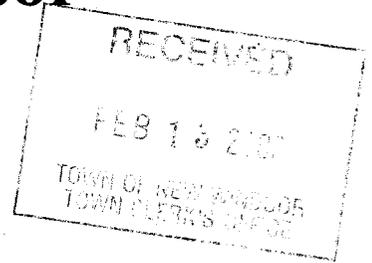




Town of New Windsor

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OFFICE OF THE PLANNING BOARD

WEDNESDAY - FEBRUARY 13, 2002 - 7:30 PM

TENTATIVE AGENDA

CALL TO ORDER ROLL CALL

- A. NUGENT MOBILE HOME PARK - UNION AVE - ANNUAL REVIEW
- B. MONACO MOBILE HOME PARK - WALSH ROAD - ANNUAL REVIEW

REGULAR ITEMS:

1. VANTAGE CONSTRUCTION SUBDIVISION (01-55) RILEY ROAD (TAROLLI)
Proposed 20 residential building lots.
2. GALELLA SITE PLAN (02-03) RT. 9W (COPPOLA) Proposed Office Bldg.
3. BUTLER, DENNIS SUBDIVISION (01-25) RT. 207 Proposed 4-lot residential subdivision (Brady)

DISCUSSION:

4. GLYNN, ART - Walsh Road - Parking Area Discussion
5. ALL FAMILY TRANS, INC. - Proposed Dealership for purpose of buying his company vehicles only. (Sacoh)
6. HANNAFORD FOOD & DRUG - DETERMINATION OF COMPLETENESS FEIS

ADJOURNMENT

(NEXT MEETING - FEBRUARY 27, 2002)

Revised 2/12/02

February 13, 2002

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TOWN OF NEW WINDSOR

PLANNING BOARD

FEBRUARY 13, 2002

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN
JIM BRESNAN
RON LANDER
THOMAS KARNAVEZOS (ARRIVING LATE)

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

MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
PLANNING BOARD ATTORNEY

MYRA MASON
PLANNING BOARD SECRETARY

ABSENT: JERRY ARGENIO

REGULAR MEETING

MR. PETRO: I'd like to call the regular meeting of the New Windsor Planning Board to order for February 13, 2002. Would everyone please stand for the Pledge of Allegiance?

(Whereupon, the Pledge of Allegiance was recited.)

MR. PETRO: This is a five member board, we need three members to have a quorum, which we have, but we have to have all three votes in favor of something, so if someone would like to take themselves off the agenda, come back when we have a full board, say so now.

NUGENT MOBILE HOME PARK

Ms. Kathleen Nugent appeared before the board for this review.

MR. PETRO: Mike, has someone from your department been to the site?

MR. BABCOCK: Yes, we have, Mr. Chairman.

MR. PETRO: Any violations, any additions or corrections?

MR. BABCOCK: Yeah, there's a few things that need to be taken care of there, I have a list for Mrs. Nugent, I haven't had an opportunity to talk to anybody from there on these things, some numbering on the mobile homes for 911, there's some brush in one of the mobile homes and fuel oil tank seems to be tipping, must have settled or something.

MR. PETRO: Can you work it out with the applicant?

MR. BABCOCK: Yes.

MR. PETRO: Do you have a check for \$100 made out to the Town of New Windsor?

MS. NUGENT: Yes.

MR. PETRO: Motion for one year extension.

MR. LANDER: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant one year extension to the Nugent Mobile Home Park on Union Avenue. Is there any further discussion? If not, roll call.

ROLL CALL

MR. KARNAVEZOS AYE
MR. BRESNAN AYE

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MR. LANDER AYE
MR. PETRO AYE

MR. PETRO: We thank you for coming in, you're all
done for a year.

MONACO MOBILE HOME PARK

Ms. Carmela Lauria appeared before the board for this proposal.

MR. PETRO: You're representing the park? Reason I ask you is we've had some doozies in here that have come up here and said I have nothing to do with it, but I'll represent it.

MR. LANDER: Mike, is there anything wrong?

MR. BABCOCK: No, everything is fine.

(Whereupon, Mr. Karnavezos entered the room.)

MR. PETRO: Let the minutes show that Tom came in and we now have four members of the five member board and we need a check for \$100 Town of New Windsor. Motion for one year extension?

MR. KARNAVEZOS: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the Town of New Windsor grant one year extension to the Monaco Mobile Home Park on Walsh Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. KARNAVEZOS	AYE
MR. BRESNAN	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: We thank you for coming in, say hello to Carmen for us, wish him well.

REGULAR ITEMS:

VANTAGE CONSTRUCTION SUBDIVISION (01-55)

MR. PETRO: I should state that we're not going to ask anyone to leave. Regular items we have Vantage Construction subdivision on Riley Road. This is proposed 20 residential building lots.

Mr. Al Mercurio of Mercurio-Norton-Taroli land surveyors appeared before the board for this proposal.

MR. PETRO: This project involves subdivision of three tax parcels into 19 lots. This plan was previously reviewed at the 26 September, 2001 planning board meeting. Okay.

MR. MERCURIO: Property is on Riley Road, it consists of 17.809 acres, Vantage Construction Corporation is the contract vendee, they are proposing a town road which would have 19 lots, 2 of which have pre-existing dwellings on them. The lots would be serviced by public water and sewer. All the lots meet the minimum size and requirements for this zone which is the R-3 zone.

MR. PETRO: This was grandfathered in right, Mark, from the prior zoning?

MR. EDSALL: Yes.

MR. PETRO: Why don't you start us off with some of your comments, Mark?

MR. EDSALL: There's just some additional information we need to have added to the plan, we asked for topographical information, it was provided on sheet 2 but just doesn't note the source of the data. 2b it's actually a case where you have something larger than normal, we have a larger cul-de-sac than normal and I want the highway superintendent to write off because drainage improvements proposed including the dedication of a lot that will require the formation of a drainage district that they should begin dealing with the town attorney on that. Minor correction of the curb detail,

two additional catch basins, they need to identify a waiver for the sidewalks.

MR. PETRO: Why do we want to do that, Mark?

MR. EDSALL: It's up to the board, as I note here, you should give a recommendation in this regard. You may want to have sidewalks on one side rather than just have both or you may care to recommend waiver of both, whatever the board decides.

MR. PETRO: We have been trying to get one side at least.

MR. EDSALL: One note comment under number 1 that's important as far as the configuration of the lots, lot 4 and lot 13 have to be adjusted in their configuration because they have compliance problems with lot width. I had some other procedural comments under number 3 and 4 and 5, just notes that if you care to authorize this for a public hearing, you can do that subject to the plan being corrected.

MR. PETRO: Can I have a motion for lead agency?

MR. LANDER: 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 Vantage Construction Corporation on Riley Road. Is there any further discussion? If not, roll call.

ROLL CALL

MR. KARNAVEZOS	AYE
MR. BRESNAN	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: I think that we can set it up for a public hearing, it seems to be far enough along that we should authorize the date at least when you're ready, you can contact Myra, she'll put you on the next available

agenda for the next public hearing.

MR. MERCURIO: We don't have any problem with the comments, we'll address them all.

MR. PETRO: There's not too much here.

MR. LANDER: Now, where exactly on Riley Road is this because there's a number of hilly spots, I'm just trying to figure out what it's next to.

MR. MERCURIO: Physical features, well, from the intersection of Moores Hill Road heading south, it would be about 3,000 feet.

MR. LANDER: Up over the hill.

MR. MERCURIO: Just up over the hill.

MR. LANDER: How is the sight distance?

MR. MERCURIO: We feel the sight distance is adequate, that's the reason we pushed the entrance for the road all the way towards the south side of the property.

MR. PETRO: We don't have highway, the last highway comment we had was need drainage plan, I think 2C, there's two comments that you should maybe get the ball rolling on because it can take a while would be the formation of the drainage district with the town attorney and also the reallocation agreement for the sewer points, you should get that so we have it on the file so we can take an action when the time comes.

MR. LANDER: Does he have to go to Town Board for the sewer points?

MR. EDSALL: Yes, the reallocation agreement requires writeoff from the Town Board.

MR. LANDER: Shouldn't he go there first?

MR. EDSALL: This would be an appropriate time to start cause normally, you wait until you have identified how many lots you have, so you purchase the correct

capacity and I would say they're pretty close to that point. Does the board have a recommendation on sidewalks?

MR. PETRO: Yeah, I'd like--

MR. LANDER: We're going to need them on one side.

MR. PETRO: I think so, why build 13 houses and there's nowhere for anybody to walk.

MR. MERCURIO: There are no other sidewalks along Riley not even in close proximity to this property.

MR. LANDER: Right, right, the sidewalk issue has come up this past year and that, and street trees with this size here, there's 19 lots, not 13, 19, and maybe look at street trees here also, this is something new that has come up along with the new zoning.

MR. PETRO: Try and fit a sidewalk on one side, you really only have the main spine road, we're not talking about along Riley, just on your property.

MR. BRESNAN: What's the spec on the sidewalk?

MR. PETRO: Five feet we have been asking for.

MR. BABCOCK: So that sidewalk would go up one side of the road and around the cul-de-sac and then end?

MR. PETRO: Correct.

MR. LANDER: Whatever side he wishes to have it on.

MR. PETRO: Lot 13 and this one here I guess where the existing house is wouldn't be affected and the two across the street would not be affected.

MR. LANDER: Now, did I read that there's three tax parcels?

MR. MERCURIO: Yes, there are.

MR. LANDER: So we're going to combine all those?

MR. MERCURIO: Correct, this would be lot 1 which would be on the east side of Riley Road is a separate tax parcel, lot 19 which is shown as lot 19, portion of it is a separate tax parcel and then the balance.

MR. KRIEGER: I'll need to see a deed with all the descriptions combined.

MR. LANDER: So if it's satisfactory with the planning board attorney.

MR. KRIEGER: That needs to be done before the plan can finally be stamped, so you might as well get started now it's a question of combining the three parcels into one.

MR. PETRO: We're not creating any zoning problems with the multi-family house being there simply because it's pre-existing, correct, Mark?

MR. EDSALL: Well, there's no guidelines for what's required for that existing building that I'm aware of.

MR. PETRO: You've got enough to go on.

MR. LANDER: Before you go, I see there's quite a few stone walls here, we're going to keep these, they have some historic value, I know lot 4, it's a little difficult to leave it because it's an intersection but some we can leave.

MR. MERCURIO: Between lot 15 and 16, we put the stone wall on one side of the property line near to the property line so it wouldn't be disturbed and the same with lot 14, so we have tried to utilize the walls as best we could but as you can see the configuration is quite irregular.

MR. LANDER: Yeah, I see that. Let's try to save as much as we can.

MR. PETRO: Can you pick them up and move them?

MR. MERCURIO: Stone by stone?

MR. LANDER: Tom, you got anything?

MR. KARNAVEZOS: No, you're going to be back.

MR. LANDER: Lot 19, is that four feet that corner of that existing house is four feet off the property line?

MR. MERCURIO: 4.7 feet, that's correct.

MR. LANDER: Is that an existing property line?

MR. MERCURIO: Yes, that's an existing property line.

MR. EDSALL: Myra, have you forwarded a copy of the state's letter to their office?

MS. MASON: Yes.

MR. PETRO: Anything else?

MR. MERCURIO: No.

MR. PETRO: Thanks.

GALELLA SITE PLAN (02-03)

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

MR. PETRO: West side of 9W. We have viewed this plan on a concept basis only.

MR. COPPOLA: We're on Route 9W, if you're heading south, you're going to pass the two medical office buildings which was Stewart's Furniture.

MR. PETRO: This is the filled in lot?

MR. COPPOLA: There's two vacant lots, we're one of them and you're going to come to two or three houses and then Broad Street, so basically, we're looking to develop this existing vacant parcel into one story office retail building just under 5,000 square feet it's going to be 50 feet deep by 99 foot wide. We worked with Mark quite a bit through the past actually several months through the workshop session to kind of bring a fully developed plan just kind of go over it real briefly. We're able to use, there's an existing storm drainage system that we're showing that's just north of our parcel couple hundred feet away, about 150 foot from the corner of our lot and we're able to get all of our storm water out through there so we're proposing two catch basins on our lot, a third catch basin in the DOT right-of-way and then that will all work by gravity to get the water out and down to this structure. There's a large capacity structure there, 24 inch CMP that crosses the road, goes out and this is kind of not on our parcel but there's a kind of a wet area back over here which is a low spot, that's where that goes out, so we're going to collect our storm drainage and work that out that way. The other thing, one of the other considerations here that we worked on is the DOT access onto Route 9W which would be a right turn only cause we're just in the southbound lane, there's an existing dwelling right south of our property, you can see the edge of the house right there and that's, right now, it's kind of a shared driveway that goes right along the property line and that's all paved. What we're proposing is a curbed, a median

which is going to stick out a little bit passed our property line to divide these two so you have the private driveway and then our access here, a two-way access here for our driveway and we have also worked out I think this was Mark's suggestion to work out a deceleration lane so that would be 12 feet wide and 100 feet long here so that we can get the traffic off Route 9W as they're making a right turn into our property. So we have sent this to the DOT, I don't think we've gotten their comments back, I have spoken to them about the project so they are reviewing that. We're showing basically we conform I think in all ways our setbacks are all correct, we're conforming on all the setbacks front and side and rear yards, we have developed landscaping plan in the rear basically that's noted on the second page of our site plan that's all scheduled. So this is all residential area back here, so these are all going to be back yards. We're not proposing a driveway or anything in the rear here so there's just going to be the parking area to the side of the building and parking in front, we conform for parking. We're showing 33 parking spaces which is exactly what we need and site lighting is also on there with the foot candles, that's all shown, there's details for that. So I think that's basically it. I really didn't look at Mark's comments yet, but we have worked on this for a while and I think it's fairly fully developed here.

MR. LANDER: Tony, your retaining wall in the front of building, what's that going to be made of?

MR. COPPOLA: What's happening here we detailed that as the concrete wall, just the Unilock system, there's a detail with that on SP3 but because of the way the grade, the parking lot slopes down, it's going to slope across the front of the building and you're only going to be able to access, walk into the building, walk into this concrete sidewalk towards the left side, that's where the handicapped parking is. Then, as you go towards the right side, you'd be up above grade, you can see that's 109, so you're going to be four feet above grade and also going to work in a concrete step at the front so you're going to be pulling in the front of a short retaining wall, iron handrail and sidewalk

on top of that and I think that's six or eight feet wide, let's see, 8 feet.

MR. PETRO: What's the rear yard in the NC zone?

MR. BABCOCK: Fifteen.

MR. LANDER: Your trash shed you call it?

MR. COPPOLA: Yeah, again, we're thinking that we wouldn't do enclosure, but this would be one of the Rubbermaid type of thing, we would not do enclosure, just do one of the pre-manufactured containers, not a dumpster.

MR. LANDER: Is this going to be a medical building?

MR. COPPOLA: We don't know, I mean, it could be possibly a doctor's office, might not necessarily be medical office.

MR. PETRO: You should size it for medical, you can always go to retail.

MR. COPPOLA: Medical's more restrictive?

MR. PETRO: Yes.

MR. COPPOLA: So--

MR. BABCOCK: Well, you'd have to know how many examination rooms you need, how many doctors.

MR. PETRO: It could be more restrictive for the amount of spaces provided.

MR. COPPOLA: I'll put that on the plans, I know we did that with the other site plan now that I'm remembering it.

MR. BABCOCK: What we'd do, Mr. Chairman, he meets the zoning for the parking, if he come to me and wanted to do a medical office building, we would tell him based on the parking we'd work it backwards, tell him how many doctors he would be allowed and how many exam

rooms he'd be allowed.

MR. PETRO: Doesn't look like he can fit anything else anyway so there may not be anything you can do about it.

MR. KARNAVEZOS: On the corner over here where the existing dwelling is, can we do something about blocking in light coming in?

MR. COPPOLA: Screening here, yeah, actually, Nick, maybe I'll ask you to address that, we talked about this at the workshop, she doesn't really want screening, she's the owner of the parcel, right now talking about screening here.

MR. GALELLA: Yeah, we're trying to work it out and maybe I can fence something, that's not something that wouldn't be overgrown, she wanted to provide access to her rear yard in case she had to put a vehicle maybe like a low four foot fence or something thinner.

MR. KARNAVEZOS: Just to block off.

MR. GALELLA: Nothing that would be overgrown throughout the years.

MR. COPPOLA: We can add that right adjacent to her house, you're saying.

MR. PETRO: Motion for lead agency.

MR. LANDER: 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 Galella site plan on New York State Route 9W. Is there any further discussion? If not, roll call.

ROLL CALL

MR. KARNAVEZOS AYE
MR. BRESNAN AYE

MR. LANDER AYE
MR. PETRO AYE

MR. PETRO: Motion to have a public hearing.

MR. LANDER: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board have a public hearing for the Galella site plan on Route 9W. Is there any further discussion? If not, roll call.

ROLL CALL

MR. KARNAVEZOS AYE
MR. BRESNAN AYE
MR. LANDER AYE
MR. PETRO AYE

MR. PETRO: Plan seems to be pretty complete, so if you want to schedule a public hearing with Myra, we'll get you on the next available agenda and it looks fine, I would address whatever Mark's comments have been but he has very few comments.

MR. COPPOLA: I appreciate that.

MR. BABCOCK: One thing for the record I stand corrected about the, there was a zone change with that, it was, changed the calculation of the parking for medical office, he meets that criteria for that NC zone right now.

MR. EDSALL: So it's either way so it's okay either way, you may want to just for the record though have your plan note that it's not restricted to retail in other words you're saying retail building, I believe.

MR. PETRO: You should put retail/office.

MR. COPPOLA: We did label that.

MR. EDSALL: Note that it maybe professional office so

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you're covered so you're disclosing it could be any one of them or a combination.

MR. COPPOLA: Thank you very much.

BUTLER, DENNIS SUBDIVISION (01-25)

MR. PETRO: Proposed 4 lot residential subdivision represented by Mr. Brady. This application proposes subdivision of the 10.8 acre parcel into four single family residential lots. This plan was previously reviewed at the 28 February, 2001, 27 June, 2001, 26 September, 2001 planning board meetings.

Mr. Patrick Brady appeared before the board for this proposal.

MR. BRADY: Good evening, Mr. Chairman, members of the board, as you stated, the last meeting was a public hearing and couple of issue had arisen at that meeting, one being some drainage on the northwest corner of the site down by New York State Route 207. Since that meeting, I met with Mr. Edsall out on the field, we have identified an existing culvert that crosses 207, it's a 21 inch CMP, we, if you look, the drainage now comes from the property and goes northwest across down to a wetland area which we have also delineated since the last set of plans and what we intend to do is the private road system will have a swale on either side and what we're going to do is bring in the roof leaders and curtain drains from the septic and direct them to that private road system which will convey the drainage down towards 207 and along 207 to the existing culvert. What that does is it alleviates any drainage that heads off to the southwest.

MR. PETRO: I went there after the public hearing and I looked it over real well and I saw the CMP crossing 207 and I didn't see any impact that this property could really have on that other side. It's so far away, I mean, they may get some water down in there but it's a huge track of property and it all funnels that way, that's where it's going to go so the amount of impervious area that you're creating to have an effect over there I couldn't imagine it.

MR. BRADY: We figured as an added measure, it wasn't a difficult thing to do, but to direct the footing drains.

MR. PETRO: Plus you have a natural place for it to go as long as that's kept clean.

MR. BRADY: As of now, the plans have, next step I guess would be forward up the plans to New York State DOT for their comment. I had wanted to, one of Mr. Edsall's comments that the cul-de-sac, the radius for the pavement be at 100 feet, we had shown it at 80 feet, one of the reasons I had done it was to minimize the impervious surfaces, I was wondering if the board would grant waiver if I can go to the highway super and see if that radius would be sufficient. As I stated, the intent was to minimize impervious surfaces and keep the drainage down.

MR. EDSALL: It would be the fire inspector who would be looking at it because it's a private road which would not be maintained by the town, but the only issue on the cul-de-sac is it big enough for the fire vehicles to turn around.

MR. PETRO: Fire approval on 6/20/2001.

MR. EDSALL: I would assume this is big enough.

MR. BRADY: It's been, I'm sorry, it's been shown at 80 foot diameter or 40 foot radius since our earliest submission so if they already reviewed it.

MR. LANDER: They reviewed it at 80, you'd have to have a letter from the fire inspector to waiver that 100 foot.

MR. BRADY: Okay.

MR. LANDER: I don't know if that will happen, but if you'd like to try.

MR. BRADY: If that's acceptable with the board, I'll just ask him.

MR. PETRO: The name of the road is?

MR. BRADY: It's Butler Lane.

MR. PETRO: You'll change the plan.

MR. BRADY: Yes.

MR. PETRO: That's a condition of your fire approval.

MR. BRADY: Okay.

MR. PETRO: Mark, I don't see anything else, other than what we just discussed, we have seen this a fourth time.

MR. EDSALL: It's actually in pretty good shape, Pat's got a couple things to clean up, if we get a timely response from the DOT, I think he can move forward.

MR. PETRO: Want to come back one more time and have that?

MR. BRADY: Yeah.

MR. LANDER: Get it from the fire department, get their okay on the 80 foot and DOT.

MR. BRADY: Yes and Mr. Butler's attorney's going to be sending over the maintenance agreement with the description for the right-of-way for the approval.

MR. PETRO: Drainage issue is closed, you've done a good job, thank you.

MR. BRADY: Thank you very much. Have a good evening.

MR. EDSALL: Jim, where he should, really the only open issue of concern with regard to Butler was the drainage, now that that's been resolved, I would recommend that you adopt a negative dec.

MR. PETRO: We had the public hearing?

MR. EDSALL: You had the public hearing, negative dec was left open cause of drainage, that's been resolved.

MR. PETRO: Still under review. Motion for negative dec under the SEQRA process.

MR. LANDER: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant negative dec to the Dennis Butler subdivision on Route 207. Is there any further comments from the board members? If not, roll call.

ROLL CALL

MR. KARNAVEZOS	AYE
MR. BRESNAN	AYE
MR. LANDER	AYE
MR. PETRO	AYE

DISCUSSION:

GLYNN, ART

Mr. Art Glynn appeared before the board for this discussion.

MR. PETRO: Okay, I guess you know why you're here, we had the parking lot down there, you came in and it's in a residential zone, you got the cars there, it's by a special use permit of the planning board, we had put some restrictions on which you had agreed to, maybe had just gone over and above that, I don't know what the whole thing is but we received a petition from people in the neighborhood and we don't normally act on anything unless there's a complaint, the same as the Town Board would, nobody ever complains, it's fine. And under a special use permit, which is good for one year, you would never see us maybe for nine years, if nobody complains, but we had a complaint, there was a number of signatures. I contacted the police department, they went down and investigated it, evidently, there were no parking signs were not there at the time, there was no parking zone that was on Walsh Road.

MR. GLYNN: It's on Carroll Street.

MR. PETRO: They put the signs up, I believe they're up.

MR. GLYNN: Yes.

MR. PETRO: I assume that that problem has taken care of itself. Second problem is the actual cars that's in the parking lot themselves, I had thought that it was only going to be overflow parking from customers.

MR. GLYNN: Correct.

MR. PETRO: From your business, obviously, there's unlicensed vehicles that are sometimes in the lot.

MR. GLYNN: The only time I know we have representation here of the neighbor's side that would like to address

everybody's concerns, the vehicles, one of the reasons we wanted to put the lot in, I know it's an issue with the flatbeds coming unloading cars on the side of the street on Walsh Avenue, I thought to alleviate some of the load there, I have a lot of volume of cars, we can unload and load cars across the street. I know it's very chaotic there, lot of employees, I know we're very busy, I want to co-exist with everybody if we can come to some terms, I will meet your terms whatever, I'll do whatever I can to comply with everybody. I want to be a good neighbor. I don't want everybody upset going by and shaking their fist at me.

MR. PETRO: I asked you to bring in some pictures, did you also put up a stockade fence around the lot?

MR. GLYNN: I started to do it and I stopped, at the last meeting when I came in at the end of the meeting, I asked if I can start with the fence. I had the plans for the fence that was going to block off just talking about what my plans were, fence isn't going to go around the entire property, separate myself from next door, the other fence was going to separate the trailer from the parking area. I have every intention in the spring of putting modular house or new trailer on the property to clean it up and make it look nicer, that's my intentions there. But the fence is not going to go around the property, I know that was a concern and at the end of the driveway we're going to taper it down so it doesn't obstruct Juan's visual, do whatever, blacktop, landscape, I know there's an issue about pulling out onto Walsh Avenue, people said they couldn't see. If you don't want me to park cars on one corner, I won't, I'll do whatever I can do to co-exist with everybody. This is the map we had, this was the fence that goes here and here, this is the existing mobile home right now.

MR. PETRO: How many spots are on the lot and it's not paved either, correct?

MR. GLYNN: It's not paved, it's gravel. Twelve spots.

MR. PETRO: Is there one representative who'd like to speak for the group? It's not a public hearing, but I

just want to hear the other side a little bit, but I want everybody to understand this is not a public hearing, but we want to try and resolve this. Okay, so work with us a little bit and address the board, also.

MR. EAKUS: My name is Chris Eakus (phonetic). I don't necessarily speak for all these folks here, I speak with them. I am a resident of Clancy Avenue, I own two houses there and regularly use Carroll Street.

MR. PETRO: What's your main objection?

MR. EAKUS: Well, my main objection is that first of all, I was not aware that a special use permit was given, I thought that there was a coverage ordinance in this town and that something like that would have necessitated a letter going out to neighbors and none of us ever received a letter indicating a change would take place. We went ahead with that and he, Art went ahead and graveled the spot and then the cars started to show up and I do have pictures here as well as a slide show, I'm sorry it's only this big, but I can show it to you and I don't know what art was going to do with it, I did not personally speak with Art but my problem is that what we have seen happen already is that used cars have shown up there with for sales on them and I have one that was a picture of one that was there yesterday.

MR. PETRO: Can I see the pictures?

MR. EAKUS: Sure, we have cars which are parked right up to the road, that being Walsh Avenue which does make it difficult to see as we're pulling out. There's a setback obviously for any permanent structure, not for any vehicles, so although I know he's working with us and would attempt to do that, we have no guarantees to that effect. As you can see, if those pictures there are trucks also his flatbed is there, as well as some of the customers pulling up with trucks, sometimes, and the setback may not be enough to see around them, therefore, we have the need to pull out into the road to actually see. If you're familiar with that area, we all are, I believe most of us consider potentially dangerous area coming from the City of Newburgh under

the railroad trestle, the pictures indicate the elevation change, as well as the curve in the road and as you can see, visibility is very limited and I just at this point only see it increasing the potential for danger. I have had no problems over the last 11 years with the way Art has done business and I don't see a need personally at this point for a change.

MR. PETRO: Any rebuttal?

MR. GLYNN: In the last 11 years, my employees have doubled as has everybody will go by and see I'm a pretty busy place, I do attempt to keep the place neat and clean. But again, I just have an overflow amount of vehicles coming in and out, customer cars, I do a big volume of used cars in and out of the place.

MR. LANDER: I've seen cars parked on both sides of the street and if I was coming to your place of business, I would probably park on the side of the road also because if you ever got in there, you probably wouldn't be able to get out.

MR. GLYNN: That's part of the reason to direct people across the street just to alleviate the congestion out there. It's a busy road there, there's no doubt about it, it's very congested.

MR. LANDER: Traffic does come up the hill pretty fast, only thing I would suggest here parking spaces out in the front, eliminate them 1 through 4 p.m.

MR. PETRO: Seems like the sight distance is the main concern.

MR. LANDER: They have to get out in the road to look to the left to go towards Newburgh.

MR. EAKUS: That's correct.

MR. LANDER: If these spots here were eliminated, would that be satisfactory?

MR. EAKUS: I was just informed by these folks that there also is a concern of upgrading the business at

that corner, especially since it's a well-used bus stop and that our kids will be intermingling with the additional traffic. I don't see from what's there now, again, I'm not sure of the plan, but there's no restriction for travel of cars into that lot or out of that lot, it's just a graveled piece of property at this point and they do enter and exit in all directions as it may be at this point. Again, I think creating--

MR. GLYNN: Can I interject? On my original plan that we had drawn, I offered to make one way through that lot.

MR. LANDER: Would you like to see his original plan?

MR. EAKUS: Can I show it to the rest of the folks?

MR. PETRO: We're running this informal because we're just trying to get to the bottom of it, that's all, let me ask you this, I've got to be very blunt, but is there any meeting of the minds with this? You have to understand that your lot is in a residential zone, it doesn't belong there for what you're doing so they're 100 percent correct.

MR. GLYNN: I understand, I just, if they can see my side, I'm willing to, I want to improve the neighborhood.

MR. PETRO: That's my question. Is there any meeting of the minds where a compromise, maybe he does half of what he was doing or some portion? Are you looking for the board just to reject it and pull back the special use permit, say no, it's residential and that's the end of it?

MS. SHERWOOD: Dawn Sherwood, I live on Clancy Avenue, there's about 45 cars there, I would like, I was at the bus stop picking up my daughter, I was counting the ones, there were 45 cars I counted plus what's in the back and he has a house he owns, there's ten there with no license plates on them, plus in the back.

MR. GLYNN: The house is not mine, I don't own it.

MS. SHERWOOD: There's a house that has ten cars in front and on the side without license plates plus cars in the back, must be some associate of yours.

MR. GLYNN: It's not my house, not my cars.

MR. LANDER: Forty-five cars are where on the gravel lot?

MS. SHERWOOD: If you go down there, you can count them.

MR. PETRO: Just in the lot.

MS. SHERWOOD: In the lot, I might of seen maybe 18 cars plus at one time, then they cleaned it up. That's a small narrow street and we have a lot of kids on that block and a safety issue and how about if there was a fire in one of those cars, that means our houses would go up. We're all very close right there and it's a very quiet neighborhood, I'm afraid we're going to get the riffraff coming up and going down our street, we live on a dead-end street.

MR. PETRO: We need to be fair to both you and him, so it's difficult for us to come up with an answer 100 percent. I would suggest this to start, I would take Mr. Lander's idea, take the front line and remove the front line that you have there, those four spots, keep the front line so now we have no sight distance problem at all, it's impossible if anything's in the front line, I don't want you to plant flowers, you have 12 spots left in the back, whatever is on the back row. Let's try that for 30 days. If we get another petition or if you find it's absolutely unacceptable and you still can't see for some reason, the two things that have changed are the no-parking signs went up and now you're going to have the sight distance maintained, he can't put anything where we're talking about, he's going to be able to use half the lot, it's for customer parking only, not unlicensed vehicles that we should, I said from the start, if he has a little overflow, let's try that. If you find that it's absolutely still unacceptable and it's cars all over, there's an accident, contact us again, we'll look at it one more

time. And frankly, at that point, I think we're going to have to resume back to the residential zoning, but I'd like to try it one more time, at least for 30 days. You've said he's cleaned it up, it looked a lot better, you haven't had the problems on the road with the parking, I mean, obviously, you're not parking where there's no-parking signs, so that should be better.

MS. MORSE: Tricia Morse, I come around to make a left on Carroll, there's a tow truck staying halfway in the middle of the road so I have to go into the left-hand lane and the cars are coming up passed the trestle as I'm making a left-hand turn, people come out of the parking spot right there at the corner between the opening of the spot and you're turning. Someone's going to collide, either I'm going to get slammed in the back from somebody coming up the street or someone's going to come out of the parking lot. I'm not going to go anywhere, there's no place to go, it's a small section turning the corner to make a left.

MR. GLYNN: I agree on that, as part of the business, very often, we do collision work, if cars come in with a big trailer, they can't get into the lot, we have no choice but to load on the road.

MS. SHERWOOD: You couldn't get another car in the lot.

MR. GLYNN: Some of the big trucks can't get into the lot.

MR. LANDER: I think the lot should be looked at by the fire inspector's office, not by the planning board because we really don't have any teeth to make him move those cars, the fire inspector's office does.

MR. PETRO: You're talking about the lot where his business is?

MR. LANDER: If he can fence in the lot, yeah, so you'd have to call that office or whatever you would like us to do.

MR. PETRO: If you feel he's exceeding his allowed number of cars on his business lot there, just call the

fire inspector and they'll have somebody down there in two minutes and they'll check the site plan, see what he's allowed, if he's exceeding it, he'll get a notice, he has X number of days to conform, if not, he goes to see Mr. Thorpe or Mr. Suttlehan.

MR. EAKUS: Would this have been the department to come to if this were complaints about the current business and how it ran?

MR. PETRO: No, no, you would go to the--

MR. EAKUS: Whether there have been complaints made or not, because I think he's basing his revision of a residential lot on something that does not exist, as far as we're concerned, we have not registered any complaints prior to this point in time.

MR. PETRO: You're complaining about the lot.

MR. EAKUS: That's exactly what I'm talking about.

MR. PETRO: She's talking about the business which I don't want to get into but--

MR. EAKUS: I'm back to the lot and when you come in front of a board like this, you usually give a reason as to why you want a variance or a change in the zoning and I think that nothing has been said to this point about a reason for him to change the zoning.

MR. PETRO: We're not changing the zoning, he's just trying to utilize the lot that he owns and his reason was that he needed more room.

MR. LANDER: That's why he's got a special use permit.

MR. EAKUS: You know--

MR. PETRO: Mark, we keep saying special use permit, we didn't actually grant special use permit because by law, you would have been notified.

MR. EDSALL: You gave him a temporary site plan approval.

MR. PETRO: I just wanted to clear that up, he doesn't have a special use permit. I've said that before and it's not correct.

MR. EDSALL: Nor does he have a permanent approval to use that lot in this manner.

MR. PETRO: He had an approval to use it, he did show us until the time where there came a complaint or there was a problem and that's why we're here again tonight because obviously, there was a complaint.

MS. SHERWOOD: How many cars is he allowed on the lot?

MR. PETRO: According to the plan here, there's 12, we're going to eliminate four now so now he's down eight only in the back.

MS. SHERWOOD: The big flatbed that takes up four cars plus 12.

MR. PETRO: There's designated spots on the plan.

MR. LANDER: It shouldn't be parked.

MR. PETRO: It's for customer parking.

MS. SHERWOOD: That's why he needs more space.

MR. PETRO: I know you try to keep it customer parking.

MR. GLYNN: I kept my truck over there so I can get it out.

MR. PETRO: That's what we're go to do, try it for 30 days, if you have a problem and you find that it's something still really bad, I mean, have some form of a a proof of it or something of that nature, don't just come back and say it's bad, we want it out, kind of like you did tonight, you did a good job, we'll eliminate the four in the front, that will take care of the sight distance, eliminate 1/3 of the cars that he's allowed to put there. Let's try it for 30 days, if not, another letter and we'll have another meeting and

again, at that time, I think I know I'm putting you at the mercy of your neighbors but we'll see what happens in 30 days.

MR. GLYNN: I'll give you my number, if you have a complaint, if I can deal with it and sort it out, I will be glad to obligate anybody.

MS. SHERWOOD: I think it's a safety issue if one car catches on fire, we're all close.

MR. PETRO: Keep in mind though we're talking about customer parking only there, if there's unlicensed vehicles, you need to call the Town Hall immediately and the fire inspector will give him a summons. That's enough of that. Let's try for 30 days.

ALL FAMILY TRANS, INC.

MR. BABCOCK: What happened I guess he contacted Mr. Lander and they had discussed some stuff and I got the impression that he wanted to have a used car lot there on his place. He came in and seen me and said that he doesn't want to have a used car lot, that's not what his intention was, what he wants to do is to be able to buy his own taxis without having to go through a dealership, so basically, he needs a dealer's license.

MR. LANDER: Wholesale dealer's license?

MR. BABCOCK: That's right, so to get a wholesale dealers license, the Department of Motor Vehicles said he has to have an appropriately approved plan from the planning board saying that he can operate there.

MR. PETRO: You have to give him a letter.

MR. BABCOCK: Right, he wants to, I wish he was here tonight because he wants to come in front of the board and find out and stipulate he's not going to have any cars for display for sale there, you know. So I think if we give him, I think there's a different position that we would take, a used car lot is not something that any of the board members wanted to see there. I don't know what your position is on that, so we're going to have to wait for him to come in, unless you have some information.

MR. PETRO: If you can work a used car lot whatever he needs with no display of vehicles, I don't see any problem with that, if there's no display.

MR. EDSALL: Why don't we just indicate that there's no objection to him having a wholesale license operation run out of the office inside, no change to the outside of the site whatsoever.

MR. PETRO: But I want to see the wording there no display.

MR. BABCOCK: Right, no display.

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MR. LANDER: We had a similar situation to this a few years ago about a wholesaler's license could not display any cars, all he was was a wholesaler.

MR. EDSALL: Really something for DMV approval.

MR. BABCOCK: Right, that's what he needs.

HANNAFORD'S

MR. PETRO: Determination of completeness of FEIS.

Larry Wolinsky, Esq. appeared before the board.

MR. WOLINSKY: Good evening, Mr. Chairman, members of the board, Larry Wolinsky for Hannaford. I believe we have addressed hopefully all the issues we were required to get the final environmental impact statement into adequate shape so it can be accepted and that's the only reason we're here tonight and if that's okay, we'll get in and out.

MR. PETRO: Mark?

MR. EDSALL: In my comments, I am suggesting just that that it's my recommendation that you determine the FEIS complete and acceptable for public review, if you do take that action, I'm working with Larry to get a notice of completion of the final EIS circulated and we'll make the copies available for review.

MR. PETRO: Any of the board members have any comments?

MR. LANDER: No.

MR. PETRO: What we're going to do is make a motion to accept the findings in the FEIS.

MR. EDSALL: Accept the final EIS.

MR. PETRO: The final EIS as written and if there's no other comments, I'll take that in the form of a motion.

MR. LANDER: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board take an action to accept the FEIS for the Hannaford Food and Drug site plan on New York State Route 32 and 94 as complete and acceptable for public review. Is there any further comments from any of the board members? If not, roll call.

ROLL CALL

MR. KARNAVEZOS AYE
MR. BRESNAN AYE
MR. LANDER AYE
MR. PETRO AYE

MR. PETRO: Before you go, I wanted to say I received a letter from Melinda Shane, we had a meeting with Larry, Melinda, myself, Mark Edsall maybe about two weeks ago, I asked them to outline a few comments in a letter and really kind of breaking down exactly what traffic impacts were going to be, how they're mitigating it and go over a few of the other items that benefits what they can do for why it was good for the town and a host of other things, I think most of the members have read it and I just wanted at this time to say that I think that Melinda, did you write the letter?

MS. SHANE: I helped.

MR. PETRO: I thought it was excellent and it was very well done and it really have, it helped me to really kind of grasp the whole situation and I think that you just did an outstanding job and I wanted to tell you that.

MS. SHANE: Thank you. I'm glad you asked for it, it gave us a good opportunity to nail down the points, the FEIS is small compared to some, but it's still cumbersome.

MR. PETRO: This is more in plain English, it was very direct to the point, it was a beautiful outline of the highlighted topics that we needed to know about.

MS. SHANE: Thank you.

MR. PETRO: Anything else?

MR. WOLINSKY: No, we'll see you when we see you. Thank you.

MR. PETRO: Motion to adjourn?

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MR. BRESNAN: So moved.

MR. LANDER: Second it.

ROLL CALL

MR. KARNAVEZOS	AYE
MR. BRESNAN	AYE
MR. LANDER	AYE
MR. PETRO	AYE

Respectfully Submitted By:



Frances Roth
Stenographer

3/4/02.