

February 24, 2010

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TOWN OF NEW WINDSOR

PLANNING BOARD

FEBRUARY 24, 2010

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN  
NEIL SCHLESINGER  
HOWARD BROWN  
DANIEL GALLAGHER  
HENRY SCHEIBLE

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

JENNIFER GALLAGHER  
BUILDING INSPECTOR

NICOLE JULIAN  
PLANNING BOARD SECRETARY

AMY ZAMENICK, ESQ.  
PLANNING BOARD ATTORNEY

ABSENT: HENRY VAN LEEUWEN

REGULAR\_MEETING

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MR. ARGENIO: I'd like to call to order the February 24, 2010 meeting of the New Windsor Planning Board. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: Mark, you have something?

MR. EDSALL: Yes, we're joined tonight by counsel Amy Zamenick and I'd like to go on the record acknowledging and congratulating her for being sworn as a member of the New York State Bar today.

MR. ARGENIO: You've not committed any felonies today, have you?

MS. ZAMENICK: Not yet.

MR. ARGENIO: The night is young.

MR. EDSALL: The snow will slow her down a little.

MR. ARGENIO: Counselor Cordisco had another engagement tonight, he assures me though that it's not a repetitive thing but there's something he had to attend to. As such, we're lucky to have Amy with us tonight, that's why she's here. All this said, we're going to get right down to business.

APPROVAL OF MINUTES DATED JANUARY 13, 2010

MR. ARGENIO: First item on tonight's agenda is approval of the minutes dated January 13, 2010 sent out via e-mail on 20 January, 2010. Anybody sees fit, I'll accept a motion we adopt them as written.

MR. SCHLESINGER: So moved.

MR. SCHEIBLE: Second it.

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

ROLL CALL

MR. SCHEIBLE            AYE

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MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE

ANNUAL\_MOBILE\_HOME\_PARK\_REVIEW:

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BRITTANY\_TERRACE

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MR. ARGENIO: Moving right on, we have three mobile home parks here tonight. First one tonight is Brittany Terrace. Somebody here to represent this? Mr. Kean I do not see in the audience. Jen, do you know what the deal is?

MS. JULIAN: I called him.

MR. ARGENIO: And he said he'd be here?

MS. JULIAN: Yes.

MR. ARGENIO: Would you endeavor to call him tomorrow or the next day, find out what the deal is? When does it expire?

MS. JULIAN: The 25th of February.

MR. ARGENIO: Well, advise him that as of tomorrow he's operating without a permit, okay?

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NUGENT\_MOBILE\_HOME\_PARK

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MR. ARGENIO: Next is Nugent Mobile Home Park,  
canceled, they had a death in the family.

MONACO\_MOBILE\_HOME\_PARK

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MR. ARGENIO: Is there somebody here to represent the Monaco Mobile Home Park? Could you please give your name and your address for the benefit of the stenographer?

MS. LORELEI: Carmella Lorelei, 389 Quaker Street, Wallkill, New York 12589.

MR. ARGENIO: Jen, can you tell me about this place?

MS. GALLAGHER: One of my inspectors has been out there, everything is in order.

MR. ARGENIO: Do you have a check made out to the benefit of the Town of New Windsor for \$250?

MS. LORELEI: Yes, I do.

MR. ARGENIO: That's fantastic. I'll accept a motion that we offer them a one year extension for their permit.

MR. GALLAGHER: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we offer the Monaco Mobile Home Park one year extension of their permit to operate. Roll call.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE

REGULAR\_ITEMS:

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LANDS\_OF\_BINKO\_(09-18)  
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MR. ARGENIO: Lands of Binko/Polman minor subdivision. Application proposes subdivision of a 2.79 plus or minus acre parcel into two single family residential lots. The application was previously reviewed at the 10 June, 2009 and 14 October, 2009 planning board meetings. What's your name, sir, and who are you with?

MR. TROCHIANO: My name is Anthony Trochiano with Pietrzak & Pfau Engineering.

MR. ARGENIO: Tell us what we're doing here, what you'd like to do.

MR. TROCHIANO: I'll give an overview here to get everybody up to speed.

MR. ARGENIO: Let me just, I see Mr. Polman in the audience here, I assume he has something to do with this. The record should be clear and reflect that he has done some work for me in the past, he's a local mason and I'm sure everybody at least some of the people here know him but that certainly will not affect my ability to make an independent decision here tonight or tomorrow night.

MR. SCHLESINGER: Ditto.

MR. ARGENIO: He did work for you too? Same disclaimer?

MR. SCHLESINGER: Absolutely.

MR. ARGENIO: Go ahead.

MR. TROCHIANO: This is the property, can everybody see this?

MR. ARGENIO: Yes.

MR. TROCHIANO: This is the property which is in the ownership of the Polman family for 30 plus years. They'd like to create a second lot to the rear of their existing home off of Beattie Road for their son and daughter-in-law. To do the subdivision requires a number of variances from the town zoning law which were granted at the September 14, 2009 Zoning Board of Appeals meeting.

MR. ARGENIO: How many variances?

MR. TROCHIANO: On the lot number 1 which is the existing home there are five, on the proposed lot 2 the rear of the existing home there's one.

MR. ARGENIO: And you were successful in achieving those variances?

MR. TROCHIANO: Yes.

MR. ARGENIO: Go ahead.

MR. TROCHIANO: The ZBA found that the proposed subdivision was in general conformance with the surrounding lots in the area. During the public hearing, with the ZBA only one comment was found to be of significance to the project, this was to provide a separation of eight feet from the proposed driveway to lot 2 to the existing property line that it runs parallel to, which we have provided on the plan.

MR. ARGENIO: Can you explain that again?

MR. TROCHIANO: During the public hearing, I believe a question was raised as to how close this proposed driveway for the access to lot 2 will be to this existing property line. And it was requested that the

edge of pavement on that driveway be at a minimum of eight feet from the existing property line and that's what we show on the plans. We have also added note number 10 to the cover page which also indicates this.

MR. ARGENIO: Mark, how does this driveway work or am I probably, Mark, is that part of the lot in the back number 2?

MR. EDSALL: It's an easement, the way the subdivision is configured lot 2 has no frontage, it has purely an easement through lot 1. And as I understand it, the zoning board has imposed or asked for the particular layout that keeps the driveway within that 20 foot easement, I believe it's 20 foot to be positioned to the south of the easement.

MR. ARGENIO: Okay, go ahead.

MR. TROCHIANO: From the ZBA the subdivision to this point has been fully designed as we just stated the access to lot 2 shall be provided by a 28 foot wide easement through lot 1, fully designed septic for lot number 2 is now shown on the plans and in addition to that, we have a fully designed replacement system for lot number 1 which is only to be installed if it's ever needed in the future.

MR. ARGENIO: So you don't need it at this point?

MR. TROCHIANO: No.

MR. ARGENIO: There's a system there.

MR. TROCHIANO: That's right.

MR. ARGENIO: I want to read this comment from Mark, an engineering comment, spacing between the replacement sanitary disposal system of lot 1 to the well on lot 2 is inadequate. Now, I don't have a scale with me but I

believe the code reads 100 lineal feet unless the well is downstream from the disposal area then it's 200 feet. So you may have to revisit that well location on lot 2, it's proposed so it shouldn't represent any hardship.

MR. TROCHIANO: Definitely have to relocate it, right now it's shown at approximately 100 and so you stated it was 200 feet.

MR. EDSALL: Yeah, and it's not that it's a problem because there's a lot of room to relocate the well, better we move it now than making the alternative location unusable, so let's make the adjustment on the final plan.

MR. ARGENIO: The applicant's proposing Eljen In-Drain Absorption Trenches as an alternative. The DOH has approved the Type B Elgin units depicted. The engineer should verify that the sizing of the system should be based on the application table promulgated by the Department of Health rather than from the Eljen design manual. You okay with that?

MR. TROCHIANO: Yeah, no problem.

MR. EDSALL: Just I want to make sure, Mr. Chairman, that the Department of Health and the Orange County Department of Health both issued amended tables, I want to just make sure that they verify that before they submit the final plan but again it's not a major issue.

MR. ARGENIO: Mark number 3 where you speak of the curtain drain, is that for the proposed system?

MR. EDSALL: Yeah, I'm just suggesting and if it's agreeable to the applicant that rather than have the curtain drain that's shown on the new system for lot 2 as an optional item, I'm suggesting that they make it a required item. The note or the details have a note I

believe that says if required.

MR. TROCHIANO: Okay, well, that's no problem.

MR. EDSALL: It's just a very good insurance for the system.

MR. ARGENIO: Remove the note.

MR. EDSALL: If you look at the title for the curtain drain it says if required.

MR. ARGENIO: You're going to get, need to get a copy of the easement to counsel to review. Jen, what did you hear at the zoning board from the public hearing, what did you hear?

MS. GALLAGHER: I don't attend that meeting.

MR. ARGENIO: I don't want to make a habit of doing this but I will call on the zoning board consultant in the audience, do you recall anything else, Mr. Bedetti?

MR. BEDETTI: No, the only thing I recall was the original plan I think had the driveway something like only two feet away.

MR. ARGENIO: They have achieved the eight foot.

MR. BEDETTI: Then there was a gentleman here that had a driveway on his property that was located close to that one and they agreed to move that space in a little bit further away from the property.

MR. ARGENIO: I see where the neighbor's requesting the eight feet, looks like they've done that.

MR. BEDETTI: Right.

MR. ARGENIO: Anything else?

MR. BEDETTI: That was the only issue.

MR. ARGENIO: Didn't mean to put you on the spot but you're here.

MR. BEDETTI: Not a problem at all.

MR. ARGENIO: Do we need to do lead agency on this, Mark, have we done that?

MR. EDSALL: I believe that the board took no action relative to SEQRA because it was a referral to the ZBA and I think it's as I recall from discussing it with Dom it might have been an uncoordinated review, I would say go through the regular lead agency and consider determination of significance.

MR. ARGENIO: If anybody sees fit, I'll accept a motion that Town of New Windsor Planning Board declare itself lead agency.

MR. BROWN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded.

ROLL CALL

MR. SCHEIBLE            AYE

MR. BROWN               AYE

MR. GALLAGHER          AYE

MR. SCHLESINGER         AYE

MR. ARGENIO             AYE

MR. ARGENIO: Anybody sees fits, I'll accept a motion that we declare negative dec under the SEQRA process.

MR. SCHLESINGER: Motion made.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that we declare negative dec for the Binko minor subdivision.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: We have to hear from the Highway Department on this because you have access to Beattie Road and we have not heard from them yet. To the members, does anybody have any thoughts about the public hearing? It's subjective based on what we decide here. I do have the minutes here from the public hearing or from the zoning board meeting and the only thing I'm seeing here is somebody named Viscello asking about the eight foot and they seem to have accommodated him on that. Does anybody have any thoughts on the public hearing?

MR. SCHLESINGER: The only question I had was that somewhere I read I don't remember that most of the lots are in conformity, about the size of the lots.

MR. TROCHIANO: Yes, I could try to, do you want me to go into a little detail? I have larger maps, this is a tax map.

MR. ARGENIO: What he's asking the lots you're creating, are they similar to the lots around you? It appears at based on looking at the location plan that they are similar.

MR. SCHLESINGER: I would see no reason for a public

hearing.

MR. ARGENIO: Howard or Henry, do you guys have any thoughts on that?

MR. SCHEIBLE: No, I see sewage and just that one well location, that's the only thing--

MR. ARGENIO: Definition.

MR. SCHEIBLE: --that I would have a problem with and if we're going to approach that.

MR. ARGENIO: We're going to take care of that.

MR. BROWN: I feel the same as Neil, public hearing is not necessary.

MR. GALLAGHER: Proposed dwelling, is it conforming with the other houses in the area as far as size? What's the size of the proposed dwelling?

MR. TROCHIANO: It's 60 by 35, the existing home on lot 1.

MR. GALLAGHER: It's 2000 something.

MR. ARGENIO: Two stories would be bigger than that. Public hearing, Danny?

MR. GALLAGHER: No need.

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

MR. SCHEIBLE: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we

waive the public hearing for Binko/Polman subdivision.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Mark, tell me about this, what else is going on here?

MR. EDSALL: I think you've gone over all the I won't even call them open items, items that need to be corrected, the three bullets underneath my comment 2 dealing with the sanitary system and the need for the easement to be submitted to counsel for review before the plan's stamped on the condition that there's a write-off from the highway superintendent before stamp of approval. If the board is so inclined, I can work with the applicant to make sure all those things occur before the plans are submitted for stamping.

MR. ARGENIO: Typically, we don't like to be the gathering point for all the information. Typically, we don't do a me-too so to speak where we approve it then everybody else has to take a look at it because what we like to avoid is a bunch of changes happening to the plan. What I really don't, insomuch as they have achieved approval from the zoning board they have located the driveway in what I perceive to be the only possible location, the only thing for Anthony to discuss is, you know, if there's a need for a culvert or some such thing.

MR. EDSALL: Yeah.

MR. ARGENIO: Really not a lot here.

MR. EDSALL: No.

MR. ARGENIO: Anybody agree?

MR. SCHLESINGER: Yeah, so we can make a motion.

MR. ARGENIO: I'll do the subject-tos.

MR. SCHLESINGER: Make a motion for final approval for the Binko/Polman minor subdivision subject to.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that we offer final approval to the Binko/Polman minor subdivision subject to Mark's comments in bullet 2, that we get the description for the easements to counsel and counsel reviews and accepts said easement, and that you endeavor to meet with Anthony Fayo, the highway super and just make sure he's okay. You don't need a culvert.

MR. POLMAN: There's no culverts on either side of the road.

MR. ARGENIO: Get with him and have him give him the blessing that would be a good thing. Motion has been made and seconded. Mark, do you have a comment?

MR. EDSALL: I'm just going to note that Amy just pointed out she's prepared the negative dec and the resolutions for your execution after the resolution's adopted.

MR. ARGENIO: She's good. Roll call.

ROLL CALL

MR. SCHEIBLE            AYE

MR. BROWN              AYE

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MR. GALLAGHER            AYE  
MR. SCHLESINGER         AYE  
MR. ARGENIO             AYE

MR. ARGENIO: Thank you, good luck.

THE GROVE AT NEW WINDSOR (09-22)

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MR. ARGENIO: K-Hovnanian subdivision and PUD. The applicant proposes 22 new zero lot line lots on the approved Grove site plan project to establish town homes with related property lots. The plan was previously reviewed at the 15 July, 2009 planning board meeting. You want to tell us what you're doing here and tell us who you are?

MR. DATES: Justin Dates from Maser Consulting. I'm representing the PUD application for The Grove at New Windsor. Most of you are familiar with the site, it's a 275 unit townhouse development up in the New York International Plaza. What we're looking to do is establish as the chairman mentioned 22 fee simple zero lot line lots for buildings 22 through 25 so the total is 22 units 22 lots. Application is also looking to subdivide off as part of the condo association they had set up condo 1 and condo 2 areas, they are looking to create subdivision for those pieces as well as subdivide a parcel for the recreation area and then finally there's also a dedication parcel for the booster pump station which is constructed on Hudson Valley Avenue. So since the last planning board meeting, we did go to the Town Board to get approval for the PUD designation, we received that on August 5 of last year.

MR. ARGENIO: Let me just interrupt you for a second just so we're clear, you're making this lot, you're making this lot, you're making this lot, correct, am I correct so far?

MR. DATES: Well, this and this piece are of the same lot.

MR. ARGENIO: They're not connected, how can they be the same lot?

MR. DATES: It's connected through the recreation lot.

MR. ARGENIO: How does that work, Mark? Somebody's got to explain that to me? That's the first I've heard that they're connected but they're not connected.

MR. EDSALL: If you look at many tax maps, they have the zigzag lines, many cases it's when a lot is split by a road and depending in all due respect to attorneys, depending on which attorney you talk to for years they said either it's the same lot or not depending if it's split. New Windsor subdivision regulations when they were recently adopted specifically state that if a single parcel is split by a road or some other item that that doesn't create a subdivision so conversely when the planning board created the complex and approved the lot and then approved the site plan they do allow for split pieces depending upon like if the recreation is held by two associations versus a single one, I don't recall the subdivision plan to be honest with you but in theory that's the basis.

MR. ARGENIO: Let's get passed that and not get hung up so you're telling me this lot and this lot are the same?

MR. DATES: Correct.

MR. ARGENIO: Then you have this lot.

MR. DATES: For the recreation area.

MR. ARGENIO: Then you have this lot which is the balance of a bunch of units?

MR. DATES: Yes.

MR. ARGENIO: Then you have this lot which is the pump station then you have a bunch of lots up here?

MR. DATES: This is where the 22 fee simple lots would be.

MR. ARGENIO: That's where I'm going with this. So you have 22 fee simple lots plus this and this and this, is that right?

MR. DATES: Twenty-five total with a dedication lot.

MR. ARGENIO: That's my question.

MR. EDSALL: Is the creation of the recreation lot a proposal for this application?

MR. ARGENIO: That's exactly what I'm trying to get to.

MR. DATES: Yes.

MR. EDSALL: Alright, so this is not something that we previously approved you're actually asking them for that this time?

MR. DATES: No, the PUD application has had that designated from the original submission, yes.

MR. EDSALL: But the prior action the board didn't create that recreation lot.

MR. DATES: No, no.

MR. EDSALL: You're absolutely right, Mr. Chairman, that's part of this application.

MR. ARGENIO: That's what I'm trying to get to here.

MR. DATES: The original application was the 50 acre parcel, the total site plan.

MR. ARGENIO: So it's not just the 22 fee simple lots,

it's the 22 fee simple lots plus you're lopping off this rec area plus you're lopping off this pump station?

MR. DATES: Yes, that's correct.

MR. ARGENIO: This is not currently whacked into two pieces?

MR. DATES: No.

MR. ARGENIO: You're cutting it in two as well.

MR. DATES: Currently one 50 acre parcel.

MR. ARGENIO: There's a little bit more going on here than what I thought or anticipated but that doesn't make it right or wrong. Continue please.

MR. DATES: Basically, the establishing of the fee simple lots is to get accessible FHA financing. Underneath the current ownership, the condominium style ownership that's not available to potential buyers so they're looking to create these fee simple lots to test the market so to see if they're able to sell more homes and under the current homeowners' association condominium association the rec area's being created as its own parcel, a homeowners' association actually takes ownership of that.

MS. ZAMENICK: Just to note Dominic is going to need to review your homeowners' association documents to ensure that all the common areas are actually accounted for and that they'll be maintained.

MR. ARGENIO: I got that. Go ahead.

MR. DATES: The approval for the original site plan is staying intact, we're not looking to change any of the grading, drainage, utilities anything along those

lines, it's simply doing the subdivision, the legal aspect of this.

MR. ARGENIO: So mind telling me why you're peeling the rec area out again?

MR. DATES: Under the current blanket or umbrella HOA that was established to maintain all the common areas like building facades, the landscaping as well as the rec area so the rec area, for the rec area to be under the ownership of the HOA a parcel is to be created for that.

MR. ARGENIO: Has to be a separate lot?

MR. DATES: Yes.

MR. ARGENIO: So the people will own essentially from the paint on their walls inside the building and they'll be--

MR. DATES: Yes, lot line basically goes right through the common wall.

MR. ARGENIO: And there will be a homeowners' association, follow me on this, homeowners' association that's going to be created and that document that creates that homeowners' association is what you have to get to counsel.

MR. DATES: Yeah, there's an existing HOA established so she would like to make sure all the common amenities are covered under that.

MR. ARGENIO: Because when the bushes die, Jennifer doesn't want her phone to ring, gutter falls she doesn't want her phone to ring, that's certainly a reasonable request.

MR. DATES: Yes.

MR. ARGENIO: Go ahead.

MR. DATES: So I think prior the planning board has circulated for lead agency. The only letter that we had gotten back was from Orange County Planning and just requesting that the SWPPP be strictly enforced on a previous approval which the product is currently under an active SPDES general permit for storm water discharge under construction.

MR. ARGENIO: Mark, anything preventing us from taking lead agency?

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

MR. ARGENIO: I'll accept a motion to that effect if anybody sees fit.

MR. SCHLESINGER: Motion made.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board take lead agency for the K-Hovnanian subdivision PUD plan. Roll call.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: If you guys want to jump in with any questions. Neil's shaking his head here.

MR. SCHLESINGER: Your 22 or 23 units that's going to be a homeowners' association?

MR. DATES: No, there will be 22 individual fee simple lots.

MR. SCHLESINGER: That's correct.

MR. DATES: They'll pay into the HOA.

MR. SCHLESINGER: Right, is there a condo association?

MR. DATES: Yes, there's currently a condo association and a homeowners' association.

MR. SCHLESINGER: Does that create a conflict with the common areas?

MR. DATES: No, they'll all, the condo ownership and the fee simple ownership will all be paying into the HOA to maintain all the site amenities.

MR. SCHLESINGER: Who's responsible for what or anything has to be a common agreement?

MR. DATES: Which was established in the original HOA.

MS. ZAMENICK: Dominic is going to review all of that so all the common areas are maintained and everyone in the area's responsible, he'll look that over, make sure.

MR. ARGENIO: I'm just curious, you bring up a good point, Neil, so now you have two different groups ostensibly in charge of maintaining the facility, right?

MR. EDSALL: Jerry, it's not much different than what you have multiple phases of an HOA, an overall umbrella HOA like Plum Point has a bunch of individuals but then they all share.

MR. ARGENIO: That's a poor example.

MR. EDSALL: I hated to bring it up.

MR. ARGENIO: You should go someplace other than that.

MR. EDSALL: But in theory that's an example.

MR. ARGENIO: Okay. What is the timing of the recreational areas?

MR. DATES: That's been fully constructed.

MR. ARGENIO: It's built?

MR. DATES: Fully completed.

MR. ARGENIO: I'm sure we addressed that with no ambiguity several years ago.

MR. DATES: Units could be built then the rec area had to be constructed, they have met that.

MR. ARGENIO: We're not going over the wire because the deal with this is that these guys will have time to consider this a bit because this is a major subdivision because of the quantity of lots they're creating so this is going to have to go to the county. There's a mandatory public hearing for this so we'll have the opportunity to consider this, nobody's in the hot seat tonight. I just want to read this to you cause it's important, as a cautionary comment it is critical that the building layout coincide exactly with the zero lot line layout. You probably know this, the zero lot line layout shown on the subdivision/PUD plat the board should strongly caution the developer that critical layout and coordination needs to occur with the developer and the licensed land surveyor so that everything falls where it's supposed to fall. Mark, if I'm not mistaken, the tax treatment of this subdivision

is more beneficial to the town than just having one giant lot. Amy's shaking her head yes.

MS. ZAMENICK: Yes.

MR. DATES: That's correct.

MR. EDSALL: Mr. Chairman, just one clarification for the record, the indication was made that the Town Board had granted PUD approval, they granted PUD concept approval on August 5 '09. The reason they didn't grant the final approval is they need to have this board conclude with SEQRA before they can issue through final approval so once you have your public hearing and adopt assumingly your negative dec then--

MR. ARGENIO: This is no foot race here.

MR. EDSALL: There's no physical change, this is all lines so but procedurally the Town Board couldn't grant final because SEQRA hadn't occurred.

MR. ARGENIO: Anybody sees fit, I'll accept a motion that we schedule--

MR. SCHEIBLE: Just one question on that 22 lot are they, any of those presently under construction?

MR. DATES: No, not at all.

MR. SCHEIBLE: Not at all?

MR. DATES: No, just minor grading has gone into for the construction of the Hawthorne Way but there's no--

MR. ARGENIO: How many units have you built for the benefit of the board?

MR. DATES: Most of this drive aside from these two buildings here I think it's upwards of 37, I believe

so.

MR. SCHEIBLE: Type of construction that's going to be used, let me lay out, everything is going to continue to be the same as has been approved?

MR. DATES: Yes.

MR. SCHEIBLE: Not that you're going to try to build a cheaper looking condo or townhouse or whatever you want to call it to entice buyers.

MR. DATES: The same style that was originally proposed, garage under, they're looking to keep it up.

MR. ARGENIO: All that still applies, the only thing we're looking at is a land subdivision.

MR. SCHEIBLE: Just curiosity.

MR. EDSALL: If I'm correct and the applicant could acknowledge it, even if the subdivision is approved it's still subject to the requirements of the site plan which the site plan had.

MR. DATES: The original approval, yes.

MR. EDSALL: So the original approval locked in layout, architecture, visuals so--

MR. DATES: We're not looking to change any of that.

MR. ARGENIO: That's done, that's locked in?

MR. DATES: Yes.

MR. ARGENIO: If anybody sees fit, I'll accept a motion that we schedule a mandatory public hearing.

MR. SCHLESINGER: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that we schedule a mandatory public hearing for the K-Hovnanian proposed PUD with 22 lot subdivision. Roll call.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: You guys have any other questions on this? I think about the rec area I don't quite understand exactly why that has to happen, I don't really understand that to be quite frank with you.

MR. DATES: For the ownership aspect of the HOA as I understand it they need to have their parcel for around that rec area to establish the ownership.

MR. GALLAGHER: To have rights to the building?

MR. DATES: Yeah, the overall HOA is for maintenance of the common areas, they're looking to take the actual ownership, physical ownership of the rec area and the lot that it would be on.

MR. ARGENIO: What else do we need to talk about? Do you want to have a chance to consider this?

MR. EDSALL: No, I think what we're discussing here on this is not necessarily the weather, we're talking about what you're--

MR. ARGENIO: I know you're not playing Pacman cause Cordisco's not here.

MR. EDSALL: There's no computer to play Pacman on. What we're discussing is the alternatives to having it as a separate lot where the HOA owns it or have it where the HOA has full control and it's not a separate lot, that's something that the attorneys will have to determine.

MR. ARGENIO: Echo that thought to our esteemed counsel when you see him.

MS. ZAMENICK: I will.

MR. ARGENIO: I don't know, I mean--

MS. AZMENICK: I believe that the idea is that the, if I'm correct, I believe the idea is that they own the paint in but they own the percentage of the rec area. Otherwise, if you don't make it a separate parcel, I believe they'd own in theory a percentage of all the other condos around them if they owned in if you didn't separate it into a separate lot, I believe, I could be wrong but I can doublecheck with Dominic, but I think that's what he told me. But again, he'll look at the HOAs to make sure.

MR. GALLAGHER: Is this done Mark in any other condo association around like Washington Green, any other?

MR. EDSALL: I'm not, I really don't have any expertise on that and I would defer to Dom's office, Amy and Dom to figure out what the best way to do it is. I just want to make sure that we don't create a lot that for some reason can become separated in an undesired fashion, you know, we've had HOA ownership of land where the taxes weren't paid and that becomes a major problem. So we need to make sure that that lot doesn't get lost from the project undesirably I think is what my concern would be but I'm sure the attorneys will figure it out.

MR. ARGENIO: What else do you need from us tonight?

MR. DATES: When would be the public hearing?

MR. ARGENIO: You would call Nicole tomorrow, speak to her about it and she'll share with you what you need to do.

MR. DATES: Alright, and one other question to go back to the Town Board for their final signoff, is that an actual meeting?

MR. ARGENIO: I'd say it probably is, yeah.

MR. DATES: Okay.

MR. ARGENIO: Is that it?

MR. DATES: Yes, thank you.

OFFICE\_BUILDING\_OF\_JOHN\_L.\_PIZZO\_(10-01)

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MR. ARGENIO: Application proposes 1,080 square feet office area on the second story of the existing approved building. The plan was reviewed on a concept basis only. Is your client here?

MR. SHAW: No, he's not, he's in Florida.

MR. ARGENIO: So I assume this has not been built yet?

MR. SHAW: From what I understand, he's actually there.

MR. ARGENIO: Oh. Tell us what we're doing here.

MR. SHAW: Well, you're all familiar with the building I'm sure it's at the three corners, Little Britain Road, Temple Hill Road, New York State Route 207, very nice building, I think you have to admit he did a nice job with it. When this board approved the site plan probably four, maybe five years ago, it was for occupancy on the first floor which totaled 3,300 square feet. And with that, he provided the necessary parking, in fact, he provided two more parking spaces, that's what was needed. He built the building, as we discussed, he installed all the site improvements and got a C.O. Along the way, he got a tad ambitious, started finishing off the second story with the hope and anticipation that he could get relief with respect to parking to allow him to some day occupy it. He's not proposing any new site improvements, there's no room for any additional parking, there's no need for any site improvements, no additions, we're simply here tonight for a referral to the Zoning Board of Appeals to allow us to go in and ask them to get a variance for six parking spaces cause while we're providing presently 24 when you add in the new square footage on the second floor he's obligated to provide 30 spaces, therefore creating a deficiency of six.

MR. ARGENIO: Does he have a tenant?

MR. SHAW: I don't believe he does.

MR. ARGENIO: So the additional space is just space?

MR. SHAW: To the best of my knowledge, yes.

MR. ARGENIO: Not like he has a tenant that says oh my goodness, I need an additional thousand feet.

MR. SHAW: I don't believe he has all the space on the first floor rented out yet.

MR. ARGENIO: He did a nice job on the building, Greg, I think.

MR. SHAW: I think so too.

MR. SCHEIBLE: Off-street parking, I'm not laughing at it, I'm just thinking about it, what would that be considered off-street parking, six additional off-street spaces?

MR. ARGENIO: The spaces.

MR. EDSALL: The way the code terms parking it's parking that's not on the street so it's parking on your site plan, that's just that terminology so they need to go to the ZBA.

MR. ARGENIO: He can't squeeze a couple spots out of that?

MR. SHAW: No, again, this plan what you're seeing is really just an amended site development plan. We have underground detention chambers, it's, I think I did a very good job getting in there what we did and there's really no more room. Had there been I would have enlarged the building.

MR. SCHLESINGER: That's what you're doing now right.

MR. SHAW: No, I mean this way.

MR. ARGENIO: This went to the County Department of Planning, response is pending. So you're going to go to zoning. If anybody sees fit, I'll accept a motion that we declare ourselves lead agency for this application.

MR. SCHLESINGER: Motion made.

MR. SCHEIBLE: Second it.

MR. EDSALL: I was under the impression that this has been referred over to the Zoning Board already when the problem was identified by the building department. So with the now understanding that it has not gone to the Zoning Board yet in accordance with Mr. Cordisco's direction to me in the past he says defer all SEQRA till it comes back from the ZBA and I would also ask that Nicole maybe fax over to County Planning a note that this should be reviewed both for planning and zoning.

MR. ARGENIO: So you want to let this go until he said just bounce it to the ZBA?

MR. EDSALL: Yes, he's advised me that the proper course of action when we have a Zoning Board referral is to deem the application incomplete, refer it to the ZBA but do nothing with SEQRA.

MR. ARGENIO: Okay.

MR. EDSALL: So I stand corrected on my comments.

MR. ARGENIO: That's okay.

MR. EDSALL: So my comments are incorrect based on my misunderstanding.

MR. ARGENIO: You know what then that said, I don't want to talk about the public hearing.

MR. EDSALL: No, again, my comments again I was misunderstanding the status with it needing to go to the ZBA. It has not gone there, the only step you can take is to deem it incomplete and refer it to the ZBA.

MR. ARGENIO: I'll accept a motion that this is incomplete and refer it to the ZBA. I will accept a motion that we declare this application incomplete at this time.

MR. SCHLESINGER: So moved.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion has been made and seconded that we declare this application incomplete thus sending Pizzo to the Zoning Board of Appeals and see how you make out there.

MR. SHAW: Do you need to vote on it?

MR. ARGENIO: Roll call.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE

MR. SHAW: Hopefully, I'll return.

LANDS\_OF\_GARY\_&\_JANET\_VAN\_VOOHRHIS\_AND\_DARRELL\_  
GOLDSMITH\_(10-02)

MR. ARGENIO: Lands of Gary and Janet Van Voohrhis and Goldsmith minor subdivision on Steele Road. This application proposes subdivision of 2.23 acre parcel into two residential lots. The plan was reviewed on a concept basis only. Sir, what's your name and your address for the benefit of the stenographer?

MR. DOCE: My name is Vince Doce, I have an engineering and surveying business located in the Town of Newburgh at 1613 Route 300.

MR. ARGENIO: Okay.

MR. DOCE: I'm here this evening to represent Gary Van Voohrhis--

MR. ARGENIO: You know what you can do for me, Mr. Doce, next time you come in, see those colored lines, you have to make them bold so we can see what we're looking at here.

MR. DOCE: Okay.

MR. ARGENIO: Well, tell us what you want to do.

MR. DOCE: I'm here representing Gary and Janet Van Voohrhis. Mr. Van Voohrhis and Mr. Goldsmith are here sitting in the front row. Darrell Goldsmith, my client, owns a parcel of property that's 2 1/4 acres in size on Steele Road just off of Route 207 here in the Town of New Windsor and Mr. Goldsmith occupies the existing crosshatched house on the proposed lot 1 and they would like to subdivide off that house so that Mr. Van Voohrhis who lives across the street can downsize from his present quarters into a smaller ranch style house on the second proposed lot.

MR. ARGENIO: What you have is one large lot now?

MR. DOCE: Yes, 2 1/4 acres, we'd like to subdivide it into 1 1/4 acres and 1 acre.

MR. ARGENIO: Okay.

MR. DOCE: Now, when this lot was laid out originally the zone was different and always anticipated that it would be two lots. The zoning has changed and the primary reason for us go to the ZBA is that we have now 30 foot frontage on Steele Road and our lot width at the minimum building setback line is 30 feet also.

MR. ARGENIO: You have that now implies you did not have that before.

MR. DOCE: It was, that's the way the house was originally built, the house is facing Steele Road that's facing that way and has 30 foot frontage, it will continue to have 30 foot frontage. At the actual house line it's considerably larger of course being about 200 feet. The rest of the parcel meets zoning. There's an easement that traverses the rear of the lot but even taking that the gross area of the lot is an acre and a quarter, the net area after excluding that easement would be some 38,000 square feet, about 90 percent of what's required by code and it does of course meet the minimum of I believe it's 80 percent in the town. Essentially, that's the full implication of what we're requesting and it's primarily that we need a variance for frontage and lot width.

MR. ARGENIO: What's the purpose of this here?

MR. DOCE: That's to make the area to get the necessary square footage, it was, the original maps anticipated subdividing it there but at that time I think the minimum square footage was a half acre.

MR. ARGENIO: What's the footage in this zone?

MR. EDSALL: One acre.

MR. ARGENIO: What's this piece here, Mr. Doce?

MR. DOCE: That there is one acre.

MR. ARGENIO: No, without this.

MR. DOCE: That would be about 38, 36,000 square feet.

MR. ARGENIO: I don't think this is a good idea, Mark.

MR. EDSALL: Well--

MR. ARGENIO: You're drawing lines on a paper to meet the code and you're doing something that doesn't make sense.

MR. EDSALL: The only sense of it is that it eliminates the need for another variance if the planning board from a planning standpoint believes a straight line would be best you could ask that they attempt with the zoning board to obtain the additional variance.

MR. ARGENIO: Do you agree, do you think that's a silly idea?

MR. SCHEIBLE: No, I don't think it's a silly idea.

MR. ARGENIO: You know this area well, these lots are going to be similar to the other lots in the neighborhood, I mean, this is not good planning, I mean this is--

MR. DOCE: The reason for it is to meet zoning.

MR. ARGENIO: I understand, I'm certainly not being critical of your design, you're trying to go for the

fewest amount of variances that you possibly can but from a planning board point of view, it would just make sense that this line should come down, tie in somewhere.

MR. SCHEIBLE: Not tie in, go straight down. Push that one line over.

MR. ARGENIO: Yeah, push this line over.

MR. EDSALL: You could square off just by if you look at lot 2 the left property line you can project that out and let it tie in, it would be a rectangular lot.

MR. ARGENIO: Do you guys agree, is it just a general statement?

MR. DOCE: My client would prefer that and that's what his original request was and then we ran into the zoning problem.

MR. ARGENIO: I understand what you're trying to do there but it just, you know, by the letter of the law you're walking the line that you probably should walk by the letter of the law but it doesn't make sense to me, I would make those things seem uniform.

MR. EDSALL: Two things for the minutes, my recollection is that the lots back when the original overall parcel was created, the zoning measured the lot width at either of the, the setback or at the building line. So that's probably why this for lot width met zoning back when it was created, the noncompliance that they face now is because the laws changed, you have to measure it only at the front yard setback.

MR. ARGENIO: Who is the liaison between the planning board and the zoning board?

MR. EDSALL: The simplest way, Mr. Chairman, is when

you have suggestions to the zoning board, we make sure that we send over the minutes so I think the minutes clearly have a discussion here. I'd suggest that you send it over and ask that the applicant present the squared off lot as the board's preference and the applicant's preference, if they fail to get that variance because the zoning board says no, we think there's too many variances, go back to the other plan, so be it.

MR. ARGENIO: That's what I want to do. If the zoning board for some reason that we're not aware of wants to nix it and I don't even know that it's a word, nix it, that's fine, but it just makes more sense. Let's move on to the next thing.

MR. SCHLESINGER: Is this Steele Road?

MR. DOCE: This is the extended Steele Road.

MR. SCHLESINGER: Is this a little cul-de-sac? Who owns this property right here?

MR. DOCE: The town, I mean, yeah, the town.

MR. SCHLESINGER: Town owns that property?

MR. DOCE: Yes.

MR. SCHLESINGER: So the driveway is not on two different lots?

MR. DOCE: No, it just goes off.

MR. ARGENIO: Neil, you know what's happened in a lot of sections of the town where there's these older cul-de-sacs is the cul-de-sacs over the years they change shape, they get smaller, they get bigger, they are kind of were built as they went, some of them have evolved from private roads to public roads and the

ordinance and this is--

MR. SCHEIBLE: This is one what you just explained because it was created as the development grew.

MR. ARGENIO: I suspect that's what happened given this area of the town and the age of the subdivisions in this area. I think what you should do too, Mr. Doce, can you show Steele Road when you come back to see us again, show us what's going on, I see the lots here but just show us Steele Road because I can see where Neil maybe he's not familiar with the area, this guy down here I know this guy down here so I, and I've been there so I know that the road comes around like this but if you show us that that would be helpful. Mark has a bunch of comments I'm not going to dance through, note number 2 has a bunch of, one of the comments more clearly boldly identify lot numbers, I'm saying identify the lot lines on the plans in bold, it's clean-up stuff, Mr. Doce and again, we'll defer SEQRA under advice of counsel till we see you again. Do you guys, we're going to see them again, they have to go to zoning, any other thoughts? Danny?

MR. GALLAGHER: Nothing.

MR. SCHEIBLE: I'm just trying to figure out how he can run that line down there.

MR. EDSALL: Just take this line that's the left side of lot 2 and run it straight back, that way you maximize the setback from the back of the proposed house.

MR. ARGENIO: Yes, I agree.

MR. EDSALL: That's the simplest way.

MR. ARGENIO: Your applicant would like that too.

MR. VAN VOOHRHIS: Yes, thank you.

MR. EDSALL: I'm going to refer this if acceptable as two forms, one where Mr. Doce will get us some new information with the preferred layout, both preferred by the applicant and the planning board and I'm going to refer a second sheet as originally presented so that we don't delay them at the zoning board. So the zoning board will be able to look at both ways, if they see fit to go with the recommended layout, they can run if they say no.

MR. ARGENIO: Let's focus on the recommended layout.

MR. EDSALL: I'm going to recommend both.

MR. ARGENIO: I can't imagine.

MR. EDSALL: I don't want to have them come back so I'm going to send both.

MR. ARGENIO: We have our representative here so he can certainly echo our thoughts. If anybody sees fit, I'll accept a motion that we declare this application incomplete at this time.

MR. SCHLESINGER: So moved.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion has been made and seconded that we declare this application for Van Voohrhis and Goldsmith incomplete at this time.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. SCHLESINGER	AYE

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MR. ARGENIO                    AYE

MR. ARGENIO: You're being referred to the zoning board, good luck to you and hopefully you'll work it out.

MR. EDSALL: Get me a plan for the preferred layout and I'll do both referrals.

EUGENE\_ &\_ JANN\_ HECHT\_ (10-03)

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MR. ARGENIO: Last item is Econo Towing Hecht site plan. Application proposes a 40 x 60 foot storage building on the existing site plan. What's your name, sir, and your address for the benefit of the stenographer?

MR. HECHT: Eugene Hecht, 5 Pella Court, Wallkill, New York.

MR. ARGENIO: This is next to Guardian Storage unless I'm mistaken?

MR. HECHT: Correct.

MR. ARGENIO: What say you this evening?

MR. HECHT: Storage building all the way in the back, it's not being used, we changed the original because originally we put it to the side but we moved it over, Mr. Edsall needed a back yard, I guess they changed it from 10 to 35.

MR. EDSALL: If the building is of a height greater than what's defined as an accessory building, it has to meet the setbacks of a principle building.

MR. HECHT: So we changed the position of the building being as the land is not being used anyhow so there's no problems whatsoever with it.

MR. ARGENIO: What kind of building?

MR. HECHT: Enclosed building.

MR. ARGENIO: Pole barn?

MR. HECHT: Steel on the outside.

MR. ARGENIO: Steel shell?

MR. HECHT: Steel all the way around, galvanized roof.

MR. SCHLESINGER: Isn't there a building there now?

MR. HECHT: No.

MR. SCHLESINGER: Don't you have your little building?

MR. HECHT: No.

MR. SCHEIBLE: Yours are up closer to the highway, is that what you're saying?

MR. HECHT: Correct. This is all the way in the back.

MR. SCHLESINGER: That's fenced in?

MR. HECHT: Yeah, that's all fenced, that's gated all the way.

MR. ARGENIO: Sarinsky's is your neighbor? What's the easement there right there?

MR. HECHT: We have a 20 foot right-of-way goes out to Union Avenue, just woods, I think the town is doing something in there though, I don't know what but I saw town equipment in there, I have no idea what they're doing. There's a pond way in the back right off Union Avenue.

MR. ARGENIO: Probably building a long narrow building, I would say probably about three foot wide by 200 feet long.

MR. EDSALL: Single lane bowling alley.

MR. ARGENIO: So you need this for your business? You're going to store stuff?

MR. HECHT: Get stuff out of my house is what I want to do, put it in there.

MR. ARGENIO: Well, you're within 500 feet of a state highway and so am I in my business, I'm down the road and every time that we go to do something the law dictates that we have to go to the county planning, you're no exception, you're going to have to go to planning so we cannot act on this this evening by law, by statute until we hear from County Planning. There is a timeframe.

MS. ZAMENICK: Thirty days aren't up yet.

MR. ARGENIO: There's a timeframe time to act. Anybody got any thoughts on this?

MR. SCHEIBLE: Just again access say if you want to drive back there.

MR. HECHT: This is all up, you can drive right through, this is gated back here, it's gated on all four sides, the entire property is gated, other than out by the highway but the back is all gated all the way around it's fenced.

MR. ARGENIO: You're going to have to come for another meeting cause we have to hear from county. Mark, is there anything else with this?

MR. EDSALL: No, just so Gene knows we sent it to the county immediately upon receipt of your application with hopes that they may respond quicker than they have and they unfortunately didn't so there's nothing we can do.

MR. HECHT: So come to the next meeting?

MR. ARGENIO: I don't know, yeah, what about the public

hearing, we have the ability to waive it or have it?

MR. SCHLESINGER: I don't see any reason for it.

MR. GALLAGHER: I agree.

MR. ARGENIO: How is your neighbor, Sarinsky?

MR. HECHT: Dave? No problem.

MR. ARGENIO: You guys?

MR. SCHEIBLE: Because of the neighbors I don't see any problems.

MR. BROWN: I don't think so.

MR. GALLAGHER: Is this building going to be seen from Union?

MR. HECHT: No, it's too far, you'll be able to see it from 32, I don't know if you'll be able to see it from Union, there's trees blocking.

MR. SCHLESINGER: You're going to have to look for it.

MR. ARGENIO: I'll accept a motion that we waive public hearing.

MR. SCHLESINGER: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that we waive the public hearing. I'll have a roll call.

ROLL CALL

MR. SCHEIBLE            AYE

MR. BROWN              AYE

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MR. GALLAGHER	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	NO

MR. ARGENIO: So we have to hear from county and the public hearing has been waived. What you'll do is you'll get ahold of Nicole and we'll get you squared away for the next agenda and as long as we hear from county, I don't see any problem.

ANNUAL\_MOBILE\_HOME\_PARK\_REVIEW:\_\_(CONTINUED)

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BRITTANY\_TERRACE

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MR. ARGENIO: Annual mobile home park review, Brittany Terrace. Your name and address for the benefit of the stenographer?

MR. KEAN: Peter Kean, K-E-A-N, 1 Brittany Terrace.

MR. ARGENIO: He's here representing Brittany Terrace for their special use permit. Jennifer, has somebody from your department been out there?

MS. GALLAGHER: Yes, they have and everything is fine.

MR. ARGENIO: They run a good show, one of the nicest facilities in the town I'll say even.

MR. KEAN: Thank you.

MR. ARGENIO: And I certainly do not mind having that facility down the road from my own home, wouldn't you agree?

MR. SCHLESINGER: Ditto.

MR. KEAN: You'll like it even better when we get tied in with the town sewer.

MR. ARGENIO: Yes, the Babcocks will too, I've got news for you.

MR. SCHLESINGER: Can I jump on the band wagon too?

MR. ARGENIO: Do you have a check for the town for \$475? I'll accept a motion that we give him one year extension.

MR. SCHLESINGER: Yes.

MR. SCHEIBLE: Second it.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Motion to adjourn?

MR. SCHLESINGER: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth  
Stenographer

