

TOWN OF NEW WINDSOR

PLANNING BOARD

September 14, 2016

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

ALTERNATE: DAVID SHERMAN

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

VERONICA MAC MILLAN, ESQ.  
PLANNING BOARD ATTORNEY

JENNIFER GALLAGHER  
BUILDING INSPECTOR

STEPHANIE RODRIGUEZ  
PLANNING BOARD SECRETARY

MEETING AGENDA:

1. Chapala Grill
2. Lewis Hall S.P.
3. Lafayette Ridge Apts.
4. Mans Brothers Realty
5. Benedict Pond
6. Route 207

**REGULAR MEETING:**

MR. ARGENIO: Welcome everybody to the regular meeting of the Town of New Windsor Planning Board for September 14, 2016. Would everybody please stand for the Pledge?

(Whereupon, the Pledge of Allegiance was recited.)

APPROVAL OF MINUTES DATED 8/10/16

MR. ARGENIO: First item is approval of the minutes dated 8/10, sent out on 9/1, I'll accept a motion.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

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

ROLL CALL

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

PUBLIC HEARINGS:

CHAPALA GRILL (16-16)

MR. ARGENIO: Next is public hearing for Chapala Grill. Somebody here to represent this? I do not see Linda here, what's the deal?

MS. RODRIGUEZ: Nothing, she said she'd be here.

MR. ARGENIO: Hold it up, makes that easy. Anybody here for this to speak for or against it? Anybody? Alright, so let me ask you a question since we're here on this, let's not be sloppy, can we have the public hearing if there's nobody here to speak? Is there any reason we can't open and close it?

MS. MAC MILLAN: Technically, there should be a representative for it.

MR. ARGENIO: There's nobody here to speak for or against the public hearing, so if there was somebody that wanted to address something.

MS. MAC MILLAN: We could certainly hear them but I don't think there's anything that precludes the board from acting at this point.

MR. ARGENIO: Well, I'm not saying I want to act on the application but do I want to act on the public hearing.

MS. MAC MILLAN: I think you can go forward with that.

MR. ARGENIO: On the 25th day of August, 2016 Stephanie compared nine addressed envelopes containing Notice of Public Hearing for this application, she received this list from our assessor, Mr. Wiley, and they were sent out notifying the public about this public hearing. Is there anybody to speak for or against Chapala Grill in the room this evening? We're going to open the public hearing. Seeing no hands, I'll accept a motion we close the public hearing.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded that we close the public hearing for Chapala Grill. Roll call.

ROLL CALL

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

MR. ARGENIO: Let the record reflect Linda Zwart just walked in who is the representative for Chapala Grill. So the record reflects that Linda just walked in who's representing the applicant. Linda, so you know what we were in the process of doing as you walked in late was there was nobody in the audience that was here to speak for or against the project. It was our intent to open and close the public hearing, even in your absence, counsel advises that we can legally do that. So we were going to go through that exercise when you walked in. So we did open the public hearing, nobody was here to speak for or against the application, we did close the public hearing. Now you're here so you can, I don't see the need to do that, you can represent this application now. So if you want to put your plan up on the easel and the members can ask whatever questions they've had like about the application, maybe you can update us on that wooden guiderail issue that we spoke of. And I believe we're still waiting for county on this, I think, if I'm not mistaken.

MR. EDSALL: You are correct.

MR. ARGENIO: I'm right, Mark?

MR. EDSALL: Yes.

MR. ARGENIO: Okay, so Linda, tell us where we're at here with this application, what changes you've made, yes, this is what I was talking about.

MS. ZWART: Right, so I did speak with the owner, he's very willing to put in the wooden guardrail as suggested. This was one that was an example, I have one more cause it didn't print, he was very willing to make that change and it would go with the aesthetics that has been presented much better.

MR. ARGENIO: Yes, the idea of having a metal unsightly galvanized ribbon rail was not good.

MS. ZWART: At this point, it does need to be done

because right where our exit is it overlaps so that needs to be done anyway. So for the most part and really the only change that we've looked at as far as planning board is concerned everything else was fine.

MR. ARGENIO: Just hold on, Linda. Okay, so yes, go ahead, Linda.

MS. ZWART: So everything, I mean, just to review what we talked about before, the main items that are going to be added here is the adding a ramp for handicapped access. We have some outdoor seating on a paved patio area, it's going to be completely seasonal. What they would like to do is they would like to add a bar area for serving in the back and the actual, the fence around it has already been constructed getting our permits and that sort of thing.

MR. ARGENIO: I don't think the bar is of particular concern for the planning board. Jen, are you, do you have any building inspector issues with that?

MRS. GALLAGHER: They'll just have to get their plans for that.

MR. ARGENIO: Okay. So the guardrail was the big thing and I think this detail is good, the detail, okay, so they're a more tie style and there's a notched style.

MS. ZWART: Correct.

MR. ARGENIO: I don't really care quite frankly, Linda, unless any of the members care.

MS. ZWART: To be honest with you, I don't think it matters because it's going to be backed up along this wall so you're really only going to see it from the front anyway.

MR. ARGENIO: The notch will be in the back.

MS. ZWART: Either style actually in this case, okay, because you'll only see it from one side.

MR. EDSALL: If you have the notched style, the posts should be in the back so if it's impacted--

MR. ARGENIO: It's not the screws holding the structure back, it would be the structure of the guardrail, so turn that around, put the notch towards the parking

lot. Harry or Howard, you guys have any additional thoughts on this thing here?

MR. FERGUSON: I just thought the more ties if it got hit the boards wouldn't get loose.

MR. ARGENIO: I understand what we're saying about having it turned the other way.

MR. FERGUSON: Absolutely.

MR. ARGENIO: Danny, Henry?

MR. VAN LEEUWEN: It should be screwed in otherwise I have no problem.

MR. GALLAGHER: No problems with it.

MR. ARGENIO: So Linda, we have not heard back from planning, that's really the only issue for you so Veronica we can--

MR. VAN LEEUWEN: Subject to.

MR. ARGENIO: I don't like to do that, Henry, but we can act in her absence when we do hear from planning.

MS. MAC MILLAN: It will have to come back before the board officially but you can do that.

MR. ARGENIO: She doesn't have to be here, my point, Linda, did you have any other questions for the planning board?

MS. ZWART: Basically, your next meeting assuming planning comes back with no comments then you would approve it at that point?

MR. ARGENIO: Yes, and you don't have to be here for that unless Orange County Planning comes back with something of some significance and if they do, Stephanie will contact you and you'll need to come in and we'll talk about whatever commentary they have but it's very simple, I can't imagine--

MS. ZWART: I'm not sure what New Windsor does, do you do a resolution?

MR. ARGENIO: We'll do it at that time.

September 14, 2016

7

MS. ZWART: I do apologize, I got stuck on Route 17K.

MR. ARGENIO: You were literally one or two minutes late, perfectly reasonable.

REGULAR ITEMS:

LEWIS HALL SITE PLAN AMENDMENT (16-17)

MR. ARGENIO: Next on tonight's agenda is Lewis Hall site plan. Application proposes change in use for the existing site as well as construction of a 3,000 square foot accessory storage building. The plan was reviewed on a concept basis only. Come on up, sir. Can we have your name and the lady's name for the stenographer?

MR. MOFFA: Sure, Dominic Moffa.

MS. PASTORI: Liz Pastori, CH Building Company.

MS. PASTORI: That rendering is the front building, that's the red building that's there now.

MR. VAN LEEUWEN: That's the only building you fixed up?

MR. ARGENIO: You're going to refurbish that building?

MS. PASTORI: Yes, we are.

MR. ARGENIO: Are you the contractor?

MS. PASTORI: Yes.

MR. ARGENIO: Both of you are contractors?

MS. PASTORI: We're partners, we're business partners.

MR. ARGENIO: Can I have a business card?

MR. VAN LEEUWEN: I will tell you Vails Gate is getting cleaned up nice, do you see what they did?

MR. ARGENIO: What are you guys going to do here? What are you thinking?

MR. MOFFA: Professional building, office suites top and bottom on the front building and accessory building in the back.

MR. VAN LEEUWEN: What are going to use the building for?

MS. PASTORI: We're gong to house our own office space up top and we're going to have office space down below.

MR. VAN LEEUWEN: All office space?

MS. PASTORI: Yes, for storage building and accessory building in the back we want to add to the yard.

MR. VAN LEEUWEN: What are you going to store in it?

MS. PASTORI: Our tools, all of our equipment.

MR. VAN LEEUWEN: Construction equipment you mean?

MS. PASTORI: Yes.

MR. VAN LEEUWEN: We have to ask that.

MR. ARGENIO: Proposed storage, so the rendering you gave us is not the storage building?

MS. PASTORI: No, that is just the front building.

MR. VAN LEEUWEN: That's the building that's there now?

MS. PASTORI: We want to give the front building an update.

MR. ARGENIO: Do you have zoning issues in the back?

MS. PASTORI: Not from what we've gone through with the fire marshals and met with Mr. Edsall.

MR. EDSALL: As long as the building which I have in my comments is 15 foot or less, it's an accessory building so that setback is fine, if they go over 15 foot, game over.

MR. ARGENIO: They have 10.8 feet on the east side.

MRS. GALLAGHER: They only need five feet from the property line.

MR. ARGENIO: Really? Okay, it's Jennifer, Danny, she's on top of it, man.

MR. VAN LEEUWEN: Don't cross her, you're in trouble, deep doodoo.

MR. ARGENIO: So I'm just going to kind of go through Mark's comments a little bit, I'm not going to get too focused on them cause they look like a very large pile

of clean-up issues, just give me a minute to read through them, 9 by 19 spaces, your spaces are too small or 9 by 18.

MS. PASTORI: Everything was revised from what Jim said.

MR. ARGENIO: I'm looking at 9 by 18 stalls here, at least that's what it's indicating.

MR. EDSALL: There's some cleanups to be made but I don't think any--

MR. ARGENIO: I don't want to get hung up on that particular issue but there are quite a few and again, I would call them just like Mark said clean-up issues, painted text no parking, the handicapped detail Mark has espoused on what needs to be done to correct that, don't feel bad cause very few people get that handicapped detail correct. It's going to be professional use in the front building top and bottom?

MS. PASTORI: Correct.

MR. EDSALL: Mr. Chairman, if I could just jump in a minute. One of the things has to be cleaned up is nailing down the use because as I understood it, it was first floor retail, second story office accessory building accessory to the office. The plan has four uses plus one of them is a special permit accessory apartment which you never said that.

MR. ARGENIO: Slow down for me, so in the front I'm seeing what you're seeing retail and office?

MR. EDSALL: So because retail and office have the same parking requirements, my suggestion is that you have the first floor office or retail so you could rent it either way and you wouldn't have to come back to the planning board if you changed back and forth, it leaves you flexibility, that's one of the things that I just hand wrote on the front.

MR. ARGENIO: That should say office/retail.

MS. PASTORI: Our space is going to be upstairs for our business, the first floor we were going to leave an open option just to be a rentable space so--

MR. EDSALL: When the board--

MS. PASTORI: We don't know who's going to be in there, of course we'll get approval from the town.

MR. EDSALL: When the building inspector and group work to modify the zoning, one of the reasons they made retail and office the same parking requirements based on gross was that it made it less problematic to switch so you can show both. And if you lose an office tenant and you want to put retail in you're free to do so.

MR. ARGENIO: Let's talk about the rear building that is proposed storage building, Mark, did you have a comment you were going to make on that before I interrupted you?

MR. EDSALL: No, I was just commenting on the inconsistency on the front use.

MR. ARGENIO: When we say storage, what do we mean, picks and shovels, generators?

MR. MOFFA: Extra two by fours, jackhammers, stuff of that nature that needs to be stored and secured.

MS. PASTORI: We store paint in there, we store all our tools.

MR. ARGENIO: Tools and job supplies, is that a fair statement?

MR. MOFFA: Yes.

MR. ARGENIO: I feel like I'm the only one talking, anybody else have any questions or am I asking the things that you guys are?

MR. VAN LEEUWEN: You're asking all the questions and you're getting the right answers.

MR. ARGENIO: There's one note here I do want to read in Mark's comments plan shows the chain link fences and provides detail for six and a half foot chain link fence in the table, the fence is noted at seven foot nominal height, the plan should more clearly define existing versus proposed fences. It should be noted that fences exceeding six foot in height must have setbacks conforming to building requirements unless the fence is a screening element approved by the planning board. So is it your intention to have a six foot high

chain link fence?

MR. MOFFA: Fence is existing when we purchased the property, had all its permits for that chain link fence that's there is going to stay right there.

MR. ARGENIO: It would seem to me simple just to indicate existing fence.

MR. MOFFA: Yeah.

MR. EDSALL: And take the detail off cause if you're not building anything you don't need a detail.

MS. PASTORI: Okay.

MR. ARGENIO: Just write existing fence where there's existing fence and call it a day.

MS. PASTORI: It's six foot, Gary knows.

MR. EDSALL: Call it out as existing six foot fence, period.

MS. PASTORI: Okay, great.

MR. VAN LEEUWEN: Be nice to see the building fixed up.

MS. PASTORI: Do you like the blue color?

MR. VAN LEEUWEN: Yes.

MR. EDSALL: One other thing given the type of use because it borders with the use class in the code if it's going to be construction material storage, they need to add a note satisfying all storage will be inside the building, otherwise, it falls into a different category so we can just have that noted.

MS. PASTORI: We want it to be inside, want it locked away.

MR. EDSALL: Once the planning board approves a site plan, you could move on to a bigger facility, pass it on to somebody else and we need to have the restrictions on the plan.

MS. PASTORI: Okay, I understand.

MR. EDSALL: In case somebody else comes along.

MR. ARGENIO: Guys, any other comments, Harry or Howard?

MR. BROWN: No.

MR. ARGENIO: I like it, I think it's a nicer looking building. If you do something that's close to what you have here it's great. Ray Yannone cleaned up the corner now you're 50, 70 yards off the corner and you're cleaning your stuff off.

MS. PASTORI: We're ready to go, just waiting for you guys to give us the okay.

MR. ARGENIO: I'll accept a motion that we declare ourselves lead agency.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

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

ROLL CALL

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

MR. ARGENIO: We need to hear from county on this, guys, we cannot act until we hear from county.

MR. EDSALL: And we need to send it to the county in a corrected form showing the intended uses.

MR. ARGENIO: Yes, so what that means to the applicant is that Mark has one, two and a half pages of comments. Who's your engineer?

MS. PASTORI: Jim Farr.

MR. ARGENIO: Jimmy is a very good engineer so I would think probably the thing you should do is to get to Jimmy, give him the comments, if he has any questions, he'll call Mark, get him to clean the plans up. We will not send this to county until you get the plans cleaned up, these are very minor issues.

MR. VAN LEEUWEN: They'll only send it back.

MS. PASTORI: I didn't know about the issues.

MR. ARGENIO: Jimmy typically practices in eastern Pennsylvania in the western end of the county, he doesn't come to New Windsor a lot, at least past history.

MS. PASTORI: We do a lot of business with him.

MR. ARGENIO: Very good engineer, he'll understand the comments. If he doesn't, he'll call Mark. Get that cleaned up, get those plans to Stephanie, she'll get this out to the county and we'll get you scheduled on the next meeting. As soon as county responds we'll get you scheduled. I'd like to see this thing happen.

MS. PASTORI: How soon before you think we'll get approval?

MR. ARGENIO: When will you get the plans back?

MS. PASTORI: Jim's back in town tomorrow.

MR. ARGENIO: When will you get the plans back?

MS. PASTORI: I'll get it right away from him, yes.

MR. ARGENIO: If you get the plans to us in a week--

MS. MAC MILLAN: Mr. Chairman, I'm sorry to interrupt, I just wanted to throw out there that as a part of this process, the board should consider whether or not we're going to have a public hearing on this site plan application before we throw any dates out to the applicant.

MR. ARGENIO: So if you get this back to us in a week and let's table the public hearing for right now, county has 30 days, Veronica, is that right to look at it?

MS. MAC MILLAN: Yes, 30 days.

MR. ARGENIO: By statute, they have 30 days so the public hearing is optional, is that right?

MS. MAC MILLAN: It's discretionary on the part of the

board for a site plan.

MR. ARGENIO: Well, I don't know, I mean, look at that house what's there now and look what they're proposing to do.

MR. VAN LEEUWEN: Big improvement, we like that in Vails Gate, that's the entrance to the town.

MR. ARGENIO: What do you guys think, Dan?

MR. GALLAGHER: We do have a residence right behind, correct, how tall is the proposed building?

MS. PASTORI: Fifteen feet.

MR. GALLAGHER: Any screenage other than a fence?

MR. MOFFA: There's a fence, if you're looking for screening and a fence that can happen. There's other properties next to it bordering it that have the same setup with residents behind it.

MS. PASTORI: The one right next door has a building in the back and building in the front.

MR. ARGENIO: What's behind that, Mark?

MR. EDSALL: Residences, I think Greer's property is towards Five Corners with a rear building and he might have privacy slats on the fence.

MR. MOFFA: Is that the automotive next door?

MR. EDSALL: Yeah, used to be golf cart.

MR. MOFFA: There's--

MS. PASTORI: His whole yard is filled with cars.

MR. EDSALL: It was golf carts for a while now it's cars.

MR. ARGENIO: Let's stay focused. Jen, do you have any thoughts?

MRS. GALLAGHER: It's Marshal Park, we've gotten complaints about several things in that vicinity from a certain resident so, I mean, it's totally up to you guys. They're cleaning it up but Danny's right,

they're putting a 15 foot building up.

MR. VAN LEEUWEN: Couple screening bushes.

MR. EDSALL: I'm not quite sure if that's where the drainage easement is. I'm not sure how far up it goes.

MR. ARGENIO: Let me throw this out for you guys' consideration, the public hearing is not going to cost these guys any time cause they've got to clean the plans up and it's got to go to county. Why don't we have the public hearing?

MR. BROWN: I agree.

MR. ARGENIO: What's the downside, it's not going to cost you guys any time, it's got to go to county. She'll get the notices out right away and we'll get you right on the agenda. And what's the worst that's going to come out of it, some privacy slats and bushes? If nothing comes out, we can say we had it, you've been asked, forever hold your peace.

MS. PASTORI: Okay.

MR. VAN LEEUWEN: It's safer for you guys.

MR. ARGENIO: Motion to schedule the public hearing?

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

MR. VAN LEEUWEN: We're doing that for your safety because somebody comes back later on says what did you approve, we had a public hearing, why weren't you here.

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

ROLL CALL

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

MS. PASTORI: Once the county comes back with the comments, do we have to wait for another hearing?

MR. ARGENIO: No, we can do it all in one meeting. We'll get it done, this is great, I like this.

MS. PASTORI: We can probably come back in October or looking at November cause building the building is going to take time in the wintertime, we're trying to get done before the winter,

MR. ARGENIO: If you get ahold of Stephanie, get notices out to have the public hearing right away, as soon as notices go out, the time period will expire and we'll get you here within probably a month I would think. Mark?

MR. EDSALL: Yeah, I mean, the key thing here is to have Jim and he can do so electronically with a draft copy to me that I can just doublecheck the comments and submit formally through Stephanie. We'll ship it out to the county, but we need that 30 day clock to run when it's sent to the county. So the sooner Jim gets it in the sooner I look at it, we get it doubledchecked on, out, no sense having the public hearing before the 30 days are up cause you couldn't act anyway. They only can act if the 30 days has expired.

MS. MAC MILLAN: The plans that are on file will be the ones that are available to the public to inspect for the public hearing so they should be the corrected ones so just get them in as soon as possible.

MR. EDSALL: I will coordinate with Stephanie once the plan is in fit shape to send out and scheduled the hearing we'll move it right along.

MR. ARGENIO: We'll do it all in one meeting, you have a good engineer, I'm sure he will respond quickly. So get out in front of him, give him a good kick in the pants, get him moving and we'll get you going.

MS. PASTORI: Great.

MR. MOFFA: Thank you.

LAFAYETTE RIDGE APARTMENTS (16-18)

MR. ARGENIO: Lafayette Ridge Apartment site plan represented by Pietrzak & Pfau. Application proposes development of the two tax parcels as multi-family residential with a total of 62 units. Plan was reviewed on a concept basis only. Joe, I see you, how are you?

MR. PFAU: Very good.

MR. ARGENIO: Is your owner here?

MR. PFAU: Mr. Michalski is here.

MR. ARGENIO: How are you?

MR. MICHALSKI: Good.

MR. ARGENIO: Joe, we're over near Toyota of Newburgh, is that right, the old Toyota of Newburgh?

MR. PFAU: On 9W, yes.

MR. ARGENIO: So it seems to me that this, give me a second here, this is the old maintenance building, this is that wall alongside 9W, is that right, this is 9W?

MR. PFAU: Lafayette Drive comes in through here, opens up in both directions, I think originally was proposed to be a loop but the roadways go, it deadends on both sides right now.

MR. ARGENIO: So you're saying it deadends over here somewhere?

MR. PFAU: Yes, you can see there's the existing road comes into the road ends right about here and then there's a driveway, there's an existing duplex here and single-family housing and then on the southern side the road actually loops around again to the end here and there is a private road that comes back to one existing dwelling which sits in the back of the site.

MR. ARGENIO: So that's public thoroughfare through here you're telling me?

MR. PFAU: Yes. And what it originally was was there's a 50 foot paper street that comes through, actually loops all the way around and what we did was we

petitioned the town board and I believe received a dedication for us to take this piece of property along this strip from here to here because the tax lots are not contiguous and that will make them contiguous.

MR. ARGENIO: That half cooked driveway here?

MR. PFAU: Yes, the pavement ends here and it's gravel the rest of the way.

MR. ARGENIO: I had no idea there was that much property back there.

MR. PFAU: Yes, just about 12 acres.

MR. ARGENIO: Are you kidding me? How long have you owned that for?

MR. MICHALSKI: Two or three years.

MR. VAN LEEUWEN: Finally putting it to use.

MR. ARGENIO: So Joe, walk us through this.

MR. PFAU: It's in the R-5 district, it's three 20 unit buildings proposed and we have one smaller community building we're envisioning having a caretaker's unit in. There's going to be a looped roadway, we have actually met with the fire department, you know, conceptually and we adjusted the access drives a little bit and showed the hydrants where they were and fire department wanted it. We did also have a workshop with the town and we have shown a few different features on here. First we have shown a proposed water main easement that was requested by Mark and the town so in case there was a future water main coming across the tracks into the site we provided that 20 foot easement throughout our site and showing how it works with our site. The other thing that we have done is we have shown, we have all of our utilities shown conceptually but we have on the southern side of the site you'll see that the sanitary sewer comes through to serve our property and also comes out, this is a piece of our open space, this is actually part of us as well as that, we're not proposing to utilize, we're extending the sewer out. Mark had asked us to do that because these houses up front are on septic and this was done for planning if in the future these were, these houses were to be sewerred it would make, it goes downhill, it would make sense to run a sewer line all the way in the

back of these houses.

MR. ARGENIO: Can you, you lost me there a few moments ago, tell me about these water line easements here again, what's the deal with that?

MR. PFAU: Well, we were asked by Mark to put, to show these easements for potential future water main for the town as part of the town's long term identification of various areas where wells could be installed and where improvements could exist.

MR. ARGENIO: There would be a bore and jack under the railroad tracks?

MR. EDSALL: Yes, that's why we have two legs because we're not sure where we'd bore and jack. So Supervisor Green and I looked the plan over and we developed this layout where we could have options to get through the property and the applicant was kind enough to work with us.

MR. ARGENIO: Go ahead, Joe.

MR. PFAU: And then also what we did was going to the workshop there were a couple suggestions we added to the plans. Number one, we have, besides normal recreation area which we have not detailed but certainly will we actually also put a centralized pocket park which we envision to have a gazebo, barbecue, picnic tables.

MR. ARGENIO: What about the rec area?

MR. PFAU: I would say playground equipment and maybe some basketball courts. We haven't finalized that. If the board has any particular input on that we'd certainly consider it.

MR. ARGENIO: Have to think that through a little bit.

MR. PFAU: At this point just showing a good area for it. The other thing that Mark asked us to do we have our required parking of two and a half spaces per unit but Mark asked us to look at potentially adding some banked parking. We have added another half space per unit which is an additional 31 spaces that we have shown as banked if for some reason additional spaces were required.

MR. ARGENIO: You're going to build them or not?

MR. PFAU: We're not going to build the banked ones because they're beyond our requirements but Mark asked us to show them.

MR. EDSALL: Just two clarifications on the sewer because we've got this pocket of non-sewered town existing residences, again, the applicant's been very cooperative. We've set this up so that the pump station could be configured and sized with a wet well that could handle the additional residences and at some time in the future the town could if they so desired take this over as part of a district, take over the pump station, put in larger pumps and be able to serve the entire area. Relative to the parking, they're called out as banked parking but really they're just reserved areas for additional parking if needed. Banked by code is when you're proposing to put in less than what is required and you're going to put a performance guarantee up that if you need them the board can make you add them. In this case, they're just showing us that if they have a greater demand they've got room to add spaces so I would just call them reserved spaces, we don't need to make you bond it, it's extra.

MR. ARGENIO: I agree.

MR. EDSALL: Again, the applicant's been real, you know, we thought this one out, it's I won't say a difficult site but it's--

MR. ARGENIO: Looks very challenging.

MR. EDSALL: Configuration you're dealing with slopes, dealing with units, you're dealing with easements so we worked out a lot of coordination right up front.

MR. ARGENIO: Joe, where does the force main go to? Don't show me on the plan, explain it to me.

MR. PFAU: It will be going out to a manhole out on 9W.

MR. ARGENIO: So there's a manhole in the highway on 9W?

MR. PFAU: Yeah, I believe it's in the shoulder on the opposite side.

MR. ARGENIO: What about capacity on 9W, pipe diameters and such?

MR. PFAU: For the existing sanitary sewer?

MR. ARGENIO: For what you're proposing?

MR. PFAU: We'd have to look at that but I don't anticipate a problem but I haven't heard of any problem but we haven't looked at that.

MR. ARGENIO: Okay, I'm asking a lot of questions but that's what I do, I guess, right?

MR. VAN LEEUWEN: How many units?

MR. PFAU: Sixty-two units total.

MR. VAN LEEUWEN: Where does the owner live, Joe?

MR. PFAU: This gentleman right here.

MR. MICHALSKI: I live in New Paltz, I have other property in the town I own. What I like about this I bought from Jim Petro the boat place which is right next to that, so I manage both of them concurrently.

MR. ARGENIO: What about sewer points, Mark?

MR. EDSALL: It's going to be an issue, it's part of the allocation issue. So that again they're here for their first very conceptual discussion as Joe indicated a lot of work to be done.

MR. ARGENIO: You're telling me I'm in front of myself?

MR. EDSALL: No, just another item on the list.

MR. ARGENIO: What about sewer points and such for the houses for the future connections, how does that work?

MR. EDSALL: Existing residences would not be subject to that allocation.

MR. ARGENIO: Because it's a service connection?

MR. EDSALL: Yeah, well, and the town also has with a capacity that they create via the elimination of infiltration and inflow.

MR. ARGENIO: I understand, I think what I'm asking maybe I should be asking Veronica about the statute, there is no moratorium on residential hookups, is that correct or incorrect?

MR. EDSALL: There is not.

MR. ARGENIO: There is not?

MR. EDSALL: Town imposed a moratorium when they were working on resolving certain issues but relative to DEC, DEC has us monitoring the available capacity left if the plan and the allocation of that through the districts and new projects.

MR. ARGENIO: You'd have to get points and that's going to be his issue.

MR. EDSALL: Yes.

MR. ARGENIO: You're on top of that Mr. Michalski?

MR. MICHALSKI: Yes.

MR. ARGENIO: You're out in front of that issue?

MR. MICHALSKI: I know about it, I'm aware of it.

MR. ARGENIO: I haven't gone to Mark's comments yet. The plan submitted is very conceptual in nature, very limited review. What's the diameter of the water main, 8 or 12?

MR. PFAU: We have not done those calcs yet but I would hope no more than eight.

MR. EDSALL: It shows six for one of the branches but I have a side note that says we'll probably look for eight for the whole thing.

MR. ARGENIO: I see your comment about the land banked parking here, Mark, I see that the westerly most building's parking on the west side is 22 spaces whereas only 19 are depicted.

MR. PFAU: I'll fix that.

MR. ARGENIO: We should discuss with the attorney the appropriate time to consider circulation under SEQRA for lead agency. Why wouldn't we circulate at this

point, Veronica?

MS. MAC MILLAN: My opinion would be that we not circulate yet, that it's a little too conceptual, I think it's too conceptual, it's a sketch plan.

MR. ARGENIO: Even for coordination?

MS. MAC MILLAN: We do need to do that at a certain point in time but we need a site plan so the other agencies can fully evaluate it.

MR. ARGENIO: Alright.

MR. PFAU: With regards to SEQRA, we have already done our endangered species studies, we've done the archeological studies and also got a sign-off from SHPO, in that regard, wetlands have been delineated, we're not touching any of the wetlands so we need no permits from the Army Corps so environmentally, I'm hoping we're in fairly good shape.

MR. ARGENIO: What about the railroad being downstream of you?

MR. PFAU: Well, if you notice the, if you take a look at the topography, we're all in a flat area here actually, where we have the proposed pond is in the flat area too, there's a steep embankment is really beyond where we're constructing so there's a significant dropoff in elevation from our project to the railroad and obviously we're not going to be allowed to increase the peak flows off-site.

MR. ARGENIO: There is a lot going on in this little spat. Members, Danny, anything?

MR. GALLAGHER: How about the size of the units, how many bedrooms, any proposal?

MR. MICHALSKI: Mixture of ones, twos and threes.

MR. GALLAGHER: Market rate?

MR. MICHALSKI: Market rate.

MR. ARGENIO: I'm curious, for the two bedroom what are you looking for rent?

MR. MICHALSKI: Not sure yet exactly. It's Cornwall

schools.

MR. ARGENIO: That's okay, I'm just curious. I've asked that question, there's a lot of, I'm sure you know there's market rate projects out there and it's just a question that I ask.

MR. MICHALSKI: It's Cornwall school which is obviously desirable. I own the property down the street, I have 10 residential rentals in that so I know the market for, I have some two bedrooms there, I'm getting 1,400 right on the corner of Ceasar's and 9W.

MR. EDSALL: Mr. Chairman, one other site related issue that I might as well raise now, one of the discussions that the applicant and myself had was the approach to 9W look with the highway superintendent for something to make that a more convenient egress from Lafayette to 9W. Which raises the issue it's an off-site issue does the board want or have any reason why they'd want this application referred to DOT for comment? Because if we're going to send it the sooner we send it the better because their clock seems to run a little slower these days, I think they're having some staff changes.

MR. VAN LEEUWEN: No kidding.

MR. EDSALL: They've had some staff changes recently as well so I'd rather get that out sooner than later to help the applicant out if we're looking to have some input.

MR. ARGENIO: I think we should, don't you?

MR. EDSALL: Yeah, I mean, this is, the volume of traffic is going to be significantly different.

MR. ARGENIO: It's right turn only.

MR. EDSALL: You have to break, you've got a break in the median there.

MR. ARGENIO: Danny, what do you guys think to my left?

MR. GALLAGHER: I think it's close enough that DOT should be involved.

MR. ARGENIO: What about you guys?

MR. FERGUSON: I agree.

MR. BROWN: Yes.

MR. ARGENIO: I don't see us not sending it quite frankly.

MR. EDSALL: I'll work with Joe and maybe if we have a concept of what we believe would help that intersection we'll send it off to them and try to get some feedback as early as possible.

MR. ARGENIO: Is there any zoning issues, Joe?

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

MR. ARGENIO: Does this meet all the current zoning?

MR. PFAU: Yes.

MR. ARGENIO: There's a lot packed in there.

MR. PFAU: It's in the R-5 district.

MR. ARGENIO: I asked you the question referring to setbacks and how much further up does the property go, I see looks like the property line ends here and ends here, what do we have up here, Joe?

MR. PFAU: It's, the property narrows down and it's just a steep little portion of property that's really not that usable. Actually, I think this is Plum Point right here on the other side of the railroad tracks.

MR. MICHALSKI: Plum Point, the condominiums that's adjoining that.

MR. GALLAGHER: Farther up.

MR. MICHALSKI: Yeah, it's above it.

MR. VAN LEEUWEN: It's not the property where some of the buildings are falling down the hill, is it? We do have some property in New Windsor.

MRS. GALLAGHER: No.

MR. ARGENIO: I believe that it would also be very helpful, Joe or Mr. Michalski, we are certainly going to have a public hearing on this and I believe it would be very helpful if you could get some kind of rendering

of what you intend to build, colored rendering of what your building will typically look like. The lady came in earlier with this and it goes a long way. Mark, what else?

MR. MICHALSKI: She's actually my architect, Linda.

MR. ARGENIO: No, this was the other applicant but Linda, she can do it, she has the capability.

MR. PFAU: How much more detail does the board want to see to send it to circulate for lead agency? I mean, I have the topo, I have the--

MR. ARGENIO: Joe, my goodness, how would you even ask that question? How many times have been here? I don't know how to answer that, I really don't. I would think you're going to need some landscaping, you're going to need some lighting, you're going to need some details, detail sheets.

MR. PFAU: For circulation?

MR. VAN LEEUWEN: Flag pole.

MR. ARGENIO: No walls, I don't see any walls.

MR. PFAU: Retaining walls, no, we don't anticipate any.

MR. ARGENIO: Mark also has a pretty good flavor for the answer to that question as you do.

MR. EDSALL: I think this front sheet is great for an overall view but 50 scale, maybe the subsequent sheets can focus on just the development pad and be of a different scale and deal with all the grading development and details.

MR. ARGENIO: Where are the curbs? I can't really tell, looks like it's curbed, I'm not positive though.

MR. EDSALL: I think I'm hearing from the board that the general layout there's no objection. So if you can get the next level of plans prepared when it's circulated there will be less questions from the agencies.

MR. ARGENIO: Is there proposed contours?

MR. PFAU: No, this is just a sketch site plan, we wanted to make sure that the layout was suitable before we went with the design.

MR. ARGENIO: I don't know what else you could do. These buildings are shoehorned in here, did you draw this?

MR. PFAU: Yes.

MR. ARGENIO: Did you?

MR. PFAU: I was involved in it.

MR. ARGENIO: Okay, Mark or Veronica, what else do we need to be doing with this thing tonight? Joe, do you have any other questions?

MR. PFAU: No, sir, we'll go to the next level of detail.

MR. ARGENIO: Yeah, I think that's where you should be at. Okay, thank you.

MR. PFAU: Thank you.

MANS BROTHERS REALTY SITE PLAN (16-150)

MR. ARGENIO: Mans Brothers Realty Site Plan. This applicant is requesting the change in use for the site from retail to office and service establishment. The plan was previously reviewed at the 10 August 2016 planning board meeting. This is right in front of my office on 32, who drew this, Gary?

MR. BROOKS: Hennessey.

MR. ARGENIO: Looks like it was drawn in Tennessee.

MR. BROOKS: No, no, Hennessey. I feel inadequate after all that fancy stuff that was going on.

MR. ARGENIO: Applicant does not propose exterior site modifications as a change in use. The board has the opportunity to review the site conditions and require appropriate updates. Gary, the bottle depot is going in there?

MR. BROOKS: Yes.

MR. ARGENIO: Off the record.

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

MR. ARGENIO: So you've got 9 by 19 stalls that looks correct, building is pre-existing, non-conforming it looks like. Handicapped parking detail needs to be corrected, similar as a prior applicant. I'm reading from Mark's comments, the dumpster enclosure is at the front highway with a chain link enclosure. Gary, stay with me, please. The dumpster enclosure location is at the front of the highway with the chain link enclosure, the location and enclosure are inconsistent with the standards of the town. You need to put the dumpster behind the building it seems to me, where else could you put it in front of the place?

MR. BROOKS: I can put it behind the building.

MR. ARGENIO: Could you do that?

MR. BROOKS: No problem, I can put it anywhere you want.

MR. ARGENIO: Tell your guy to eliminate, tell your engineer to not show that dumpster location where it's shown but to show it, I'm going to mark this plan, Gary, in the back of the building, yeah, it's got to be somewhere here or here.

MR. VAN LEEUWEN: We'd like a flag pole.

MR. ARGENIO: Gary, back up a little bit, please. Members where I pointed to was right here.

MR. BROOKS: By the accessory building?

MR. ARGENIO: Yeah, show the dumpster back here off the pavement in the back of the building so we don't have to look at it.

MR. BROOKS: Alright, we can put it right over here.

MR. ARGENIO: Parking calculation requires correction, service establishments require one space per 150 feet, are they deficient, Mark, on, just needs to be corrected?

MR. EDSALL: It needs to be corrected, if they need to add spaces I'll work with him if the board's so inclined, these are super minor revisions.

MR. ARGENIO: Striping, again, a sign in front of the hatched thing.

MR. EDSALL: Yes.

MR. ARGENIO: This project adjoins 32 and must be referred to planning per New York State General Law GML 239. Okay, so here's the deal, what I'm seeing here unless the members disagree or Mark tells me I'm misstepping or Veronica if I misstep please reel me in, there's some minor corrections that need to be taken care of here on the plan, it's striping and a sign and the relocation of the dumpster. Is there anything else, Mark, that I'm seeing?

MR. EDSALL: Very minor.

MR. VAN LEEUWEN: Flag pole.

MR. ARGENIO: Flag pole, where would you like to put that flag pole?

MR. VAN LEEUWEN: Anywheres here in front of the property.

MR. ARGENIO: Point to where you want it. In the driveway?

MR. VAN LEEUWEN: No, next to the driveway, I haven't got my glasses on so I can't see.

MR. ARGENIO: And the reason I'm saying that put you in a tough spot cause I don't know where he can put the flag pole, I don't know where he's going to put it.

MR. VAN LEEUWEN: What about here?

MR. ARGENIO: In the parking lot, you want to put bollards around it?

MR. VAN LEEUWEN: Next to the building.

MR. BROOKS: There's an old telephone pole.

MR. ARGENIO: Please get us a flag in front of the building.

MR. BROOKS: Yeah, no problem, I can't say anything cause she's over there banging away, I can't be a wise guy.

MR. ARGENIO: Jen, am I missing anything on this plan? I don't mean to oversimplify it but it does seem to me aesthetic corrections to the plan mainly.

MR. BROOKS: We can add as many parking as you want right up here.

MR. EDSALL: We'll work it out after we redo the calculations and can always add a couple more if we need to.

MR. ARGENIO: You're not going to get approval tonight but seems as though what you need to do is get with Mark, get the minor corrections to the plan taken care of that we talked about, we'll send it to county.

MR. EDSALL: It's already at the county so we just need for them to send it back.

MR. ARGENIO: We're going to do the same thing with you that we did with Linda Zwart earlier, as long as the county does not come back to us with anything of any consequence, you don't even have to come back, we'll approve it without you here. Do you guys have any questions?

MR. FERGUSON: So it's a bottle redemption, right, is there room for a tractor trailer to pull in and turn around and scoop up all the bottles?

MR. ARGENIO: I don't think that they use tractor trailers.

MR. FERGUSON: Doesn't the recycle company come?

MR. ARGENIO: How do they pick up the bottles?

MR. BROOKS: Nope, you know those trucks that have all the rolling doors on the side, Budweiser has them, Coke, they just come in with them, throw the bags in.

MR. ARGENIO: A beverage truck.

MR. BROOKS: They're all in big plastic bags.

MR. FERGUSON: Forty footer?

MR. ARGENIO: So it's a beverage truck, not a tractor trailer? Look, let's not have six things going.

MR. FERGUSON: Just wondering cause if it's a, it's eight foot shorter than that tractor trailer.

MR. BROOKS: Quite a bit shorter.

MR. FERGUSON: Is it a straight truck or do they have a single axle?

MR. BROOKS: If you see over at Roger's Place on 1079 next to you they're all straight job trucks all the time, I don't think they have enough at one shot to have a tractor trailer.

MR. FERGUSON: I don't know if a tractor trailer could--

MR. ARGENIO: Sometimes I feel like I'm the only one that's talking, you should ask the questions.

MR. BROWN: No questions.

MR. ARGENIO: You were thinking the same thing, Danny or Henry. So Gary, let me say it again just so we're all clear. Get those couple minor changes made on the plan, work with Mark on getting the parking squared away and the striping and get that plan submitted and we'll move you forward. Mark, you wanted to--

MR. EDSALL: Just so that the record is clear, even if the truck is of the size we were talking on the north side of the recycling building there's nearly 35 foot of pavement width, they could go up and there's a 25 foot backup area so they could always go behind the building and turn around and then shoot back up.

MR. BROOKS: There's a lot of room.

MR. EDSALL: There is a lot of paved area existing.

MR. BROOKS: Yes.

MR. ARGENIO: Gary, you're good. So get the plans taken care of, Gary, please get the plans taken care of and it's already at county, as long as county does not have any significant comments we'll approve it without you having to even be here.

MR. BROOKS: Sounds good.

DISCUSSION

BENEDICT POND (13-03)

MR. ARGENIO: Discussion items, Benedict Pond, Mark or Veronica?

MR. EDSALL: Request for extension, I believe.

MR. ARGENIO: Applicant formally requests that the planning board grant extension of the final conditional approval, should be a conditional final approval of the above-referenced site plan which expires on August 25, 2016, it's Benedict Pond site plan approval file number 7806-003. I don't know what the planning board number is, 13-03. The applicant is still working to address several conditions of approval, therefore, we respectfully request that the board at your next meeting extend the approval for additional 360 days to run until August of 2017. Is there any reason we can't do that?

MS. MAC MILLAN: No.

MR. EDSALL: No.

MR. ARGENIO: Accept a motion so that they can.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded we offer Benedict Pond one year extension of their site plan approval. Roll call.

ROLL CALL

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

MR. ARGENIO: Do you guys have anything else?

ROUTE 207

MR. ARGENIO: The last thing involves me so I'm going to leave in keeping with our rules and regulations and ethics and such. So Mark is aware of it as is Jennifer and they'll tell you guys what it is and I'm leaving. Mark will tell you what else is out there.

(Whereupon, Mr. Argenio left the room.)

MR. GALLAGHER: Route 207 vehicle storage.

MR. EDSALL: Yes, I was contacted by the owners of Algesa Properties LLC, one of the owners being Mr. Argenio who just left the room relative to what we used to know as the Park, Fly and Drive, it's the gas station and parking area paved existing parking area opposite Bruenig Road on 207. That area is fully paved, currently unused and the applicant is requesting a temporary authorization for storage of vehicles on the existing paved area which would be on the rear and west of the gas station lot.

MR. VAN LEEUWEN: Should be no problem, there's been vehicles there before.

MR. EDSALL: Yes, and it's consistent with what the board has done for all temporary parking uses, it would be subject to adequate access per the fire inspectors and I would suggest your normal six month authorization.

MR. VAN LEEUWEN: So moved.

MR. EDSALL: Storage of vehicles, all vehicles must be in running condition, not be in disrepair and leaking fluids, the normal requirements we apply to all such requests.

MR. GALLAGHER: Anybody have a problem?

MR. VAN LEEUWEN: I moved it.

MR. GALLAGHER: Six month approval?

MR. EDSALL: Six month temporary use under SEQRA it's a temporary use so it's a Type II action which requires no further action.

MS. MAC MILLAN: Correct.

MR. VAN LEEUWEN: It requires board approval?

MS. MAC MILLAN: Yes.

MR. GALLAGHER: Motion for six month approval.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

ROLL CALL

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

MR. GALLAGHER: Anybody have anything else? Motion to adjourn?

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth  
Stenographer