR. EDSALL: No objection for the temporary facilities?

MR. ARGENIO: Correct. Good?

MR. FERGUSON: Good.

MR. BROWN: Good.

YURKO

MR. ARGENIO: Yurko.

MRS. GALLAGHER: Alright, you also have pictures in front of you for this.

MR. ARGENIO: I do not have, I'm sorry.

MRS. GALLAGHER: In the Town Code, you have a memo also that explains the Town Code. This gentleman who lives at 168 Bull Road is proposing a 28 by 32 garage basically nearer to the street than the principal building. Normally, he'd have to go to the zoning board. However, there is an exception in the Town Code that says if he has a slope, a natural slope issue that he can come to the planning board and you can give him relief from going to the zoning board and we could grant him a building permit.

MR. ARGENIO: I don't get it, what's the slope have to do with anything?

MRS. GALLAGHER: If he has no, if you turn to page three of your little pamphlet here, you can see that the slope of his property is such to where he cannot put this garage anywhere else on his property. So Bull Road, I mean, to us it's his basic front yard, you know, he's putting it closer to Bull Road but it's really not his front yard, as you can see in the pictures, his house is very set back, his driveway comes in but the only spot he can put this garage is closer to the road than the house.

MR. ARGENIO: So why isn't he going to the zoning board?

MRS. GALLAGHER: Because if you grant him relief, you can see in the Town Code which is page two that I also included.

MR. ARGENIO: I have it, thank you. Don't you laugh.

MRS. GALLAGHER: But you can see if the natural slope is 10 percent or 20 percent within 25 feet of the street line, the board may permit the garage not closer 20 feet to the street line which he's not, it's going to be about 75 feet from Bull Road.

MR. ARGENIO: Jen, you've been there, what do you

think? You talk to your guys.

MRS. GALLAGHER: That's why we've taken--

MR. ARGENIO: We're not here to jam people up and not permit them--

MRS. GALLAGHER: He cannot put this anywhere else. The only other flat spot is where his leach fields are, he can't put it on top of his leach fields.

MR. VAN LEEUWEN: Can I ask you a question?

MRS. GALLAGHER: Sure.

MR. VAN LEEUWEN: Whereabouts is this on Bull Road?

MRS. GALLAGHER: 168 Bull Road so I'm, you know, I'm not sure, Washingtonville is his mailing address so it's out that way far out.

MR. ARGENIO: He's rural. Jen, what's the red structure?

MRS. GALLAGHER: That's his house. He actually has, that's the house, the barn looking thing is his house. He has that old shed where that old shed is that's coming down and that's where the garage has gone that flat piece is where he's putting the garage.

MR. ARGENIO: I don't take exception to any of this unless there's something that we're missing here.

MRS. GALLAGHER: I thought you guys would feel that way, that's why, you know--

MR. GALLAGHER: This saves him from having to go to zoning if we approve?

MRS. GALLAGHER: If you say you're not going to grant him relief on it and then he would make application to the zoning board.

MR. ARGENIO: But we have, it's within our providence to give him relief? I don't know.

MRS. GALLAGHER: Yes.

MR. ARGENIO: I don't see why we wouldn't do that.

MR. VAN LEEUWEN: I have no problem, just don't know where it is.

MR. GALLAGHER: Take a motion on it?

MR. ARGENIO: Let me check with these guys.

MR. BROWN: I have no problem.

MR. ARGENIO: I'll make a motion that we authorize this shed to go in what size?

MRS. GALLAGHER: It's 28 by 32.

MR. ARGENIO: So 28 by 32 shed/garage in the location shown on the sketch and in keeping with our discussions prior put it in the file the sketch.

MRS. GALLAGHER: Yeah.

MR. ARGENIO: And the photos.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Roll call.

ROLL CALL

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

11-14 TEMPLE HILL APARTMENTS SITE PLAN

MR. ARGENIO: The last discussion item is Temple Hill Apartments and Mark is going to handle that. Very seldom does my company actually bid on a job in New Windsor and get it, but this is one of those few occasions where we actually did. I think in 12 years of being on the planning board, there may be four jobs, five jobs in 12 years. So the application that Mark is going to speak to and Joe Pfau is going to speak to in a moment Argenio Brothers is the low bidder there doing some portions of site work. And I'm a partner in Argenio Brothers. So in keeping with what I've asked other members to do in the past not only am I going to recuse myself but I'm going to leave the room. So that said, everybody have a good night, Joe, Mark, guys, have a good time.

MR. VAN LEEUWEN: You're just going to go home early.

MR. ARGENIO: Everybody have a nice holiday.

(Whereupon, Mr. Argenio left the room.)

MR. EDSALL: I'll give a quick introduction and Joe can give the full blown explanation of the various changes. During the course of the construction of the Temple Hill Apartments which I know you're all familiar with off Route 300, they ran into a lot of rock. That rock altered the approach to the construction of the job.

MR. VAN LEEUWEN: Who is the owner of this?

MR. EDSALL: Jonah Mandelbaum is the owner.

MR. VAN LEEUWEN: He's a bad guy.

MR. EDSALL: The second item that they addressed is the access to Route 300, they tried to address the rock that they encountered there and as an overall concept they tried to minimize the amount of disturbance, take advantage of the rock because it was costing a lot to take out what they had to take out. So you obviously don't take it more than you have to try to find the best balance for cuts and fills. And with that in mind, I'll let Joe go through the specific proposed field changes.

MR. PFAU: Yeah, there's really three changes, if you take a look at the 11 x 17 which I thought was the

first page but the photos are in front, you'll see items 12 and 3, Mark mentioned the first one is at the entrance and what we did was we actually shifted the location of the entrance about five feet to the south because we hit the rock there and that actually is represented by number one that you see on the first page. And proposed to be a retaining wall there and because of the rock is solid, it's stable, we did shift the road and we would like to eliminate that particular retaining wall. And that's the shape of it of the side slope as it sits right now. Now, of course that will obviously be top soiled and seeded for further stabilization but that would be the actual shape of the side slope. And then again the second change is behind the most northeasterly work force housing lot we had a double retaining wall proposed there which was I believe the walls were about eight to 10 foot each and the second photo represents that particular location, what we had done there we actually raised the building pads two feet, all the gradients worked, we raised those building pads two feet and you can see the rock as well in that area, that's a stable rock. And we had originally the tiered retaining walls, we'd like to eliminate those. And the third, the third change which is indicated by number three which is near the front senior citizen unit we actually did a cross-section, we had to show what actually is there already for the most part with a little modification we did have a again a double tiered retaining wall, each of the walls were about 10 foot in height. And we're proposing again to do one and a half on one slope that's also it's a rock filled, completely stabilized, again, that will be something that would be top soiled and seeded. We also feel that that particular wall which will be on that particular area if we, we believe that will be top soiled and seeded and landscaped that it will actually be much more visually attractive than the double retaining wall and the plantings that we had. So those are basically the three field changes. And we wanted to update the board on that as we proceed, actually not so bad considering the scope of the project.

MR. EDSALL: The main reason they're here is because clearly when you approve a plan that has a lot of retaining walls to have them all just disappear we don't want to have any criticism to anyone that they were just eliminated arbitrarily. So we wanted to bring the board up to speed what they ran into. The goal is to get the rock slopes stable, make sure the material's placed, the seeding and the slopes are

stable with the soil, if we believe that the slopes are such that they still need to put a, some type of a split rail fence or something at the top, they would put a retaining wall, they'll still go in so some resident doesn't walk, go out, that's a little bit unstable or it's dark it doesn't fall down these slopes. So the protections will still be there but the retaining walls will be eliminated and they did jockey some elevations to address these conditions.

MR. VAN LEEUWEN: I don't see much of a problem to be honest with you.

MR. EDSALL: Doing a nice job, we wanted to have the board aware of it. So the bottom line if the board can just acknowledge the proposed field change and indicate no objection, we'll keep working with the design engineer to have them finish up.

MR. VAN LEEUWEN: You want a motion for that? I so move, I make the motion.

MR. CORDISCO: It should be a motion.

MR. FERGUSON: Second it.

MR. VAN LEEUWEN: Motion has been seconded, I'll take a vote.

ROLL CALL

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

MR. EDSALL: Okay.

MR. PFAU: Thank you.

MR. GALLAGHER: Motion to adjourn.

MR. FERGUSON: Second it.

ROLL CALL

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

November 13, 2013

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MR. VAN LEEUWEN AYE

Respectfully Submitted By:

Frances Roth
Stenographer