

TOWN OF NEW WINDSOR

PLANNING BOARD

January 14, 2015

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

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD CONSULTANT

VERONICA A. MC MILLAN, ESQ.
PLANNING BOARD ATTORNEY

JENNIFER GALLAGHER
BUILDING INSPECTOR

CAMMY AMMIRATI
PLANNING BOARD SECRETARY

MEETING AGENDA:

1. Temple Hill Apartments
2. Legacy Woods
3. Morrill-Nugent LLC
4. Depew Subdivision
5. USAI, LLC SP

REGULAR MEETING:

MR. ARGENIO: I want to call the regular meeting of the Town of New Windsor Planning Board for January 14, 2015, our first meeting of the new year to order. Everybody please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: Welcome everybody. Tonight we had our regular reorganizational meeting as we do every year, we talk about our professionals that we're going to retain and our own internal organization. Mark, I got bad news for you.

MR. EDSALL: Can I go home?

MR. ARGENIO: The board has voted to maintain the same hierarchal structure that we had for the past year and myself as the chairman, Henry's the vice chairman, I think Danny's the secretary and these two folks to my right are Howard Brown and Harry are going to continue as members. In my absence, Danny will run the meetings just in the interest of continuity. Are you okay with that?

MR. VAN LEEUWEN: I don't care.

MR. ARGENIO: We retain Franny as the stenographer, McGoey, Hauser & Edsall. We did however change attorneys, Veronica McMillan is here tonight, her firm is?

MS. MC MILLAN: Lewis & Greer from Poughkeepsie.

MR. ARGENIO: Is going to take the place of Drake Loeb.

APPROVAL OF MINUTES DATED 1/14/15

MR. ARGENIO: So all that said, we'll get right down to the first order of business and that is the approval of the minutes dated November 12, 2014 and December 10, 2014 sent out via e-mail on the 11th of December and the 15th of January

MR. BROWN: So moved.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion made and seconded we accept them as written.

ROLL CALL

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

MR. ARGENIO: Welcome, Veronica, this is not your first meeting, it's your second meeting, you were at a few meetings.

MS. MC MILLAN: I have been here a few times before. I look forward to working with you.

MR. ARGENIO: Thank you.

PUBLIC HEARINGS:

TEMPLE HILL APARTMENTS (14-19)

MR. ARGENIO: First item on tonight's agenda public hearing for Temple Hill Apartments on Temple Hill Road. I see Mr. Pietrzak in the audience. This application proposes subdivision of the lands associated with Temple Hill Apartments into six lot. The plan was previously discussed at the 22 October 2014 and 10 December 2014 planning board meetings. Just to remind everybody, this project had approval and the owner wanted to, subsequent to the approval and some of the construction he wanted to cut this thing up, I assume for financing purposes. There's a town road going down the middle of it, there should be no reason why that should be problematic. I don't want to take your thunder away, Vince. What do you have to say?

MR. PIETRZAK: I just wanted to let everybody know with the road dedication he ended up with the two work force housing lots being actually less than what's required five acre minimum.

MR. VAN LEEUWEN: Talk a little louder.

MR. PIETRZAK: Even without doing the subdivision the lot would not meet the requirement for the area. We went to the zoning board and we received the variances at the December meeting.

MR. ARGENIO: What variances did you receive?

MR. PIETRZAK: We received area variances for these two lots respectively.

MR. VAN LEEUWEN: The two top lots, correct?

MR. PIETRZAK: Yes, these two. The other four buildings on their individual lots meet the zoning codes so there's no difficulty with those.

MR. ARGENIO: Guys, got any questions? Can we open this thing up? On the 15th day of December 2014, Cammy compared 79 addressed envelopes containing those notice of publishing for this application that she received from the assessor. They were sent out announcing this public hearing this evening. Anybody here want to speak for or against or just have a question on this application, please raise your hand and be recognized?

Okay.

MR. GALLAGHER: Motion to close the public hearing.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion made due to the fact that there are no hands on display, we close the public hearing and that's it. So now it's back to the planning board. Guys, I'm very familiar with this project. My company did some work here a few years ago. As such, I'm not going to vote, I probably don't have to abstain but I'm going to abstain just so avoid even the implication of impropriety. I think I abstained last time too.

MR. VAN LEEUWEN: You did.

MR. ARGENIO: If anybody has any questions, this is a simple subdivision.

MR. VAN LEEUWEN: Mr. Chairman, I make a motion to approve.

MR. BROWN: I'll second his motion to approve.

MR. VAN LEEUWEN: Did we do SEQRA?

MR. ARGENIO: Everything is done. Mark, there's no SEQRA component here.

MR. EDSALL: Doublecheck, make sure, I don't know, we got SEQRA done because usually when we send something to the ZBA we wait for it to come back so I would suggest that you--

MR. ARGENIO: Anybody sees fit, I'll accept, scratch the motion please, we're going to go through a couple procedural things to make sure we're okay here. I'll accept a motion we declare ourselves lead agency.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Lead agency roll call.

ROLL CALL

MR. GALLAGHER AYE
MR. VAN LEEUWEN AYE

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

MR. ARGENIO: I'll accept a motion for negative dec on this.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded we declare negative dec on the Temple Hill application.

ROLL CALL

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

MR. EDSALL: One condition should include or two that you always include, one being payment of all fees. But one that's more important than probably that is this application because the underlying site plan must remain intact, even though the lots are now being split for financing purposes and different buildings within the overall complex, it's important that a declaration of restrictions and cross-easements be created as part of the subdivision be noted on the plan and be recorded out in the county office to ensure that each one of the lots is obliged to comply with the site plan you previously approved.

MR. ARGENIO: These lots comply with this site plan.

MR. EDSALL: We don't want to isolate or create any islands that you can't have access to a building because they have to cross another property so that needs to be done. One other item that we were going to include is an overall easement to allow the town road since now it's going to be a town road main access spine road to discharge storm water onto the private collection systems and the treatment facilities that we can reference in the declaration. But I was advised that the town attorney's office as part of the road dedication has prepared a license agreement which allows that storm water discharge to occur so we, I'm going to get Veronica a copy of that. I did not get it

into the file but I will get that to her so that when the declaration is prepared that license agreement can be referenced.

MR. PIETRZAK: From what I understanding about the licensing agreement it can be rescinded at any time, might be better for the town to have a flat out easement that would last indefinitely.

MR. EDSALL: I'll let Veronica and Mike Blythe figure that out.

MS. MC MILLAN: I'll work that out with Mike.

MR. ARGENIO: Just storm water?

MR. EDSALL: Yes.

MR. ARGENIO: How do you do an easement for storm water?

MR. EDSALL: It would not be a descriptive specific, just allow discharge into the system, it would be overall onto the properties in reference to the whole property.

MR. PIETRZAK: More like a blanket easement.

MR. EDSALL: I assume the cross-easements will be blanket so you don't have to stay within a particular lane when you're driving through, you can come from multiple directions.

MR. VAN LEEUWEN: I so move and that should be as part of the approval.

MR. ARGENIO: Henry has made a motion we offer final approval subject to what Mark just said.

MR. BROWN: Second it.

ROLL CALL

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

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

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MR. PIETRZAK: Thank you.

REGULAR ITEMS:

LEGACY WOODS (08-01)

MR. ARGENIO: Regular items, next on tonight's agenda is Legacy Woods. The application proposes the conversion of the project from an age restricted senior citizen housing project to a market rate non-age restricted multi-family site plan congruent with Town Law. The applicant previously reviewed the conversion at the 13 August 2014, 22 October 2014 and 10 December 2014 planning board meetings. That's for the conversion, those dates I just read into the minutes are the dates the applicant was here for the conversion senior housing to the non-age restricted multi-family plan. So all that said, Michele or what's your name, sir?

MR. ATKINSON: Todd Atkinson.

MR. ARGENIO: I knew that. Michele or Todd, please bring us forward on this if you could.

MR. ATKINSON: At this point, I've working with Mr. Edsall to make sure that the water and sewer connections are adequate, just the other day we got approval from the office on the sewer connection for the project. The water connection is actually currently with the DEC. The town has already approved it and it's actually up there following the town's DEC water extension for that entire district. So we have to wait for that to get approved first prior to our approval. We have the 911 coordination that was completed yesterday or today and forwarded it over and that's where it currently is right now and based on that we're ready for approval.

MR. ARGENIO: What else you got, Michele?

MS. BABCOCK: Nothing. We're here tonight to ask the board to adopt consistency determination under SEQRA and to grant final site plan approval.

MR. VAN LEEUWEN: Can I ask you where the flag pole is?

MR. ATKINSON: Actually right next to the playground right in the corner, I can show you if you'd like.

MR. VAN LEEUWEN: Okay, it's so small you can hardly find it.

MR. ARGENIO: It's a 50 scale plan, give him a break. We like Michele, you're on the edge a little bit, Todd. Mark, what are we missing here? Are we squared away, Mark, with the verbiage for the shadow parking? I know we had pretty lengthy discussions about that, the threshold and such.

MR. EDSALL: Yeah, the discussions on how to administer that particular aspect which is new in the town code are all in the minutes. The board has enumerated the process and how we're going to handle it. There still needs to be a, it's going to be a developer's agreement purely because it involves the town board and it involves a security and release of a security so that will have to be prepared. But it's a very minor developer's agreement between Michele, Veronica and Mike Blythe that will get accomplished very easily. I will help out with some of the information that the board previously discussed.

MR. ARGENIO: Jennifer Gallagher, do you have anything else you want to add in the shadow parking? The effort there on the planning board to be so detailed with it is to help you do your job as well as you can, I think we've covered everything there, don't you?

MRS. GALLAGHER: With the shadow parking absolutely.

MR. ARGENIO: You agree?

MRS. GALLAGHER: Yes.

MR. EDSALL: As far as the rest of the procedural issues they were very near site plan approval on the senior housing project. At that point, they tabled it for a bit and then it was brought forward as a conversion to the, plans were in very good shape, the only changes have been those which were delineated as part of the conversion. All the approvals that were indicated are in fact documents that have been submitted. It's not their fault as it may be that the health department is holding the water approval, that is tied up with the whole DEC issue with the Town of New Windsor about the extension of districts that have existed for years which is quite perplexing but nonetheless, something the town has to deal with.

MR. ARGENIO: How long is it going to take?

MR. EDSALL: I would never predict how long it takes state government to get something done.

MR. ARGENIO: Just curious.

MR. ATKINSON: I don't know, it's gone back and forth and it's across the board most municipalities in the area have the same issue going on, depending on how quick you get that submitted who's in front of you in line.

MR. ARGENIO: Is that a year?

MR. EDSALL: The town's had the information for quite a while.

MR. ATKINSON: Since probably in June, I think.

MR. EDSALL: At least.

MR. ATKINSON: May or June of '14.

MR. VAN LEEUWEN: They get paid anyway.

MR. ARGENIO: That's an absolute, absolute tragedy.

MR. ATKINSON: And like Mark said, it's districts that have existed for years are now saying we need to now document that they exist.

MR. ARGENIO: It's DEC.

MR. EDSALL: It's DEC.

MR. ARGENIO: New Paltz.

MR. EDSALL: Yeah, New Paltz. But I'm sure that the interpretation or should I say re-interpretation of the law would probably come out of Albany.

MR. ARGENIO: Anything else, Howard or Danny?

MR. GALLAGHER: No, we've seen this enough.

MR. ARGENIO: Henry?

MR. VAN LEEUWEN: Only thing I'm not happy about is the parking which we discussed before. I'll make a motion to approve.

MR. ARGENIO: Neg dec first.

MS. BABCOCK: You already did lead agency.

MR. EDSALL: This would be, is the one you need the consistency resolution adopted.

MR. VAN LEEUWEN: Make a motion for negative dec.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded that we declare neg dec.

ROLL CALL

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

MR. FERGUSON: I have a question. I was wondering how come the road's not connected behind five and six, is there any specific reason?

MR. ATKINSON: The loop around here, actually a wetland that exists back in there that we have actually maintained and using it for a scenic area.

MR. ARGENIO: Veronica, were you going to say something?

MRS. GALLAGHER: That was me. The IT Department called me on this today and asked if we can make it a condition that the applicant supply us with a PDF of the stamped plans because of the size of the plans. So maybe that can be a condition before they get their first permit or--

MR. ATKINSON: There's no issue with that.

MR. ATKINSON: I don't want to have them fold it up.

MR. EDSALL: It might not be a bad idea because even on our end just for the field guys if you have a record document that's a PDF just so much easier to pull it up.

MRS. GALLAGHER: Of the stamped plan.

MR. ARGENIO: Anything else? Do you have a copy of Mark's comments?

MS. BABCOCK: I do.

MR. ATKINSON: I do have a question, when you say stamped plans, my stamp?

MRS. GALLAGHER: After Danny signs them.

MR. ARGENIO: New Windsor stamp, I don't care about your stamp, I care about Danny's stamp. Do you have a copy of Mark's comments?

MS. BABCOCK: I do.

MR. ARGENIO: Thank you, Michele, for your patience. Thank you, Todd, thank you for your patience as well.

MR. ARGENIO: Mark, just off the record.

(Discussion was held off the record. Whereupon, following which, these further proceedings transpired.)

MR. VAN LEEUWEN: Make a motion for final approval.

MR. FERGUSON: Second it.

MR. ARGENIO: Henry's made a motion for final approval subject to Mark's comments. Harry Ferguson has seconded it. Roll call.

ROLL CALL

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

MORRILL-NUGENT LOT LINE CHANGE (14-20)

MR. ARGENIO: Morrill-Nugent lot line change, 15 Kayleen Drive. The application proposes transfer of approximately .1735 acres from lot 54.1 to 75.1 the plan was previously reviewed at the 12 November 2014 planning board meetings. What's your name, sir?

MR. MERCURIO: Al Mercurio.

MR. ARGENIO: I knew that. Nice to see you.

MR. MERCURIO: Same here. Morrill and June own parcels highlighted in yellow 0.547.

MR. ARGENIO: Hold on just a second, Mr. Mercurio. Okay.

MR. MERCURIO: Morrill and June are the owners of 0.547 acres highlighted in yellow. They wish to purchase the parcel highlighted in blue 0.175 acres as a lot line change.

MR. ARGENIO: Where does that yellow go, that yellow comes, does it come down here or down here?

MR. MERCURIO: Comes down here.

MR. VAN LEEUWEN: You're taking this little piece and adding onto that?

MR. MERCURIO: This is the common property line now 0.51 acres, this is the parcel to be conveyed.

MR. ARGENIO: So the blue is going to be conveyed to the yellow?

MR. MERCURIO: That's correct.

MR. ARGENIO: Got it. So this piece here is going here. Go ahead, sir, I just want to make sure we understand.

MR. MERCURIO: Blue is being conveyed to the yellow to become one parcel.

MR. VAN LEEUWEN: I think it's better for the town.

MR. ARGENIO: I think that is absolutely. What is that, is that a house there? That's a house?

MR. MERCURIO: An existing house that Morrill and June own, correct.

MR. ARGENIO: Where is King Drive?

MR. MERCURIO: King Drive comes off, you look on the, off 94, correct.

MR. ARGENIO: That's right near Doral Drive, is that right?

MR. MERCURIO: Yes.

MR. GALLAGHER: Next to ABC Pizza.

MR. EDSALL: Just up the road from Mike and Lenny's.

MR. ARGENIO: Is that a joke? Thank you for that. There's nothing here, right?

MR. EDSALL: No, the lot line change actually improves the conditions on the non-conforming lot. It makes that lot much more appropriately sized spacing to the property line. The non-conformity to the private road right-of-way is what it is, it can't change that but the overall, this is an improvement. The only reason it didn't get acted on at the last meeting because we needed to hear from Orange County Planning.

MR. ARGENIO: We took lead agency, we waived the public hearing. Anybody sees fit I'll accept a motion for negative dec.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Roll call.

ROLL CALL

MR. GALLAGHER AYE

MR. VAN LEEUWEN AYE

MR. BROWN AYE

MR. FERGUSON AYE

MR. ARGENIO AYE

MR. ARGENIO: That's a negative dec. There's nothing here, am I missing anything, Mark?

MR. EDSALL: Nothing here.

MR. VAN LEEUWEN: Make a motion to approve.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded that we offer final approval to the Morrill-Nugent lot line change on Kayleen Drive.

ROLL CALL

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

MR. ARGENIO: Thank you, Mr. Mercurio, nice to see you.

DEPEW SUBDIVISION (14-11)

MR. ARGENIO: Next on tonight's agenda is the Depew minor subdivision, 39 Lawrence Avenue. The application proposes subdivision of the .386-acre parcel into two single family residential lots. The plan was previously reviewed at the 10 September 2014 planning board meeting. What's your name?

MR. LYNCH: Michael Lynch, I work for Engineering and Surveying Properties.

MR. ARGENIO: Okay.

MR. LYNCH: We had a, we received several variances at the December 8, 2014 ZBA meeting. All the variances that we requested, the areas as well as--

MR. ARGENIO: How many variances was it?

MR. LYNCH: Total?

MR. ARGENIO: Thirty-one?

MR. LYNCH: About 11 or 12.

MR. ARGENIO: It was a lot.

MR. LYNCH: Yeah.

MR. ARGENIO: But it's fair to say I'm going from memory that what you're proposing is congruent with the lots in the area, the size of the lot you're doing, oh, you're a smart man, Ross trained you well, my friend.

MR. LYNCH: All the green lots are all the lots that are smaller than the ones we're proposing, we're proposing these two in the tan color.

MR. ARGENIO: So just refresh everybody's memory, this was the lot right here, this was the lot?

MR. LYNCH: Yes.

MR. ARGENIO: And they're making it in half so now it's actually a big lot by standards.

MR. LYNCH: At the zoning board meeting we had a public hearing, we had one member of the public show up, there was two comments, one was that he requested that the

proposed dwelling be set at the same distance from the road as the other houses on the road and that's what we're proposing. This was proposed since the beginning. The other one he said if it was him, he'd of gone for three lots so--

MR. ARGENIO: Might of gotten them. The planning board should determine if a public hearing will be necessary for this minor subdivision or if it can be waived.

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

MR. ARGENIO: I want to hear from the other folks, Henry, I tend to agree with Counselor VanLeeuwen.

MR. GALLAGHER: I agree.

MR. VAN LEEUWEN: I'm not a counselor, baloney bender, not a counselor.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded we waive the public hearing.

ROLL CALL

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

MR. ARGENIO: I'll accept a motion for lead agency.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded we declare ourselves lead agency, the planning board declare ourselves lead agency.

ROLL CALL

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

MR. ARGENIO AYE

MR. VAN LEEUWEN: Make a motion to approve.

MR. ARGENIO: No, you won't do that, not yet.

MR. VAN LEEUWEN: Negative dec.

MR. GALLAGHER: So moved.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor declare negative dec under SEQRA process for the Depew minor subdivision. Roll call.

ROLL CALL

MR. GALLAGHER AYE

MR. VAN LEEUWEN AYE

MR. BROWN AYE

MR. FERGUSON AYE

MR. ARGENIO AYE

MR. ARGENIO: Do you know what, you could have gotten three lots there.

MR. DEPEW: Is it too late?

MR. ARGENIO: It's too late.

MR. VAN LEEUWEN: It's never too late, David.

MR. DEPEW: Is it too late?

MR. VAN LEEUWEN: No.

MR. ARGENIO: You have to go through the whole process.

MR. DEPEW: Might be worth it.

MR. ARGENIO: You've got to look at your, see what you're going to get for the lots.

MR. DEPEW: That's the problem in the neighborhood.

MR. ARGENIO: I'm not here to be your attorney, you've got no resistance on two lots, might not be the same with three so watch your Ps and Qs, nobody will ever hate a man for making a dollar but if you make, if you get greedy and make two, you might get jammed up.

MR. VAN LEEUWEN: You can always come back and make it three.

MR. DEPEW: No, we're going to start building soon.

MR. ARGENIO: We took negative dec.

MR. EDSALL: You waived the public hearing, I'd say you're right on the goal line for approval.

MR. VAN LEEUWEN: Final motion.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board offer final approval for the Depew minor subdivision.

ROLL CALL

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

MR. ARGENIO: Thank you for coming in, David. Give my best to Mr. Winglovitz.

DISCUSSION

VAILS GATE TERMINALS

MR. ARGENIO: Okay, good, we're cooking with fire here, cooking with gasoline. Discussion, Mark, I have a thing, do you have a thing? Does somebody have a thing to say?

MR. EDSALL: Yes, I have a comment.

MR. ARGENIO: Go ahead.

MR. EDSALL: The planning board at the November 12 meeting of last year declared a positive declaration effectively saying that there is the potential for significant impacts relative to the Vails Gate Terminal site plan. When the board adopted that pos dec, the board of course is waiting at this point for the applicant to submit a proposed scope for the DEIS. But notwithstanding same knowing that the, at least the concerns will include safety and code compliance for the facility itself, the board asked that I look for a special consultant to be retained that would have expertise in just the LP tank facilities, safety, code compliance, the evaluations for evacuations, all those aspects that have been identified in the board's discussions and have been pointed out by the fire inspectors as a significant area of concern. In line with that, I was able to locate a firm in Brewster, New York, Hoffman & Feige and attached to a memo that I sent to the board tonight is a proposal from that professional engineering firm to provide consultant services and as well attached are resumes on the two gentlemen who would be performing the reviews. It's important to note that both gentlemen are significantly involved with the NFPA, they, in fact, one if not both are on the committees that write the Federal regulations, so who better to assist in reviewing our particular concerns than someone who's on the technical committee for the National Fire Protection Association for the entire United States. And not only are they on committees but they're on the committee that deals with LP gases and the regulations pertaining to NFPA 58. So I believe these two gentlemen are a wonderful fit for what we need to help us out and I'm recommending that the board retain this consultant in accordance with the proposal that was submitted with the condition being that the applicant would need to establish an escrow account to cover the costs as part of the SEQRA review.

MR. ARGENIO: I have gone through the resumes and the letters and you and I have talked about it a couple times, Mark. Just to refresh everybody's memory, it was our intent to get an expert that could speak on our behalf and act as our advocate in looking at the safety of this facility. That's where this thing's going. Henry VanLeeuwen particularly this effort is not in lieu of your concerns over traffic, it is in addition to your concerns over traffic. We're not talking about traffic here tonight because when and if we do need a consultant for traffic we'll reach out to the expert we always reach out to who would probably be Phil Grealy cause he's served this board well in the past.

MR. EDSALL: He actually is the consultant for the applicant so we have to find somebody else.

MR. ARGENIO: Sugar. So we'll find somebody else. My point, Henry, is that the only reason we're talking about this it's something new and unique, we have to pound the pavement to find somebody who's capable. Finding a competent traffic consultant is an easier road to hoe and I give Mark credit, he was the one who did the leg work to find this fellow, sent me the resume and said what do you think. I said looks good to me, let's show it to the members. If they agree, we'll run with it. Anybody have any issue, any of the members? So we're good with it. So Mark, let's move forward, Veronica or Mark, whatever the procedure is to get the money escrowed with that applicant why don't you guys work with him and get that money escrowed, let's get this guy on board and get going. And just occurs to me while we're talking about this at some point in time in the past we declared a pos dec which I believe starts some clock. FYI, Veronica, you're the manager of all clocks associated with the planning board.

MS. MC MILLAN: I believe there's a draft out for review right now.

MR. ARGENIO: Got me thinking about clocks and counsel has always been the one that's kept track of the clocks in the past and I don't want to miss a window because you say well, I didn't know you guys expected me to do that.

MS. MC MILLAN: Absolutely not.

MR. ARGENIO: That's your game. To that end

specifically with this application, what's the next step, what are we looking for, a scope?

MS. MC MILLAN: We're looking for a scope from the applicant at this point, the positive declaration has to be published and filed with the ENB and from there we'll begin the DEIS process.

MR. ARGENIO: When I say clocks, that includes Cammy's clocks, so if she's got to do some sort of advertisement or whatever she's got to do, let her know that she has to do this, send her an e-mail.

MS. MC MILLAN: No problem.

MR. EDSALL: I think it would be appropriate for the board to act to accept the proposal to vote and we'll advise Mr. Hoffman that they have been retained, however, they can't start any work until we can pay them.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that we proceed in the fashion just outlined by Mr. Edsall by advising the fire prevention professional that we have voted to retain him but we will not direct him to do any work until we have the money escrowed from the applicant. Motion has been made and seconded, roll call.

ROLL CALL

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

MR. ARGENIO: Okay, what else on that, Mark, anything?

MR. EDSALL: That's it, well, Veronica and I will coordinate this and get it moving.

USAI, LLC SITE PLAN/APPROVAL EXTENSION

MR. ARGENIO: What else do you have, Mark, USAI?

MR. EDSALL: Yeah, I don't have that letter, that's you, Michele. What is it?

MS. BABCOCK: Just a request. We received signed, plan was signed on January 16, 2014 and we're here tonight to request an extension of that approval.

MR. ARGENIO: Two 180 days?

MS. BABCOCK: Please.

MR. VAN LEEUWEN: Which property is that?

MS. BABCOCK: USAI site plan application.

MR. ARGENIO: Where is it exactly?

MS. BABCOCK: Route 9W.

MR. ARGENIO: Where is it? This is River Road, Dude, not 9W, your co-counsel represented it.

MS. BABCOCK: Correct, the address is 1126 River Road, John Cappello.

MR. ARGENIO: John Cappello represented this down near LSI.

MS. BABCOCK: They're removing the building and relocating some additional parking.

MR. ARGENIO: Counselor, I'm talking to you, Edsall, not her.

MR. EDSALL: We're working this out. The situation we're in here is that the Town of New Windsor Code has expirations for site plans, whereas the State Law does not. The town code says you have 180 days plus two 90 day extensions at which time your approval expires. In this particular case, they've gone over that, nothing's changed. So what I'm going to suggest and you've done this many times in the past especially given the economy as it may be rather than extension which technically can't grant, grant a reapproval and acknowledge that nothing's changed and you're making a determination that your prior SEQRA determination is

still valid.

MR. ARGENIO: We've been there and done that.

MR. EDSALL: You have done this before, that way they'll be in, they'll have another 180 plus two 90s, if they ask for it, you want to get the two 90s up front.

MR. ARGENIO: Any issues?

MS. BABCOCK: No, it's basically just whether, the work hasn't been completed and so, you know, based on the letter submitted dated December 22, 2014 they anticipate to start the work soon, it's just the approval is set to expire this month, technically January 16, 2015.

MR. ARGENIO: Mark, you said it did expire, what are you talking about?

MR. EDSALL: Now I'm even more confused. They got the plan stamped, they're looking for an extension on the building permit.

MRS. GALLAGHER: There's no building permit.

MS. BABCOCK: There's no building permit issued yet because they still need to do some additional work on the site.

MR. EDSALL: This is really a building department issue, not a planning board approval issue. So I, my suggestion now being filled in I apologize for not understanding it would be to authorize Jennifer to grant the extension.

MR. ARGENIO: Of what?

MR. VAN LEEUWEN: So moved.

MR. EDSALL: The delay in getting the building permit.

MRS. GALLAGHER: It says they have to get their building permit within so many, in the code it says that they have 180 days from the date of their stamped site plan to get a building permit. I assume they're over that.

MR. EDSALL: Yeah.

MS. MC MILLAN: Cause it was stamped January 16.

MR. ARGENIO: So they're six months over that.
Veronica?

MS. MC MILLAN: I'm sorry, what?

MR. ARGENIO: They're six months over it?

MS. MC MILLAN: Yes.

MR. ARGENIO: Do you have any issue with this,
Jennifer?

MRS. GALLAGHER: No.

MR. EDSALL: It's just a formality.

MR. ARGENIO: I'll accept a motion that we offer them
six month extension for the application of the building
permit congruent with Town Law.

MR. VAN LEEUWEN: So moved.

MR. ARGENIO: Henry's made that motion.

MR. GALLAGHER: Second it.

ROLL CALL

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

MR. ARGENIO: What are you worried about, Michele?
What's your concern, Michele?

MS. BABCOCK: No concerns.

MR. ARGENIO: Okay, Mark, are you good?

MR. EDSALL: Yes.

MR. ARGENIO: Veronica, you good?

MS. MC MILLAN: Yes.

MR. ARGENIO: Thank you, Michele.

MS. BABCOCK: Thank you very much.

MR. ARGENIO: What else do we have?

MEADOWBROOK ESTATES REQUEST OR EXTENSION OF CONDITIONAL
FINAL APPROVAL

MS. MC MILLAN: There is a request for extension of conditional final approval for Meadowbrook Estates cluster subdivision.

MR. EDSALL: I asked Vince to stick around so he can give us an update on where Meadowbrook is at.

MR. PIETRZAK: We supplied phase one maps and mylars to cut off the lot 92 off Mt. Airy Road and the piece that's going to go to the town, I don't know if that's been filed yet, 92 I haven't received a call from the town.

MR. ARGENIO: I know George was eager to get that put to bed.

MR. PIETRZAK: The maps and mylars are at the town.

MR. ARGENIO: Are you asking me?

MR. PIETRZAK: I'm stating that as a fact because I dropped them off. As far as the remainder of the project right now we're getting the bids from contractors in anticipation of starting construction this year.

MR. VAN LEEUWEN: Did you want to cut the trees down?

MR. PIETRZAK: The trees have been cut down, we got approval on that I think two years ago and we did that.

MR. ARGENIO: So long ago they grew back. So what are you here for?

MR. PIETRZAK: We're here for extension of approval.

MR. ARGENIO: Mark?

MR. EDSALL: I believe phase one if I'm remembering correctly phase one was the two lot so the town could have merged that park property in.

MR. PIETRZAK: Yes.

MR. EDSALL: You're looking for an extension on the overall?

MR. PIETRZAK: Correct.

MR. EDSALL: Yeah, they ran into some timing issues because of the Indiana bat situation. So I think that combined with--

MR. VAN LEEUWEN: They come before people you know.

MR. EDSALL: So be the case. They apparently are looking because of timing for construction to extend the conditional final approval. Now the state legislature granted municipalities an open door on extending these subdivision applications so that you can just extend without concern about how many you have.

MR. ARGENIO: Running afoul.

MR. EDSALL: So I would suggest that you grant them the 90 day or verify with Vince rather than come back in 90 days if they want six months.

MR. PIETRZAK: I'd prefer six months.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MS. MC MILLAN: It comes in blocks of 90 days at the time.

MR. ARGENIO: That's two 90 day blocks.

MR. VAN LEEUWEN: So moved.

MR. ARGENIO: Henry's made a motion for two 90 day extensions.

MR. GALLAGHER: Second it.

ROLL CALL

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

MR. ARGENIO: Thank you, Vince, for coming in.

MR. PIETRZAK: Thanks very much.

MR. ARGENIO: What else Veronica or Mark?

MR. EDSALL: I'm not aware of anything else unless there's something hiding on one of the tables.

MR. VAN LEEUWEN: Move to adjourn.

MR. FERGUSON: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth
Stenographer