



Town of New Windsor

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OFFICE OF THE PLANNING BOARD

WEDNESDAY - AUGUST 14, 2002 - 7:30 PM

TENTATIVE AGENDA

CALL TO ORDER ROLL CALL

APPROVAL OF MINUTES DATED: JUNE 12, 2002

ANNUAL MOBILE HOME PARK REVIEW:

- a. Windsor Enterprises Mobile Home Park – Caesars Lane

POSSIBLE Z.B.A. REFERRALS:

1. BLOOM & BLOOM SITE PLAN (02-22) BLOOMING GROVE TPK. (BLOOM)
Proposed addition to existing building for law office.

PUBLIC HEARING:

2. WVR REAL ESTATE (MAVIS TIRE) SITE PLAN & SPECIAL PERMIT
(02-20) WINDSOR HIGHWAY (ROSENBERG) Proposed Tire Sales in
existing building in Shop Rite Center Plaza Site

REGULAR ITEMS:

3. SAWYER/CAVALARI LOT LINE CHANGE (02-21) BETHLEHEM ROAD (SAWYER)
4. MEADOWBROOK ESTATES SUBDIVISION (01-42) MT. AIRY ROAD & RT. 94
(TECTONIC) Proposed 74-Lot Residential Subdivision
5. BENJAMIN HARRIS SITE PLAN (02-01) RIVER ROAD & UNION AVENUE
(COPPOLA) Proposed new construction – office building.

DISCUSSION

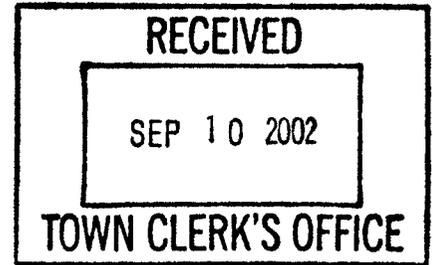
ADJOURNMENT

(NEXT MEETING –AUGUST 28, 2002)

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TOWN OF NEW WINDSOR
PLANNING BOARD
AUGUST 14, 2002



MEMBERS PRESENT: JAMES PETRO, CHAIRMAN
JIM BRESNAN
JERRY ARGENIO
THOMAS KARNAVEZOS

ALSO PRESENT: ERIK DENEGA
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
PLANNING BOARD ATTORNEY

MYRA MASON
PLANNING BOARD SECRETARY

ABSENT: RON LANDER
MARK EDSALL, PLANNING BOARD ENGINEER

REGULAR MEETING

MR. PETRO: I'd like to call the August 14, 2002 Town of New Windsor Planning Board meeting to order. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

MR. PETRO: Has everyone had a chance to read the minutes dated June 12, 2002?

MR. ARGENIO: Yes, Mr. Chairman, make a motion we

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approve them as written.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board accept the minutes as written on that date. Roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

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ANNUAL MOBILE HOME PARK REVIEW:

WINDSOR ENTERPRISES MOBILE HOME PARK

Cancelled by applicant.

POSSIBLE Z.B.A. REFERRALS

BLOOM & BLOOM SITE PLAN (02-22)

Daniel Bloom, Esq. appeared before the board for this proposal.

MR. PETRO: Proposed addition to existing building for law office. Application proposes one and a half story addition to the existing attorney's office. Plans reviewed on a concept basis only. Mr. Bloom is here representing this application and for the minutes, I want to just state that Mr. Bloom does do some attorney work for myself, but I have no affiliation with this business and/or this application, therefore, I'm going to stay in my chair and run the meeting. Mr. Bloom?

MR. BLOOM: Good evening, Mr. Petro, how are you? I would just like to indicate I have just received from Mr. Babcock and I thank him, the comments from the engineers and I believe the initial comment concerning the addition of the bulk table to the site plan has been accomplished, I believe, I hope to the satisfaction of this board. I was not aware that there was a pending subdivision application of my neighbor. I do welcome that because I agree with the comments of Mark Edsall, the engineer, that here's an opportunity to accommodate perhaps some deficiencies in bulk of our, both of our site plans at this time. According to my review, the site plan, I believe I'm looking at permission to go to the Zoning Board of Appeals to seek two variances, one for the front yard because I've got two front yards by reason of the paper street, one for the rear yard, 20 on the front and 6 on the rear, I believe, however, looking at this site plan again this evening before I came that it appears to me that perhaps my architect made a transposition and made a 7 instead of a 6 instead of the site plan on the bulk table as the needed variance, I think it should be 6 and at if this board agrees, I will have that revised. If not, I'll leave it at 7.

MR. PETRO: Dan, we're going to refer you to the zoning board. But my question before you go there is the parking that's in the paper street, the right-of-way

parking, if you remove that parking area from the site plan with the addition that you're putting on and calculate that parking will you then have enough parking for what you're trying to do by removing the paper street?

MR. BLOOM: What I might say, Mr. Petro, on that issue is that I don't know for sure that we would, but it is our plan to increase the parking at the same time we do this or even before we're contemplating cutting out the front lawn and the side lawn and putting macadam in there, so that we can perhaps increase the parking even as it stands at the present time.

MR. PETRO: Would it increase though to the specs that is required? And the reason I'm going over this now is it would be a good idea being you're going to the zoning board anyway to possibly add a variance for parking, if you don't have it, it would be a great time, you don't want to come back and then need it. So why don't you have your architect find out how much parking is required for the square footage of the building with the addition, see how much parking is available on your site that I don't care if you blacktop wherever you're going to blacktop, if it's not then add that number of spots for a variance for a parking variance, you may be two spots short, you may not, and go all at one time so we'd recommend to the zoning board that you're going for an actual front yard variance, a rear yard variance and possibly a parking variance.

MR. BLOOM: Excellent suggestion.

MR. PETRO: Mike, any problem with that?

MR. BABCOCK: No, we'll coordinate that and if there's a request, we'll do it in the referral from the Zoning Board.

MR. PETRO: Don't have him come back here.

MR. BLOOM: Would it be all right if I work with Mike and go directly to the ZBA from there?

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MR. BABCOCK: Yes.

MR. PETRO: That's one of the main reasons for bringing it up.

MR. BLOOM: I appreciate that.

MR. PETRO: Any comments?

MR. ARGENIO: When they clean that plan up subsequent to the ZBA, you should make sure show the handicapped parking and the stalls, et cetera.

MR. BLOOM: Yes, yes, good point.

MR. PETRO: Have him draw the parking as a regular site plan showing all the parking and the handicapped. Motion for final approval?

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Bloom and Bloom site plan on Blooming Grove Highway. Is there any further discussion from any of the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	NO
MR. BRESNAN	NO
MR. KARNAVEZOS	NO
MR. PETRO	NO

MR. PETRO: At this time you have been referred to the New Windsor Zoning Board for necessary variances. If you receive those variances, implement them on the plan, you can then appear before this board again.

MR. BLOOM: After the variances I will report back to the board?

MR. PETRO: Correct.

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MR. BLOOM: Very good, thank you.

MR. PETRO: Make sure that the variances are put on the plan that you have received and Myra, then contact Myra, she'll bring you right back to this board.

MR. BLOOM: Thank you very much. Good night now.
Thank you.

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PUBLIC HEARING:

WVR REAL ESTATE (MAVIS TIRE)

MR. PETRO: We have been informed that they have removed themselves from the agenda. Let me ask is there anybody here in the audience who came here for this public hearing? Let the minutes reflect that no one is here for the public hearing anyway. We're not having it when basically that's withdrawn by the applicant. And if they would want to reschedule it sometime in the future, that's up to them.

REGULAR ITEMS:

SAWYER/CAVALARI LOT LINE CHANGE (02-21)

Mr. Sawyer appeared before the board for this proposal.

MR. PETRO: Application proposes simple lot line, well, should be lot line change between two adjoining parcels. If I understand the application correctly, the lot line between the Cavalari and Sawyer properties is being reassigned lined to be more perpendicular with Bethlehem Road with an even swap .07. The issues, the only bulk issues appear to be the frontage for the Sawyer lot which is reduced since the parcel is large and has frontage to the south, it may not be a problem, but a bulk table should be provided. This can be a condition of approval. Planning board may wish to assume the position of lead agency. I will do that now. Motion please.

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Cavalari/Sawyer lot line on Bethlehem Road. Is there any further discussion? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: I guess Mr. Sawyer, if you want to add anything to all that?

MR. SAWYER: Thank you.

MR. PETRO: That was sort of like an introduction, I guess.

MR. SAWYER: That's perfectly all right and we

appreciate your cooperation, thanks.

MR. PETRO: Do you want to say anything about the application? We're not done yet.

MR. SAWYER: I'm not done yet, I'm sorry, I beg your pardon, I misunderstood the previous motion. This is a similar lot line change which increases our opening up to Bethlehem Road and our right-of-way to the minimum. If we ever decide that we want to use this land and use this as an either entry or egress to or from the property, you see the existing major, I think probably have to refer to the engineer, but I believe, it's around 42 feet and we have to have as you know a minimum of 50 feet for a legal right-of-way, so we have the access up on the road and we have a shortage of opening on the bottom and we figured that we'd like to get a little bit more than 50 feet on the bottom because there's sort of a grade and if that were ever filled, the overflow of the fill might spread out to more than 50 feet so this is why we increased it at the bottom more than it is at the top. It really would have no affect on anyone that we know of, except the two landowners and the lot line change does provide for equal square footage in each case, so we don't see where there should be any objections to our doing this.

MR. PETRO: Erik, the bulk table is not on the plan yet, right, so we have to have that.

MR. DENEGA: Yes, I think that was a condition, it says according to Mark's comment bulk tables should be provided. It can be a condition of approval so according to the plan that Mark has there's no bulk table.

MR. PETRO: Planning board should determine if a public hearing will be necessary for this minor subdivision in a form of a lot line change. Gentlemen, I think this is very minor in nature.

MR. BRESNAN: I make a motion we waive the public hearing for the Cavalari/Sawyer lot line change.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing under its discretionary judgment for the Cavalari/Sawyer lot line change on Bethlehem Road. Is there any further discussion? If not, roll call.

ROLL CALL

MR. ARGENIO AYE
MR. BRESNAN AYE
MR. KARNAVEZOS AYE
MR. PETRO AYE

MR. PETRO: Motion for negative declaration.

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec under the SEQRA process for the Cavalari/Sawyer lot line change on Bethlehem Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO AYE
MR. BRESNAN AYE
MR. KARNAVEZOS AYE
MR. PETRO AYE

MR. PETRO: Anything else?

MR. DENEGA: No.

MR. PETRO: This looks very, very straightforward, looks like they're improving a problem here, everybody seems to be in agreement. I don't see any reason for this board not to do a final approval subject to the bulk table being implemented on the plan before it's stamped. In the meantime, Mr. Sawyer doesn't have to come back here again, not that you can't come back here again, but something else you want to do with that.

You don't have anything else?

MR. DENEGA: No.

MR. BABCOCK: No.

MR. PETRO: Motion?

MR. ARGENIO: Motion for final approval subject to what the Chairman just read into the minutes.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Cavalari/Sawyer lot line change on Bethlehem Road, subject to a required bulk table being implemented on the plan by Spectra Engineering, PC and you agree to do that before the final plan is stamped? Other than that, that's it. Any further comments from any of the members?

MR. KARNAVEZOS: Just noticed says we the undersigned that would have to be signed prior to approval or no on the print?

MR. PETRO: Yes, both property owners.

MR. KARNAVEZOS: Okay.

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

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MEADOWBROOK ESTATES SUBDIVISION (01-42)

MR. PETRO: Proposed 74 lot residential subdivision.

Ms. Jane Samuelson and John Capello, Esq. appeared before the board for this proposal.

MS. SAMUELSON: My name is Jane Samuelson, I represent Tectonic Engineering here representing the applicant. With me tonight is--

MR. CAPELLO: John Capello, Jacobowitz and Gubits.

MR. PETRO: We've seen you before.

MS. SAMUELSON: And we're also expecting Tim Miller from Tim Miller Associates.

MR. PETRO: Want me to go to the next one?

MR. CAPELLO: If you'd like to do that but if he doesn't come we're still ready.

MR. PETRO: Okay.

BENJAMIN HARRIS SITE PLAN (02-01)

Mr. Anthony Coppola appeared before the board for this proposal.

MR. PETRO: Proposd new construction of office building. Application proposes 26,700 square foot office building on 3.3 parcel piece of land. Plan was previously reviewed at the 10 April, 2002 planning board meeting. Property is located in an NC zone, office use is a permitted use by right. The required bulk information shown on the plan is correct for the zone and use group with the exception of the rear yard value. How come you didn't fix that since April?

MR. COPPOLA: I don't know.

MR. PETRO: Hanging around down in Wildwood or something? What's going go on here? The other bulk table correction is four listed items, also have not been made as requested in April. So you have five items on the bulk table that are incomplete, I guess you're going to work on those. Right? Let me read some more before we start. Why don't up give us a quick--

MR. COPPOLA: Since we were here I guess it was in April, we basically spent most of our time developing our grading drainage, utility plans, landscaping, site lighting which we have shown on each of the sheets. Just to kind of an overview again we're proposing a four level building, lower level is going to be garage space. One of Mark's comments he's looking for layout on that, we'll get that in, we have done a layout, I don't have it with me tonight but there's 15 spaces that are going to be in the garage level and then there would be three floors of offices above that, so from the River Road side, the lower side you would see what it would look like four levels, what would look like a 4 level building, garage on the first floor, three office levels above that from the 9W side or from the top to the high side you would see a two story building. And again, we, one of the first things we did several months ago was go through a height

calculation that basically measured the average elevation of the grade around the perimeter of the building and showing that our building showing the top of the building that we would conform to the maximum height of 35 feet, we stated, so we conform to the height. It's going to look like a large building from the low side. As far as Mark's comments on there's two items that I think are the most important, one of the things that Mark has stated that we would like to do is have this plan now sent to DOT because I believe and I think Mark has confirmed that this is a Blooming Grove Turnpike at this point is maintained by the DOT so that that would be their jurisdiction on the entrance down here and on the drainage which empties into an existing large drainage structure, if you're coming from the lower level here, all our drainage empties into that and we realize that we may have to develop some on-site retention but that's probably going to be done through the DOT. So we want to get this plan to the DOT and basically have them comment on the two things, one would be the drainage, the second would be that entrance that was shown down on River Road. So those are the two things, one of the two of the things we're going to hear from them. The rest of the plan, like I said, we've done quite a bit of work on the grading, the drainage, like I said, we still have to propose probably some type of on-site retention, the utility plan just as a point of information, the sewer manhole, the sewer invert which the sewer, existing sewer line is on old Route 9W, the sewer invert is going to be too high for lower two levels of the building, the garage level and the office level above that so we're going to be pumping up two floors and then the two top floors of the office building will work by gravity so that will, that's shown on the plan. We worked out locations of the fire hydrants with Bob Rogers, we're going to have two fire hydrants, one below on Blooming Grove Turnpike, one above on Union Avenue side, both will be at the entrances, both will be outside of the property line so we're also going to be bringing in water service around to service those hydrants and to service our main into the building. And I think one of Mark's comments is relating to the sprinkler, it states on our site note one that the building will not be sprinklered, that's an error, this building will be

sprinklered, it needs to be sprinklered according to the Town of New Windsor, probably also the State Building Code so this building will definitely be sprinklered and we'll be bringing in the service, actually, Bob has told me that they're going to get us some static hydraulic tests of the closest main which is the closest hydrant which is right across the street. So, essentially, we conform all the way around here, we conform for our parking, we meet that requirement, we conform for the setbacks, the height of the building conforms essentially right now we're still in the middle of our engineering, the landscaping plan needs work, we're trying to develop a plan that's not so much kind of lined with one shrub or tree after the next. So this is kind of a preliminary landscaping plan and we're going to resubmit a plan that has a little bit more areas that are a little bit more irregular, try and work some of that into this plan and the site lighting is also shown there, too.

MR. PETRO: I'm going to offer a bunch of things here, seems to me that this plan has probably been laying around since April and I think that maybe the applicant has asked you to get it rolling again because he certainly, speaking of the applicant, applicant is here, there's so many things that haven't been done that are you here just to like bring us up to date, start working on it again?

MR. COPPOLA: One of this things I'd like to ask for like I said we'd like to get Mark, we want to get everything to the DOT which Mark will do, we're just going to give him--

MR. PETRO: You tell me what the problem is, the planning board authorized issuance of lead agency coordination and the applicant was asked to submit 8 sets of drawings in the environmental form for this purpose. They were never submitted as such, no coordination letter was issued. We again request copies as noted. So the urgency here is on your part to get us to do it, but you have never put in the 8 sets of drawings.

MR. COPPOLA: We didn't, how many copies did you get?

MS. MASON: Of this new plan?

MR. COPPOLA: Just like Friday we dropped off sets Friday.

MS. MASON: Those are different than the ones you sent for coordination, so you would have just submitted them on Friday.

MR. COPPOLA: I don't understand.

MR. PETRO: You have the four items on the bulk table that are wrong, plus the first ones, so really there's five items listed that are incorrect, drawings SP1, SP3, SP4, SP5, SP6 have not been updated, please correct, so you have six of them there that are wrong.

MR. COPPOLA: I think he's referring to the title.

MR. PETRO: Whatever it is, it's on the sheet here, a requested layout plan for the underbuilding parking, we requested a plan for that as well, verification of proper height clearances for emergency vehicles, no response has been provided, not something, nothing as previously noted, the bulk tables number 9 handicapped spaces with only five shown on the plan, very unusual. Again, I read number 4 which goes back into the coordination letter which would have been to DOT, we can't do it if we don't have the plans, so I don't know what to tell you. I don't want to be unfair to the applicant if it's been laying around and you haven't been working on it. Now you're ready to work on it, that's between you and him.

MR. COPPOLA: No, it hasn't been laying around. Myra, I'm just a little confused on the eight sets, I'm showing on the transmittal we dropped off 12.

MS. MASON: Those are the drawings that we sent to the departments for reviews, so those are for the in-office use. I need eight sets of just the plan that goes out for ordination to different outside agencies, plus eight sets of the environmental forms.

MR. COPPOLA: EAF?

MS. MASON: Yeah, they go with the plans.

MR. COPPOLA: He's asking for three sets here, is it eight plus three?

MS. MASON: Three where?

MR. BABCOCK: There's three goes to DOT and then eight for the ordination.

MR. COPPOLA: Okay so--

MR. BABCOCK: Apparently, there may be eight involved agencies, I'm not sure.

MS. MASON: DOT review is the technical review, that's different from the lead agency review, so that's a whole different issue.

MR. COPPOLA: I wasn't aware of this, we'll get it to you. Do you want me to give the--I'll give the three sets right to Mark, I guess he's asking for that?

MS. MASON: No, actually, bring everything to me, I will give them to him.

MR. COPPOLA: So 11 sets plus the EAF?

MS. MASON: Right, you need that, the same amount of sets of the EAF.

MR. COPPOLA: Correct, I understand we'll put one with each set.

MR. PETRO: What we'll do, let's do this, I'll recommend the authorizing of the public hearing as far as I'm concerned, this plan is nowhere near ready for a public hearing. Once you have followed up on all these comments and Mark says it's fine to be posted on the board over there, we'll actually have the public hearing. Don't call, though, and schedule it until Mark says it's fine because I'm not going to give you a date just that you won't have to reappear before the

board again to get it authorized, public hearing date, we'll do this now.

MR. COPPOLA: That's acceptable.

MR. PETRO: Authorize public hearing, gentlemen, motion?

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board authorize a public hearing for the Ben Harris office building River Road and Old Route 9W, Union Avenue, subject to the town engineer, planning board engineer rather stating that all comments have been taken care of. Any further comments? Roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. ARGENIO: I'm wondering if the DOT does require retention of the water, where is that going to be?

MR. COPPOLA: It's going to be under the lower parking lot, I think we have enough room there.

MR. ARGENIO: You have vertical distance to be able to do that and relieve the water underneath River Road?

MR. COPPOLA: Yes, I mean, it's going to be metered out so we have, we think the area here to do it and then that works with the existing structure.

MR. ARGENIO: Works with the existing crossing on River Road, is that correct?

MR. COPPOLA: We don't have to cross River Road, it's already there, the crossing is already there.

MR. ARGENIO: But that's what I'm asking you, is it low enough to be able to put the drainage under the parking lot?

MR. COPPOLA: Yes, we believe it is.

MR. ARGENIO: Okay.

MR. PETRO: I'm waiting for a determination from the fire inspector with regard to note number one.

MR. BABCOCK: That was the sprinkler system, says they're not going to put one in and they have to put it in, that's just a typo.

MR. PETRO: Are you aware of that?

MR. COPPOLA: Yes.

MR. BABCOCK: 2B, Mr. Chairman, what Mark is asking if it's acceptable to the board, he will forward the plans to the DOT so I think maybe you should mention that it is okay for him to go ahead and do that.

MR. PETRO: Well, he can do that but I'd like to see the plan brought up to date, that's the point when Mark says the plan is corrected enough.

MR. BABCOCK: Then.

MR. PETRO: Submit to DOT.

MR. BABCOCK: That's fine.

MR. COPPOLA: We'll make the corrections before the 12 sets or the 11 sets.

MR. PETRO: You really have a lot of corrections here.

MR. COPPOLA: I realize there's a lot of work to do.

MR. PETRO: Okay, thank you.

MR. COPPOLA: Thank you very much.

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MEADOWBROOK ESTATES SUBDIVISION (01-42) - CONTINUED

Ms. Jane Samuelson, Mr. Tim Miller and John Capello, Esq. appeared before the board for this proposal.

MR. PETRO: Under regular items represented by Tectonic proposed 74 lot residential subdivision. Before you start in with this as far as the regular presentation, I know you have been to Cornwall because I spoke with Mark earlier today and you're getting some resistance there? I'm sure they have not taken lead agency, correct?

MR. CAPELLO: Correct.

MR. PETRO: They probably don't want us to take lead agency or they do or not sure or what?

MR. CAPELLO: Well, you submitted a notice of intent to become lead agency, they didn't object to it within 30 days, so I believe they have consented to you being lead agency, they want to be an involved agency, they want to be involved in the process.

MS. SAMUELSON: I wasn't at that one but they did discuss it, they did discuss it but they didn't make a motion either way.

MR. PETRO: That to me tells me that they are not taking lead agency and I believe the procedure would be that we'll take lead agency, keep them as an involved agency.

MR. BABCOCK: Number 2.

MR. PETRO: Mark has a note to that effect.

MR. BABCOCK: Yes.

MR. PETRO: Okay, all right, well tonight we'll just take lead agency and we'll go on from there.

MS. SAMUELSON: That's really what we're here for tonight to ask you to take the roll of lead agency, since we haven't heard from any other agencies in the

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required 30 day.

MR. PETRO: The 6/17 letter from DOT, no objection, 8/12/02 received letter from New York State DEC, no objection, 6/17/02 received letter from Orange County Planning, no objection, okay, before we even do that, though, cause this has been changed quite a bit. Originally, you were here with 183 units and it's down to 74 in New Windsor at this time, 16 in Cornwall?

MS. SAMUELSON: Sixteen in Cornwall.

MR. PETRO: Seventy-four in New Windsor and we had quite a bit of conversation back and forth with the size of the lots going back and forth and I do want to state that the applicant has conformed with the wishes of the Town of New Windsor to enlarge the lots to where the Town was comfortable.

MS. SAMUELSON: Right, there are currently no lots under one acre, they're all one acre lots or plus.

MR. PETRO: Which was the original zoning before the change in zoning in October of 2001 for that area, so even though you were grandfathered, you're still conformed with the one acre zoning cause you were grandfathered in, correct?

MR. CAPELLO: The agreement was one acre or 40,000 square feet of buildable?

MS. SAMUELSON: Yeah, we had to calculate the net area for Mark to make sure that there was, I believe it was half an acre that was buildable that did not include 15 percent slopes or--

MR. PETRO: You have some lots well over an acre, too, right?

MS. SAMUELSON: Yeah, there's some well over.

MR. CAPELLO: I think on those what the rationale was there's one buildable, at least one acre buildable land on those, there was a detailed discussion and there was a letter somewhere that reflects it and we'll

incorporate that into the submissions.

MR. PETRO: Anything else you want to tell us?

MR. CAPELLO: We also have with us now Tim Miller, Tim Miller Associates has prepared a full environmental assessment form Part 3, we have eight copies here for the board members tonight, we'll be delivering additional ones tomorrow since you're the lead agency, it's really your determination, but we're submitting ten extra copies, if Mark wants or you want to distribute them to Cornwall Planning Board or whoever you feel you need to have it distributed, we'll certainly do it.

MR. PETRO: I'm sure they're going to have members come up and want to pick one up so--

MR. MILLER: I want to make note, Mr. Chairman, in the SEQRA process you have the option of reviewing the EAF and if you determine upon review that the applicant has mitigated impacts, you may conclude the SEQRA process with a negative declaration. If there's a view that additional work needs to be done, we're certainly prepared to supplement this EAF. What I am providing to you is a discussion of the various Part 2 thresholds and how we believe we have addressed them and providing to you a traffic study that evaluates traffic from the project and its affects on area local intersections. I'm providing to you a storm water management study that addresses how storm water is being dealt with on the site and I'm providing to you utility studies that address water and sewer extensions and so forth along with discussions about other areas, such as wetlands and community services, things of that nature. So I think we've got a fairly detailed and comprehensive package, obviously, it's up to this board, presumably in consultation with Cornwall, how you wish to proceed, but it's our hope that we can provide you with any outstanding information by supplementing this package if that's possible, if that makes sense, so it's a fairly detailed package of information.

MR. PETRO: Got a couple hours work into it, do you?

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MR. MILLER: Put some time into it, as you know, work on Hannaford.

MR. CAPELLO: Working so hard, he couldn't find his way here on time.

MR. MILLER: I'm going to leave this with you and we'll more copies over for your staff to distribute as may be necessary.

MR. ARGENIO: Is Five Corners in your traffic study, seeing as you worked on Hannafords?

MR. MILLER: In this instance, it's not in the traffic study so it's, you know what happens is that the traffic from this project begins to disperse after a certain distance from the project and it's affect on the Five Corners becomes fairly light. When the Hannafords study was done, it did take into account the background growth and in fact, we're working on the Harp Estates, Covington Estates project and we have had meetings with the DOT who believes that the background growth that's been assigned to the Five Corners is far in excess of what's actually happening and in fact, they, they're concerned that they have conservative projections for the Five Corners which are significantly overestimating the future volumes that may be out there, but to answer the question, we didn't address.

MR. ARGENIO: I'd like to know going east on 94 from this project where it disperses to.

MR. MILLER: Traffic study will show you that and if you want us to take a look--

MR. PETRO: All going down Riley Road.

MR. ARGENIO: Or Mt. Airy Road where the other subdivision is.

MR. PETRO: What we'll do is we have to take it and digest it anyway so we're not going to do anything with that tonight. Mark's going to review it with his firm.

MR. ARGENIO: How are you guys handling the wetlands without getting into too great detail at this point?

MS. SAMUELSON: We're avoiding them to the maximum.

MR. ARGENIO: That's an answer.

MS. SAMUELSON: We're going to have some wetlands.

MR. MILLER: Wetlands affects are very small, half an acre. I think that's pretty much where we are tonight, Mr. Chairman.

MR. PETRO: Motion for lead agency.

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Meadowbrook Estates major subdivision. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: It's my understanding that the applicant is, would be going through the details for municipal water and sewer services whether the water service is from New Windsor Planning Board or from Cornwall, an inter-municipal agreement will be needed for both sewer and water.

MR. CAPELLO: Right, we're examining three options right now. One is Water District Number 8, the other one is Water District Number 13, those two are in the Town of New Windsor. The third option is the Village of Cornwall-on-Hudson will be supplying the new high school we'll bring the water main up to the general

vicinity of this project and as the Cornwall Commons project which is also before you and that one, the Village agreed with the developer and the Village has a standing agreement with the Town of Cornwall and then there was an inter-municipal agreement with the Town of New Windsor so there will be either hopefully an agreement between New Windsor and Cornwall that New Windsor District will serve New Windsor water will serve the entire project or vice versa. In any event, we're going to have to create either extending District number 8, District number 13 or creating a new district in the Town of New Windsor to encompass this project. So we could do the contracts but Mr. Crotty is aware of that as well as Mark and Mr. McGoey and we'll keep you posted. We're still trying to get all the engineering details to determine what the most feasible way to do it is.

MR. PETRO: We're going to review the booklet that you gave us tonight with Mark and go over that, I'm probably going to have a meeting with the chairman of the Cornwall Planning Board myself, just to get his impact on it and his feelings for it and the way I look at things if it's sufficient, it's sufficient, if it's not, it's not, so we'll get to that point, I guess.

MS. SAMUELSON: So maybe in a month or so we would be able to have an idea whether you want more information?

MR. PETRO: I think definitely yes, we'll either accept that as written and move ahead or the other way.

MR. CAPELLO: Which will go unmentioned for now.

MS. SAMUELSON: You mentioned meeting with the chairman from the Cornwall Board, Mark has spoken about having a joint meeting between the two boards, would you think that that would be a good idea at this point or maybe a little bit--

MR. PETRO: Not a joint meeting, a regular open meeting, just myself, the chairman, I can report back to the men what he says or his feelings, but we're the lead agency, we'll make up our own mind but at least like to get other information. Okay, thank you.

DISCUSSION

FIRST COLUMBIA

MR. KRIEGER: I received a request from Phil Crotty that the planning board issue a letter, he's written a memorandum I think you've seen it and what it ought to say by way of background information in my discussions with him today it appears that this is basically made necessary by for the Town's benefit, currently, the parcel is owned in one ownership, that being the Town of New Windsor and there's an overall lease with First Columbia, they're in turn subleasing, the board is aware they have been here a number of times. This request on the part of the Town has to do with basically the Town's interest in seeing that the tax bills go to First Columbia and not the Town. That was not clear for me from the memorandum, so I thought I would by way of background, I thought I would tell the board this so that it can make a more informed decision. Now, I believe that the memorandum has already been, has already been, that you've already seen it, Mr. Chairman, and I would ask that you would in turn advise the board members of the, what the request is.

MR. PETRO: Mike, I don't want to do anything until I know what it is, they're going to have to wait, but Tom doesn't know, he doesn't know, he doesn't know and I'm not going to take an action, I don't know, don't know what the hell it is, right, do you agree, does anybody?

MR. ARGENIO: This is the first I'm seeing this letter here, looks to me that 745.904 acres are going to New York State DOT to be taxed as probably part of the MTA property and 10.096 is going to be the--

MR. PETRO: This is my fault cause I didn't set it up with the attorney.

MR. BRESNAN: Table it.

MR. PETRO: We're going to table it from here on until the next meeting. Any other discussion item? Motion to adjourn.

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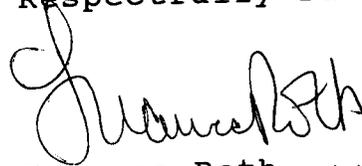
MR. ARGENIO: So moved.

MR. KARNAVEZOS: Second it.

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

Respectfully Submitted By:



Frances Roth
Stenographer

8/14/02