

TOWN OF NEW WINDSOR

PLANNING BOARD

August 13, 2014

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

ALTERNATE: 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

MEETING AGENDA:

1. Creek View MHP
2. Yeshiva Ohr Naftoli
3. Apple Ridge Sub.
4. Classic Home Builders
5. Legacy Woods
6. Stonegate at NW

REGULAR MEETING:

MR. ARGENIO: Welcome everybody, I want to call the meeting to order, the regular meeting of the Town of New Windsor Planning Board for August 13, 2014. Please would everybody please stand for the Pledge of Allegiance?

(Whereupon, the Pledge of Allegiance was recited.)

APPROVAL OF MINUTES DATED 6/25/14 & 7/9/14

MR. ARGENIO: Welcome. First order of business tonight is approval of the minutes dated June 25, 2014 and the minutes from July 9, 2014, they were sent out via e-mail on the 21 and the 23 of July respectively. If anybody sees fit, I'll accept a motion we approve them as written.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded that we approve the minutes as written. Roll call.

ROLL CALL

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

CREEK VIEW MOBILE HOME PARK

MR. ARGENIO: Annual mobile home park review is on for tonight for Creek View Mobile Home Park. Somebody here to represent this? How you doing tonight? What's your name, sir?

MR. GLYNN: Arthur Glynn.

MR. ARGENIO: Jennifer, has somebody from your office been by Creek View Mobile Home Park to have a look?

MRS. GALLAGHER: Yes, we have.

MR. ARGENIO: What say you?

MRS. GALLAGHER: No issues.

MR. ARGENIO: Did you bring a check for the benefit of the town for \$250?

MR. GLYNN: Yes.

MR. ARGENIO: I don't see it in your hand.

MR. GLYNN: It's in my pocket.

MR. ARGENIO: Building inspector has no issue there. I'll accept a motion we offer one year extension.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made by Mr. Van Leeuwen, seconded by Mr. Gallagher. I'll have a roll call.

ROLL CALL

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

MR. ARGENIO: Thank you, Mr. Glynn, you can give the check to Cammy and I'll sign your approval right now. We'll see you in a year.

PUBLIC HEARINGS:

YESHIVA OHR NAFTOLI (14-10)

MR. ARGENIO: First item on tonight's agenda is a public hearing for Yeshiva Ohr Naftoli special use permit on New York State 94. The application proposes two phase expansion of the main building on the site to expand the dormitory, classroom, study hall and cafeteria. Plan was previously reviewed at the July 2014 planning board meeting. The application is here before the board this evening for a public hearing. So for those of you who are not familiar, Mr. Dates, the engineer, and the applicant will show us their plan and what they're proposing. The board will ask any questions. As I remember from last time they were here I don't think there was a lot of questions, it was a pretty straightforward application. Then at that time, we'll open it up for the public comment and I'll give you some instructions at that time when we open it up and we'll have a public hearing and discuss whatever issues are out there and we'll move forward from there. So that said, Mr. Dates, can you tell us where we are with this application please?

MR. DATES: Sure. Justin Dates with Maser Consulting. With me is Mr. Krausz. So the application is for an expansion to the existing Yeshiva Ohr Naftoli School. There are four areas of the building they're looking to expand, one is a 34 room dormitory, there's a study hall area.

MR. ARGENIO: I'd like you to present to the board first, please speak louder, members of the public please bear in mind this portion of the presentation is for the benefit of the board and Mr. Dates will turn the easel and he will certainly answer any questions anybody may have but please do speak up a bit, Mr. Dates if you would.

MR. DATES: Okay, just to go back, the school's looking to expand in four areas of the building, there's a 34 room dormitory expansion, a proposed study hall expansion, four classrooms to be expanded as well as an extension of the cafeteria. The project site is about 39 acres in size located in the town's R-4 zoning district, has frontage on Route 94, Forge Hill Road, is right adjacent to the senior housing complex on the corner of 94 and Forge Hill, Arbor Grove. In addition to the building expansion, we had a meeting since the last planning board meeting, we met Ken Schermerhorn

from the town regarding fire access and we viewed proposed expansions to the access, it's along the main corridor as well as an extension on the south and expansion on the north. That has been proposed on the plan along with proposed grading and drainage improvements to accommodate the conditions. The additions are proposed to be phased as presented last meeting, the first addition would be on the south side of the building and it will be the study hall area. Phase two would be the dormitories and classrooms which is the dormitories are on the southern phase of the building and then the northwest is where the classrooms would go and then final phase would be the addition to the cafeteria. Also discussed last meeting was the parking. What we did is in conjunction with the expansions for the fire access lanes, we're proposing one space adjacent to the existing six and we put some on the southern sides next to the classroom three more spaces and also included over on the very northern end of the site we delineated a striped, two more additional spaces so six total for that.

MR. ARGENIO: Okay, if the members have any questions, initial questions on this, I know we went round and round a bit with it last meeting, please ask them now and after that we'll open it to the public. Harry and Howard, is there anything in particular that you're focused on? Danny?

MR. GALLAGHER: Not at this time.

MR. VAN LEEUWEN: I'm okay with it.

MR. ARGENIO: On the 24 day of July 2014, Mr. Dates or somebody he appointed compared 85 addressed envelopes for the notice of public hearing pertinent to this application. This list was supplied to him by the tax assessor for the Town of New Windsor. The notices went out and were distributed and obviously based on the amount of people in the room, I assume somebody got the notice. So at this time, we're going to open the public hearing. Mike, I'm sorry, I took your spot, I didn't expect you here tonight. So Mr. Krausz, if you would move your story board to my left please so the public can see the plan and Mr. Dates, you can turn your easel, set it down that'd be great and here's what we're going to do. If you have a question, a comment or a question on the plan, I want you to come forward, clearly state your name for the benefit of the stenographer and sign in on that paper that Mr. Sherman

has put up on the divider there. So does anybody have a question about this application? I see hands. Ma'am in no particular order with the white coat on please would you come up and give the stenographer your name and write your name on the piece of paper there as well?

MRS. GRASSEL: My name is Mariann Grassel, I live at 12 Provost Drive.

MR. ARGENIO: What do you have, Mrs. Grassel?

MRS. GRASSEL: I have some general questions about the expansion. Our neighborhood has not heard anything so we can't envision what's going on. So how many more people are we expecting, what size is the community at this time?

MR. ARGENIO: If I can also make a comment for the benefit of everybody in the public, please listen to the folks that come before you because what's very non-productive is to go over the same thing time and time again and I'm going to strongly discourage that cause there are a lot of people in the room and I would like to hear from everybody, we would like to hear from everybody. So Mrs. Grassel, one at a time just whatever you just ask your questions and we'll try to get the information out there.

MRS. GRASSEL: Okay, the size of the community right now is how many folks?

MR. KRAUSZ: It's not a community, it's a school. What we have on, at the site is right now a high school and a post high school with teenage boys ranging from 13 years of age to 25 years of age. We have been at the site for about five years now. From the time that we have been there which we started at approximately 60 students we have increased by 50 percent already and we're at 90 student's today and we're anticipating additional growth over the next four or five years.

MRS. GRASSEL: Can we expect how many, I'm looking at you have 34 rooms in the dormitory, how many anticipated living in that dormitory?

MR. KRAUSZ: So it's four per room so doing that mathematically we're talking about 120 students.

MRS. GRASSEL: Adults to take care of the students?

MR. KRAUSZ: We have a staff, right now the staff that's servicing the student body now could account for another additional growth of 30 students, our classes are not totally full. We anticipate over the next five years or so to probably have to add a staff of about five or six in addition to what we already have today.

MRS. GRASSEL: And right now you have how many?

MR. KRAUSZ: Currently, there's 20 staff, they're not all there at the same time, there's teachers that come in the afternoons, some in the mornings but that's what we have.

MRS. GRASSEL: Thank you. Do you plan further expansions after this?

MR. KRAUSZ: We specifically did look at a master plan, what we have here is things that we're looking at stuff like phase one which is actually that building in the middle that's a study hall, that's where we're starting and we specifically went and sat down with our board of directors and tried to plan out the next number of years so we can anticipate all growth for the next five years and that's kind of when we think things will plateau. There's no guarantees that it can't go further but we really wanted to bring it all into the planning board today so everyone gets an idea of what our overall plans are.

MRS. GRASSEL: Okay, do you have plans for runoff? There's a lot of runoff, there's a lot of concern because we're on a hill, runoff, where is it going to go? Is it in the plan to add sewer or drywell or some way to connect up with our New Windsor main sewers for water runoff?

MR. DATES: What we're proposing, we have some existing drainage on the site in the area of the proposed classroom addition there's an existing drainage, we need to reroute to help collect runoff at low points and would discharge to the existing storm water system on the site. Otherwise, where we're proposing the additions we're regrading things out so surface runoff we're proposing to service less than one acre, the project is going to be phased so for each phase erosion control measures are put in place to control runoff during construction and then post-construction it would be stabilized with lawn areas, things like that.

MRS. GRASSEL: No additional hookup to the storm sewer system in that one area?

MR. DATES: That's correct, just on-site.

MRS. GRASSEL: Thank you.

MR. ARGENIO: Thank you, Mrs. Grassel. Just so I can, we're going to give everybody a little bit of latitude here, typically the comments are suppose to go directly to the board but we're using a little bit of latitude here because I'm envisioning that a lot of folks' questions are particularly about the site so we normally wouldn't have Mr. Dates addressing an applicant. But in the interest of efficiency so everybody can be as informed as possible we're going to try to allow that direct contact as much as we can. So does anybody else have a question? Ma'am sitting behind the gentleman in the green shirt, the town attorney?

MRS. SHEEHAN: My name is Jamie Sheehan, J-A-M-I-E S-H-E-E-H-A-N. Okay, my first question refers to a clarification rather, 34 times four is 136, not 120, just wanted to make that clear.

MR. ARGENIO: What's that relative to?

MRS. SHEEHAN: The number of students they'd be increasing to. And my concern with that is my property directly borders this property in the back and to me that makes a difference as a teacher and a mom with the amount of noise when those boys 13 to 25 are out and playing in the yard and stuff like that. Additionally, you said you're talking--

MR. ARGENIO: Is it a problem currently?

MRS. SHEEHAN: Yes, yes, sometimes, sometimes later in the evenings I have small children they go to bed early, I have some elderly neighbors that also go to bed early. Additionally, sometimes people use our back yard as a walk-through, no one's ever been rude or anything like that but oh, we're hiking, not in my back yard, so that kind of a thing.

MR. ARGENIO: Let's just stay, okay, continue please.

MRS. SHEEHAN: Okay, as far as the phases go, what is

the proposed amount of time that you will be doing construction over the course of the phases?

MR. DATES: From a full, from start to finish?

MR. KRAUSZ: Phase one which is really something we're looking to start in the immediate, as soon as the approvals come in which is that--

MR. VAN LEEUWEN: Louder please so the audience can hear you.

MR. KRAUSZ: The study hall which is phase one of the total proposal is something we'd anticipate beginning as soon as the approvals come, if that works out, and I imagine construction of that phase one would be about a year to complete that study hall structure. After that, we don't have a solid time on when we want to start phase two. Phase two like we said is the dormitory and a classroom wing and we'd anticipate those are larger constructions that will be more than like 18 months but that wouldn't begin for another three years or so, that's not for the immediate. But like I mentioned to the earlier person who spoke that we really wanted to put all our plans for the next number of years out there. So let's say the phase two would begin in about three years from now and I'm not a builder but it would seem like an 18 month to two year project.

MR. ARGENIO: Mrs. Sheehan, maybe I can shed a little bit of light on that for the benefit of everybody. Mark, our attorney or Mark Edsall, our engineer in conjunction with our attorney when they became aware of this project and they started speaking to Mr. Krausz at the workshop level, they encouraged in keeping with the way we handle many other applications is to have the Yeshiva folks as best they could push out and project what buildings they are going to want to do over the next few years. So we, this was not approached in a piecemeal fashion where you're sticking a piece on a building every year or every two years. Do you have anything to add to that, Mark?

MR. EDSALL: Well, one of the concerns always is access. As part of the presentation, they spoke about emergency access and by looking at it long term, you can coordinate those issues now rather than possibly have a problem later where you put a building that would obstruct access that the emergency services might

want. So it's better to coordinate a long term plan.

MR. ARGENIO: That phasing, my point is that phasing was driven by the town planning board.

MRS. SHEEHAN: Which I understand. I'm looking at it from a homeowner's perspective, I'm going to be looking at construction over the next five years. So that was my concern there. As you mentioned the access, did I understand correctly that on the plan you're going to be expanding the driveway on both ends?

MR. DATES: Yes. What we're looking at to do is we're expanding and it varies to meet the requirement of the town, 30 foot access I'll call it the front of the building or the northwestern side then this addition right here, this is the proposed dorm area, if you want to come closer, so this is our access road. So we wouldn't propose a drive, a fire access drive along this southern end of the building so the apparatus can get in there with access to the dorm and then on the far side we would be--

MRS. SHEEHAN: They're explaining to me that my property doesn't border where they're expanding and that you're not planning to do road construction on the side of Rocky Lane and Butterhill on that end?

MR. KRAUSZ: That's correct.

MRS. SHEEHAN: Okay, I see, okay. And I know that Miss Grassel spoke to runoff and drainage. Since the other building has been put up on the other side of the property we have now experienced flooding on our side. I did want to speak to that just in the fact that you mentioned that you weren't planning to put in any additional sewage hookup and whatnot but there's a drainage and runoff problem on my property caused by from a science perspective there's already been some logging on that property. So that has taken away the absorption through the trees and stuff like that and to put on that extra square footage not putting in any extra drainage seems like it might propose a future problem.

MR. VAN LEEUWEN: Is that their water going on your property?

MRS. SHEEHAN: I would have to assume since it borders that a lot of it it does because it runs--

MR. VAN LEEUWEN: Are you below?

MRS. SHEEHAN: We're below, it runs downhill.

MR. VAN LEEUWEN: That should be taken care of by them, not by you.

MRS. SHEEHAN: Right. Okay, I think those are my valid points at this time.

MR. ARGENIO: Thank you, Mrs. Sheehan.

MR. DATES: Can you point out are you on Rocky Lane?

MR. ARGENIO: Would you turn that map this way cause I was going to ask her to do that later on but you got to it before me, see if you can identify your lot there, Mrs. Sheehan.

MRS. SHEEHAN: We're the last lot, this must be us because it turns into state property at the end so this must be our last lot right here.

MR. ARGENIO: Put an X on your lot there please.

MR. EDSALL: Is that lot 10, tax lot 10?

MR. DATES: Yeah, 49-6-10.

MR. ARGENIO: Okay, well good, thank you.

MRS. SHEEHAN: Thank you.

MR. ARGENIO: Anybody else have a comment? Please sign in, sir. Justin, do we have a tax map? Do we have a copy of the tax map?

MR. DATES: No.

MR. EDSALL: Tax map numbers are showing on sheet one.

MR. WILLIAMS: Kirk Williams, how are you?

MR. ARGENIO: Just one second, Mr. Williams. Okay, Mr. Williams, what do you have?

MR. WILLIAMS: First I'd like to ask that the board postpone any action on this plan for two reasons, I think parking may have been an issue for people to

access this meeting tonight. Number two, I think that the public should have a chance to digest these drawings. I'd like to see site plans available to the public so they can come back at the September meeting.

MR. ARGENIO: Mr. Williams, we'll do nothing different, be it better or worse, be it more restrictive or be it less restrictive with this applicant than we would do with any other applicant in the Town of New Windsor. You have been here enough times to know we follow the law, we follow the code and we try to do what's right and Mrs. Sheehan and was very respectful brought up some very good comments. I'm looking forward to you sharing some light with us too.

MR. WILLIAMS: That's a good segway into my next comment or question. Why are we having a public hearing on this? I'm not used to seeing a lot of public hearings for somewhat major developments in the Town of New Windsor.

MR. ARGENIO: I don't know that I would classify this as a major development but by statute the public hearing's required for this application.

MR. WILLIAMS: So it's not a change of use?

MR. ARGENIO: It's the same use, it's an educational, I can tell you what it is, it's in Mark's comments, special permit use B-7 educational institution.

MR. WILLIAMS: Thank you.

MR. ARGENIO: Anybody else? Yes, ma'am, please come forward.

MRS. SMITH: My name is Sarah Smith. So I live directly on Blooming Grove Turnpike, I'm towards their second driveway. I've had issues where they were doing construction in the evening and when I evening, I mean 10:30 11:00 at night which they're putting in the baseball fields and the volleyball courts for the kids. I never once called in a complaint. But I do have serious concerns of where the buildings are going and how close and at what hours the construction is going to be happening because I will not listen to it at all hours of the night and over the course of a year.

MR. ARGENIO: Mrs. Smith, typically what I like to do is pull the comments in, close the public hearing and

then we'll discuss them. But let me just hit this noise thing with you and I want to be very precise with it. We have a noise ordinance in the town, end of story. Nothing else to be discussed. It's quite restrictive. If you have people next door to you, behind you or across the street banging hammers and making noise, you have to call the police or call the building inspector in the morning, probably call the building inspector would be the better approach. But that's easy to handle, you shouldn't endure that. This is a peaceful community, quiet community and we're going to try to do our best to keep it that way. So I would encourage you to do that, let Jennifer know in the building department she'll send somebody out to check it out, that should be--

MR. VAN LEEUWEN: She'll take good care of you, believe me, I know her.

MRS. SMITH: My other concern was increasing the class sizes, what is it going to do to increasing the flow of vehicles to the property? Blooming Grove Turnpike is already a busy street as it is, how many more can I expect to be entering and exiting your property?

MR. KRAUSZ: So the school that we have it's a dorming school so all the students that are in the school are there all week, that's part of why we're adding the dormitory for sleeping and none of them have cars. So the increase in traffic you would possibly see would be from staff which we anticipate over the next five or years or so growing by about six.

MRS. SMITH: And my other concern was with the property expanding as it is we don't have an issue with the property, we look across, it's a field, the boys don't bother us, I have no complaints in that end. I am looking at it as a resale value on my house down the line, is this property going to affect my resale value across the street? How much harder is it going to be to sell my house to know that there's an even larger school across the street now? That's not going to look promising to an incoming homeowner.

MR. ARGENIO: I can't comment on that because I don't know.

MRS. SMITH: That's a major concern of my husband and I.

MR. ARGENIO: I get it, I get it, but I can tell you the same as I said to Mr. Williams a few moments ago, that we have codes and rules in the Town of New Windsor and they apply to everybody equally, they're not more or less restrictive for Mr. Krausz the same as they're not more or less restrictive for Mr. VanLeeuwen when he was doing development work 20 years ago or whatever the years and years ago he built some houses with his father-in-law and such. So they're applied equally and evenhandedly across the board to everybody. I can make you no guarantees that the value of your property is going to go up or if it's going to go down but Mr. Krausz does have the right to develop his property as long as he follows the law same as you do, maybe it's subdividable, maybe not, I don't know your house.

MRS. SMITH: Thank you.

MR. ARGENIO: I know that's not the answer you want to hear but it's the truth. Thank you, Mrs. Smith. Yes, ma'am, would you please come forward?

MRS. YARUS: My name is Bette Ann Yarus and I live at 744 Blooming Grove Turnpike. I live directly across from the Yeshiva. And one of the things I'd like to speak about is that in the five years that you have been there there has never been an issue that I have witnessed from the students, they have walked, they have been polite, they walk through the neighborhood and it's fine, the school is fine. However, there are a couple of issues. And I will go back to a few years ago when Mr. Mandelbaum was developing part of the property and we had some issues with the beautiful property was then going to be developed and there was some concerns. One of the things that happened is Mr. Mandelbaum finally agreed to place trees around the edges of the property for the apartments and that has certainly mitigated--

MR. VAN LEEUWEN: That was a site plan.

MRS. YARUS: Whatever it was, I'd like to bring it out, it bears on what the other woman was saying about the value of her property. Because one of the advantages that we have in New Windsor is the views. And in my case I'm right across the street and there are aged trees that have been there forever and that adds to the beauty. So what I would suggest that in light of the concerns about property values, about the feel of the neighborhood, certainly the welcoming that you want to

receive with the additions and so forth, I would urge you and I would urge the planning board to if it means going to the site plan or so be it, but to look to maintain the beauty of the community by preserving the foliage and the trees and so forth that are at the edge of 94 because that will certainly maintain the look of the place and it will add to the property value issue that some of us are concerned about who are on the highway. Is that a fair statement?

MR. ARGENIO: Very fair, very well spoken, thank you, Mrs. Yarus. Anybody else? The young lady here in the dark hair and dark shirt.

MRS. SORICELLI: My name is Stacey Soricelli. Okay, so my thing is the financial thing. I know that I called the Commissioner of Finance today to verify that there are two years of back taxes that are owed in the amount of \$74,346. Now, if you, this is a tax exemption property because it's a religious thing so we would deduce that this money would be from unpaid utility, water--

MR. ARGENIO: Ma'am, I have to tell you this is not the venue to air that laundry, let me finish my point and then I'll let you go. This is the planning board, we address physical issues with the property, we address code, we're charged with making sure they meet the code, they follow the law, both prior to the application and subsequent to approval if they get to that stage. And we at this planning board at this public hearing level we're trying to get information from the residents in the area so we can direct Mr. Dates to consult with his client and ask them to do certain improvements on the property that will protect the neighbors around the property. We're not going to have a discussion about back taxes.

MRS. SORICELLI: But I can't ask if they owe that much money, how do we know that they have the financing for this project and it's not going to be half built and just sitting there because there's no money to pay for the rest of it?

MR. ARGENIO: The planning board, one of our functions is not to investigate the financial depth of Mr. Krausz same as I would not do that to you, I would not advocate doing that to you if you wanted to develop your property. I'm not saying it's not an issue, it's not an issue for this venue.

MRS. SORICELLI: Okay.

MR. ARGENIO: I'm sorry Mrs. Soricelli I couldn't help you. Anybody else? Yes, ma'am in the back?

MRS. TURNER: Diane Turner and I live at 19 Lafayette Drive in New Windsor. Addressing the issue of keeping the integrity of this area, a lot of them being single-family dwellings to the left and senior citizen housing to the right, I'm not familiar with the back part of it but I think being Butterhill it would be single residential houses.

MR. ARGENIO: What do we call that area, Jennifer, behind this like Cannon Drove, Provost?

MRS. GALLAGHER: That's in front of it, that's across the street, Butterhill is behind it.

MRS. TURNER: My question is how many stories will this dormitory be and will it be higher than what's already in the area or will it, the code only allow it to be certain amount of stories high?

MR. KRAUSZ: Can I respond to that?

MR. ARGENIO: Please.

MR. KRAUSZ: That picture that we brought that's an artistic rendering. If you were to look at that building in the center that's actually it's a two story high study hall and the dormitory is that wing over here that sticks out. Now if you look at this over here is the end of the existing dorm so we actually have the dormitory set to match that height and similar look as what's existing and that was our intention as well. We actually were sensitive to the fact that it is a beautiful property and a beautiful neighborhood so when we went out to the architects who put this plan together we very much tried to keep the look and feel of what's existing because you have a lot to be proud of in this neighborhood, we tried to only make it nicer so we brought that here for you to see.

MR. ARGENIO: I have to share with you candidly I've seen this image down here a few times and I think it's very nice. We don't typically have folks come in with a beautiful rendering like that, we're not an architectural board but a planning board so that's kind

of over and above which we expressed our appreciation to but go ahead.

MRS. TURNER: That's it, I just wanted to see how tall it was going to be.

MR. ARGENIO: Thank you. Anybody else?

MR. VAN LEEUWEN: Motion to close the public hearing.

MR. BROWN: Second it.

MR. ARGENIO: Seeing as there's no more show of hands, motion has been made and seconded that the Town of New Windsor Planning Board close the public hearing on Yeshiva Ohr Naftoli site plan on Route 94. Roll call.

ROLL CALL

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

MR. ARGENIO: Everybody, members, you guys heard what everybody said. I have a couple comments I'd like to make and I want you guys to weigh in. I'm sorry we couldn't help Mrs. Soricelli with her issues but unfortunately as I said this is not the venue for that. But I do want to talk just a little bit about Mrs. Sheehan's issue. Mr. Krausz, I'm sure she's not making up stories, people are obviously cutting through her yard if she says they are. I'm going to make a suggestion and possibly you could consider, where is that tax map, maybe where those residences are crowded up in the back there, those four or five lots maybe a fence back in that area of some type might be appropriate. I'm looking at Rocky Lane at the top right-hand side of the tax map and that would hopefully--

MR. VAN LEEUWEN: An enclosed fence, not a fence where you put the slats in between, cheap ones, we want a good fence.

MR. ARGENIO: Maybe Mark could I'm sure give you some guidance on that. I also want to address Mrs. Yarus' comment which really kind of hits home for me cause I live a little bit further west in the town out near

like Station Road out that way and it's quite rural, that's what attracted me there. One of the things you're not aware of Mrs. Yarus and a lot of the folks in the public are not aware of early on when this applicant came we made sure that there was no trees that were going to be cut up on 94. You have those beautiful, I don't know if they're pines or spruces, but there's beautiful trees there and personally I agree with you, I'm only one member of the board but no trees are going to be cut up there. And the application, the coverage on this property is in the order of one percent building coverage which is well below what's allowed in this area for this zone. Mark, do you know the number off the top of your head?

MR. EDSALL: It's well below the 20 percent, I think it's around seven or eight percent.

MR. DATES: Yeah 7.8 percent on a 20 percent maximum.

MR. ARGENIO: That's the number I was looking for.

MR. EDSALL: Less than half the permitted development.

MR. ARGENIO: The additions are going to be a one percent increase of the seven percent that's there right now, is that correct?

MR. DATES: Yes.

MR. ARGENIO: Danny, do you have any other thoughts?

MR. VAN LEEUWEN: One thing that was brought out tonight the taxes I will not vote for this unless the taxes are cleared up because these people including myself and everybody else should not have to bear your tax failures and it's only sewer, water and that stuff, I won't vote for it.

MR. ARGENIO: Let's be careful, I don't know their taxable status.

MR. VAN LEEUWEN: It's non-taxable, that's the only thing they pay.

MR. ARGENIO: What they paid, if they paid I don't know that but again, I want to stay focused on these issues. Danny to my left?

MR. GALLAGHER: Can you point out the fire access lanes

that you were showing where you're proposing?

MR. DATES: Right now there's an existing access drive that goes along the entire front of the buildings out to 94 in the two locations we're expanding that are basically in line with the addition of the dormitory 30 feet all along the front all the way down to the north side.

MR. GALLAGHER: Is that to allow them to have access to the back?

MR. DATES: Turn here and yeah, this ends right in this area on this existing building and then also down at this end southern end here we're proposing an access drive that comes to the back of the proposed dormitory.

MR. GALLAGHER: Okay.

MR. ARGENIO: Harry and Howard to my right, any thoughts, any additional thoughts?

MR. BROWN: Yeah, this, if this project is approved and you started construction the lady that brought up the noise pollution with the construction, how would you guys handle times of when you're going to build?

MR. DATES: I think as the chairman stated the code clearly states when construction--

MR. BROWN: No, the time when you start, not at 3:00 in the morning or 10:30 at night.

MR. DATES: Yes, I mean, we looked to adhere to the requirements of the code, we can add a note on the plan stating construction time to be in accordance with the town's noise ordinance.

MR. ARGENIO: That those times are annunciated in the code, it says before what is it?

MRS. GALLAGHER: Seven to seven Monday through Friday, eight to six on Friday, nothing on Sunday or holidays.

MR. ARGENIO: It's pretty abundantly clear there. Tell me, Justin, I have a disapproval from the fire people, do you know the genesis of that? I have to assume you do, I hope you do.

MR. DATES: I haven't seen any memo but the

conversations we had there's the architect had been in discussions regarding sprinklers or fire suppression system of the existing building as a product of these additions, they're still reviewing that matter so there's, that would be open item.

MR. ARGENIO: Okay.

MR. GALLAGHER: Doesn't it need to be though?

MR. DATES: That's what they're reviewing the new additions would require sprinklering but they're reviewing the requirement, nature of the existing building sprinkler system.

MR. ARGENIO: Who is the architect?

MR. DATES: A.J. Coppola.

MR. ARGENIO: You need to tie that up, I think that would be important. Okay, so let me just try to bring this thing full circle and summarize here a little bit. There's, I have a memo here in the file for this, again, it kind of announces what you just said Mr. Dates, size of the building will require a full sprinkler system that will be needed for hydrants and in proximity to the fire department connections, neither the fire department connections nor the hydrants are noted on the plan. You need to get that buttoned up. Go ahead.

MR. DATES: There are two existing fire hydrants on the plan, we have those on there.

MR. ARGENIO: Well, you need to be talking to the code enforcement people, get all you guys get on the same sheet of music. The whole thing comes together and it comes here to the planning board and one of the things we do is we bring all of this together, county commentary, the fire inspector's commentary, the building inspector's commentary and any other inter-municipal comments that we have they come together here and that's when we consider final approval at that point. So I think you need to get it buttoned up with the fire people before we go any further. I think you should get together with Mark, there's certain types of fences that we typically use in the town and back near I think it was Rocky Lane is that correct?

MRS. GALLAGHER: Yes.

MR. ARGENIO: I think some protection for those residents is probably in order, especially insomuch as Mrs. Sheehan came here this evening and spoke about it. You guys disagree with it? Danny, are you okay?

MR. GALLAGHER: Yes.

MR. ARGENIO: Are you okay, Henry?

MR. VAN LEEUWEN: Yes.

MR. ARGENIO: Mark is very familiar with the types of fencing that we like, try to keep the place similar and congruent with the commentary that we heard here tonight. And you need to get buttoned up with the fire people, a piece of property for the benefit of the public, a piece of property this big development that they're proposing it's not killer, we've seen a lot, we've seen applicants come before this board and try to shoehorn a lot more into a lot smaller pieces of property. So Mr. Dates, you have some homework to do. You have a question?

MR. DATES: Two if I could. We, on the notices we got two undeliverable, would you like me to, and also we had a Mr. Arthur Miller just wrote a small response on his notice and mailed it back to my office.

MR. ARGENIO: Dear planning board. This is to advise you that we have no objections to the proposed improvements at 701 Blooming Grove Turnpike, Very Truly Yours, Arthur Miller. And the owner of the Amber Grove called me and he said I got the public notice, I will not be able to attend but if you can tell them that I have no objection, put that in the record, I'd appreciate that. So that's now in the record. So yeah, no problem. Justin, did you have another question?

MR. DATES: Yes, would the board entertain a conditional approval?

MR. ARGENIO: No, and I say that quickly Justin only because I don't have to think about it because you need to meet these requirements, you need to meet those requirements and the planning board brings it altogether and it would be very, very atypical, extremely atypical for us to do a subject-to and I can

never remember in my lifetime sitting on this board doing a subject to the fire inspector, that's public safety, health and welfare, that's really important, get those guys squared away, make sure they're good and we'll move forward. Good luck to you, Mr. Krausz, thank you for coming in. And thank you everybody for your very respectful commentary tonight.

REGULAR ITEMS:

APPLE RIDGE SUBDIVISION (08-16)

MR. ARGENIO: Regular items, Apple Ridge subdivision on Shaw Road. This application was previously reviewed at the at 28 January 2009, 11 August 2010, 9 March 2011, 27 April 2011, 10 October 2012, 23 January 2013 and the 27 February 2013 planning board meetings. I see Mr. Esposito here to represent Apple Ridge, Steve, so why don't you share so the other members are up to speed with what you're proposing?

MR. ESPOSITO: Just briefly as you know this project, the site is 418 acres. We were initially proposing 135 lots, we presented to this board a yield plan which established that density. We were referred to the town board because of the Town Code, the town board has jurisdiction over allowing for clustering. We received that approval, came back before the board and then this board deemed the 135 lot subdivision. We pos dec'd this, we prepared a Draft Environmental Impact Statement back in February of 2013, we had a public hearing and public comment period and preparing the responses for the Final Environmental Impact Statement. And during this whole process the town was working on their master plan and updating their zoning code and responding to the comments, we realized that the zone, R-1 zone which is what this project is, the entire project all 418 acres are within, we're rezoned, I shouldn't say rezoned, that the minimum lot size was modified, when we started this project, the minimum lot size was 80,000 square feet. The lot size has been, had been under the current code the lot size is now 60,000 square feet gross acreage and then we have to evaluate each lot lot by lot to establish a net buildable acreage of 40,000 square feet.

MR. ARGENIO: So what that means is that the code changed during the application process which from a mathematical perspective allows them to build more lots if they can demonstrate that they fit essentially is that right?

MR. ESPOSITO: Correct.

MR. ARGENIO: Go ahead.

MR. ESPOSITO: So what we're under the 418 acre site what we're proposing right now under this yield plan is

172 lots. That's what this chart represents, shows each one of the lots meets the minimum lot requirement, minimum width requirement and buildable area. Anybody has any questions on the yield plan?

MR. ARGENIO: Isn't there a sizable piece of property missing from your drawing as part of this subdivision?

MR. ESPOSITO: I hope not.

MR. ARGENIO: So what's this, this is the yield drawing?

MR. ESPOSITO: Yes, so this is the yield, this is the one.

MR. ARGENIO: Got it, I get it.

MR. ESPOSITO: So this is the conventional subdivision plan so--

MR. ARGENIO: I don't remember that, my goodness.

MR. ESPOSITO: Consistent with the original approval, original plan, here's Shaw Road, our main access is off Shaw Road and this is the cluster plan that now supports 172 lots. The original 135 lot layout which was subject to the EIS we were preserving approximately 330 acres of open space of the site which represented about 78 percent of the site. This footprint we put everybody in the, essentially in the same footprint, this is probably going to be 330 acres plus or minus and around 75 percent of the site still is preserved. We kept the layout, if you recall, there's a wetland feature that runs through the middle of the site, we're under Corps jurisdiction and DEC jurisdiction still maintained one existing farm crossing, another at another spot. We have avoided the steep slopes that have been located so this plan still has this layout, maintains the original design attributes that we had under the 135.

MR. VAN LEEUWEN: What's the amount again of the open space land?

MR. ESPOSITO: We're going to be around 330 acres.

MR. VAN LEEUWEN: Still an awful lot.

MR. ESPOSITO: We're probably going to be three or

four percent less than the original from the plan that was subject to the EIS that was last reviewed by this board.

MR. ARGENIO: What's the distance between those houses?

MR. ESPOSITO: Those are the buildable footprint but if I can say the lots are on the, the larger uphill lots they average between 90 and 100 feet in width.

MR. ARGENIO: So what I'm seeing here and that's the building envelope?

MR. ESPOSITO: Yes, correct.

MR. ARGENIO: Steve, what's this here, right here?

MR. ESPOSITO: Storm water management, SWM is representing storm water.

MR. VAN LEEUWEN: Holding pond?

MR. ESPOSITO: Well, the original ones were either infiltration basins or wet ponds and then they did have to be redesigned and again what we're here tonight for is one, just to reintroduce the board to this alternative, and if you recall in the EIS, we looked at different development alternatives that were obtainable at the time of the analysis. With the current code and 60,000 square foot lots this now becomes another development alternative, although there's substantial change from the original scope and original, and a change from the original analysis in the EIS so we would offer, you know, one we would request that the planning board refer us back to the town board so we could reconfirm the clustering and then we'll be back to this board obviously with a new scoping outline and for preparation for a Supplemental Environmental Impact Statement.

MR. ARGENIO: What's this here?

MR. ESPOSITO: That is what we call the village green or the center green, it's actually going to be just a flat field that would be used for--

MR. VAN LEEUWEN: Baseball?

MR. ESPOSITO: Yeah, kickball, baseball.

MR. ARGENIO: Mark, can you share with the members what you know about this in addition to what Mr. Esposito just shared with us?

MR. EDSALL: He did a good job giving you the overall picture of what he's here for and obviously it has gone as they have acquired more property the lot count has increased now up to 172. They did in accordance with the law submit a yield plan, I had asked that the yield plan also have certification from a licensed surveyor that all the lots meet the code for the determination of how many lots they could build on a conventional plan.

MR. ARGENIO: That verifies the count.

MR. EDSALL: That's right and they did submit that they've got 127 and they have demonstrated based on New Windsor current code they could build 172 conventional single-family residential lots. At this point, they're pursuing again the cluster application and an increased lot count form and they're looking for you to send it over to the town board, it's been there once already if not twice.

MR. ESPOSITO: Twice.

MR. EDSALL: But at this point, the town board would have to consider whether or not they would increase the cluster authorization up to the 107 lots.

MR. ARGENIO: That's their job.

MR. EDSALL: That's their call. It would return back to this board as Steve indicated SEQRA clearly has to be pursued further because the project has a substantial change. We have talked several times about a supplemental EIS, we would anticipate that would be addressed, it could be parallel with the town board, could be after the town board gives some indication of what they're likely action will be I suspect and Taylor did speak on the procedural aspect but I think that we have to complete SEQRA before the town board can formally approve an altered cluster plan but just my belief.

MR. ARGENIO: Say that again.

MR. PALMER: In that case we have the DEIS which is the base line which is given for one of the other lot

counts so it's either 103 or 138 which is the prior lot count. As the planning board indicated, there could be a supplemental EIS required where there's either the project proposes changes which may result in one or more significant adverse environmental impacts or it's a significant change so it's, would be it could warrant supplemental EIS. The applicant has previously gone--

MR. ARGENIO: I don't understand, are you advocating that it doesn't?

MR. PALMER: No, it would, in this case it would merit a supplemental, as the planning board engineer was indicating, the applicant is requesting to refer it to the town board. So what we did do is coordinate with the applicant whether or not the town board could make that determination prior to the supplemental EIS being completed. So for the town board to authorize the additional cluster subdivision in this case--

MR. ARGENIO: What's the law say?

MR. PALMER: That the planning board has the ability to consider the cluster subdivisions. It doesn't explicitly say that SEQRA needs to be completed prior to the town board making that determination because ultimately it's coming back to the planning board to conduct full SEQRA environmental review.

MR. EDSALL: If I remember correctly from the past practice and I think Steve was at the town board as well, the town board held their deliberations and said this is where we're heading, get your SEQRA completed with the planning board then we'll send over our action.

MR. ESPOSITO: Yeah, it was not a conditional but it was, you know, a favorable recommendation and contingent upon us going through the SEQRA process and the final findings.

MR. VAN LEEUWEN: Steve, what's going to happen to the rest of this land?

MR. ESPOSITO: Well, we met sort of in a workshop level and discussed that, you know, we had put out in the original EIS we looked at three alternatives, and basically these two little squares here represent the estate lots so we would think that these back lots would be lands privately owned, you know, under

conservation easements, agricultural easements that allow for farming, horse farm.

MR. VAN LEEUWEN: My property backs right up to that.

MR. ESPOSITO: We'll put a really noisy thing over here, a quarry.

MR. VAN LEEUWEN: Somebody gets shot, they can come see me.

MR. ESPOSITO: Privately owned, we talked about having some areas publicly opened or owned by a homeowners' association.

MR. VAN LEEUWEN: I think it should be owned by a homeowners' association and I think it should be maintained by them.

MR. ESPOSITO: And that's one of the alternatives that we looked at, Hank, when we go through the EIS we're going to present that to you to the town board and obviously the town board and town attorney and planning board will want to weigh in on that.

MR. ARGENIO: Mark and Taylor, my thought is that if we think everything's in order here my thought that they should go to the town board first and then pursue the Supplemental Environmental Impact Statement, I think that's the way it should go or is that improper?

MR. EDSALL: That's right. Again, as the town board did in the past they reviewed it, they sent back their opinion that they look favorably on it and effectively told the planning board get SEQRA done, let us know when it's done then we'll be free to take the formal action so we'll do the same dance.

MR. ARGENIO: You're going to have to look at traffic on this, bud.

MR. ESPOSITO: Well, there's two things, rehash a little bit about some of the input that we received from the public, number one item is traffic and two was water. And we're all set, we drilled a couple extra wells already, we didn't want to do the testing until we resolved the number of units because that determines what we're going to test for and before we do that we'll resubmit a scope to the board to take a look at and Mark will take a look at the testing protocol that

we're proposing and we'll go out and do our work and do our thing and come back but we didn't want to do those items.

MR. ARGENIO: I made the comment about the traffic because I remember the same way as you do traffic was probably the most significant issue, water being the second most significant issue. And as I remember, your traffic mitigation plan was not what I would considerate at that time significant. Now that doesn't mean that it didn't do the job, I'm not saying that, I'm saying it did not appear to be significant. Now you're going from 135, 138 to 172, that's a substantial jump.

MR. VAN LEEUWEN: Are these roads going to be maintained by the town or are you folks going to maintain them?

MR. ESPOSITO: Utilities are proposed to be offered for dedication to the town.

MR. ARGENIO: The utilities or the roads?

MR. ESPOSITO: Roadways, drainage.

MR. ARGENIO: Is that the case, Mark, the roads are going to be built to town specs?

MR. EDSALL: Yes.

MR. VAN LEEUWEN: They always have to be built to town specs. Where is the common area for the people to come to for meetings and so forth?

MR. ARGENIO: These are homes, these are residents.

MR. VAN LEEUWEN: Sorry, they look like townhomes.

MR. ARGENIO: You're looking at 100 scale.

MR. ESPOSITO: Two hundred scale.

MR. VAN LEEUWEN: Cause you're coming out on a road that's 20 foot wide.

MR. ESPOSITO: No, we understand that's one of the issues, top issue.

MR. VAN LEEUWEN: Something's going to have to be done

there and the roads that lead into it are 20 or 25, I live in the area, I know what it's like, I go through there constantly, you put that many homes you have to do something about the roads.

MR. ARGENIO: Guys, Howard, what do you got? For your reading pleasure, one of your advocates--

MR. ESPOSITO: Alright, great, this is a new one.

MR. VAN LEEUWEN: Steve, that's what you're paying for.

MR. ARGENIO: For the benefit of the public, just so nobody thinks there's something shady going on, that's a letter from an attorney of one of the neighbors. Now Steve has the benefit of the information so he can understand what they're concerned about. Danny, any other thoughts on this?

MR. GALLAGHER: No.

MR. ARGENIO: What do we need to do?

MR. PALMER: You would authorize a letter for the chairman to send or to refer this to the town board for a cluster subdivision, it would be contingent on again the Supplemental EIS review by the applicant.

MR. ARGENIO: Absolutely, I'll accept a motion.

MR. GALLAGHER: So moved.

MR. ARGENIO: That we authorize me to send that letter to the town board. Danny's made the motion.

MR. BROWN: Second it.

ROLL CALL

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

MR. ARGENIO: Okay, so you're going to go to the town board, Taylor or Dominic is going to draft that letter for my signature and we'll go from there Steve.

CLASSIC HOME BUILDERS, LLC (13-16)

MR. ARGENIO: You gotta be Classic Home builders, represented by Mr. Brady. Application proposes subdivision of the 4.17 acre parcel into three single-family residential lots. The plan was previously reviewed at the 11 December 2013 planning board meeting. If I remember this went to zoning didn't it?

MR. BRADY: That's correct, Mr. Chairman, April 28.

MR. ARGENIO: Go ahead, tell us what you have here.

MR. BRADY: As stated in April 28, we received three variances from the Zoning Board of Appeals.

MR. ARGENIO: What were the variances, Pat?

MR. BRADY: For lot width for each of the lots and the side yard and the total side yard. Since the ZBA meeting, we had gone out with a representative of the town engineer to witness soil testing for the lots and they were successful and we have designed systems accordingly based on the percolation rates.

MR. VAN LEEUWEN: What was the percolation?

MR. BRADY: They were marginal, they were close to 50 minutes and one lot was in the 30 minute range but they were within the acceptable limits allowed by the town and County Health Department.

MR. VAN LEEUWEN: Gonna put an extra 500 foot of laterals?

MR. BRADY: We have dosing chambers and curtain drains.

MR. VAN LEEUWEN: I'll keep my big mouth shut.

MR. BRADY: That's fine, it's a relative question. We're here tonight before you with the, what we believe to be completed subdivision application. We did ask that we be, the board would consider waiving public hearing, we had a public hearing during the ZBA and there was no attendance.

MRS. GALLAGHER: Cammy would have to answer that.

MR. ARGENIO: Nobody came to the public hearing?

MR. BRADY: That's basically it, I received comments.

MR. ARGENIO: Pat, what's the genesis of the need to deed that piece of property along Bethlehem Road to the town, is that just so they can maintain the easement?

MR. BRADY: Basically the deeds as they exist today go to the center line of the road typically. Just to clean up the deeds, I had to dedicate it to the town so just really more formality to clean up the descriptions of the properties.

MR. VAN LEEUWEN: Is the description being made up for that the deed to the town?

MR. BRADY: Correct, the 25 feet.

MR. VAN LEEUWEN: Is that description being made up?

MR. BRADY: It's in the process of being made and will be forwarded to the attorney for review.

(Whereupon, Mr. Ferguson left the room.)

MR. ARGENIO: If anybody sees fit, I'll accept a motion that the Town of New Windsor Planning Board declare itself lead agency for the SEQRA process.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Roll call.

ROLL CALL

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

MR. ARGENIO: Mark, this seems very straightforward and simple, is there something that I've missed here?

MR. EDSALL: No, it's a straightforward, minor subdivision and at this point they have obtained the needed variances. As Pat indicated, our office did witness the percs and in followup to Mr. Van Leeuwen's

comments I urged Pat to be very conservative, they have actually made the curtain drains mandatory, oversized the systems because they wanted to be safe so everything's fine.

MR. VAN LEEUWEN: That's what I used to do when I put a subdivision in and it was marginal, throw in an extra hundred feet, extra gravel, I didn't want to come back rake it out again, dig it up, did that once, never again.

MR. BRADY: I agree with you 100 percent.

MR. ARGENIO: Do you have Mark's comments?

MR. BRADY: Yes, I do.

MR. ARGENIO: You guys, members of the board, you heard the commentary about the public hearing. There was nobody in attendance.

MR. GALLAGHER: So moved.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Danny made the motion, Henry seconded it to waive the public hearing. Roll call.

ROLL CALL

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

MR. VAN LEEUWEN: Who's Classic Home, who is the principal?

MR. BRADY: It would be Mr. Fayo.

MR. VAN LEEUWEN: Never mind. You know he's trouble.

MR. ARGENIO: If anybody sees fit, I'll accept a motion for a negative dec for this application.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded we declare neg

dec on Classic Home Builders.

ROLL CALL

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

MR. ARGENIO: Mark, is there anything else or Taylor anything else from a procedural perspective except for the inclusion of Mark's comments?

MR. EDSALL: Nothing else from me.

MR. PALMER: No county referrals are required here.

MR. GALLAGHER: Motion for final approval.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion made and seconded we offer Classic Home Builders final approval subject to Mr. Brady and the applicant conforming with Mark's comments. Roll call.

ROLL CALL

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

MR. ARGENIO: Pat, thank you. Mr. Fayo, thank you.

MR. FAYO: Thank you.

LEGACY WOODS (08-01)

MR. ARGENIO: Legacy Woods, I see Michele Babcock in the audience who I have not seen in quite some time. This is Knox Village for those of you who aren't aware of it.

MS. BABCOCK: Good evening everyone, I'm Michele Babcock.

MR. ARGENIO: Hold that thought. This application proposes conversion of the project from an age restricted senior housing project to a market rate non-age restricted, multi-family site plan. This is a conceptual presentation on the proposed conversion. I'm sorry for interrupting you, Michele, just wanted to get those words out but that said, please step up.

MS. BABCOCK: Good evening, my name is Michele Babcock from Jacobowitz & Gubits. I have Paul Palucio from Folchetti & Associates and Dan Rosen is here momentarily for, on behalf of the applicant. Last time we were here the planning board granted a negative declaration in 2008 for a 183 dwelling unit project. It was for a senior citizen project for property located off New York State Route 32. The property's located in the R-4 zoning district and the project meets all of the bulk requirements.

MR. VAN LEEUWEN: What's the--

MS. BABCOCK: Behind Hannafords. So like you said, the applicant's now seeking planning board approval to convert these units to market rate units in accordance with the town code. The applicant is not proposing any changes to the building footprints themselves but we have made some minor revisions to the plan to address the conversion including the addition to the lot on the property.

MR. ARGENIO: You've got to give us bigger plans than this as we go forward.

MS. BABCOCK: Correct.

MR. ARGENIO: Where is the tot lot, Michele?

MR. VAN LEEUWEN: Michele, you know better.

(Whereupon, Mr. Ferguson entered the room)

MR. GALLAGHER: Playground area.

MS. BABCOCK: So the recreation area, the playground area is adjoining the pool area. So one of the other things that we have done since the original plan is that we changed the location of the clubhouse so now the clubhouse is actually going to be located in building number two. And we have provided the board with a rendering so that you can see what this area would look like. So we'd have the play area, gym area adjoining the pool and these would be the doors where you'd walk into the clubhouse. One of the plans that we also submitted to the board does show the interior layout of the new clubhouse space, it envisions a fitness area as well as separate conference rooms.

MR. ARGENIO: I don't think I have a picture of that, Michele.

MS. BABCOCK: I think I handed you my plans. So here's the two page packet here, this is a rendering shows the proposed layout of the clubhouse.

MR. VAN LEEUWEN: This is going to be a fitness club?

MS. BABCOCK: As it's proposed there's a clubhouse, there's locker rooms for people to change and restrooms for people using the pool, a fitness center for the residents as well as additional rooms that people could use for private functions or anything else. The only other change that we did want to bring to the attention of the board had to do with parking on the site. Originally, two parking garages underneath the buildings were proposed and those have since been removed. And so we'd need to account for those parking spaces on the property. The other thing that's changed since the last time we were here is that when the plan was originally reviewed by the board, the parking requirement was two spaces per unit and now the zoning has been revised to require 2.5 spaces per unit. So we do have a revised parking plan that was submitted as the parking allocation plan so you can see which parking stalls are provided for each unit. What we're currently showing and what we'd like the board to ultimately approve is we're showing 2.4 spaces. What we're currently showing on this plan is 3.4 spaces per unit, we're looking to show approximately 50 spaces,

these spaces that are located here along the front entrance as well as the ones located along the access to Height Drive, we'd like to show those as reserved spaces. We do not believe that those spaces are necessary.

MR. ARGENIO: Point to the ones you don't think are necessary.

MS. BABCOCK: The ones here in the front of the project out along near New York State Route 32 as well as the ones that are located along the emergency access drive going out to Height.

MR. ARGENIO: Mr. Palucio, can you please put a location plan on the front page, Henry is having a tough time getting this oriented exactly where this is.

MR. VAN LEEUWEN: I know about where it is.

MR. EDSALL: I'll throw myself under the bus for the non-full sized plans because this is the initial appearance for the requested conversion and it's more of an introduction and I just wanted to make sure that they gave the board an indication.

MR. ARGENIO: We're getting sidetracked a little bit, let me just jump in here for a second. The idea of their visit this evening, hold on one second, let me just get my notes, the idea of their visit this evening is to show us or I should say re-show us the plans that were reviewed at the 16 January 2008, 26 March 2008, 11 June 2008, 13 August 2008 and 29 October 2008 planning board meetings which have not changed to any substance, Michele, with the exception of?

MS. BABCOCK: The three items that we just spoke about.

MR. ARGENIO: Give them to the board members in three sentences.

MS. BABCOCK: Remove the clubhouse, we changed the parking.

MR. VAN LEEUWEN: You're creating this for the apartments, Knox Village itself, correct?

MS. BABCOCK: No.

MR. ARGENIO: No, no, let me finish, let me finish,

that's why I'm trying to clear this up, go ahead, the last thing was Michele?

MS. BABCOCK: And the third one is we have added a playground unit for the project.

MR. ARGENIO: So she announced three minor changes to the project, a senior project that has been in front of this board on or about 2008, quite a few times, Mark, correct me if I misspeak, on or about 2008 quite a few times as a senior project. Subsequent to that, the Town Board changed the code for this zone and the applicant has the ability to change, make requests of the town board to allow him to offer the same project as a market rate project instead of a senior project. Is that correct, Mark?

MR. EDSALL: Yes.

MR. ARGENIO: So that's what's going on here, this thing has been in front of us, it doesn't have final approval.

MR. VAN LEEUWEN: That's when I was kicked off.

MR. ARGENIO: As a senior project but Michele, your status at that time you guys were very close to having final approval.

MS. BABCOCK: Correct, we went through the SEQRA process, we received a negative declaration and then we went to receive the outside agency approvals.

MR. ARGENIO: And the economy went to you know what and we didn't see, are you Mr. Rosen?

MS. BABCOCK: Right there.

MR. ARGENIO: Who am I used to seeing, your father?

MR. ROSEN: My uncle.

MR. VAN LEEUWEN: What's your first name?

MR. ROSEN: Dan.

MR. ARGENIO: Joe Rosen was your uncle, that's it.

MR. VAN LEEUWEN: Is he still alive? I knew him very well.

MR. ARGENIO: So the thrust here they're out for outside agency approval for senior project, the town board changed the code in this zone, they now have the right to go make requests of the town board that they want to convert from a senior complex which probably four of them have been built in that area in the past few years to a market rate complex. So you're here tonight Michele to ask the planning board to?

MS. BABCOCK: We're looking for conceptual approval that the concept is okay with this board and we can continue moving forward for site plan approval.

MR. ARGENIO: And I don't think that we have a process where we can offer you formal conceptual approval, you'll get a flavor from the discussion here and that's about the best you're going to do. Mark, did I misspeak in any of that?

MR. EDSALL: No, not at all.

MR. ARGENIO: That's my understanding of this application.

MR. EDSALL: I believe you're a hundred percent correct.

MR. ARGENIO: Henry, that's why I wanted to give the oration because 2008 was six, seven years ago so--

MS. BABCOCK: The only thing I would say is that we, under the way the code is now written, we don't need to go back to the town board.

MR. ARGENIO: So I misspoke.

MS. BABCOCK: It would be up for the planning board to grant us the approval. So if you conceptually say it's okay for us to proceed, we'd go and make final revisions to the plan and come back and ask for site plan approval.

MR. ARGENIO: Taylor, is that correct?

MR. PALMER: Miss Babcock spoke exactly as I was going to say, Mr. Chairman. And then the only other thing I would read into the record is that from the section of the code 318.2 subsection B the applicability because the applicant has received SEQRA negative dec through

the, through the previous application that's what permits it to move forward for this conversion, everything you said is appropriate.

MR. ARGENIO: They need to have SEQRA approval or final approval to be able to come to us and seek their conversion, one or the other would suffice and they happen to have SEQRA which entitles them to come and do it. So from a concept basis, guys, anybody's pants in a ruffle here at this point in time?

MR. GALLAGHER: What's proposed between the excess parking that you have coming right off 32 with the big open space?

MS. BABCOCK: So at this point that was the location where the clubhouse was previously.

MR. PALUCIO: The old clubhouse was located there.

MR. GALLAGHER: That's what the parking was for the clubhouse?

MS. BABCOCK: Correct.

MR. GALLAGHER: Are you looking to create--

MS. BABCOCK: We're showing it as a reserved parking area and so that it could be constructed in the future if necessary but we don't believe--

MR. VAN LEEUWEN: Michele, that should be all done at the same time when we give the approval what's on this map is what we approve, am I wrong?

MR. ARGENIO: Yeah, you are and what I was going to add to that was I was going to ask Mark about the parking count on this application.

MR. EDSALL: The?

MR. ARGENIO: Do you have numbers at all? I don't want to put you on the spot.

MR. EDSALL: I'm going to comment to the reserve parking, the latest zoning amendments made by the town board allow this board the flexibility to identify shadow parking spaces which have to be designed, shown on the plan but not constructed until such time that it may be demonstrated that they need to be constructed,

that's exactly what Michele has pointed out that the two red areas on the plan or dark red areas that they want to have as part of the reserve parking permitted by the code adopted by the town board.

MR. ARGENIO: I think we did that with Forgione, did we not?

MR. EDSALL: You did.

MR. ARGENIO: Danny or Howard or Henry VanLeeuwen or Harry Ferguson, do you guys have any other questions or comments on this? So it seems as though you're getting favorable indication, Michele, I don't see anybody jumping up and down.

MR. GALLAGHER: Are we close to Cornwall, do we have to do anything?

MR. ARGENIO: That's a question for Mark and Taylor.

MR. EDSALL: SEQRA's done, if you have another public hearing as a courtesy you can notify Cornwall, given it's proximity to the town line. I believe that a change of this magnitude may constitute the need for a new referral to County Planning. If you make that decision, I think that 239 NN requires that the town get that notice as well, I'm going to suggest you do it only to be safe for the applicant make that referral.

MR. ARGENIO: You guys are very close to final approval when you were here last and--

MR. VAN LEEUWEN: I don't see any problem now, I know where it's at.

MR. ARGENIO: You're going to do landscaping plans I would think and all that stuff?

MS. BABCOCK: That's correct. Now that we have modified the recreational facilities, we need to be able to tweak the landscaping plans and so we're going to modify all of the plans and then we'll submit a large scale set of drawings.

MR. ARGENIO: Include a flag pole so Henry doesn't have to ask you for it. You guys are good. Alright, Michele, thank you.

MS. BABCOCK: The only other thing that I would

request--

MR. ARGENIO: Would you consider final approval tonight? No.

MS. BABCOCK: The code does give the board the authority to waive the public hearing since a public hearing was already held on this application and we're making only minor revisions we would ask--

MR. VAN LEEUWEN: Let's see what evolves with the county and let's see, excuse me.

MR. ARGENIO: No, I think you're right, Henry, you were going exactly where I was going to go. I think I'd like to think about it, I can poll the room, poll the board, Henry or Harry or Howard or Harry, do you guys have any thoughts on that?

MR. FERGUSON: I think we might need to have one.

MR. GALLAGHER: I believe so. When did we have it?

MR. ARGENIO: In 2008, a lot of people have moved in and out of the area. So let's let it lay for now, get the plans going and let's see what happens.

MR. VAN LEEUWEN: Let's see where it goes.

MR. PALMER: If I may from that section of the code that allows the conversion, it does allow the board both town board and planning board to request any additional information that may see necessary for this conversion, I believe it's appropriate to keep that determination for that for such time.

MR. ARGENIO: So we made a good decision?

MR. PALMER: You got it.

MR. ARGENIO: We don't get compliments that often so we'll take it. Thank you, Michele.

MS. BABCOCK: Thank you very much.

DISCUSSION:

STONEGATE AT NEW WINDSOR (09-29)

MR. ARGENIO: Discussion, Stonegate.

MR. SHAW: First it's nice to see a lot of friendly faces.

MR. ARGENIO: Mr. Shaw is here on behalf of his client, I'm sure, Stonegate, you guys remember, I think this is on 207, Greg, is that right across from Washington Lake?

MR. SHAW: Right by former Newburgh Packing. Well, as I said in my letter to you on March of 2013, this board granted conditional final site plan approval for Stonegate in New Windsor that was an 81 unit multi-family project. That was followed on February 14, 2014, your board granted a 180 day extension which was actually two 90 day extensions for the project. These extensions now leave this project with an expiration date of September 4, 2014 so we're here before you tonight asking for another extension of two 90 days with your next board meeting on September 10 I believe this would be the appropriate time to ask your board for those extensions.

MR. ARGENIO: What's the deal there, Greg, I know all the easements, I think all the easements, everything's taken care of for the water main loop.

MR. SHAW: There was a long list. What we're down to is the developer's agreement which is done. Other than the developer's agreement refers to the offers of dedication which are many, we're down to just one offer of dedication. And the developer's agreement refers to big sewer capacity which my client has to lay out \$180,000 no later than July 15 of next year. Now in the past with big sewer capacity there was steps on which he could buy the capacity, not buy it all at once. For some reason now he has to lay it all out at once so that has been part of the delay. The other part of the delay has been the offer of dedication on one easement which is going to the town. Everything else has been taken care of so it's just that simple and I think Mark would concur with that.

MR. EDSALL: Mr. Shaw and I worked very hard to get

everything revolved and there's just a couple open items.

MR. ARGENIO: Okay, guys, got any questions? Two 90 day extensions.

MR. EDSALL: I would suggest that because we're in kind of a bit of a gray zone with the site plan regulations differing from the state subdivision regulations, that you take your action to grant a reapproval/extension because it's not quite clear whether or not the State of New York because of the economy granted these global continuous extensions that they might apply or not apply to the town's local law for site plans so I'm suggesting you make it a broad approval of a reapproval/extension and make it 180 days which would effectively re-set the clock again for him.

MR. ARGENIO: For 180 days?

MR. EDSALL: But I just don't want to say extension because they might need a reapproval so if you say both, they're covered.

MR. ARGENIO: I'll accept a reapproval of the site plan extension.

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

MR. VAN LEEUWEN: I think 90 days is enough.

MR. ARGENIO: I think it's covered by state law, Taylor, am I right, it's two 90 day extensions, that's state law?

MR. PALMER: No, no, no, that was the state law, it was amended so there are, given the appropriate circumstances the board can extend.

MR. EDSALL: But that's subdivision, this is site plan.

MR. PALMER: So the code itself in subsection it's 186 section F for expiration of site plan approval, it's within the code it says I mean if you'd like I can read it?

MR. ARGENIO: Henry I think was advocating a 90 day extension and what I said was I think it's two 90 day extensions allowed by state law and this project comes with a lot of improvements to the town's infrastructure sewer and water.

MR. PALMER: What I'm saying it's not covered in the Town Law, it's covered in the town code and the code it's 180 day extensions.

MR. EDSALL: Town Law meaning state laws, site plans are not covered in the laws of the State of New York, they're covered by the laws of the Town of New Windsor and New Windsor has 180 day approval, two 90 day extensions, does not have a provision to go beyond that, that's why I'm suggesting we protect the applicant, give a reapproval, the record should be clear, nothing has been changed, 180 days.

MR. ARGENIO: I have a motion and roll call.

ROLL CALL

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

MR. ARGENIO: Greg, thank you for coming in. I'd like to see your guy building that thing because the town's going to get a big benefit from the project with the upgrade of the sewer lift station and the water loop up on Nina Drive, it's going to solve a lot of problems for the town, Greg.

MR. SHAW: Nobody wants to move ahead more than he does.

MR. ARGENIO: And everybody worked very hard. Motion to adjourn?

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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

Respectfully Submitted By:

Frances Roth
Stenographer