Town of New Windsor

OFFICE OF THE PLANNING BOARD

WEDNESDAY — FEBRUARY 9, 2005 - 7:30 PM
TENTATIVE AGENDA

CALL TO ORDER **ROLL CALL**

APPROVAL OF MINUTES DATED: **JANUARY 12, 2005**

ANNUAL MOBILE HOME PARK REVIEW:

a. NUGENT MOBILE HOME PARK
b. MONACO MOBILE HOME PARK

PUBLIC HEARINGS:

1. **BRIARWOOD SUBDIVISION (01-60) MT. AIRY ROAD (KIRWAN)**
   Proposed 42-lot residential subdivision.

REGULAR ITEMS:

2. **TOPO REALTY SITE PLAN (04-26) RT. 32 (SHAW)**
   Proposed conversion of existing retail/warehouse space to office/retail.

3. **LOMBARDI & RODRIQUEZ LOT LINE CHANGE (05-02) BEAVER BROOK ROAD (LOMBARDI)** – Residential Lot Line Change

4. **BREEZES LAUNDROMAT SITE PLAN & SPECIAL PERMIT (05-05) OLD FORGE HILL ROAD (TROSKE)** Proposed Laundromat in existing building formerly Marko's Beverages.

5. **SCHOONMAKER HOMES SUBDIVISION (04-20) RT. 207 & KINGS ROAD (AFR ENGINEERING)** Proposed 4-lot residential subdivision

6. **FIRST COLUMBIA SUBDIVISION (03-201) 555 HUDSON VALLEY AVE.** – Reapproval

DISCUSSION

7. **MANS BROS REALTY – RENEW SPECIAL PERMIT – RT. 32 PROPERTY**

CORRESPONDENCE:

8. **FUMAROLA SUBDIVISION** – Request extension of Preliminary Approval granted 9-22-04

9. **MEADOWBROOK ESTATES SUBDIVISION (01-42)** Request for extension of Preliminary Approval which expires 2/11/05.

ADJOURNMENT

(NEXT MEETING – FEBRUARY 23, 2005)

TOWN OF NEW WINDSOR

PLANNING BOARD

FEBRUARY 9, 2005

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN
NEIL SCHLESINGER
JERRY ARGENIO
THOMAS KARNAVEZOS
ERIC MASON

ALTERNATES: JOSEPH MINUTA
DANIEL GALLAGHER

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

MICHAEL BABCOCK
BUILDING INSPECTOR

MYRA MASON
PLANNING BOARD SECRETARY

REGULAR MEETING

MR. PETRO: I'd like to call to order the February 9, 2005 meeting of the Town of New Windsor Planning Board. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

APPROVAL OF MINUTES DATED JANUARY 12, 2005

MR. PETRO: Approval of the minutes dated January 12, 2005.

MR. ARGENIO: Motion we approve the minutes.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board adopt those minutes as written. Is there any discussion? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

ANNUAL MOBILE HOME PARK REVIEW:

NUGENT MOBILE HOME PARK

Mrs. Nugent appeared before the board for this review.

MR. PETRO: Annual mobile home park review, Nugent Mobile Home Park, is someone here to represent this? I see Mrs. Nugent is here.

MR. PETRO: Nugent Mobil Home Park, Mike, has someone from your department been to the site? Do you have any outstanding comments? Motion for a one year extension.

MR. BABCOCK: There's no violations, we've been there.

MR. PETRO: Do you have $100 check to the Town of New Windsor? I'll entertain a motion for one year extension.

MR. ARGENIO: So moved.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant one year extension to the Nugent Mobil Home Park. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: We'll see you in a year. Thank you.

MONACO MOBILE HOME PARK

Mr. Monaco appeared before the board for this review.

MR. PETRO: Mike, has someone been to the site? Do you have any outstanding comments?

MR. BABCOCK: Yes, we have, Mr. Chairman, we have been to the site and there's also no violations.

MR. PETRO: Do you have $100 check for the Town of New Windsor?

MR. MONACO: Yes.

MR. PETRO: Motion for one year extension.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant one year extension to the Monaco Mobile Home Park. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

PUBLIC HEARINGS:

BRIARWOOD SUBDIVISION (01-60)

Mr. Pat Brady, Robert DiNardo, Esq. and Mr. Chris Kirwan appeared before the board for this proposal.

MR. PETRO: Proposed 42 lot residential subdivision. Application involves subdivision of three tax parcels totaling 32.8 acres into 50 single family residential lots. I guess that's been downsized, Mark?

MR. EDSALL: Yes.

MR. PETRO: To 42?

MR. EDSALL: Yes.

MR. PETRO: Plan was previously reviewed at October 24, 2001, December 8, 2004 planning board meetings. The application is before the planning board for a public hearing at this time. The property's located in an R-3 zoning district of the Town. The application is made prior to the adoption of the zoning amendment by the Town Board, as such, the subdivision has been designed based on those zoning regulations. Chris, based on the requirement to provide less areas consistent with no water, public water availability, lot areas have been increased to 32,680 square feet and that's subsequent, that's why the lot count went from 50 to 42?

MR. KIRWAN: Yes.

MR. PETRO: If the water becomes available do you plan on upsizing again?

MR. KIRWAN: No, sir, I'm going to stick with this plan.

MR. PETRO: And move forward?

MR. KIRWAN: Correct.

MR. PETRO: Storm water detention quality basins depicted could not be part of the residential lots, they must be separate lots dedicated to the Town Drainage District.

MR. BRADY: That's correct.

MR. PETRO: All right, there's about 15 or so bullets, I'm not going to go over every one of them. Do you have a copy of Mark's comments?

MR. BRADY: Yes, I do.

MR. PETRO: Just first of all turn it so I can see it, not the people, okay, just go over it briefly, tell us how you changed the lot count downward and exactly what you want to do, keep it brief because we've seen it a number of times.

MR. BRADY: Thank you, Mr. Chairman. My name is Patrick Brady, engineer for the applicant. The property as I said basically consists of three parcels, parcel to the west of Mt. Airy Road is a 23 acre parcel property, to the east is 18, it is proposed 19 lots on the west side of Mt. Airy Road on 22 lots on the west side. The original plan that was submitted we had 49 lots that was based on sewer and water at the time and since the water moratorium was in effect we had to re-size the lots to meet the bulk requirement with just sewer. The applicant has made a petition to the Town Board for sewer and the Town Board has indicated to us that once we have received preliminary approval they would extend the district to incorporate this property. As you stated, the property will be served by public sewer and individual wells, the storm water management system being developed to treat the increase in flow with respect to quantity and quality. That's basically

it.

MR. PETRO: Looks like the average lot size is 3/4 of an acre.

MR. BRADY: Yes, the minimum lot is 32,670.

MR. PETRO: The average lot is 3/4?

MR. KIRWAN: Basically about 10,000 square feet larger than the previous lots that we had.

MR. PETRO: Church is where, it's right in the middle of the whole thing?

MR. KIRWAN: Right.

MR. SCHLESINGER: There are pump stations depicted on here?

MR. BRADY: Yes, pump station, proposed pump station location would be on the southerly end of the map on the easterly westerly side of Mt. Airy Road.

MR. SCHLESINGER: Only one?

MR. BRADY: Basically, it's two separate subdivisions but the sewer will flow by gravity to one pump station from that pump station it will be sent across the causeway up to the intersection of Mount Airy and Liberty Drive, from there it will flow by gravity down to the existing pump station.

MR. PETRO: Crossing that wetlands with the road the main road going in, correct?

MR. BRADY: That's correct but we're under the tenth of an acre disturbance.

MR. KIRWAN: It's only about 2000 feet of disturbance.

MR. PETRO: Looks like sight distance is pretty good at that point, what do you have from highway?

MS. MASON: Nothing.

MR. PETRO: Drainage district will be required, should be submitted to the Town attorney following preliminary approval, the east part of the project is near the Brown's Pond City reservoir, the subdivision plan should be forwarded to the City of Newburgh for review and comment as a question has been previously raised whether the property is within a watershed protection area. Anything been sent there yet, Mark?

MR. EDSALL: No, I'm expecting that once we have the final plans with the storm water management facilities we'll send it over for complete review.

MR. PETRO: What are these pumping stations upgrade contributions?

MR. EDSALL: Yes, they are not critical in this preliminary stage more there as a reminder that we need to work that out.

MR. DINARDO: We have provided some additional information to Mr. McGoey.

MR. BRADY: That information was provided with respect to the petition for the sewer district.

MR. PETRO: Lead agency coordination letter issued on 24 January, 2005, separate letter, responses to be discussed with the planning board secretary. Any responses?

MS. MASON: None.

MR. PETRO: We're still within the 30 days, too,

correct? All right, this is a public hearing so what we'll do is I'm going to go to the public, you can kind of turn that round. On the 26th day of January, 2005, 31 addressed envelopes containing the public notice pertinent to the case were mailed out. If someone is here who'd like to speak, make any comment for or against or just make comment on this application be recognized by the chair, come forward, state your name and address.

MR. VALDINA: Frank Valdina, 458 Mount Airy Road. My biggest concern is the, where the right-of-way goes or the road is going to go between the two properties which one is mine, what's your sight distance going to be for that entranceway?

MR. KIRWAN: This is it right here.

MR. ARGENIO: it's 450 to the right, 250 feet to the left as you come out of Road A.

MR. VALDINA: I'm sorry, to the left?

MR. ARGENIO: It's 250 foot to the left.

MR. VALDINA: I didn't get a chance to look at it.

MR. ARGENIO: That's okay, that's why we're having a public hearing.

MR. YAYTON: Will there be any type of buffering? Bill Yayton, 496 Mount Airy Road. I guess I'm concerned that putting wells in that area and that area has not the best aquifer from our perspective what's to protect the rest of the people on wells from being pumped dry?

MR. PETRO: Absolutely nothing, that's my answer.

MR. YATON: I guess then is there a process that we can put in place to, you know, be against this?

MR. PETRO: No. Anybody has a right to drill a well on their property, same as when they built your house, you drilled a well and it's never an answer to that that anybody wants to hear. I've been saying it for 14 years and that's the answer, everybody has a right. When my son grows up and wants to buy a house and build a, put a well in, he damn well better be able to.

MR. YATON: So keep drilling deeper than they do?

MR. PETRO: You can have two wells ten feet apart, one can give you 50 gallons a minute, one can give you 100 and one can give you two gallons, you can be different heights and depths there, there's no way of knowing, there's no answer to give you. Take your best shot and we'll see what happens, that's it, if there's other ways to handle it, you can go down and freeze, there's different things you can do, nobody wants to spend money if they don't have to.

MR. ARGENIO: Do you have a problem with your well now?

MR. YATON: I have had in the past, I had to go deeper before when they put the church in, they put extensions on and drilled deeper there, yes, so yes.

MR. PETRO: I get it asked every time and every time my answer is the same, if you were putting up the house and I told you you could not drill a well, you'd have no right to the water in the ground you'd be pretty pissed off.

MR. YATON: That's true, however, I think the, I thought the acreage was increased to an acre or an acre and a half to, you know, reduce the amount of buildings so--

MR. PETRO: That's true but that zoning took place in October 3 of 2001 and there was a three year now four

year moratorium to get things done prior these fellows were in, if you look at the sheets prior that date that's why they' here, there's about 7 left out of well over 100 applicants that we're reviewing under the old zoning. This gentleman happens to be one of them but we did go to the larger zoning, which is 80,000 feet to try to alleviate, you know, traffic and just the overburdening of the houses.

MR. BABCOCK: One thing that the audience should know is that this project did and was proposed with Town water and there's a moratorium on Town water so I can't, we've told him to revamp it and go back to put wells in.

MR. PETRO: That's why they had the 50 houses because they were going to use Town water. Once the moratorium kicked in, they had the option of going to the larger lots and putting in the wells and that's exactly what he did.

MR. YATON: So this is the smallest is it or square footage he can have to get water and drill wells? That's what I'm hearing.

MR. BABCOCK: Yes.

MR. YATON: Okay, thank you.

MR. PETRO: Another hand?

MS. BECKLE: Joanne Beckle, 467 Mt. Airy Road. Now we were assessed recently with the water coming through $500 a year for ten years, so is this going to happen with sewers too when the sewers come through are we going to be assessed for sewers?

MR. PETRO: Mark?

MR. EDSALL: This, the sewer will be for this property

and there will be a force main to tie into existing facilities. I do not believe that there will be any benefit to your properties that would affect your assessment but you could check with the assessor and see if for some reason if he believes it impacts the value.

MR. ARGENIO: That's as it relates to this project only.

MR. EDSALL: To this project they're proposing to provide sewer for their project and then pump to the nearest existing Town manhole, it's not as if we're creating a sewer district and encompassing a number of properties which would in fact then benefit other properties.

MR. PETRO: The answer to the question would be no.

MR. EDSALL: I don't know how it would benefit you by having their project alone have sewer service.

MS. BECKLE: Okay.

MR. PETRO: Especially cause she won't be able to tie into it.

MR. EDSALL: If the force main is dedicated to the Town.

MR. BABCOCK: If it's dedicated to the Town at some point in time and there's capacity for more homeowners to hook into it.

MR. PETRO: If she can hook into it she'd have to have that ability, right now she won't have it, they can't assess her for it.

MR. BABCOCK: As of right now, no.

MR. SCHLESINGER: Why was she assessed for water?

MR. PETRO: Water goes passed there, if she's an existing home, she can tie into it, they can't do it because they're extending the main here but she can tie into the water.

MR. EDSALL: She's in a water district, I would assume she's in the new water district.

MR. PETRO: This fella first, I guess.

MR. BECKLE: Charles Beckle, 467 Mount Airy Road. That water main that went passed our house we never voted for it, we were never asked if we wanted it, we never said we wanted it, they ran it passed our house to serve a new development down the road and the next thing we know we're being assessed special charge of $500 a year for ten years because they need to put in a water line for a new development. I really don't want to see that happen again with a sewer main and I want reassurance that it's not going to happen again. We didn't ask for the water line, we're not hooked into it, our well has been fine, although it's probably not going to be now that these houses are going to have wells, I want assurances that we're not going to have to pick up the tab for their sewer system like we did for The Reserve with their water system.

MR. PETRO: Again, at this time, I don't believe that you will be. If some time in the future the sewer capacity or the line goes passed your house and you have that capacity to tie in then you would be assessed and that's Town policy, I can't control that.

MR. BECKLE: But our neighborhood now currently does not need sewers, sewer's not required, everything's fine on septic as it is, them moving in is going to bring the need for sewers, not how it is now, them coming into the neighborhood is going to bring the need

for sewers and I don't want to pay for their development.

MR. PETRO: Nobody does but sometimes that's the way it is. Keep in mind the water line going passed your house also increases the value of your home, you have the capacity to tie in if something should happen to your well and you wake up one morning and can't take a shower, you're going to be very happy that's out there.

MR. BECKLE: That was a risk we were happy to take before the water line came in that they didn't ask for and it's there to serve new development, not the old people.

MR. PETRO: Well, it is there if you need it. I have the same situation at my own home, I'm on a well, I don't need the water, I don't want the water but now there's a water line down where I can tie in and I pay the water.

MR. BECKLE: I don't want to pay the tab for the multi-million dollar development.

MR. PETRO: I think I'm repeating myself, I think at this time you're not going to and in the future and I don't know why that would go passed your house if it's not going there now.

MR. BECKLE: It is going to go passed my house.

MR. PETRO: But you may not have the ability to tie into it at this time.

MR. BECKLE: What's the proper procedure to find out to get my reassurance that we're not going to be assessed money for their development?

MR. BABCOCK: The assessor's office.

MR. PETRO: I'd call the assessor's office, Todd Wiley, tell him exactly what you just told you us and see what he says.

MR. BABCOCK: We can forward him a plan and I will discuss it with him so he understands the project so that he, if they're in the area of the force main, they cannot hook into the force main.

MR. ARGENIO: Just looking to see if the names are attached to the homes adjacent to the force main.

MR. BABCOCK: Typically, I would assume this, this is sized for the number of units that it's going to service, they're not, they don't typically oversize it to create for another hundred homes.

MR. PETRO: Plus they'd be taking his and putting it into a pump station, why would they do that?

MR. BABCOCK: That's right.

MR. PETRO: Anybody else?

MR. COLOPY: Bill Colopy (phonetic), 502 Mt. Airy Road. I wonder if I can get somebody to talk about that wetland area there, my house is the one that's right next to it, this is the hill that comes down, this is typically under water for four to five months of the year, it's a swampy area and if they're going to fill this in and put houses there I'm thinking that the water at some point is going to back up onto my lawn and what's my recourse if that does happen?

MR. SCHLESINGER: What lot are you talking about?

MR. BRADY: Lot 31.

MR. PETRO: The existing?

MR. ARGENIO: Lot 20.

MR. SCHLESINGER: He's adjacent to lot 20.

MR. BRADY: Yes, he's just north of lot 20.

MR. ARGENIO: I think he's got a very good point.

MR. SCHLESINGER: There's a note there also.

MR. BRADY: I'd be prepared to answer that, Mr. Chairman.

MR. PETRO: Don't you have something going underneath your road?

MR. BRADY: Yes, I just wanted to, we had the wetlands delineation as you can see as part of the drainage plan, there's a two existing pipes in Mt. Airy Road, just to the south of that intersection you can see there's a 12 inch CMP and 18 and as you go a little further south there's another drainage pipe 12 inch CMP.

MR. COLOPY: If that's there, I haven't seen it.

MR. BRADY: When this road comes in, the only fill of the wetland will be within the portion of the right-of-way and for the road there will be a drainage pipe installed so the wetland area on lot 20 will drain so the water will not back up on lot 20, therefore, will not back up onto your property.

MR. PETRO: Did you have that pipe sized? How did you get at 20 inch?

MR. BRADY: No, that's sized, it's based on the amount of the, there's a drainage area that contributes to that wetland area.

MR. PETRO: You did it mathematically?

MR. BRADY: Yes.

MR. COLOPY: This pipe that you're talking about that's somewhere over here is draining to the church area and that fills up twice a year maybe if we have a big storm or if we have a big melt after a 12 inch snow and that whole thing gets soaked. So if you're going to put a house in this number 20 here, if you fill that in to some degree my property is only a foot or two above the swampy area, if that starts backing up onto my lawn, what recourse do I have?

MR. BRADY: From the wetland area delineated you're 6 feet in elevation to your property, actually lot 20 is also a larger lot.

MR. PETRO: Is the road going in higher than his property line?

MR. BRADY: No, several feet lower.

MR. PETRO: It's impossible to go across the road.

MR. COLOPY: But the road is a good, how far is that from my property line to the road?

MR. BRADY: It's 200 feet.

MR. PETRO: The elevation of the road is lower than your property line, that's not your house, that's your property line.

MR. COLOPY: Yes, right.

MR. PETRO: Plus you still have the CMPs underneath the road and they would have to clog up first.

MR. COLOPY: I'm just asking a question, what's going

to happen?

MR. PETRO: That's fine.

MR. COLOPY: There's a spring in here too, is that going to just be covered over?

MR. BRADY: No, if, no, this area, this wetland is not going to be touched on lot 20, this will remain a wetland area, no fill within this area here and there will be a pipe underneath the proposed road to allow it to drain so it doesn't back up.

MR. COLOPY: How big is lot 20?

MR. BRADY: Just about 40,000 square feet, just under an acre.

MR. COLOPY: Thank you.

MR. PETRO: Anyone else?

MR. SCHLESINGER: Mark, can you clarify the first bullet storm water detention quality basin on lots 15 and 31?

MR. EDSALL: The plans that were submitted still show the storm water basins as being on easement areas and as Mr. Brady's acknowledged they have to be separate lots dedicated to the drainage district. You'll see that there is on--

MR. SCHLESINGER: Lot 31 is a buildable lot?

MR. EDSALL: It is but 31 has a storm water quality detention pond that will need to be a separate lot so that next plans in will be revised.

MR. PETRO: Anyone else like to speak?

MS. O'LEARY: My name is Mary O'Leary, I'm at 515 Mount Airy, I'm on the other side of the street, I'm lot 8 right next to lot 7 where they plan to build the road, and we have only been there about five months. We just finished our basement and got a C.O. I'm just really concerned about drainage, they're going to build behind us and next to us and so what would happen?

MR. PETRO: Show her where her lot is and the way the drainage is going around her lot.

MS. O'LEARY: We just put in a finished basement and got a C.O. for that.

MR. ARGENIO: Show us where her home is, we can't seem to find it.

MR. BRADY: She's lot 8, the drainage in that area is going to be intercepted by the proposed road.

MR. ARGENIO: Adjacent to lot 14, Neil, the drainage as it comes down off a hill there and as you come across lot 14 as it exists is coming down like this way and head towards your property and the people to the south of you when this lot gets developed we have it set that the house drains to the new road so any water coming down this way would get intercepted, brought to the new road into the collection system and detention pond so it will be diverted away from your existing property.

MS. O'LEARY: Is the road going to be higher than my house?

MR. BRADY: The road would be, let's see, it would be probably two feet higher as it climbs, in other words, if your property's here, the road would be climbing at a rate of two feet high.

MS. O'LEARY: So if the road's higher than my house--

MS. BRADY: But the road has curbing and sufficient stuff so anything that comes down onto the road remains within the paved surface actually curbing is put in to direct the drainage flow into the catch basins so anything coming down is directed to the road and collected onto the road and dropped into the storm drainage system, so it wouldn't, there's just a short area between the paved surfaces and your property and that small, you're actually having less of a drainage area coming towards your property.

MR. PETRO: Pat, Jerry and I looking at this here somewhat disagree with you, with your assessment that the water's not going to go towards her house, these topo lines are still going that way, you're bringing this here.

MR. BRADY: Smaller drainage area.

MR. PETRO: I think a swale along the curb cut on that property line.

MR. ARGENIO: Something is appropriate in that area.

MR. PETRO: I think it should be put on the plan, you follow what we're talking about? As the water comes down, let me show you on this plan here, ma'am, here's your house, the back of your property, see how these lines are actually going that way?

MR. ARGENIO: The water's got to flow on a diagonal, it's diverted away from your house a little bit but--

MR. PETRO: Well, a swale along here which would protect this man too and the swale will come over to this area, there's already a pipe that he has planned for under the road so it would collect this area and go out and benefit you this here but to collect this water especially in a heavy rain a little swale keep it on this lot, do a french drain, you'll never get water.

MR. ARGENIO: A swale.

MR. PETRO: French drain will clog up. It's a little gully, just a way for the water to get through. The French drain that the builder's talking about would be gravel and a ditch, it would be the same height as everything else but over time leaves, grass and everything would clog it, then it wouldn't work and then you'd get it anyway.

MR. ARGENIO: Are you all right with that?

MR. EDSALL: Actually trying to figure out where you're running it parallel to the road in that.

MR. PETRO: No, not parallel.

MR. ARGENIO: About perpendicular to the road.

MR. EDSALL: Where are you going to discharge?

MR. KIRWAN: Take it into a pipe on the road.

MR. EDSALL: Going uphill.

MR. PETRO: They have to file an erosion control plan with DEC, it's very complicated and enforced so you won't have any problem.

MS. O'LEARY: How long is this expected to take something like that?

MR. KIRWAN: Three years, three to four years, I'm not a huge builder, I'm a ten house a year type of guy so, you know, I'm going to do one side of the road first and then eventually the other side, the east, the left side first going up.

MS. O'LEARY: That's the other side?

MR. KIRWAN: Yes.

MR. PETRO: You also live locally, correct?

MR. KIRWAN: Yeah, my family's been in the area since 1917, so I'm not going anywhere.

MR. ARGENIO: Mrs. O'Leary, there's also provisions in the DEC regulations that require that any disturbed area if they remain undisturbed for a period of longer than 14 days they're required to be seeded and temporary erosion control seed has to be put on them so I think that there's enough safeguards out there to prevent anyone, this developer or another developer from going in there and creating a huge eyesore and he knows that and Mr. Brady knows that too.

MS. O'LEARY: One other question about during the construction phase what about dust airborne, I mean, if the cutting down a lot of trees, you know, it's going to be dirt, a lot of stuff, is there any provision for that?

MR. PETRO: Building department.

MS. O'LEARY: Do they put up barriers of any kind to protect the neighboring houses?

MR. BABCOCK: Not to my knowledge, if there's a complaint we go see them and make them take care of it.

MR. PETRO: Like when the road where they go in and out they have to have a certain amount of shale where Central Hudson's building they put shale in the first 30 or 40 feet so they can't bring out the dirt and the mud and the dust so there are provisions that they take.

MR. KIRWAN: Any time we've had problems in the summer

where there's been dust we brought water trucks in to keep it down.

MS. O'LEARY: So if there was a problem with that--

MR. PETRO: Call the building and the fire department will send somebody out.

MR. KIRWAN: Call me.

MR. PETRO: Or even the highway department.

MS. O'LEARY: And if there was a drainage issue that I needed to talk to somebody about?

MR. BABCOCK: Same thing.

MS. O'LEARY: Okay, thank you.

MR. PETRO: Anybody else?

MR. ANGANITO: Bob Anganito, I live at 456 Mount Airy Road, I have copies, smaller copies of these plans that we can look at closer because you can see it.

MR. PETRO: You can come to the planning board office any time during the day and there's always copies available but we don't shrink 'em down.

MR. ANGANITO: Just a regular copy.

MR. PETRO: You can sit there all day to review it or you can take one with you and have it copied and bring it back, they may be able to shrink one.

MR. ANGANITO: I'll just come in. The other question you said you were building which side first?

MR. KIRWAN: The left side going up Mount Airy Road across from the church.

MR. PETRO: We're going to surround Frank's house first.

MR. ANGANITO: Let us know what it's like, Frank. Thank you.

MR. VALDINA: Frank Valdina. What will be your hours of operation normally like on weekends and such?

MR. PETRO: Town Code.

MR. BABCOCK: There's no Sunday work and Saturdays are I think 8 to 8 and weekdays are 7 to 8, you can call my office, I can give you those numbers.

MR. PETRO: There's a new code that went into effect about three years ago that was pretty strict. Keep in mind if no one complains, we don't just ride around looking so if he's there working on a Sunday and it's not bothering anybody, maybe it's not bothering him, they're friends and nobody's just going to show up and ask him to stop. So that may happen also.

MR. ANGANITO: Does that hold true for The Reserve because they work on Sunday?

MR. PETRO: If there's no complaint filled then they would continue working.

MR. ANGANITO: Then we call the building guy?

MR. PETRO: Planning or supervisor's office and they'd send, someone would have to go.

MR. BABCOCK: Typically on Sunday you're going to have to call the police department.

MR. BECKLE: And the police department will enforce that?

MR. PETRO: Oh, yes, we had somebody doing some concrete work that they set up sometime ago, you know how it runs into the nighttime, what a job that was because they were breaking the ordinance yet they couldn't leave the concrete so that was a tough deal but anyway to answer your question they will go. You had one more question?

MR. BECKLE: Actually two more now, what's the average size of these homes going in?

MR. KIRWAN: Most of my homes are in the 3,000 to 3,500 square foot range.

MR. BECKLE: What's your anticipated price point?

MR. KIRWAN: I haven't started marketing yet, if you want to look at a few jobs I built, I built in Cornwall, which is a larger job.

MR. BECKLE: That's Cornwall, this is new Windsor.

MR. KIRWAN: At Brook Hollow, those houses there on the right-hand side.

MR. PETRO: Over 300,000?

MR. KIRWAN: Absolutely, yes.

MR. PETRO: And up.

MR. KIRWAN: I do a higher end house and quality house.

MR. BECKLE: So you're planning on high end over 3,000 square feet?

MR. KIRWAN: Yes, I would say over 3,000 square feet.

MR. BECKLE: My second question is and I know that the

developers don't have anything to do with it but the Town certainly does. We have been involved with a petition before that everybody on Mount Airy Road signed to lower the speed limit on Mount Airy Road to 30 miles an hour and limit truck traffic to local deliveries. Only since we have now gotten The Reserve shoved down our throat and what's the other one, Forest Glenn and now there's talk about 110 home adult community plus this, the traffic on Mount Airy Road right now it's a speedway, we've had cars on our front lawn numerous times skidding out on our corner. A little girl got hit by a car on our corner that couldn't slow down in time to stop for her. That's what spurred the petition to go around. The highway department said too bad, there's nothing we can do about it, it's not our decision. Something has got to be done, the traffic on Mt. Airy Road is horrendous now and this is not going to help it and neither is the 110 homes subdivision that connects to the high school, the opening of the Green Hill, what can we do to protect ourselves and to protect our property values because when we moved in we lived on a rural, country lane and now we're starting to live on a very main thoroughfare. And I don't see how Mount Airy Road could have the same speed limit as Route 94, Route 94 from the high school down to Five Corners is nice and wide and got shoulders, 4 foot wide shoulders and it has the same speed limit as Mt. Airy Road. How do they justify that?

MR. PETRO: Who sets the speed limit, Mark?

MR. EDSALL: State obviously sets the speed limits on the state roads and the Town Board is the one who sets speed limits but I believe it is subject to state approval so the Town of New Windsor just couldn't arbitrarily set a number but they could seek a number.

MR. BECKLE: I don't think they ever had the process to lower the number.

MR. BABCOCK: They have, Jim, throughout Town many, I don't know whether the highway department, he's saying the highway department but I know that the Town Board has worked on trying to get speed limits throughout Town down to 30 and they have not been successful. It goes by population, there's a lot of involvement there and whether it intersects with a state road.

MR. PETRO: Maybe we can try again because he makes a good point.

MR. BABCOCK: I don't disagree but I don't think we just said we're not doing it, they've tried it.

MR. PETRO: So why don't we look at it one more time and try it again now that we know there's going to be another 40 houses here, you have 100 in The Reserve, 110 at Benedict Pond.

MR. BABCOCK: Call me in a few days.

MR. BECKLE: I wanted to ask where do I follow up? What's your name?

MR. BABCOCK: Mike Babcock, I'm the building inspector. Call like next Monday.

MRS. BECKLE: We live at the house at the corner, bad corner and pulling out of my driveway, it's, at nighttime, it's not bad, you can see the lights coming but I tell my kids pretty much, you know, when you go, you go and say a Hail Mary and go up the hill, it's absolutely horrendous and to have another access, another drive I don't know another road up there.

MR. BECKLE: We're right after the crest of the hill and right on the end of a curve so we're blind, blind in both directions and it's like taking your life in your hands, you've just got to, we roll our windows

down and listen and if we don't hear anything, floor it.

MR. PETRO: You know what you can do is talk to the highway superintendent and ask him to put a slow sign there or slow, we love our children.

MR. BECKLE: We have the hidden driveway.

MR. PETRO: No effect?

MR. BECKLE: No, nobody goes slow.

MR. PETRO: You try a board with nails coming up through? That may work.

MR. COLOPY: Bill Colopy, 502 Mt. Airy. Is there going to be a buffer between Brown's Pond and the property of the houses?

MR. KIRWAN: There's a hundred foot buffer by the reservoir.

MR. PETRO: Any question on something we haven't talked about?

MR. GAYTON: John Yayton, 496 Mount Airy Road, just have one question. Are the utilities aboveground or underground?

MR. KIRWAN: They're in-ground buried.

MR. YAYTON: Like Forest Lane?

MR. KIRWAN: Correct.

MR. PETRO: And you're going to have sidewalks on one side of the road?

MR. KIRWAN: Are we?

MR. PETRO: You are now.

MR. VALDINA: Are there going to be street lights?

MR. PETRO: The Town has required to have certain amount of lights, we have had some people who don't like the lights and some who want the lights, so we have kind of, I don't know the right way to say it, it's kind of up to the discretion of the highway department with where they fell, they really need it on an intersection.

MR. VALDINA: I guarantee they're going to need one right where that comes out on Mount Airy by my house, that's right on a crest of a hill, if somebody doesn't get killed there, it will be amazing.

MR. PETRO: You're saying you'd like to have a light?

MR. ARGENIO: You want the light, is that right?

MR. VALDINA: Well, I work for Central Hudson, so they can put in as many lights as they want so but I'm just wondering how they're--

MR. PETRO: Highway superintendent and the engineer for the planning board review and go over it, it's, there's no set distance in between the lights, some people have come forward and we have had one in the beginning, one in the end, sometimes there's quite a few of them so whatever they come up with.

MR. BABCOCK: Within the development it will be a small light, if you have been in the Mt. Airy Reserve, something similar to that, possibly at the intersection, Central Hudson will suggest that they be a higher either streetlight or whatever they might be at the intersection of these roads and Mount Airy which you're probably talking about.

MR. PETRO: Okay, motion to close the public hearing.

MR. EBERT: Jerry Ebert from The Sentinel, just a couple of quick detail questions. Is it 23 acres on the west side of the road and 18 on the east?

MR. KIRWAN: It's 23 and 18.

MR. EBERT: And how many houses will be built on the west side?

MR. BRADY: West is 22 lots on the west side and that's approximately 23 acre parcel and the other parcel's just about 19 acres and there's going to be 19 lots.

MR. EBERT: And Cornwall School District?

MR. KIRWAN: Yes.

MR. EBERT: Thank you.

MR. ARGENIO: Make a motion we close the public hearing.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Briarwood major subdivision on Mt. Airy Road. Any further discussion? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Mark, do you have anything you want to say to the applicant with any of your bullets?

MR. EDSALL: No, Mr. Chairman, we have shared the comments with them, the next step that I have asked them to do is finalize the storm water management aspects and then what I have suggested to the applicant is that we have a more thorough workshop to review all these comments to make sure if they have any questions we can get them resolved.

MR. PETRO: The one lady here with the drainage swale, public hearing, have that on the map and I like the idea of berming it up on the other side also and it will be on your lot not hers?

MR. BRADY: Correct.

MR. PETRO: What else did we come out with?

MR. ARGENIO: One thing quickly Mark a four inch forced main is big enough to serve all those homes?

MR. EDSALL: The reason that it's a small line is to maintain velocity to clean the line, I mean, lot of municipal large pump stations forced mains are six or eight inches only.

MR. PETRO: Going to implement the sidewalks on one side?

MR. KIRWAN: Yes, sir.

MR. BRADY: Preference to the board?

MR. PETRO: No.

MR. BRADY: Also discuss with the lighting what we'll do is--

MR. PETRO: Lighting have to get together with Mr. Kroll and Mr. Edsall and come up with a reasonable plan, you don't want to over-do it, you don't want to under-do it.

MR. EDSALL: I have spoke with Mr. Kroll and he's in the process of reviewing it, he's aware that we need to finalize drainage issues, lighting he wants to look again at the details of the access points.

MR. PETRO: Again, you sized the pipe under the road?

MR. BRADY: Yes.

MR. PETRO: So he don't get flooded out, whoever this fella over here is, even though the road is lower than his property, I guess that's it. Good night.

MR. BRADY: Thank you very much.

REGULAR ITEMS:

TOPO REALTY SITE PLAN (04-26)

Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. PETRO: Application proposes change in use of the existing building from retail storage to office and retail. This plan was previously reviewed at 22 September, 2004 planning board meeting and it was forwarded to the ZBA for a parking variance. It's my understanding that the relief was granted by the ZBA and you have it on plan, correct?

MR. SHAW: Correct, I have.

MR. PETRO: I have reviewed the final plans submitted. All items previously discussed with the applicant's engineer have been addressed. Has the easement been obtained?

MR. SHAW: Yes.

MR. PETRO: Please provide a copy to the planning board secretary for our records.

MR. SHAW: We'll do that at closing of the property. I'm sure Mr. Mans does not want a release, I believe it's being held in escrow and I'm sure we will not want to release until the parcel's sold.

MR. EDSALL: As long as we have it before you start construction.

MR. SHAW: You will.

MR. PETRO: And lead agency coordination letter was issued on 1/7/05, the planning board may wish to assume position of lead agency. We have fire approval on

9/17/2004. We didn't get anything back on lead agency coordination letter?

MS. MASON: No.

MR. PETRO: Motion for lead agency.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Topo Realty LLC site plan on Windsor Highway. Any further comments? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Planning board may wish to determine regarding the type of acts in the SEQRA process and determine if the public hearing is necessary. We're basically, the parking, Greg, what are we doing with the parking? Is it matching up for very close to the use that was there or did you have to increase the parking?

MR. SHAW: This is what presently exists on the site today, parking in the front, the building, macadam drive on the side and this open dirt area which they have used for parking, there's some loading doors in the back. What we're proposing to do is to widen this driveway along the side of the building and to create this parking area, all right, we generated as much parking as we could possibly fit on the lot and we

still end up being short with respect to your zoning ordinance, therefore, a trip to the Zoning Board of Appeals for a parking variance. All right, but you can see clearly what's on the site today and what the proposed improvements are with all that happening in the rear of the property.

MR. PETRO: Basically you're going from there was a deli, there was a vacuum cleaner store.

MR. SHAW: It used to be Mid Hudson Beauty Supply back around 1971 when it was built, then evolved into a vacuum store, now a vacant deli.

MR. PETRO: What is it going to be, a doctor's office?

MR. SHAW: Yes, medical facility.

MR. PETRO: You did the property on the exam rooms and the space?

MR. SHAW: It was based according to your zoning.

MR. PETRO: I think going from what was there to a doctor's office is an upgrade. I don't see the reason for a public hearing. There's a parking lot which is, belongs to Casey Mans on one side and he owns the house on the other side which is just a rental and it's--

MR. SHAW: Correct and we had a public hearing with the zoning board and no one showed so and it is a commercial industrial area.

MR. ARGENIO: I'll make a motion we waive the public hearing.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion is made and seconded that the New Windsor Planning Board waive the public hearing under

its discretionary judgment for the Topo Realty LLC site plan. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Motion for negative dec.

MR. ARGENIO: I'll make the motion.

MR. MASON: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare a negative dec under the SEQRA process for the Topo Realty LLC site plan. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. EDSALL: Just a note for the record, Greg, in preparing his parking calculation and going to the Zoning Board actually took a most conservative approach by using the one per 150 as if it was a conventional office, if in fact the doctor's office does go in that's a one per 175 requirement so it's less required so if the use goes in that's currently proposed should be less of a problem but he's taken worst case in his

calculations.

MR. PETRO: That means that Mike can say regular office can go there and you have the parking and be all set.

MR. EDSALL: That's right.

MR. ARGENIO: Mark, one question real quick we're paving the lot and the sheet flow is going to catch basins coming around the south side of the building which are draining into the DOT right-of-way, no issue with that with the DOT?

MR. EDSALL: We did refer it to them, the referral included not only copy of the site plan but because we were increasing the flow and I wasn't sure whether the system capacity, Greg submitted drainage calculations and that's what, and the response from DOT they have acknowledged that and say they have no problem.

MR. ARGENIO: The storm drain on Windsor Highway, is it 18 inch, is it 4 inch or is it 8 inch?

MR. SHAW: It's 18 inch with the four inch inlets.

MR. ARGENIO: Four coming in, it changes to eight north of that, correct?

MR. SHAW: It's 18 going out heading in the southerly direction.

MR. ARGENIO: And somewhere it changes from 8 to 4 in there?

MR. SHAW: Well, it's a catch basin probably it's an underdrain from somewhere that's draining into the catch basin.

MR. EDSALL: Shows 8 up to the north so--

MR. ARGENIO: Then shows 4 with no basin in between.

MR. SHAW: The 8 inch you're referring to is a sanitary sewer line.

MR. EDSALL: They run next to each other.

MR. ARGENIO: Four coming in and 18 going out.

MR. SHAW: That's correct.

MR. PETRO: You had spaghetti with butter or sauce? Anything else?

MR. ARGENIO: Just give me a minute. Can we talk about the flag pole, the width of sidewalk and the dumpster enclosure? I can keep going.

MR. PETRO: Sure, width of the sidewalk is 6 foot wide.

MR. ARGENIO: Seems to be appropriate.

MR. PETRO: Dumpster enclosure is at the rear of the building, same material or fenced?

MR. SHAW: Yes.

MR. PETRO: And you're other one was?

MR. ARGENIO: Flag pole.

MR. PETRO: I Don't know about the flag poles. Planning board should require that a bond estimate be submitted in accordance with Chapter 19 of the Town Code.

MR. SHAW: We will.

MR. PETRO: Motion for final approval.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Topo Realty LLC site plan on Windsor Highway. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

LOMBARDI & RODRIQUEZ LOT LINE CHANGE (05-02)

Mr. Lombardi and Mr. Rodriquez appeared before the board for this proposal.

MR. PETRO: This is a residential lot line change, application appears simple in nature, each lot is already developed, bulk information shown on the plan appears correct for the R-4 zone and residential use. Each of the lots comply with the bulk requirements with the exception of the pre-existing, non-conforming condition for lot 51 so that's pre-existing. Applicant should verify each lot is connected to municipal sewer.

MR. LOMBARDI: Yes.

MR. PETRO: Planning board may wish to assume lead agency.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency under the SEQRA process for Lombardi-Rodriguez lot line change. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Planning board should determine if a public hearing will be necessary for this minor subdivision. Entertain a motion.

MR. ARGENIO: Motion to waive the public hearing.

MR. SCHLESINGER: 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 Lombardi-Rodriguez lot line change. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Planning Board may wish to make a determination under SEQRA. I'll entertain motion for negative dec.

MR. ARGENIO: I'll make a motion we make a negative dec under the SEQRA process.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare a negative dec for the Lombardi-Rodriquez lot line change on Brook Road. Roll call.

ROLL CALL

MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Mark, anything else that we can't just go along with this, you have obviously reviewed this?

MR. EDSALL: No, that's it.

MR. PETRO: It's pretty clean, right?

MR. EDSALL: Looks fairly simple.

MR. PETRO: You guys don't want to come back again, do you?

MR. LOMBARDI: How about tomorrow night except we'll be ahead of the development next time.

MR. PETRO: Motion for final approval.

MR. ARGENIO: I'll make the motion for final approval.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare final approval to the Lombardi-Rodriquez lot line change. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

BREEZES LAUNDROMAT SITE PLAN & SPECIAL PERMIT (05-05)

Mr. Angel Caballero and Tom and Nancy Troske appeared before the board for this proposal.

MR. PETRO: This is proposed laundromat, formally Marko's Beverages. The entire building?

MR. CABALLERO: No, he moved to the other side.

MR. PETRO: So it's approximately half the building?

MR. CABALLERO: It's 2/3.

MR. PETRO: Applicant has submitted a copy of the previously approved plan and has revised a plan depicting the use within the building with the parking calculation table. The only apparent proposed change in the site outside are parking spaces, revisions to the additional parking which you have done, the parking calculation has an error regarding spaces required for the laundromat machines, code requires one space for four machines, the calculation shows one space for two machines, so you're at 50% of what you really need. The correct number of minimum required parking spaces for the area shown on the plan is 30 spaces.

MR. EDSALL: They actually are there, parking calculation makes it look worse, they really only need a minimum of 30 and although it may be better to have more than the 30, the original site plan had 41 constructed, so I don't believe they have to do anything to the parking. They really don't need to change the parking unless you find that it's inadequate and you want to come back and say you want to add some.

MR. CABALLERO: We want the landlord to clean up the property.

MR. EDSALL: The back needs some activity.

MR. SCHLESINGER: Marko's moving?

MR. CABELLERO: Already moved to the smaller store and we're doing it in the larger store.

MR. PETRO: Motion for lead agency.

MR. ARGENIO: Motion for lead agency.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency under the SEQRA process for the Breezes Laundromat site plan on Old Forge Hill Road. Any further discussion? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Effective September 1, 2004, Orange County Planning Department resumes review of all projects which have to be sent there. Planning board should consider authorizing mandatory public hearing for this special use permit as per required so Myra, well, we don't need a motion, we have to have the public hearing so you can set it up with the applicant. In the meantime, you can get this out to Orange County Planning so they can review it. Ninety-nine percent of it is they're going to just send it back for local determination but it has to go there but that all happens within the 30 days so you won't be ready for your public hearing anyway so you're not really using any time but do it because it has to be done, if you

come back and it's not done, then we can't take any action.

MR. EDSALL: We send it out, the referrals come through the Town.

MR. PETRO: Well, make sure you do it.

MR. EDSALL: Myra will make sure, she'll be on the phone with me at 8:31.

MR. PETRO: And mandatory public hearing.

MR. EDSALL: Of course I will be at the office at 7:30.

MR. PETRO: We can have the public hearing, we can have that set up and have a public hearing even if it's within 30 days, we can make it subject to hearing back from them. Plan is very simple so that's as far as we can go tonight. We'll schedule a public hearing and we'll get this out to Orange County Planning.

MR. CABALLERO: Thank you.

SCHOONMAKER HOMES SUBDIVISION (04-20)

Mr. Matthew Scheffield appeared before the board for this proposal.

MR. PETRO: Schoonmaker Homes proposed 4 lot residential subdivision. Application proposes the subdivision of 38 acre parcel into 4 single family residential lots. Property is split by the OLI zoning district and the R-1 zoning district. It's my understanding that as of July, 2002 this specific parcel is now all R-1 as per a notation on the zoning map. Required bulk information shown on the plan is correct for the zoning use, although the tables should be expanded to reflect the minimum livable area of 1,200 square feet. Do you have a copy of Mark's comments?

MR. SCHEFFIELD: No, not yet.

MR. PETRO: Storm water impact on the development will be a concern, existing significant courses exist to the east and northeast of the development area and some additional courses exist in the area of the proposed roadway and house and sanitary systems, the courses in the area of the proposed development must be further delineated on the plan, additional detailed evaluation of this aspect is necessary. Curtain drain systems are recommended for all sanitary systems, the plan does not indicate the proposed roadway as public or private, it appears that a private road is proposed due to the sketchy information on the plan. There's other comments. We can assume the position of lead agency.

MR. ARGENIO: I'll make the motion we take lead agency.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board assume lead agency for the

Schoonmaker Homes minor subdivision on Route 207. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Why don't you go over this plan and show us how you're breaking it up and for what purpose and what you're doing.

MR. SCHEFFIELD: Probably look at the second sheet has more detail, the first sheet is just the lot lines, okay, we have basically cul-de-sac road coming off Kings Road about 250 feet with 4 proposed lots each with individual well.

MR. PETRO: Didn't somebody just build a new house there?

MR. MINUTA: Yes, down the road.

MR. SCHLESINGER: Biagini built the house.

MR. BABCOCK: This is up on Kings Road.

MR. PETRO: Your cul-de-sac width, Mark, is correct radius and all that, you looked at all that?

MR. EDSALL: I believe it is, I can doublecheck.

MR. PETRO: We don't need to do that now because you're going to have to go over, you have a number of comments from Mark, we're not going to do it now, basically, I just want to look at this. Have the members looked at

this for concept this plan? Does anybody have any comment or objection to the way it lays out and if not we're going to let Mark review these comments and you'll come back again and have it more technically--

MR. KARNAVEZOS: I don't have any objections, just curious how you're going to have a septic tank in there where it's that close to the water, how you're going to get any kind of perc.

MR. SCHEFFIELD: We did the perc and deep tests already.

MR. PETRO: They were--

MR. MINUTA: What were the results?

MR. PETRO: Viewed by our engineer?

MR. SCHEFFIELD: Yes, they witnessed them, perc and deep tests.

MR. EDSALL: You'll notice one of my concerns is the separation between the bottom of the distribution field trenches and the ground water and also to modeled soil because there's enough wetlands that the ground water does surcharge to some extent so I want them to as best possible protect the systems with curtain drains and pull them back as far as they can so that's an absolute concern, if you look at the soils logs you'll see that it's apparent that they're right next to a wetland.

MR. ARGENIO: Expansion area on both of them is right at the buffer.

MR. PETRO: We'll have a public hearing on this, I'm not going to schedule it now, all right. Anything else, gentlemen?

MR. SHEFFIELD: With the hundred foot buffer it does

drop off quite a bit so you've got eight to ten feet, it's not like it's flat and then all of a sudden there's a buffer but it does drop off quite a bit off the back there.

MR. EDSALL: Did you clarify if this is a private or Town road?

MR. SHEFFIELD: It's a private road.

MR. EDSALL: Really doesn't say it on the plans but--

MR. SHEFFIELD: It's proposed to be a private road.

MR. PETRO: I'd like to see you clean up some of Mark's comments, come back again when the plan is really ready then we're going to have a public, set it up for a public hearing. The members don't have a problem as long as it works, you know, you're meeting the zoning and you're meeting the zoning laws so--

MR. EDSALL: Just doublecheck the cul-de-sac at the right-of-way has to be 120 foot and the finished area unless you get a waiver for a different configuration, has to be 100 foot diameter.

MR. SHEFFIELD: Okay.

FIRST COLUMBIA SUBDIVISION (03-201)

MR. EDSALL: Yeah, there was, as you recall late last year, you reapproved the First Columbia site plan at 555, a companion application with that was the subdivision application but that inadvertently didn't get reapproved with it. There have been no zoning changes in the AP-1 so they would be seeking a reapproval so they can file the subdivision map. Motion for reapproval for First Columbia subdivision 03-201, 555 Hudson Valley Avenue.

MR. ARGENIO: I'll make that motion.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant reapproval to the First Columbia subdivision 03-201, 555 Hudson Valley Avenue. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

CORRESPONDENCE

FUMAROLA SUBDIVISION

MR. PETRO: Request for extension of preliminary approval granted 9/22/04 lands of Fumarola. Regarding the above-mentioned job, we have received preliminary approval from your board in September of 2004. This project is still in front of the Health Department and we request six month extension while this matter is addressed by them. Thank you. Mark, any comments or any problems?

MR. EDSALL: I spoke with one of the owners and they explained to me some of the difficulties they're having getting approval from the Health Department so I think they'll make an effort, hopefully they'll be back soon, I would suggest you give them the extension.

MR. ARGENIO: I'll make the motion for six month extension for Fumarola.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant six month extension to the Fumarola subdivision. Any further comments from the board members? If not, roll call. And Myra, you'll make sure it's contiguous from the last date it expired, correct?

MS. MASON: Right.

ROLL CALL

MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MEADOWBROOK ESTATES SUBDIVISION (01-42)

MR. PETRO: Meadowbrook Estates subdivision, request for extension of preliminary approval which expires 2/11/05. Dear Board Members: I'm writing on behalf of Landmaster Community Developers to formally request planning board grant extension of preliminary approval for the above-referenced subdivision which expires February 11, 2005. Mark, any comment here?

MR. EDSALL: No, I think that one as well they're working diligently, should let them continue.

MR. PETRO: Motion.

MR. ARGENIO: I'll make that motion for extension of Meadowbrook Estates subdivision for six months.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant six month extension running from February 11, 2005 to Meadowbrook Estates. Any further discussion? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

DISCUSSION

MANS BROTHERS REALTY

MR. PETRO: Mans Brothers Realty, was somebody from the Town supposed to show up?

MS. MASON: No, someone from Mans Brothers.

MR. BABCOCK: I don't know whether the board wants to skip over that, I can give you some brief idea what's going on.

MR. PETRO: What property?

MR. BABCOCK: Property on 32 next to Topo Realty, the board give him approval to park the motor homes and trailers and whatever there but the condition of the approval said they all had to remain intact, they had to have all their parts, they had to have tires on them.

MR. ARGENIO: This is not the first time with this.

MR. BABCOCK: They had to have all the parts and they had to be in running condition.

MR. SCHLESINGER: Up on the hill?

MR. BABCOCK: Yes and he hasn't kept up his end of the bargain, they're not, he's putting them out, if you want to buy a piece, there's stuff missing, so I guess the fire inspector has taken them to court and at this point in time the judge has said well, if you got an approval for this, you need to go back to the planning board, so that's why we told him that we wanted him back here tonight to get this, to get a re-approval or to get from you guys what you want to do.

MR. SCHLESINGER: Does this have anything to do with

the motorcycle place?

MR. BABCOCK: No.

MR. ARGENIO: Neil, this predates you, Mike, and correct me if I'm wrong, at that meeting when he got that approval to store those vehicles there somebody in this room, Mike, it might have been you or Jim, maybe you or Mark made it dreadfully and painfully clear that it wasn't going to turn into a junk yard and the vehicles had to be in operating conditional, be it maybe but for a dead battery or something like that and I think somebody specifically said maybe but for a dead battery, I remember it, Mike, and I think it was you.

MR. BABCOCK: He just moves them around Town, he's now he went to the workshop, he's got other people representing him and he wants to open up another one behind Price Chopper, the first building behind Price Chopper, I already told Mark no. Mark said I can't tell him that.

MR. SCHLESINGER: You're going to get into a gray area for a trailer, what's a running condition if it's a motorized--

MR. ARGENIO: Talking about motor vehicles.

MR. BABCOCK: Yes.

MR. SCHLESINGER: There's a gray area that's come up before in different instances.

MR. BABCOCK: The other issue, Jim, just so we're clear typically when we put conditions on sites like that we do it through a special permit, we did not do that on this site, so that's the other issue, we give him a site plan approval with the conditions on the site plan. So in my opinion they're just as good, those were the conditions the applicant agreed to do with

that condition and that's over with so we want your opinion on that so that we can go back to court and force him to either put them back together and get them in the condition that this board approved or remove them.

MR. SCHLESINGER: Any buildings on the property?

MR. BABCOCK: There's a barn.

MR. SCHLESINGER: But--

MR. BABCOCK: Nothing to do with this.

MR. SCHLESINGER: Just for storage, period, over and done, who owns the vehicles?

MR. BABCOCK: Casey Mans.

MR. SCHLESINGER: Personally or for other businesses?

MR. EDSALL: Him.

MR. BABCOCK: To my knowledge they're personally owned by him and also the property's owned by him.

MR. SCHLESINGER: Nothing to do with any other business that he has or anything like that?

MR. EDSALL: Off the record.

(Discussion was held off the record)

MR. EDSALL: Well then it's clear to me that if you gave a site plan approval it's very difficult to revoke site plan approval, if it was a special permit and had a term you could fail to renew the special permit. That doesn't appear to be the case. My suggestion is since this board is not an enforcement agency that you

stand behind the building inspector and say they're in violation of our approval and let the record be clear so that the judge can take note.

MR. PETRO: They're in violation of the site plan. Take care of it. Anything else?

PATRIOT ESTATES- PATRIOT BLUFF

MR. EDSALL: Just a quick item, some homework as it may be, unfortunately, sooner or later we have to deal with and the time has come, the Patriot Estates and Patriot Bluff projects which is the one that you had the painfully long public hearings on and after all the input from the public you determined that a supplemental EIS was required to address changed issues and deal directly with that cross and connection issue through Park Hill. They have submitted a letter outlining the responses and how they handle comments from letters that Myra had on record and also updated their scope for the supplemental EIS. I have attached a copy to everybody's comments. What I would ask is that you look at it, if you see something that you don't like, didn't agree with, think is not covering the issue correctly, get ahold of me, I've got this in electronic form, I want you to vote on it at the next meeting to approve the scope, then they have to do the documents submitted to you.

MR. PETRO: Okay, for the minutes, Mr. Argenio and myself will have to recuse ourselves from the voting but we have enough board members here to continue on so everybody can read it and do what Mark's asked.

MR. EDSALL: Thank you.

ZONING MAP

MR. EDSALL: Last item just to explain one of the confusing items tonight, I just received the zoning map that apparently there was changes made in 2002 and 2000, I want to ask the Town Board to authorize whoever creates this map to fix the map, not just make a note because the map still depicts the Schoonmaker property as being OLI, but if you read a note it says that it was changed. It's really a half ass way to do a zoning map, the zoning map should be updated.

MR. ARGENIO: What do you need from us?

MR. EDSALL: Because I think maybe if the planning board asks the Town Board to make sure the map's right we'll get it but if you look at the map, it says one thing, if you look at the notes, it says another, it's embarrassing.

MR. PETRO: You want me to ask Phil Crotty to give us the right thing?

MR. EDSALL: Tell him to fix the map, not just make notes, they're basically changing zoning, zoning on lots one at a time.

MR. PETRO: I'll take care of that.

MR. EDSALL: I don't know if the rest of these are updated but the one that's on tonight the map says one thing, note says another.

MR. PETRO: We're just very fortunate you're a sharp man.

MR. BABCOCK: Good thing he picked that up, right, Jim?

MR. PETRO: Good, I'm impressed, just think I would have just looked at the colors.

MR. BABCOCK: We put it in notes quite honestly because we're all colorblind.

BREEZES LAUNDROMAT - DISCUSSION

MR. KARNAVEZOS: On the laundromat, why do we have to have a public hearing?

MR. BABCOCK: Required, it's special permit, it's required by law.

MR. KARNAVEZOS: It's not considered commercial but--

MR. BABCOCK: It's a special permit.

MR. KARNAVEZOS: Okay.

MR. PETRO: Motion to adjourn.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

ROLL CALL

MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

Respectfully Submitted By:

Frances Roth 2/22/05
Stenographer