

TOWN OF NEW WINDSOR

PLANNING BOARD

January 23, 2013

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
HENRY VAN LEEUWEN
DANIEL GALLAGHER
HARRY FERGUSON
DAVID SHERMAN

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

JENNIFER GALLAGHER
BUILDING INSPECTOR

NICOLE PELESHUCK
PLANNING BOARD SECRETARY

TAYLOR PALMER
APPEARING ON BEHALF OF DOMINIC
CORDISCO, ESQ.

ABSENT: HOWARD BROWN

MEETING AGENDA:

1. Apple Ridge sub.
2. Stonegate @ New Windsor
3. The Grove @ New Windsor sub.
4. At Your Service Plumbing s.p.

REGULAR MEETING:

MR. ARGENIO: I'd like to call to order the January 23, 2013 meeting of the New Windsor Planning Board. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: Taylor is joining us in lieu of Mr. Cordisco because Dominic had an important engagement tonight, he doesn't miss many meetings but

he did call me and ask me if it would be okay if Taylor came in his stead. If we have any legal questions, I'm sure Taylor will help us with them.

APPROVAL OF MINUTES DATED 11/14/12 & 12/12/12

MR. ARGENIO: Let's talk about the approval of minutes dated November 14 and December 12 sent out via e-mail on January 3. Anybody sees fit, I'll accept a motion

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

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

ROLL CALL

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

REGULAR ITEMS:

APPLE RIDGE SUBDIVISION (08-16)

MR. ARGENIO: We'll go right to the regular items. The first is Apple Ridge subdivision on Shaw Road represented by Steve Esposito. It's a cluster application which was previously reviewed at the 28 January 2009, 11 August 2010, 9 March 2011, 27 April 2011 and 10 October 2012 planning board meetings. It's my understanding that we're here tonight to vote I believe Mark is that correct?

MR. EDSALL: Yes.

MR. ARGENIO: On the completeness or not of the DEIS, the Draft Environmental Impact Statement of which I have a copy here. I want to be very clear and Steve, you're going to have the chance to comment as soon as I'm done, Steve Esposito for the applicant, Franny, I want to be very clear we're not voting on approval of this document in any, by any stretch of the imagination. We're just voting that it is complete. Mark has reviewed it fairly thoroughly, Dominic has reviewed it fairly thoroughly, Nicole and Jennifer were making a little joke about me because I reviewed it also fairly thoroughly. So we're voting to accept it so that it can be put on display in the planning board office and folks like Mr. Bedetti or anybody else in town who wants to have a look at it they can come in and have a look. Is that substantially accurate?

MR. ESPOSITO: That's correct.

MR. ARGENIO: What else do you have to add?

MR. ESPOSITO: SEQRA also recommends that in the process that any public hearings try to set simultaneous public hearings. So what we'll be requesting, I believe what's recommended by your counsel and engineer is that we would, if we get to the point of if the board adopted this as complete and ready for public consumption then we'd request that you set a public hearing for the SEQRA process and the preliminary subdivision.

MR. ARGENIO: So it would be a public hearing for the SEQRA and preliminary approval which will allow you the ability to go seek your outside agency approvals, is

that correct?

MR. ESPOSITO: Correct.

MR. ARGENIO: Is that right, Mark?

MR. EDSALL: Yes, and I believe it's very appropriate that you have a combined public hearing. Many of the subdivision concerns that may exist definitely overlap with SEQRA and it makes sense to have them both at once.

MR. ARGENIO: Mark, let me ask you this question. You guys have seen this document, members, you guys have seen this document, I have taken the time to go through it fairly thoroughly, counsel and our esteemed engineer have also taken the time to go through it very thoroughly. Mark, I do have some comments on the document, it would seem to me that it would be appropriate that I hold them at this time or should I air them out at this time?

MR. EDSALL: If they deal with the document being complete and providing dissertations on the various issues that were identified to the applicant then I would bring them up now. If they're comments of the content as far as if you have comments on their statements.

MR. ARGENIO: I should wait.

MR. EDSALL: I would wait and wrap them all into the review of the document.

MR. ARGENIO: I have 11 comments on the content and I'm going to throw this at you, Mr. Esposito, in this one volume known as DEIS volume two for your project there's a section for traffic and it's one of the things that's always an issue in our town. On page 11 in that area, it was a while back that I did this analysis of this document so I'm going from memory on some of my notes here, I think you have an analysis here on some of these intersections. But what I don't see is the typical scenario where you have a build, no build analysis, I'm not seeing where it says this is a build analysis here or that's a build analysis there. I think what I'm reading here is the current conditions so that would be on page nine, 10 and 11, I don't think that should stop us from taking action tonight, it's a passive comment that I have on the document that I

think you should have a look at.

MR. ESPOSITO: I believe and I have the volume two in my bag, I can grab, typically we'd do an analysis of proposed action build and no build and establish a design year which is really the build out year and we would look at the intersections that the current levels of service, the levels of service at say I believe our design date was 2016, what they'd be in a no build condition and then build condition and I believe that the conclusions were--

MR. ARGENIO: You know what, Steve, if I continue on to the tables, I do see exactly what you're saying, the build no build.

MR. ESPOSITO: That's the key table.

MR. ARGENIO: I see it, I see it. For whatever reason when I went through this I must of missed that. But these are, seem to be fairly well done, I mean, if anybody wants to, has a few hours to kill, knock yourself out. So from procedural point of view, Mark, please go ahead.

MR. EDSALL: Just one other thing so the record is clear and the public is aware there were I'll call it several pages of comments both from Dominic, Taylor and myself for items that we asked to be added, clarified some disagreements in numbers for areas that were inconsistencies so there was not a single shot at this, there was some back and forth and Steve did a good job in his resubmittal of addressing all my comments and all of Taylor and Dominic's comments.

MR. ARGENIO: Well, that's good because the comments from the professionals, the folks that carry the errors and omissions insurance are of particular relevance.

MR. EDSALL: I want people to understand in the background there was a lot of enhancement of the document so that it would be in a good form for the public to review.

MR. ARGENIO: When the time is appropriate I do have some questions on it but as I said tonight's procedural is to Mark from a procedural point of view first thing accept the document.

MR. EDSALL: I think what the terminology accepted as

complete and acceptable for public review and circulation cause it does get circulated.

MR. ARGENIO: I'll accept a motion we accept this document along with the modifications that Mark has included in here as acceptable and complete and suitable for public review and circulation.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

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

MR. ARGENIO: So the document is complete at this point and it's okay to review the document. Shall we schedule the public hearing?

MR. EDSALL: I think what you need to do is authorize it because they'll have to make an amount of reproduction of copies, get them circulated, I want to make sure that they're everywhere they're supposed to be with a reasonable amount of time so there's a notice of public hearing.

MR. ARGENIO: What kind of mailings, hundreds and hundreds, probably big.

MR. EDSALL: It has to be posted electronically with a link on the town's website based on some new state regulations. So I think we need to make sure all that's in place and then let them coordinate the dates for the actual public hearing, but if you authorize it we can do that.

MR. ARGENIO: That coordination will happen between you, Steve and Nicole?

MR. EDSALL: And Dominic, Dominic will make sure everything is correctly completed and circulated.

MR. ARGENIO: That will be a joint public hearing for SEQRA and preliminary approval?

MR. EDSALL: Subdivision, major subdivision, cluster subdivision.

MR. ARGENIO: If anybody sees fit I'll accept a motion we schedule the public hearing for SEQRA and major subdivision preliminary approval.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

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

MR. ARGENIO: What else do you want from us, Steve?

MR. ESPOSITO: Well, there's a, procedurally what we would do is file the notice which is the notice of completion of a Draft Environmental Impact Statement with the interested and involved agencies along with that the involved agencies will get a copy of the document and plans, whether it be hard copy or electronically. That's sort of from our end that's the heavy lifting that we have to do to get it out to everybody for review, get a final copy to the building department, get it on the web page which is really just getting a disk over here and e-mailing it to the town.

MR. ARGENIO: You're outlining the procedure, what do you need from us?

MR. ESPOSITO: We need a date so we can put it in the notice.

MR. ARGENIO: You need to work with Nicole and the two professionals.

MR. ESPOSITO: Okay.

MR. ARGENIO: To get the date. I'm not going to assign that date, I don't have that calendar, Mark is very correct when he says Dominic will work with you on the thresholds to make sure all the Is are dotted and the Ts are in fact crossed, okay?

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MR. ESPOSITO: Thank you.

MR. ARGENIO: Thank you, Steve.

STONEGATE @ NEW WINDSOR (09-29)

MR. ARGENIO: Stonegate, I see Mr. Shaw here to represent this. Project involves an 81 unit market ratable multi-family residential project on 9.08 acre property. The plan was previously reviewed at the 18 November 2009, 27 October 2010 and 8 December 2010 planning board meetings. I see Mr. Shaw is here to represent this. Greg, who's with you?

MR. SHAW: That's Tony Fine who is the owner of the property and a developer for the property.

MR. ARGENIO: How are you, Mr. Fine? You can come up if you'd like. Greg typically doesn't need help.

MR. FINE: Yeah, I don't know how I'm going to help.

MR. ARGENIO: Greg, there's kind of a unique history here.

MR. SHAW: Yes, there is.

MR. ARGENIO: There is a unique history here that I think I'm largely keyed into but the other members they may or may not be so can you please share the evolution of this?

MR. SHAW: Yeah. And Mr. Chairman, that's why I wanted to come before the board tonight cause it's been a while. An application was submitted for senior housing to this board in 2009 and we went--

MR. ARGENIO: Does everybody know where this is? Across from Washington Lake near Temple Hill.

MR. SHAW: Up behind former Newburgh Packing. And we went through the approval process and we submitted complete engineering drawings, traffic studies, storm water management plan, and in December of 2010, we had a public hearing for the project. And at that time, the board felt it was complete enough to close the public hearing and issue a negative declaration for the project. And at that time, it was for 84 senior housing units with the next step going before the town board actually getting the special permit. We were permitted 81 units by zoning with our intention of purchasing three from the town board. We ran into a little stumbling block in that the town at that time wanted us to loop the water main over to Nina Street

where we had to negotiate and purchase two easements for the water main. And that took quite a bit of time, the town got involved, they helped us, Mr. Fine ended up negotiating along with the town and he ended up purchasing one substantial water main in order to loop the water system. So with that, two years have now passed. During the two year period, we have gotten our outside agency approvals and the correspondence I submitted to the board, we did get our permit from the Army Corps of Engineers for a minimal amount of filling in our entranceway to the project. We do have approval from the New York State DOT. There should be a letter in the file. And along with that, we have submitted our certified checks in order to get the permit at hand, we're expecting that any day. Also, as I mentioned, we do have the two easements. We have our SPDES permit for storm water discharge. We have resubmitted back to the health department about a week ago for our two water system approvals that can, one for the water main extension, the piece that the town's going to own and then the other piece for the private water system and we have been negotiating with the town on the developer's agreement. So all this has been put on the side as we have been trying to march towards the special permit with the town board for senior housing. We have been informed by the town that it would be their preference that we not pursue senior housing and that we move over and not with 84 cause we're only allowed 81 by zoning and to move over and assign multi-family housing for this project. So in the letter that I wrote to this board about a week or so ago, it's my clients intention to abandon senior housing for this project and to pursue the multi-family aspect. So one of the reasons coming before you tonight is that the zoning code requires certain elements to make this transition. One is to complete an environmental assessment form evaluating the impact from senior to multi-family which we did, \$1,000 check which we did and the question also is raised what else does this board need in order to complete the transition from senior to multi-family? Is there anything else that you need from the applicant in order to evaluate this application?

MR. ARGENIO: Is that a question?

MR. SHAW: Pardon?

MR. ARGENIO: Is that a question?

MR. SHAW: That's a question. And one last element also parking, okay, at the time of senior housing it was two parking spaces per unit. We had 84 units, we have, we provided 168 parking spaces. We still have 168 parking spaces, we now have 81 units so we have just a little over two spaces per unit but the parking I believe has changed in the new zoning ordinance. Now I have heard that the town board is anticipating grandfathering projects that have received an approval or they are going to leave it up to the planning board.

MR. ARGENIO: Keep going, just keep going.

MR. SHAW: Not allowing us to, not requiring us to go to the Zoning Board of Appeals for a variance but I really don't know what the intentions are at this point, this is just what I've heard.

MR. ARGENIO: So your parking does or does not meet?

MR. SHAW: If the answer is we're required to provide two and a half spaces per unit, we do not meet the requirements unless we're grandfathered, unless.

MR. ARGENIO: I got a couple things here.

MR. SHAW: Unless you know more than I do, let's just leave it that way.

MR. ARGENIO: First thing I think we need to do, Greg, is we have, this is an old application, I'm sure you're very familiar with it cause you design it, very capable designer that you are but we see a lot of applications. I think we need a set of plans that we can look at.

MR. SHAW: Okay.

MR. ARGENIO: So if they exist at Town Hall or wherever they are we need to get a set of plans so we can go through them and look at them. I vaguely remember this, I remember discussion about the sidewalk loop, I certainly remember talking in great detail about that link on Nina Street. Mark, that's going to increase our pressure and help fire flows, wasn't that our goal?

MR. EDSALL: More for fire flow for looping of the mains.

MR. ARGENIO: Okay, and refresh my memory, what is the status of the lift station, the sewer your lift station

down on 207 and your impact to said lift station?

MR. SHAW: Well--

MR. ARGENIO: Your client's impact, I should say.

MR. SHAW: I'll let Mark answer that cause it's quite painful.

MR. EDSALL: Their impact is significant because--

MR. ARGENIO: I wouldn't imagine it wouldn't be, quite frankly.

MR. EDSALL: Their flow from the complex significantly exceeds the total flow currently handled by the pump station. So the pump station could not handle the addition of this project without being replaced. So that would be part of the developer's agreement.

MR. ARGENIO: What would be part of it?

MR. EDSALL: The arrangement for their contribution toward that pump station being completely replaced that becomes a town board issue. I know that their significant impact will likely result in a significant contribution but those numbers are something that the town board has to work out.

MR. ARGENIO: How does their discharge work, Mark, or Greg, do you have to get points from Moodna Majestic?

MR. EDSALL: That again is part of, I mean, they're in the district so--

MR. ARGENIO: So they're entitled to the sewer.

MR. EDSALL: To services as far as the Moodna allocation. The attorney's office deals with those projects that are entitled without a purchase of capacity and who don't or who has to purchase capacity.

MR. ARGENIO: Do you have any insight on that issue?

MR. SHAW: No, that's where we stand with the developer's agreement is that we have spent a considerable amount of time with the first draft, we have submitted it into the town probably four months ago and we're waiting for the response to it. So that's probably really the only open item with respect

to this project.

MR. ARGENIO: Do you want to say something, Mr. Fine?

MR. FINE: No, we're fine with the developer's agreement.

MR. ARGENIO: It would seem to me that going from senior once I boil it down I can use the term market rate, right, I think that's a, I think that's a different use, while I think we have, well I know we have a SEQRA determination for the prior use that was proposed, I think we should be reconsidering that under this new use. Is that reasonable, Mark, does that make sense to you?

MR. EDSALL: For its impacts?

MR. ARGENIO: Yeah.

MR. EDSALL: Yeah, well, that again is what the EAF requirement opens the door on is your evaluation because the project has had substantial reviews to date and it's the same application just being converted then I believe the term that Dominic and I have always led toward is a determination of consistency, either the findings that you've reached already based on the original application are still valid or not. If there are new impacts or increased impacts that would cause the need for other off-site improvements then you'd have to deal with it.

MR. ARGENIO: What are you building, Mr. Fine?

MR. FINE: Building the senior or the multi-market.

MR. ARGENIO: A thousand square foot units, nine-ish?

MR. FINE: They're 600, they're smaller units, 600 to 800 square foot, I haven't looked at it in a while.

MR. ARGENIO: What's the bedroom count, how many bedrooms per unit?

MR. FINE: There's one bedroom and two bedrooms, there's 24 two bedroom and 60 one bedroom units so most of them are one bedroom.

MR. SHAW: So what's happening is the layout of the one and two bedrooms are going to stay the same, that's not

changing, okay, the only thing that's going to happen--

MR. ARGENIO: Understand, I don't know that, I mean, that's why I asked you the question, let me just finish, I'm not trying to be a wise guy by asking the question, you're going from one use which is senior to market rate use which is okay.

MR. SHAW: That's why I want to explain it.

MR. ARGENIO: It's per the law but I'm asking the question cause I don't know.

MR. SHAW: It's not like we're going to make it three and four bedroom units, we're going to take the same floor plan with the same number of one and two bedroom units instead of having them senior renting them out to anybody but they're still going to have the same number of one bedroom and same number of two bedroom units.

MR. ARGENIO: What about appurtenances and facilities for the site with the seniors? Typically there's, I remember we moved some sidewalks around so there was a walking area and I seem to remember you speaking of a gym or exercise area.

MR. SHAW: Correct, in the basement there are community features and we do have this concrete patio and we have this concrete patio over here, now we can come back and revisit that, okay, as far as what features are going to be incorporated into the building because they haven't been taken out, they are still there.

MR. ARGENIO: So you do intend to change that though or you don't intend to change the features?

MR. SHAW: We don't intend to change them, they're going to remain the same.

MR. EDSALL: So theoretically, Greg, given the bedroom counts staying exactly the same with 60 one bedrooms and 24 two bedrooms, it may be no longer restricted to senior but a substantial amount of the renters or owners however it's sold or rented could be the same market, could be, still get 55, 60 year old people who want a one bedroom.

MR. SHAW: Could be, we're just not going to be restricted to seniors, okay and again, with that bedroom count realize actual well we're moving from 84

to 81 so that number's going to drop.

MR. ARGENIO: I would also like to, I would like to see when you folks come in next, I would like to see the plans for the DOT entrance. I seem to remember having some particular discussions about that entrance.

MR. SHAW: And it's exactly what you suggested having.

MR. ARGENIO: I don't remember what I suggested to be honest with you but I'm sure if I see the plans it will jar my memory.

MR. SHAW: What you asked for, okay, was for to come out onto 207 and be able to make a, be able to make a right-hand turn in, okay, which obviously makes sense and then upon exiting onto 207, there's enough room to make a right-hand turn out and left-hand turn out.

MR. ARGENIO: With two cars side by side?

MR. SHAW: Yes, that's what the plans showed.

MR. ARGENIO: What do you want from us tonight?

MR. SHAW: Nothing. For once if my life, I'm not asking you for approval.

MR. ARGENIO: Mr. Bedetti, did you hear that? Write that down, you're not going to hear that again, my friend.

MR. SHAW: I just want an opportunity to refresh the board, it's been a while to try and get you up to speed to get you what you want which is another set of plans then come back next month and talk about it in detail and move the application forward.

MR. ARGENIO: David or Harry, do you guys, Harry, does this predate your presence on the board? I know it predates you, Dave.

MR. FERGUSON: No, I think I was on.

MR. ARGENIO: Danny Gallagher, do you have any additional thoughts or Henry?

MR. GALLAGHER: Nothing right now.

MR. VAN LEEUWEN: No, I'd just like to see a set of

maps.

MR. ARGENIO: Yeah, I think we should get a good set of plans and I think we should think about the SEQRA thing a little bit. Let me ask you this. Have you given any thought to and again the traffic impact, is it the same for this use as it is, Greg? Maybe you could, you know, what you should do, tell you what you should do, you should put together some type of narrative describing what you see, what you see as the impacts going from senior to what your client is proposing so we can consider that so we can use that as a starting point and I know it's probably a little bit of salesmanship on your behalf but that's okay.

MR. VAN LEEUWEN: You're good at it.

MR. ARGENIO: But we should think about that cause I'm thinking out loud for a minute, school kids, I'm thinking traffic, I'm thinking, okay, the seniors are not a lot of traffic, the parking count is lower, right, for seniors.

MR. EDSALL: When you change--

MR. ARGENIO: Probably have more cars here.

MR. EDSALL: When you change to senior to conventional, the peak traffic time shifts more toward the peak traffic hours because it tends to be more of a working versus retired crowd but with the age.

MR. ARGENIO: Retired crowd guys up a little later?

MR. EDSALL: Usually or get up really early before all the working people. But, you know, there are some shifts in time but we have to look at parking, you're absolutely right.

MR. ARGENIO: Are you on board with my thought process?

MR. EDSALL: I agree a hundred percent. The reason I think you nail, it's important you nail down the bedroom count because it's going to be very restrictive on the type of occupancy because with the great majority being one bedroom units, that's going to affect the type of occupants as much as anything. Just to save Greg from killing a whole bunch of trees, I know his sets are normally very thorough, actual design sets, I think for the resubmittal you may want to only

have the cover sheet that explains the project where the amenities are, the bedroom count and those type of elements, rather than grading and drainage and utilities, cause nothing of that is changing from what I understand and it was near approval ready so I don't think we really need to look at the full set more than the sheet that explains how it's going to be occupied now that it's being converted.

MR. ARGENIO: Put the landscaping plan in there too.

MR. SHAW: So you're looking more for the architectural, Mark?

MR. EDSALL: I'm suggesting the site plan, the front sheet and the landscaping.

MR. ARGENIO: Mark, what I would think you should probably do is bring an actual size, actual sheet of call it the grading plan or grading and drainage plan if you have them combined, what you're saying, we don't need all the details.

MR. EDSALL: We don't need a full set, no.

MR. ARGENIO: Water main details, class 52, blah, blah, blah, blah, so the site layout plan, yours are pretty comprehensive, the contours are typically on there, the landscaping plan is usually a separate plan, so if you can activate that, print that as well on a different sheet. Is there walls here, Greg, is that you?

MR. SHAW: Yes.

MR. ARGENIO: How big are they?

MR. SHAW: How big are they?

MR. ARGENIO: Make sure whatever you bring we can see the walls.

MR. SHAW: You're looking at this wall right here is probably the biggest, it's about 12 feet, it's a strong system, that's the worst case, and this little piddily wall right here is maybe about three or four feet high.

MR. ARGENIO: Does that hold the road up or hold the wetlands up?

MR. SHAW: Basically, it holds the parking area up away

from my sand filter.

MR. ARGENIO: Got it. What else? What about the parking requirements?

MR. SHAW: I don't know, you caught me off guard with that to be very frank and I was hoping you weren't going to ask but you did.

MR. ARGENIO: I need to think it through and talk to Mark about it a little bit.

MR. FINE: Keep in mind if they're one bedroom, if there's more than one bedroom with the parking that should be kept in mind.

MR. ARGENIO: Yes, that's a good point, I think that's a good point and still I don't think it's going to push it over the top in this venue tonight.

MR. EDSALL: One of the things that's important and New Windsor's Code does not have a sliding parking scale based on bedroom count, just multi-family and it's a very valid point to note that this specific site is very restricted as far as bedrooms.

MR. ARGENIO: I agree with that, I agree with that.

MR. FINE: Is there more, would you rather have more one bedroom or two bedroom? Does the town have any opinion on that or is that--

MR. ARGENIO: What my comment was going to be before but I didn't want to interrupt you, Mr. Fine, because we typically don't, how do I say this--let the record reflect that the Boy Scouts just came in. This is the Town Planning Board meeting, you'll want to be here for planning board, not when the judge is here, trust me. So I think what I wanted to ask you when you were talking about this that the bedroom count was you said one or two and I was going to say boy, three or four would be better than one or two for personal reasons because that's kind of what I would prefer. But, you know, we're not, we don't have a dictatorial position where we can dictate that to you what you do or do not do on your own property other than to say you need to comply with the law which you obviously know already.

MR. EDSALL: The other flip side of that is the more the plan changes from what has been thoroughly reviewed

to date the more you're opening up the possibility of the need for more reviews and changes under the transition SEQRA review.

(Whereupon, the Boy Scout troop left the room.)

MR. ARGENIO: I understand and I agree with that. So I would say if you're asking me that question I would say more two bedrooms, if you're asking me that question that would be my answer to that and you did ask, I wasn't--

MR. FINE: Well, actually, yeah, with it going to market rate or multi it might be better to have more two bedrooms.

MR. ARGENIO: Who is going to rent it with one bedroom, 800 square foot place in New Windsor?

MR. EDSALL: We were commenting this type of project you end up having young couples with an initial apartment and when they have a baby, they have to move and you're going to end up with a target population of the older people who have the empty nest. So you're going to end up with this end of the spectrum occupancy.

MR. ARGENIO: Yeah, I just don't understand the one bedroom occupancy but I'm not a real estate expert.

MR. SHAW: It's not my problem because the architecture of the building is wrapped around the layout of the rooms and now you start changing the layout of the apartments around it does affect the architecture of the building, that's somebody else's problem, but it's not germane to this board but you can see how one affects the other affects the other.

MR. EDSALL: The other question becomes is it worth having a couple less units and having more of a mix of type of units, some more two bedroom, maybe couple three bedroom but have less units so you use the same square footage but have more diverse mix of units?

MR. VAN LEEUWEN: Are they going to be rental units or going to be--

MR. SHAW: Rental.

MR. FINE: I did talk to Coppola a few weeks ago since

we're going from 84 to 81, he was going to look into this type of thing with the two bedroom versus one bedroom so--

MR. ARGENIO: Okay, check it out and Greg, we have to do a little leg work.

MR. SHAW: I understand that was the whole point of coming here and just start refreshing everyones' memory.

MR. ARGENIO: I know it's a sticky point around town the parking thing so we need to be very careful with it because there are a couple of facilities that we do debate in meetings about whether there's enough or whether there's not enough and it goes back and forth and you have to weigh the need with the use, et cetera, et cetera.

MR. SHAW: Okay, we'll be back. Thank you.

MR. FINE: Thank you very much.

THE GROVE @ NEW WINDSOR (12-03)

MR. ARGENIO: The Grove is next. It's just, yeah, this is not, why isn't this done, what are we doing here?

MR. DATES: We're looking for an extension to the conditional final approval that was granted.

MR. ARGENIO: Why, why, why?

MR. ATZL: We're working on a declaration of covenants, easements and restrictions with the town, there's a couple more items that need to be worked out.

MR. VAN LEEUWEN: A little louder.

MR. ATZL: There's the couple more items that need to be worked out in regards to easements in favor of lot number two, which is the lot deeded to the town by means of emergency access, utilities, water, sewer, drainage, type of verbiage that needs to be ironed out in that declaration.

MR. ARGENIO: Months and months and months, correct?

MR. ATZL: Yes, we've had a few meetings with the town, the Supervisor, Mr. Blythe and there's been exchanges in between the applicant and the town to get that worked out.

MR. ARGENIO: So the reason it's not done is you have, there's some easement issues?

MR. ATZL: Correct, the verbiage in that declaration coming to an agreement between the two parties.

MR. ARGENIO: Mark?

MR. EDSALL: Yeah, I would, I don't know why it's taking so long, I don't want to pick on attorneys for any reason but somebody should be able to work out these agreements.

MR. ARGENIO: One would think.

MR. EDSALL: It's been quite a while, Justin, right?

MR. ATZL: Yes.

MR. ARGENIO: Go ahead, Mark.

MR. EDSALL: I just don't know what's taking so long. The bottom line you may want to grant an extension but make it 90 days or something so that maybe in 90 days we can find out what the problem is.

MR. ARGENIO: How close are you, Justin?

MR. ATZL: We're looking to submit the, our next draft to the town, we're just seeking the 90 days.

MR. ARGENIO: Can you get this done in 90 days?

MR. ATZL: I believe so.

MR. ARGENIO: Accept a motion for 90 day extension.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded we offer 90 day extension so Justin Dates can get the job done. Roll call.

ROLL CALL

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

MR. ARGENIO: It will be good to get it done.

MR. ATZL: I agree.

AT YOUR SERVICE PLUMBING, HEATING, A/C SITE PLAN
(09-17)

MR. ARGENIO: At Your Service Plumbing. This application proposes warehouse building on the existing 3.7 acre lot in the industrial park. The plan was previously reviewed at the 13 May 2009 planning board meeting. So, show us what you have here.

MR. ATZL: John Atzl, Atzl, Scatassa & Zigler, surveyors, planners and engineers for the project. We were before this board back in 2009 and we showed the board the layout. We proceeded to do detailed drawings, drainage, et cetera, and of course the economy took a turn for the worse so the project was tabled for a little bit. Since that time, the zoning code for this zone has changed, thereby, we had to reduce the size of the building and rearrange certain things on the building. That's why we're before this board again tonight just to give you an update as to what's been changed and to refresh the board's memory since it's been so long since we've been before this board.

MR. ARGENIO: I have you here once prior to tonight.

MR. ATZL: Right, we were here once, we proceeded to do detailed drawings based on your basic go-ahead of the layout that we had and we never submitted those drawings for review or anything like that. And also since that time, the zoning code has changed thereby we had to rearrange some stuff, reduce the size of the building because the yardages changed, that's why we're here to refresh your memory and go over the changes to the board. And one other thing is under the new code even though everybody believes it's an error in the code the floor area ratio that's stated in the code is .1 when before it was .6. I believe it still should be .6 so we'll defer to counsel whether we should go to the Zoning Board of Appeals because .1 on an 80,000 square foot lot is an 8,000 square foot building.

MR. ARGENIO: Mark, can you share specifically on this issue for the benefit of the rest of the board?

MR. EDSALL: Dominic, Jennifer and I have had many discussions and Mr. Atzl's absolutely correct, there's no way in God's green earth a commercial site that allows 85 percent development coverage would have a .1 floor area ratio.

MR. ARGENIO: It's laughable.

MR. EDSALL: They're so inconsistent it's clear it's an error. We went back and traced it down and it's supposed to be the .6 so as part of the technical corrections, things that were supposed to be fixed in the bulk tables it's going to be .6. And Dominic indicated there are several other things that are going to be corrected that are typos and we should act on the basis that it is .6.

MR. ARGENIO: I don't need to hear anything else, the .1 is a joke, ridiculous.

MR. EDSALL: Doesn't make any sense, clearly it's wrong.

MR. ARGENIO: Don't even waste your breath.

MR. ATZL: It's there in the code so really what we changed is the original building was 59,000 square foot due to the setback changes we've had to reduce the building, it's now just over 54,000 square foot.

MR. ARGENIO: Still a substantial building, are you the owner?

MR. ATZL: This is Mr. Smith, he's the owner of the property.

MR. SMITH: No, we do production work, plumbing.

MR. ARGENIO: What's the name of your company?

MR. SMITH: Warriner Smith.

MR. ATZL: Initially, on our first version of this we had outside storage on this side of the building, the changes in the code basically the front setback required us to move that, we have the outside storage now.

MR. ARGENIO: What do you store there?

MR. SMITH: We were originally talking with pods in terms of a tenant that needed outside storage for the empty pods but that's no longer going to be a situation. So the outside storage probably, you know, depending on what tenants come along to be quite honest

with you will vary whether we even need that.

MR. ARGENIO: You have a tenth of an acre and you're just going to rent it out?

MR. SMITH: No, they were pods, the temporary ones they store outside. If they fill it up, it gets moved inside the building and we thought we were going to work something out but that fell to the wayside so at this point depending on who we work something out with will really depend if we need any outside storage.

MR. ARGENIO: You're going to run your business out of the building?

MR. SMITH: A small piece of it, yes.

MR. ARGENIO: And there's another portion you're going to rent out? That's not a planning board issue, just trying to understand.

MR. SMITH: Yes.

MR. ATZL: We have it separated into three separate warehouse units, Mr. Smith will most likely take the smaller unit and the other two would be rented out to other users.

MR. VAN LEEUWEN: Which unit are you going to use?

MR. SMITH: Depends on what we end up with tenants to be quite honest with you, I wouldn't need much more than 5,000 and 7,500 to operate my facility.

MR. ARGENIO: What kind of trips are you going to generate?

MR. ATZL: This will be a typical warehouse, not too many, maybe one, two, three trucks per every couple days, I mean, it's not going to be like UPS or Coca-Cola, it's going to be like a storage facility.

MR. VAN LEEUWEN: Is Wembly Road a town road?

MR. SMITH: No, I don't believe so.

MR. ATZL: I believe it's slated to be a town road, I don't think it's been dedicated to the town yet.

MR. VAN LEEUWEN: Because we have a lot of problems in

that area with the road. Mr. Helmer never did the right thing.

MR. ATZL: As we stated the first time Mr. Smith has nothing to do with the road.

MR. ARGENIO: The reality is that this is a good--

MR. VAN LEEUWEN: Are you buying this from whom?

MR. SMITH: We already own the property.

MR. VAN LEEUWEN: Who did you buy the property from?

MR. SMITH: I don't remember the specific name, gentleman out of Michigan, he was going to do some sort of a painting, manufacturing.

MR. EDSALL: He did Columbia Artworks.

MR. SMITH: Yes.

MR. EDSALL: It was the calendar people.

MR. SMITH: That's it, calendar people.

MR. ARGENIO: And this lot is in the back?

MR. SMITH: Yes.

MR. ATZL: Actually, as you come down, here's 300, as you come down you make the hard right turn.

MR. SMITH: You know where Air Gas is, the next lot on the right-hand side.

MR. ATZL: UPS is over here and it's on the opposite side of UPS.

MR. ARGENIO: Mr. Atzl, what are you looking from us tonight?

MR. ATZL: Any comments, your feeling on the layout so we can proceed with the detailed drawings to submit.

MR. ARGENIO: I think that it's a, that's a, probably a good use for back there. As Mr. VanLeeuwen said, there's issues with that whole park there that I really don't want to get into here because you shouldn't be penalized for other issues that are, that exist but

they certainly do exist, not the least of which is I think Henry mentioned some drainage issues, there's some traffic flow issues but in the bad economy it's very difficult to resolve things like that cause there's not a lot of money changing hands so it's difficult, it's difficult. Mr. Atzl, we'll need certainly substantial more amount of detail.

MR. ATZL: Yes, definitely.

MR. ARGENIO: You need to understand that you're on a low piece of land my friend and there's a builder down there, somebody who put the building up a while back and his building is too low and he comes to the planning board and I inherited him from the prior chairman and he tells us about it and he inherited it from the chairman before that his building is low and it floods. So I caution to you to do your due diligence, don't put the building too low, you're in a low area of the town. You see the size of those culverts? Mark, what else on this?

MR. EDSALL: No, I think they obviously need to generate more complete plans, the layout seems to meet the zoning with the bulk table typo fixed, I think the outdoor for storage is going to need some more discussion if they have more knowledge, if they don't, you may want to require that if there's outdoor storage that they may have to come back for that aspect cause that's such a wild card as to what could happen there that you may want to--

MR. ARGENIO: It's a very small area, even if you just didn't list it as outdoor storage, you know, probably might be the smartest then if you don't have plans for it just don't list it as anything and it is what it is, it's grass or it's parking lot.

MR. EDSALL: Right, you can always add it later on and get an amendment. As far as the interior breakout goes, it's good that you gave us an idea how you want to split it up but correct me if I'm wrong, Mr. Chairman, the inside delineation of occupancy to occupancy is more a building department and fire inspector issue as long as your uses stay the same and the amount of office space doesn't get proportionately out of kilter with what you show on the plan. So how you split it up is your own business for your own marketing.

MR. ARGENIO: Danny or Henry, anything on this?

MR. VAN LEEUWEN: Is this area going to be all blacktopped?

MR. ATZL: There is a loop around the entire site and the parking will be blacktopped, yes.

MR. ARGENIO: Mr. Atzl, you need to make sure that the sidewalk that you have there you probably got a two and a half foot overhang from the bumper of a car?

MR. EDSALL: He's got six.

MR. ARGENIO: You're going to lose two and a half or three foot of sidewalk, you could probably do a narrower sidewalk if you had a planting area between the sidewalk and the building but that's up to you, six foot is certainly enough space for somebody to get by with a car parked in the front, I think.

MR. VAN LEEUWEN: All the board members should take a ride down there.

MR. EDSALL: John, can you also check at your earliest convenience with the fire inspectors, you have the 30 foot loop around the end but I want to make sure for the total square footage that the 26 doesn't need to go to 30, just so that you're nailed down with the access around the total building.

MR. ATZL: Okay, this meets State Code but we'll send it by the town.

MR. EDSALL: Just again for four feet of pavement I'd rather have that resolved now than have you change all the plans.

MR. ARGENIO: I suspect they'll be okay with it but you should run it by them. Mark, let me ask you this, just in keeping with what Henry was saying a moment ago if Wembly Road is a private road, what about the road maintenance agreement and all that's associated with that? And I know this thing predates this and it predates that and predates the other thing, this project, this corporate park.

MR. EDSALL: I'll say something that probably could be as you said earlier not trying to be a wise guy but this predates common sense, there are no good issues on

how this road is maintained. It's been a headache for the town, way before I was here the road has been a problem, we've had many, many meetings with Mr. Helmer to try to not only handle the maintenance of the road but also handle traffic flow so we can get out to a signalized intersection. So I don't even know if there's an answer to that, other than up until the time the town takes it every occupant of that park is going to be fighting with Mr. Helmer.

MR. VAN LEEUWEN: At the rate that's going that will never be taken over.

MR. ARGENIO: The message is buyer beware, caveat emptor, buyer beware, it's not a town road, my friend.

MR. SMITH: Yeah, we're aware of that.

MR. ARGENIO: Don't come to the town and tell them to fill the potholes after you build a warehouse. You guys have anything to my right?

MR. FERGUSON: There's some dumping going on on the lower, like broken up asphalt and paving, I don't know if it's you guys.

MR. SMITH: Yeah, that was us.

MR. VAN LEEUWEN: And you have the right to drive on that road?

MR. SMITH: Yes.

MR. ARGENIO: When you're in front of the planning board, you shouldn't have activity on your site and I promise we'll move you along as best we can.

MR. SMITH: Appreciate that.

MR. ARGENIO: Jenn, you have anything on this?

MRS. GALLAGHER: No.

MR. ARGENIO: Can I do anything else for you tonight?

MR. ATZL: No, we just wanted to, you know, update the board.

MR. ARGENIO: Give us some details, landscaping.

MR. ATZL: Next time we're before this board, you'll have a complete submission.

MR. SMITH: Thank you.

MR. ARGENIO: Thank you.

DISCUSSION

ROCK TAVERN LOT LINE CHANGE

MR. ARGENIO: Okay, Mr. Edsall, what do you have?

MR. EDSALL: We have, Jennifer and I have one issue that we talked about from the workshop, actually, two items. One we have a recent response from the Orange County Department of Planning, we had an open application that we couldn't put on the agenda because of the sole issue of waiting for a response from County Planning and we in fact received that today. I don't know if the board would be willing to close out an application that was ready for action but again was held up.

MR. ARGENIO: Yes, why don't you share with the rest of the members?

MR. EDSALL: Rock Tavern lot line change. It's Rock Tavern LP and Tower Company Associates, it's on Toleman and Route 207, it's my suggestion that now that you have received a local determination response from County Planning.

MR. ARGENIO: Don't leave the room, please.

MR. VAN LEEUWEN: I'm not going to, I'll answer any questions you need.

MR. EDSALL: The only open issue was the County Planning but as well we were looking for the owner to agree that it would be appropriate that until the road to Route 207 is complete and accepted by DOT and the town that he create a license agreement which was suggested by Mr. Cordisco which would allow the cell tower company and the other Zulu to use the driveway they are currently using up till the time the other road is available. That license agreement is not a permanent obligation through the property, it's just an agreement that's to a defined time period. I suggest as long as Mr. VanLeeuwen agrees to that condition--

MR. VAN LEEUWEN: No problem.

MR. ARGENIO: So put in layman's terms for the benefit of you guys, Henry VanLeeuwen had the application, he wanted to move the lot line, simple, basic, we probably could have acted on it that night but the lot is within

500 feet of a state highway, it has to go to county so we sent it to the county and just have to wait to hear back. So we didn't have him on the agenda for tonight but today we heard from the county so if you would agree, normally, he would have his attorney or who's the engineer, Henry?

MR. VAN LEEUWEN: Pietrzak & Pfau.

MR. ARGENIO: Joe Pfau would represent this as he did last time but we just heard from the county today so I asked Mark to say the things that he just said, take a look at it, tell me if it's appropriate. If it's appropriate, we should act on it just to get it off our plate and as long as Mr. VanLeeuwen, the owner of the property, agrees to working out the license agreement so the vehicles don't access 207 from the lot, we're okay with the lot line change that was presented in front of us couple or two or three meetings ago, whatever it was. So you agree to work on that to figure that thing out?

MR. VAN LEEUWEN: Absolutely, anything you guys want.

MR. ARGENIO: You cannot file your plot plan with the new lot line until that license agreement has been executed to the satisfaction of counsel, yes?

MR. VAN LEEUWEN: Absolutely.

MR. ARGENIO: Awesome. Anybody sees fit, I'll accept a motion.

MR. EDSALL: I think just, I don't know that because we sent it to the county we probably weren't able to adopt a negative dec under SEQRA so I'd suggest a neg dec.

MR. ARGENIO: Motion for negative dec for the Rock Tavern Associates lot line change, corner of Toleman Road and 207.

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded we declare a negative dec to the lot line change. Roll call.

ROLL CALL

MR. GALLAGHER AYE
MR. VAN LEEUWEN ABSTAIN
MR. SHERMAN AYE
MR. FERGUSON AYE
MR. ARGENIO AYE

MR. EDSALL: The board did not make a determination that a public hearing was not appropriate.

MR. GALLAGHER: Motion to waive the public hearing for the lot line change.

MR. FERGUSON: Second it.

ROLL CALL

MR. GALLAGHER AYE
MR. VAN LEEUWEN ABSTAIN
MR. SHERMAN AYE
MR. FERGUSON AYE
MR. ARGENIO AYE

MR. ARGENIO: What else, Mark?

MR. EDSALL: Conditional approval.

MR. ARGENIO: I'll accept a motion we offer conditional final approval based on the conditions that we discussed a few moments ago that Mr. VanLeeuwen will have to meet.

MR. FERGUSON: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

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

MR. ARGENIO: Normally, I would have Henry leave the room as he has done in the past but this was kind of unique tonight and it was an incredibly simple application.

MR. EDSALL: We had to get him to agree.

MR. ARGENIO: Application was incredibly simple so it's just good to get the calendar clean when it needs to be. Mark, you have one other thing?

ARKEL MOTORS

MR. EDSALL: Very minor item, Arkel Motors on Route 32 is looking to create a mezzanine office area within the building within the shop area as I understand it. Marshal Rosenblum, architect from New Windsor, is working on that. He came with representatives from Arkel to the workshop. There are no outside changes whatsoever, it's an interior modification, the interior modification requires a couple more parking spaces which can easily be accomplished. We looked at the plan, I recommended that you turn it over to the building department and Jennifer can deal with it because it again is so minor.

MR. ARGENIO: Making space for parts?

MR. VAN LEEUWEN: I have no idea.

MRS. PELESHUCK: Office and conference rooms.

MR. EDSALL: Just no more employees, just more room for the same employees to do what they need to do.

MR. ARGENIO: Anybody got a problem with this giving it to Jennifer and having her handle it?

MR. GALLAGHER: No.

MR. ARGENIO: Okay, Jenn, it's yours, thank you.
Mr. Edsall, anything else?

MR. EDSALL: That's it, thank you.

MR. ARGENIO: Motion to adjourn?

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. SHERMAN	AYE

January 23, 2013

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MR. FERGUSON
MR. ARGENIO

AYE
AYE

Respectfully Submitted By:

Frances Roth
Stenographer