

TOWN OF NEW WINDSOR

PLANNING BOARD

January 8, 2014

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
HENRY VAN LEEUWEN
DANIEL GALLAGHER
HARRY FERGUSON
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: HOWARD BROWN

MEETING AGENDA:

1. Kings Road Estates I
2. Kings Road Estates II
3. Sisters of the Presentation
4. Rock Tavern Village
5. Rock Tavern Village Warehouse Facility

REGULAR MEETING:

MR. ARGENIO: Welcome everybody to the first meeting of 2014 for the Town of New Windsor Planning Board. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: We had our reorganization meeting tonight

and the officers of the planning board we have unanimously voted to keep everybody in the same positions that they were in last year, 2013, that is I am the chairman and will continue to be, Henry will be vice chair, Danny Gallagher will remain secretary. I'm also happy to announce Franny that you can keep typing tonight, we voted to extend your stay here. And the same holds true with counsel and our esteemed engineer, Mr. Edsall, of the firm of McGoey, Hauser & Edsall.

2014 SCHEDULE

MR. ARGENIO: So that business aside, everybody has seen the schedule for this year's planning board meetings and work sessions. Unless anybody has any issue, I'll accept a motion we accept the schedule as it's written.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

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

MR. ARGENIO: Have I missed anything, counselor?

MR. PALMER: Not so far.

MR. ARGENIO: We'll go right on to the meeting agenda.

APPROVAL OF MINUTES DATED 12/11/13

MR. ARGENIO: The first item is the approval of the minutes dated December 11, sent out via e-mail on December 17, 2013. If anybody sees fit, I'll accept a motion that we accept them as written.

MR. VAN LEEUWEN: So moved.

MR. SHERMAN: Second it.

ROLL CALL

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

MR. ARGENIO: On to the regular items moving right along.

REGULAR ITEMS:

KINGS ROAD ESTATES I (13-11)

MR. ARGENIO: The first item is Kings Road Estates lot line change and three lot subdivision represented by Mr. Yanosh. If my memory serves me, this application has been vetted by the board, we've gone through it, we've reviewed it. Can I see the comments please? We have reviewed it substantially and thoroughly. The only thing that was outstanding were the comments from the County of Orange. Mr. Yanosh, do you have anything additional to offer tonight?

MR. YANOSH: No, I took care of all of Mark's comments before, submitted new plans and waiting for the comments from the County Planning Department just like you say, I haven't seen them.

MR. ARGENIO: I have them in front of me. For the benefit of the members, I'm going to paraphrase as I typically do with this type of thing. County recommends that the board work with the applicant to develop a new plan that does not require the variances that have been sought. We have a code, we have a law, the applicant sought to develop, now I'm speaking, this is my opinion and not, Mark, please comment when I'm done, the applicant sought to develop the parcel in a certain fashion for whatever reason, topo, septic and sanitary locations, I don't know what the reasons are but they sought to develop it in a certain fashion that they did, that required variances. They were referred to the zoning board, they sought the variances, they received the variances, from where I'm sitting, that's the end of that story. That's the law, the applicant followed the law, I don't think there's a lot more to discuss on it. Mark, do you have anything to add?

MR. EDSALL: The only thing that I would add besides their efforts to obtain the variances which they clearly had to make the appropriate case to the zoning board to obtain the variances, they're back here now as well, they have demonstrated that not only can they lay out the lots they want but the land can support the lots relative to the sanitary systems that they're proposing. So they have provided design information in support of the increased I guess one additional lot.

MR. ARGENIO: As I said for whatever reason it's laid out the way it is, it is what it is, it's between

Mr. Biagini and his engineer and we have a mechanism in place in the Town Code that allows people to seek variances, they sought them and they were able to acquire them. So I don't think there's a lot to discuss there unless any of you guys disagree. Henry, David?

MR. VAN LEEUWEN: I'll make a motion.

MR. ARGENIO: Let me just get through this. The last comment that they had and Mr. Biagini I see you in the audience, I would ask that you work with the board a little bit here to try to help us work with the county.

MR. BIAGINI: Okay.

MR. ARGENIO: For us to override their commentary we'll need a unanimous vote here tonight, one of the recommendations that we have is that you add some additional vegetation along Route 207.

MR. BIAGINI: Okay.

MR. ARGENIO: Could you see your way clear to do that?

MR. BIAGINI: Yes, yes, we will.

MR. ARGENIO: Please work with Mark, have your engineer work with Mark on adding some deciduous trees. What are pine trees, deciduous or coniferous?

MR. EDSALL: In this particular case, you may want to put a mix, try to make it little, a little more natural.

MR. ARGENIO: Would you work with Mark's office on that?

MR. EDSALL: I think it would enhance the value of the property as well.

MR. YANOSH: Screen it a little bit better.

MR. GALLAGHER: Isn't it elevated up 207?

MR. ARGENIO: It is.

MR. VAN LEEUWEN: One of the problems is people going down 207 if they all look at those houses you might have an accident, this way you don't have to worry

about that.

MR. ARGENIO: And I don't think it's entirely inappropriate, Stewart Forest is across the street, Mr. Biagini, I appreciate that.

MR. BIAGINI: No problem.

MR. ARGENIO: Please work with Mark on coming up with something that is appropriate for the area.

MR. BIAGINI: I will.

MR. ARGENIO: That's all I have from county on this application. Mark?

MR. EDSALL: Procedurally--

MR. ARGENIO: Highway superintendent is approved, we took lead agency.

MR. EDSALL: -- everything's done except because you had not heard from the county you were able to close out SEQRA.

MR. ARGENIO: I'll accept a motion we declare a negative dec on this application.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

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

MR. ARGENIO: Seconded by Mr. Ferguson that we declare a negative dec on the Kings Road Estates I subdivision and lot line change, lands of Highland Operating Company and Highview Estates on New York State Route 207 and Kings Drive.

ROLL CALL

MR. SHERMAN	AYE
MR. GALLAGHER	AYE

MR. FERGUSON AYE
MR. VAN LEEUWEN AYE
MR. ARGENIO AYE

MR. ARGENIO: Anything from a procedural standpoint?

MR. PALMER: I represented that to override the county's comments would require a full board's approval.

MR. VAN LEEUWEN: I'll make a motion to approve.

MR. ARGENIO: Mr. Van Leeuwen's made a motion for final approval for this application.

MR. FERGUSON: Second it.

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

ROLL CALL

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

MR. PALMER: Subject to the conditions.

MR. ARGENIO: Subject to the conditions that we just discussed.

MR. YANOSH: Thank you.

MR. ARGENIO: Let the record reflect as well that the comments from the county have been distributed to the members. So in addition to me highlighting certain thoughts and annunciating certain thoughts in the file, the members have possession of the letter from the county.

KINGS ROAD ESTATES II (13-15)

MR. ARGENIO: The next application is similar and is known as the Kings Road Estates II minor subdivision as opposed to Kings Road Estates I. Mr. Biagini, one is you and one is your brother, is that correct?

MR. BIAGINI: Correct.

MR. ARGENIO: Okay. This application involves minor subdivision of tax lot 18.1 following the lot line revision with tax lot number 18.2. The application was previously reviewed at the 11 December 2013 planning board meeting. I also understand that this application has also been appropriately vetted by the planning board and if my memory serves me, the only thing outstanding here similar to the prior application was the County Planning comments which we have heard back from them now. I have highway superintendent approval on 1/2/11, we took lead agency, we will address SEQRA and we waived the public hearing for this. Let me just get to the county information. Did you turn this, am I looking at the right letter?

MRS. GALLAGHER: They're in Mark's notes as well.

MR. ARGENIO: Yes, no, I got that.

MR. VAN LEEUWEN: Which brother?

MR. BIAGINI: Vince.

MR. VAN LEEUWEN: Oh, okay, know him too.

MR. ARGENIO: I have it in this letter, same or similar commentary about the zoning component and I think the same would apply to this app that applies to the first app relative to the zoning component. We also have with this app the same comment about the trees along 207. I'll read it, a mix of deciduous and evergreen trees and shrubs, develop a screen/noise barrier between the proposed residents and the roadway. Mr. Biagini, do you agree to do this for this application as well?

MR. BIAGINI: Yes, I do.

MR. ARGENIO: Thank you for that. You guys have anything on this?

MR. VAN LEEUWEN: I don't.

MR. GALLAGHER: No, just reading the comments to the county, I mean, one of the comments was about the cleanouts but I don't see a problem with it. I guess they're saying the cleanouts where normally you'd build a deck, pool, something of that nature.

MR. ARGENIO: I'll accept a motion for negative dec.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the planning board of the Town of New Windsor declare a negative dec under the SEQRA process for Kings Road Estates II minor subdivision. Roll call.

ROLL CALL

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

MR. ARGENIO: Mark or Taylor, is there anything else that I'm missing here from a procedural point of view?

MR. EDSALL: No, I think just again to reiterate as you did in the prior application for the record this was referred to the zoning board since they were seeking some area type variances, they have obtained those variances, as well they have, they have demonstrated that the lots as they are proposing them can support the sanitary systems in support of the occupancy of the buildings. So they have done their due diligence.

MR. ARGENIO: Anything else?

MR. VAN LEEUWEN: No, I make a motion to approve it.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board offer final approval to the Kings Road II subdivision on Kings Road and 207. Roll call.

ROLL CALL

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

MR. ARGENIO: Thank you, Mr. Yanosh, good luck to you.

SISTERS OF THE PRESENTATION (13-17)

MR. ARGENIO: Next item on tonight's agenda is Sisters of the Presentation Blessed Virgin Mary minor subdivision represented by Chazen. This application proposes a minor two lot subdivision of the 87 acre property with no physical changes to the site, no physical changes to the site, nor any changes in the use. So you must be here preparing for something. The application was reviewed on a concept basis only. Sir, what's your name?

MR. BAYARD: I'm Martin Bayard with the Chazen Companies. I'm representing the Sisters of the Presentation for the minor two lot subdivision.

MR. ARGENIO: Tell us what you want to do here.

MR. BAYARD: Okay, as you have mentioned, the property consists of 87 acres, approximately, it's bordered on the west by South Jackson Avenue, it's bordered on the north by Little Britain Road, New York State Route 207. What we'd like to do is divide the 87 acres in half approximately, the northerly portion once subdivided would consist of 48.1 acres, the southerly portion would consist of 38.97 acres.

MR. ARGENIO: Seventy acres there, 70 nice acres there.

MR. BAYARD: Actually, 87 acres and the property is bisected by the New York City Aqueduct here and as you had mentioned, there's no plans for any change to the property in use. The reason for subdividing it is that the Sisters no longer need the facility to the north so currently the Sisters have residence facilities in the south and administrative offices there. The property in the north as some here may know is educational and also religious uses, currently there's a Montessori School there, there's also AHRC is using part of the facility and so that's the current use. We don't see any change but the Sisters would like to market this northerly lot and see if they can separate themselves from it.

MR. VAN LEEUWEN: I thought that was sold?

MR. BAYARD: No, there were discussions years ago, I think the Sisters were actually--

MR. ARGENIO: Ma'am, are you a nun?

SISTER PATRICIA ANASTASIA: Yes.

MR. ARGENIO: Come up and talk to us. What's your name?

SISTER PATRICIA ANASTASIA: Sister Patricia Anastasia.

MR. ARGENIO: Does the archdiocese own this?

SISTER PATRICIA ANASTASIA: No, the Sisters own it.

MR. VAN LEEUWEN: You guys taught me when I was in school.

SISTER PATRICIA ANASTASIA: I don't think I did but you're right.

MR. ARGENIO: So you guys want to cut this thing in half or about in half?

SISTER PATRICIA ANASTASIA: Yes.

MR. ARGENIO: Currently you have no plans to develop the northern portion?

SISTER PATRICIA ANASTASIA: No, we'd like to sell it.

MR. VAN LEEUWEN: It's got a chapel on it.

MR. ARGENIO: Is that potential buyer that buyer would be dealing with the whole planning board process whatever they want to build.

SISTER PATRICIA ANASTASIA: Whatever changes they want to make we have, there's a Christian group right now that's interested so we foresee they would use the chapel and use the school buildings, maybe keep the same renters, maybe not.

MR. ARGENIO: What group?

SISTER PATRICIA ANASTASIA: It's the Mission, World Mission Society Church of God, it's a Christian church.

MR. ARGENIO: Okay.

MR. VAN LEEUWEN: I have no problem, it's a big piece of property.

MR. ARGENIO: Yeah. Mark, was there also an application for when they were in front of us last time several years back, do you recall?

MR. EDSALL: It was for the residence facilities in the back which have all obtained approval. They did a fine job, we worked with them on the grades and I thank God when they came in they said it worked because we were a little nervous about the grades coming in winter weather. But it all worked, so that's a success story. The only item that you have raised at the workshop and are in my comments and I did have some discussions with Dominic on is that if the Christian group in fact purchases lot one, it would continue in its umbrella of qualifying under Religious Land Use and Institutionalized Persons Act, it would continue without let's call it further planning board review because all those other uses that are on the property are accessory uses consistent with the religious base use. However, if it's sold to ABC Holding Corporation that's going to develop it as a commercial property, they would in my opinion and Dominic's opinion not only need to come in for site plan approval on any changes but they would need to get site plan approval on what's there so that if there were some appropriate improvements that could be made for safety reasons, for access, something else, this board since it fell into a reviewable category would have a chance to look at it. Clearly, you have got a lot of flexibility, you could look at it and only answer a couple things, maybe a little bit more parking.

MR. ARGENIO: Are you saying that transfer of title would prompt planning board review?

MR. EDSALL: In discussions with Dominic and I, the issue is it effectively gets a pass, a by because of its status but if it became a commercial operation, it would be subject to zoning.

MR. ARGENIO: Transfer of title does not trip a planning board review change of use?

MR. EDSALL: That's right, not just ownership, it's the fact that it becomes a zoning approval, the property that's subject to zoning whereas now it's, and Taylor knows much more on RLUIPA I'll let him opine on that, Dominic and I agree that's where it's going, my hope is that the Christian group does get benefit, it would be great for them to continue to use the chapel and you

folks don't have to worry about dealing with it unless they have something they want to come in and talk about.

MR. ARGENIO: Is it Christian or Catholic or is it both?

SISTER PATRICIA ANASTASIA: Christian not Catholic.

MR. ARGENIO: It's not Catholic, okay.

MR. VAN LEEUWEN: That's a different ballgame.

MR. ARGENIO: That's way different.

MR. ARGENIO: I don't think there's any issue here that I can think of, I mean, we cannot offer you approval this evening because by law we have to go to county and this board has made it a policy of not offering approvals subject to county because you never know what the county can come up with and we need to give them their due consideration, it's important, it's part of the process and it's one of the things that makes the process work. Mark has it been referred yet?

MR. EDSALL: Yes, as we discussed in an effort to try to move this along and help the folks out, we have sent it out to the county already.

MR. ARGENIO: To the members insomuch as there's no activity planned here, no development, no building, no driveways, no nothing except a lot line change and the ownership will be the same, yes, Sister?

MR. BAYARD: Yes, at this time.

MR. EDSALL: Once it's subdivided--

MR. ARGENIO: Once it's subdivided, the ownership is the same.

SISTER PATRICIA ANASTASIA: Until we sell it.

MR. ARGENIO: So I would propose to you guys that I don't see the need for the public hearing. Does anybody disagree?

MR. VAN LEEUWEN: I'd like to make a motion that we waive the public hearing.

MR. GALLAGHER: Second it.

MR. ARGENIO: Roll call.

ROLL CALL

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

MR. ARGENIO: I don't know what else we need to talk about, Mark or Taylor?

MR. PALMER: Well, I was going to say if should the motion come to approve, we would request or at least prepare a note in accordance with the town engineer with respect to RLUIPA and if there were a change of use that it would come under that umbrella just to reflect that it is at this time just being, it's just the minor subdivision and that at such time when or if it were sold, it would reflect that change of use.

MR. ARGENIO: Mark, how are the plans?

MR. EDSALL: Again, the initial presentation was quite short that they're proposing nothing so it's, for what they want to do these are really detailed plans which is good because it gives you an idea of what's on the property.

MR. ARGENIO: No need to call Dick Chazen and say they're poorly done, anything like that?

MR. EDSALL: Very accurate, complete plan, doesn't have topo but we don't need it.

MR. ARGENIO: To be continued.

SISTER PATRICIA ANASTASIA: Okay. Could you plain explain what the next step is?

MR. ARGENIO: We referred it to the county, under County Law, anything within 500 feet of a state highway or in an AG District, Agricultural District, by law has to be referred to county for review and comment. They have 30 days to respond and comment and once they comment, we'll put you back on the agenda, ostensibly for final review because I don't see a lot of heavy

lifting here so you'll be notified by Cammy I guess about county or is it the applicant that has to act?

MRS. AMMIRATI: I send it to you, I send it to Mark and Dominic.

MR. ARGENIO: It went to county, what happens when you hear back, do you put them on the agenda or do they have to contact you to be put on?

MR. EDSALL: If you tell us you want it on, we'll take care of it.

MR. ARGENIO: I'd like it on.

MR. EDSALL: We'll call you as soon as it's on the agenda.

MR. ARGENIO: So when we hear back from the county somebody will contact you, Cammy probably and say we have put you on the agenda for X, Y, Z date, make sure you're there, okay?

SISTER PATRICIA ANASTASIA: Thank you very much.

(Whereupon, Mr. Van Leeuwen left the room.)

MR. ARGENIO: Let the record reflect that Mr. VanLeeuwen has left the room. Next application involves a piece of property that he either owns or has a substantial interest in and I have asked him in congruence with past practice to leave the room.

ROCK TAVERN VILLAGE (13-18)

MR. ARGENIO: Next is Rock Tavern, this proposal is a lot line revision between 92 and 93. Plan was reviewed on a concept basis only. Your name is?

MR. TROCHIANO: Anthony Trochiano from Pietrzak & Pfau Engineering.

MR. ARGENIO: What do you have to tell us here?

MR. TROCHIANO: We have a piece of property, we're doing, we'd like to do a lot line change, two tax lots that are involved, it's tax lot 29-1-93 and tax lot 29-1-92.

MR. ARGENIO: Show me the new lot line, point to it.

MR. TROCHIANO: New lot line is right here, it's a small little lot line right there and this is an existing lot line that we're planning on deleting.

MR. ARGENIO: So you're moving that lot line 20 feet to the north?

MR. TROCHIANO: To right here, this large piece of property has a small swath that runs to Toleman Road, looks like maybe the intention was to have a road in there at some point and we'd like to take that piece of property and add it to this residential lot.

MR. ARGENIO: So what you're going to have is a small lot on the left of your drawing then a large lot on the right of your drawing, is that correct?

MR. TROCHIANO: Yes.

MR. ARGENIO: Okay.

MR. GALLAGHER: That little piece of property doesn't that give access by the back to the cell tower once you close off that.

MR. EDSALL: It did originally as this board originally approved the cell tower the access came off Toleman. Along the way, they switched the access through an easement off 207 so they discontinued the cell tower access as being off Toleman.

MR. ARGENIO: Let's be clear here, Mark, the curb cut

off 207 that's not a DOT approved curb cut, is it?

MR. EDSALL: My understanding it's been approved for the uses that are there.

MR. ARGENIO: Do you have a record of that?

MR. TROCHIANO: It was explained to me that we have been to the DOT for that entrance, I personally don't know.

MR. ARGENIO: You need to produce that.

MR. GALLAGHER: When we approved the paint ball, didn't we approve the, it came off Toleman and not 207?

MR. EDSALL: Subsequent to all the activity off Toleman Hank approved as I understand it access off 207 if in fact they did.

MR. ARGENIO: So we need, we just need to verify that because there's going to be some substantial development here.

MR. EDSALL: Keep in mind that the access approval is for the current uses, we're going to refer this to DOT as normal because they're proposing a full blown entrance for a warehouse. So it will go to the DOT and it's going to be considered in the DOT's opinion a new use so they'll review it.

MR. ARGENIO: My point is for what we have now for the shacks and sheds that go on back there.

MRS. GALLAGHER: Zulu.

MR. ARGENIO: For that Zulu operation and for that cell phone tower he's fine with the access off 207. Now that's a question, Mark, not a statement, that's my understanding.

MR. EDSALL: My suggestion is that you not approve and I think we need to find out from Hank and maybe you can tell us is there a need for him to have the subdivision approval before he has the site plan approval?

MR. TROCHIANO: I don't believe so.

MR. EDSALL: Or lot line change I should say, if there's no need, you might as well send them both to

the state and both to the, we have already sent it to the county and let the state tell us.

MR. ARGENIO: I don't know if he agrees with you.

MR. EDSALL: Only reason you're discontinuing the secondary access to Toleman and all the access for the entire 83 acres, 83 plus acres is going to be just 207.

MR. ARGENIO: Okay, so-

MR. EDSALL: I'd rather have DOT not be able to come back to the Town of New Windsor Planning Board later on and say we didn't give them an opportunity to look at it.

MR. ARGENIO: The Zulu access and the cell tower access right now--

MR. EDSALL: Are there.

MR. ARGENIO: -- are off 207, they're not using Toleman Road.

MR. EDSALL: What I'm saying when you accomplish the lot line change there's no hope of access to Toleman at that point so what I'm saying let the state answer the town's referral and comment yay or nay if they have a problem with it that way the town--

MR. ARGENIO: That needs to be done delicately that referral.

MR. EDSALL: Absolutely, we're going to send it to them and just--

MR. ARGENIO: Cause Mark what I don't want to do, not to interrupt you, but for the purposes of the lot line change, I don't want to trip somebody at DOT into having some type of brain cramp where suddenly we're talking about traffic analysis and all kinds of stuff there because Jen, you have not, other than some complaints about what was actually going on in the back there's been no complaints about the entrance, there's no crashes there, it's fine. I don't want to rock that boat is my point.

MR. EDSALL: We have to send it to them for the warehouse anyway so I was planning on just sending both of them. If the board doesn't feel that's appropriate,

we'll send just the warehouse and you can do as you wish with the lot line change.

MR. GALLAGHER: Where is the Zulu, is it on the property down here?

MR. EDSALL: It's in the back.

MR. GALLAGHER: Once we cut that off we need to show access back to there.

MR. ARGENIO: We don't need to show a driveway back to there but if we cut the Toleman Road access off, we need to show access to the parcel.

MR. EDSALL: Which is what he's showing on the lot line change plan, he's showing an access easement and utility easement back to the cell tower and clearly it's used by both Zulu and the cell tower people.

MR. GALLAGHER: He wants to use 207 for warehouse project within--

MR. EDSALL: Your next application, usually we don't have two papers in front of us, maybe it would make sense to see the next shoe which is going to drop which is the next application, that makes sense, Mr. Chairman.

MR. ARGENIO: Yeah, I think I agree with you. But as I said, I want to be careful not to make it a, I just can't, I can't believe Mr. Trochiano in front of us that you don't have a letter from DOT that says that that's a good access for that cell tower and stuff.

MR. TROCHIANO: We may, I just don't know as of right now.

MR. ARGENIO: You should check because to not go to DOT with it would be good for you and your applicant and you should let Mark know right away. Absent that, I think we should do what you said Mark.

MR. EDSALL: If they determine that that's a safe location for access to the state highway for sight distances at that point, I don't know that it means a lot from a location standpoint if it's used for a warehouse, the Zulu paint ball people or the cell tower people it's safe. When you change the use then the detail of the curb cut but the detail changes but the

sight distance is still good so if you can get us that letter--

MR. TROCHIANO: That's for this application?

MR. ARGENIO: For this.

MR. TROCHIANO: Yeah, absolutely.

MR. ARGENIO: I can't imagine us, I'm sorry, go ahead.

MRS. GALLAGHER: I just have a question. They plan on paving just up to here into the warehouse?

MR. EDSALL: You're way ahead of us.

MRS. GALLAGHER: I was going to whisper to Mark.

MR. ARGENIO: What I was going to say I can't imagine the planning board saying it's okay to use that 207 right there, just cause we say it's okay and forget the deal I just can't imagine it, that's why I'm asking you about the letter.

MR. EDSALL: I think we should look for that and you can decide.

MR. ARGENIO: You know what to do, you know what to do, it's got to go to county, Mark, is it going to county?

MR. EDSALL: It has gone to county, as you indicated, you wanted to get the application started, the procedure so we have moved them along.

ROCK TAVERN VILLAGE WAREHOUSE FACILITY (13-19)

MR. ARGENIO: Next application is Rock Tavern Village site plan on 207 and Toleman Road. This application proposes 108,000 square foot warehouse distribution facility on the 83 acre lot. The plan was reviewed on a concept basis only.

MR. EDSALL: Mr. Chairman, can you just put in the revised number it's 112 total for the building?

MR. ARGENIO: 112 what?

MR. EDSALL: It's 112,000 square foot.

MR. ARGENIO: Okay, what do you got?

MR. TROCHIANO: We have provided the board--

MR. ARGENIO: Point to Toleman Road.

MR. TROCHIANO: -- a sketch site plan, this is Toleman Road over here off the map.

MR. ARGENIO: What do you have, wetlands going down the middle of the property?

MR. TROCHIANO: Yeah, there's a limits of wetlands in the plan. Their application is for a warehouse. We also have a small area for office use in the front of the building. The project includes warehouse building, it's supposed to be a trucking operation, there's truck docking and access for trucks. We're providing parking along the front of the building and also some bank parking along the back of the building that could be made into permanent parking if it was necessary in the future. The parking numbers that we show are based on the zoning code requirements. Our site entrance we discussed, my understanding is that this location has been seen by the DOT and we'll confirm that. There's an existing cell tower that everyone's aware of on the property and that would be maintained after this project is done in the same location, access would be maintained in the same way it is now. This facility would be served by individual well and septic system. We have shown some potential locations and also we have shown some potential locations for storm water facilities. We also provided with a sketch site plan on the second page, a very rough, a grading plan more just for feasibility just to show that it is feasible

and it's buildable but it's just very rough right now.

MR. ARGENIO: Can I tell you something?

MR. TROCHIANO: Sure.

MR. ARGENIO: I'm not an engineer but I'm going to tell you that nowadays when you do a trucking terminal or trucking facility that's got trucking, it falls under a different DEC category or characterization and the level of stuff you have to do for water treatment, for runoff, it like quadruples, totally different package. And Mark, where I'm getting this from we bid on the UNFI building in Montgomery, what's that kid's name with Lanc and Tully, heavysset guy?

MR. EDSALL: John Queenan.

MR. ARGENIO: Queenan did the design for that and some of the things that were there I've never seen in my life, lined ponds --

MR. EDSALL: Crosses over to a different type of industrial permit.

MR. ARGENIO: Correct, so I'm just cautioning you on that, go into this with your eyes open, I know Henry wants to sell the property and do what he's got to do, go into it with your eyes open, it's a different type of permit.

MR. TROCHIANO: Different animal.

MR. ARGENIO: Yeah, totally different thing. Some of the stuff I saw on that project, that particular project and maybe it's cause of the threshold of trips, I don't know, but some of the things I saw in that particular project were pretty unbelievable but in any event, go ahead.

MR. TROCHIANO: That's the basic elements of the site plan that we have provided. It's not a whole lot of detail, other than the layout, but just here today just wanted to get any concerns you might have with the sketch and if there's any zoning issues that we didn't see just turn it back over to the board for any comments.

MR. ARGENIO: I would think again we're so early way, way, way early in this process, you're going to need

some landscaping my friend along 207.

MR. TROCHIANO: Sure.

MR. ARGENIO: I'm certain of it. I don't know, what do you guys have?

MR. GALLAGHER: I'm looking back to what Jennifer was saying earlier, is that planned on your existing access for the utility is that planned on being a gravel drive, is that planned on being paved or not coming off 207 right from there down, that's still going to be your access to the paint ball, correct?

MR. TROCHIANO: Yeah, this access will be per the DOT requirements this would be paved up to here and we'd probably provide a drop curb here, whatever it is now.

MR. ARGENIO: I'm seeing the whole parking lot as paved, no?

MR. TROCHIANO: Yes, it will be all paved but there's an existing access that goes down to the cell tower and the Zulu facility and we'd maintain that the way it is that would be my, I believe that's what the intention is.

MR. ARGENIO: What are the circles around the edge of the parking lot?

MR. TROCHIANO: Very large fence line, looks like we're proposing a fence with a gate at the entrance that comes into the building at the front so the rear of the property would be--

MR. ARGENIO: Move your finger up the, up, up, up, go left and right, what are those dots?

MR. TROCHIANO: Those are the corners of the property line, they change.

MR. ARGENIO: Where it changes?

MR. TROCHIANO: Right.

MR. ARGENIO: What's good about this plan I have to tell you that it's substantially far away from the residences on Toleman Road, that would be a good thing. Guys? Pretty simple, pretty basic, obviously.

MR. GALLAGHER: I think DOT is your biggest thing.

MR. ARGENIO: This is a start. Mark or Taylor, anything else? You did send this to county?

MR. EDSALL: I did send it to county because in effect all the improvement areas as far as paving, building they're all depicted, the access is an existing access and again to get the process started early, we moved it on, if they decide they want details to evaluate their--

MR. ARGENIO: Off the record.

(Discussion was held off the record. Whereupon, following which, these further proceedings transpired.)

MR. EDSALL: A couple just layout suggestions I had, some are just off the cuff, some are in the comments, I agree with bank parking because there are many uses, where unfortunately the code requires a lot of spaces that depending upon the actual business really don't get used and it gives the planning board the opportunity to design them and then have them laid out and then could require them in the future if they're needed. But I'm not really quite convinced having them in the back left corner is the right place, unless your building plans include major employee warehouse access in that back corner. So kind of just check that because if the architects say yeah, that's where the employees are coming in where the area is where they clock in and everything else so be it, if not, that might not be the right place. As far as the driveway goes, something I saw and then one of my highly regarded technical assistants, Jennifer, pointed out to me and I agreed it kind of really should be looked at, there should really be a T curb cut because eventually this is going to be a through road. You should extend the T somewhat passed the warehouse and transition by a loss of, let's say the main road is curbed, you could just bullnose them and transition into the gravel drive and then in the future the gravel drive would be overlaid and enhanced and paved with whatever may happen some day, some day there's going to be additional use in the back.

MR. ARGENIO: You're going to need, again, we're way early in the process here, sidewalks and such for those parking spaces, you're going to need to show egress in the loading dock areas. And I have to tell you a lot of the warehouse projects that I've been on of late that my company's built a good portion of the loading dock areas are covered. So if you, if you're thinking about that it should probably be shown and again, there's those people that come out of the building at whatever point of egress they come out in the vicinity of the loading dock, they're going to need some kind of routing, crosshatching to get them to wherever they're supposed to go or need to go, whatever, you know. There's going to be provisions needed for trucks, you have loading docks, that's all we see here, there's obviously going to be a need for some staging areas for trailers, staging areas for switching units, you know, I don't want to tell you your business, all this stuff comes with warehouses. I've built 15 of them in the past 20 years, 20 of them in the past 20 years.

MR. TROCHIANO: Okay.

MR. EDSALL: One other item that's very common depending upon the occupancy of the building which could change, you know, the marketing of this as a warehouse distribution could change slightly, the interior use classification from a building code and fire code standpoint could slightly change, you may need access on all four sides so you have pavement all along the west left side of the property. To me it makes sense because a lot of the trucking outfits want to have a loop-ability and you may need it from fire access.

MR. ARGENIO: They have a 30 foot lane on the west side.

MR. EDSALL: But I know they can do the turn radius.

MR. ARGENIO: They can't do it in that parking lot.

MR. EDSALL: They can as long as they're going to drive onto the grass.

MR. ARGENIO: That's a good point.

MR. EDSALL: You may want to look at that because it will make the use of the building more flexible.

MR. TROCHIANO: Like a circular.

MR. EDSALL: Even if it works now if it gets sold in ten years and the use changes and the fire inspector's come in and you changed your use and you need access on all four sides, you'll have it. Take a look at that too.

MR. ARGENIO: You know what else, you don't have your fire tank.

MR. EDSALL: That's going to be coming along.

MR. ARGENIO: Giant fire tank, insulated tank, riveted tank and there will be a giant fire pump next to it and there will be a feed to it, it's all doable.

MR. EDSALL: With a big generator next to it.

MR. ARGENIO: Yes, it's all doable stuff. We did Home Depot in Monticello and there was no domestic water, all wells and septic up there.

MR. GALLAGHER: What type of height are we looking at building wise?

MR. TROCHIANO: I don't know how to answer that, I don't see the building, I mean, I couldn't even appropriately answer that question right now, I'm sorry.

MR. EDSALL: They're saying it's going to be less than 50.

MR. FERGUSON: Who owns the cell tower?

MR. TROCHIANO: I think it's typical because the maximum is 50, definitely less than 50.

MR. ARGENIO: Yeah, you have a lot of work to do here my friend.

MR. TROCHIANO: Yes.

MR. ARGENIO: You have a lot of work to do. Has Henry revealed the specific tenant? I'm not going to ask who it is.

MR. TROCHIANO: My understanding is there isn't anybody right now, it's just his idea, approve something shovel

ready.

MR. ARGENIO: It's the perfect spot for that right down Drury near the airport, it's perfect.

MR. EDSALL: Great use.

MR. TROCHIANO: And 84 is about 1,500 feet right up here and you can access right here.

MR. ARGENIO: What else do you need?

MR. TROCHIANO: That was basically it, just trying to get a feel for the sketch plan and get you guys' comments. And I wrote most all of that down and maybe what I will do is I'll have Joe elaborate a little bit on the sketch plan based on the comments and we'll come back in before we go full bore any kind of design I think that's--

MR. ARGENIO: Check on the DEC.

MR. TROCHIANO: Yeah, I will.

MR. ARGENIO: You guys got anything else? Okay, thank you for coming in.

MR. TROCHIANO: Thank you.

MR. ARGENIO: Thank you everybody. Motion to adjourn?

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth
Stenographer