

TOWN OF NEW WINDSOR

PLANNING BOARD

May 14, 2014

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
HENRY VAN LEEUWEN
HOWARD BROWN
HARRY FERGUSON
DAVID SHERMAN

ALSO PRESENT: TAYLOR PALMER, ESQ.
PLANNING BOARD ATTORNEY

MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER
BUILDING INSPECTOR

CAMMY AMMIRATI
PLANNING BOARD SECRETARY

ABSENT: DANIEL GALLAGHER

MEETING AGENDA:

1. Cedar Avenue MHP
2. JCHS MHP
3. Ray's Transportation
4. 32 Plaza
5. Estate of Catherine Mulligan
6. Ridge Rise

REGULAR MEETING:

MR. ARGENIO: I'd like to call to order the May 14, 2014 meeting of the New Windsor Planning Board. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

ANNUAL MOBILE HOME PARK REVIEWS:

1. CEDAR AVENUE MOBILE HOME PARK

MR. ARGENIO: Welcome everybody, welcome. First item on tonight's agenda is the annual mobile home park review and the first mobile home park is Cedar Avenue Mobile Home Park. Is somebody here to represent this? Please come forward, sir, can I have your name for the stenographer please?

MR. PHELPS: Sure, my name is David Phelps,
P-H-E-L-P-S.

MR. ARGENIO: Has somebody from your office been over to see that park?

MRS. GALLAGHER: Yes.

MR. ARGENIO: How is it?

MRS. GALLAGHER: No problems.

MR. ARGENIO: How many units do you have?

MR. PHELPS: Twenty-nine.

MR. ARGENIO: Have you brought a check in the amount of \$250 for the benefit of the Town of New Windsor?

MR. PHELPS: I have, sir.

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

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

ROLL CALL

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

MR. ARGENIO: If you want to give Cammy the check, I'll sign the paperwork. You're good to go, thank you very much.

JCHS MOBILE HOME PARK

MR. ARGENIO: Next is JCHS Mobile Home Park. And you are?

MR. GARRISON: Richard Garrison.

MR. ARGENIO: Richard Garrison?

MR. GARRISON: Yes.

MR. ARGENIO: Has somebody from your office been to visit Mr. Garrison's park?

MRS. GALLAGHER: Yes.

MR. ARGENIO: How did you find it?

MRS. GALLAGHER: No issues.

MR. ARGENIO: How many units do you have there?

MR. GARRISON: Thirty-five right now.

MR. ARGENIO: Thank you for keeping a neat and tidy place in our town. I'll accept a motion for one year extension.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded we offer JCHS Mobile Home Park in the Town of New Windsor an extension. I assume you have a check for \$250? Roll call.

ROLL CALL

MR. FERGUSON AYE

MR. BROWN AYE

MR. SHERMAN AYE

MR. VAN LEEUWEN AYE

MR. ARGENIO AYE

MR. ARGENIO: Thank you.

ZBA REFERRALS:

RAY'S TRANSPORTATION (14-09)

MR. ARGENIO: Next is Ray's Transportation, proposed 100 by 100 foot building, 42-45 Argenio Drive off Ruscitti Road. Application proposes 100 and by 100 foot addition. Building on the existing site to be utilized for the same commercial purpose as previously approved. The plan was reviewed on a concept basis only. I see Mr. Stackhouse here, he's my neighbor, I'm not going to recuse myself as I have no issue with my neighbor and this is a very simple application and you have an engineer. What's your name, sir?

MR. RUGNETTA: My name is Nick Rugnetta from Pietrzak & Pfau.

MR. ARGENIO: Would you tell us briefly what we're doing here tonight and what your applicant wants to do and why you need zoning relief?

MR. RUGNETTA: Yup, so this blue line here, this is the proposed building and it's 100 foot by 100 foot and the variance would be for the height right, now we're setting at 31 feet from the property line, we're proposing a 40 feet high building so that's what the variance is for.

MR. ARGENIO: So you're proposing a 40 feet high building and how far are you from the property line?

MR. RUGNETTA: Approximately, 31 feet so it would be nine feet.

MR. ARGENIO: So you'd be allowed a 31 foot building based on the code?

MR. RUGNETTA: Yeah, and we wouldn't need a variance.

MR. ARGENIO: Just so you guys know where this is and correct me if I misspeak please, I believe this is behind Heights Lumber approximately where they store the lumber, is that correct?

MR. STACKHOUSE: Correct, basically right across from behind them and across the tracks.

MR. ARGENIO: On the other side of the tracks as it were. So what are you doing here with the building?

MR. STACKHOUSE: We're proposing to put up this building to trans-load products by bringing products in by truck and putting them on rail car or vice versa, bringing product in by rail taking it out by truck.

MR. VAN LEEUWEN: Ties mostly?

MR. STACKHOUSE: Right now, I'm working with Wheelabrator trying to get their waste energy ash in containers to put on rail cars, they're currently trucking it over 200 miles so we want to try and get that put on for rail cars and trans-loading it.

MR. ARGENIO: They would probably be closed containers, I would imagine the ash would blow all over?

MR. STACKHOUSE: It's considered enclosed containers from their site and then just transported off a trailer onto a rail car.

MR. ARGENIO: What's inter-model?

MR. STACKHOUSE: That's trans-loading with a container, sealed container like overseas containers that you see on ships.

MR. ARGENIO: So you have approval now to expand your siding, I believe, is that correct?

MR. STACKHOUSE: Correct.

MR. ARGENIO: So is this to service the rail line that's there now or the expanded siding?

MR. STACKHOUSE: The expanded.

MR. ARGENIO: What's the building going to be made of?

MR. STACKHOUSE: It's going to be made of steel like our, to match our other existing buildings.

MR. ARGENIO: Okay.

MR. STACKHOUSE: Metal roof, metal sides.

MR. ARGENIO: You're going to come to us at some point in time with a proper site plan with the building located?

MR. RUGNETTA: Yes.

MR. ARGENIO: Do you guys, this is pretty basic, do you guys have any questions on this? We're here to refer them to the Zoning Board. Henry, do you have anything?

MR. VAN LEEUWEN: No. Make a motion we send it to the ZBA with a positive note.

MR. ARGENIO: Okay, so Henry has made the motion that we declare this application incomplete at this point in time and that we send this to the zoning board with a favorable recommendation. Does anybody want to second that motion?

MR. FERGUSON: Second it.

ROLL CALL

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

MR. ARGENIO: So you have been referred to the zoning board with a favorable recommendation from the planning board because the use fits the site. It's something you're approved to do, it's certainly not a stretch of your approval in any way, shape or form, so the best of luck to you getting your zoning relief. If you get your zoning relief, come back here with the appropriate plans and we'll continue our review and do what we need to do.

MR. EDSALL: Toward the goal of efficiency, I'll work with Cammy and Jen and get the referral to the county planning. I'll do it as a joint referral so that it covers both applications, that way when you come back, hopefully you've heard from both the zoning board and for our aspects.

MR. ARGENIO: That's a good idea. What that means is, Ray, any, certain properties, certain applications we need to refer to the county planning department by law and because you're within 100 feet of the state highway, you fall under that envelope. There's other thresholds too but you don't really care about them, you care about yours so you're good to go.

MR. STACKHOUSE: Okay.

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MR. ARGENIO: So if you will contact Cammy, we'll get this thing moving and get you going. Fair enough?

MR. STACKHOUSE: Great, thank you.

MR. ARGENIO: Thank you for coming in.

MR. STACKHOUSE: Thanks.

MR. RUGNETTA: Thank you.

PUBLIC HEARINGS:

32 PLAZA (12-14)

MR. ARGENIO: Next is 32 Plaza site plan on 335 Windsor Highway represented by Mr. Chuck May. This project proposes a 5,600 square foot addition to the existing building on the site. The plan was previously reviewed at the 14 November 2012, 12 June 2013, 12 March 2014 planning board meetings. The applicant is before this board tonight for a public hearing. So Mr. May, there was a couple of things that we were focused on last time, I think one of them was we had a discussion about the wall in the back and discussion in the front. Can you please bring us up to speed as a board and then we'll open it up to the public, see if anybody has any particular questions on this application?

MR. MAY: Well, just to bring everyone up to speed, we did have a workshop with Mark prior to having this meeting, the comments with Mark that he had made we had gone over. And during the workshop, we gleaned them and we feel as though we have responded to them according to the last workshop meeting we had. So the new plans that were submitted to the board are dated April 17, 2014. Having said that, one of the areas of discussion that we had last time around was that we wanted to have a hydrant on the plan so we had a, I had a telephone conversation with Mr. Schermerhorn and once we did that, we actually wrote, we wanted to see if there was an existing hydrant in the vicinity of the project. Unfortunately, there's a hydrant but it's across Route 32 and I measured it, it's probably about from the front door here it's probably about 211 feet. So what we have done is we have actually shown a hydrant over on this side of the building right over in here on this, on drawing SPF1.

MR. ARGENIO: Where are you going to get the water to feed that?

MR. MAY: We're going to get it from the 12 inch main.

MR. ARGENIO: You have water on that side of 32?

MR. MAY: Yes.

MR. ARGENIO: Good for you, okay.

MR. MAY: That was a very, I actually met with the

water superintendent, Mr. Argenio, just to be sure that we were, did have water on that side and as a matter of fact, we actually, water superintendent, myself actually went into the building and we located the water meters in the building. So where we're connected at this time is where this water meter is located. The connection is at this point, we come into the building, the hydrant is located over here, we didn't want to create, you know, we have a nice aesthetic in the front of the building.

MR. ARGENIO: I agree. And as I remember that aesthetic component was a discussion that we went I don't want to say round and round with but we certainly discussed that at length at one of our meetings.

MR. MAY: Mr. Schermerhorn according to the conversation that we had said that he had approved the location of the hydrant. The only thing I believe is that he would want to have the valves located in the planting bed because if at some time in the future this road is paved which I don't think it would be some times the valves can get paved over. So that was one of the considerations, I told him I don't believe that's going to be a problem.

MR. ARGENIO: So he wanted the shutoff for the hydrant to be in the island?

MR. MAY: I told him I'd take a look at it to see, I don't know if I can get them all in there.

MR. ARGENIO: Mark, isn't that more a John Agido's function?

MR. EDSALL: Yes and no, the fire department likes to have participation if they have a problem with the hydrant in an event with the fire they shut down the whole branch.

MR. ARGENIO: Okay.

MR. EDSALL: If the base of the hydrant cracks which has happened to me on fires you shut down the entire hydrant because you don't want to lessen the valve pressure if you're pulling off another hydrant.

MR. ARGENIO: Okay, makes sense, go ahead, Mr. May.

MR. MAY: So having said that, we show on our plan

proposed domestic water line, we show an orange line coming in for the sprinkler system within the building so once we have that connection, once we get the approval for the building we'll have we feel as though enough supply for a sprinkling system within this entire building.

MR. ARGENIO: I think the fire department agrees because it says approved subject to as you said the shutoff and the alarm upgrade and a note about the sprinkler system, are you aware of that?

MR. MAY: Mr. Argenio, I did speak to Mr. Schermerhorn on the phone.

MR. ARGENIO: I want to read from his memo. Size of building will require an actual sprinkler system with an associated monitor alarm. In the interest of safety, it is strongly recommended that the alarm being installed be upgraded to an actual manual alarm system. Are you going to do that?

MR. MAY: We have to do that.

MR. ARGENIO: You need to do that.

MR. MAY: The is Mr. Qelaj, he's the owner.

MR. ARGENIO: We met. The reason I'm reading that is typically that's not something we would be looking at at the planning board level but Jennifer would be looking at it when you go to apply for your building permit and it certainly would be unfair for you to be unaware of that detail. Fire department connection not noted on the plan, spoke to Charles May who advised that the connection will be included in the sprinkler plans which will be submitted separately. Okay, you're good with fire, looks like that's good. Can we just talk just for a moment about that back wall and without me having to root through these plans and go round and round, wait, what panel are you on there?

MR. MAY: I'm on SG-1.

MR. ARGENIO: Okay, let's go to SG1 a minute, in the back of the building that wall, how high above the pavement is your wall going to be?

MR. MAY: Well, we have a detail which is shown on drawing SG-1.

MR. ARGENIO: Which I'm looking at right now, I believe.

MR. MAY: We indicate that the wall pavement is the top of the wall is 48 inches which if I recall the 48 inches Mr. Argenio is within your code.

MR. ARGENIO: I believe you're right so that wall's going to be above the pavement a minimum of 48 inches?

MR. MAY: Yes, sir, this is the cross-section.

MR. ARGENIO: That works, Jen, does it not?

MRS. GALLAGHER: Yes.

MR. EDSALL: Forty-two is code but the other benefit is it's a quasi-bumper but as well it now screens all the headlights.

MR. ARGENIO: Absolutely, I think it's better than a fence.

MR. EDSALL: More durable, I think.

MR. ARGENIO: It's a bumper, it screens the headlights, there's a lot of distance between you and the next neighbor but again, Mark is a hundred percent right.

MR. VAN LEEUWEN: There's all houses in the back.

MR. ARGENIO: What is it going to be made out of the wall?

MR. MAY: It's a gravity wall and it's going to be a double face stone, heavy stone.

MR. ARGENIO: The big block walls, the one that we typically ask for, sometimes they're core filled, sometimes they're not. You guys have anything you'd like to add? I'd like to open it up, where is the notice, on the 24 day of April 2014, Cammy compared 56 addressed envelopes containing notice of public hearing for this application that were supplied to her by the assessor's office. And they were mailed out with notice of public hearing for this evening. At this point in time, the public hearing is open. For those of you who are not familiar how this works, if you have a question, raise your hand, be recognized, please come

forward, ask your question or make your point or your comment and we'll talk about it and we'll go from there. Does anybody have anything they'd like to add? Yes, sir, please come forward. What's your name?

MR. DEYO: My name is Jessie Deyo, I live at 340 Windsor Highway right across the street from the proposal so I have a little interest in it. My first question is I'd like to find out if someone would tell me what that building is going to be utilized for or who is going to be occupying it?

MR. ARGENIO: Well, let me just, we're going to have the applicant answer that but let me just point out to Mr. Deyo from the planning board's perspective what we try to make sure of, what our obligation is is to make sure that it's a use that's within the code, that's what we typically try to stay focused on. That said, we certainly will try to get all the information we can out there so can you please address Mr. Deyo's question.

MR. QELAJ: The plan is to have a use which does not involve any food or restaurant anymore cause we have Subway and Chipotle Grill, we're looking maybe hair salon or office space and couple other, maybe some boutique, a shop or anything like that, something that does not involve lot more, you know, cars for the restaurants.

MR. ARGENIO: Did you have another question, Mr. Deyo?

MR. DEYO: I'd like to be able to take a look at those plans that are proposed. The reason I say that I'm a retired mechanical engineer for the U.S. Government at West Point for 40 years so I have some experience how to read blueprints and specifications. But I would just like to take a peak at the drawings and see what's being proposed.

MR. ARGENIO: Mr. Deyo, you can look at them any time they're available in the Town Hall, you can come and see Jennifer or Cammy at Town Hall and they're available any time for you to look at.

MR. DEYO: I appreciate that.

MR. ARGENIO: Not at all.

MR. DEYO: If I have any comments do I direct them to Jen?

MR. ARGENIO: Probably to Jennifer but I would just remind you or apprise you that this applicant and this plan has been in front of this board quite a few times and it's be vetted and reviewed and we have discussed a lot of the technical aspects of this. Our engineer's reviewed it and we have tried very hard to make sure that the applicant was building something that's in conformance with 2014 standards and that it fits into the neighborhood. But by all means, come and look at them any time.

MR. DEYO: I'm not trying to tear anything apart, I'd just like to know who's going to be my neighbor across the street.

MR. ARGENIO: Absolutely.

MR. DEYO: Because I've had some heartburn with Long John Silver's and Kentucky Fried and Popeye, not a heck of a lot I can do about it.

MR. ARGENIO: Hopefully there's no heartburn here.

MR. DEYO: I hope so.

MR. ARGENIO: Thank you. Anybody else? Yes, sir?

MR. DIGREGORIO: Larry DiGregorio, I live diagonally behind it. Just, you know, my issue always is dumpsters and pavement and water runoff. Is there any plans, as far as I know, it's not paved now behind there, the access road, is that going to be blacktop? Is there going to be drainage put in other than what I know the town has the easement but I don't know how far it goes, it actually goes behind this building?

MR. VAN LEEUWEN: I can tell you there's a 25 foot easement back here for drainage.

MR. DIGREGORIO: Behind the building?

MR. VAN LEEUWEN: No, not behind the building, behind the property line, it goes from one property to the other property. I've been here over 30 years so I know where it is, I can point it right out to you.

MR. ARGENIO: Mr. May, can you for Mr. DiGregorio's benefit please describe to him the briefly the runoff requirements that are imposed upon people who are

developing impervious surface?

MR. MAY: Well, in accordance with the new storm water pollution prevention plan, we had to design the system for the one to ten and the hundred year storms, we analyzed those storms and once we had--

MR. VAN LEEUWEN: Can you speak a little louder, sir?

MR. MAY: I'm sorry, once we had done that we actually had no net increase in runoff. This site, what we have done is we have taken the site and we have actually determined that there are two distinct drainage areas and with those two distinct drainage areas we have placed an infiltration system, the chamber system where the water comes into the chamber system and is attenuated and detained and slowly released into an existing french drain that has been devised by the Town of New Windsor which runs along this area. And this drainage area we have performed the same study and we have also indicated that we have a chamber system that will actually collect and attenuate the water and slowly discharge into this trench system which is actually along the back of the property which eventually discharges actually parallel to all the properties that eventually discharges to a point which is probably 2 or 300 or 400, 500 feet away. So we feel confident that we will not be increasing any of the storm water runoff from this particular site to any of the adjoining properties.

MR. DIGREGORIO: Because all the houses behind you are downhill from it so the town did come probably about 12, 15 years ago and put the new drain system. I'm talking about in the back I just wanted to know is it going to be blacktop in the back the roadway?

MR. MAY: This area right here will be blacktopped.

MR. DIGREGORIO: In the rear?

MR. QELAJ: In the rear.

MR. DIGREGORIO: The proposal just on the upper level or encompass the lower level? Also the building you're planning, I didn't, I was remiss in coming up and looking at the plans.

MR. MAY: This is the existing building but there will be pavement behind that existing building where you see

there's grass at this time which would be in this location right here.

MR. DIGREGORIO: The current building's on the upper level?

MR. MAY: The current building is on the upper level where you see the existing pad with the, where the building actually burnt down so actually going to rebuild on top of that pad.

MR. DIGREGORIO: Because the initial building encompassed the basement.

MR. MAY: We're actually removing the old pad which is in the back of the building, not using it.

MR. QELAJ: To answer your question for the dumpster we have a dumpster right in this area so all the dumpsters will be enclosed.

MR. DIGREGORIO: Facing the property from the roadway, which side are the dumpsters going to be?

MR. QELAJ: From the road on the right all the way in the corner because my property runs that way.

MR. ARGENIO: Larry, you've been here, we require them to put an enclosure up so it's not--

MR. DIGREGORIO: The majority of businesses.

MR. ARGENIO: We can't control everything but we try do the best we can.

MR. DIGREGORIO: And it's going to be rental space?

MR. QELAJ: Rental space.

MR. DIGREGORIO: New life is good.

MR. VAN LEEUWEN: Can I ask you what you're going to do with the basement section here?

MR. QELAJ: It's going to be used for the tenants only.

MR. ARGENIO: Storage?

MR. VAN LEEUWEN: Strictly storage?

MR. QELAJ: Strictly storage, just add value to the rent for the tenants' extra space.

MR. VAN LEEUWEN: Not going to be any stores down there or anything like that?

MR. QELAJ: No, nothing, just for the tenants I have right now, it's actually the existing one is what the tenants use.

MR. ARGENIO: Yes, ma'am?

MRS. WILLARD: I'm Patricia Willard, I live at 52 Continental. I'm right behind the New Windsor Coach Diner so I share a lot of concerns with what's going on. There's no drainage. I know there's an easement back there. My back yard floods every time we have a heavy rain, it comes right off the paved area back round the diner. I've had three sides of my house dug up in the past and I still get flooded. I have a lot of trouble with noise from the New Windsor Coach Diner, I'm hoping not to have that problem with you. I have to call New Windsor Police Department at 2:45 in the morning to try to get some of the noises taken care of. That's not just because the diner's open, this is because they're cleaning, steam cleaning vents on top, steam cleaning kitchen equipment in the back parking lot with a huge truck and a lot of noise. I have an immense problem with garbage, the garbage that flies from the New Windsor Coach Diner into my back yard is measurable. And I usually do that daily. And I'm hoping that that will not be a problem from your dumpsters also. The only other thing I can mention is privacy, as a resident in Continental Drive, I've been there since '76, there's always a problem with privacy. The fence goes up, the fence comes down. The fence gets repaired, the fence gets fought over. The fence goes back up. But there's no privacy. We're victims of whatever commercial endeavor is there. And I'm really hoping for better, more respectful neighborly conditions. And I do apologize also I never came and looked at it and I wasn't aware of it before now so I'm glad it's been so vetted. But I also would like to voice those problems that I've known since '76. Thanks.

MR. ARGENIO: What was your name?

MRS. WILLARD: Patricia Willard.

MR. ARGENIO: Thank you, Mrs. Willard.

MR. DIGREGORIO: I just want to add one more thing.

MR. ARGENIO: Hold on one second. Thank you, Mrs. Willard.

MRS. WILLARD: About your cat, we have a lot of the feral cats from the diner.

MR. ARGENIO: I want to give everybody a chance to speak and I'll come back to you and Mrs. Willard after everybody. I want to come back to your comments. Anybody else have any thoughts? Okay, Larry, what do you have?

MR. DIGREGORIO: The drainage that the town has it looks great but most of the drain covers if you look at least behind the Coach Diner and I don't go behind the rest are above three to four inches above ground level so it's almost impossible for water to go in them. They did a great job on it but for some reason whether the ground sinks which it does, the storm drains and again, I haven't been behind your property, I'm just stating what I live with. And if you go down further, I don't know if that's the case, I'm sure if that's, you would lift up to make the drains so they're useful.

MR. ARGENIO: That's within the town's right-of-way?

MR. DIGREGORIO: That's on the town's easement, yeah, and I'm not even going to get into what gets--

MR. ARGENIO: Larry, you've always been very respectful and your comments have always been respectful and very good commentary, so I thank you for that. We should probably let Anthony know about that if he's got some room.

MR. EDSALL: I'm going to follow up on the drainage easement because that system went back in on a Community Development grant early '90s so I'll follow up.

MR. ARGENIO: The rim is above the flow line?

MR. EDSALL: Yeah, I don't, I would not be surprised if there hasn't been a review made of that drainage system in five or eight years.

MR. VAN LEEUWEN: More than that.

MR. EDSALL: Now that we have it, we have to follow up.

MR. ARGENIO: Let me just, seeing no more hands, nobody else, I'll accept a motion to close the public hearing.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded we close the public hearing on Route 32 site plan. Roll call.

ROLL CALL

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

MR. ARGENIO: Mrs. Willard very respectfully and very nicely brought up some very good points. I want too hit them quickly. We can't unfortunately shut the diner down but I get it. Jen, maybe you can have your boys go out there and take a look, see if it's a mess, can you do that to see if they're not being tidy? I don't know how much we can do because they're really fire and code enforcement, fire enforcement folks but--

MRS. GALLAGHER: When we get phone calls, we do go out, they clean up for that time and then--

MR. ARGENIO: So the other thing is that the fence issue this applicant has gone in my opinion above and beyond where they need to go. Typically, folks would be offering a fence in the back yard and that would meet the code and it would meet the requirement but these folks are going to build actually the wall, the physical wall, they're going to build the wall higher than what they're obliged to build and hopefully that will take care of the lights interruption, it will be a noise barrier as well and again as an extension of Mrs. Willard's commentary, this is the reason we require dumpster enclosures nowadays. This started I think Chairman Petro started this before I became chairman.

MR. VAN LEEUWEN: No, when I was here way before we

started back in the '70s.

MR. ARGENIO: That's why we do that now and the thought is that in places that generate a lot of refuse hopefully it will help the wind from blowing the papers out of the dumpsters and that's why we do that so I hope that will help. I can tell you I've never met this applicant until he came to the Town of New Windsor and applied for this development of these store fronts but he's been very amicable with this board and hopefully that will continue in the future and he will be a good neighbor.

MR. VAN LEEUWEN: We've had trouble with the diner before.

MR. ARGENIO: Unfortunately, if they're not in front of the planning board, there's not a lot we can do but Jennifer certainly is very much on top of the case and does her job well and she'll see to it. Do you guys have anything else? Howard or Harry, any other thoughts on this application?

MR. FERGUSON: No.

MR. ARGENIO: We've seen this, you guys have made comments about the pavement in the front and some other things. I did get some comments from the county but they were largely advisory about the parking, about some other things. David Sherman, do you have any other thoughts or commentary on this application?

MR. SHERMAN: No, sir.

MR. ARGENIO: Mark, is there anything else that I need to be addressing with this application? Is there anything we're missing here procedurally or otherwise?

MR. EDSALL: No. We should make sure we definitely did conclude SEQRA. Taylor and I were just discussing that, make sure there's a negative dec on file. It might have been held because of the open drainage issue but clearly a check has resolved that issue at this point.

MR. ARGENIO: I'll accept a motion we declare negative dec under the SEQRA process for this application.

MR. VAN LEEUWEN: So moved.

MR. SHERMAN: Second it.

MR. ARGENIO: Motion made and seconded that we declare a negative dec under the SEQRA process for this application. Roll call.

ROLL CALL

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

MR. ARGENIO: So procedurally, we seem to be in a good spot. Mark, the only subject to that I see here is a bond estimate for key site improvements and a correction, minor correction on the parking stall count.

MR. EDSALL: Yes.

MR. ARGENIO: It meets code but there's two notes that don't jibe with each other that needs to be corrected.

MR. EDSALL: And one additional handicapped spot because it's--

MR. ARGENIO: Right, you have to have four handicapped spots and you show three.

MR. EDSALL: Just as an addition, Mr. Chairman, on the county comments it just should be noted in the record that a lot of these issues had been discussed and their solutions have been determined since the project first came before the board in 2012.

MR. ARGENIO: Long before we got the county letter, that's why I didn't get into it because we talked about everything in that letter and the comments are advisory.

MR. EDSALL: Now one last item the applicant indicated that the storage underneath the basement area which has been occupied in the past for storage is for tenants only. They did build into the parking calculation the ability to provide that as a separate use so it's up to the board if you want to leave that flexible or you want to have that for tenants only cause they do have some additional spaces allocated toward that I believe.

MR. ARGENIO: Who else would?

MR. MAY: We do have some additional spaces calculated into the project for the tenant storage, I think it's six.

MR. ARGENIO: Where is the pitfall, Mark?

MR. EDSALL: There is no pitfall, I'm just indicating that because the applicant brought that up I just want you to be aware they had addressed that as almost like a freestanding use.

MR. ARGENIO: Okay, professionals, is there anything else we need to be considering with this application?

MR. PALMER: No.

MR. EDSALL: Not that I'm aware of.

MR. ARGENIO: Okay, if anybody sees fit, I'll accept a motion for final approval subject to the comments that I just highlighted and Mark has listed in his comments section, I assume you have a copy of that Mr. May?

MR. MAY: Yes, sir.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Roll call.

ROLL CALL

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

MR. ARGENIO: Good luck to you. Ma'am, this is the first time you've been here?

MRS. WILLARD: This is the first time I've been here, I've made some complaints in the past but never commented.

MR. ARGENIO: These fellas seem like decent folks and I

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hope you don't have any issues.

MRS. WILLARD: Thank you.

MR. PALMER: We'll prepare the resolutions.

MR. ARGENIO: Very good.

MR. QELAJ: Thank you.

MR. MAY: Thank you.

MR. ARGENIO: Good luck to you, sir.

REGULAR ITEMS:

ESTATE OF CATHERINE MULLIGAN (14-08)

MR. ARGENIO: Regular items, Estate of Catherine Mulligan three lot minor subdivision, 508 Beattie Road represented by Lanc & Tully Engineering. This application proposes subdivision of six plus acre parcel into three single family residential lots. The plan was reviewed on a concept basis only. Ma'am, you with Lanc & Tully?

MRS. POTTER: Actually, yes, I am, my name is Lorraine Potter.

MR. ARGENIO: Mrs. Potter, yes?

MRS. POTTER: Mrs. is fine.

MR. ARGENIO: Can you go to the plan view? I can't really see that, do you have a regular plan?

MRS. POTTER: Yes, I do. The reason we put this here just so you can be aware what's here and the other houses over here. The applicant is proposing a three lot subdivision, the entire parcel is six acres. The one parcel lot number three has an existing house, that parcel would be approximately three acres. The other two lots are proposed for four bedroom home, they each are approximately 60,000 square feet.

MR. ARGENIO: Jen, that meets code?

MRS. GALLAGHER: Yes, it does.

MR. ARGENIO: That's crazy, huh?

MR. VAN LEEUWEN: Can I say something? That's a two story house, not a one story house, the big house, it says one story, one story dwelling, it's not, it's two.

MRS. POTTER: Okay, thank you.

MR. ARGENIO: Go ahead, ma'am.

MRS. POTTER: We have met with, or Dave Higgins is the engineer for the project, he had met with Mark Edsall and had gone over a number of things. One of the things that has been done the driveway according to Mark's comments there's a negative pitch of two percent

so no drainage will be going into the town road. The driveways are in excess of 10 percent. So one is 14.2 percent, the other is 14, we'll be paving these driveways, we'll be providing drainage going to the culverts at the driveway. No drainage will be going into the road, it will be going into the road side swale. We have also done soil testing.

MR. ARGENIO: Are you done with the driveways?

MRS. POTTER: Yes.

MR. ARGENIO: Mark has a comment here, because of the steepness of the slope you should consider parking area at the bottom of the driveways.

MRS. POTTER: We will be, we'll take a look at that and be proposing a parking area down in this area here.

MR. ARGENIO: Makes sense, 14 percent is steep.

MRS. POTTER: Yes, it does.

MR. VAN LEEUWEN: I didn't think it was that steep in that area, I drive passed there every day.

MRS. POTTER: Yeah, it is.

MR. ARGENIO: Get out and walk it.

MR. VAN LEEUWEN: I'll have to do that.

MR. ARGENIO: Ma'am, can't you, I mean, I don't want to tell you your business, but you have a utility pole here that you're going to have to relocate, can't you put the driveway somewhere else?

MRS. POTTER: I can ask Dave if he can look at that.

MR. ARGENIO: I'm good, the planning board's fine.

MRS. POTTER: The concern is trying to make the grade coming up here without going above the 15 percent. As I said, one of the driveways is at 14.2 percent so you're looking for the length that you can get up here.

MR. VAN LEEUWEN: Okay, I see what you mean.

MR. ARGENIO: I'm okay with it but I just think that if you can avoid dancing with the utility companies,

Verizon, Cablevision, I mean, it's a disaster, you know.

MR. VAN LEEUWEN: It is quite steep there now.

MR. ARGENIO: Go ahead, ma'am, you're taking about sewer I think?

MRS. POTTER: Yes, the prior, when we had first done this plan that was submitted to you and dated April 17 we have since gone out and done joint site soil inspections and designed the systems accordingly.

MR. ARGENIO: What's joint mean?

MRS. POTTER: We do the soil testing and the engineers witness them.

MR. ARGENIO: So you've witnessed soil testing out there?

MR. EDSALL: We have, that occurred and was completed and reported in, after these comments were made so it was in progress.

MR. ARGENIO: The reason I ask that cause on Mark's comments it says that they had not done that so obviously they have and that's good.

MRS. POTTER: This was done between the work session and this planning board meeting.

MR. ARGENIO: What were the percs, are they here, I mean I can find them?

MR. EDSALL: They're not on the plan.

MR. ARGENIO: Do you remember what they were?

MR. EDSALL: I'm pulling out the submittal.

MRS. POTTER: For lot number one they were 28 and five minutes and for lot number two they were nine and two minutes.

MR. VAN LEEUWEN: They're pretty good for that area.

MR. ARGENIO: Okay, ma'am, go ahead, I keep interrupting you, I'm sorry.

MR. ARGENIO: So you did the percs with the town engineer there.

MRS. POTTER: Yes, and there's a design for the two proposed four bedroom homes. We have also marked the location of the driveways on the road. We had a call from the highway superintendent, Mr. Fayo, he said he was out there and he was forwarding his information to the town regarding the sight distances and he was satisfied with where the driveways were located.

MR. ARGENIO: Mr. Fayo?

MRS. POTTER: Yes.

MR. EDSALL: Mr. Chairman, that would clarify the second page top bullet. I spoke with Dave Higgins today and in fact in our work session I suggested that he consider that and he apparently which I found out today took care of it and had it marked right on the pavement so they took advantage of that as well.

MR. ARGENIO: Mark, this has to go to county, does it not?

MR. VAN LEEUWEN: No, it doesn't,

MR. EDSALL: I don't think it has to go to county.

MR. ARGENIO: It's within 500 foot of an agricultural district.

MR. EDSALL: It goes if it's within 500 of the AG district it goes for that reason.

MR. ARGENIO: Am I right or wrong?

MR. PALMER: You're right, Mr. Chairman.

MR. ARGENIO: It's a simple application, nobody on the board is speaking up here so I don't think anybody here has any concerns about it but we need to, I mean--

MR. VAN LEEUWEN: I know the property and I know the people and there's no problem that I can see.

MR. ARGENIO: We're good with Anthony Fayo, we're good with Mark, he witnessed the percs which you have to do in the west end of the town. The driveway you're going to clean up, you're going to put the--

MRS. POTTER: We're going to put the parking area.

MR. ARGENIO: Which you'll need to do which again is not a big deal but you need to go to county. Unfortunately it is what it is. Mark, what else?

MR. EDSALL: Nothing I think at this point.

MR. ARGENIO: Is there anything we need to get focused on here?

MR. EDSALL: No, it's a very straightforward application. As you've pointed out already, the only challenge is the driveways, they have dealt with that. The sanitary systems seem to be coming into completion. Procedurally, I would think that the only step other than sending it to the county would be deciding if you want to have a public hearing.

MR. VAN LEEUWEN: I make a motion we waive public hearing, it's not necessary out there.

MR. ARGENIO: I can't imagine it does. Anybody want to second that motion or disagree or do something? I can't imagine the need for it out there.

MR. BROWN: I'll second it.

ROLL CALL

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

MR. ARGENIO: The lots are in conformance, they're bigger than what they need. What's the zoning out there, Jen?

MR. VAN LEEUWEN: Two acres.

MRS. GALLAGHER: No, 60,000 square feet, 40 of it has to be buildable.

MR. VAN LEEUWEN: I don't see no problems with the whole thing. I know where it is, I pass it every day and I know the people, I knew his mother and father, nice people.

MR. ARGENIO: What else do we need to be doing procedurally to make sure this is moving along?

MR. EDSALL: I'll work on the County Planning referral, I'll work with Lorraine and Dave on what else needs to be added to the plan for final form. I'd say the next time they come in they should be in final form.

MR. ARGENIO: Anything else, ma'am?

MRS. POTTER: No.

MR. EDSALL: You may want to authorize your attorney to prepare a negative dec and draft resolutions cause I don't see the need for multiple visits to come back in.

MR. ARGENIO: Couldn't agree more. Why don't you get that done, Taylor, tell Dominic to do it?

MR. PALMER: You got it.

MR. ARGENIO: Thank you, ma'am.

MRS. POTTER: Thank you very much.

RIDGE RISE (04-27)

MR. ARGENIO: Next is Ridge Rise, Windsor Highway, Entec Engineering. This application proposes development of the 30 plus acre parcel into a multi-family development with 148 units. The plans were previously reviewed at the 13 October 2004, 25 October 2006, 26 March 2008, 18 November 2009, 11 August 2010, 9 March 2011, eight August 2012, 13 March 2013, 10 April 2013, 22 May 2013 and 26 June 2013 planning board meetings. I see Mr. Zeppone here to represent this. Nothing would make me happier than to put no more dates. Mr. Slutsky, why don't you come up? Mark, I don't have review comments here, you want to review a conceptual site plan?

MR. ZEPPONE: That's part of why we're here.

MR. SLUTSKY: Not quite.

MR. ZEPPONE: Go ahead.

MR. SLUTSKY: We just modified the plan that was approved by you.

MR. ARGENIO: We didn't approve this yet.

MR. SLUTSKY: The plan that we have been reviewing all these years we just modified one section of it. And this is what we have in front of you. If we get the blessing we're going to submit the plans. The majority of the plans, all the roads remain the same, water remains the same, drainage remains the same. We eliminated some of the roads which would improve the absorption. We added some more landscaping which is another benefit, whatever was accepted by the board before I think we improved it but in order to get to the details of the last approval that we need from the DEC we need to get the blessing of this.

MR. ARGENIO: Did I miss something here, Mark, we're using terms like blessing and accepted here, and we see a lot of plans, we didn't approve this, did we?

MR. EDSALL: No, it's, at this point, it's still under review. With New Windsor's law, there is no intermediate preliminary approval step, you get an application, you review it and when it's ready for approval, you usually grant either conditional approval or just final approval.

MR. ARGENIO: So you've added some landscaping, Mr. Slutsky, what else have you done?

MR. SLUTSKY: We eliminate, this is before and this is the after.

MR. ARGENIO: Which is before?

MR. ZEPPONE: The lower drawing is the previous one.

MR. ARGENIO: Have you reduced the unit count?

MR. SLUTSKY: No, we make the units smaller, we used the amount of the buildings but made the units smaller so we end up with the same amount 149, 148 so the numbers did not change, only one unit.

MR. ZEPPONE: You can see the cul-de-sac.

MR. SLUTSKY: This cul-de-sac was eliminated, this was eliminated.

MR. ZEPPONE: Those were the condo units.

MR. SLUTSKY: All the roads remain the same and in this section that used to be garden apartments turned into townhouses.

MR. SHERMAN: Both sections are now townhouses?

MR. SLUTSKY: Correct.

MR. ZEPPONE: All had been rentals but the format will be a townhouse.

MR. SHERMAN: Before that section was rental, right?

MR. ZEPPONE: Right.

MR. ARGENIO: You know what, I like that. How big are the units Al or Tomer?

MR. SLUTSKY: The unit will be up a scale, I've got some elevation to show you 1,500 to 2,000, three stories, we're trying to eliminate the retaining wall to make it like more natural, most of the units would be three stories with garage under.

MR. ARGENIO: So you're trying to use the natural

topography, is that what he's trying to say?

MR. ZEPPONE: Yes, yes.

MR. ARGENIO: Okay, what about the highway improvements, you're going to go drill some holes or do something, how'd you make out with that?

MR. SLUTSKY: After six months more we're scheduled to do it.

MR. ZEPPONE: Pretty much the alignment and striping has been agreed to, I'm not directly involved.

MR. ARGENIO: What was the fella's name?

MR. SLUTSKY: Mr. Simoff.

MR. ARGENIO: So you're still working with him trying to get that squared away?

MR. SLUTSKY: Tomorrow 9:00 we're going to do it.

MR. ZEPPONE: I believe the alignment and the striping that's all worked out, they're ready to go in with the pouring tomorrow and with the board of health this week we'll be responding with the final four comments which are primarily administrative and health will be under control. When we saw you last I don't think we submitted yet at that point.

MR. SLUTSKY: Something I forgot to mention, we prefer again with the blessing of the board to start with the existing road so we came out with more beautification of the commercial drive which means we had all of this landscaping to create like an entrance. This was an open, no curbing at all, so we add like kind of islands between the existing commercial tenants, we're going to neutralize, make these very nice.

MR. ARGENIO: Zafar?

MR. SLUTSKY: Zafar, but this is the intention to come from here to do stuff here the first section, that's going to be the second section. If you want to see it in a larger form this is a larger form.

MR. ARGENIO: You're saying that road is a curbed road now?

MR. SLUTSKY: No, right now it's not curbed.

MR. ARGENIO: Then you said I don't want to do the curbs, it was curbed initially and Mark said and we all agreed it makes sense to not have the curbs there, it's a commercial driveway.

MR. SLUTSKY: Makes no sense mainly because you have commercial with trucks, you never know where they're going to come to make things interesting here. This owner of that property that owns this piece so you never know what he intends to do with it. But because we establish the landscaping and we intend to surface the road and stripe it to add some places that we know that nobody will object to section of the curbing. If the board decides it's not the proper thing to do we're not going to do.

MR. ARGENIO: What are you doing with this here, what's going on here with this here?

MR. ZEPPONE: This right now it's an uncontrolled entrance, it's paved from the radius to the radius and there's nothing, there's no curbing, no planters or anything. If you may recall several meetings back we agreed that Mark and I once this is approved, go out and meet with the individual owners and try and close some of these down so that as you drive up the street rather than people coming at you from anywhere within a 200 foot stretch, it would be controlled. And we have to coordinate that with the owners because the truck traffic is obviously a consideration. So while it may not be curbed, the planted areas will provide some control over the access points and it will calm down the traffic and obviously beautify it. So this conceptually is what we're looking at but in detail again the agreement was Mark and I would meet with the building owners and work out an individual plan on Tomer's property because he owns this right-of-way and do that as part of the improvements and approval process.

MR. SLUTSKY: To continue.

MR. ARGENIO: Yeah, continue please.

MR. SLUTSKY: To make sure that if we start from here that we have took care of it, so as you remember, we have like a bus station on the other side so we created another location here. Let me say differently, while

we're using this road to take care of the kids with the bus, school bus, we have a temporary location for the station.

MR. ARGENIO: That's going to be an interesting discussion that we're going to have another time.

MR. SHERMAN: On a commercial road?

MR. ARGENIO: I didn't even have to say it, precisely, precisely, that will be an interesting discussion for another evening.

MR. VAN LEEUWEN: Trouble is nobody owns this road.

MR. SLUTSKY: No, we own it, I own the road.

MR. VAN LEEUWEN: You own the road?

MR. SLUTSKY: Yes.

MR. ARGENIO: The deal is would you take that plan down, Mr. Slutsky, please and leave the other one up? Henry, what I don't want to speak for you, Dave, is that, if you have this entrance and this entrance, what Mr. Slutsky's saying look I want to build this, I want to build that later but in the meantime, the kids are going to stand on the corner here with the tractor trailers buzzing passed them. And Dave, I think what Dave is saying that that probably is not something that's going to work and we're going to need this type of thing constructed on the front end. I think that's what Dave Sherman is saying but I don't want to speak for him because Dave, I was thinking the exact same thing.

MR. SHERMAN: Wasn't there a discussion of the turnaround?

MR. ZEPPONE: Yeah, we eliminated the boulevard type structure so they can leave right from the dropoff and do a U-turn and go back in.

MR. SHERMAN: So that section is not going to be built?

MR. ZEPPONE: That's what's being proposed now deferred, right.

MR. SHERMAN: So we have to have a place.

MR. VAN LEEUWEN: They want to wait on that section, just do the one section but that's going to be too dangerous for kids.

MR. ARGENIO: I would encourage you--

MR. ZEPPONE: Don't know what the truck count is, maybe that's a factor.

MR. ARGENIO: Al or Jennifer, I would encourage you guys to go look at the shelter at the work force housing on 32, you're aware of what I'm talking about?

MRS. GALLAGHER: Masons Ridge.

MR. ARGENIO: It's gone and it's gone because a car crashed into it. There's no kids in it when it happened but that's what we're concerned about but again, that's a discussion for another time.

MR. SLUTSKY: This is totally temporary.

MR. ARGENIO: I get it. Mark, any other thoughts or comments on this? Obviously, this is a rendering, it's not a plan, I'm happy to hear that Mr. Slutsky's talking about townhomes rather than apartments, that was not thrilling.

MR. EDSALL: I think the board had discussed in concept the change in the type of units and the size of the units previously at length. I know I discussed it with the chairman, I believe it was also discussed at one of the meetings. There still are some open approvals that we need to get and I think they're in the red zone from a football standpoint.

MR. ARGENIO: What approvals are out there? I mean, Mark, you can't come to as many meetings as they have been to and not be in the red zone in football terms.

MR. EDSALL: You would hope. As Al indicated, they're near the final stretch with the Department of Health DOT is just getting some of the data they want but I'm hopeful that we'll get back at least for our purposes an approval letter for the layout. They don't need to have a permit, just an approval letter for the layout.

MR. ARGENIO: The actual design.

MR. EDSALL: The layout dimensions that the board feels

comfortable that the lane configuration works. The last item which Al's working on is DEC, their everchanging or expanding jurisdiction, they for years indicated they had no jurisdiction on multi-family projects that are reviewed by the Department of State, condos, whatever, they considered them a single connection. Of late, they seem to have indication that they now have jurisdiction so because it's unclear Al's trying to nail that down, he's going to get us some type of communication, either they believe they have to review it or they don't. We have no problem either way but we just don't want to move forward without that clarification. And of course you've got now the phasing issue that the board's going to have to deal with as far as access through the Corporate Drive section first rather than as it started out as a secondary access then it became an actual access.

MR. ARGENIO: Now it's a primary access.

MR. EDSALL: That's something the board will have to deal with.

MR. ARGENIO: Not to interrupt you, Mark, Harry and Howard, do you guys agree with Dave's point, Dave Sherman's point?

MR. BROWN: Yes.

MR. FERGUSON: Yes.

MR. ARGENIO: Henry, you obviously agreed.

MR. EDSALL: They're on the final stretch, just need to get those issues resolved and get a final set of plans in. But we'll need some feedback from the board as to the phasing and rural access, road access.

MR. ARGENIO: That's going to be a problem the kids standing at the bottom of the road with the tractor trailers buzzing passed them, you could be right, the count's lower.

MR. ZEPPONE: I don't know, my personal experience--

MR. ARGENIO: It's a safety issue.

MR. ZEPPONE: -- when I was out there but that's not to say I'm out there at critical times.

MR. ARGENIO: Tomer, I think that other plan that you showed us I think you did a beautiful job.

MR. SLUTSKY: Thank you.

MR. ARGENIO: But you have to pull the details together, you have to pull it together, that length needs to be built, you need to build that, my friend.

MR. VAN LEEUWEN: I agree a hundred percent, I can't go for this.

MR. SLUTSKY: For the sake of the project by definition this is going to be the main, this will be the main entrance of the project because it's nicer and it's more, I mean, it's more impressive but in order to make these things work financially and in order for the banks to lend the money to make it into a reality, you got less amount of road here versus the amount of unit.

MR. VAN LEEUWEN: I can't go for that.

MR. ARGENIO: Now Tomer--

MR. VAN LEEUWEN: I'm not going to put kids because they're liable to sue us, how do we know?

MR. SLUTSKY: God forbid.

MR. ARGENIO: -- talk with Al a little bit about it, your engineer, he's, both you guys have come a long way on this project, I'm sure there's something that you guys can come up with to maybe defer this bit of construction or defer something here. I don't know, I don't know, it's not mine to figure out, just as your finances are not mine to figure out just as my finances are not yours to figure out. You guys talk about it and come up with something.

MR. VAN LEEUWEN: Why don't you see if you can use, temporarily use Washington Green's?

MR. ARGENIO: We already went down that road, not happening.

MR. SLUTSKY: Even recently.

MR. ARGENIO: They wouldn't even talk to him, we suggested that, wouldn't even talk to him, is that right?

MR. SLUTSKY: I tried it recently and no way.

MR. ARGENIO: Who owns that?

MR. SLUTSKY: I don't know.

MR. ARGENIO: Mark, who owns that?

MR. EDSALL: Bill Freid used to own it during development, I don't know if he still owns it.

MR. ZEPPONE: Just to throw out a thought, would there be any consideration if this were not finalized but were paved?

MR. ARGENIO: Yes, yes.

MR. ZEPPONE: Maybe not completely improved to the extent that we put a barrier here so there's no access so they can bring the kids down.

MR. VAN LEEUWEN: As long as the kids can walk.

MR. ZEPPONE: The bus picks them up, they turn around and go back in.

MR. ARGENIO: Chew on it. But I agree with Dave Sherman, to build that thing on Corporate Drive and that's the access for who knows how long, could be 10 years at that point permanent access as far as I'm concerned and that way throw the plan out at that point.

MR. ZEPPONE: Yeah.

MR. ARGENIO: You got to build that or some rendition of that northern most drive whatever you want to call it some rendition of it.

MR. VAN LEEUWEN: He's talking about a condition for final approval.

MR. SLUTSKY: No, no, you have very good hearing. For me to go to the bank, I got nothing to show them in writing as far as the position of the board. I mean, is there any way to get conditional final to hold the, to all the conditions that you would write something that can tell them where I'm at, they're telling me I'm almost there, I got to show them something.

MR. ARGENIO: We don't give conditional final approval but you have the minutes, I tell you I like this project, I think the board, the planning board likes this project. And you have moved along. The problem is you guys keep changing the direction of the road as things are moving along, which is okay, I get it, the market changes, you have to adjust and adapt to the market. The first time I met you was 100 years ago when you did, what's the one in Cornwall, you had a motorcycle?

MR. SLUTSKY: BMW.

MR. ARGENIO: Twenty years ago, 15 years ago. Tomer, we don't have conditional approval, I mean, you should bring them the minutes. I can comfortably say on the record in front of the engineer and in front of the rest of the members that the board, this board certainly looks favorably on this project. Mark just used the terminology you're in the red zone making an NFL analogy, meaning you've covered most of the football field, you're in the last 10 yards, you're very, very close, you just need to finalize the design, finalize the phasing and move forward.

MR. SLUTSKY: So in a sense what we're missing is somehow to address--

MR. ARGENIO: In a sense, I won't tell you what you're missing, you need to get a final plan to Mr. Edsall to say what you're missing.

MR. SLUTSKY: But as far as the phasing?

MR. ARGENIO: The phasing I think I was clear enough was I not? That's one paragraph in the minutes, get those minutes, bring them to the bank, I think I was very clear.

MR. SLUTSKY: I do appreciate that.

MR. ARGENIO: Al, anything else?

MR. ZEPPONE: That's it.

MR. ARGENIO: Thank you, Mr. Slutsky, thank you for coming in.

DISCUSSION

GREENTRACK - PROPOSED CASINO AT STEWART AIRPORT

MR. ARGENIO: Okay, the last item, the last item and it's not on there because it just came up recently after Cammy published the agenda is the casino, the casino. Okay, the deal is this is that here's where we're at as far as I know and I'm going to ask Taylor to speak briefly about this cause we don't have anything in front of us to review. It was thought originally that the casino was not a planning board issue but apparently it is a planning board issue insomuch as we're to review location and the things that we typically review as a planning board, you know, drainage, things of that nature, site features, that type of thing. If I misspeak, Taylor, please interrupt me or Mark, you're aware of the law as well, interrupt me please. So the town board has taken lead agency on this which I don't think I have a problem with but, you know, we should, we'll talk about it tonight. So Taylor, share with us, Taylor or Mark, share with us about the casino, what you guys know and what other obligations as a planning board going forward.

MR. PALMER: As Mr. Chairman said, the application was circulated for lead agency by the town board. Greentrack was under the impression that they did not need to go through the local zoning requirements which is part of the request for the applications by the RFA as it's referred to by the state. The applicant then asked the state for clarification of whether they would need to proceed under zoning within the town and only after that did they learn that they would in fact have to go through the local zoning process. The applicant recirculated their notice which they included to the Town of New Windsor Planning Board, the notice was circulated on April 14, meaning the 30 days would expire tomorrow, which is why the town board has requested or provided information to the planning board today, therefore the town actually has a provision its code Section 130-5 for town actions where the town is an entity which is to carry out the action of other than the aforesaid exempt or Type II action the town board, not the planning board, would have jurisdiction to determine whether said action may or will not have significant impact on the environment. So there was actually a code provision to this extent as well. So therefore with that being said, we recommend that the board's action tonight would be we recommend that the

board authorize the chairman to provide a letter to the town board that consents to the town board being the lead agency for this particular project and it would be done through an oral resolution by the board indicating such an authorization.

MR. ARGENIO: Taylor, correct me if I'm wrong, the planning board agreed that the town board be lead agency, it means that they're lead agency for this application, but the planning board is still charged however with site plan review, is that correct?

MR. PALMER: That's my understanding, Mr. Chairman.

MR. ARGENIO: I want you guys to understand it's not like--

MR. VAN LEEUWEN: They're taking over.

MR. ARGENIO: Correct, correct, and typically, we're lead agency for these types of things with some exceptions. I mean, the Global application down at the river, you know, they're talking about fuel oil, transfer and back and crude that's going to come out of North Dakota and all kinds of other intermunicipal issues, the DEC is going to be lead agency, don't know anything about that, nor does Mark, it's just not what we do, we're local zoning and we know what makes sense in this town, we've been here for many years, we're residents. So that's typically where we are so in deferring this issue, I shouldn't say in deferring this issue, in agreeing that the town board should be lead agency, we still are obligated to do a site review process and this site I'm sure everybody knows is up in Stewart and that's the former New York or New York International Plaza or I guess we still call it New York International Plaza and we did a whole SEQRA review on that quite a few years ago for all the hotels, et cetera, et cetera, that were going to be developed there by the Beatty boys from Albany and they left town at some point in time in the past few years and we have the property. But again, that SEQRA issue is going to be something the town board will deal with and they'll handle it as they see fit and we'll deal with what we have to deal with. Mark, do you have anything to add?

MR. EDSALL: No, only that relative to the environmental review, the SEQRA review, the Greentrack folks and the town board obviously are using the New

York International Plaza Environmental Impact Statement as the foundation of their evaluation. They are in fact comparing the various elements of potential impact as were analyzed in that EIS versus the revised uses that may result from the casino. I'm aware of that only because the traffic consultant, Phil Greeley, has participated in some discussions as well as I have on which intersections should be evaluated. Again, as a follow-up comparison to the EIS, I've had limited involvement, I know that's something that's ongoing so your reference to the EIS is have appropriate. Back when the EIS was completed for the redevelopment of Stewart Army Subpost back in 2003, the planning board was the lead agency but that was mainly because it was almost like a big site plan review at that point.

MR. ARGENIO: That's exactly what it was, a big site plan review.

MR. EDSALL: Then you effectively looked at a multi-component site plan and said we'll see you for each piece, come back--

MR. ARGENIO: That's correct.

MR. EDSALL: -- here, the town board has the benefit of all the hard work the Beattys and this board accomplished with the EIS to use as a basis.

MR. ARGENIO: There's a lot more moving parts to this casino business, former planning board chairman Petro who's now the leasing consultant for the town for our property at the airport and Greentrack and the town board and the zoning issue as to how zoning for gaming is treated relative to the State of New York, there's so many moving parts, it does make a lot more sense that the town board be out front on it and then we'll do our job, we'll do what we normally do and what we have expertise in and Mark has expertise and Taylor and Dominic has expertise in. Do you have anything to add Madam Building Inspector that I didn't cover?

MRS. GALLAGHER: Not at all.

MR. ARGENIO: So Taylor, I would think that the appropriate thing to do is to accept a motion that we concede lead agency to the town board would be a good place to start.

MR. PALMER: Correct, direct that a letter, we would

recommend that the letter come from the chairman to the board so stating as you suggested.

MR. ARGENIO: Motion to that effect?

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that I be authorized as Chairman of the Planning Board to send, have counsel craft a letter telling the town board that we agree with the fact that they should be lead agency. Roll call.

ROLL CALL

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

MR. ARGENIO: It's that simple, is it not? Anything else?

MR. PALMER: That simple, that's it for tonight.

MR. ARGENIO: Motion to adjourn?

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth
Stenographer