

TOWN OF NEW WINDSOR

PLANNING BOARD

January 11, 2012

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

JAMES PETRO
PLANNING & ZONING COORDINATOR and
PROPERTY MANAGER

NICOLE PELESHUCK
PLANNING BOARD SECRETARY

REGULAR MEETING:

MR. ARGENIO: I want to call the January 11, 2012 regular meeting of the planning board to order for the first meeting of the new year. Tonight is our reorganization meeting. In keeping with past practice, we met, planning board met and we nominated and voted on the positions for the planning board for this coming year and the presence or not of our professionals and I'm happy to tell everybody that we're going to continue in the same fashion in which we have in the past with counsel, Dominic Cordisco, our engineer, Mark Edsall, Franny as our stenographer, the format of the board will remain the same with the exception of Dan Gallagher will assume the role as secretary insomuch as we had the resignation of Neil Schlesinger. Would you please see to it we get the stamp updated?

MRS. PELESHUCK: We have that.

MR. ARGENIO: That said, the final thing, Jim Petro is in the audience, he will be attending planning board

and zoning board meetings. He's been retained by the town on a part time basis as a Planning and Zoning Coordinator and a Property Manager as New Windsor does very quite a bit of property. And we also have the property up at the airport, 122, 125 acres which certainly needs a competent manager and his reputation and history certainly speaks for himself. So Jim, welcome.

MR. PETRO: Thank you.

MR. ARGENIO: All that said, we'll get right on to the things.

APPROVAL OF MINUTES DATED 10/12/11 and 11/9/11

MR. ARGENIO: The first item on tonight's agenda is approval of the minutes dated October 12, 2011 sent out via e-mail on the 3rd of November and November 9, 2011 sent out via e-mail on the 30th of November. If anybody sees fit, I will accept a motion to accept them.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

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

ROLL CALL

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

ANNUAL MOBILE HOME PARK REVIEW:

SILVER STREAM MOBILE HOME PARK

MR. ARGENIO: Annual mobile home park review, Silver Stream Mobile Home Park. Is somebody here to represent this? Please come forward, sir. What's your name?

MR. PUCCIO: Michael Puccio.

MR. ARGENIO: Jennifer, has somebody from your office been out to see this mobile home park?

MS. GALLAGHER: Yes.

MR. ARGENIO: Where is this?

MS. GALLAGHER: Right across from Stewart Airport entrance.

MR. VAN LEEUWEN: Next to Clark's.

MR. ARGENIO: Behind Senco. Jen, what say you?

MS. GALLAGHER: It's fine, no issues.

MR. ARGENIO: Have you brought a check made out to the benefit of the Town of New Windsor for \$750?

MR. PUCCIO: Not yet, I have the check, I haven't made it out yet.

MR. ARGENIO: You should probably do that. Anybody have anything else on this? I'll accept a motion we offer them one year extension.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

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

REGULAR ITEMS:

PATRIOT BLUFF SITE PLAN (01-65)

MR. ARGENIO: Regular items, first item on tonight's agenda is Patriot Bluffs site plan represented by Mr. Shaw. Did I see Tom Perna is here also? The application involves development of a 178 unit multi-family condo site plant on the westerly portion of the RPA property. Plan was previously reviewed at the at 12 December, 2001, 22 May, 2002, 10 March, 2004, 9 May 2007, 27 June, 2007, 8 August, 2007, 10 September, 2008, 12 November, 2008, 10 December, 2008, 19 August, 2009 and 14 September, 2011 planning board meetings. And as my predecessor used to say who says we move at a slow pace? So Mr. Shaw's here to represent this. Greg, what do you have for us here on this?

MR. SHAW: Well, the last time I was before this board I'm guessing was about three months ago, the direction the board gave me was to make a submission into the board of all the drawings which I did and I believe we're to the point now where we're in a position to request conditional--

MR. ARGENIO: Greg, can I just ask you, and I'm going to recant my other statement bring the easel closer cause I'm blind as a bat. Okay, go ahead.

MR. SHAW: Okay, when I left this board three months ago, the direction was to pull together the drawings, make a submission into the board to begin your technical review which I did. All right, so we're here before you tonight to begin the discussion regarding conditional final subdivision approval and conditional site plan approval. What I have passed out is just some points as to what we have accomplished with this project since 2001 when the application was originally submitted. And just to go through them very quickly for the record the Town Board of New Windsor made a determination with respect to the validity of the PUD which was granted back in the 1980 so that's still in effect. Also in place were the Town of New Windsor, is the developer's agreement as to who's to do what, who's to pay what. We have obtained easements--

MR. ARGENIO: That's been executed?

MR. SHAW: Executed, correct. What we also have signed and executed are easements from Mr. Petro and also from Continental Manor with respect to storm drain and one with respect to a sanitary sewer easement. We're also in the process of working out a license agreement with Central Hudson Gas and Electric for the crossing of their easement on our property and a copy of that license agreement was provided to the Planning Board's attorney. Also moving along we purchased sewer capacity for the project and we received preliminary subdivision approval from this board. We have a permit from the Army Corps of Engineers for the wetlands disturbance indicated on this project. We have completed our SWPPP, had it accepted and we have a storm water discharge permit for the project. We have public water main extension approval from the Orange County Department of Health. And also from the Health Department approval of the private water system. With respect to the DEC, we have approval from the public sanitary sewer main extension and we have realty subdivision approval from the Orange County Department of Health. I may throw in that we also have and it took us about 12 months for it to be consummated an archeological review by the Office of Parks, Recreation and Historic Preservation with respect to the proximity of the project to the Cantonment. And I'm serious when I said that took a full year and the determination is everything is fine, all right, there's no mitigation measures. And we have really even gotten into the details, we have the road names approved by the Town of New Windsor and we also have the 911 numbering system approved by the Town of New Windsor. So we believe we have done all our homework, the plans are complete, I don't know what, where Mr. Edsall stands in his review, he may have some loose ends but we would like to begin the discussion of final approval, conditional final approval.

MR. ARGENIO: Get into the discussion.

MR. VAN LEEUWEN: What are the road names?

MR. ARGENIO: Samuel Adams Court, we have Nathaniel Hale Drive, we have Isaac Sears Drive, we have Oliver Wolcott Drive and Epiphany Drive.

MR. ARGENIO: Did we resolve the tree issue?

MR. SHAW: I resolved it.

MR. ARGENIO: Okay.

MR. VAN LEEUWEN: That doesn't mean we did.

MR. SHAW: Let me back up, there's three issues still kicking around, I'm glad you brought them up. One is the tree issue, all right, and--

MR. ARGENIO: You guys remember, right?

MR. GALLAGHER: Yes.

MR. SHAW: In one of our meetings with the Supervisor, I know it's not his purview, it's this board's purview so I used my words very carefully, he was very clear with respect to cost of maintenance that's being placed on the town. One of his requests and we have complied is that all the storm water ponds be privately owned, the town has not taken them, period, he doesn't want the maintenance costs.

MR. ARGENIO: That's going to be the, what are they called, HOA will be footing the bill for that?

MR. SHAW: Correct. With respect to the trees he did not want the trees in the right-of-way cause he did not want to maintain them, his exact words is I don't even want the leaves to blow in my right-of-way cause I don't want to maintain them.

MR. ARGENIO: I think we're all on the same page with that so tell us what you did do.

MR. SHAW: What we did is we prepared a landscaped plan and I don't have it with me where we landscaped where we could, such as coming up Epiphany Drive we have trees that have been planted within the Petro easement. That was one of the requirements in our negotiations with Mr. Petro with respect to him giving an easement to allow us to grade, to install Epiphany Drive. Those trees are in place.

MR. ARGENIO: Greg, you don't have that with you tonight?

MR. SHAW: I don't.

MR. ARGENIO: I'd like to make sure we get a look at that.

MR. SHAW: Well, you have the drawings in your file, I made the submission but I don't have them with me, there's like 60 drawings to the set.

MR. ARGENIO: To the landscaped set?

MR. SHAW: No, the entire set.

MR. ARGENIO: So we should all make it a point to have a look at that cause that was a bone of discussion last time.

MR. SHAW: Once we leave the Epiphany Drive adjacent to the Petro property we're now crossing the wetlands, we're not putting in any trees there. Once we come out of the wetlands, we're now up against the easement of Central Hudson, they are not allowing any trees in their easement area so what we have done is on the easterly side of Epiphany Drive is this is where we have done some heavily landscaping areas along Epiphany Drive. We have also done very heavy landscaping interior of the two parcels.

MR. ARGENIO: Trees on the east side of the road?

MR. SHAW: Correct. Once we move out of the right-of-way, okay, or that area that's immediately adjacent to the right-of-way then we have full detailed landscaping for the two halves of the development.

MR. ARGENIO: And I think we have reviewed that and gone over that. My only focus was on the frequency of the trees or not cause I know we went round and round with that and as my memory serves me we didn't land it.

MR. SHAW: Okay, basically we put trees wherever we could again in the Petro property, yes, on the school property, no, can't do it through the wetlands. Once we cross the wetlands, cannot do it in the Central Hudson easement so we placed them along the easterly edge of the Epiphany Drive within the right-of-way.

MR. ARGENIO: Give me a flavor, Greg, along the Petro property is there about six or seven trees or about 30 trees?

MR. SHAW: If I had to guess probably 12 to 15, maybe 100 feet on center.

MR. VAN LEEUWEN: Now, is the main road is that going

to be a town road?

MR. SHAW: Yes, it's going to be.

MR. VAN LEEUWEN: But the offshoots are not going to be town roads?

MR. SHAW: No, only Epiphany Drive is proposed for dedication to the town.

MR. ARGENIO: Go ahead, Greg.

MR. SHAW: With respect to the lighting, the Supervisor expressed the same thought process that he did not want the town to have the burden of paying for the electrical charges for the lights so he wanted them outside of the Epiphany Drive right-of-way. And what we did we have placed lights on the plans, all right, at the intersection points outside of Epiphany Drive right-of-way on private property where the obligation for maintaining them will be the HOA and the electrical costs will be the HOA.

MR. ARGENIO: Good, so essentially, you're not, it sounds like you're not hitting the town with anything, no boulevard entrances we may have to maintain?

MR. SHAW: No.

MR. ARGENIO: No leaves we're going to have to sweep up and keep out of our catch basins?

MR. SHAW: No.

MR. ARGENIO: It's all on the HOA?

MR. SHAW: All on the HOA.

MR. ARGENIO: I want to just hit just a couple things here just to refresh everybody's memory. Previously we did require this applicant to prepare a Draft Environmental, Supplemental Environmental Impact Statement and it was the thought of this board that such a period of time had passed that it was necessary and appropriate and the applicant did do that. And the findings they were reviewed and the findings were appropriate. This DSEIS was submitted in November of 2008 at a regular meeting, it was determined to be complete, et cetera, we did also adopt a negative dec on August 19 of 2009 which is behind us and you have

been I believe in keeping with your earlier statement you have been busy pursuing your outside agency approvals?

MR. SHAW: Correct, once we got preliminary subdivision.

MR. ARGENIO: Are you complete?

MR. SHAW: Yes.

MR. ARGENIO: One hundred percent?

MR. SHAW: The only remaining issue that we need to talk about and that's the point that we left off with the last time I was here and you said that you wanted the board some time to think about it was whether or not we have recycle centers, refuse centers or curb side pickup, all right. Our preference is to have obviously have curb side pickup, the recycle refuse centers are a problem because their purpose is to collect garbage. They're next to people's homes, there is a smell, there's also a marketing aspect to it. They have used curb side pickup on other projects that can be and are, they have been very successful with them.

MR. ARGENIO: Howard, what do you have to say, you live in the other?

MR. BROWN: I live in Patriot Ridge and I find the recycling center is no problem. In fact, I find it as a benefit because the garbage is out of your house, it's into the refuse area and it's picked up three times a week, you don't have anything blowing all over the development which individual cans would do.

MR. VAN LEEUWEN: Let me tell you I got that in my neighborhood, aye-yi-yi.

MR. ARGENIO: Some of the units, are these your lot lines?

MR. SHAW: Yes, correct.

MR. ARGENIO: You have four units side by side, you can have four green bins every 10 feet.

MR. VAN LEEUWEN: You need recycling centers.

MR. ARGENIO: Harry?

MR. FERGUSON: I think the recycling center is the way to go.

MR. VAN LEEUWEN: I think so. I can't disagree with you on that one.

MR. BROWN: The one we have there is decorated in fieldstone and it really looks nice.

MR. ARGENIO: Probably a roof on it.

MR. BROWN: Yeah, it has a roof on it.

MR. ARGENIO: I think you should consider that, Greg.

MR. SHAW: Well, the plans that are before you now show recycle centers, they are indicated on the drawings. We have details of the recycle center on the plans which have been submitted to the town. They are almost identical, all right, to what's on Patriot Ridge. So the initial submission to the board was recycle centers. My client wanted to offer curb side and maybe generate some more parking spaces for visitors as a replacement for the recycle centers.

MR. ARGENIO: Howard, do you find in the place that you live over on the other side north of here do you find that there are enough recycle centers or do they overflow?

MR. BROWN: No, there's enough, they have one catty-corner to each one going up Epiphany and also have two more in the back, three more actually and more than enough.

MR. ARGENIO: And it seems to work?

MR. BROWN: Yeah. Only certain times of the year you might find them overflowing because of a holiday.

MR. ARGENIO: If they didn't work, they would be complaining.

MR. BROWN: Yeah.

MR. ARGENIO: Is the frequency of the recycling centers in what you're showing here similar to the frequency of the other project?

MR. SHAW: Frequency being what, the number?

MR. ARGENIO: Number.

MR. SHAW: Yeah, I would say yes, I don't have the exact amount but I can count them if you want.

MR. BROWN: What size, the same dimensions as Patriot?

MR. SHAW: They vary, I think they're two sizes.

MR. ARGENIO: Jen, where are you on this as building inspector, do you get complaints or what's the story, what are you hearing in your office?

MS. GALLAGHER: We have never received a complaint about garbage in Patriot Ridge.

MR. ARGENIO: Whatever is going on is working.

MS. GALLAGHER: Absolutely.

MR. GALLAGHER: How about for the post office, is there going to be a mail center similar to the other condo projects?

MR. VAN LEEUWEN: I'm sure there will be.

MR. GALLAGHER: Or individual mailboxes?

MR. SHAW: I don't have the answer to that. The majority of them are large, you can count them if you wish, this is half the units.

MR. ARGENIO: One, two, three.

MR. SHAW: One, two, three, four.

MR. ARGENIO: Seems to me you're missing one.

MR. SHAW: This is one half of 178, we have four right now.

MR. BROWN: That's sufficient.

MR. VAN LEEUWEN: That's 20 for each recycling center.

MR. BROWN: Yeah, because usually you can fit two bins.

MR. ARGENIO: Would put this up here and hold it. Here's what I'm thinking here, I'll show you what I'm thinking, you have one, two, three, four, and what Henry VanLeeuwen was saying was it seems as though there's a--

MR. VAN LEEUWEN: Because the stretch is too much.

MR. ARGENIO: These people should be served by something over here, I think I agree with him. One, two, three, four, possibly one here or here would probably be appropriate.

MR. SHAW: Okay.

MR. VAN LEEUWEN: I think it would be very appropriate.

MR. ARGENIO: So that's resolved. Mark?

MR. SHAW: Do you want to look at the other half?

MR. ARGENIO: Do you have it here?

MR. SHAW: Yes.

MR. ARGENIO: I'm going to suggest that the members go to Town Hall and have a look but if you have it. This is right, the only issue and Tom's going to laugh at me of substance it's the only thing we really didn't discuss Tom is what I want to say, what do we have, we have one, two--

MR. SHAW: Small one here.

MR. ARGENIO: Three, four, seems as though that's probably appropriate.

MR. VAN LEEUWEN: Should be one up in that area here.

MR. ARGENIO: One, two, three, four so Henry you're saying somewhere up in here?

MR. VAN LEEUWEN: Yeah, should be another one.

MR. ARGENIO: Can you help us with that, Greg, regrading in here possibly?

MR. SHAW: I'd rather stay away from that area.

MR. ARGENIO: How about this? How about this,

certainly this will work?

MR. SHAW: I can lose a couple parking spaces here if I had to and put it over in this area.

MR. ARGENIO: How is the count?

MR. SHAW: With respect to parking spaces, I think we're pretty generous, we have a total of 178 units, we have 112 extra parking spaces.

MR. ARGENIO: So why don't we say either here or here, whichever one fits you best?

MR. SHAW: I would agree.

MR. ARGENIO: Good, I'm glad we, so that's put to bed. Mark, anything else?

MR. BROWN: One question on the disposal units something that we had to add ourselves solar lighting so at nighttime when people dispose of their garbage the lights automatically when they walk into the unit go on.

MR. ARGENIO: You don't mean solar.

MR. EDSALL: Motion.

MR. SHAW: A motion detector.

MR. ARGENIO: I would have a motion detector activated light.

MR. VAN LEEUWEN: So they can put the garbage in at night.

MR. BROWN: Just for safety reasons.

MR. VAN LEEUWEN: Especially in the winter everybody works until 5:00 o'clock and it's dark.

MR. EDSALL: Good point, and they make the wall type units.

MR. SHAW: Are we talking about hardwired or solar?

MR. EDSALL: No, hardwired.

MR. ARGENIO: Talking about illumination.

MR. SHAW: It doesn't have to be solar, you want a light that's activated off motion?

MR. ARGENIO: And it has to work.

MR. SHAW: Fine.

MR. ARGENIO: I think at least anybody disagree with that? I don't want, I don't think we're here to dictate how.

MR. VAN LEEUWEN: Good idea, Howard.

MR. ARGENIO: Mark, what else?

MR. EDSALL: As Greg indicated, he had prepared the full 64, 65 sheet set and submitted it. I have met with him twice on it, I had some comments, he had addressed those, there was some sheets that were not included in the set relative to some lighting changes that he mentioned adjustments, I got those sheets, I reviewed those, provided comments so we have gone a couple rounds and all my plan review issues are done.

MR. ARGENIO: Dominic?

MR. CORDISCO: We have no issues at this point. The, as you mentioned, the board had previously adopted a negative declaration which closed out SEQRA and at this point, we could prepare a resolution for conditional final approval. The only comment that I would make is that with a major subdivision such as this one the board is entitled to hold a second public hearing on a proposed final plat but only if the proposed final plat is consistent with the previous version of the plat that was the subject of the public hearing. It's my understanding that that is not the case here but the board would need to make that decision.

MR. EDSALL: It should also be noted that the requirement for the final public hearing actually was added to the law after this application was quite active.

MR. ARGENIO: Mark, this has been round and round and round.

MR. EDSALL: All we want to do is make sure that every box is checked so that if anyone questions it.

MR. ARGENIO: Anyone feel differently?

MR. CORDISCO: Correct, the point here for procedure--

MR. VAN LEEUWEN: Make a motion.

MR. ARGENIO: I don't need a motion. Here's what I want to suggest, insomuch as this is a significant project, I think it would not be inappropriate for you to make the necessary changes that we talked about and I think the members should take the time to go to Town Hall to look at the landscaping plan to make sure we're all good with this. And I would think that you understand the direction this is going but I'd like to just make sure all the ducks are in a row and it seems to me that you're at the absolute 99 yard line here, Greg.

MR. SHAW: Okay, that's fair enough.

MR. ARGENIO: Unless somebody up here disagrees with that assessment, there's a lot going on here, it's been reviewed and reviewed and reviewed and reviewed which is okay, that's what we're here to do but let's get the dumpster things squared away. I assume that you will take care of the lighting with Mark somehow?

MR. EDSALL: We'll take care of that and he's already submitted the cost estimates for public and private improvements, they're in review.

MR. ARGENIO: I'd like to have the opportunity to see the landscaping plan cause I have not seen it and it was something that we discussed. Relative to the road I think the record reflects from the previous meetings our clear and concise understanding on that road and the potential link at a later date, I think that's probably a more accurate way to say it. So that said, thank you for coming in.

MR. SHAW: We'll be back.

ALIYA-ZAFAR PRODUCE (11-13)

MR. ARGENIO: Next item on tonight's agenda is Aliya-Zafar Produce on Corporate Drive. This application proposes addition to the facility for more warehouse cooler expansion, retail area and office expansion. The application was previously at reviewed at the 14 September, 2011 and 9 November, 2011 planning board meetings. Haven't we seen it more than that? Mark, are you sure about that? Nicole?

MR. VAN LEEUWEN: We've seen it a couple times.

MR. EDSALL: I think it was a couple scheduled times that they have canceled.

MR. ARGENIO: That could be. Mr. Mason is here to represent this. This thing has gone through a couple of iterations, if you could just maybe give us a quick tour of what you have there currently as of right now and then I'll go through some commentary.

MR. MASON: We're putting on an addition towards the front of the building that's going to include the cooler space, office space and small cash and carry I believe it's called on here. I think my understanding, Mr. Green's not here tonight to represent this, he's out of town so of course I got it but the way it was explained to me there was a few issues with the entrance which I believe has been corrected with Mark and the fire department.

MR. ARGENIO: So is this your expansion, Eric, this whole space here?

MR. MASON: Right in here, yes, this is Corporate Drive up here, this is the existing structure.

MR. ARGENIO: Mark, do we have any issues with Corporate Drive itself with the entrance?

MR. EDSALL: Corporate Drive is not a town road. We're very familiar with it because of Tom Meir's (phonetic) multi-family application and the sewer lines and water lines we have been discussing and of course then this application came in. So it has to be reviewed from a planning standpoint. I made some suggestions about movement but beyond that, there's no town permits required cause it's not a town road.

MR. ARGENIO: Got it. Eric, what about the parking, are you changing the parking, are you adding?

MR. MASON: My understanding, Mr. Chairman, is that the parking area for blacktop purposes is going to be resurfaced, the remainder is my understanding is the remainder of it is just going to be like a shell base for him to park his vehicles on.

MR. ARGENIO: Mark, are we all right with that? Do we have a code issue?

MR. EDSALL: Well, any required parking for customers or handicapped has to be paved. Any supplemental parking the board has always viewed from a standpoint of impacts, needs and in this particular case, it's a small site, there are some storm water issues so it's to everyone's advantage if it's just truck parking his own trucks to minimize the runoff and minimize that impervious area so--

MR. MASON: I believe two meetings ago when I was here Mr. Green was here, I believe this was discussed and I think they changed over to resurfacing the whole front where it's existing blacktop now.

MR. EDSALL: That's on the front customer parking?

MR. MASON: Right.

MR. ARGENIO: And we have the dumpster enclosure here. Is there a detail?

MR. MASON: Mr. Green explained to me that you guys were looking for block and he said that he did put it on the plan, unfortunately, I stole this plan a little while ago but the plan I had I did not see it but it was so small I couldn't read it.

MR. ARGENIO: We need a detail on that.

MR. VAN LEEUWEN: You couldn't read it anyway.

MR. ARGENIO: We need detail, we need to know what you guys are doing. Let me go through a couple things previously noted that it was our belief the property is completely in a PI zone. We ask that the status be confirmed so Mark, they have the C zone and the PI zone indicated, I think what we're going to need to do is

verify the parking calculations, is that right?

MR. EDSALL: They added a zone line but they added it in the wrong direction in the wrong place and missed one in the back so they need to fix the zone line.

MR. ARGENIO: All right, Eric, I'm going to read some of these things. Do you have Mark's comments? Take a copy.

MR. MASON: Sure.

MR. ARGENIO: This has got to get in the hands of the architect. Water services have been called out, however, no water main to connect to has been shown. No sewer information has been provided at all. I'm not going to read the handicapped comment because the answer to that is very simple, it's got to meet code, end of story. And Mark's comment I'm still unable to follow the grading involved with the proposed swale locations nor can I understand the discharge locations. Whatever the problem is there it needs to be cleaned up. The proposed modifications to the site include paving existing gravel areas, the letter from Engineering Properties states that there will be a net reduction in impervious surface and the site qualifies as a redevelopment under New York State storm water requirements. The criteria for exemption for the one year, 10 year and although gravel is considered impervious surface, Mark?

MR. EDSALL: Compacted, yes, it is.

MR. ARGENIO: Curb number increases, blah, blah, blah, so much technical stuff that I'm not going to get into it.

MR. EDSALL: My suggestion is very simply is that the applicant's engineer look again at the calculations and reach out to John Szarowski of our office and get the storm water issue resolved. We all know that the DEC has imposed and then changed several times regulations on storm water and it's not an easy issue but we have no choice but to comply.

MR. ARGENIO: Where is your customer with the state of this plan? He's made substantial changes in the past which is fine, I mean, he's got to do what he needs to build what works for his business but is he going to make more substantial changes?

MR. MASON: No, this is it. At the last meeting I met with him after the last meeting cause when I walked in I thought we were coming in for a small little addition. When I seen the plan, I almost fell off my chair cause he changed a lot but I sat down with him and the architect and this is it, this is it.

MR. ARGENIO: Mark, I have, there's some technical issues here, certainly there are storm water showing the water connection or not, I mean, I don't know.

MR. EDSALL: Those other comments are very minor, just easy to fix, when they straighten out the storm water issue, they've got to straighten out the grading so that's all one issue in effect.

MR. ARGENIO: Here's my question. Ultimately, are we at a level of fitness where we can go to county?

MR. EDSALL: It's been.

MR. ARGENIO: But has it been?

MRS. PELESHUCK: With the new plan.

MR. ARGENIO: Great, fantastic.

MR. CORDISCO: If I may, did we get comments back from the county?

MR. ARGENIO: Local determination. My concern was that it's based on what they're going to build.

MR. EDSALL: We re-sent it.

MR. CORDISCO: Of course there's plenty of case law that says if there's significant changes to the plan--

MR. ARGENIO: You guys are in trouble.

MR. CORDISCO: You've got to send it back.

MRS. PELESHUCK: Twice.

MR. ARGENIO: Harry or Howard, do you have anything else on this? Danny?

MR. GALLAGHER: No.

MR. ARGENIO: Looking for the detail on the enclosure?

MR. MASON: Yes.

MR. VAN LEEUWEN: We have pretty much covered everything as far as I'm concerned.

MR. ARGENIO: Mark, in the front or Eric, in the front I see parking lot bumpers and I also see walkway bumpers. Is there a sidewalk and a curb in the front of the building right here, Eric, Mark or Eric?

MR. MASON: I don't know.

MR. EDSALL: If I recall correctly, the existing building, the parking paving is pretty close to on grade so I think if we end up putting in a sidewalk it may end up creating a step problem. I'm just recalling stopping out there years ago on another issue on Corporate Drive.

MR. ARGENIO: We should have a look at that.

MR. EDSALL: We can doublecheck that.

MR. MASON: Right now I believe he has some planters out there which is maybe what he was planning on doing out there.

MR. ARGENIO: What prevents the folks from driving into the road? I don't know the site that well.

MR. VAN LEEUWEN: There's a grass median.

MR. MASON: It's fairly flat there.

MR. ARGENIO: You should show bumpers there, I don't care about the other side, there's slopes on the other side but you should show something, some kind of stop, curb it, put some bumpers or something.

MR. MASON: No problem.

MR. ARGENIO: My wife drives in there, she forgets to put the car in park, next thing you know, it's out in the middle of the road.

MR. EDSALL: It's in the minutes now.

MR. VAN LEEUWEN: I don't have anything else.

MR. ARGENIO: You on board here?

MR. MASON: I think so. I just one question regarding public hearing, I guess we have to come back anyway but I've been involved with several projects on that street in that area and with the public hearings nobody's ever attended.

MR. ARGENIO: What did we do with that? I think we waived, Eric, just for the reason you just described.

MR. MASON: Well, the reason I bring that up again Mr. Green mentioned to me that we'll be back for the public hearing and I said well, I don't know that that's going to be necessary but I'll find out.

MR. VAN LEEUWEN: I think we waived the public hearing.

MR. ARGENIO: No, we didn't.

MR. MASON: Washington Green's up behind it and the pizza place there in front, U-Haul's across the street, Polytec I believe is the name of the other company.

MR. PETRO: Mr. Chairman, the guy that owns Popeyes, could be a problem, that's pretty close.

MR. MASON: I don't know if you're within the 500 feet, Mr. Petro.

MR. ARGENIO: Yes. What do you guys think?

MR. GALLAGHER: Building height's not a problem. I'll make a motion we waive public hearing.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion has been waived and seconded we waive the public hiring. Roll call.

ROLL CALL

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

MR. ARGENIO: Eric, please convey these thoughts to

your owner, let's get this thing tightened up. It's been banging around too long.

MR. MASON: I will.

MR. VAN LEEUWEN: We just waived the public hearing.

MR. MASON: Thank you very much. I appreciate that. And I'll see you next time.

BUDNEY & DRYER LOT LINE (11-16)

MR. ARGENIO: Budney and Dryer lot line change on Veronica Avenue. Application proposes conveyance of 7,644 square feet from lot two to lot four.

MR. VAN LEEUWEN: I know where it is, I've known this guy.

MR. BUDNEY: My Name is Chris Budney.

MR. ARGENIO: Where are we?

MR. BUDNEY: We propose to transfer--

MR. ARGENIO: Where is this?

MR. BUDNEY: Veronica Avenue off Cedar Avenue by the ballfields.

MR. ARGENIO: This is behind me?

MR. VAN LEEUWEN: No.

MR. GALLAGHER: Ducktown.

MR. ARGENIO: So if I come from let's say the Quassaick Firehouse.

MR. BUDNEY: Come up Cedar, you're going to make a left on Bradford Terrace which is, abuts the cemetery, next left is Veronica, it cuts through to Oak Ridge Drive on the other side.

MR. ARGENIO: And this is Veronica?

MR. BUDNEY: This fronts on Veronica.

MR. ARGENIO: Show us the property that's going to be transferred.

MR. BUDNEY: This section right here will be transferred from Budney to Dryer who owns this lot right here.

MR. ARGENIO: You're taking a little mini lot and you're going to make it a little bit bigger?

MR. BUDNEY: Yes.

MR. ARGENIO: Which lot do you own?

MR. BUDNEY: We own the whole parcel right now.

MR. ARGENIO: It's none of my business but why are you doing it?

MR. BUDNEY: Because my sister, Suzie, owned the place. She passed away last March. She always said if she wasn't there the Dryers would love to own that piece of property because they don't want anybody to build next to them so I agreed to do that. That's it.

MR. ARGENIO: This is nothing here.

MR. BUDNEY: I believe Peg Helrickel (phonetic) has brought this before to a workshop and I believe the town engineer.

MR. ARGENIO: Just want to read this into record. The Budney lot is substantially larger than zoning requirements in the R-4 zone. The area being conveyed to Dryer is only two and a half percent of the total property area. With the area conveyed the Budney the lot easily maintains zoning compliance. The Dryer lot still remains non-conforming, however, its level of compliance is increasing. This is a very simple lot line change. Gary Dryer?

MR. BUDNEY: Yes.

MR. ARGENIO: What else is here?

MR. EDSALL: It's, you can't get much more simpler and you can't look at an application that has anything negative cause this is just purely making a very small lot more conforming.

MR. ARGENIO: If anybody sees fit, I will accept a motion we waive the public hearing.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. FERGUSON AYE
MR. BROWN AYE

MR. VAN LEEUWEN AYE
MR. GALLAGHER AYE
MR. ARGENIO AYE

MR. ARGENIO: I'll accept a motion that we need to declare ourselves lead agency.

MR. CORDISCO: You don't have to circulate.

MR. ARGENIO: Motion that we declare negative dec.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

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

MR. ARGENIO: Mark, am I missing anything?

MR. EDSALL: There are no estimates to review, there's no county referral to be made, so you might be able to dispose of it.

MR. VAN LEEUWEN: Make a motion we approve.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded subject to the following on the final plan please indicate New Windsor project number in the approval box.

MR. BUDNEY: Okay, we'll do that.

MR. ARGENIO: Roll call.

ROLL CALL

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

MR. ARGENIO: Thank you for coming in.

PALMER SUBDIVISION (11-17)

MR. ARGENIO: Next is Palmer subdivision. Application proposes subdivision of the .7 parcel into two single family lots. Somebody here for this? What's up, Jen?

MS. GALLAGHER: Probably up at the other meeting.

MR. ARGENIO: Okay, we'll go right passed that.

HENRY SUBDIVISION (11-18)

MR. ARGENIO: Next is Henry subdivision on Beattie Road. Application proposes subdivision of the 3.24 acre lot into two single family residential lots. The plan was reviewed on a concept basis only. What's your name, sir?

MR. WEEDEN: My name is Howard Weeden, surveyor for Mr. Henry sitting right back there.

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

MR. WEEDEN: This is a lot off of the Beattie Associates subdivision subdivided in '05, it's 3.2 acres. We're proposing two lots, this is a vacant lot, we're proposing two lots, one on an 80,000 square foot lot which meets zoning, the other on a 60,000 square foot lot which doesn't meet zoning.

MR. ARGENIO: Curious, what's your hardship? It's not for this board, it's for zoning. Jimmy Petro will have to deal with it along with the zoning folks.

MR. WEEDEN: I believe this was purchased in '08 when the economy was good. Now the economy's not so good so my client's trying to--

MR. ARGENIO: Financial, so it's no more complex, the lot is a vacant lot on Beattie Road and you want to make one conforming lot and one non-conforming lot?

MR. VAN LEEUWEN: Who's next door? Who's the nearest neighbors?

MR. WEEDEN: We've got--

MR. ARGENIO: Mr. Henry, who's your nearest neighbors?

MR. HENRY: I actually have a site plan Google maps, this is a brand new house just built last year.

MR. VAN LEEUWEN: I'm up here.

MR. ARGENIO: So where is your property?

MR. HENRY: Right here.

MR. ARGENIO: Does anybody have any questions on this?

MR. PETRO: I do. I think you already said it but I don't think I heard the answer. What's the hardship here? I mean, I realize it's going to go to the zoning and it's for them to decide.

MR. ARGENIO: Hardship is going to be for zoning to decide, as you know, that's not ours, the answer that I got was economic.

MR. WEEDEN: Financial.

MR. PETRO: And what does that mean?

MR. VAN LEEUWEN: Well, he bought it in a high time, Jim, when the prices were--

MR. ARGENIO: Paid a premium for the lot at such time years ago and at this point in time to make it work to be able to get his investment out of it he would need to make two lots out of it rather than one and it has obviously more value as two lots than one.

MR. PETRO: Well, I was always taught that money is not a hardship as far as zoning is concerned so I don't know how that would fly, I mean, the zoning in that area is two acres.

MR. WEEDEN: It's 80,000 square feet.

MR. PETRO: I wonder who wrote that law but anyway--

MR. VAN LEEUWEN: I think I'm looking at him.

MR. PETRO: Just curious, it's not for me to say but--

MR. ARGENIO: It's a zoning issue and it's not typically a road that we go down but I was just curious.

MR. PETRO: I would be too because money's not a hardship.

MR. VAN LEEUWEN: Well, I live down there and I'll tell you something it's not easy.

MR. ARGENIO: Anything else you guys have? Any other questions on this? Okay, good luck to you. No, wait a second, let me finish. I'll accept a motion that this application be declared incomplete at this time.

MR. FERGUSON: So moved.

MR. VAN LEEUWEN: Second it.

ROLL CALL

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

MR. ARGENIO: Thank you, sir.

MR. WEEDEN: Thank you very much.

MR. ARGENIO: Anything else new? Do you have anything?

MR. PETRO: No.

MR. ARGENIO: Motion to adjourn?

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth
Stenographer