

TOWN OF NEW WINDSOR

PLANNING BOARD

October 9, 2013

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
DANIEL GALLAGHER
HOWARD BROWN
DAVID SHERMAN

ALSO PRESENT: TAYLOR PALMER, ESQ.
PLANNING BOARD ATTORNEY

MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER
BUILDING INSPECTOR

CAMMY AMMIRATI
PLANNING BOARD SECRETARY

ABSENT: HENRY VAN LEEUWEN
HARRY FERGUSON

MEETING AGENDA:

1. Windsor Heights MHP
2. Lands of Dantas
3. Lands of Nowicki
4. Crestmoore @ New Windsor

REGULAR MEETING:

MR. ARGENIO: I'm going to call to order the regular meeting of Town of New Windsor Planning Board for October 9, 2013. Would everybody please rise for the Pledge of Allegiance?

(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: Dave, we'll give you a minute to get

settled there. You good, man?

MR. SHERMAN: All set.

MR. ARGENIO: Welcome everybody. Henry VanLeeuwen is either late or not gonna be here, Harry apparently called in but we do have a quorum this evening.

APPROVAL OF MINUTES DATED 9/1 & 9/25 13

MR. ARGENIO: First item on tonight's agenda is approval of the minutes dated September 11, 2013 and the 25 of September 2013, they were sent out on the 27th of September 2013. If any anybody sees fits, I'll accept a motion we approve them as written

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. SHERMAN	AYE
MR. ARGENIO	AYE

ANNUAL MOBILE HOME PARK REVIEWS:

WINDSOR HEIGHTS MOBILE HOME PARK

MR. ARGENIO: First on tonight's agenda is Windsor Heights Mobile Home Park. Somebody here to represent this? Yes, what's your name, sir?

MR. SASSO: Joel Sasser.

MR. ARGENIO: Jen, has somebody from your office been out to have a look?

MRS. GALLAGHER: Yes, we have, no issues.

MR. ARGENIO: Where is your park, sir?

MR. SASSO: Off Riley Road.

MR. ARGENIO: Off of?

MR. SASSO: Reilly Road, yeah.

MR. ARGENIO: Have you brought a check to the benefit of the town in the amount of \$250?

MR. SASSO: Yes.

MR. ARGENIO: I'll accept a motion that we offer the Windsor Heights Mobile Home Park a one year extension.

MR. SHERMAN: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. SHERMAN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Thank you for coming in. Give it to Cammy, she'll take care of it. It's good, isn't it?

MR. SASSO: Well, as of right now it is.

MR. ARGENIO: Get that to the bank tomorrow.

REGULAR ITEMS:

LANDS OF DANTAS (13-12)

MR. ARGENIO: First item is lands of Dantas residential two lot subdivision. I see Mr. Valdina in the audience to represent this. Danny, why don't you come up, man sit with me. I have a magazine in case you get bored you can read a magazine. If you guys remember, there was a couple of variances that Mr. Dantas needed I think, Frank, is that right?

MR. VALDINA: It was one variance, one area variance.

MR. ARGENIO: I'm going to assume that you acquired your various otherwise you probably wouldn't be here?

MR. VALDINA: That's right.

MR. ARGENIO: So just to refresh everybody's memory, update us Frank, if you would.

MR. VALDINA: The only revisions to the plan--

MR. ARGENIO: Of the variance and just kind of a brief overview.

MR. VALDINA: Variance has to do with lot two, code called for 60,000 square feet, we had almost 55,500, the ZBA did grant a variance for the difference in the lot area, that was the only variance that was necessary.

MR. ARGENIO: And so what, how many feet is the lot?

MR. VALDINA: It's 55,414.

MR. ARGENIO: What's required?

MR. VALDINA: Sixty, that's for a duplex. The only revisions to the plans from last meeting have been on the plan you now have, we have shown the house locations, the driveways, water and sewer facilities, we have added a note on the plan pertaining to the date of the granting of the variance by the Zoning Board of Appeals.

MR. ARGENIO: Why do you have two driveways there?

MR. VALDINA: Well, it's a duplex, it's a two family

coming in from both sides.

MR. ARGENIO: Jen, can you share with me, I have some notes here that I will share with the members in a moment, what was the comments, what were the comments that were presented at the public hearing?

MRS. GALLAGHER: The major comments were about drainage issues, you know, the chairman basically wanted to talk to you about it, I know, I assume he didn't call you but there was a lot of comments about drainage problems on Riley Road.

MRS. GALLAGHER: Was there a mass outcry or was it a handfull of people that expressed concerns?

MRS. GALLAGHER: There was probably about 10 people maybe.

MR. ARGENIO: And it was all drainage on Riley Road?

MRS. GALLAGHER: A lot about drainage, a few people mentioned about the driveways, you know, why they had to have the two driveways. However, Anthony Fayo, we did get a sign-off on him for the driveways stating that it was approved but yes, major comment about drainage problems.

MR. VALDINA: Yeah, they were complaining that during heavy rains and especially since that project went in up on Dean Hill Road that during heavy runoffs that their back yards are getting flooded and their contention was that there's a pipe that's too small, this is a three foot pipe and there's a two foot pipe apparently down that's causing the backup.

MR. ARGENIO: Point to the pipes.

MR. VALDINA: The one I'm talking about, I don't know where that is, I'm under the impression it's downstream of Riley Road, the one this system drains into crosses Riley Road right here at the intersection.

MRS. GALLAGHER: Mr. Chairman?

MR. ARGENIO: Yes, Jennifer?

MRS. GALLAGHER: The gentleman who had a lot to say about this issue was in my office yesterday and basically I told him he needed to talk to the highway

superintendent about his problems, you know, it's not Mr. Dantas' issue that the pipe is too small so we did send him over to Anthony Fayo.

MR. ARGENIO: I just don't see it from where I'm sitting here, I'm looking at this plan and I cannot see an overwhelming impact on the drainage.

MRS. GALLAGHER: Correct.

MR. ARGENIO: On Riley Road, it's not like Mr. Valdina is showing giant driveways here, it's not like he's showing a tennis court or some other outbuildings that are going to cause excessive runoff.

MR. VALDINA: I'm under the impression that most of the problem is east of Riley Road between there and I believe the railroad goes through there. There may be a culvert under the railroad that may be too small like I say, I really don't know but they were talking about more in the backyards than they were on the road itself.

MR. ARGENIO: So drainage that was coming from somewhere else and causing them heartache?

MR. VALDINA: They indicated when the housing development went in to the west of Riley Road off of Dean Hill detention pond once that went in is when the problem got aggravated, let's put it that way.

MR. GALLAGHER: This is at the base of the hill, I would think that any water problems would be across the street of Riley Road.

MR. VALDINA: They were basically on the east side of Riley Road, their backyards, and so on which is well after, you know, passed this site and the water apparently I'm under the impression from what they were saying it doesn't get under the railroad because the culvert may be too small whatever the obstruction is. It sounds more like a highway issue than it does--

MRS. GALLAGHER: Correct.

MR. VALDINA: Because of this two lot subdivision.

MR. ARGENIO: I'm scanning through the comments, Cammy has the minutes here from the meeting and the reason I'm trying to look at this closely for the benefit of

all of us I'd like to avoid multiple public hearings for something as simple and basic as this. And I'm seeing I know people talking about again the ditches, town highway, the neighbors that runs under 94, make sure it handles the water, I know the water runoff it's because they're in charge of directing it but every single drainage ditch along the town road that runs along it overflows every time we have a decent amount of rain. I just read from the minutes from the zoning board meeting. But they granted, I mean, they granted him the variance.

MRS. GALLAGHER: Yes.

MR. ARGENIO: So at this point, I mean, what could, I don't know what this board could do relative to the drainage ditches, other than possibly I could speak to the highway superintendent and kind of reiterate what's in the minutes here from the zoning board meeting. Is he aware of it, Jennifer, do you know?

MRS. GALLAGHER: I'm not sure if the gentleman got ahold of him or not yesterday but he was heading over there with his survey that showed he had drainage easements and he had everything in his hand when he went over there.

MR. ARGENIO: Mark, as far as sight distance and things of that nature, is there any issues associated with that?

MR. EDSALL: No, this stretch of road has very good sight visibility so I don't see any issue. Mr. Chairman, on drainage, I think the key here is is that they're limited to a maximum of 25 percent development coverage. It is a residential use, it's not as if we're considering a site plan where you could have 85 percent of the land area impervious and cause additional drainage issues.

MR. ARGENIO: It looks like they're well, well under the 25 percent.

MR. EDSALL: Yeah, and again, that's a very strict limitation as well. From my experience, there's been problems on the east side of Riley Road for a while now and clearly those could be something that if the highway superintendent can assist them in relieving the problem I'm sure he will. But I don't see that it's really an issue that's worsened by this minor

development.

MR. ARGENIO: I see Mr. Bedetti is here, also spoke, he's talking about the drainage ditches as well, that's the issue, man. Okay, let's try to be productive here. What I was getting at, guys, Dave, Howard and Danny was trying to for everybody to air this thing out a little bit so we can assess the need for a public hearing and we'll have a vote on that. It seems to me that the issue is not something that the applicant has caused or will exacerbate. I think it's going to be important that his culvert sizes are large enough to accommodate the drainage that's there but I don't know how much that relates to the public hearing. That's something he's going to have to address with Anthony. Mr. Valdina, do you show a culvert size under those driveways?

MR. VALDINA: Yes, they are existing culverts, they are already there.

MR. ARGENIO: What about the other house?

MR. VALDINA: This one there's a culvert over here, there's a catch basin just right here to the west of this, I looked at the terrain and this will drain down to the catch basin at the corner.

MR. ARGENIO: Do you have a culvert size indicated on the plan?

MR. VALDINA: Yes.

MR. ARGENIO: I don't need to know what it is, it's indicated on the plan?

MR. VALDINA: Should be, yes, 30 inch steel and 30 inch steel.

MR. ARGENIO: Let me ask you this direct question. If the highway superintendent needs you to change those culvert sizes, do you agree on behalf of your client to make those adjustments to help mitigate the problem that I'm seeing in these minutes?

MR. VALDINA: If they are the cause of the problem, yes.

MR. ARGENIO: That's not what I asked you, you know what I asked you. Do you agree to do that?

MR. VALDINA: Yes.

MR. ARGENIO: So we're clear about that. We got to get with Anthony, Jennifer, and have the discussion with him. But let's get refocused relative to the public hearing. Is there anything that the other members that you guys see here that I'm missing that would possibly compel us to force a second public hearing?

MR. BROWN: It could be repetitious.

MR. ARGENIO: I agree, that's what I was trying to get to. If there's more that we need to air out we should do that.

MR. GALLAGHER: I agree.

MR. ARGENIO: Make a motion to waive the--

MR. GALLAGHER: Make a motion we waive the public hearing.

MR. BROWN: Second it.

MR. ARGENIO: Motion waived and seconded we waive the public hearing for the Dantas minor subdivision. Roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. SHERMAN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: If anybody sees fit, I'll accept a motion that we declare ourselves lead agency for this application.

MR. GALLAGHER: So moved.

MR. BROWN: Second.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board declare itself lead agency for the Dantas minor subdivision.

ROLL CALL

MR. GALLAGHER AYE
MR. BROWN AYE
MR. SHERMAN AYE
MR. ARGENIO AYE

MR. ARGENIO: If anybody sees fit, I'll accept a motion that, if anybody sees fit, obviously, that we declare a negative dec under the SEQRA process?

MR. GALLAGHER: So moved.

MR. SHERMAN: Second it.

MR. ARGENIO: Motion made and seconded that we declare a negative declaration of environmental significance under the state SEQRA laws. I'll have a roll call.

ROLL CALL

MR. GALLAGHER AYE
MR. BROWN AYE
MR. SHERMAN AYE
MR. ARGENIO AYE

MR. ARGENIO: Okay, I ran through those things fairly quickly because for something as small as this I think they're fairly procedural. I'm going to call Anthony tomorrow, Jennifer and follow up with him on this.

MRS. GALLAGHER: Okay.

MR. ARGENIO: So--

MRS. GALLAGHER: He has a plan at his office.

MR. ARGENIO: Okay, okay, cause it seems that that is the only significant issue here. Mark or Taylor, is there anything that I've missed in reviewing the notes for this application?

MR. PALMER: Mr. Chairman, if I may, the ZBA upon the review of the variance application could have also conditioned or sent a letter to the planning board recommending the conditions that you have identified to the applicant here.

MR. ARGENIO: They could have or did?

MR. PALMER: They could have.

MR. ARGENIO: But they didn't so why are we talking about that?

MR. PALMER: I'm just indicating that could have been offered and because there wasn't, we're further saying that the approach that has been taken here and representing the possible change of those culverts as necessary was an additional step that you took which is a good merit for this project.

MR. ARGENIO: So you agree with the project that where we're headed?

MR. PALMER: Yes.

MR. ARGENIO: Thank you for that. That's going to be the deal, I'll call Anthony and Frank I certainly don't mean to impose any and we don't mean to impose any additional efforts on Mr. Dantas who's a long time resident of the town and what he's doing here, I drove by there, what he's doing here seems to be congruent with the neighborhood. We certainly want to try to keep the peace amongst all the folks in town. Mark, anything else procedurally?

MR. EDSALL: The final plan needs to be submitted, there's a couple minor corrections, I'll work them out with Frank but everything's in good shape.

MR. ARGENIO: I'll accept a motion we offer final approval subject to Mark's comments and subject to my contacting Highway Superintendent Fayo and making sure that he gives his input on these drainage culverts for the driveways and offers whatever guidance he deems appropriate alongside the town roads.

MR. BROWN: So moved.

MR. GALLAGHER: Second it.

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

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. SHERMAN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Mr. Valdina, thank you very much and

hopefully all is well with the culverts but if it's not Mr. Dantas needs to step up.

MR. VALDINA: Thank you.

MR. ARGENIO: Thank you.

MR. VALDINA: Have a good evening everyone.

MR. ARGENIO: Good night, Frank.

LANDS OF NOWICKI (13-09)

MR. ARGENIO: Next regular item is lands of Nowicki. This application proposes the re-subdivision of lot nine of the Nowicki major subdivision. The plan was previously reviewed at the 24 July planning board meeting. Sir, do you have a plan to put up for us? What's your name?

MR. PETERS: My name is Zack Peters. As the board stated, this project is a two lot subdivision located off Station Road. The last time we were before the board, I believe the only thing that remained that we had to do the necessary review with the Orange County Health Department which we have since completed and they have issued an approval. The only changes to the plan since that time were we added the soils testing information and--

MR. ARGENIO: Mark, did somebody from your office witness the soils testing?

MR. EDSALL: No, when the health department takes jurisdiction, we turn it over, we don't double up on it.

MR. ARGENIO: Go ahead

MR. PETERS: So we added a few notes that they requested and showed proposed reserve sewer system for the existing dwelling and there were no changes.

MR. ARGENIO: So percs were poor.

MR. PETERS: They require it because of the subdivision that we show a reserve to the area.

MR. ARGENIO: Okay, so show me, show us what exactly by pointing to the map what you're doing, you created one, two, three, five, four, five, six, seven lots along Station Road, is that correct on a prior application?

MR. PETERS: Yes, previously at I believe there were eight lots along Station Road and this is the remaining lands was lot nine of that subdivision.

MR. ARGENIO: Without sweeping your hand like this, point to the eight lots by house.

MR. PETERS: These are the eight lots here.

MR. ARGENIO: One, two, three, four, five, six, seven, eight, okay, go ahead.

MR. PETERS: They all access Station Road off individual driveways. This project involves the existing house which is located here, is accessed by an existing driveway off Station Road, that parcel is going to be subdivided out and we have a proposed single-family residence located here accessed by a proposed driveway from Station Road and that will be the remaining lands of that parcel.

MR. ARGENIO: That's going to be a beautiful lot, oh yeah, that's going to be fantastic. Mr. Bedetti, you could buy that lot and take your quads out there and go drive around. Where is the driveway for that house?

MR. PETERS: This house I believe there's a shared driveway that comes in along here, this is part of a drainage ditch but I believe these two lots share a driveway to the best of my knowledge.

MR. ARGENIO: Why don't you show them on there?

MR. PETERS: I believe we were trying to make, since this subdivision was already approved, we were trying to make it as concise as possible as far as what was new and what was previously done.

MR. EDSALL: Mr. Chairman, just for the record, lot one would have to have its own driveway because shared driveways aren't permitted but I'm sure that they're probably parallel and may come out to Station Road at the same location.

MR. PETERS: Yes.

MR. EDSALL: I believe the storm water basin that's up in that upper portion is used as its access.

MR. ARGENIO: What drawing number are you on? I only have one drawing here. No, I have two, no, one is a detail sheet.

MR. EDSALL: I'm not looking at a driveway, I'm just stating that there can't be a shared driveway cause the Town Code doesn't permit that so--

MR. PETERS: The portion, this portion at the top of

the map here is actually part of that lot one, it comes back sort of like a big flag.

MR. EDSALL: And the storm water basin I believe is that nearly rectangular or square box I believe that access to that basin is over the driveway for lot one.

MR. ARGENIO: I get it. Okay, so you're within and help me on the law with this, you're within I think a three or a five year period so you had to go to the Department of Health to do this subdivision.

MR. PETERS: Well, this was, yeah, I believe because it was a new lot that's recently subdivided off they required that we do the testing and approval from them.

MR. ARGENIO: So you have DOH approval?

MR. PETERS: Yes, I believe we submitted a copy of the approval letter.

MR. EDSALL: Yes, they do have a new approval for the one additional residential lot and that is referenced in my comments in the first bullet under two.

MR. ARGENIO: I got it. What about Department of Planning?

MR. EDSALL: Second bullet.

MR. ARGENIO: We have that, let's take a look at that. What's proposed lot number three?

MR. PETERS: On this map there's only--

MR. EDSALL: Yeah, there's only two.

MR. ARGENIO: County's saying that our office recommends that proposed lot number three move the dwelling units southwest closer to Station Road.

MR. GALLAGHER: He's got to be talking about this lot.

MR. ARGENIO: I don't know why they would be making that comment. Mark, do you have any idea?

MR. EDSALL: It seems that they're making comments on the project that was already approved a couple years ago.

MR. ARGENIO: It seems to me too because we only have lot one and two so they're commenting on the wrong project.

MR. EDSALL: The only thing they may not realize is that New Windsor Code does not provide for locking in house locations, as long as you build within the buildable area of the envelope Jennifer works with you to get your permit.

MR. ARGENIO: Okay, some tips they say binding or non-binding, they don't say that, I don't understand why. Okay, if anybody, do we need to declare lead agency on this, Mark? I don't see the notes but I think we need to do that, do we not?

MR. EDSALL: Yes, I would say you should.

MR. ARGENIO: If anybody sees fit, I'll accept a motion we declare ourselves lead agency for this application.

MR. BROWN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board declare itself lead agency on the Nowicki minor subdivision. Roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. SHERMAN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: If anybody sees fit or agrees, I'll accept a motion we declare a negative dec under the SEQRA process for this application.

MR. GALLAGHER: So moved.

MR. SHERMAN: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board declare a negative dec under the SEQRA process for the Nowicki minor two lot subdivision. Roll call.

ROLL CALL

MR. GALLAGHER AYE
MR. BROWN AYE
MR. SHERMAN AYE
MR. ARGENIO AYE

MR. ARGENIO: Mark, I have a comment here from highway that says review not ready, I don't mean to muck things up but I don't know what that means.

MR. EDSALL: He may not have had a chance to go out to see if there's any concern as to the access for the new driveway. There's not a lot of choices because that's a narrow access from lot two which is the new driveway. You can always, I don't believe there's any problems out there but you could always make it subject to the highway superintendent's confirmation of the drive.

MR. ARGENIO: Okay, let me propose this to the members, I think you're right, Mark, there's only it looks like maybe 100 or 120 foot stretch there where they can put the driveway. What's your name, sir?

MR. PETERS: Zack.

MR. ARGENIO: Zack, do you agree that you will either change the culvert that's there or in the event that it is new you will install a culvert of the appropriate diameter that the highway superintendent determines?

MR. PETERS: Yes.

MR. ARGENIO: Are you okay with that?

MR. PETERS: Yes.

MR. ARGENIO: Let me caution you, in a big rain, we do have drainage issues out there on that side of the road. I live just under the road, under the railroad tracks so, you know, it's not a 12 inch culvert, I mean, you could have a 36 inch culvert under that driveway.

MR. PETERS: I know there's an existing culvert that drains down Station Road and crosses Station Road just right before where this proposed driveway is located. We do not have the size of that listed but it's located here and the proposed driveway's located here.

MR. ARGENIO: You understand you may need to change

that culvert and put a larger culvert in if the highway superintendent deems that necessary?

MR. PETERS: The culvert under Station Road?

MR. ARGENIO: No, the culvert under the driveway.

MR. PETERS: Okay, that would be proposed, yes.

MR. EDSALL: No, I know many times in this stretch there's been along the frontage of properties the need to ditch them out so Mr. Fayo may also require that as part of the culvert installation for the driveway that that ditch line be cleaned out and made more efficient in its flow. So we just should mention that could be a chance and the driveway location may have to change based on Mr. Fayo's review.

MR. ARGENIO: It's 120 feet.

MR. EDSALL: There's not a lot of room. So the bottom line is that that's the information we would have gotten if we had had the report for tonight and I'm sure the applicant doesn't want to wait, would rather get a conditional.

MR. PETERS: We're willing to make any changes or requests that the highway superintendent requires for the driveway location.

MR. ARGENIO: You'll meet his requirements and bow to his requests?

MR. PETERS: Yes.

MR. ARGENIO: You should do that because it's appropriate and this is, there's not a lot of heavy lifting here. David or Howard, you guys have any other thoughts on this?

MR. BROWN: No.

MR. SHERMAN: No.

MR. ARGENIO: Do you want a flag pole in the middle of the field or some such thing? Danny, anything?

MR. GALLAGHER: Just the public hearing.

MR. ARGENIO: I don't see it, I mean, it's a two lot

subdivision.

MR. GALLAGHER: Yeah.

MR. ARGENIO: In the back of all these other lots, unless you guys disagree, what do you guys think?

MR. BROWN: I don't think it's necessary.

MR. ARGENIO: I don't think so either. I don't remember if we did one, I don't even think we did one for the front.

MR. EDSALL: You would have had to because of the number of lots.

MR. ARGENIO: We did?

MR. GALLAGHER: And I believe we waived it at that point, I'm not positive.

MR. EDSALL: It's over five, we can't waive it.

MR. ARGENIO: It's two lots and both lots are in the back of everything, I mean, I just, I don't think that it's incredibly important and there are not even any homes in the front as of yet. Okay, I'll accept a motion that we waive that if anybody sees fit.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that we waive the public hearing to the Nowicki minor subdivision. Roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. SHERMAN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Okay, if anybody, I'm listening if anybody has anything else, here's your chance, not a lot to look at, guys.

MR. BROWN: I have nothing.

MR. ARGENIO: Want to make a motion?

MR. BROWN: Motion for final approval.

MR. ARGENIO: Howard's made a motion for final approval.

MR. GALLAGHER: Second it.

MR. EDSALL: Could you make that subject to the minor corrections?

MR. ARGENIO: Subject to the discussion we had relative to the highway super and it's subject to Mark's comments, the minor corrections that he needs to have made. I'll have a roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. SHERMAN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Thank you for coming in tonight.

MR. PETERS: Thank you.

MR. PALMER: We'll prepare the resolutions for this and the prior applicant as well.

MR. ARGENIO: Okay.

CRESTMORE @ NEW WINDSOR SITE PLAN (13-02)

MR. ARGENIO: Next is Crestmoore. Charles May and Associates. This application proposes 26,315 square foot building for use as assisted living. It is at the current Duffer's location, the driving range on 32. The application was previously reviewed at the 27 February 2013, 12 June 2013 and 11/7/2013 planning board meetings. I see Michele here.

MS. BABCOCK: Yes, good evening.

MR. ARGENIO: I see Mr. May here. So I'm pretty familiar with what's going on here, so why don't you guys get set up and again share with us, sir, what's your name?

MR. STRAUB: My name is Fred Straub, I'm the owner, one of the owners and the managing member of Crestmoore at New Windsor, the assisted living and memory care facility.

MR. ARGENIO: Pike?

MR. STRAUB: Pike Company is a, Pike and Company is a partner of mine, very large construction company out of Rochester, New York, five generations, \$600,000,000 company. I partnered up with Pike and Company a number of years ago. I just left them matter of fact this morning and we're talking about this site and how we have to take a look at everything and pricing everything out, we're just now refining everything, trying to get the building up and so on.

MR. ARGENIO: Jutson.

MR. STRAUB: Yes, Tom Jutson, Rufus, yes, sir, really the gentleman who's I think taking over now is Rufus but the people that I, the development team is not all the way up in Rochester, although they have their own development team up there, I'm dealing with the development team in Clifton Park, okay.

MR. ARGENIO: Okay, why doesn't somebody tell us what we're doing here, Michele or somebody?

MR. STRAUB: Basically what we're trying to do is when I first took a look at Duffer's I thought it was a great location for an assisted living and memory care

facility. We had done some work on what the market was like in the Orange County area. Everybody told me how great the market was, we did a little research, we found out that to be true. When we first started out, we started out with about 133 units and 138 beds. But after I got my market study back and I just recently got that back, I realized that one thing in particular in all of Orange County there are very, very few memory care beds, as a matter of fact, there's only about 300 beds in all of Orange County at this time. The need for more beds right now there's 1,800 people right now looking for beds.

MR. ARGENIO: So why didn't you do that study before you crafted your plans and did several visits to this planning board?

MR. STRAUB: The reason I didn't do it was because I thought that what I had was the right way to go because that's what everybody else was doing.

MR. ARGENIO: Why do the study?

MR. STRAUB: Well, you do the study because then when you find the market, when you find out what the prices are and where we were headed when we started heading in this direction, I wanted something that was not institutional. What I did was I took the four floors and I made a neighborhood on each wing and on each floor, there are two neighborhoods on each floor. So there's a total of eight neighborhoods with 22 to 25 beds in each neighborhood. I did not want it to be institutional looking, I did not want one dining room where you had that--

MR. ARGENIO: Those numbers that you just gave us, are they what you're proposing now or are they what you were proposing a month ago?

MR. STRAUB: No, no, what we're proposing now is 190 beds.

MR. ARGENIO: So that's the numbers you just gave me were what you were, please don't interrupt me, so the numbers you just gave us are the numbers you were proposing before?

MR. STRAUB: What we were proposing before was 138 beds.

MR. ARGENIO: Okay, and what are you proposing now?

MR. STRAUB: A hundred ninety beds.

MR. ARGENIO: A hundred ninety beds, the neighborhood breakdown scenario you just gave me is that based on 190 or 130?

MR. STRAUB: That's based on 190.

MR. ARGENIO: That was my question, very simple question.

MR. STRAUB: That's what it's based on. Alright, now, with that said and done, what we did was when you have the different neighborhoods you have different dining rooms, different therapeutic rooms, the cost gets greater and greater and greater because you're not what I would say herding people together. They have their own areas where they go and it's a nice facility, very nice facility. The key to everything is getting it in, getting it up, having a first class facility and then when you take a look at it see where your prices are going on a per resident basis or a per bed basis. When I took a look at our prices because I wanted 30 percent more in the food, 30 percent more in the food meaning that the typical cost and I don't know exactly what the typical costs, the chief financial officer told me I was 30 percent higher on food per meal than anybody else in the average marketplace. When I started to take a look at that, I said okay, let me see how I can make this, keep the same footprint and make this less expensive cause I was getting too high, we're getting out of hand. So what we did was we developed a friendship suite. Now there's two kinds of friendship suites, the first kind of friendship suite is two private bedrooms with their own closets and a shared bathroom. And also they would share the kitchenette and a small dining area, that they call the ALP program, that's the ALP program, it's a new program relatively new program in the State of New York.

MR. SHERMAN: What does it stand for?

MR. STRAUB: Just assisted living program. What they have done is this, I'm told and I don't know this to be a fact but I'm told that in the nursing homes today the people that are in the nursing homes it costs on an average about \$9,000 a month to have somebody there.

MR. BROWN: That's correct.

MR. STRAUB: State of New York, it's pounding the State of New York, costs are so high that it is wrecking the state, the cost. So what they did was they came up with this ALP program, the ALP program allows somebody to age in place and to live there. ALP by just paying the Social Security ensures that they get that plus a Medicaid payment. So it's a total of about \$3,000 a month so what we tried to do was get a number of those beds in this facility.

MR. ARGENIO: And those beds means a quantity of friendship suites?

MR. STRAUB: A quantity of friendship suites. Now again, there's two kinds of friendship suites, one with the shared which is the ALP program and we did another one with two private beds and two private baths and then a shared kitchen and a shared dining area, which is a little step above. But what happens is if you come in to the facility and you're there, you're living beyond your means to pay we want to be able to tell people if you bring your mother or father in here and they outlive their money we have 28 beds to keep them in here on their Social Security.

MR. ARGENIO: What would they be, 28 would be the friendship suites?

MR. STRAUB: That's right, those 28 ALP program friendship suite beds so that person can stay there, they don't have to, you know, leave or anything like that or go to a nursing home, they can stay right there cause we have 28 beds for them to move into.

MR. SHERMAN: Those are shared rooms, is that correct?

MR. STRAUB: They're not shared rooms, they're private bedrooms and in that private bedroom they have their own bed, chair.

MR. ARGENIO: On this drawing it's the one on the top left.

MR. STRAUB: Chair, T.V. and their own closet.

MR. SHERMAN: Did the residents have any say in who they're sharing with?

MR. STRAUB: You try to, you know, oblige to everybody, you really do, I mean, you don't, if you've got a problem you don't want a problem, you try and make sure that they're compatible, we do call them friendship suites. Now, the other unit can also be used for ALP also if we have more than 28 beds we can also put them in the private when they have the private bath so on and so forth, it depends when we don't know what the market's going to be, we're just looking to keep people there if they want to stay there and this is a way to do it.

MR. GALLAGHER: Well, there's a big number that's looking for this, you would assume you'd fill it up pretty quickly if there's 1,800.

MR. STRAUB: You're going to fill this up very quickly. This is something that's going to, there's no doubt in my mind it will fill up very, very quickly, I think in the first, I think our performance states in the first we'll open for marketing six months prior to the C of O on the building and we show that we'll fill the building in the next 12 months.

MR. ARGENIO: Okay.

MR. STRAUB: So the reason we did this, the friendship suites, again, was we were trying to get away from the private one person one unit to cut our costs down and to make it more affordable because as my CFO told me we developed a plan that's nice but it's more expensive than the average.

MR. ARGENIO: Bottom line is it's more beds in the same space.

MR. STRAUB: But they're private, if you have traveled around and you go out to any of the assisted living places, my Aunt Mary from central Pennsylvania was in an assisted living at Leader Nursing Home, assisted living, it was one room, there were three beds in one room and all three of them shared one bathroom and she paid 4,500 and her privacy was a screen, a curtain.

MR. ARGENIO: There's a woman that I took care of for quite a few years, wasn't three beds but it was two and it was cramped, it was not good, no kitchen but whatever. I don't want to have that debate. Go ahead.

MR. STRAUB: You know what it is, its aging with

dignity, that's what we're trying to do.

MR. ARGENIO: How are you doing with that, Mark?

MR. EDSALL: No, I think--

MR. ARGENIO: No, I mean aging with dignity.

MR. EDSALL: I'm trying my best, I'm trying my best.

MR. ARGENIO: I got him, I got him.

MR. EDSALL: He got me good.

MR. BROWN: How many people would be, how many more people would this involve patients I should say from the original?

MR. STRAUB: We went from 138 beds to 190.

MR. ARGENIO: I think it's one bed one person additional 60 or thereabouts.

MR. STRAUB: Yes, but everybody's got their own private room.

MR. BROWN: How many people?

MR. STRAUB: A hundred ninety beds.

MR. BROWN: So 190.

MR. STRAUB: A hundred ninety beds. And what we did was we broke it down, two floors are different stages of memory care because here's the problem in all Orange County, out of 300 beds that are available there's not 20 beds for anybody with a memory care problem, not even 20, we put in about I can't remember off the top of my head but somewhere around 50, I don't remember exactly the amount. But with that, there's such a need, I mean, look, when you turn 82 years old and I hope this doesn't happen to anybody because my brother died of Alzheimer's at 73, when you turn 82 you've got a 50-50 chance of ending up with a memory care problem and we're aging beyond 82.

MR. ARGENIO: The reason they're here tonight guys is specifically to introduce us to this additional bed concept. Mr. May does not have a lot to say tonight, I don't think you do, at least you're still working on

different components of the site, I would think that the additional people, the additional beds is going to require you to play with your parking a little bit, modify it a little bit.

MR. MAY: Mr. Chairman, we did submit plans to Mark and the plans do indicate the additional parking space. We have addressed his comments that he had previously. He has every plan, however, what we're doing now the footprint will not change of the building, the parking is going to remain the same. I don't see any other changes but we're now the Pike and Company has taken our plans and they're analyzing them as far as cut and fill and so therefore we'll have some changes in grade which Mark's aware of.

MR. ARGENIO: So Mark, the additional 60 or 62 beds whatever it is does not require any additional parking?

MR. EDSALL: It does.

MR. STRAUB: It does.

MR. MAY: No, no, no, I said it did.

MR. ARGENIO: I misunderstood you, I'm sorry.

MR. EDSALL: Fifty-two additional beds and those 52 demanded additional parking which has been added in the rear.

MR. ARGENIO: Okay, Mr. May, I misunderstood you, my apologies.

MR. MAY: I'm sorry that I didn't but Mr. Chairman, this is the plan that I, what is the original plan and we and the problems that you had in the previous meeting widen the sidewalks to six feet and anything else that we had were all being presented to Mark and some of the comments that he had it's just that right now we're finding that the Pike Company is analyzing cuts and fills.

MR. ARGENIO: They're construction guys, they'll look at it the way I'd be looking at it.

MR. STRAUB: Pike and Company you hook up with good people.

MR. ARGENIO: They built the G.E. hanger building, the

substation up in Sullivan County.

MR. STRAUB: They're five generations deep in that company, they never walk away from one job.

MR. ARGENIO: I know the Pike Company. Mark, let's talk about just for a minute I'd like to get a little input from you, let's talk about traffic a little bit. We had an impact that was a certain thing and I don't want to say we blew it off but we kind of thought based on our discussions with Mr. May that the traffic was not an incredibly significant thing that we needed to discuss but going from 130 to 190 and again that's rough numbers cause my memory's not great, I may end up in this damn facility, you're talking about a 30, 40 percent increase, it's a bed. What are your thoughts on that?

MR. EDSALL: Well--

MR. ARGENIO: As a professional engineer.

MR. EDSALL: At the workshop, I asked the applicant to work toward presenting to the board traffic analysis not necessarily a full blown traffic study cause I don't know that this application and this change warrants that but just a, even a letter report that would provide for the board a comparison of the Duffer's Hideaway in its actual operation versus the 138 beds, 138 people, whatever you want to say and then the 190. And the reason that that would be helpful is it would give you an indication during peak periods which is the critical time what the increase if trip generations would be from this existing curb cut.

MR. ARGENIO: So what did you ask them to look at specifically?

MR. EDSALL: Just as I stated and I asked them to put it in a letter report form I would anticipate that for the public hearing we would have that so that you could consider that change in traffic as part of the public hearing.

MR. ARGENIO: How are you going to do that, Mr. May?

MR. MAY: Mr. Chairman, last week I e-mailed Phil Grealy a footprint of the site plan. I also sent him information on some studies that were done by the Institute of Traffic Engineers concerning assisted

living facilities, I e-mailed him the information that was provided to us by Duffer's, the present owners, it was just a one page report of the traffic generated during their peak and then during their time in business now and Phil is out till the 11th of October, I e-mailed him tonight before I came and I got an automatic reply that he wouldn't be back until October 11 so he has everything he needs. The e-mail I got to him before he left he said everything is confirmed, I got all I need, Chuck, so we're intending to have a letter from Phil soon after the 11th.

MR. ARGENIO: Well, he's the right guy to be talking to because he does a lot of the studies for us in this town here, there and everywhere about town so his information certainly is credible.

MR. MAY: We've used him, I've worked with him in Westchester County for years, he's one of the best. If I may add to this on the beds going from the 138 to 190, you have to remember one thing that the residents here do not drive, none of them drive.

MR. ARGENIO: But they have relatives that do.

MR. STRAUB: But they have relatives, so you have to say okay, out of the additional 60 some obviously not all the relatives are going to come every day. But we do have an additional 10 more employees, our staff has grown by 10 more employees because we do have those additional beds.

MR. ARGENIO: I agree with you, they don't drive, obviously, but they do have relatives that will visit them and there will be additional deliveries and whatever else delivers you're going to have.

MR. GALLAGHER: Trash.

MR. ARGENIO: Trash, everything.

MR. EDSALL: One other on the traffic, we received comments back from County Planning and they pointed out the appropriate at least looking at the traffic I think it was a valid comment so we were kind of on the, tetter-tottering as to what needed to be submitted but I think when we got the comments back from the county that triggered the need just to wrap this up and doing it this way is a very efficient way for the applicant to close it out.

MR. ARGENIO: Mark, just reading from County Planning we'd like the opportunity to review any additional SEQRA information provided by the applicant, what would they be referring to there?

MR. EDSALL: Whatever environmental impact information, if we got this letter we can send out Phil's traffic analysis, share it with them, I don't know a lot of times because they have the whole county to look at they're not familiar with every site, is it an existing site, curb cut, they're proposing no physical change to the curb cut, really a trip generation analysis so we can share that with them once we have it.

MR. ARGENIO: This has not been referred to county yet, this is only the response from them saying they don't want to be lead agency. Dave or Howard, do you guys have any additional guidance you'd like to give the applicant right now relative to this bed count thing, not the site but the bed count issue?

MR. SHERMAN: Staffing question which has already been answered.

MR. BROWN: Traffic is the main thing cause Duffer's is, there's no way to compare it with because Duffer's is seasonal and they don't get the type of traffic that these people are going to generate.

MR. ARGENIO: You know what, I gotta tell you, there's a lot of people that go in and out of Duffer's, you live there and I work right down the road from where you live, I'm amazed on a nice spring afternoon.

MR. BROWN: But that's seasonal.

MR. ARGENIO: I agree.

MR. BROWN: This is all year long.

MR. ARGENIO: All year, yup. Danny?

MR. GALLAGHER: Nothing on the bed count.

MR. SHERMAN: What's your proposed staff?

MR. STRAUB: It's 110 people.

MR. ARGENIO: Wow.

MR. STRAUB: A hundred and ten people, yes.

MR. ARGENIO: Holy moly.

MR. MAY: Twenty-four hours a day.

MR. STRAUB: That's three shifts, 110 people.

MR. BROWN: That's including cooks and everybody, right?

MR. STRAUB: Everybody.

MR. ARGENIO: That's 110 people in the building for each shift?

MR. STRAUB: No, no, that's divided among shifts.

MR. ARGENIO: Divided by three?

MR. STRAUB: Yes.

MR. ARGENIO: That sounds a little better, that seems like an awful lot of people.

MR. STRAUB: No, if it was 110 we would need a traffic light, there's no doubt about it.

MR. ARGENIO: What else you guys want from us tonight? Michele, I'm sure you have something to say, I can hardly wait.

MS. BABCOCK: The board last time we were here had authorized the public hearing and so since we had this minor change in the plan, we wanted to come back and bring you up to speed. But we are of course looking for the board to go ahead and authorize us for a public hearing in the month of November.

MR. ARGENIO: I don't see why we can't do that. I mean, there's some minor changes on the site plan which I'm sure Mr. May will attend to. Is there any procedural reason we can't do that, Mark?

MR. EDSALL: No, to be honest with you, they were authorized and there's no reason why you should say fine, you're still authorized, I just didn't think it was appropriate that they came in at the public hearing and broke the news to you that it went up to 190

residents.

MR. ARGENIO: Michele, that would have been a problem.

MS. BABCOCK: Yes.

MR. ARGENIO: Are you guys okay with that?

MR. SHERMAN: Yes.

MR. ARGENIO: Do we need to vote on that?

MR. EDSALL: No, the date.

MR. ARGENIO: Contact Cammy and she'll tell you what you need to do and we'll have the public hearing.

MR. EDSALL: There's only one meeting in November, that would be on the 13th, as long as all the publications are taken care of.

MR. ARGENIO: So you're good with that?

MR. STRAUB: I'm fine with that.

MR. ARGENIO: What else do you guys want? Final?

MR. MAY: Always.

MR. STRAUB: Can't wait for spring to break ground.

MR. GALLAGHER: Try to get the traffic information.

MR. ARGENIO: Yeah, we'll make sure we keep you guys moving and I promise you I'll put you on the agenda as long as you guys have your act together there. Cammy, please keep an eye on the other folks on here, make sure we push them so we can move these folks along.

MR. STRAUB: Thank you very much. Next time we come down we'll get Pike to come down, introduce them to you. Well, you know them, I don't need to.

MR. ARGENIO: Rufus I met many years ago.

MR. STRAUB: Thank you so much, appreciate it.

MR. ARGENIO: Vails Gate Terminal.

MR. EDSALL: Vails Gate Terminal had asked to be on the agenda and after the agenda was set, they asked that they be removed from the agenda, they're still working out some issues with fire safety.

MR. ARGENIO: The deal is with them guys just so you guys know we told them, you know, we'll review the application the same as we review every other application. But at the end of the day it needs to meet the same fire code requirements that every other application needs to meet. And until you get to that point, don't waste our time in coming back to the planning board, you gotta get squared away with the fire inspectors and make sure this thing works and that you know the firemen can protect our town and protect our people the way they need to and that's it.

DISCUSSION

MR. ARGENIO: So last thing is just as a followup that thing with Gallagher's from a meeting or two ago with the flooding and back and forth and Tom McDonald, it's our policy to not allow people to speak outside the public hearing because it's inappropriate, but we made a rare exception at that meeting because it was one individual, I have a business right across the street and I'm very familiar with the lay of the land and the personalities of the individuals. So as you guys know Tommy spoke. Well, the other day, there was a giant rainstorm, I don't know if everybody's aware of that and during that rainstorm, Tommy McDonald called Jennifer and he said I'm flooded out. So she called me and Mark and I had already agreed to meet over there at some point in time, it just hadn't come together, so I ran over and I met Tommy McDonald and sure enough exactly what we discussed here at that meeting is what's happening. Ted's Cycle has blocked up the railroad tracks which is the natural drainage course and the water runs right down the railroad tracks and goes somewhere but they blocked it up. So I went down there to look at it. I met the building inspector, Jennifer's assistant, Frank Lisi, and there is no ambiguity of what's going on, it really has almost zero to do with anything Mr. Gallagher did or didn't do. So I asked Mark to take a look at the Ted's Cycle site plan and I'm quite sure it does not show a berm or a pile of dirt on the railroad tracks.

MR. GALLAGHER: He also said there was a crushed culvert or pipe didn't he?

MR. EDSALL: That one I believe is the culvert that comes off the state highway onto the side of the railroad tracks, I looked at that with him but that's--

MR. ARGENIO: That's way away, nothing to do with what we're talking about. So the bottom line just as a followup for you guys' benefit, Mark's going to check that plan and hopefully Jennifer's going to send one of her folks out there to say hey, bud, you need to move this pile of dirt because you're flooding your neighbor and, you know, you need to do the right thing. So Mark is going to take care of that and Jennifer's going to take care of that and hopefully that whole thing will come together the way it is.

MR. GALLAGHER: Is he aware of it at the Ted's Cycle?

MR. ARGENIO: I don't know, is he?

MRS. GALLAGHER: No.

MR. ARGENIO: But he will be aware within the next week. Mark?

MR. EDSALL: Yeah, I have the same recollection they did not show any grading or drainage alterations on their plan.

MR. ARGENIO: Literally on the railroad tracks.

MR. BROWN: It's a dead track.

MR. ARGENIO: Howard, there's eight inch trees growing through it. So it will work out, I'm sure, we just need to follow up because it's the right thing to do. Tommy McDonald has paid taxes in this town for a million years as has Gallagher. We have to do the right thing. Motion to order?

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. SHERMAN	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer