

November 18, 2009

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TOWN OF NEW WINDSOR

PLANNING BOARD

NOVEMBER 18, 2009

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
NEIL SCHLESINGER
DANIEL GALLAGHER

ALSO PRESENT: ERIC DENEGA
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER
BUILDING INSPECTOR

NICOLE JULIAN
PLANNING BOARD SECRETARY

DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

ABSENT: HENRY VAN LEEUWEN
HENRY SCHEIBLE
HOWARD BROWN

REGULAR MEETING

MR. ARGENIO: I'm going to call the November 18 Town of
New Windsor regular planning board meeting to order.
Everybody please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was
recited.)

MR. ARGENIO: We have three people which means you need

a unanimous vote for anything to be carried tonight so that's what it is. Mark is not with us tonight, in his place is Eric Denega, he's in fact out with the flu, I spoke to him today. Let's get right down to business because we have a lot to get to tonight.

APPROVAL_OF_MINUTES_DATED_10/14/09

MR. ARGENIO: First thing tonight is if anybody sees fit, I'll accept a motion for approval of the minutes dated October 14, 1009 that went out via e-mail on November 10.

MR. GALLAGHER: So moved.

MR. SCHLESINGER: Second it.

ROLL CALL

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

PUBLIC HEARINGS:

BAKKER - D/B/A AAMCO

MR. ARGENIO: First public hearing is Bakker d/b/a AAMCO on Route 32. This application was previously reviewed by the planning board and is now seeking finalization toward approval. The application was recently reviewed at the 28 October, 2009 planning board meeting. They are in fact here tonight for a public hearing. I see Mr. Bloom here on behalf of the applicant, the applicant is her as well. Briefly, Danny, this is a very, very simple thing, if you changed anything, bring us up to speed then I'd like to get it open to the public for comments. This was a pretty straightforward cleanup of a formerly crummy situation.

MR. BLOOM: You put your finger on it, Mr. Chairman. Dan Bloom for the applicant. As your records will indicate, this goes back to an original application special permit issued for AAMCO back in 1979. At that time, my client didn't own the property, it permitted the operation of AAMCO at that time with three restrictions on it, restrictions governing parking and restrictions governing storage outside, restrictions concerning the time of operation. My client purchased it about six years later in 1985. After operating it for about three years, he then came back to this board, planning board at that time and sought to eliminate those specific three conditions. He had a public hearing and he never received a formal written decision, however, he proceeded on the assumption that it was favorable because he continued to operate it as if those restrictions didn't exist.

MR. ARGENIO: And nobody stopped him.

MR. BLOOM: And he received no complaints from any of the neighbors and nobody stopped him. Since then, he's

operated as I say not only without those restrictions but he's also expanded the hours to be in more conformity with the neighborhood as it has evolved and changed in the area. For example, the carpet store across the street is open seven days a week, his next door neighbor, the hair stylist, we all know, I don't want to waste this board's time with that. So effectively, this is an application to make the present operation conform in writing and literally with the law which I respectfully suggest to this board in fact does operate in a clean manner, he hasn't changed the operation since 1988. He's received no complaints since then and he has storage outside in the back but he has, he has it well set back more than 150 feet from the back property line, he has it fenced in, he has trees and shrubs all around, it's just not visible.

MR. ARGENIO: Okay.

MR. BLOOM: Just not visible.

MR. ARGENIO: Okay, counselor, thank you. Members we're going to have an opportunity to look at this again in a few minutes. Can you give me the public hearing notice? On the 3rd day of November, 2009, Nicole prepared 42 addressed envelopes containing notice of public hearing with a list provided her by the assessor's office. At this point in time, I'd like to open up the public hearing for this application. If anybody would like to speak for against or comment on this application, please raise your hand, be recognized and come forward and you'll be afforded the opportunity to speak your piece. Anybody like to speak about this application?

MR. GALLAGHER: Motion we close the public hearing.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that

the Town of New Windsor Planning Board close the public hearing for the Bakker site plan. Mr. Bakker, I don't know what I expected but that's a good thing.

ROLL CALL

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

MR. ARGENIO: Okay, I'll accept a motion, little backwards I think we did this but Mark has a note we didn't so we're going to do it again cause it doesn't hurt to be correct. I'll accept a motion that Town of New Windsor Planning Board declare itself lead agency.

MR. SCHLESINGER: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare itself lead agency. Roll call.

ROLL CALL

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

MR. ARGENIO: The application pre-exists the referral requirements for the county, as such, that referral is not required.

MR. CORDISCO: I can speak to that, Mr. Chairman, there was a, formerly there was a protocol that was issued by the County Planning Department that certain projects did not have to be referred to the county. This project was in effect an application pending during that period of time. The current County Planning

Commissioner rescinded that protocol several years ago, I think about four or five years ago now and that would only apply to new applications that are pending.

MR. ARGENIO: Dominic, on this application, if anybody sees fit, members, I'll accept a motion we declare negative dec under the SEQRA process.

MR. SCHLESINGER: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded we declare negative dec.

ROLL CALL

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

MR. ARGENIO: Any approval tonight will be subject to Mark's comments number 6, you should get a copy of that, Mr. Bloom. Corrections on the plan, the building height value must be entered into the data block, a note should be added to the plan as we discussed at the previous meeting.

MR. BAKKER: I think Mark took that up directly with Pat Brady, the engineer, and had it straightened out.

MR. ARGENIO: A note should be added that vehicle parking will be limited to the gravel area in the back of the building, that note should be on the plan. And the title box needs to be cleaned up with the project number on it. So you need to have those three things done. I want to read these other three things and then ask the board do we all agree that all proposed structures, there are none, equipment or materials are readily accessible for fire and police protection. And

that the proposed use and layout will be in harmony with the orderly development of the zoning district and all not have a detrimental affect on adjacent properties. And that the proposed use is adjacent to a residential district and in view of same, the board has determined that the nature, intensity of operations, layout and structure heights and landscaping will not be hazardous and inconvenient nor conflict with the normal traffic of the neighborhood nor will it hinder or discourage appropriate development and use of adjacent buildings and buildings. Neil, you agree to that?

MR. SCHLESINGER: Yes.

MR. ARGENIO: I do.

MR. GALLAGHER: I do also.

MR. ARGENIO: I will accept a motion.

MR. SCHLESINGER: Make a motion for approval with the Bakker site plan special permit.

MR. GALLAGHER: Second it.

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

ROLL CALL

MR. GALLAGHER AYE

MR. SCHLESINGER AYE

MR. ARGENIO AYE

MR. ARGENIO: That's for final approval and it's subject to those comments I read, those three bulleted comments that I read in. Thank you very much.

MR. BLOOM: Thank you very much.

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MR. ARGENIO: It's good to have that cleaned up. Thank you for coming in and being so cooperative.

MASONS_RIDGE_(09-24)

MR. ARGENIO: Next public hearing Masons Ridge. Project number 09-24. Somebody here to represent this? Application proposes development of the 12.6 plus acre parcel as an 84 unit multi-family work force housing project. Plan was previously reviewed at the 9 September, 2009, 28 October, 2009 planning board meetings. This application is here for a public hearing this evening and further ongoing planning board review. I see Mr. Coppola is here.

MR. COPPOLA: Thank you, Mr. Chairman.

MR. ARGENIO: Certainly I think we missed you at the last meeting. Were you here?

MR. COPPOLA: No, I haven't been for this project for I think two meetings, so that's correct.

MR. ARGENIO: That's a nice rendering, you have some stone there, that's good.

MS. KALISKY: Okay, good evening, I'm Dawn Kalisky, project manager with Lanc & Tully Engineers on the project. I'm here this evening with A. J. Coppola from Coppola and Associates, architects on the project. I'm also here with Mr. John Cappello from Jacobowitz and Gubits, the attorneys, Mr. Larry Regan, project principle and Mr. Lybolt from Affordable Housing Concepts and Mr. John Collins from Collins Engineering. As you had said, we were here back on the 28th and the board had requested a few specific items to be included in the plan set and if it pleases the board, I'd go over those.

MR. ARGENIO: Please do.

MS. KALISKY: You asked for sidewalk from the housing development down to the bus shelter which does in fact

make sense. We were able to shift the road slightly and revise the grading, the sidewalk is steep, it's at a 10 percent, 6 1/2 percent, 10 percent grade down to the bus shelter.

MR. ARGENIO: So it's not ADA compliant?

MS. KALISKY: It is not, but as we said, we got in contact with the D.H.C.R. and because of the topo being what it is and the fact that it is impossible, it's 10 percent but we have proposed a five foot width with a handrail both of which are detailed on the plan set. Additionally, we have added the split rail fence with the vinyl backing along the retaining wall. What else did we add?

MR. ARGENIO: Did you consider a physical barrier between the play area and the road like we discussed or is that not in play? What are your thoughts on that?

MS. KALISKY: Well, the curb lines and as I said we have, we could, we did on our other project include the split rail fence around it, around the, to the play areas.

MR. ARGENIO: Neil and Danny, what do you think? I think that's necessary, don't you, next to the children's play area?

MR. SCHLESINGER: That's the area up on top, right?

MS. KALISKY: Yeah, these are the two playground areas. Remember we also added an additional 10 parking spaces in this area to accommodate the overflow for the community building. So as I said, the playground it's the play area is with the rubber matting for safety but as I said, we do have the split rail fence. We can easily throw that around there as well as a protective barrier. Additionally, we did include those, the additional 10 spaces at the community building and also

down at the bus shelter we did keep that pulloff area for those that just want to pull off, let the children out and go off to work. We also provided five parking spaces opposite where they can turn around easily if need be to get back up into the site without going onto 32 or parking there and wait as well so we can accommodate approximately five cars in this pull-off area as well as an additional five cars in the parking area on the side. And of course we did revisit our landscaping to include the flag pole annotated very clearly on the landscaping plan but up here at the community building and we did address the comments for that, Mr. Edsall did have once again it was about the parking, the project sign detail was revised as well to include an area for 911 street address should that be required we will of course.

MR. ARGENIO: I have to tell you I was a little resistant on the parking at the bottom of the hill that I think Henry brought it up.

MR. SCHLESINGER: Resistant?

MR. ARGENIO: I think I was on the fence, shouldn't say resistant, but looking at it now, I think it's necessary.

MR. SCHLESINGER: We had two questions whether the school buses were going to be at end of the walkway and also we had a question about the mail.

MS. KALISKY: Right, additionally the mail I did meet with the postmaster and Mr. Coppola will address this more fully but up at the community building, they have absolutely no issue with coming up with the parking area here, the community building actually has porches, covered porches so there will be exterior mailboxes, central mailboxes but it will be under the shelter of these porch tops and Mr. Bob Dineen (phonetic) I believe is his name who I met with a few weeks ago.

The layout actually worked out much better as I said I did try and convert the pull-off area it just pushed everything a little too far. I said, you know what, we can leave that, put it on the opposite side and it really does provide for a safe turn as well. So very good idea.

MR. ARGENIO: Okay, what I'd like to do is Danny and Neil, let's continue to look at this but what I'd like to do is get a little feedback from the public on this, if anybody wants to speak.

MR. CORDISCO: When you're opening the public hearing, this project along with the next project regarding the Masonic Lodge itself were treated, have been treated together as far as processing.

MR. ARGENIO: I was just going to say that to you, should we do these together, but they are two different sets of plans.

MR. CORDISCO: They are but they are processed together, I don't know if you want to have a presentation on that now and then open to the public.

MR. ARGENIO: No, the meat is here, I think the meat is here. The other one is ancillary, it's a much smaller building but I think we'll cover most of it here, we'll go through the procedure we need to go through but I think the meat of this package is here.

MR. CORDISCO: I just want the record to be clear that we're opening the public hearing for both.

MR. ARGENIO: Yeah, we'll accept comments on both, correct. On the 2nd day of November, 2009, Nicole prepared five addressed envelopes containing the notice of public hearing that she received from our assessor and they were sent out. At this point in time, I'm going to open the public hearing and folks please on

the 2nd day of November, six addressed envelopes went out containing a notice of public hearing on the lower piece of property as well. If anybody wants to comment on this or give us a little bit of input, we certainly would welcome it on this project, for the project down the hill. If your comments are on the project down the hill, we'll have the lady put them up on the board and we'll accept comments on that. But please raise your hand, be recognized, come forward and speak clearly so Franny can hear you and that's the purpose of a public hearing. Would anybody like to speak on this? Come on forward, sir. Your name and your address?

MR. REYNOLDS: My name is Tom Reynolds, I live at 162 Williams Street, City of Newburgh. I'm a Master Mason and we were working with Keith on this piece of property and we think it's great cause it's not like going to help us, it's going to help the town. When we first started to look for land, we looked all over the county, Town of Newburgh, City of Newburgh and we finally decided this would be a good place for us and for the community. And so far, everything's going perfect for us, you know, I think it's going to be good, it can't hurt nobody, I mean, they're working people, they're not bums or anything like that.

MR. ARGENIO: I have to say I agree with you, sir. Thank you. Anybody else like to speak about this?

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

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that we close the public hearing for both applications. I quite frankly did not expect that but sir, I agree with you, that the, I have to tell you that I agree with all of it, that's a very nice commentary.

MR. CORDISCO: You'll need a vote.

ROLL CALL

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

MR. ARGENIO: Ma'am, turn that towards us, I do have a couple things I would like to hit on this.

MS. KALISKY: On the Masons Ridge?

MR. ARGENIO: The former, the prior, let's talk but I want to read this comment, I think this is an excerpt from our code and after Anthony I want to talk to you a little bit about the rendering there as well, storage, a minimum of 20 square feet of storage area shall be provided for each unit within the same buildings as the dwelling units. Such storage area shall be in addition to normal closet space. This is going to be an issue for Jennifer at some point in time but let's hit this right now.

MR. COPPOLA: Yeah, basically, what that refers to is part of our funding requirement we have to provide storage inside the dwelling unit so that is our--

MR. ARGENIO: No, that's not the requirement, that's not the requirement, let me read again, 20 square feet of storage provided for each unit within the building. The intent, Anthony, and this law's a new law, I understand it's new for everybody, the intent with this is to have storage in the building, possibly in a basement area, possibly on the same floor. I can tell you the senior project in Vails Gate they put the storage on the same floor, it's outside in addition to the closet space that's inside each individual unit.

MR. COPPOLA: Correct, and that's something consistent

with what we're planning here, yes.

MR. ARGENIO: Okay.

MR. COPPOLA: Yeah, within each unit, does not include closet space, so it's in addition to the normal closet space.

MR. ARGENIO: It needs to be in the same building as the dwelling unit.

MR. COPPOLA: Yes.

MS. KALISKY: Each unit has--

MR. COPPOLA: We're going to put it inside the units.

MS. KALISKY: Has the additional 25 or 30 square feet which is in excess of the 20 square feet of code that does not include the linen closets, the hall closets, coat closet.

MR. ARGENIO: Jen, Neil and Danny, hear me on this because this and maybe Dominic you too, this law was written and crafted, the senior law was written and crafted specifically for this use that they're applying for here tonight. Jennifer, it's my understanding that the intent of that was to have the storage, don't laugh at me, but if somebody's riding a bicycle and they want to store their bike in the basement, maybe somebody wants to store their, I don't know, their winter clothes.

MR. SCHLESINGER: Like as if you didn't have a garage.

MR. ARGENIO: You have a space to go outside of your living unit. I don't think the intent, Anthony, is to just make closets bigger.

MR. CORDISCO: If I could, that's exactly correct.

MR. ARGENIO: You were key in writing this as well.

MR. CORDISCO: That's right. And I think that was not only the intent but the requirement. It's not something that's waivable, it's at a minimum that they have to comply with in terms of the amount of storage space, I think it's 20 square feet of storage space per unit that's outside the unit.

MR. ARGENIO: Doesn't mean make the closets bigger.

MR. CORDISCO: You could but it would have to be a closet somewhere outside the unit.

MR. ARGENIO: Outside or in the basement or somewhere else.

MR. COPPOLA: Right, I think the only thing and I'm going to clarify is we always put basically a storage room in the unit, I think our requirement is actually going to be more than that, I think it's going to be 60 square feet.

MR. ARGENIO: Twenty's the minimum.

MR. COPPOLA: We put it inside the unit so it's not like a shed attached to the outside of the townhouse, I think that's the only, some of these I think will be in the basements, just going to have basements, none of them have basements, we'll put 60 square feet, there's going to be just a storage room inside of the dwelling unit.

MR. ARGENIO: Doesn't meet the code.

MR. CAPPELLO: The unit is within the building.

MR. ARGENIO: The unit is the unit, if you live in your unit, I'm not going to debate, but if you live in your

unit, unit 101 B and I live across the hall in 101 A, storage needs to be a minimum of 20 square feet for you and me somewhere else other than 101 B and 101 A in a physical structure.

MR. CAPPELLO: But if each person had that 20 feet in an attic or a basement or a garage and they owned and they have controlled and that was my 20 feet, why is that any different?

MR. ARGENIO: They don't say to control that 20 feet but that space needs to be allocated for them inside the structure.

MR. CAPPELLO: But if they allocated inside the structure inside their unit, we can address this in a, we still meet the, they didn't have to go outside, I think the intent was to make sure that beyond your normal closets because there's multi units that they are designed to have additional storage space for the exact items you have. So if I could store my bike in a mud room or in an area outside the closet versus my basement that meets the same intent as if I went to a general area where I had 20 feet set aside for my bicycle.

MR. CORDISCO: Mr. Chairman, maybe I could clarify that if I could because perhaps we should reread the actual language.

MR. ARGENIO: Here's where I was going to go. I was going to go right there, Mr. Regan, we're okay with this, this is something the town needs and I'm certainly not here to give you a bad time and I am not the code enforcement officer, this is the planning board and it's exactly the reason we're going to get passed this issue and go on to other things.

MR. REGAN: I'm sure we can find someplace and accommodate the 20 square feet somewhere.

MR. ARGENIO: My thought precisely. I certainly don't want to engage in a debate. We're not the folks and this is not the venue for it. So let's continue on but that's the intent and the spirit of it. And as I said hopefully we'll be able to come up with something. Okay, further comments? I'm going to, further comments will be made on the water distribution details following input from the Water Superintendent, just a reminder, the extension of water main you need DOH approval. You're aware of that?

MS. KALISKY: That's correct.

MR. ARGENIO: Just trying to make sure everything's covered.

MS. KALISKY: If I may, we're just about finished with the draft of the technical specifications, engineer's report, I had in an e-mail just advised Mark that if that process was on the way and I would like him to actually review and comment before we would make submission to the DOH. We are also getting our submission into DOT.

MR. ARGENIO: I want to read this comment, Mr. Collins, I want to read Mark's comments here about the traffic. The applicant has retained traffic consultant to evaluate potential transportation impacts of the project. I have reviewed the report dated 10/7/09 from John Collins Engineers and take no exception to the summary and the conclusions. Mr. Collins, could you come up, sir, please and just briefly tell us what your take is on the traffic there on that corridor? I don't have that report and I don't have Mark here either. Not to impune you.

MR. DENECA: No.

MR. COLLINS: Cutting right to the chase, this

particular project would generate during the morning and evening peak hours 40 vehicles and depending during that one hour over a two hour period generate 80 which would be typical. We did a count in 2000 but because traffic volumes were a little bit low because of the economic conditions, we went back to a report prepared by John Mayer Consultant for the Patriot Ridge project and they took into account the completion of the retail space, the additional residential development down on the corner. And what we did is we used that as the base because that was the most conservative analysis and we superimposed on that the impact of this particular project. We find that the impact of this project would have minimal impact at the intersection of Union and 32 and that the driveway worked fine. We have set forward to the DOT we're going to need a highway work permit that's in the DOT and that information has been forwarded to the DOT. That's the quick synopsis of the report.

MR. ARGENIO: That's what I'm looking for, just like my friend, Mr. Greeley, thank you, sir.

MR. COLLINS: You're welcome.

MR. ARGENIO: You guys have anything on this? They seem to have responded to all the things, outdoor recreation center, community building, the plan does note it appears that the one unit building is approximately 3,700 square feet which far exceeds the code requirement of 1,600 square feet. I think that's a good thing because I think the code requirement is small in my estimation. You have Mark's comments, ma'am, yes?

MS. KALISKY: I do have them from the 28th of October.

MR. ARGENIO: Get a copy from Eric tonight. I would point out to you number 3 has a lot of bullets but I don't see anything that's heavy lifting, for instance,

doublecheck the indicated top of wall elevation, label top of wall and bottom of wall elevations. Ma'am, do you have fences shown, the ones you described at the top of the wall that's taller than four or five feet? Jen, what's the number?

MS. GALLAGHER: Four feet.

MR. ARGENIO: You do have fences shown, yes?

MS. KALISKY: Yes, we actually only have one wall that's in excess of four feet.

MR. ARGENIO: That's in Mark's comments but it's something that I honed in on at the last meeting. The applicant's engineer should re-evaluate the routing of the sewer main, it runs underneath the water quality basin.

MS. KALISKY: That we can do.

MR. ARGENIO: And again, I'm not reading all of Mark's comments cause I'm not going to waste everybody's time with them, it's a lot of engineering talk, offset requirements, things of that nature.

MR. CORDISCO: Mr. Chairman, in regards to the site plan specific comments, the board would not be in a position to grant site plan approval until the Town Board actually grants special use permit approval.

MR. ARGENIO: I'm keyed into it, yes, I just, Dominic, I want to be thorough tonight, I want to hit everything we need to hit. If anybody sees fit, I'll accept a motion we declare negative dec.

MR. SCHLESINGER: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare negative dec on Masons Ridge site plan. Roll call.

ROLL CALL

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

MR. CORDISCO: Mr. Chairman, just so the record is clear, we'll prepare a written negative dec that will be part of the board's file and we'll also send it to the Town Board so that they have it in advance of their public hearing.

MR. ARGENIO: Ma'am, I just want to point out one thing to you that's important, one of Mark's bullets, the sewer main runs through an existing manhole, the sewer main runs into an existing manhole onto the south of the site, the status of that sewer main must be determined if it's public or private. Do you, you don't need an easement there, do you?

MS. KALISKY: Well, I actually met with the water and sewer superintendent for the town and he's not sure, he cannot find any record that it is town owned, we were hoping that maybe we can go back through previous records, apparently, it was installed by the owner of this piece at some time, however, it's shared by Mr. Willis here. We did our deed research to do the boundary surveys, we didn't show there was any easement on that line, there's some verbiage on that that they have a right of any public utility within the property so I need to get an attorney on that but we're aware that that maybe and should that be something that we cannot determine once again we're running our water main down we can once again we'll run the sewer.

MR. ARGENIO: This smart fella right here could

probably help you with that easement stuff.

MR. COPPOLA: I'm still trying to figure out the storage space issue.

MS. KALISKY: Mr. Wolinsky is or Mr. Cappello, Mr. Wolinsky is not available this evening so Mr.--

MR. CORDISCO: He's in London or something.

MS. KALISKY: Yes, he didn't want to share that but he's there and we're not, we're here.

MR. ARGENIO: He breached attorney-client privilege with that. Okay, so do you guys have anything else on this? They'll be back to us.

MR. SCHLESINGER: How about the walls between building 9 and 10, we've got some concerns about that 9 and 10.

MS. KALISKY: The double retaining walls.

MR. SCHLESINGER: Okay, they need a fence on that also.

MR. ARGENIO: We talked, I don't think, you may not have been at the meeting, Neil, we talked about that rock issue. Were you here?

MR. GALLAGHER: I don't think I was.

MR. ARGENIO: Well, we talked about that, I brought the issue up or rocks falling off Snake Hill and bonk somebody in the head and the lady did investigate that property back there and that does run off quite a bit.

MS. KALISKY: It's 330 feet, actually.

MR. ARGENIO: So just a thought.

MR. CORDISCO: Mr. Chairman, now you have closed both

public hearings both on the residential portion and on the Masonic Lodge, you have adopted a negative dec in connection with the residential project, you haven't taken any action in connection with the Masonic Lodge.

MR. ARGENIO: We're going to look at that right now, I just want to make sure the guys up here don't have any other questions on this.

MS. KALISKY: These comments will be addressed with our next submission.

MR. ARGENIO: Danny, any thoughts on this?

MR. GALLAGHER: No, Neil took my question.

MR. ARGENIO: Neil, you're a plagiarist. Why don't we go to the next one, Masonic Lodge?

MASONIC_LODGE_(09-27)

MR. ARGENIO: Next one is the Masonic Lodge site plan, not to be confused with the Masons Ridge, the application proposes a 6,400 square foot membership lodge on 2.6 acre parcel to the east. The plan was previously reviewed all the 9 September, 2009 and 28 October, 2009 planning board meetings. We had the public hearing on this, so the members are going to review it and we're going to talk about it. Ma'am, can you point out the highlights for us, please?

MS. KALISKY: Actually, yes, when we were here back on the 28th, it was requested to install a sidewalk from the parking area and the lodge building up to the covered pavilion, asphalt pad which we have done. We have actually revised the lighting which the lights are shown on here but the plan itself is not, but in the revised plan set that was submitted you'll see that it's lit all the way up. In addition, we have actually shown that this is a covered pavilion and asphalt pad and Mr. Coppola will address the actual structure itself. We have also revised the landscaping plan to include flag pole and monument, a monument that the Masons have and of course flag poles, we show one but if I'm not mistaken, we're going to have three flag poles, the exact locations will be on the updated plan. We have revised, let's see, Mark's comment was detail and that was about it at that point. There weren't many comments from the board members, hopefully, the revisions that we have made here are satisfactory but we'll be happy to listen to anything else you have.

MR. ARGENIO: As I remember, the only comment that was on this and Neil you were at the meeting obviously so you would remember, I think Henry made a comment about the sidewalks, I think I made a comment about the landscaping and you pointed out that the landscaping along the roadway was shown on the other drawing.

MS. KALISKY: It is.

MR. ARGENIO: I did check.

MS. KALISKY: And it is.

MR. ARGENIO: And it is. Similar comment, counselor, on the sidewalk is increased to 6 feet in the front of the building, it should be dimensioned again, Mark has some bullets that are largely cleanup. You keyed into the water thing?

MS. KALISKY: Yes.

MR. ARGENIO: The way the water has to split off and come into the building?

MS. KALISKY: Yes, actually, we have a six inch, the water line itself through the shared commercial access is going to remain private under ownership and maintenance of the Masons Ridge project. We have a six inch line coming in to provide fire prevention, fire suppression to the sprinkler system and off that will be the copper six inch valves on both of course.

MR. ARGENIO: The intent is so nobody can accidentally shut the sprinkler system off.

MS. KALISKY: Now, the six inch line is from the shared commercial access to the Masons Lodge building will be of course the property of the Masonic Lodge and it will be their responsibility once it's constructed, tested and approved then it becomes their private line.

MR. ARGENIO: Okay, if anybody sees fit, declare negative dec on this application.

MR. SCHLESINGER: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare negative dec on the Masonic Lodge site plan. I'll have a roll call.

ROLL CALL

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

MR. ARGENIO: Guys have anything else on this? Dominic, this is going to run parallel with the other application I would assume?

MR. CORDISCO: I would assume as well.

MR. ARGENIO: Dan, anything else?

MR. GALLAGHER: This is a fully covered pavilion open on the sides?

MR. COPPOLA: Yes, exactly.

MR. GALLAGHER: No plans to enclose that, nothing at this time?

MR. COPPOLA: No, we have talked to the people from Masonic Lodge and they are on board with that.

MR. SCHLESINGER: Dumpster area, garbage?

MS. KALISKY: Right here.

MR. ARGENIO: I hear the pages turning, Danny.

MR. GALLAGHER: Fine.

MR. ARGENIO: Okay, folks, you have your negative dec

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on both projects which is what you need. Good luck to you.

MS. KALISKY: Thank you. In our next submission we'll see you.

MR. REGAN: Thank you very much.

MR. ARGENIO: Have a good night.

REGULAR_ITEMS:

RIDGE_RISE_SITE_PLAN_(04-27)

MR. ARGENIO: Regular items Ridge Rise site plan. This application proposes development of the 30 plus acre parcel into 125 unit multi-family development with 23 multi-family structures and a clubhouse building. The plans were previously reviewed at the 13 October, 2004, 25 October, 2006, 26 March, 2008 planning board meeting. Somebody here to represent this? Your name for the stenographer?

MR. ZEPPONI: Alex Zepponi, Z-E-P-P-O-N-I.

MR. ARGENIO: Where are we?

MR. ZEPPONI: We're on Route 32, we have the railroad going behind us and there's Corporate Drive off to the west.

MR. ARGENIO: So what's out in front, the carpet place?

MR. ZEPPONI: Yes, there's a carpet place, there's several industrial buildings, fast food place on the same side of the road.

MR. ARGENIO: Is that road on the left existing?

MR. ZEPPONI: Yes, it is.

MR. ARGENIO: Tell us what you have here. Behind Frank Lander's somewhere around there, I guess, tell us what you have.

MR. ZEPPONI: Sure, as indicated, it's approximately 30 acres. Obviously, highly irregular shape. You'll notice that this layout is generally similar to that which we talked about previously. Basically, there's some refinements. One of the refinements came as a

result of the coordination with the DEC, some minor adjustments in the wetland areas so that shifted some things around a bit but very minor. The results were, but this board the last time we were here to integrate some of the space between where the wetland boundaries are and the units so we have done that, the wetlands are the darker green area compared to the lighter green area, the areas that are vegetated but will be planted as part of the development. So the space has been pulled in a little bit and finally there's adjustments due to the changing economy, the owner decided that dealing with the economy approximately 50 percent of the units were made a little smaller, so we tucked them in and by smaller units you still have 2,000 square feet of living space. So all that being said, slight adjustments, but the road circulation and all the utilities are simply as they were in the previous application. Minor details we have addressed we believe the comments in mark's previous letter which related to the wetlands, some turnarounds and some utility cleanup.

MR. ARGENIO: Did he have a comment on the T turnarounds? I don't think we accepted them.

MR. ZEPPONI: That was acceptable, we actually on some of these it's short, we didn't have any because the extension of the road was 80 feet and that was given to us as an alternative.

MR. SCHLESINGER: He has one sheet, we have three sheets here, right?

MR. ZEPPONI: Yeah.

MR. ARGENIO: This is concept.

MR. SCHLESINGER: We have to put one on top of the other, it's hard for me to follow.

MR. ZEPPONI: This is just for the overall, I'll go through, I actually have two sets of those but there are three drawings.

MR. ARGENIO: What's the unit count, has it gone up or down?

MR. ZEPPONI: Actually, if we look at the proposed units there's now 117 units.

MR. ARGENIO: And it was?

MR. ZEPPONI: It was--

MR. CORDISCO: It's 124 I believe as townhouses.

MR. ZEPPONI: We have eliminated approximately seven townhouse units I believe and one of the changes we have here is the creation of a condo area adjacent to the clubhouse.

MR. ARGENIO: How big is the clubhouse?

MR. ZEPPONI: It's 4,000 square feet, it can be built as one floor or two.

MR. ARGENIO: And the applicant before you had how many units, Dominic, or Eric, 80?

MR. CORDISCO: Eighty-four.

MR. ARGENIO: He had the same almost 4,000 square foot clubhouse.

MR. ZEPPONI: Well, we have laid it out as 4,000 as one story, it can easily be two stories or partial two stories, we have enough area for a 4,000 square foot footprint.

MR. ARGENIO: I think you've got a lot of units here.

What are you looking for from us, some feedback?

MR. ZEPPONI: That's what we're looking for.

MR. ARGENIO: You have a lot of units and you're still right on top of the wetlands.

MR. ZEPPONI: We have increased that buffer 5 to 10 feet over what it used to be. We have 30 percent of the site is undisturbed, 70 percent of the site have been vegetated when we're done we're asking for no variances.

MR. ARGENIO: What zone are we in here?

SUPERVISOR GREEN: It's R-4.

MR. ZEPPONI: We see the parking required the 333, we're providing 355.

MR. ARGENIO: I think you have a lot of units here, that's my sense.

MR. CORDISCO: Mr. Chairman, if I could ask something, one thing that we talked about before and you referenced it just a few moments ago was modifications to perhaps site layout in regards to the wetlands. My recollection of the prior version of this plan was that there was a road and storm water basins and even some improvements that were located within the 100 foot regulated adjacent area of the DEC wetlands. Are you still proposing?

MR. ZEPPONI: We have approval for wetlands from DEC at this point.

MR. CORDISCO: Could you provide that to the board?

MR. ZEPPONI: Sure.

MR. CORDISCO: And that would be an approval in terms of a permit from them, a letter?

MR. ZEPPONI: A letter of approval, we just got it.

MR. CORDISCO: I think that would be important to provide to the board.

MR. ARGENIO: When you have a wetlands line marked, Dominic, maybe I didn't understand, I think I know part of your question it says wetlands is that the buffer on page 3 of 3 then? I don't understand when it says wetlands, is that the buffer or is that the wetlands?

MR. DENECA: Typically both of them should be depicted.

MR. ARGENIO: Do you have this plan?

MR. DENECA: I do have it in the file. You know what? I don't think I do.

MR. ARGENIO: Am I missing it? Do you guys see it somewhere? Pull up page 2 of page 3, Eric, please.

MR. DENECA: Page 2, I don't know.

MR. ARGENIO: Let's start there. Mr. Zepponi, am I hearing that you have your wetland permit to cross the wetlands too?

MR. ZEPPONI: Yes, we have a letter of approval at this point from DEC.

MR. ARGENIO: Do you have permission from DEC to cross the wetlands and disturb them?

MR. ZEPPONI: Yes.

MR. DENECA: Just says wetlands, Mr. Chairman, it doesn't--

MR. ARGENIO: Are they Army Corps., DEC, does anybody know?

MR. DENEGA: If he says DEC, DEC wetlands should have a 100 foot buffer, Army Corps. does not.

MR. CORDISCO: My understanding were these are DEC wetlands so if they do have a letter of approval, obviously, that would be highly important as part of the application but in addition to that, we should also have verification from the DEC that they verified the boundary.

MR. DENEGA: Wetland delineation.

MR. ARGENIO: Eric, look at page 2.

MR. DENEGA: Points to a solid line, just says wetlands, does not depict the 100 foot buffer, as far as I can tell, it doesn't delineate between the wetland boundary and buffer boundary.

MR. CORDISCO: Certainly within the swale it's showing structures, if that's what's shown as the wetland line then it's certainly showing improvements within either the wetland or the buffer either way so but if you've got approval from the DEC then that's obviously germane to our discussion.

MR. ARGENIO: I would say not only is it germane, it's probably hugely consequential. Let me just, I want to read from Mark's comment here in addition to the above concern, our office had issues with the storm water provisions for the site. We have received updated SWPPP for the site and there are several concerns which need to be addressed which may affect project layout. Due to the basic issue which must be resolved, it is inappropriate to proceed with a detailed review of the plans at this time which I agree with. And then

there's a two page or comment document on the SWPPP and my sense is that Mark is probably, Eric and Dominic follow me on this, Mark is probably right because there's just wetlands everywhere, I mean, we need to know where the buffer is if you're in the buffer, if you're out of the buffer.

MR. ZEPPONI: Can I ask the date of the letter that you are referring to?

MR. ARGENIO: You have the comments? I read right from the comments.

MR. ZEPPONI: I know but they're not anything I recognize, that's why I was asking what date they were.

MR. ARGENIO: It's his comments for tonight.

MR. ZEPPONI: Okay, we hadn't gotten them.

MR. ARGENIO: Eric, would you give him a copy?

MR. DENEGA: You're going to get a copy right now.

MR. ARGENIO: Mr. Zepponi, again, this is the same thing I think we discussed last time, you're very much right on top of for lack of a proper term the wetlands, in some instances, the wetlands or line that appears to indicate wetlands is within a few feet, a couple of three or four feet of buildings. It's critically important that we know the board know where the buffer is and where the wetland is.

MR. ZEPPONI: In those areas we were able to fill or trade so the final product will not have any wetlands closer than 15 feet.

MR. ARGENIO: I'm not concerned about quite frankly the wetlands post construction, I'm concerned during construction. I don't know how we cannot approve

something knowing you're going to break the law and you're going to go into the wetlands.

MR. ZEPPONI: Where we're showing the wetlands that close to a building as part of our application we've gotten the permit to fill that wetland.

MR. ARGENIO: I think that permit would be hugely important.

MR. CORDISCO: If I may, Mr. Chairman, I think what we would need in order to move this project along at a minimum would be several things. First, we need a signed delineation map from DEC verifying the boundary of the wetlands. If you have a letter of approval from DEC where they have agreed and consented to disturbances either within the wetlands or within the wetland buffer, we need to see that as well. I have practiced in this area, I used to work at DEC and I was the wetlands enforcement counsel in Albany 10 years ago, seems like a lot longer, in any event, I'm not aware of DEC issuing permits for projects where you have a project like this where we haven't even established lead agency yet nor have we adopted a negative dec. It would be possible theoretically for the DEC to do that, I'm not disagreeing with you just that we need to see it, I would think at a minimum in order to even consider moving this project forward because these are all open issues at this time, apart from the technical issues which I'm sure Eric can talk about.

MR. ARGENIO: Yeah, I agree with that and that's, I said it I think three times, it's hugely, hugely important. Where is the sewer going?

MR. ZEPPONI: There are two.

MR. ARGENIO: Is there capacity?

MR. ZEPPONI: There's an existing stub out that comes in this area of the project so we're connecting there and this portion of the project connects to an existing manhole that exists within Corporate Drive so it's going in two different directions.

MR. ARGENIO: Alright, what I think we should do Mr. Zepponi, I think you need to get us that information that we just talked about so we can begin this thing. But as I said, my initial reaction, Neil or Danny, you guys agree with that statement, do you think I'm off base?

MR. GALLAGHER: No.

MR. ARGENIO: There's a lot going on here.

MR. ZEPPONI: It was actually Mark that suggested we go to DEC and we did that upon his recommendation.

MR. ARGENIO: Well then that's a good idea but share the information with the town.

MR. ZEPPONI: We just got it and I'm not the environmentalist.

MR. ARGENIO: Let's get that guy here, let's get the information in the hands of the people who need to see it and if you're serious about this and I want to move this and you want to move this let's do what we need to do.

MR. ZEPPONI: Okay, so is there any other direction you can give us when I come back next time with that information that if there's anything else that's obvious to any member that we can further help move it along?

MR. DENEGA: I can mention something too that there are a number of storm water comments as part of that

attachment and Mark did make specific reference to the storm water comments and concern that we need to get those taken care of to make sure it doesn't affect the rest of the layout.

MR. ARGENIO: Some of the comments which I read they will affect the layout, there is no question in my mind this is going to affect the layout.

MR. DENEGA: So I think that's one of your other main issues besides the wetlands taking care of that and I think it's going to be tough to make any specific technical comments beyond that not knowing how this project is going to be molded from those two issues.

MR. ARGENIO: I agree.

MR. ZEPPONI: As I'm reading through this is the first several that I looked at I believe can be resolved in a discussion but we can have that discussion. I don't know if you'd like to set up a meeting tonight.

MR. ARGENIO: What you do is you give Nicole a call and she will set it up for a workshop format and we'll sit down and go through it. Did he go to a workshop?

MR. ZEPPONI: I have been to several including this layout.

MR. ARGENIO: 2008, okay, yeah, that's the proper venue for that, Mr. Zepponi and, I mean, the wetlands are going to, they can turn this project upside down.

MR. ZEPPONI: I understand your concern but having gone through what we went through there I realize I need to show you the data.

MR. ARGENIO: We need to have that stuff, okay, let's see, is there anything else Mr. Zepponi?

MR. ZEPPONI: No, if you want me to run through some of the technical details.

MR. ARGENIO: No, you know, and I will tell you why because I really think that the things that the SWPPP things and as I said I did read the SWPPP comments, I think they're going to materially change your plan. I think they are going to materially change your plan. If I'm wrong, that's okay, I've been wrong before. I mean, we'll see again but I think they're going to have a significant impact on your plan and if you get that stuff together, get it to Nicole and we'll put you on the agenda and we're here twice a month every--no, maybe not December cause it's Christmas.

MR. ZEPPONI: Having read through it, I think most of these things are going to go away with discussion so I'm a little more confident.

MR. ARGENIO: Okay, thank you, sir, for coming in.

MR. ZEPPONI: Thank you.

STONEGATE_@_NEW_WINDSOR_(09-29)

MR. ARGENIO: Stonegate at New Windsor represented by Mr. Shaw. This proposal involves an 84 unit senior citizen multi-family residential project on a 9.08 acre property. The plan was reviewed on a concept basis only.

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

MR. ARGENIO: Okay, Mr. Shaw is here to represent this. Greg, it's my understanding this is roughly behind John Lease's building on 207 near the lake, the Scheible property or near the Scheible property.

MR. SHAW: Correct, the entry drive coming in from 207 is the entry drive that you take to the former Newburgh Packing site.

MR. ARGENIO: Okay, Mr. Shaw.

MR. SHAW: And what happens is as you come up in fact here's a portion of the Newburgh Packing site you just make a left-hand turn and come in through our site.

MR. SCHLESINGER: So you pull in as if you're going to the old Newburgh Packing?

MR. SHAW: Correct.

MR. SCHLESINGER: Behind John Lease's little strip center?

MR. SHAW: Correct, which is right here. Pull in along the drive instead of making a right-hand turn into the parking area you make a left-hand turn into our site and this property butts up against Steele Road also.

MR. SCHLESINGER: Is that a private road?

MR. SHAW: We'll get into that.

MR. ARGENIO: Go ahead.

MR. SHAW: We're in a PI zone, we have a total of 9 acres and we're proposing 84 units and two detached buildings, 81 of the units will be senior citizen housing and three units will be affordable housing. Of those units 60 will be one bedroom units and 24 will be two bedroom units. As we spoke, access will come off 207, we do not have a legal frontage on 207, what this project does have is a right-of-way over the property of the Bendante Realty Corporation which is the former Newburgh Packing property. So as I say, we do not own it but we have a right-of-way over it and we're proposing to improve it. We're proposing to develop it as a, to the Town of New Windsor street specs, 30 feet wide curbing, storm drainage and sanitary sewer. And that will come up to the entrance of our site and then will taper into the existing parking lot of the former Newburgh Packing site. And then once we come into our site we'll have a 30 foot road system which will loop around our property and loop around the two buildings totaling the 84 units. As I mentioned, we have access on Steele Road, if you notice the topo very steep, we cannot access it, that's why we're forced to come off 207. With respect to the utilities, there's an existing 12 inch town water main on the former Newburgh Packing property, we'd like to extend that main, bring it into the right-of-way and loop around our building and at the same time, Mark has requested that we extend that main over to Steele Road so the residents on Steele Road which are presently serviced by wells can have an access to town water. With respect to sanitary sewer, we're going to have a collection system and the line will ultimately run down their new drive that we're constructing and tie into the existing sanitary main on 207.

MR. ARGENIO: Greg, you're going to take the 12 inch water down Steele Road?

MR. SHAW: We're going to, the 12 inch water we're going to tap it with an eight inch main, loop it around our building and at the same time run a stub from our loop to Steele Road.

MR. ARGENIO: What size stub?

MR. SHAW: Most likely eight inch.

MR. ARGENIO: Go ahead.

MR. SHAW: And with respect to storm drainage system, we have a collection system, we have incorporated a water quality storm water detention pond, I'm sure the board is familiar with them, we collect the storm water, detain the flows, treat the storm water and release it at a rate that it's presently flowing at off the site undeveloped and that storm water will flow again down our new drive and cross 207 to an existing 30 inch culvert which is there today. With respect to the parking, we're providing the number of units that we're obligated to under the ordinance which is two parking spaces per unit. We have provided some exterior site amenities, we have a, if I can just get the numbers, we have a 2,800 square foot patio area situated between buildings number 1 and 2 and we also have a 4,800 square foot patio which is adjacent to building number 2 which ties into the amenities that will be in that building which Mr. Coppola will explain in his presentation. That's a brief overview of the site. Let Mr. Coppola talk about the building itself and then we can revisit any of the issues that you'd like.

MR. ARGENIO: Go ahead, Anthony.

MR. COPPOLA: Thank you, Greg. Real quickly--

MR. DENEGA: You want a copy of Mark's comments?

MR. SHAW: Yes.

MR. COPPOLA: On the buildings there are two buildings, two apartment buildings, each building is three stories each, there are, Greg stated there are 61 bedroom units, those one bedrooms are 897 square feet, they contain livingroom, bedroom, handicapped bathroom and all the units also have a deck. Two bedroom units are, there's 24 two bedroom units, they're 955 square feet. So we have basically a rendering of one of the buildings, both of the buildings are basically similar in terms of materials and colors. And what we're rendering here, what we're showing in terms of the materials is a combination of exterior vinyl siding, cultured stone which would go all the way up to the top of the third story within the gables that we're showing, the fiberglass shingles for the roof, we're going to do an ornamental roof in the center, it will be like a turret shaped roof that will be probably aluminum in a kind of an accent color.

MR. ARGENIO: Turn that easel please towards us, I can't see through you.

MR. COPPOLA: Tough to see, it's not huge. So that's the center entrance there. All of the units do have exterior balconies, so I think the buildings are going to present themselves fairly nicely. As Greg stated, there's in the lower level of building 2 we have worked out a 1,400 square foot community room, a library, management office, crafts room, exercise room, so there's a lot of common space and Greg's been able to tie that into exterior patio right outside of that lower level. So there's a lot of common space and community space for all the people who are living there.

MR. ARGENIO: In the spirit of the whole concept of the senior center, we approved one recently in Vails Gate, obviously has a lot of unique stuff around it, dry cleaner, pharmacy. What do you guys have?

MR. SHAW: What do we have?

MR. ARGENIO: Is there any additional things that you're offering on this site for the benefit of the seniors, place to get their hair done, I don't know, banking, I don't know, I just know that the idea, you know, approving the one in Vails Gate was that there was so much great stuff around it, pharmacy, groceries, liquor store, everything's around, everything you would need is around there.

MR. SHAW: That's not going to be this type of project. The board probably views that project if somebody wants to go out shopping they're going to walk, it's going to be pedestrian related.

MR. ARGENIO: Close by.

MR. SHAW: I don't know if people do any of that anymore but it is close by and we have the same situation here, people are going to want to go to the bank, hairdresser, nails, liquor store, they're going to have to get in the car and going to have to drive and maybe they're going to drive a few minutes further than if they just went to Vails Gate. But it's not a pedestrian related facility. I don't believe the one in Vails Gate is either cause I think people of that age group are really not into walking that much.

MR. ARGENIO: Where do you live, Mr. Shaw?

MR. SCHLESINGER: What age group?

MR. SHAW: The one that starts five years younger than me.

MR. ARGENIO: My point is that in that facility it is available, you could be right and you could be wrong, but I can tell you that the facilities do have it, it's there if they want it.

MR. SHAW: I would agree with that.

MR. ARGENIO: Dan or Neil, do you have anything?

MR. SCHLESINGER: Now not all of it is senior housing, is that correct?

MR. SHAW: Eighty-one will be senior and three will be affordable.

MR. SCHLESINGER: Eighty-one?

MR. COPPOLA: Units, dwelling units out of the 84.

MR. SCHLESINGER: Will be senior and?

MR. SHAW: Three will be affordable.

MR. SCHLESINGER: Three units will be affordable?

MR. SHAW: Yes.

MR. GALLAGHER: What's the purpose of that?

MR. SHAW: That was really based on the density, okay, that was allowed, I think we started off with the density that was allowed, allowed us to create the building then we created the building and established a number of units. We were off by a fraction and the only way to make up the fraction is to throw on a bonus for affordable housing, all right, to get us up to the number that we're permitted, all right, if only it was affordable and not senior, there's provisions in your senior ordinance I believe where if you go to

affordable housing for every I forget what the number is, Dominic, for every additional affordable you get two seniors, something to that effect?

MR. CORDISCO: I would have to check but it's something along those lines.

MR. ARGENIO: It makes sense.

MR. SCHLESINGER: Is this, does this have to go to the Town Board for approval?

MR. ARGENIO: Absolutely, let me give you another thought that section of 207 it kind of rolls a little bit and it's awful narrow, do you have any thoughts on traffic?

MR. SHAW: That's something that's going to have to be established by the DOT for sure, we're going to need a traffic study, and once that traffic study's prepared, it's going to be submitted to the DOT and to this board.

MR. ARGENIO: So you have thought about it?

MR. SHAW: We have thought about it, yes, and maybe a road widening will be required, maybe not but we need to get some feedback from this board and from the Town Board before we can go to that step.

MR. ARGENIO: Okay, so you have thought about it.

MR. GALLAGHER: Is this visible from 207?

MR. SHAW: I would say no.

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

MR. SHAW: Well, I think we wanted to get into the loop and ultimately work our way to be Town Board to see if

they have any objections. I took a quick look at Mark's comments when they were just handed to me, I think he kind of lays out the procedure as to what has to happen and I think the first question as it comes to this board as to the suitability of this project then I believe that has to be referred to the Town Board for them to determine the suitability of the project and if both like it, it's a green light then we start getting into the meat of the project.

MR. ARGENIO: Neil or Danny, do you have any thoughts on that?

MR. SCHLESINGER: Well, I think one of the issues are what you brought up before contrary to what Mr. Shaw said about the age group and walking and driving, we don't know, we don't know who's going to be living there. We all love the idea of the senior housing project in Vails Gate only because of all the amenities right around.

MR. ARGENIO: I have to tell you though Neil I don't think he's got a bad point when he says that not all senior citizens are pedestrians. My mother's 71, she has a license, she drives. Greg, he drives.

MR. SHAW: I'm five years passed the limit.

MR. ARGENIO: So I think that as a planning board and I think the Town Board too I think that we need to look at this as not all seniors in our town are going to fit the same model.

MR. GALLAGHER: That was our hope that all these amenities are a plus for having it there but maybe it's not.

MR. SCHLESINGER: The closest thing for this is for somebody to get something to eat.

MR. ARGENIO: Oh, please. So I don't, my initial reaction is what it is but I think that that's a reasonable statement that Mr. Shaw made. Danny, your thoughts on this?

MR. GALLAGHER: It's a nice looking project, I mean, I don't have any problems, I really don't.

MR. CORDISCO: If I may, Mr. Chairman, the determination regarding suitability is ultimately going to be by the Town Board. There are certain criteria that they have to consider and establish in order to, that they warranted a special use permit. At this point as Mr. Shaw had said, one of the next steps would be for whether or not this board felt that the application was sufficient enough at least to make an initial recommendation to the Town Board that it at least be considered for a senior housing special use permit. That's the process that we have followed in the past and have outlined in the code itself.

MR. ARGENIO: I think it should be considered Danny and Neil.

MR. SCHLESINGER: I think it should be considered, you know, I mean, it's a pretty intense project and I'm sure that Mr. Shaw is astute enough to present something that he feels is workable.

MR. CORDISCO: And by considering it's not an approval, it's just saying that it has enough merit to warrant further consideration and there's a number of procedural steps that you could take if that's the board's inclination.

MR. ARGENIO: Three in particular, three procedural steps.

MR. CORDISCO: First would be to circulate for lead agency, the second would be to send a recommendation to

the Town Board letting them know that the application is sufficient and warrants further review and third would be to send the plans to the County Planning Department.

MR. ARGENIO: I don't know that we're in a foot race to get to county until we hear from the Town Board.

MR. CORDISCO: It's not required.

MR. ARGENIO: What do we need to circulate, Dominic, we need a motion to circulate?

MR. CORDISCO: You need a motion.

MR. ARGENIO: Somebody make that motion.

MR. SCHLESINGER: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that Town of New Windsor Planning Board circulate for lead agency for Stonegate New Windsor senior housing.

ROLL CALL

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

MR. ARGENIO: Does the other need to be done in the form of a motion?

MR. CORDISCO: It should be a motion and the board has directed me to write a letter in the past to the Town Board indicating that this project is worthy of consideration.

MR. ARGENIO: I will accept a month that we authorize

Dominic to do that.

MR. SCHLESINGER: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board authorize counsel to prepare a letter to the Town Board advising them that this should be considered a viable project and they should have a look at it. Roll call.

ROLL CALL

MR. GALLAGHER AYE

MR. SCHLESINGER AYE

MR. ARGENIO AYE

MR. ARGENIO: Greg, what else?

MR. SHAW: Did you vote on lead agency?

MR. ARGENIO: No, we voted to circulate.

MR. CORDISCO: Voted to circulate, correct.

MR. SHAW: I think that's it, thank you for your time.

DR. _SINGH_(08-18)

MR. ARGENIO: Next is Dr. Singh site plan. Application proposes construction of a two story 16,000 foot medical office building on the 10 acre site. The plan was reviewed on concept basis only. Property is split between NC and PI zoning district, district line is now depicted on the plot plan, entire proposed building is completely in the NC zone. Sir?

MR. RAAB: My name is Jim Raab representing Dr. Singh on the building you just described. Basically just an overview of the project is still a 16,000 square foot building 8,000 square foot before centered in the upper 3, the southwesterly 3 acres of the 10 acre parcel which is bordered by 9W and Silver Springs Road and Cullen Avenue. What we have done over the last several months starting with the last time they appeared before the planning board is we tweaked the SWPPPS and then met with Mark in July. There was a number of items he wanted us to do to clean up several of the pages that were in the set of plans we did so we submitted them on August 14 and we got a comment letter from John Szarowski of McGoey, Hauser & Edsall which we did most of that improvement to the site.

MR. ARGENIO: Do you have the comments from Eric?

MR. RAAB: No, I do not.

MR. DENEGA: Mark's comments right there.

MR. RAAB: And we met with John in September to go over a number of items that had to do with John's comments from the plans we submitted in August. We have since tweaked the SWPPPs to a point where we believe we still need to go over it again with McGoey, Hauser & Edsall but most of the revisions to the, not most but all the revisions to the plan that were requested by McGoey, Hauser & Edsall have been done and so we're back here

to see where we can move from here.

MR. ARGENIO: Well, I don't agree with you that most of the comments have been done, if they have been done, he has additional comments sheet 3 for the front row of parking north side, what's the striped area on the north end for sheet 3 for the front row parking south side, what's the non-striped area in the south end? Handicapped parking detail double striped details correction is needed, handicapped adjoining space double space required, nickels and dimes, lighting information, truly, sir, the ones I just read are clean-up issues, lighting information is insufficient, we need some meat on that, the water main runs off the plan sheet. Where is the connection to the town main?

MR. RAAB: The connection to the town main?

MR. ARGENIO: I'm not asking the question. You said Mark's comments are all set and they're most certainly not all set.

MR. RAAB: This is the first time I've seen this.

MR. ARGENIO: That's fine. Location of the fire hydrants subject to review by the fire inspector that has to be done, what do you have there from the other folks? How about--

MS. JULIAN: Just the fire.

MR. ARGENIO: Let's see, building's sprinklered, I guess?

MR. RAAB: Yes, absolutely.

MR. ARGENIO: Is this filled in yet this site?

MR. RAAB: Excuse me?

MR. ARGENIO: Didn't you guys need a lot of fill?

MR. RAAB: Yes, well, no, it may need a lot of fill, it's being graded right now, yes, it does need a lot of fill, yeah.

MR. ARGENIO: Based on these plans.

MR. RAAB: Based on these plans.

MR. ARGENIO: I see a 98 crossing.

MR. RAAB: No, again, what it is there's a lot of peaks and valleys on this property and then it needed additional fill besides that.

MR. ARGENIO: I see a 98 crossing a 90 contour. What about DOT?

MR. RAAB: DOT has given a verbal approval of the entrance.

MR. ARGENIO: Verbal approval?

MR. RAAB: Yes, but again we wanted to finish the SWPPP so we can submit it, submittal of that data to them at the same time.

MR. ARGENIO: Page 2 looks like a temporary filling plan, installation plan.

MR. RAAB: Page 2 is a, what it is is the interim fill before, yes.

MR. ARGENIO: Is there a sign plan here, a sign plan?

MR. RAAB: No, not yet because we haven't even decided where to put the sign.

MR. ARGENIO: The reason I ask the questions when you

exit the site there should be a sign that says no right turn unless DOT is going to have you do a or no left turn, I'm sorry, unless they're going to have you do a removal of a section of the island on 9W. In their verbal approval, did they tell you that they want the island removed or tell you what you have here is okay?

MR. RAAB: No, what I believe is when I met with them it was, they were going to remove the island.

MR. ARGENIO: Who's they?

MR. RAAB: They was Sibby Zacharia Carbone, the permit engineer.

MR. ARGENIO: DOT is going to?

MR. RAAB: No, they want to see a plan to remove the island.

MR. ARGENIO: Well, you didn't show that.

MR. RAAB: Obviously.

MR. ARGENIO: What do you have verbal approval to do?

MR. RAAB: We have verbal approval for the placement of the driveway.

MR. ARGENIO: But you don't have verbal approval to build it?

MR. RAAB: No.

MR. ARGENIO: You don't have any approval to build it?

MR. RAAB: No, not yet.

MR. ARGENIO: That's what I want to be clear on. I don't know, what do you guys have? I'm getting a sore

throat tonight. What's that, a storm chamber, that's for your underground storage?

MR. RAAB: That's right.

MR. ARGENIO: Underneath the parking lot or grass area?

MR. RAAB: Underneath the parking lot.

MR. ARGENIO: Can they do that? I thought the underground ponds were supposed to be under a grass area.

MR. DENEGA: No, they're mainly intended for areas where you may not have enough room for a regular pond. Say if it's in a city atmosphere but if you have more pavement than grass and you don't have room for a pond you can put them underneath.

MR. ARGENIO: All the underground ponds had to have grass, no pavement, that was a while ago.

MR. RAAB: I've got four of them in Newburgh that are all under parking lots.

MR. ARGENIO: Anybody have a comment on this? I mean, you have your dumpster, it's a square box of a building but you need to get some things taken care of, you need to clean up the plans. What about your sewer?

MR. RAAB: Sewer is going to be connected on Cullen Avenue coming down through here like this, it's shown on the utility plans.

MR. ARGENIO: Is there curb all the way around this parking lot?

MR. RAAB: Yes.

MR. ARGENIO: I think there needs to be.

MR. RAAB: Yes, absolutely.

MR. RAAB: On page 4 of 11 they show how it leaves the building.

MR. ARGENIO: That's the comment Mark had runs, that the water comment runs off the page.

MR. RAAB: Well, I think what it does it's supposed to connect up to the--

MR. ARGENIO: Runs off the page, it's on the top of the page there, runs right off the page.

MR. RAAB: Right, I see that it's supposed to connect.

MR. ARGENIO: You should consider possibly some type of fence or guardrail on that steep slope, don't you guys think?

MR. RAAB: You mean along the side?

MR. ARGENIO: Yeah, that's steep. Danny, what do you got?

MR. GALLAGHER: Nothing at this time.

MR. SCHLESINGER: Nothing now.

MR. RAAB: We've got a lot of cleanup.

MR. SCHLESINGER: You don't need a retaining wall there?

MR. ARGENIO: No, I think the slopes work, I don't know what it is but it doesn't look like it's ridiculous but I think it should be protected. Dominic?

MR. CORDISCO: Mr. Chairman, in addition to the

technical comments that Mark has outlined including items that need more information, I don't believe that I've seen an environmental assessment form submitted for this.

MR. RAAB: Okay, see I joined this project a little late so I'll check into that, make sure there's one on file.

MR. CORDISCO: The point being is that it would be improper to circulate for lead agency on this project without an EAF on file, my file does not have one.

MR. RAAB: Okay.

MS. JULIAN: I have one.

MR. ARGENIO: You have what?

MS. JULIAN: The full EAF.

MR. ARGENIO: Yeah, it's right here, I'm reading it with my own eyes.

MR. RAAB: Dominic's reviewed.

MR. ARGENIO: He needs to review that, we need to tweak these, we want to get him back here as quickly as we possibly can. Can we go to county?

MR. CORDISCO: You could but they're unrelated but if there are additional details including details regarding DOT improvements I would suggest that you not.

MR. ARGENIO: Call Nicole, she'll get you set up, get your tweaking done and we'll move you along. Thank you.

DISCUSSION

RAY'S_TRANSPORTATION_(09-02)

MR. ARGENIO: Okay, Ray's Transportation I'd like to hit, Dominic's going to hit one thing then I'll hit the last thing. Go ahead.

MR. CORDISCO: Ray's Transportation when they were on actually over a month ago, they were, we had an extensive discussion they were the last item on the agenda and there was an approval that night, they were on for approval and there was an extensive discussion regarding what conditions would be appropriate as far as approvals was concerned. There was a motion, there was a second and then there was a lot of additional discussion as to exact wording of those conditions and then we went home.

MR. ARGENIO: We never voted on final?

MR. CORDISCO: Correct.

MR. ARGENIO: I'll accept a motion we approve Ray's Transportation.

MR. CORDISCO: Subject to the conditions that were laid out actually in the minutes of that meeting.

MR. SCHLESINGER: So moved.

MR. GALLAGHER: Second it.

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

ROLL CALL

MR. GALLAGHER AYE

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MR. SCHLESINGER	AYE
MR. ARGENIO	AYE

MEADOWBROOK_ESTATES_(01-42)

MR. ARGENIO: Meadowbrook Estates reapproval. This is the project over there near the Meadowbrook Lodge. Danny, I think both you guys were here for this. Mr. Bloom, counselor at large, has sent me a letter as attorney for the above-referenced application. I respectfully request that our client be placed on the next Planning Board agenda for the purpose of making application to extend for one year final subdivision reapproval, key word reapproval. It expires December 5, 2009. And thank you Mr. Bloom for actually coming in before December 5, 2009 and not subsequent to December 5, 2009 which some people have done.

MR. BLOOM: I have to thank the town for accommodating the situation.

MR. ARGENIO: Without getting too far into it, this project has been up and down, we approved it a while back, actually not too long ago and the developer had decided not to develop and another developer talked about doing it, it's owned by a local fella who everybody knows, Mr. Cavalari, I'm sure, he's been part of the town landscape for many, many years, many more years than me. And he actually has somebody that he thinks is real and wants to move with it. So his attorney's requesting reapproval. So Dominic, do you have something else to add? Have I missed anything?

MR. CORDISCO: No, you've hit on everything. This is the second reapproval. The actual approval happened two years ago and then that approval when you get final approval it's only valid for a maximum of 360 days under state law, the only circumstances that you could do then when that expires is actually to reapprove the project, that's exactly what we did almost a year ago today for this project and so now they're asking for it again. It is legal especially given that there has been no change in circumstances in regards to the

project, the zoning remains the same and I believe that it is subject to the board's comments, something that you can do when given the current economic climate would allow the project to continue hopefully there was a lot of time and effort spent in its design.

MR. GALLAGHER: Does this give them another 365?

MR. CORDISCO: It gives them another 360.

MR. ARGENIO: And, obviously, the covenants and conditions associated with the original approval could apply.

MR. CORDISCO: That's correct.

MR. ARGENIO: Anybody?

MR. GALLAGHER: I'll make a motion to reapprove.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we reapprove Meadowbrook Estates subject to all the terms and conditions of the original approval. I'll have a roll call.

ROLL CALL

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

OMNIPOINT

MR. ARGENIO: Take a look at the picture, it's a flag pole that's also a cell tower, we're going to talk about that. Omnipoint, the people that don't want to go in the orchard are not going to go there, they want to put it at Guardian in lieu of the tower in the apple orchard.

I'll accept a motion to adjourn.

MR. SCHLESINGER: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

MR. GALLAGHER AYE
MR. SCHLESINGER AYE

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MR. ARGENIO

AYE

Respectfully Submitted By:

Frances Roth
Stenographer

