

TOWN OF NEW WINDSOR

PLANNING BOARD

February 27, 2013

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY
A/P TAYLOR PALMER

MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER
BUILDING INSPECTOR

NICOLE PELESHUCK
PLANNING BOARD SECRETARY

ABSENT: HENRY VAN LEEUWEN

MEETING AGENDA:

1. Apple Ridge Subdivision (08-16)
2. Patriot Bluff (01-65)
3. Crestmoore @ New Windsor (13-02)
4. Vails Gate Terminal (13-01)
5. Benedict Pond
6. River Road

REGULAR MEETING:

MR. ARGENIO: I want to welcome everybody to the February 27, 2013 regular meeting of the Town of New Windsor Planning Board. Would everybody please stand for the Pledge of Allegiance?

(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: Let the minutes reflect that Dominic is now with us. We're going to get started right away while counsel gets settled.

PUBLIC HEARINGS:

APPLE RIDGE SUBDIVISION (08-16)

MR. ARGENIO: First item on tonight's agenda is the Apple Ridge subdivision on Shaw Road represented by Esposito and Associates. This is a cluster application that was previously reviewed at the 28 January 2009, 11 August 2010, 9 March 2011, 27 April 2011, 10 October 2012 and 23 January 2013 planning board meetings. This application is before the board this evening for a public hearing. I see Mr. Esposito getting set up. For those of you who are not familiar with the process or maybe you are, Mr. Esposito will present his application to the planning board first and we'll discuss anything that we need to discuss about this. We have seen this as I mentioned quite a few times and then we'll turn it over to the public at which time in an orderly fashion if you'd raise your hand and be recognized by me, you'll be afforded an opportunity to speak. Please come forward, speak very clearly so the stenographer can record your words as you say them. And there is a sign-in sheet up here on the front on the wall just to the right of the building inspector, if you would sign your name and write your address there before you start that will be very helpful. That said, Mr. Esposito, put your plan up, shine it in this direction and tell us what changes you have made or any other highlights you'd like to bring to our attention this evening since we have, that have changed since last meeting.

MR. ESPOSITO: What I have before you tonight is the yield plan which was the plan that resulted in the density that's now proposed from the cluster plan and the cluster plan. The cluster plan layout really hasn't changed much since the last time you've seen it. What we have done is we have completed all the preliminary drawings. There's a sheet of I think of a set of 19 drawings that goes along with this which includes the detail plats for the subdivision, the roads, the grading, the drainage improvements, sewer, water profiles and any construction details. But what I would like to do since this is a public hearing if I could just a little bit of a history how we got to where we are today and a little bit about the cluster plan.

MR. ARGENIO: Please do.

MR. ESPOSITO: As you know--

MR. ARGENIO: Can you guys hear him in the back? Tell you what, why don't you face the audience and please, we're up here, certainly we're well aware of the history so address the audience, explain to them how we got here.

MR. ESPOSITO: Just first of all, just to let you know we're here tonight for a preliminary public hearing for the subdivision and also here for SEQRA public hearing because as part of this process we prepared what's called a Draft Environmental Impact Statement and a portion of that in that book right there along with the 189 sets 19 plans that go along with the plan set. The application has been before the board since 2007 and our initial application was for, the site consisted of 200 acres and it was a subdivision for 49 lots, individual wells, individual septics, lots of road and the minimum lot size in the R-1 zone is 81,000 square feet. We got preliminary approval in the fall of 2007, started to go to the agencies which are required and all of a sudden the September 2008 came rolling around and the housing market never, the other market took a real nose dive, we re-evaluated that plan with lots of road, lots of wide lots, not very sustainable and we thought we ought to even though we have preliminary approval re-evaluate and redesign to what's called a cluster plan. And under New York State Law, actually under the new Comprehensive Plan that the town adopted in 2009 there's a provision in both of those bodies of law that allow you to cluster. And basically what the cluster allows you to do is to establish a density based on the as-of-right zoning, you don't get anymore lots, what you're entitled to indicates the as-if-right zoning and you can reduce them down in an effort to reduce your infrastructure, your commitment to natural resources, maximize your open space and that's really what clustering is all about. So since then, we came back before the board in two separate steps to get where we are today and what we're proposing as part of the DEIS and part of the drawings is a cluster plan that's proposing 139 lots and 139 lots were really established on what's called based on a yield plan and the site which consists of 418.4 acres, we evaluate that first, sort of a mathematical evaluation to sort of determine what the potential density would be under the current zoning, the R-1 zoning, 80,000 square foot lots. We, first step we have to take a look at gross acreage 417.4 acres and deduct from that any lands that

are constrained and in this particular case, any areas that have slopes in excess of 20 percent, any wetlands, any areas that are within the flood plain or any lands that are encumbered by an easement. So in our particular case, it came up to 73 acres of constrained lands over the 417 acres, that gave us a gross or net buildable acres. We then divide that by the minimum lot size 1.8 acres or 80,000 square feet and that came up to what's called 188 units. Now we're not entitled to that because then what we have to do is prepare the yield plan which is an as-of-right plan but has to conform to the zoning with regards to setbacks, wetlands, access, everything that any other subdivision would be subject to. And in doing, going through that exercise, we were able to compare, prepare a yield plan and demonstrate to the planning board and its consultants that we could safely yield 138 lots.

MR. ARGENIO: Safely by law?

MR. ESPOSITO: By law. From that point, then we developed the cluster plan and we went back and forth a couple times with the planning board and the consultants to refine the plan and at some point, everybody was comfortable with it. The next step we have to do is go to the town board and ask them for authorization to cluster. In your Town Code, the ability to cluster or the authorization to cluster lies with the town board. So we went to the town board, made our presentation to them, gave them the reasons why we think clustering is a good idea versus conventional which I will talk about later. The conventional plan they agreed with us they authorized us to cluster, they granted that authorization and then we came back to this board and presented really what we call our final concept plan. At that time, they went through the, there's another process besides just doing the subdivision process, it's called the SEQRA process, State Environmental Quality Review Act, and in there, we have to evaluate potential impacts that may arise as a result of a particular land use. So in this case, we cross what's called thresholds, we became a Type I action, we had to notify all the involved agencies that the board wanted to be lead agency under this process and having not had any objections by any of the other lead agencies all of which I will talk about in a little bit they became lead agency, they pos dec'd us and what that does is that puts us in a position where we have to prepare the Draft Environmental Impact Statement. I'm sure you've heard of that and it's

basically the book, we have lots of consultants that contribute to the book, with me tonight also are Phil Grealy, John Collins Engineering, he's our traffic consultant, Joe Pfau, Pietrzak & Pfau, they're the site civil engineers, we have biologists, archeologists, hydrogeologists, architects and me.

MR. ARGENIO: Steve, that basically summarizes the history of how we got here.

MR. ESPOSITO: Yes.

MR. ARGENIO: Okay, I want to get to the public cause you can see we have a lot of people here and I'd like to have everybody have the chance, have the opportunity to speak. So briefly, can you describe the water and sewer disposition of this project briefly Steve?

MR. ESPOSITO: With either scenario, whether it's conventional plan or the cluster plan once you go with the State of New York once you go over 50 units, you have to without getting a waiver from the Health Department you have to have central water and central sewer, that is a central plant for water and sewer. For water, what we have is we have, we, there were existing wells because a portion of the site the 200 acres of the parcel is an active orchard and he has wells that he uses for irrigation purposes so that we looked at two of those wells and we also drilled in consultation with the Orange County Health Department three additional test wells. So we had five wells, rock wells that will provide the ground water that's required for this particular project. With regard and then again with the wells, we'll have treatment from a silt storage tank and distribution system, the pipes that are in the ground and all the things that go along with that.

MR. ARGENIO: Who pays for that?

MR. ESPOSITO: The developer pays for everything, the capitol costs to design and construct and install that system will be paid for by the developer and the operation and maintenance of that system just like the sewer system will be paid for only by these residents. They'll either be in, both sewer and water are very similar in terms of ownership and operation. They'll either be a town district which we'll petition the town board to form a district and the, and they'll own and operate the facilities and the bills will go only to

these 138 residents for both sewer and water. An alternative to that would be, is that we form a private transportation corporation for sewer and private water company for water and they would be owned and operated by a, by private companies with a turnover agreement so if and when they failed to adequately operate those that the town has the mechanism and the ability to go in and take them over and again improvements or costs would be paid for by the residents of this subdivision and not out of the general fund from the town.

MR. ARGENIO: Okay.

MR. ESPOSITO: Sewer will be a sewer treatment plant. We have done a WCA study, it's a Waste Capacity Analysis, we have three on-site streams, we evaluate those for the ability to receive the treat, the effluent from the waste water treatment plant and again that plant has been sited, the analysis is part of that document and then the ultimate approval for the design of the facility will be both the town engineer as well as the DEC for plant approval and they also issue the permit to discharge and to operate the facility.

MR. ARGENIO: Okay, do you guys to my right or left do you guys have any questions that you want to ask Mr. Esposito before we open it up to the public? We'll have the opportunity to discuss this again once we have finished the public hearing but I'd like to get it on unless somebody has something they want to put out there. Dave, anything? Howard?

MR. BROWN: No.

MR. ARGENIO: Okay, on the 12th day of February 2013, Nicole compared 39 addressed envelopes containing notice of public hearing for this application. The list was supplied to her by the town assessor containing the names and addresses of the folks who by law were supposed to be notified of this public hearing tonight. As I said earlier, if anybody would like to speak on this, please raise your hand, be recognized, come forward, sign in, I would like to try to not cover the same ground multiple times. The purpose of the public hearing is for us members of the planning board to gather site specific information that some of you folks may have relative to this application to help us make the most appropriate decision that we can and offer the developer the appropriate guidance to make sure his project not only benefits himself but benefits

the members of our community as well. So that said, if somebody would like to speak for, against or comment on this. Steve?

MR. ESPOSITO: Just one thing, just a procedural thing, Mr. Chairman, if I may, as I said this is an actual public hearing, it's for the subdivision as well as SEQRA. And one of the things and I just, Dominic, jump in if you want, one of the things you're going to do tonight you're going to ask us questions. If they're a simple yes or no question, I will answer them. But if they're substantive questions we're actually required to respond to those in writing. This document is what's called the Draft Environmental Impact Statement, it doesn't become a final impact statement until you as the public and consultants and any of the outside agencies have the time to weigh in on it, we have to then take your comments as well as the Health Department comments and the town engineer's comments and respond to those in writing and it's in the form of what's called a Final Environmental Impact Statement so the two books will be what's called the EIS so--

MR. ARGENIO: I was getting right to that and as I said, if there's simple basic yes and no questions certainly I'd like Mr. Esposito to answer them but anything beyond that you'll respond in writing. Dominic, you have a comment?

MR. CORDISCO: If I may, thank you, Mr. Chairman. This is the public opportunity to comment. So this is an important stage in the process but you should know that the SEQRA regulations require the board to accept written public comment for up to 10 days, excuse me, for a minimum of 10 days after the close of the public hearing. So if there's something that you don't say tonight or you don't get an opportunity to say before the close of the public hearing but you want to have the board consider as it continues its review of the project and have the applicant's address you can do so by submitting a letter to the planning board within that time period which we'll discuss when we get to the point where we close the public hearing.

MR. ARGENIO: Thank you. Okay, we talked about the notices, Nicole took care of the notices. If anybody would like to comment on or for or against, please raise your hand. Sir on the aisle, you had your hand up first. What's your name, sir?

MR. ERICKSSON: Bo Ericksson.

MR. ARGENIO: Yes?

MR. ERICKSSON: I live on Bull Road. I just tried to download the information today from the New Windsor Government's website and I could not connect to the server to download the PDFs and information about this and I just hope that will be remedied so I actually can see what all the information that was just, only thing there might be a hiccup today, I don't know, but I couldn't find anymore information.

MR. ARGENIO: Mr. Ericksson, I don't know either. Do you guys know anything about that?

MRS. GALLAGHER: No.

MR. SHERMAN: I downloaded it today

MR. ERICKSSON: Maybe it was me.

MR. SHERMAN: It's a very long download.

MR. ERICKSSON: Just said that it couldn't connect to the server so okay but I'll check.

MR. ARGENIO: Try again and you have any issue, Jennifer or Nicole are in the--

MRS. GALLAGHER: Just call the building department.

MR. ARGENIO: Certainly and take a look at the documents. Thank you, sir. Yes, sir with the brown coat on and the glasses, please come forward.

MR. BYRNES: My name is William Byrnes and I live on Wagner Drive which is off of Beattie. Do I have to sign this?

MR. ARGENIO: Please do.

MR. BYRNES: I have some numerous questions and if I'm repetitious, just tell me I am.

MR. ARGENIO: Okay.

MR. BYRNES: I understand that these are going to be single family homes, correct?

MR. ARGENIO: Yes.

MR. BYRNES: With two car garages, right?

MR. ESPOSITO: Yes.

MR. BYRNES: So that in other words have the potential for 276 more cars on Shaw, Bull Road, et cetera, are these roads going to be widened, improved or anything?

MR. ARGENIO: Just hold that answer for a second. What's your next question, Mr. ByrnesBurns?

MR. BYRNES: Well, pertains to different things, want them all?

MR. ARGENIO: Sure, cause I want, the traffic I want to address, I actually have some of my own questions on traffic but I'm going to hold them because I think--

MR. BYRNES: About the well, I would think you said you're going to drill like five different wells?

MR. ESPOSITO: They already exist.

MR. BYRNES: Two you said exist or three, I don't know but anyway, that much water for 138 houses, right, the surrounding homes in the area we already have wells, that's gotta affect the ground water. Now what happens if you drill these wells and now I run out of water, okay, that's the question I have? The other thing I have is about the sanitation, you said you're going to purify it and put it into three streams that are in the area?

MR. ARGENIO: Do you mean the sewer effluent?

MR. BYRNES: Yes, you're going to put that into three streams in the area?

MR. ESPOSITO: No, there's three streams that we analyzed, we're going to put them in one of the streams.

MR. BYRNES: Okay, and that won't affect anything around the area?

MR. ESPOSITO: It's the system.

MR. BYRNES: Who is going to oversee that it's done

properly?

MR. ARGENIO: Let me just hit this with Mark. Did you have something else, Mr. Byrnes?

MR. BYRNES: Oh, yeah, I'm sorry but I do.

MR. ARGENIO: It's okay cause I would imagine I would guess that a lot of the folks in the room probably have similar questions.

MR. BYRNES: If you want me to run them all.

MR. ARGENIO: Put them out there, baby.

MR. BYRNES: You have three phases of building, correct of the houses, what I'd like to know is how far are you from starting? And I guess by the plan it looks like maybe they'll be maybe 50, 60 houses done, okay, so I just wondered what's the price of these houses?

MR. ARGENIO: That's a couple things. How close are you from, he doesn't have approval yet, so we can't really say.

MR. BYRNES: They know what kind of houses they're building, right?

MR. ARGENIO: Do you have a question about the houses?

MR. BYRNES: What's the price of these houses going to be? Who are they open to?

MR. ARGENIO: I'm sure anybody who wants to buy one can buy one. What are these you're marketing, your selling point here, Mr. Esposito? Not particularly relevant to the planning board but certainly it's a reasonable question.

MR. ESPOSITO: Well, my standard answer to how much they're going to be selling for is really dependent on how much the market is willing to bear. But what we have done in the DEIS we have taken a look at today's market, the product that we're putting out, three or four bedrooms, two car garage which you pointed out nicely trimmed, nicely done and we picked a price point that we could use to evaluate potential physical impacts, you know, community services, things like that. So we picked a number but, you know, two or three years from now we don't know where the market is

going to be.

MR. ARGENIO: That's a pretty fair response. Let me ask you this, Mr. Esposito, because I'm curious, what size homes are you talking about?

MR. ESPOSITO: Mike, what are, Mike Walker, what are the size of the homes?

MR. WALKER: I testified before--

MR. ARGENIO: You're not testifying.

MR. WALKER: I can explain, the homes will range in size from 1,900 square feet to 2,900 square feet, pricing 349 to 409 is where we set the market right now, three and four bedroom homes, two car garage.

MR. ARGENIO: Thank you. What else do you have, Mr. Byrnes?

MR. BYRNES: How is this going to impact that will be Washingtonville School District, right, I believe it is, I know it is?

MR. ESPOSITO: Yes.

MR. BYRNES: Alright, so how is that going to impact, I mean, it seems like there's a large influx, not that it's going to be overnight of people, it's got to affect the schools, it's got to affect taxes, got to affect everything and the housing market right now since everybody in this room knows that so how, why are you moving forward so rapidly or appears to be you're moving forward to build all these houses that might just site there?

MR. ARGENIO: Let's keep in mind we're getting a little outside of what we should be talking about at a planning board meeting. But that said, the process with this applicant began seven years ago, the concept plans were put in front of this board 2006, 2007, something like that so it's kind of it's a long term investment that they're making, long term process if you will.

MR. BYRNES: Alright, well, okay, I think that's about all.

MR. ARGENIO: I'm going to come back to your other

points so I want to give you the opportunity.

MR. BYRNES: And the other thing like when I had my house built, I don't quite understand this cluster that a house can be on 80,000 square feet, half acre is it or something when all around our area everybody was, had to have at least an acre and how can that just--

MR. ARGENIO: Mr. Esposito is going to answer that but I can tell you that the zoning that existed in the Town Code today is what this board is guided by. We don't make this up as we go, we don't get to say Mr. Byrnes, you can do subdivision of your property but Mr. Esposito, you can't for whatever reason. There's laws, I mean, that govern the size of the lots and, you know, that type of thing and that's the guidance that Mr. Esposito used to arrive at his current layout. I can tell you that there was again this is back a bit but we did, we compelled them to change a couple of the layout features, I don't recall what they were right now, but we did, certainly what we did, we did talk about that at length somewhere Road B or Road C in the summary, you can take this, Nicole, the executive summary they do list all the lot sizes, three acres, 2.4 acres, 2.1, I'm just randomly looking at things, 1.85, 1.88, the information is there and the size of lots what he's allowed to create are governed by zoning. Okay, so is that it, Mr. Byrnes?

MR. BYRNES: As far as my questions.

MR. ARGENIO: No, that's okay, thank you for your comments. I want to, let's talk about, Mark, please share with us for the benefit of Mr. Byrnes and the other folks in the room who may be concerned about it relative to the construction of the sewer plant and/or the water appurtenances and facilities which only the people that buy in this development will be paying for, the rest of the town residents won't be paying for it, who inspects that, Mark, to make sure that that's constructed properly and the town doesn't have to come in and take over a system that's in disrepair?

MR. EDSALL: I'm going to start off and Dominic is going to go into the methodology by which the town is protected on a potential transition to a town district or town operation of the system. But relative to design, the town from the start of this project has advised the applicant that the town is going to have a direct interest in reviewing the quality of the

facilities that are proposed for construction. We don't want systems that are intended for short term life, we want something built to municipal standards, not developer, all due respect to developers, but a system that's a shorter life period than a municipal construction, we're asking for the facilities to be built to municipal standards.

MR. ARGENIO: Excuse me, I don't want to speak for you but what you're talking about are the public facilities, not the furnace of a home, we're talking about the sewer and water?

MR. EDSALL: Water and sewer facilities, be they in a transportation corporation or town district we're asking that they be designed to municipal standards. Our review will occur within the Town of New Windsor to have us feel comfortable that that's the type of facilities that they're proposing. Once they meet muster with our review, we're not by any means the end, they need to go to the New York State Department of Health/Orange County Department of Health for system approvals and need to go to the New York State DEC for water and sewer respectively. Those agencies, departments will also review for compliance with state standards before they'll grant an approval for those facilities. Once they're approved no matter who's running it if it's privately owned by a transportation corporation with a contractor running the systems or if it's a town maintained and operated facility, there is oversight by both the health department and the DEC. And one of the questions was asked earlier who oversees the operation? That's the answer. It's a level beyond the Town of New Windsor, although we may have an interest but the state agencies regularly inspect the facilities and ask for permit reports on a regular basis and permit reports and if the facilities are not operated in accordance with state standards, it doesn't matter if it's us or it's them, they're going to hear very quickly and be given orders to remedy the situation and bring it up to current standards.

MR. ARGENIO: Do you have something?

MR. CORDISCO: I would add that the town takes a belt and suspenders approach. My advice to the town is that take a step back for a second, the water and the sewer facilities for central services for a project like this are, have to be run and owned by a special type of corporation that can only be in that business. And

that corporation can only be formed upon town board consent. So you couldn't decide to go out and start operating a sewage treatment work system without having the town board consent to the formation of that. And as part of the town board's consent, what we do is require a number of things and namely first of all we require that the, not only the construction, the proper construction of these facilities are properly bonded in case they get built part way and abandoned but not only that so the town can go in and finish the construction but the maintenance and the operation for a period of years is also bonded so that there would always be that money there but the protections don't end there as well because an additional step that we recommend is forming a taxing district that would cover just this property. And the purpose of that taxing district is in case those corporations failed for whatever reason the town could come in, take over those systems but only the residents who benefit from those systems would be charged with the cost of whatever has to happen out there. And that way no neighbor, nobody else in the town ever has to pay for water or sewer service that happens at the Apple Ridge project.

MR. ARGENIO: Thank you, thank you Dominic. I'm sure that there are folks in the audience that have traffic on their mind so in keeping with the assurance I gave Mr. Byrnes, I see Mr. Grealy in the audience here from formerly of John Collins Engineers, what's the name of your firm now, Phil?

MR. GREALY: Maser Consulting.

MR. ARGENIO: Maser Consulting. Mr. Grealy has conducted traffic studies of this area at the request of this board and per the Draft Environmental Impact Statement, Phil, I did go through the traffic, I have two areas of concern that we'll get into later. But ever so briefly, I'd like you to describe for the benefit of Mr. Byrnes and the other folks in the audience that are thinking about traffic the process that you went through with this application and any changes you're thinking about from a traffic perspective.

MR. GREALY: Phillip Grealy, Professional Engineer. Our firm, formally John Collins Engineers, Maser Consulting, prepared the traffic impact study that's in the DEIS. Traffic study has certain set procedures that have to be followed, those steps in a nutshell

would be to identify existing conditions, you know, document what existing volumes are, look at what else is going on in the area in terms of background traffic projections, look at the type and development and the traffic generation that that development will have, that traffic generation is developed based on a document called the Institute of Transportation Engineers Handbook which specifies trip rates per dwelling unit that get used. Those trips are then distributed onto the road system and then you evaluate what future conditions are with those additional volumes. That is kind of a real concise step by step of what's in the traffic study. In terms of documenting existing conditions, we looked at the area roadways, Shaw Road, Bull Road, Beattie Road, and also out to Route 207, the traffic counts include machine traffic counts where counters are placed and those machine counts are really put on Shaw Road to get hourly variations, daily variations and also to get some speed information. These counts were done last spring, May and June of last spring. We also had manual traffic counts where our people actually observed at an intersection people turning left, turning right because we need to know that to do what's called the capacity analysis. The capacity analysis basically rates intersections A, B, C and D and it's based on delay at intersections. In terms of this type of development, I think Mr. Byrnes, you know, referenced 276 trips, okay. We look at a one hour period when we're analyzing impacts with a residential development you look at morning and afternoon, basically commuter and school hours to see what the effect would be. In a one hour period, a development of this size would generate about 140 trips. So what happens is traffic gets spread out over several hours. But if you look at the highest time period, you get about 140 trips. In this particular case, all traffic will come out onto Shaw Road, that's where the two points of access are and then the traffic gets distributed based on patterns of drivers and those patterns are developed two ways. One is you look at destinations. Two is you look at where do existing people, where do the residents in the area, what are their patterns in terms of travel. So with this type of development, you will have traffic added that will be on Shaw Road, some will head towards Bull Road and then some will head towards 207, some will head south on Bull Road, some will go on Beattie Road out to 208 and some to the south. In terms of the levels of intersection operation we're talking about levels of

service, what they call Level of Service B, Level of Service Better, which means delays at intersections of around average vehicle delays around 15 seconds. Now what happens is at several of the intersections we have made recommendations, some of them range from just doing some sight distance clearing, for example, maybe not so much this time of year but as spring comes about as you're coming out of Shaw Road looking to the south on Bull Road there's vegetation along the edge of the right-of-way of the roadway that will affect sight distance. So we have made recommendations about pruning and maintaining within the town right-of-way.

MR. ARGENIO: What intersections are you proposing physical construction at?

MR. GREALY: The main improvement that we see is at the intersection of Shaw Road and Beattie Road and I think Mr. Byrnes lives off Wagner which intersects at two points, I don't know whether--

MR. ARGENIO: Is that the triangle intersection? It's okay. So you're going to eliminate that triangle? Good, cause that was one of the comments that I had written down here.

MR. GREALY: This is Wagner as outlined in our report, we recommend a couple things, alright, this is Shaw Road, Beattie Road and this is Wagner actually loops around right, now traffic can flow on either leg of Shaw approaching the intersection. One of the problems at the southerly leg--

MR. ARGENIO: One second.

MR. GREALY: -- is sight distance, there's a vertical curve south of this intersection. So what we have recommended is that this should be keyed in.

MR. ARGENIO: Turn around and show the folks, that's good, that should happen, turn around, just as I said, Phil, there's a lot of people here so briefly go through it so everybody can see it.

MR. GREALY: Just for orientation purposes, this is Wagner here, Shaw Road, this is the Y intersection. This portion is affected by sight distance looking to the south here because of the vertical alignment. So what we recommended is to T the intersection in a more conventional, it cuts down on movements that occur in

this area. So that's our recommendation to this, develop the intersection where it has the best sight distance and can accommodate those turning movements more efficiently and more safely. In terms of that's the real physical improvement we're talking about and that we would recommend even without this project, with this project being here it's a project that can help make these improvements work and would all be done within the town right-of-way, we're not looking on going on any public property. Some of the other recommendations deal with striping improvements, sight distance improvements, signing improvements, for example, you have buses stopping along Shaw Road, there's signs, school bus stops ahead, but some of those signs are not in conformance with the current federal manual on Uniform Traffic Control Devices.

MR. ARGENIO: All of this that you're describing this is all outlined in the 30 or so pages of the DEIS?

MR. GREALY: Correct.

MR. ARGENIO: That's what I want, I wanted to get the highlights, I want to give everybody the chance to talk but I did want you to speak on traffic. Any other highlights?

MR. GREALY: I think those are the main items, we looked at the access points, make sure that sight distance is good where the proposed connections are to Shaw Road, you know, with the soccer fields there you have the locations for this project, very good sight distance and we can satisfy the sight distance that, the requirements of the town.

MR. ARGENIO: Thank you, Phil. Anybody else? The lady in the front in the turquoise with the scarf on? What's your name?

MS. STEUP: My name is Leslie Steup, I live at 10 Feitsma Lane, which is a private road bordering the property in question that we're speaking of.

MR. ARGENIO: Do you have a comment?

MS. STEUP: I have a comment and also question. The question first, Mr. Esposito, do you plan to be putting storm drains in this development?

MR. ESPOSITO: Yes.

MS. STEUP: Are the storm drains going to be connected with the sewage system?

MR. ESPOSITO: No.

MS. STEUP: They'll be separate?

MR. ARGENIO: That's against the law, ma'am.

MR. ESPOSITO: It's against the law, you can't do that anymore. The storm drains, the storm system will be a collection system in the streets. The design of them are, were designed in accordance with the DEC's 2010 design manual, that's the most current piece of legislation that we have in order to design these systems. It's a system that requires water quality treatment and water quantity treatment so it's not just storing it, would have to treat it separately not with the sanitary sewer but just the storm.

MR. ARGENIO: Ma'am, when he says treat it, he doesn't mean add chemicals to it, he's talking about it holds in a pond and seeps through some sand. Anything else?

MS. STEUP: Yes, I do have a comment. I've lived at the present location for 43 years and I've seen the property go from farmland and meadows to orchard. At the point where it became an orchard, there was naturally spraying that went on, spraying of pesticides that has gone on for approximately at least 30 years and during that time, the pesticide regulations have changed, there have been more toxic chemicals sprayed early on before it was discovered that these chemicals either don't break down is that they're more toxic than people realize. These are all still in the soil. Some of them when you're digging foundations you're going to be unearthing a lot of these and I have concerns that we may be going into another Love Canal or something of this sort. There's going to be children playing in these yards, there's going to be people gardening in this soil and I have concerns. Has there been studies of the soil done, samples taken?

MR. ARGENIO: We'll get to that. Do you have any additional questions, other comments?

MS. STEUP: Yes.

MR. ARGENIO: Thank you. Just as a sideline, I've been

to Love Canal, I went to Niagara University and I've been to Love Canal, this is not going to be Love Canal, ma'am, I promise you. But your question I think is a very, very good question. I think your comment is also and thank you for being so respectful and putting it forth so eloquently. Mr. Esposito, can you comment on it? You can sit down, Mrs. Steup. Thank you.

MR. ESPOSITO: Yes. The current, the good news is the current orchard was really established since the government changed some of the constituents in the pesticides that they were one using primarily hydrocarbons, those were outlawed and taken off the shelf before Mr. Minor had started his current orchard. There are some areas we did testing cause we were concerned, we did water testing and soil testing, we did find some areas where there was some smudge pots, more of a diesel issue and some of the mixing areas but they are located in isolated areas that are in the conservation areas but will still be dealt with during construction and during the final review process. But again, the water samples were all clean.

MR. ARGENIO: Mark, is there any vehicle or mechanism that as construction is going on that tests for that type of thing?

MR. EDSALL: No. My understanding is the health department will require as part of their review and approval of the subdivision additional testing or at minimum they'll seek to see all the testing that's been done and maybe ask for more. But once it's gotten clearance from the health department, the town does not do additional testing, if something is uncovered, we'd deal with it during construction.

MR. ARGENIO: Anybody else? Sir right in the front?

MR. SHEERAN: While we're on the subject, I've got other things to talk about. Gary Sheeran. As far as the testing, I went through there, I didn't read everything verbatim, whatever. My question to you is when you do this type of soil and water testing, is it boiler plate whether it's an apple orchard or if it's somewhere in the woods half mile from there?

MR. ESPOSITO: No, the water, test water, let's stay with that for a minute that's based on the health department standards, there's Part 5 that's the one that's soup to nuts, it's 24 sheets, when you get a

printout of all the things that they examine they look at Lorvox, (sic.), they look at hydrocarbons, right down to high sodium so it's not, these are standard tests done by certified labs in the State of New York under the control and regulations of the health department.

MR. SHEERAN: So, and same thing with the soil?

MR. ESPOSITO: Soil same thing.

MR. WALKER: I can speak to the soil. With the soils what we do we hire a company, they do a Phase I of the entire property. During the Phase I, they determine if there's any areas of concern based on historic orchards types of uses they'll set up a sampling pattern, we take the soil samples, they take them to the lab, Steve mentioned Mr. Minor's orchard were put in in '85, so in the mid '80s to the types of chemicals that were used historically were not used here. There were two historic orchards on the site that predated that from an old farm they were located, there was arsenic located in a couple areas, that's all been documented in the report. What I will do when this is revised we'll submit those reports as part of the revised documents.

MR. SHEERAN: So basically when I go in there and I see one of your reports, it lists all the different chemicals?

MR. WALKER: Correct.

MR. SHEERAN: You're testing for every pesticide?

MR. WALKER: Deldrin, arsenic, chlorodyne.

MR. SHEERAN: This isn't my expertise but I went through here like on one of these pages I looked at this, I'm assuming you got set values that it's got to be under a certain limit, right?

MR. WALKER: Well, this is the water testing, not the soil testing.

MR. SHEERAN: Even water?

MR. WALKER: Right, that's correct.

MR. SHEERAN: I'm looking at this real quick and I'm

seeing some things could be higher than what's allowed.

MR. ARGENIO: Do you have a particular question about a particular page on that report? Because if you do, we can certainly have Mr. Esposito answer it in writing.

MR. SHEERAN: That's a good idea.

MR. ARGENIO: Was that your question?

MR. SHEERAN: No, I'm looking at the report and it should be something filled in here and there isn't, that's all.

MR. ARGENIO: What page is it?

MR. SHEERAN: I don't know, doesn't have a page number, you know, I haven't looked at this in any detail at all. I didn't get a notice about this at all. I'm like a couple other people, short notice, neighbors are calling up and going hey, there's this thing tonight. I live on Bull Road.

MR. ARGENIO: Mr. Sheeran, please, as counsel said before we started, even if you have a question you don't ask tonight--

MR. SHEERAN: I can do it in 10 days, I'm going to do that.

MR. ARGENIO: I would encourage you--

MR. KATZ: Will we be notified is his question?

MR. ARGENIO: This is the public hearing for this application tonight and I want you to understand that the notice for the public hearing when I said initially 34 envelopes were mailed out by Nicole mailing is guided by the law. She doesn't guess, I want to explain it cause I want everybody to understand, she doesn't guess who she mails it to, she goes to the town assessor and she says I have this section, block and lot number that the planning board is going to have a public hearing on cause they want to get information from the public about this application, can you tell me what lots are within how many feet.

MR. EDSALL: Five hundred.

MR. KATZ: I'm addressing why he didn't get the notice.

MR. ARGENIO: Your lot may not be within 500 feet.

MR. SHEERAN: My question was his answer to his, if he's going to be given in writing, are we going to be notified, how are we going to find out the answer?

MR. ARGENIO: Here's what will happen. You will submit your question, Mr. Esposito will answer in writing, that question and answer will be in this, included in this document so you will not be notified that the question has been asked and answered but this document is in Town Hall, Nicole has it, Jennifer has it, they can show it to you and you can certainly come look at it at any point in time. What's your name, sir, for the benefit of the stenographer?

MR. KATZ: Mark Katz, I live on 4 Feitsma Lane.

MR. ARGENIO: Anything else?

MR. SHEERAN: As far as the waste water treatment facility goes, Are there certain standards as far as noise decibels that this thing is going to generate?

MR. ARGENIO: Mark, can you address that?

MR. EDSALL: I don't know that the DEC has guidelines for noise for waste water plants. Obviously, the town has a noise ordinance. It is, most waste water plants don't have noise problems but you have raised the issue we'll certainly keep that in mind as they decide what type of treatment is proposed.

MR. SHEERAN: When I say noise, I'm thinking is this facility by law going to have to have a generator?

MR. EDSALL: It will have to have a generator when and again, this gets down to our commentary about the town having an interest in the type of construction when any generator's proposed that's under the review of the town, we ask that the generator has what's called a critical silencer, which is a residential quality silencer, you'll hear it but it won't be nearly as annoying as many of the construction generators that have not the right noise attenuation.

MR. SHEERAN: Another thing with the treatment facility, is it going to have like lighting that's going to just obscure the night sky or is there town

laws with that?

MR. EDSALL: No, the planning board is very cognizant of light pollution and we would, obviously, there's going to be security lighting but there's no real need for anything above that.

MR. SHEERAN: One other thing with the treatment, the final discharge point from what I understand is three things that you're trying to figure out?

MR. ESPOSITO: No, three, there were three existing streams that we evaluated in the waste.

MR. SHEERAN: But no decision has been made as to which stream you're going to discharge into?

MR. ESPOSITO: Yes.

MR. SHEERAN: Is there a certain law how close you can be to somebody's property with that?

MR. ESPOSITO: Not for a discharge. For the treatment facility itself, yes.

MR. SHEERAN: So if my property's here, you can discharge right here?

MR. ESPOSITO: Yes, well, let me just say that the location of the discharge is actually going to be determined by the DEC. We'll meet them in the field and they'll make that determination.

MR. SHEERAN: So they make that decision?

MR. ESPOSITO: We'll propose one but I assure you it's not going to be anybody's property line.

MR. ARGENIO: That happens at the county and state level.

MR. SHEERAN: And one last thing in looking at that my concern is with the wells, I see the 72 hour test, when am I going to be notified about when that's going to happen?

MR. ESPOSITO: Well, there will be people that are adjoiners within a certain radius. We typically use 1,200 foot, within 1,200 foot radius those people will be notified and if your well, if you allow us to have

access to your well, there will be a data logger to monitor your well levels, we won't do everyone but we'll get a representation of who is going to do it and that will be before we do anything will be reviewed by your town engineer and also by the health department.

MR. ARGENIO: Let's address the well issue for the benefit of the lady and for the benefit of Mr. Sheeran and I mean we do have a room full of people, I'd like to be considerate of the rest of the people in the room cause I'm sure they want to ask some questions as well Mr. Esposito would you please address the well issue cause I don't understand the 72 hour.

MR. ESPOSITO: The 72 hour test is a minimum test standard required by the New York State Department of Environmental Conservation, they are the ones that regulate taking the ground water. So we have to conform to their standards in doing that analysis to display to them who regulates that we have adequate water and there are no off-site impacts as a result of taking that water.

MR. ARGENIO: So you have to demonstrate to DEC via monitoring of other wells in the area when you do a drawdown, you have to demonstrate to them that everybody else isn't going to run out of water around you?

MR. ESPOSITO: Correct.

MR. SHEERAN: When would you be doing that, at what point of this whole everything?

MR. ESPOSITO: We have already done preliminary testing, we're going to do the second phase of testing we're going to do probably June, July in the dryer months because some people get concerned about that. I'm not that concerned about it but so it's going to be then.

MR. ARGENIO: If you're going to have a well problem it would typically be in June and July.

MR. SHEERAN: Can I volunteer my well or no?

MR. ARGENIO: Yeah, let's, I think we should move on.

MR. SHEERAN: Well, the well thing--

MR. ARGENIO: I'm not saying it's unimportant but the planning board, we can't regulate how he does his wells. I'm not saying it's unimportant, I'm not trying to minimize, it's a Department of Orange County Department of Health issue and a DEC issue, they regulate this type of thing. Now Mr. Byrnes, I was going to get to this, Mr. Byrnes asked about the wells and I wanted to get to it, I'm kind of glad you got to it Mr. Sheeran because it's a real issue and hopefully somebody smarter than me has it figured out. Mark, anything to add or Dominic?

MR. CORDISCO: Mr. Chairman, there's a protocol that they have to follow that's according to the Department of Health as to the radius of where the wells and the existing wells have to be tested. I mean if Mr. Sheeran's well falls within that radius, they'll be speaking with you. If it's not then there's little value to establish whether--

MR. SHEERAN: My concern is I didn't even get a notification about this yet, my well is within 1,200 feet so--

MR. CORDISCO: Comment noted.

MR. ARGENIO: I want to, I'd like to just maintain order cause I'm sure a lot of people want to speak and it's not -- yes, sir, Mr. Katz?

MR. KATZ: What about over time with the well? I mean, let's say, okay, you do a 72 hour test, it's a drawdown, it doesn't go out 1,200 feet but let's say over a year's time with my shallow well what's going to happen to me and I'm bordering the apple orchard, I'm right there?

MR. ESPOSITO: Again, Mr. Chairman, would you like me to respond to this verbally or would you like me to respond in writing?

MR. ARGENIO: I think the smart, the most informative way to respond is to respond in writing because I don't know that the words that are going to flow out of your mouth are going to allay Mr. Katz's concerns. So I would like you to respond in writing to that. And the question is Mr. Katz, I don't want to put words in your mouth, please ask the question again.

MR. KATZ: It's great that you're going to run a 72

hour well test drawdown but what happens over time, let's say a year, two years of you drawing down all the wells with 138 houses taking showers every morning and night, what's going to happen to my well a year from now, two years, three years from now, my shallow well? Will I have to redrill and I'm going to have to pay because of the development drawing down all the water levels?

MR. ARGENIO: Question is a very reasonable question too.

MR. SHEERAN: Page 11 says may increase the amount. May.

MR. ARGENIO: Thank you.

MR. SHEERAN: Page 11.

MR. ARGENIO: Ma'am in the front?

MR. STEUP: My name is Michael Steup. I'm also from Feitsma Lane and I just have a couple of concerns. Number one, not only the question of the removal of the water from the wells but also the continued purity of the water because we have all that nasty stuff in the orchard and we want to make sure that it doesn't get into our ground water. However, my concern goes back to the traffic question, Feitsma Lane is a private road, it's right at the very top of the hill when one comes up onto--

MR. ARGENIO: What's the name?

MR. STEUP: Feitsma Lane.

MR. ARGENIO: Go ahead.

MR. STEUP: We have problems getting in and out of there just when the soccer fields opens up and people are going in and out. You're planning to dump all this traffic onto Shaw Road, how are we supposed to get in and out with all the extra traffic?

MR. ARGENIO: Now, when you say you have a problem getting in and out, what do you mean exactly, Mr. Steup?

MR. STEUP: Getting in and out of the road, the road is a dead-end, so the only entrance and exit is onto Shaw

Road and so when you have something like an event at the soccer field, the traffic going back and forth gives us problems getting in and out of our road. Now if you're going to dump all this extra traffic onto Shaw Road on a daily basis, are you going to do anything to mitigate the situation, either stop signs or some kind of traffic control so we can get in and out of our road?

MR. ARGENIO: Do you have another question, Mr. Steup?

MR. STEUP: No, that was my concern.

MR. ARGENIO: Thank you. Mr. Grealy, any improvements, do you recall what level of service Feitsma Lane and Shaw Road operate at? If you don't, I'd like you to address that in the DEIS response.

MR. GREALY: We'll address it. I think what Mr. Steup is talking about, you know, when there's an event at the soccer fields, you get a surge of traffic so it's all at once. With a residential subdivision, you'll get traffic over time but you won't get that same surge but we'll provide a more detailed answer to your question.

MR. ARGENIO: Let's take a, take a look at that, Phil, I don't know if there's a problem but we should certainly have a look at that.

MR. GREALY: Absolutely.

MR. ARGENIO: Who else? Young lady in the front?

MS. MULLIGAN: Carolynn Mulligan, I live on Shaw Road. I have a few comments and questions. I would like to know who is going to retain ownership of the open space?

MR. ESPOSITO: Glad you asked that question because the cluster plan just to let you know, I mean, one of the reasons why this has been incorporated into the comprehensive plan, our proposal has 364 acres of open space which is about 80 percent of the site. A portion of that, a large portion of that--

MR. ARGENIO: Who's going to own the open space, I think is the question, Steve?

MR. ESPOSITO: Right, the darker green of open space is

going to be offered to the town, dedicated to the town, if they don't want it, it will be owned by the homeowners' association. The lighter green as you see here which is 280 some acres are going to be a conservation easement that will be drafted to the, and the language and form will be reviewed and approved by the town attorney, will be filed with the County Clerk's Office and the owners of these three lots we call the estate lots will own the land but it will be under conservation easement in perpetuity that it never be developed. The reason why we kept it this way we're hoping with these, particularly these two estate lots the majority of the orchard is still there or the old fields are still there then it will lend itself to some future agricultural business, vineyards, horse farms.

MS. MULLIGAN: So there's no chance somewhere in the future that someone's going to come before the planning board again proposing another subdivision?

MR. ARGENIO: That's the whole idea, the whole concept of the cluster development.

MS. MULLIGAN: And I'm just curious about the lot size of the proposed lots?

MR. ARGENIO: Ma'am, I have that here, that's on page DEIS figure number 1-4A, I believe, Steve, is that correct?

MR. ESPOSITO: That's the calculation for the yield lots. These lots are going to vary in size with anywhere from probably average probably half an acre.

MS. MULLIGAN: My last is a comment because my husband and I own the property right adjacent to Section Two, the abandoned railroad tracks and we do have a concern about how the runoff from the property and where the water is going to be discharged is going to affect our property where the cul-de-sac is at the top that property abandoned railroad tracks and the other property?

MR. ARGENIO: How big is your lot, Mrs. Mulligan?

MS. MULLIGAN: We have two lots.

MR. ARGENIO: The one that's adjacent?

MS. MULLIGAN: Eight acres of property, there's a pond,

there's already a pond, there's a storm drain that already drains water onto our property and into our pond.

MR. ARGENIO: What about the runoff in that area?

MR. ESPOSITO: As you know, there's, the pond is there on the other side of the railroad tracks, the swale, that swale that runs through is one of the points of discharge from the site, this part of the site, this beige area right here is one of the storm facilities that provides treatment and storage. The discharge will go right where it's going today, it's going to still go out to that, ultimately out to that stream at no higher rate than it does today.

MR. ARGENIO: Mark, at the end of the day, correct me if I misspeak here please, from an engineering perspective, aren't they required by law to hold the water and release it at no greater or rate than it's being discharged today? Is that correct?

MR. EDSALL: Both with the state storm water regulations and the town's guidance they are from a water quantity standpoint held to that standard but as well as Mr. Esposito indicated there are quite extensive state regulations on water treatment as well now.

MS. MULLIGAN: Thank you.

MR. ARGENIO: Thank you, Mrs. Mulligan. The gentleman in the cammo hat with the white beard? What's your name?

MR. SMITH: Roger Smith. Following up on what she just said about the retention ponds, who maintains after he's done building?

MR. ESPOSITO: Similar to the sewer and water we're also going to petition the town board to form what's called a drainage district, it's a taxing entity and any maintenance that occurs if there's any expenditure by town crews to maintain these, those expenses will be billed back to the residents of Apple Ridge, it's a taxing service, taxing district.

MR. CORDISCO: The town board's preference of late has been to make sure that the first burden of taking care of the storm water ponds is with the homeowners'

association. But as part of the approval, the town would require easements granted to the town so that the town could go in there in case it wasn't being taken care of and as Mr. Esposito mentioned create a taxing jurisdiction so only those people that benefit--

MR. SMITH: They get billed every time there's a yearly inspection they get a bill?

MR. CORDISCO: Correct, it gets added.

MR. SMITH: I don't want one dollar added to my tax bill.

MR. ARGENIO: You and me both.

MR. SMITH: We have already made all these mistakes.

MR. CORDISCO: That's why we've learned.

MR. SMITH: We haven't learned them all. Where are you going to build the sewer plant?

MR. ESPOSITO: The waste water treatment plant is planned for here.

MR. SMITH: Is that where the pond is for the orchard?

MR. ESPOSITO: Pond is over here.

MR. SMITH: I was under the understanding that you were proposing one over here, one over here and another one over here.

MR. ESPOSITO: No, this is a storm facility here, storm facility here.

MR. SMITH: The water comes out of the pond, it can't have any more go into that, you might think it's only a little trickle of a stream but we did lose the bridge on Shaw Road because the stream washed it out. That's the kind of water that's in this area, that's one of my main concerns because I have water from that stream, that water collects everything from all behind the soccer field, the trailer park, almost all the way up to 207 that water starts.

MR. ARGENIO: Did you say you water out of that?

MR. SMITH: No, the stream borders my property.

MR. ARGENIO: I'm sorry, I thought you were a farmer and you were pumping water to water.

MR. SMITH: Well, I water my garden. You know, my well's only down 80 feet and my neighbors, one neighbor's only down 40 feet.

MR. ARGENIO: You guys are lucky, I'm at 290 and I'm also at the west end of the town.

MR. SMITH: I also raised two daughters in that house so must be plenty of water. That's my main concern at times heavy rain, there's too much water in the stream already. My one neighbor gets wiped out two or three times a year, gets his yard ruined, he spends thousands trying to fix it.

MR. ARGENIO: We should look at that.

MR. EDSALL: I made that note because I'll have John doublecheck that area.

MR. SMITH: The water collects all the way up 207, collects like a big bowl and all comes this way and goes all the way to Washingtonville, that stream ends up in Washingtonville and we seen what the Moodna did to Old Forge Hill, we can't have, the water has to stop and your sewer water needs to go back into the ground not to the nearest stream, we can't keep throwing water away.

MR. ARGENIO: I want to give everybody a chance, sir, believe me. Mark's got a note.

MR. SMITH: One issue on the traffic, most of the houses are on one side of the road on Shaw Road and the mailboxes are on the other. We have to cross the road to get my mail every day.

MR. ARGENIO: I can't help you, I'm sorry. The gentleman with the glasses? I'm sorry, yes? Yes, what's your name, sir?

MR. CLARK: Greg Clark, Beattie Road. If we can pull up that other traffic picture, sir?

MR. ARGENIO: What's your question, Mr. Clark, do you have a question or comment on the application?

MR. CLARK: Yes, I'd like to point it out on the picture that's our house right there, this one right here, and that intersection has already been a problem cause it's on a grade, plus the cars pause there, the headlights are going right toward my house. And the younger kids they're spinning the wheels, making all sorts of noise. My concern is the road the way it is now isn't safe and it's nice to hear that they're going to upgrade it but the width of the road is not good, the crown of the road is not good, you go six inches off to the left or right with everybody doing whatever it is they're doing they're in the ditch. In my opinion anything from 207 going to this new development would have to be widened, roads smoothed out, drainage, curbs and not only that, the whole area surrounding it should have sidewalks cause people are going to be walking out of the development into the road into the ditch so that's my one concern. Another concern I have is it's going to come out of our pockets anyway because the amount of people that are going to be living there and the children going to school we're going to have to get annexes to the school and whatnot. This is definitely going to have an impact on our taxes, possibly our wells, the traffic, the noise, everything combined. We can't just, I can't believe that I live right there and I didn't know any of this was going on. I was never informed of anything. It's all hearsay through neighbors so I'm glad to be here, I'm glad that we're getting the opportunity to say something. But I think the first thing we need to do is dedicate a website so that everybody can write via e-mail of all their concerns all in one place, we can see what other people are asking, we can see what the answers are, we can do it from our home, we're not running to the post office.

MR. ARGENIO: Mr. Clark, thank you for that. Do you have, and I want to comment on that, but do you have anything else relative to this application?

MR. CLARK: Nope, everything is what I said is what I have to say.

MR. ARGENIO: I just want to address what Mr. Clark said briefly that, you know, you have to understand that we do have a website at the town, anybody here can come in and see Jennifer or Nicole at any point in time, you can look at these documents, you can get copies of them, whatever you want to do. And that's why we're having this public hearing is because it's

required by law and we sent, the notifications were sent out and we're all here and that's the important thing. So young lady in the back in the purple has had her hand up a few times.

MS. VITALE: My name is Kim Vitale, I'm at 3 Shaw Road, I'm the corner house on Bull Road and Shaw Road.

MR. ARGENIO: Corner of Bull and Shaw?

MS. VITALE: Correct. Most of my concerns have been addressed. One thing that has not would be the impact on the school districts. Do we have a school district, is it going to be little Britain or Taft cause it's very quirky around that area?

MR. ARGENIO: I want to try to stay focused on planning board issues but let me just finish, certainly it's an issue, I live in the west end and I'm in the Washingtonville School District and I pay the same taxes that you have to pay so I'd like to hear about that.

MS. VITALE: My concern is they're already overcrowded as it is so I can't imagine the amount of children more that are going to be going to either district either school at that point.

MR. ARGENIO: There's issues in the Washingtonville School District and unfortunately, I have to tell you this planning board can't solve the issues they have nor can the town board but let's, Mr. Esposito, do you have any commentary on that at all?

MR. ESPOSITO: Well, I can summarize what we have reported on. It's in the Washingtonville School District, it's really a district decision where these children are going to go, high school's pretty straightforward, middle school's straightforward, elementary is going to be a decision of the school district. With regards to costs and tax revenues generated, those are all in the document so I don't know.

MR. ARGENIO: Yeah, actually, they are in there, ma'am, in great detail, the impact on the police, I mean, actually I read both of these books and if you look in section, it's the purple flags, if I can find it real quick he'll tell what you section it is because I remember reading it. If you look--

MR. ESPOSITO: Section three.

MR. ARGENIO: Right around page 79, 80, 90.

MR. ESPOSITO: Yes.

MR. ARGENIO: Right in that area there I remember reading it but I have to tell you, I sat here a few years back, not in this seat but I sat over there and everybody who owns property has a right to develop their property, Mrs. Steup, Mr. Byrnes, Mrs. Mulligan, Mr. Clark, all you people have the right to develop your property as long as you do it in accordance with the law. You can subdivide your property, make one lot into two, make one lot into six if you do it and follow the law anybody can do it. The piece of land that I live on in the west end was 20 some odd acres and I turned it into four or five 5 acre lots, that's where I live, I subdivided my property, I have the right to do that as long as I do it and follow the law. I sat here quite a few years back on this board and the head superintendent of the Washingtonville School District was here and by this developer, wasn't you folks, it was another developer proposing his subdivision and I don't remember if it was five or seven lots, eight lots, I don't remember what it was, it was going to put more kids in the Washingtonville School District. The superintendent of the school district stood right where you're standing and he looked at us and he said we've had children in temporary classrooms for 30 years, is that the best planning that you can have is the response, one of the planning board members said is that your best planning is kids in temporary classrooms for 30 years? So look, we can effect change and there's things we can do and you folks are bringing up some good points that Mark is making note of that, I'm making notes of and we're going to address but there's some things we can't.

MS. VITALE: I'm on the other end of the aspect of Shaw Road and I understand that you're, that you have plans for that end, I would like to know what you're doing on the other end because I've been there 13 years and the traffic that goes by, the speed that goes by I've seen 10 accidents alone that I've been there.

MR. ARGENIO: Phil, specifically do you recall?

MR. GREALY: You're at the corner of Bull and Shaw?

MS. VITALE: Yes.

MR. GREALY: Right now, what we have identified in our study is sight distance improvements, signing improvements and some additional signing or striping so that people know where to stop when they're coming out of Shaw Road.

MS. VITALE: They have the stop sign too far up.

MR. GREALY: Correct, and we don't have it on a plan right now but what is identified is new stop bars, the painted bars and the location. And as we go through this remaining of the process with the planning board, we'll actually develop those plans. Right now, the study says okay, these are the things that need to be done, improve the sight distance, post new signing approaching that intersection, new striping and pavement markings.

MS. VITALE: Is a stop sign in the proposal? As much as I don't want people stopping there's a lot of kids on that corner and it's tremendous.

MR. GREALY: Yes, absolutely.

MR. ARGENIO: Thank you very much, Mrs. Vitale.

MS. VITALE: Yes.

MR. ARGENIO: Gentleman in the back all the way in the corner with the blue shirt?

MR. COFFEY: My name is John Coffey, I live on Wagner Drive. It's quite an impressive project, I understand though there's only 10 days for the public to respond.

MR. ARGENIO: Can you clarify?

MR. CORDISCO: It's a minimum of 10 days, the board if requested could consider a longer period.

MR. COFFEY: I would ask the board has the applicant provided documents for us to take home tonight? This is a very big project with tremendous impact on our community, I would love to be able to leaf through the documents when I go to work every day I can't come into Town Hall.

MR. ARGENIO: No, the applicant does not have documents to distribute to you folks, that would be a bit of an undue burden on any applicant, quite frankly. But I will tell you this, we will discuss tonight that 10 day period cause I tend to agree with you, it is quite a project and people are concerned and they'd like to know about this.

MR. COFFEY: We're in an electronic age, can the documents be posted?

MRS. GALLAGHER: It's online.

MR. CORDISCO: It's on the town website.

MR. ARGENIO: Thank you, Jennifer.

MR. COFFEY: Okay.

MR. ARGENIO: One of those guys, Mr. Clark was referring to driving his car and on his computer at the same time.

MR. COFFEY: Not me. Okay few other questions. With regard to zoning and variances, has the applicant submitted for anything here? Is there anything that has to be changed?

MR. ARGENIO: Do you know that there's variances required?

MR. COFFEY: I don't, I'm asking.

MR. ESPOSITO: No, as I said earlier, both alternatives, the yield plan is what we call a conventional plan consistent with the current zoning, the R-1 zoning. The cluster plan is really a product of that, that the yield plan, reason why we call it a yield plan that sets the maximum number of units you can achieve through conventional zoning. Then the cluster plan is a plan where we can actually cluster things down and reduce the infrastructure. But it's all as-of-right, there are no variances required, no zone changes required.

MR. COFFEY: Okay, with regard to traffic, I guess there have been some good comments with regard to safety, we haven't spoken about safety and I think that a project of this magnitude with our community we should see some significant safety improvements on Shaw

Road, not on the only the intersections but the entire length, there's zero sight distances on several locations and by having two new intersections with the soccer fields across the street--

MR. ARGENIO: Can I just interrupt your train just for a second? Can we make a note about the sight distance, this is the second time I'm hearing about the sight distance on Shaw Road, we should really look close at that?

MR. COFFEY: I would expect that a project of this magnitude would require roadway widening, some really significant safety improvements roadside, the elimination of some of the substandard features on the road, including the intersections. And I think like I said if this information is in the traffic report I look forward to reading through it so that's that issue. And I think if we can get an answer on the time extension of more than 10 days I think that would be something I would look forward to.

MR. EDSALL: Mr. Chairman, perhaps one of the benefits if it's 10 days or if it's 15 or 20 or 30, we can ask the applicants if they are aware of a specific location where there's a deficiency to provide via either communication to the town and in one manner or another a street address which would focus us in on an area of particular concern.

MR. ARGENIO: Can you supply that? Mr. Coffey, is there any particular area as you drive Shaw Road where you would say okay, right near number 12 Shaw Road the turn is nasty?

MR. COFFEY: I would think the traffic engineer should be able to provide that.

MR. ARGENIO: I didn't say he couldn't, I'm asking if you had something specific?

MR. EDSALL: Part of the benefit of having a public hearing we're given information that helps us both make followup reviews and meet with the applicant to tell them we have specific concerns that we'd like to have further studies done or addressed.

MR. ARGENIO: No better source for the information than the folks that live there.

MR. EDSALL: So if you have specifics in addition to the general comments, please share those, it will help us.

MR. COFFEY: I won't do that tonight but--

MR. EDSALL: That would be the benefit of a short letter pointing it out so it helps us.

MR. COFFEY: So I think the last comment with regard to a project of this magnitude and I don't see any benefit that our community, local community is getting out of this, I really don't. So I would hope that the board would look for that type of thing. I understand you're bound to what regulations on what you can do but I would think that that's something that should be taken into consideration.

MR. ARGENIO: Thank you. Gentleman in the green coat right up front?

MR. CULLEN: Hi, Mike Cullen, I live on Beattie Road. A lot of my concerns have already been addressed. One of the things I want to re-emphasize is that to make sure that there's no loophole that a conservation easement can be overridden because that's under private ownership that sometime down the line that can be subdivided even further. I know that it's open space and can do a really good job but I want to make sure and reassure us that there's no loophole that a conservation easement can be overridden and then we see another high density housing operation. So just convince us with through legal jargon.

MR. ARGENIO: I will address that. What else do you have?

MR. CULLEN: Maybe just minor site specific, the water tower I notice is 100 foot tall water tower, I was wondering if it can be lowered and screened a little better and stuff like that cause it's pretty high and primarily I guess even for the occupants themselves it's right on a straight line shot from the road?

MR. ARGENIO: Can you point to that, Steve?

MR. CULLEN: Sort of like a bull's eye for the occupants themselves so it would be nice to screen that not only for us but for--

MR. ARGENIO: Maybe offset it.

MR. CULLEN: -- future occupants.

MR. ARGENIO: Mr. Esposito, can something like that be accomplished? I don't know how you're going to screen a 100 foot tall device but offset it.

MR. ESPOSITO: One of the things is that it's located there for a reason for the hydraulic design concerns but there's a darker green existing trees, you know, pretty substantial so we've got it tucked behind there, you know, and we did take a look at, we did evaluate that structure, you know, in a cross-section as part of the visual assessment so but again we'll take a look at it.

MR. ARGENIO: That's what I'm asking that you take a look at it.

MR. ARGENIO: Mr. Cullen?

MR. CULLEN: And then just reassurance of the wells of the adjacent homeowners. I thought I read in the document, I looked at it quickly today, wasn't there going to be a bond put up that the owner would bond if anyone had a problem that they might be able to be helped?

MR. ARGENIO: I don't think that's the case. Dominic, could you address that please?

MR. CORDISCO: Well, they could, I mean, the applicant could offer as potential mitigation for off-site impacts to be a bond that would allow owners that did demonstrate an impact to avail themselves of perhaps drilling their well deeper or possibly connecting to the water system. Those are options that are out there that haven't been fully fleshed out.

MR. ESPOSITO: If I may in the draft one of the things we have to do is we have to identify potential impacts in this case, when you're talking about ground water I mean that's, believe me, I've been doing this for a couple years, it's one of the number one issues. And what we have proposed in the draft, okay, and will likely be adopted in some form and fashion is just that Mike is that we, besides the testing that we have to do which is in accordance with all the regulations of the health department, DEC, reviewed by the technical

people, we have proposed that we post a bond at some number that will be posted with the town that will be posted prior to any construction, that we'll during the construction or buildout of the project we'll also be monitoring on-site, off-site wells so say the 50 unit we'll submit a report to the town that says--

MR. ARGENIO: Is this the 1,200 foot thing?

MR. ESPOSITO: Well, the 1,200 foot thing that's going to be for the drawdown test. Now some of those people in there may be long term monitoring wells that we may use if we have an agreement with the property owner but there will be a bond and what we have also done as Dominic mentioned we said there's mitigation measures that we can do, let's say if your well is affected we can let's say I heard one of the wells 40 feet deep we can drill 200 feet deep, get you additional water and that would mitigate the problem. It may be that we have to redevelop your well, surge it or frack it, not the bad frack or hook you up to our system. And that's, all of that would be at the cost of the developer. And that's why the bond's there, the developer didn't act, respond to that complaint then the town is holding that money. So if a well has to be drilled deeper, the money is available. We also proposed what happens if five years from now or three years from now we're proposing a buildout in five years so for five years we're going to be monitoring our wells and off-site wells, we're going to be providing the town with reports of these monitoring measures. And then we're also proposing that at substantial completion and that's going to be determined by this board. What that means is we typically say 90 percent we're going to monitor it for another two years post-construction, so if we build out in five years we're still going to monitor those wells and that bond is still going to be sitting in the town's bank account for another two years for post-construction to make sure there aren't any impacts because this developer who I have represented for years doesn't want any problems with their neighbors, the town doesn't want any problems with their neighbors, that's what we have drafted so far as a proposal. It's been very widely accepted in our municipalities, we have implemented it in other municipalities and knock on wood we haven't had to do anything other than set it in motion. But that's what we're proposing right now.

MR. CULLEN: So he's proposing it, the town will

hopefully mandate it, correct?

MR. ARGENIO: Yes.

MR. CULLEN: Good, okay, then perhaps if there's an amount of open space provided and the recreational space across the field is regulated maybe there could be some consideration about putting some trails or something through the open space.

MR. ARGENIO: Trails?

MR. CULLEN: Trails or environmental educational trails or something like that.

MR. ARGENIO: Trails?

MR. CULLEN: Perhaps.

MR. ARGENIO: You don't think people will be out there with their quads?

MR. CULLEN: You don't want to, let's hope that the conservation easement holds it fast to being kept forever wild.

MR. ARGENIO: I think it's a good idea.

MR. CULLEN: Some recreational space. That's it for me.

MR. ARGENIO: Thank you. You get that, Mark?

MR. EDSALL: Got it.

MR. ARGENIO: Who else? This gentleman right in front here, what's your name, sir?

MR. MULLIGAN: Ray Mulligan, I live on Shaw Road. My only question is if this gets rezoned for cluster is there like a, is it like cluster?

MR. ARGENIO: I don't think it--

MR. MULLIGAN: Instead of going with the yield plan, if the developer wants to do the cluster development in five years what happens, can they change it to say well, instead of 38 single family homes, we put 10 multi-family homes and have 50 foot apartment buildings or are they going to stay single family homes?

MR. ARGENIO: You're the attorney, you answer it.

MR. CORDISCO: The answer in short is no, it's, if the project wasn't built for any reason and future developer was to come back before the town with a different proposal, it would go through the same process that it's going through now. To answer the first part of your question regarding cluster authorization as Mr. Esposito explained in the beginning, this is, the yield plan is designed solely to establish the number of lots that could be permitted there under traditional zoning. What the cluster aspect of this does and first goes to the town board, the town board authorizes the planning board to vary the individual lot requirements, such as setbacks that would normally apply so that the homes could be clustered together on smaller lots than otherwise required in order to get the benefit out of in the sense that you provide the open space and you minimize the impacts of the development and the smaller area.

MR. ARGENIO: Mr. Cullen's idea was a pretty good idea because it takes that conservation area and kind of brings it to the next level. I just hope that people don't go out there with their quads and Can-Ams and their, you know, all that stuff but whatever.

MR. MULLIGAN: My concern was to keep the single-family housing.

MR. ARGENIO: He's addressed your concern. Yes?

MR. MULLIGAN: One other question I forgot to tell you, some of those houses are within 100 feet of wetlands, is that going to be a concern? Is that something we have to deal with the DEC on?

MR. ARGENIO: He has to follow the law, it depends on whether it's a federal wetlands or state wetlands. Some have a buffer, some don't, I don't know how the turtles know whether there's a buffer or not but I think it depends on what type of wetlands they are. But he will have to abide by the law. The property was mapped and he's going to have to stay out of the, certainly out of the wetlands and possibly out of the buffer if there is a buffer zone. Anybody else? The gentleman back here in the leather coat. Ma'am, I'll get to you next. What's your name?

MR. MARTINSON: My name is Russ Martinson.

MR. MARTINSON: I've got a couple things, I mean, we addressed traffic quite a bit here but of the people who live in that area about 80 to 85 percent all head south, they don't go out to 207, they go south and it has created an incredible traffic issue in Washingtonville. You can't get through that town during school hours or rush hours.

MR. ARGENIO: Did you ever try to go through there on a Saturday afternoon or how about a Sunday morning? Can't get there.

MR. MARTINSON: It gets a long time to get there, through that town, this is something you didn't really cover in your traffic study at all and this is going to affect that tremendously.

MR. GREALY: Do you want me?

MR. ARGENIO: Please, I mean, I don't know what you're going to say, Phil, it is what it is, we don't control the State of New York.

MR. GREALY: Whether it's 70 or 80 percent, the high percentage of traffic does go south, it proves out in the existing counts, the commuter patterns are what they are. And we anticipate that the pretty much continual will see some variations but we looked at the amount of traffic, especially on Bull Road, okay heading south towards Washingtonville how much change there would be as a result of this project, so there will be an increase, there's no question about that and once you get into Washingtonville, come down Toleman Road and everything all comes together and everything ends up on 208, that's the bottom, okay. Now, traffic in terms of this project does have a, some opportunities to take different routes depending on where you're going to but for the bulk of it it will be destined to the south, it may not be 80 percent but percentage wise, it's probably around 60 to 70 percent in the peak hour period. So point well taken, we look at the amount of traffic that's added there from this project in terms of that direction.

MR. ARGENIO: Were you in this area, Mr. Martinson 15 or 17 years ago? Mark, you remember when K & S rebuilt that whole stretch all through 208, they opened it up, put the center lines in, all that construction, when

they finished the job, the job was, didn't have the capacity to carry the traffic from the day they finished it.

MR. MARTINSON: When they put the traffic light in it was horrible.

MR. ARGENIO: I don't know what to say. Certainly we can't hold everybody hostage for the problems we have with traffic everywhere, everywhere in our community but we this planning board certainly does compel people when they have a substantial impact on an intersection, on a road we compel them to mitigate widening on Route 32, the turning lane on Route 300 for the housing that's going to go in over there, it's a little much. Did you have something else, Mr. Martinson?

MR. MARTINSON: Yeah, I got a couple of things here. Another one about Washingtonville real quick because I remember a number of years ago, again, and Mr. Argenio, Mr. Chairman, I remember you were on the board at the time as well, we talked about when the condos were going in on top of the hill by the airport, big project, big project and there wasn't any kind of payments going to the school district, other than the taxes that were going to go into it. And at the same time, other municipalities had started to require payments by builders into the school district that all these children were going to. Now, I haven't really stayed up on it, I really don't know what's going on with it but is this anything that New Windsor has posed to these folks or any other builders?

MR. ARGENIO: I'm not familiar with that. Is there anything I'm--

MR. EDSALL: Impact fees are not permitted in New York State.

MR. MARTINSON: Impact fees, so they're somewhere.

MR. EDSALL: Impact fees are probably permitted in someplace around 42, 43 states and I attended a conference that the Town of New Windsor sent me to in probably the late '80s, early '90s and it was attended by representatives from all over the Unites States. When they found out I was from New York, the comment was made glad you're here but New York will not have impact fees. I was kind of positive, maybe there will be fees here someday but here we are in 2013, New York

State still doesn't allow impact fees.

MR. CORDISCO: There's a court case Court of Appeals Town of Colonie on impact fees, exactly, the planning board tried do exactly what you're suggesting.

MR. ARGENIO: What case is that, is that the Gilderland case?

MR. CORDISCO: Yes.

MR. MARTINSON: Just to keep things moving along here talking about the condos on the hill again, they had all these grandiose plans, they couldn't sell the condos, you go up there now at least the last time I was up there it was like they just bailed out.

MR. ARGENIO: Let me just stop you. What does that have to do with this?

MR. MARTINSON: If they're going to be building in three phases and the market is already saturated so they can't sell their homes when they say well, we're pulling back, if they say alright, we're pulling back, I want to make sure that there's not all kinds of debris, whatever you want to call it left laying around like I see every time I go up on the hill.

MR. ARGENIO: What's your next comment?

MR. MARTINSON: Okay, the roads to Washingtonville, I feel bad about the limited sight on Feitsma and that does require a stop sign. And when these buyers buy these houses with these infrastructure built into it I'm just kind of curious did they know in advance that if something happens with this situation then I have to start paying taxes? Because I remember down on 32 there was a big to-do about a similar type program where the physical plant for the sewage had not been working properly.

MR. ARGENIO: What's your question specifically?

MR. MARTINSON: Do they know about these fees and that whole situation how it could occur?

MR. ESPOSITO: Sure, yeah, well--

MR. ARGENIO: I would think.

MR. ESPOSITO: A whole host of documents, there's an offering plan from the homeowners' association, it depends on how these are going to be financed, how they're going to be assessed but those documents need to disclose all of these.

MR. CORDISCO: If I may add, the homeowners' association in order to form it has to go through a multi-step process as well. Documents first come here to the town for review to make sure that the homeowners' association is going to take care of what they say they're going to take care of. Then of course they prepare an offering plan at that point and that goes to the State Attorney General's Office where it's, the Attorney General's office not only makes sure that they're going to take care of what they're going to take care of but the formula and the fees are appropriate.

MR. ARGENIO: Anything else?

MR. MARTINSON: No, just that one question that never got answered.

MR. ARGENIO: For the edification of the folks what Mr. Martinson said about the condos up on the top of Stewart, he's exactly correct, there was a developer that proposed to develop the property, as a matter of fact, Mr. Martinson, if you remember, if you were here that was the one where the, it comes back to me now, the Washingtonville School Superintendent was here, we have kids in annex classes, temporary classrooms, in any event, that developer did default on that project, it was picked up by another developer and Jennifer is it built out?

MRS. GALLAGHER: Not built out but they're very active up there.

MR. ARGENIO: Anybody else? Yes, ma'am right here, yes, ma'am?

MS. MANGOLD: If I'm still awake. My name is Sylvia Mangold. We have the adjacent farm to all of this development. Actually, my primary question is about the sewage and the sewer treatment plant and how that works? I don't understand it.

MR. ARGENIO: What's your question, Mrs. Mangold specifically?

MRS. MANGOLD: My question is the sewer treatment plant is very close to the top of our hill, I don't know how many feet or how many yards but it's close. So how does the dirty stuff get up there and taking it out, which direction does it go? As far as I can imagine, it probably goes to the stream that's on the other side of Bull Road and then down into Washingtonville, that's one direction I'm familiar with. But I'm not familiar with the other direction that goes towards the Duskin Farm.

MR. ARGENIO: I'm going to try to craft your comment into a question.

MRS. MANGOLD: My question is how does it work?

MR. ARGENIO: I don't know that I can, we can get into the machinations of how a sewage treatment plant works.

MRS. MANGOLD: Does it seep out into the land around it?

MR. ARGENIO: Mr. Esposito, can you, again, this is not particularly a planning board issue but we try to serve, condensed, can you please explain to Mrs. Mangold how a sewage treatment plant works? What's the quality of the water that's discharged when the sewage treatment plant is done treating the effluent briefly?

MR. ESPOSITO: The plant currently is proposed is right here, alright, and that's probably and then this is the hill that's right here, it's on the other side of the hill.

MRS. MANGOLD: So there are two fields here?

MR. ESPOSITO: This is the ridge along the property line.

MRS. MANGOLD: It's not this field, it's this field.

MR. ESPOSITO: Correct, and it's on the other side of the hill.

MR. ARGENIO: It's not on your side of the hill, ma'am.

MR. ESPOSITO: Forty feet down on the other side.

MRS. MANGOLD: So where does the treated water go from here?

MR. ESPOSITO: It's going to go into one, this stream right here.

MRS. MANGOLD: So that goes into the Duskin Farm?

MR. ESPOSITO: Heads south to Duskin.

MRS. MANGOLD: So it doesn't go across Bull Road?

MR. ESPOSITO: No, and it's low because we want to get everything from the proposed development to that facility by gravity.

MRS. MANGOLD: Okay, so how does it get up there?

MR. ESPOSITO: It's not up, it's down.

MRS. MANGOLD: Oh, it's down.

MR. ESPOSITO: Just said this is the high ridge between us and you right here.

MR. ARGENIO: That's the high ridge.

MRS. MANGOLD: I didn't understand how far it was, I didn't understand the elevation.

MR. ESPOSITO: It's in the low part of the site.

MR. ARGENIO: Do you understand the direction it flows?

MRS. MANGOLD: It's going this way.

MR. ARGENIO: That's correct.

MRS. MANGOLD: This is not where there's development?

MR. ESPOSITO: Correct.

MR. ARGENIO: Correct, that's all green area.

MRS. MANGOLD: And then I guess how come it's so big?

MR. ARGENIO: I don't know.

MRS. MANGOLD: You say that these things don't, everyone has the right to develop but when their

development impacts an area, a community like this is going to, I live right on that curve of Bull Road and cars, six cars in the summer must go off that edge of, the kids go around there too.

MR. ARGENIO: Mark, are you getting this?

MR. EDSALL: Yes.

MRS. MANGOLD: If you correct that, whose land are you going to correct it with? You're going to take away from my front yard. So I think it's great that everyone can develop their own land but this is a big impact.

MR. ARGENIO: We're trying to collect, that's what we're trying to do.

MRS. MANGOLD: It's going to change the whole tenor of life in that corner where it's really it's changed already but this is really going to change it so I'm sure everyone here feels that way and I don't know what we can do to minimize it.

MR. ARGENIO: You can do just what you're doing tonight, you can give us the information that you have.

MRS. MANGOLD: And, you know, when Bull Road had that bridge out, that bridge isn't going to last forever and it's only, you know, so next time it goes out, everybody is going to have to go to 207.

MR. ARGENIO: Thank you, Mrs. Mangold. She's right about the bridge. Anybody else? Folks to my left, how about the gentleman with the hat? Ma'am, you can come up next or yield to the lady first. What's your name?

MS. DESTEFANO: Paula DeStefano, I live on the corner of Shaw and Beattie. I have a comment to make, is that the traffic is ridiculous, as it is right now, I can't walk Beattie cause I do a lot of walking when the weather gets nice, I can't walk Beattie, I can't walk Shaw. When I see Mrs. Mulligan walking her dog on Shaw it amazes me that she can return back to her house in the mornings. And I have to resort to walking in the development across the street from me which is Wagner Drive because it's just too dangerous. So I just can't imagine all of these people, it's going to be beautiful for Apple Ridge, they're going to be able to stroll their strollers, kids can go out on bikes, they can

walk all they want but I have to resort to walking in specific places because of this. So this impact on traffic alone is just going to be horrendous.

MR. ARGENIO: Thank you, ma'am. What's your name?

MR. CREEDEN: Kevin Creeden (phonetic). Couple questions, utilities, is there gas going in, natural gas from the utility company?

MR. ARGENIO: No natural gas that I'm aware of.

MR. CREEDEN: No gas lines going in?

MR. ARGENIO: No, unless somebody else is aware of something?

MR. EDSALL: No.

MR. CREEDEN: Anybody think about it?

MR. EDSALL: It's not, that's Central Hudson's decision.

MR. ESPOSITO: Love to have it.

MR. CREEDEN: Just asking, I don't know if what's going on on 207 is heading down that way.

MR. ARGENIO: Central Hudson would be happy to bring it down there if somebody would pay them several hundred thousand dollars. I would love to have gas too.

MR. CREEDEN: I just got this last night so I'm not familiar with the project at all.

MR. ARGENIO: Take your time, take a look.

MR. CREEDEN: Entrance and exit to this, I know through the soccer, my kids play soccer at those fields, the entrance from the soccer fields now had to get moved around so you could only go in one way and out the other way. So for these people going in and out of this project where are the roads coming in and out compared to what's there now?

MR. ARGENIO: What's your question, Mr. Creeden?

MR. CREEDEN: You can't make a left-hand turn coming out from the bottom of the soccer field, we used to

have one road going out, too many close calls.

MR. ARGENIO: So it's a sight distance issue. What road is that?

MR. GREALY: I think what he's talking about is the access to the soccer fields right now it's the westerly entrance is entrance only and that was done because of the sight lines, Shaw Road has several vertical curves in there.

MR. ARGENIO: That's a steep hill.

MR. GREALY: Looking at my notes, there's a couple, Feitsma Lane of course you have the vertical curve, 120, Shaw Road there's a vertical curve, the access to the soccer fields was changed I believe because of the sight distance. Our access points we have to meet sight distance for 40 mile an hour roadway at a minimum so the locations that are chosen here satisfy those.

MR. CREEDEN: In relation to the, where are the--

MR. GREALY: Just for kind of these are the access roads here to the soccer so here's Feitsma here and our access points are roughly in here and--

MR. CREEDEN: Right here in the bottom of the ditch.

MR. GREALY: We're down here.

MR. ARGENIO: Mr. Creeden, there's a lot of people in this room and people want to make comments. If you have a comment or a question, I would love to hear it but the documents are available, you can look at them at Town Hall, do you understand?

MR. CREEDEN: Yes, I'm going to look at it tomorrow. The other thing with the soil, I hear you guys talking about soil, I just finished a project down in Rockland County, I'm in construction.

MR. ARGENIO: You work for J. Holt?

MR. CREEDEN: Yes. Do you have, is there a capping, are you going to be scraping all the stuff off the top of these apple orchards?

MR. ESPOSITO: No, there's a couple areas that were identified, like I said, the current orchards are, were

done established in mid '80s, so you don't have the hydrocarbons or the arsenics or chlorodins, you couldn't use them. So the stuff they're using since the '80s they break down much quicker. We did identify a couple areas, one was a smudge pot they use to keep plants warm, it's a petroleum issue, we need to clean the soil, there's a mixing area.

MR. ARGENIO: So you did test the soil?

MR. ESPOSITO: Already did soil and water tests.

MR. ARGENIO: Anything else?

MR. CREEDEN: No, that's it.

MR. ARGENIO: Thank you, sir. This gentleman right here. What's your name, sir?

MR. MANGOLD: Robert Mangold, I live on Bull Road.

MR. MANGOLD: I think I just want to make a comment, I think that any way I look at this, this is a terrible place to build this cluster housing. I mean, you've got all small roads, you've got all kinds of problems getting traffic into it and getting it out of it. There's a lot of land in different areas off 207 or other places which could be fine to build a cluster housing on but to build it where you've got bridges, tunnels, old roads, bendy, plus all feeding into Washingtonville where you can't get through, I mean, it makes no sense to anyone but the owner of the land and the people who want to build it, my comment.

MR. ARGENIO: Thank you, sir. Anybody else?

MR. KATZ: Since you did the survey, did you figure out any alternate entrance and exits out of this development besides Shaw Road?

MR. GREALY: Well, the first part of the answer is the way that this plan was developed was sensitive to the wetland areas which constrained access to some of the other roadways so with that as a given, the access was developed to Shaw Road because it was feasible from that standpoint.

MR. KATZ: Cause it's there.

MR. GREALY: Well, also because we can't build across

the wetlands to get out to other roadways, so I think that was the premise as to how this site plan was developed. And also in terms of our frontage of where we have access to, so I think that's the simple answer to your question, we'll expand on it in the FEIS.

MR. KATZ: What about a rear exit?

MR. GREALY: We can show you what was looked at.

MR. ESPOSITO: Right, we looked at, there's a sub, we own a substandard piece of land that has access out, to move it puts you right in the same spot but the access is, it's substandard, we need to have a minimum of 50 foot right-of-way and that's the only other alternative they could possibly get out to an existing roadway, everything else we're landlocked and this is--

MR. KATZ: Can't develop that piece of 50 foot substandard roadway?

MR. ESPOSITO: It's not wide enough.

MR. KATZ: I'm not trying to move it, give it an alternate.

MR. ARGENIO: Mr. Katz, please, you asked him the question and he answered the question. This is not beat the engineer night, I mean, it's, certainly if you have another question or comment I'd love to hear it.

MR. KATZ: Another question would be this is not going to be a closed community? This is a community like they would run, let's say you have a mobile home park and they have their own sewage plant, they get their own water, it's going to be like a closed community or it's going to be open to anybody from the public that wants to buy a piece of property in that?

MR. ESPOSITO: Correct.

MR. KATZ: Okay.

MR. ESPOSITO: Open market.

MR. ARGENIO: You mean as opposed to like a mobile home park where they rent you the slab type thing?

MR. KATZ: Like that or Kiryas Joel. Listen, I got out of Monsey because of situations over there and I know

what goes on at Kiryas Joel and we read the newspapers and wondering maybe the rabbis are coming and they bought this property. Hey, listen, I'm Jewish, I can ask these questions, I'm not prejudice, I take it from all ends. Anyway, but I'm, listen, I got out of Monsey in '86 and moved up here to come to the country and here they are developing right in my back yard. And I want to know and hear it from you and you and everybody else that's involved in this operation that the rabbis didn't buy this piece of property and he's making Kiryas Joel number two like they did in Vails Gate. You know, they, this is going to be legitimate for anybody that wants to buy it and it's not going to be a closed, gated kind of a community like Kiryas Joel?

MR. ARGENIO: Mr. Katz, we're going to stop it at that and that's a little outside.

MR. KATZ: This is a fair question. I read it, it was in the newspaper who bought the property.

MR. ARGENIO: Let me explain it to you, not going to be chaos, we're not going to get into religious values and commentary on folks that lived in Monsey or live in Monsey or do live or continue to live or don't live in Monsey. The gentleman is representing the project as what it is for face value. If you would like to buy a home there, you can buy a home there. Mark Edsall, if you would like to buy a home there, you could buy a home there. For us to invade him personally and start to ask questions about the religious affiliation of the people that he's dealing with is really not entirely appropriate, I'd like to leave it that. Do you have another question about the project?

MR. KATZ: Yes, I do. Are you going to leave the border trees alone bordering everybody's property and the border around the development area itself so it keeps it to itself?

MR. ESPOSITO: Yes.

MR. KATZ: No trees are going to be cut? Alright, the water table, you addressed that on that you were going to go around to the surrounding houses, I would like to be one. Okay, I guess that's about it.

MR. ARGENIO: Thank you Mr. Katz.

MR. KATZ: Sorry about that but--

MR. ARGENIO: It's okay, it's fine.

MR. KATZ: I don't want it to be Monroe.

MR. ARGENIO: You're Mr. Clark?

MR. CLARK: Yes, Beattie Road. What do you project the property taxes to be on the three bedroom two garage houses?

MR. ESPOSITO: It's, it's in the document, we estimate it based on 2010, 2012.

MR. CLARK: Which would be?

MR. ESPOSITO: I don't recall right now, it's just a function of what your tax rate is times it by the assessment.

MR. ARGENIO: It's not really a planning board issue but it's in the DEIS so it's online.

MR. CLARK: Okay, did you say smallest lot was half an acre?

MR. ESPOSITO: They all vary.

MR. CLARK: What's the largest?

MR. ESPOSITO: Is one of the estate lots which is hundreds of acres and the smaller ones I believe, actually, I don't know, I can check them.

MR. ARGENIO: I think what he said, exactly what Mr. Esposito said was the lots average about a half an acre is what you said.

MR. CLARK: There's quite a few that are.

MR. ESPOSITO: The base density of the project is three acres per unit.

MR. CLARK: Yeah, but there's property that are less than half an acre.

MR. ARGENIO: That's kind of a bogus answer, quite frankly.

MR. CLARK: It's a lot of smoke and mirrors.

MR. ARGENIO: It is smoke and mirrors, there are lots that are smaller and there are lots that are larger than that.

MR. CLARK: Thank you.

MR. ARGENIO: It's also fair that you don't have them committed to memory either. Mr. Byrnes?

MR. BYRNES: I just have, do I have to come up?

MR. ARGENIO: I'd like you to come up if you would, I have a hearing problem as it is.

MR. BYRNES: So do I, my question is this, I'm real worried about water, okay, my well has never gone dry.

MR. ARGENIO: Let me just stop you for one second because possibly you didn't hear the discussion that happened earlier, they are going to post a bond for a period of some years.

MR. BYRNES: That's what I was leading up to, sir. My question is this, when you say you go out 1,200 feet, right, do you just stick a stake and go 12 that way, 12 that way and 12 this way or do you go 1,200 from each property line? You know what I'm saying?

MR. ARGENIO: What's the 1,200 measured from, the lots?

MR. ESPOSITO: From the wells.

MR. ARGENIO: From the well source.

MR. BYRNES: Well, so, in other words, if my house is 2,000 feet away, you're not going to test my well?

MR. ESPOSITO: Because there will be a house between you and the test well.

MR. ARGENIO: That will fail before you.

MR. BYRNES: I know in my neighborhood, my neighbor's 150, mine's almost 280, so it wouldn't be the same thing if he's at 150 feet, you see what I'm saying? So how would I be covered if my well went dry?

MR. ARGENIO: I'm not going to have this debate, this is unfair and I'm going to tell you why.

MR. BYRNES: I'm saying am I going to be covered by the bond?

MR. ARGENIO: Yes.

MR. BYRNES: Even if I'm 2,000 feet away?

MR. ARGENIO: Can you say some words about the bond thing with this well, speak to this a little bit more concisely?

MR. CORDISCO: Yeah, this would be a mitigation plan that's being offered by the applicant. It's not required by state law but they are offering it for a larger development such as this to address concerns like yours where you can establish conclusively that your well is now dry because these homes have gone in and there would be a multi year process where a bond would be made available and the bond is only a backup, bear in mind, because the first stop would be with the builder for the project to say look, I'm here, my well has been affected by this, I used to have great pressure, now I don't have pressure or I'm out of water or whatever the case may be. And then the builder would have the opportunity to come in, confirm that and see what options are available to address it at that time. And if the builder didn't, then the bond would be there to make sure that there would be a pool of money to ultimately satisfy whatever concerns that you have if you legitimately have been affected by the homes that have gone in. That's what the process is that's been sketched out at this point in the DEIS. And if you have additional concerns on it, then you should state them either tonight or in writing and they have to be, your concerns have to be addressed in the FEIS so your questions if you have questions, questions have to be answered.

MR. BYRNES: Well, the question I got I want my tap to keep running.

MR. KATZ: Twelve hundred feet is not a lot, it's not.

MR. ARGENIO: Let's continue. Does anybody else have any questions?

MR. STEUP: Michael Steup again. Two other items, number one, nobody spoke about this yet but have you done a study as to what indigenous species that are on

this property which may be affected by this project?

MR. ARGENIO: Again, this is all addressed in this document, all you have to do is look.

MR. STEUP: I haven't seen the document.

MR. ARGENIO: The document's available to you but you're here, Mr. Steup, you're here, Mr. Esposito, can you address?

MR. ESPOSITO: We have done several analyses, we have done habitat and species analyses and done some specific studies for potential endangered species because we did find habitat that possibly could support them. There was nothing detected.

MR. STEUP: Another question, this is back to the traffic, the in and out, what happens if there's a fire considering the fact--

MR. ARGENIO: There's two entrances, Mr. Steup, let me address your question, if there's a fire, one of the early iterations of the plans had a single entrance, we had them formulate two entrances just in case there was a fire so the fire apparatus could have access.

MR. STEUP: The question I, the reason I brought it up is Mrs. Mangold mentioned when the bridge was out and how the fire apparatus could not get to a stop on the other side of the bridge and the house did burn down so that's our concern.

MR. ARGENIO: Thank you. Anything else?

MR. CULLEN: Maybe just a quick one about the online thing, I tried to download it today, high speed internet, it took over two and a half hours. So I work for State Parks and what we do when we have master plans is we break it into reasonable pieces so that the download can take maybe five minutes.

MR. ARGENIO: Good idea.

MR. CULLEN: Cause if everyone's rushed and I recommend that you extend the period to 30 days.

MR. KATZ: Can I get a follow-up question? I'll be nice.

MR. ARGENIO: What's your name?

MS. ORLANDO: Kathy Orlando, I live on Wagner Drive. I just have a question about the sewage treatment and the generators and the noise and impact upon the environment that we have in our area.

MR. ARGENIO: Ask the question.

MS. ORLANDO: Is it a very, is it going to be noisy 24-7? Is it going to have any pollution from the sewage treatment plant? Is it going to be a huge obstructive view that we can all see? I'd just like to know those things.

MR. ESPOSITO: It's going to be in a little building that's going to look like a little farm building, it's really small, it's not a huge facility, it's probably 300 feet from the nearest property line and 50 feet below the property line. So it's going to, any noise will be attenuated by the terrain. And the only time the generator is going to go on is when there's a power outage, your engineer said we're going to be required to put in a noise abating muffler system, it's going to be like a lawn mower.

MS. ORLANDO: Won't have an impact on the environment as far as chemically or anything like that?

MR. ESPOSITO: It's all, you know, it's science, it's a machine that treats water, it's regulated by the DEC and the health department. We're going to have to treat what's called intermittent stream standards, it's the most stringent standards in the state for treatment.

MS. ORLANDO: Okay.

MR. ARGENIO: Thank you, ma'am.

MR. ERICKSSON: Are you talking about power? We're on Bull Road and we have frequent power outages, how will the electric utility thing be beefed up for this project?

MR. ARGENIO: I think he's asking for the public utilities.

MR. ERICKSSON: Many times we have storms and snow on Bull Road, we lose power because we seem to be the end

of one leg.

MR. ARGENIO: Mr. Ericksson, I don't understand your question.

MR. ERICKSSON: You're talking about the generator will only go on when the power is out, we have frequent power outages in storms.

MR. ARGENIO: Mr. Ericksson, the generator we're talking about is the generator that runs the sewage treatment plant.

MR. ERICKSSON: Exactly, my question is how the power, utility coming into this development is that--

MR. ESPOSITO: Well, the utility company is Central Hudson, we're going to draw power off Shaw Road.

MR. ERICKSSON: Okay.

MR. ARGENIO: Over on my left?

MR. CORDERO: My name is Paul Cordero, I live on Beattie Road. One of the electrical inspectors, just to continue on this question about the electrical power, I just wanted to make a comment, people realize that I think support this when you said this is an emergency power that would require that poles that are now established on Beattie Road, I'm sorry, on Shaw Road will have to be upgraded, transformers are going to be much larger. And who's going to oversee all that in terms of the, again, with the traffic and everything else that's going on it's hard enough to go through this, how is this all going to be?

MR. ARGENIO: I'll tell you that the power coming into this development it's really, Mark, I don't see this, this is not a planning board issue.

MR. EDSALL: The obligation to provide reliable power is that of Central Hudson, it's a Public Service Commission issue, if they have to upgrade their facilities, it's their responsibility.

MR. ARGENIO: We have nothing to do about that, nothing.

MR. CORDISCO: The inverse is also true, it's not as if there was an issue regarding power outages that we can

tell someone that they can't develop their property according to the zoning.

MR. ARGENIO: Of course. Anybody else?

MR. KATZ: Will you power lines on this new development be underground or aboveground? The guidelines for the well, you said you were going to test 1,200 feet around these wells?

MR. ARGENIO: You know what, I gotta tell you something, I would like you to, this well thing has gone too far, not that it's not--

MR. KATZ: It's a yes or no question.

MR. ARGENIO: -- not that it's not important but conversely because it's so important, I want you to put your question in writing and I want him to answer it in writing because it's such an important issue it rises to that level. It's not something where it's 1,200 feet and it's, and I'm going to do this and you're going to do that, I'd like you to put your question in writing and I'd like you to address it in writing because it's too important an issue, Mr. Katz, way too important an issue.

MR. KATZ: Can I ask another question?

MR. ARGENIO: Yeah.

MR. KATZ: It's about the same thing but it's just a yes or no. Who mandates that 1,200 feet, is it just out of the goodness of the developer's heart or DEC or is it state or federal?

MR. ESPOSITO: It's a policy from the local health department.

MR. KATZ: That's just 1,200 feet?

MR. ARGENIO: Please, I'm begging you, Mr. Katz, it's a really important issue and it should be memorialized in writing, it is that important. Anybody else?

MS. ORLANDO: When do they plan on moving forward with this starting to build?

MR. ARGENIO: They don't get approval, they may not have approval for quite some time, it means months,

certainly months, not weeks. Anybody else?

MR. MULLIGAN: Would there be another public hearing?

MR. ARGENIO: This is the public hearing tonight but we're going to talk about leaving some time open for some questions.

MS. HARTMAN: Marie Hartman and I just have a question. With your proposed sewer plant, are you taking any kind of combativeness about sewage odors when the effluent comes in, how do you plan to cover the smell?

MR. ESPOSITO: I'd actually prefer to answer this question in writing only because it's a process question.

MR. ARGENIO: That's fine, I think that's probably the wisest thing because typically, there shouldn't be any odor.

MS. HARTMAN: Is it gravity fed or pump fed the sewer system?

MR. ESPOSITO: We're going to have just the collection in the collection system will be all gravity except for one, there will be one pump station in one section.

MR. MARTINSON: Okay, I'll look forward to your answer.

MR. ARGENIO: Thank you, ma'am.

MR. GALLAGHER: Close the public hearing.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor close the public hearing. Roll call.

ROLL CALL

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

MR. ARGENIO: I just want to thank everybody for being as respectful as you were and the questions were very, very good questions. The commentary was for the most

part very good commentary as well. I want to thank you folks for that. There's a lot of people in this room and I've seen these public hearings go bad when we behave badly or when the public behaves badly and that didn't happen, didn't. So thank you everybody tonight for participating and caring about your town.

MR. CORDISCO: Before people leave to go home, I think the board should clarify the length of time that it's going to allow comment.

MR. ARGENIO: Give us some guidance on that.

MR. CORDISCO: The minimum required by the state regulations is 10 days. But given the complexity of the issues here and also the fact that some people could not read the document because they couldn't download it and we'll certainly check into that and it's a good suggestion to consider breaking it up into multiple pieces, we'll do that as well, but given that there's a lot here to digest, I think it's not unheard of for a board to leave 30 days and I think 30 days is very appropriate, I think. That would certainly give enough time for people to have access to the document whether or not they do it online or come into the Town Hall be able to read it, understand it and formulate and write their questions.

MR. ARGENIO: Yeah, and then Steve, you'll be able to address especially with relative conciseness this well thing, I want this, I want you to address the well questions with no ambiguity. I don't want there to be any ambiguity, your owner, I want to tell everybody in the audience that you guys should understand he's under no obligation to post a bond or any other thing to guarantee your wells. Only thing he's obligated to do is follow the law and posting that bond is not in the law. I've been sitting up here for 13 years, this is the first time a developer's ever said I'll post a bond to make sure the neighbors feel better that I'm not going to affect their wells. So I think that's a good thing, maybe nobody else does but I've been here for a bit and I think it's a good thing. So I think 30 days is good. Dominic, do we need to have a motion on that?

MR. CORDISCO: Make a motion and with a clarification that the comments should be received by 30 days from today.

MR. ARGENIO: Do you guys have any comments? Are you

guys okay with that?

MR. SHERMAN: It's a great idea.

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that we extend the comment period from 10 to 30 days. Roll call.

ROLL CALL

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

MR. ARGENIO: Public hearing's closed. We covered a lot of real estate here, no pun intended. We're gong to see this again. Members, do you have guys have anything you want to hit specifically with any of these guys? I held my questions cause I figured the members of the public would cover the questions I asked and they sure enough did. Did you guys have anything else you wanted to cover? We'll see them again. Howard, you look shellshocked, you okay? Any questions? Steve and Phil, thank you for coming, thank you for addressing the questions with precision, we'll see you folks again. Thank you very much.

REGULAR ITEMS:

PATRIOT BLUFF SITE PLAN (01-65)

MR. ARGENIO: Greg, have you changed anything here?

MR. SHAW: Absolutely not.

MR. ARGENIO: What are we here to talk about?

MR. SHAW: Little less than a year ago, you gave us conditional subdivision and conditional site plan approval for Patriot Bluff development. We're here before you tonight asking for a 360 day extension to both approvals. Nothing has changed and as in the letter that I sent the board updating you with respect to the progress we've made regarding issues such as Central Hudson and the offers of dedication and the sewer fees and the rec fees and other payments to the town, we feel that we have made sufficient progress to warrant asking for this new extension.

MR. ARGENIO: Mr. Perna, when are you going to start?

MR. PERNA: Looking to putting the entrance road in but I have to tell you it's very market driven, we hope we can start yesterday but we don't see it in the cards in the immediate future.

MR. ARGENIO: No changes?

MR. SHAW: None whatsoever.

MR. ARGENIO: Same set of drawings that we had?

MR. SHAW: Correct.

MR. ARGENIO: Any issues here?

MR. CORDISCO: No, as Mr. Shaw pointed out, the subdivision approval and site plan approval are both valid for 360 days, they're still within that period.

MR. ARGENIO: Under that wire.

MR. CORDISCO: They are. In the past, if you recall, the board often entertained requests for re-approvals to restart the site plan approval clock, in the recent rezoning we changed that so we didn't have to do that rigmarole anymore. The code now tracks the state law

that allows addition extensions for good cause shown, it's my belief that the applicant has shown good cause, the plan, nothing has changed.

MR. ARGENIO: What's that, soft market?

MR. CORDISCO: Well, you know, not only that but they're also pursuing their other approvals and no other changes in the code have affected this project. It would be my recommendation that the board consider 360 day extensions for both the subdivision and site plan approval.

MR. ARGENIO: Anybody sees fit, I'll accept a motion to that effect.

MR. BROWN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded we offer Patriot Bluff subdivision and site plan, what's the proper term 360 day extension?

MR. CORDISCO: Correct.

MR. ARGENIO: One year extension, 360 day extension.

ROLL CALL

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

MR. PERNA: Thank you ladies and gentlemen, hope the economy gets better.

VAILS GATE TERMINAL SITE PLAN (13-01)

MR. ARGENIO: Next is Vails Gate Terminal Company, who's here to represent this?

MR. SAMUELSON: Jay Samuelson, Engineering Properties.

MR. ARGENIO: Distribution facility with office building on the existing office site. The plan was reviewed on a concept basis only. This is across from the old Tarkett. Are you with me on that? Jay, what are you doing here, bud, are you lead on this? Who's lead?

MR. CAPPELLO: I'm John Cappello with Jacobowitz & Gubits, Jay Samuelson, Engineering Properties and I have Joe Armentano, Joe is the C.E.O. of Paraco Gas Facility and the applicant's here.

MR. ARGENIO: Where are you located?

MR. ARMENTANO: Rye Brook, New York is our headquarters privately held family business about 280 employees with propane operations throughout the Hudson Valley, Peekskill, Cooperstown and about 20 locations and in Connecticut as well. We have a similar facility in Riverhead, Long Island and we're proposing this facility on this piece of property.

MR. ARGENIO: Who regulates the propane?

MR. ARMENTANO: As it relates to the storage, National Fire Protection Pamphlet 58, we tend to work with your local fire department to make sure we're under the regulations obviously We do have a full time safety director, actually two other safety people within our organization, we train fire departments, I don't know if we're done New Windsor but we have certainly trained fire departments in this area. I'll be more than happy to give you some of that background as well.

MR. CAPPELLO: Traffic consultant, you may have heard of this new guy from Maser Engineering. Description of the property is on New York State 94 across from Tarkett at the intersection of Old Riley Road. We're also, I wanted to mention we're adjacent to the Edmonton's House run by the National Temple Hill Association. I want to let you know that earlier today we did meet with representatives of Temple Hill to present them the project to elicit some of their

concerns or comments. They were very helpful, they were somewhat supportive of the project.

MR. ARGENIO: Did you hear that?

MR. CAPPELLO: I don't want to commit to say supportive and then we'll go to the public hearing and then they did express support for the project, they did, you know, request some additional screening and obviously we're here with the concept. We understand that this is really to get the ball rolling to present the plan but we'll certainly beef that up and work with the details. So with that, I really want to introduce Jay who can present the plan to you a bit then Mr. Armentano will discuss the history of Paraco and exactly what they're doing and Phil will discuss with us also, already been identified as an important issue and that is traffic in and out of the site.

MR. SAMUELSON: What we're proposing here is a propane distribution facility. The propane will come in along the rail, we're proposing a siding that will come in, will split into two, the squares that you see in the center are more just stanchions that house the piping to offload the propane out of the rail cars and the propane will be pumped out and stored in these four 60,000 gallon tanks.

MR. ARGENIO: What's that, is that a tower, overhead tower going over top of the tracks?

MR. SAMUELSON: More of they're small towers but a lot of piping that have swing arms that will drop down and be able to pull the propane out of the tank. There's a couple small buildings that hold meter and pump rooms and there will be an access off Route 94 which will come in for track for trailers to come in, swing around and two loading stations where they can fill up the tanks and distribute from the site. We also have a small office building with a few parking spaces for the employees. Some of the original concepts that we talked about and I believe based upon the traffic, initial traffic evaluation that Mr. Grealy did the original access did go out to Old Riley Road rather than Route 94 for this submission. We have revised it to show it directly across from the access to the storage unit on 94. I believe that's pretty much it. The site was proposed, there's been a couple different proposals here before you before the site has been heavily graded and leveled off, there's a swale that

goes around the outside of the property, there's a drainage pond that was installed that will have to be slightly reconfigured to house the two sidings that will come in.

MR. ARMENTANO: With of the comments this is a wholesale terminal, not a retail terminal. So our customers will be some of the local propane suppliers in this market area as well as suppliers up and down the Hudson Valley, probably even parts of Connecticut. There's a facility up in Albany, New York that supplies part of the northeast region that's run by Duke in Selkirk outside of Albany has a pipeline that comes up from Texas that supplies this region. There's a small rail facility in Peekskill. This one is basically probably going to do about 300 to 400 rail cars per year. Most of the usages is in the winter, you have much heavier usage in December, January and February because of the seasonal nature of the propane business and, you know, it will be just like transport trucks that come in for gasoline will come in for propane and come in and out.

MR. ARGENIO: How many trips a day?

MR. ARMENTANO: Maximum we figured were, first of all, it's two unloading stations, so unloading stations can unload two trucks in a maximum of 30 minutes. So you have somewhere maximum of from a standpoint of in and out maybe four trucks an hour that can come in and out of there but you're probably going to have six to 12 trucks during the day, during the heavier peak period.

MR. ARGENIO: Operator of the rail line?

MR. ARMENTANO: Right now it's CSX and they're committed to upgrading the track and this facility but in meeting with the Town Supervisor, he was very concerned with making sure that some of the rail crossings would be covered by CSX and CSX will be committing to us also in improving the rail crossings as well that he indicated. And generally, they're looking at a potential three million dollar, CSX is looking at a three million dollar investment in this project from a rail upgrade perspective and we're looking at approximately a three million dollar buildup on the facility.

MR. GALLAGHER: When do the rail cars deliver the propane, is that more of a nighttime?

MR. ARMENTANO: No, that's a great question. In the Riverhead facility they come at different hours and they tend to drop, they don't drop one car off, they may drop five or six cars off at one time, it depends on the railroad schedule. I don't really know the traffic patterns with the existing freight right now that's happening.

MR. ARGENIO: You sure you can get propane, there's a big giant issue on the Hudson line with traffic with the rail?

MR. ARMENTANO: CSX has assured us they can give us five day a week service, if necessary. So they're committing to the service and committing to the upgrade. Again, that's when I use the word committed, we're about 90 percent committed from them and we need to get it in writing.

MR. ARGENIO: The property?

MR. ARMENTANO: Well, we'll buy the property.

MR. ARGENIO: Phil?

MR. GREALY: I think Jay covered some of the issues. When we first looked at the site plan, access was proposed from Old Riley Road. We recommended for several reasons to explore what is now the plan shows access opposite Public Storage for a couple of reasons. One, it's better sight distance in this stretch here, here's Tarkett Drive, I'm sorry, so with the Thruway going further away, we have better sight distance. But also in terms of being able to get left turns in here and left turns into Public Storage, we could do that in terms of traffic flow. We actually did a conservative analysis in terms of the number of trucks in an hour, we figured as many as 12 an hour coming and going, we would expect the majority of those trips would be to and from the, towards the Five Corners, probably around 75 percent of those trips. So there would be left turns coming out of here, right turns coming back in, left turns coming out. As I said, we know at that location there's very good sight distance. We do get some gaps in the traffic stream here as a result of the Five Corners signal in the morning, of course you have, in the early afternoon you have the school traffic but we looked at volumes throughout the day, we analyzed it as if there was a dozen trucks coming and going in a

one hour period so that would be every five minutes or so which is more than the capacity of the facility but just to see what would happen and from that standpoint they'll be spread out. I don't see that many trucks but we did an analysis of the access just to make sure we could get traffic.

MR. ARGENIO: You can't tell me that the northbound movement from 94 to 32 goes from a D to an E or D to an F?

MR. GREALY: In terms of the intersection, even if we took those worst case numbers, your level of service is probably not going to change, the delay will increase a little.

MR. ARGENIO: It's not enough traffic.

MR. GREALY: We're really talking about probably half of what we analyze in the highest hour and I think here they're spread out throughout the day, just the nature of the business you'll see at any of these facilities the distribution in facilities in Westchester they're spread out throughout the day.

MR. ARGENIO: What about the historic house here?

MR. EDSALL: I will comment that I have added into my report to the board information regarding the Edmonston House on the fact that it's a consideration under SEQRA, I think it triggers it being a Type I action. Dominic can go into that.

MR. CORDISCO: Typically, this application would have been an unlisted action under SEQRA, meaning being an unlisted action that the board has a great deal of discretion as to require a short form environmental assessment or a long form environment assessment. However, when a house on a National Register on state or local historic register, I misspoke, whether it's on the national or state registers elevates the application to a Type I action, requires a harder look by the board but also triggers some procedural aspects of it as well a long form EAF is required as part of the application and the board must circulate for lead agency to all the other permitting authorities of this project.

MR. EDSALL: They have submitted a full EAF at this point.

MR. ARGENIO: What harder look?

MR. CORDISCO: The purpose of declaring something to be a Type I action that's something done at the state level by DEC is it recreates a list of actions such as this where you have potential impacts on a historic resource that requires the board to take a harder look in a sense of requiring a long form EAF. And those actions that are deemed to be Type I are typically acknowledged to be more likely to have significant impacts. Bear in mind it doesn't mean that you have to require an environmental impact statement like we had for Apple Ridge, it doesn't mandate that at all but the board would not close your eyes to potential impacts.

MR. ARGENIO: Here's my point--

MR. EDSALL: I'll jump in that the first two comments in my bullets and review of the plan deal with exactly what Mr. Cappello indicated, which is the visual impact being that it's adjacent to the historic register house, I pointed out one of the things that they're starting to talk about is landscaping and the screening.

MR. ARGENIO: That was exactly my point. The hour is late, when we talk about a hard look, the only thing we're taking a hard look at is the screening, there's no exotic formula here to--

MR. EDSALL: It's got to be well taken care of the circulation but my initial review is that's the focus of what you should be looking at and they have already started that.

MR. CORDISCO: A landscape plan is part of that. The question is whether it's enough in order for you to evaluate it you might want simulations, you know, as to what it's going to look like.

MR. SAMUELSON: Can I speak on the historic house? We did submit a letter to OPHRP, I got a letter back from them this afternoon stating that there's a historic adjacent to the property, all they were looking for was additional pictures of the area from the house from our property and they asked for a Phase I unless we can document significant grading or changing of the site which is evident from several of the prior applicants that were here, I mean, even here's one of the recent

aerials, shows the site completely graded. If you actually look at some of the other views that are more just prior to this, you see it's a completely wooded site.

MR. ARGENIO: What's your point?

MR. SAMUELSON: I'm going to send it up saying it's a non-issue, it's going to come down to local determination.

MR. CAPPELLO: But we understand that we do need to beef up the landscaping.

MR. ARGENIO: Yes.

MR. CAPPELLO: What we'd like to propose we do it as part of an expanded Part III to the long form EAF that we already submitted that would specifically include a narrative and the photos that we had and whatever the results of just an analysis is of the grading and some detail discussions on the landscaping, as I said, that was the major area raised.

MR. ARMENTANO: What's also good about that they said they have two or three people that go through it and they're busier in the summertime and closed in the winter so it's counter-seasonal from there, from our operations we're busy in the winter.

MR. ARGENIO: We can't go by and get our 25 pound grill?

MR. ARMENTANO: We're not going to be doing barbecue tanks out of here.

MR. EDSALL: Dominic and I were speaking about the circulation that's required under SEQRA. What we'd like with the applicant's concurrence we don't want to circulate unless you've got a complete SEQRA package in, if you're going to be doing some elevations or whatever would suggest that you not circulate until we have all that information and DOT will be included in the circulation, we've had plenty of discussion at the workshop about the access location, we'll include any reports that Mr. Grealy has in the circulation which will go to DOT.

MR. ARGENIO: What do you have here, Phil, do you have a curbed entrance? I see a culvert.

MR. GREALY: Yes.

MR. ARGENIO: I think that's right, Mark, so Mark or Dominic, there's no action required on our behalf?

MR. CORDISCO: Other than to authorize circulation for lead agency but I think it would be subject to the applicant submitting the revised EAF that they indicated.

MR. EDSALL: And any supplemental information that would help.

MR. CAPPELLO: Alright, we would like to do that and hopefully once we circulate we would be looking hopefully to move this to a public hearing, I believe it's a special--

MR. EDSALL: Special permit.

MR. CAPPELLO: Which would require a public hearing. In addition to the Temple Hill Associates, we have identified a couple of the property owners, I did speak to one of the property owners on the other side of Riley Road here, Mr. Hopkins who owns one house and his sister owns the other and he runs the bike shop here, his major concern that he raised to me was truck traffic on Riley Road exactly because of the sight distance. So when I told him that had already been raised to us by Mark when we had our initial meeting and we moved it, I don't want to speak for him but he said he wanted to see tax rateables there and he was happy to see the driveway moved. I won't totally speak for him.

MR. ARGENIO: What happens if somebody hits one of the 60,000 pound tanks with a rifle?

MR. ARMENTANO: We've never had any issues with any tanks.

MR. ARGENIO: Does it penetrate it?

MR. ARMENTANO: I know of one incident with somebody took a rifle and shot at a 1,000 gallon tank that was out in the field and there was nothing that occurred.

MR. ARGENIO: It leaked.

MR. ARMENTANO: Yes.

MR. CAPPELLO: When I represented Town of Goshen, we had a propane facility that was being, wasn't a big storage facility, but was being constructed directly adjacent to where the police had their shooting range. So that question did come up during the course of that, not that we didn't believe the police shoot straight but it was an issue that I recall a lot of discussion about.

MR. ARGENIO: Harry or Howard, do you have any questions?

MR. BROWN: I've got a question. This is a wholesale operation, correct?

MR. ARMENTANO: That's correct.

MR. BROWN: What's the hours of operation?

MR. ARMENTANO: Primarily would be eight to five, Monday to Friday operation, I would say in the dead of winter if you get some real cold, we may end up opening that up on a Saturday.

MR. BROWN: But at nighttime?

MR. ARMENTANO: Not at night, we're not going to run that at night. It's going to be a daytime operation. The one in Albany doesn't even open up on the weekends unless there's an emergency. For the most part, given the storage and given it's a wholesale operation, we should be all at least 95 percent of the time keep it as a Monday to Friday eight to five operation.

MR. BROWN: When does propane become combustible?

MR. ARMENTANO: Well, I'm going to have to get my safety guy here to give you guys a little bit more information but it's a liquid and it's odorized and it's going in as a liquid and it's being transported as a liquid but again, all of the safety regulations regarding National Fire Protection Pamphlet 58 will be applied to this facility. We have about 25 other facilities but not rail terminals, we actually have our applicant or our partner, we have a partner who happens to be my supplier, a company called NGL out of Sarnia who has seven or eight rail facilities throughout the U.S. and it's been our supplier in Riverhead since 1996

so we're going to have him partner, he knows, he's the one that helped design the plant with Jay as it relates to this facility. But we're going to be local, we're going to have local management and again be more than, we're going to certainly meet with your fire department, make sure that they're very comfortable.

MR. ARGENIO: Bring your safety guy to the next meeting. As the hour's getting late, what else do we need to talk about?

MR. CORDISCO: Just authorization for circulation for lead agency.

MR. ARGENIO: Motion.

MR. GALLAGHER: So moved.

MR. BROWN: Motion has been made and seconded that we authorize Dominic to circulate for lead agency.

ROLL CALL

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

MR. ARGENIO: Do address that landscaping thing, that would be helpful and we look forward to talking to your safety guy.

CRESTMORE @ NEW WINDSOR (13-02)

MR. ARGENIO: Next is Crestmoore at New Windsor, proposed assisted living facility. Michele Babcock. Ms. Babcock, nice to see you.

MS. BABCOCK: Good evening, how's everyone?

MR. ARGENIO: Good.

MS. BABCOCK: Good evening. My name is Michele Babcock from Jacobowitz & Gubits. With me tonight I have Chuck May from Charles May and Associates here on behalf of May Hill & Company, the property owner and Pike Company, the applicant. The applicant has submitted an application for site plan approval for a proposed assisted living facility on the property.

MR. ARGENIO: Somebody from Pike here?

MS. BABCOCK: No. It's located at 139 Windsor Highway also better known as the Duffer's property. The property is located in the Highway Commercial zoning district in which medical buildings are permitted as of right subject to site plan approval. The proposed project meets all the applicable bulk requirements. The facility provides 24 hour on-site medical monitoring and personal care services which would include daily food service, case management services and development of individualized service plans for every resident. The facility is licensed by the State of New York under the Public Health Law and provides services to people of all ages. It also is anticipated that the facility would receive an enhanced assisted living certificate which basically means that it would permit a resident to be able to remain in the facility as long as the facility can continue to care for that individual.

MR. ARGENIO: What's that mean?

MS. BABCOCK: Basically, as a resident has changing needs, basically they have to meet higher requirements so in order to obtain that certificate there's multiple hoops that they need to jump through in order to satisfy the Public Health Law. And so otherwise they wouldn't be able to keep those people. Typically then what would happen based on my understanding someone would be moved to a convalescence facility or a nursing home.

MR. ARGENIO: So you have multiple levels of care you're going to supply here?

MS. BABCOCK: That is correct.

MR. ARGENIO: Are you going to move your parents in there?

MS. BABCOCK: I hope not to. The other vision for this they would have a safe unit which would provide care for individuals suffering from memory disorders such as Alzheimer's Disease. This facility will employ approximately 100 full time equivalents spread over four shifts and seven days a week. The plan currently contains 73 parking spaces.

MR. ARGENIO: What's required?

MS. BABCOCK: Well, this is an interesting thing because under medical buildings the Town Code doesn't have a parking requirement.

MR. ARGENIO: Mark, what's required?

MR. EDSALL: There's obviously going to be the need for the planning board as the project moves forward for you to assess what is a reasonable number, this falls into one of the gray zones.

MS. BABCOCK: If I may, we believe that the use most similarly represented in the code would be a convalescence facility which is based on number of beds and number of employees so this is the current standard.

MR. ARGENIO: What's that standard?

MS. BABCOCK: It's one space per each four beds plus one space per employee.

MR. ARGENIO: One space per four beds plus one space per employee, is that what you said, Michele?

MS. BABCOCK: Yes. So the way that it breaks down we have one space, we have 138 beds by four is going to be 35 spaces and then you're going to have a 35 employees on that given shift so you're going to have 35 spaces. Then there's an additional, looks like he provided three handicapped spaces for a total of 72 parking

spaces.

MR. SHERMAN: Visitor parking?

MS. BABCOCK: Yes, employee and visitor parking. Just to be clear for the record that even though we're using the convalescent parking requirement for the plan, this facility is not a convalescence facility. The convalescence facility is actually regulated under a different standard in the Public Health Law and so the two facilities are separate animals and have to meet different requirements. The other thing just to point out as well that this facility is in no way, shape or form senior housing.

MR. ARGENIO: If you're employing 100 people, how are we possibly--

MS. BABCOCK: There's 100 full time equivalents so what that is it's a mix of full time and part time employees.

MR. ARGENIO: I misunderstood you, okay.

MS. BABCOCK: So just also real quick under New York State Building Code they actually classify this building, this type of use as a commercial use and it's not a residential use and the Town of New Windsor Zoning Code specifically states that such a facility that's regulated by the Public Health Law is not senior housing and it would not be permitted.

MR. ARGENIO: So it's commercial, not residential, even though there's people living there. What's a hospital classified as?

MS. BABCOCK: I can check to see if it's listed. The distinction is that once there becomes more than 16 people in the facility, it's a commercial facility and it's no longer deemed residential.

MR. ARGENIO: So a hospital would be the same thing.

MS. BABCOCK: I believe so.

MR. EDSALL: Hospitals aren't residential.

MR. ARGENIO: You don't have to look it up, go ahead.

MS. BABCOCK: So at this point, I'll break and see if

the board has any other questions or comments about the project.

MR. ARGENIO: So how many people are employed here? Is Danny right, is the number 25 per shift?

MR. EDSALL: Thirty-five.

MS. BABCOCK: Yeah, the way that the plans are broken down, I believe that's right, 35 per shift.

MR. ARGENIO: How many beds do you have?

MS. BABCOCK: A hundred and thirty-eight.

MR. ARGENIO: Why did you pick that number?

MS. BABCOCK: I guess at this point this building was well suited on this site here and based on the design of the layout of the building that's what the building housed.

MR. EDSALL: I can help a little bit on that. The applicant when they were at a couple different workshops and at the workshops we were scratching our heads trying to figure out exactly how it fit into the code. Michele's doing a good job explaining but they did have the benefit of specific plans for the building since they have built this identical unit in other locations.

MR. ARGENIO: There's the answer.

MR. EDSALL: So we had the ability to actually look at real floor plans and I think that would be a good thing at another meeting for you to have a chance to look at.

MR. ARGENIO: When I look at that I see the whole back parcel being unused and if I'm building that building I'm thinking I'd want to build another 15 percent, another 20 percent if I could if I can get the--

MS. BABCOCK: Based on coverage requirements, the coverage in this zone is 85 percent, I believe we're building at 48 percent.

MR. ARGENIO: You're well under that. Guys, Howard, you got something on your mind over there?

MR. BROWN: No.

MR. FERGUSON: No.

MR. ARGENIO: I think it's great.

MR. GALLAGHER: How many floors?

MS. BABCOCK: It will be four floors, we have a more in-depth plan if you'd like to see it.

MR. ARGENIO: Some days I feel like I need a place like that to go home to. Do you know what the rentals are worth there?

MR. MAY: I'm not privy to how much it cost for a person to remain there.

MR. ARGENIO: It's not a planning board issue, go ahead.

MS. BABCOCK: Here's the lower level floor plan, we have first floor, second floor and third floor plan.

MR. ARGENIO: Big building, lot of space there.

MR. EDSALL: Mr. Chairman, at the workshop I asked what the thought process was for the location of the building and because of the height of the building and the existing grade conditions they're looking to take advantage of the plateau at the current facility, kind of build into it so that from the front you don't see the actual mass of the building and then you would have all the service access from the rear as well as parking and visitor and employee. So it fits into the land nicely.

MR. MAY: Yeah, as a matter of fact, when we first met with Mark, we did have an actual L-shaped building and we actually changed the shape of the building to conform to the grade because as you come in the grade actually the building fits right into the grade at the entrance so this building really sits nice in that Duffer's site.

MR. ARGENIO: When are you gonna get some plans? I don't think we can do any referrals with this, Mark, can we?

MR. EDSALL: No, I think tonight the intent was more to introduce the project and have the board provide

comment about the classification if they had any comments.

MR. ARGENIO: You guys agree with it?

MR. EDSALL: Like I said, there's no specific use in the code that matches this use. So it really becomes a matter of interpretation of the board where to slot it in.

MR. ARGENIO: Okay with you?

MRS. GALLAGHER: Yes.

MR. CORDISCO: It's clear it's not senior housing.

MR. ARGENIO: I understand, Michele was certainly clear about that.

MR. GALLAGHER: Do you know the height maybe compared to the Guardian Storage building?

MS. BABCOCK: I don't but we can find that out for you.

MR. ARGENIO: That will be interesting.

MR. ARGENIO: I think it's a good project, Michele. What else?

MR. EDSALL: I would suggest one of the things the applicant made clear they have a very similar if not identical facility I believe nearby that maybe as the progress or the process goes forward the board members may want to--

MR. ARGENIO: Where is the other facility?

MS. BABCOCK: It's across the river, I believe closest one is in Fishkill.

MR. EDSALL: So they're close.

MR. MAY: Well, they do have one that they have actually started in Fishkill but they have a facility that we're working on in Half Moon also.

MR. ARGENIO: Where is that?

MR. MAY: Half Moon is just above Albany.

MR. ARGENIO: Get us some drawings, I think you've got some guidance and feedback. Are you looking for anything else from us tonight?

MS. BABCOCK: No, just wondering do you have any technical comments at this point in time?

MR. EDSALL: No.

MR. ARGENIO: You need to get some drawings to him but I think that you're getting a pretty favorable response. Okay? Thank you. Get some drawings together, we'll move forward.

MS. BABCOCK: Thank you very much.

MR. ARGENIO: Make sure you do a landscaping plan nice up there on 32 so it's nice and neat.

DISCUSSION

BENEDICT POND

MR. ARGENIO: Discussion items, Mark?

MR. EDSALL: Well, Michele happens to be here and happens to be the next application Benedict Ponds.

MS. BABCOCK: I'd like a few moments to refresh everyone's memory about this project. At this time, the applicant is currently requesting site plan approval to allow the project to be constructed as a market rate unrestricted multi-family development. The planning board actually approved this project on August 9 of 2006. The project at that point was approved under the multi-family requirements and the project met all the bulk requirements. There was no density or any other special treatment given to this project, it actually met the zoning at that time. The applicant then decided to apply to the town board for special use permit to limit the residency of this project to senior housing. The project is located between Dean Hill, Riley Road and Mt. Airy Road and the project excluding the project site excluding the pond along here is 41.75 acres. The development will consist of 120 townhouse units. There's 30 buildings with four units in each building and a clubhouse. The applicant not proposing any changes to this plan. The number of parking spaces required by the town zoning code is 2.5 parking spaces per dwelling unit. The plan provides--

MR. ARGENIO: I'm going to jump in here just for a second. Where you going? What's in the last page there? What's the last sentence to the last page?

MS. BABCOCK: The last sentence is that we're asking the planning board to grant amended site plan approval.

MR. ARGENIO: Tonight?

MS. BABCOCK: Not tonight, not tonight.

MR. ARGENIO: That's what I'm trying to get to cause that's not gonna happen.

MR. CORDISCO: I don't believe an application has been filed yet.

MS. BABCOCK: No, there has not been an application.

MR. ARGENIO: This goes back a bit. What's the hundred mile an hour version here and again as the hour's late, it was a senior project?

MR. EDSALL: It was a project that was designed based on the multi-family requirements back in the day and then was proposed as senior housing, keeping in mind that at that time, there was no density bonus available.

MR. ARGENIO: Back in the day, what year was that?

MR. EDSALL: In '06. Bottom line being there is no density bonus so they just voluntarily restricted the occupancy to age restricted. They are now looking as per the new Town Code provisions to convert it to conventional multi-family and in this particular case for this application, it would be less of a dramatic conversion since when it was approved, it met multi-family, non-senior requirements, it also has--

MR. ARGENIO: Originally back in '06?

MR. EDSALL: Yes. It also has parking requirements consistent with non-age restricted, I believe it was like three and a half spaces.

MS. BABCOCK: It's 3.35.

MR. EDSALL: So it's got much more than what senior housing would have.

MR. ARGENIO: That's an important point.

MR. EDSALL: So that's it. They're looking for a conversion which is allowed in the code.

MR. ARGENIO: What are you going to do, Michele, for us? I think you need to bring a proper set of drawings in for the benefit of the other members. I certainly remember this, this goes back a bit.

MS. BABCOCK: I would be happy to provide everyone with a full set of plans. Just in speaking with Mark where we just weren't sure if the board wanted to have those plans because they are quite extensive.

MR. ARGENIO: I don't want to speak for you guys, I

remember this application, I certainly do. I think that we should at least get, this is a suggestion, Mark, you've seen the drawings, maybe a grading and drainage plans and a landscaping plan for the benefit of the members?

MR. EDSALL: There's 34 drawings and they actually had stamped plans, the one that's here tonight has the town's approval stamp on it. So I think we're at a final point. I think the only issues that you may want to look at again is parking which we know is good. So I've got a full set of these plans in the office that I have worked out with Michele having scanned and copied because apparently the originals are kind of a collector's item.

MR. ARGENIO: So where you headed with that?

MR. EDSALL: I can work with Michele to get the grading drainage and landscaping and get those back in to the board to look at.

MR. ARGENIO: This is my suggestion to the other board members, I'm suggesting that Mark work with Michele, let's get a copy of the grading drainage, show the parking, show the lighting, show the landscaping, that's the stuff that we technically get focused on. You get focused, Mark, on the slopes of the road and all of that technical stuff. That's not something we typically focus on but I think these guys, especially Dave, certainly Harry's never seen this, he needs to see it.

MR. EDSALL: The difficulty is these plans, the one that you have is a one to 100 plan, the rest of the set is all one to 30, which means it's just a very difficult set to follow because it's all--

MR. ARGENIO: Hire another engineer. What are you telling me? You've got a 30 scale, 30 scale, put them together, yes?

MR. EDSALL: You've got half.

MR. ARGENIO: One drawing.

MR. EDSALL: Half of this room.

MR. ARGENIO: What do you want me to do?

MR. EDSALL: Do you in fact want to work off the old plans or are you looking to have them generate maybe a couple updated plans with today's standards, landscaping, verify lighting and we'd just use the storm water they have already filled their NOI storm water, they have kind of--

MR. ARGENIO: I'm referring to the latter of what you're describing.

MR. EDSALL: So they could retain an engineer maybe to create some 50 scale drawings.

MS. BABCOCK: Of course we would prefer to continue forward with these plans. If the board isn't going to go forward on the application, we would hate to spend anymore money or time on additional plans.

MR. ARGENIO: I have three board members who have never seen that drawing until tonight.

MS. BABCOCK: I'll give every single board member a 34 page packet so you can see every plan that the planning board had looked at. I mean, I'd even review the details of the plan with Mark, the enclosures are up to date.

MR. ARGENIO: It seems to me that what Mark is trying to propose is voluminous, simpler than what you just outlined. Do you not agree with that?

MS. BABCOCK: Well, the timing is an issue, the applicant of course would, you know, it's been a long process.

MR. ARGENIO: Since 2006, it's only been six years, seven years.

MS. BABCOCK: To take the time to have another engineer reproduce these plans, if I can submit the 34 pages in the meantime and have you consider those, of course that would be the preference but I will defer to what the board is looking for.

MR. ARGENIO: So Mark, are the old plans deficient in some fashion?

MR. EDSALL: They are complete. They are somewhat difficult to read but they are complete. I checked relative to the recycling/refuse enclosures, the

configuration is today's standards so that's not an issue. I can, if you can tell me which directions to focus, if it's purely a landscaping issue and the rest of the utilities that they have approvals for can stay as is, it minimizes the amount of new work they have to do. I understand where Michele's heading, they've got a complete set of stamped plans from a professional, they want to use them, they don't want to redesign something that's been finished and stamped. So if we're focusing on lighting and landscaping, the lighting and landscaping plan can be done to today's standards to make sure it's okay. I think they want to avoid redesigning water and sewer and grading and water and roads and parking and all the other things.

MR. ARGENIO: I didn't hear anybody say that. Did you hear somebody say that?

MR. EDSALL: Just trying to get a focus of what plans I should be making them do.

MR. ARGENIO: I'm going to ask the board members, this is a statement, seems to me that we would want to see the lighting, landscaping, the grading which would have the drainage and the parking layout, I mean, what's the problem with any of that? I don't understand.

MR. EDSALL: Just a matter of what you want to see.

MR. ARGENIO: These guys have never seen the project before, ever, three people never seen it. Am I being unreasonable?

MR. SHERMAN: What's the suggestion?

MR. ARGENIO: She says she'll take the old plan, make pages and pages and pages of copies and pile it here.

MS. BABCOCK: The other option because Mark has scanned the plans we can provide each one of you a disk.

MR. ARGENIO: Negative.

MR. EDSALL: Try 11 by 17 and it would give you an idea of the plans.

MR. ARGENIO: If that's the best, if that's what you need to do, do it, make copies of the drawings but we have to see something.

MS. BABCOCK: Okay.

MR. ARGENIO: I understand what you're doing.

MR. EDSALL: I'll take another look at them, see if I see any problem areas, the board looks at the full set, maybe everyone at the end will say the plans are fine the way they are. If not, we'll deal with it.

MR. ARGENIO: Not getting a warm and fuzzy feeling here. What's next?

RIVER ROAD

MR. ARGENIO: River Road.

MR. CAPPELLO: We're not really doing anything to the site. We're taking a couple buildings down, we're doing interior renovations, modifying an additional site plan but no more impervious surface, taking some buildings down, putting some parking where the pavement was already there. So what we'd like to do there's a provision in your code, 300-6 that allows you to waive formal site plan approval.

MR. ARGENIO: What's this?

MR. CAPPELLO: I'm cutting right to the chase, this is on River Road, Troy Lighting, Hudson Valley Lighting and they're purchasing an existing building which is USAI, this is once again on River Road, proposing to take this building down. Dan, why don't you, this is Dan Koehler, he prepared the plans.

MR. KOEHLER: There's an existing building here that the owners of this, same owner both parcels, two parcels here, this building is currently occupied but they're willing to get rid of that building. And since in essence what we're doing is we've got this massive payment around this building and what we're going to end up with is a channelized entrance, fire lane, building was right near--

MR. ARGENIO: New entrance to River Road?

MR. KOEHLER: Right now, it's a free-for-all, if you go by the site, you can get into the site along almost an entire portion of the frontage through here so we're channelizing that into one single entrance. I met with fire, we're providing 30 foot, it's considered a fire lane, comes right up along close to the existing building right here.

MR. BROWN: What cross street is this near so I have an idea, is it near Walsh Road?

MR. EDSALL: It's the old Lightron building. So there's some interior renovations, there's exterior renovations and just a cleaning up.

MR. ARGENIO: Interior renovations, exterior renovations, modified curb cut, no change of use,

buildings being taken down so you're here walking the planning board through a plan standing in front of the dais walking us through a plan, why don't you have an application submitted? I don't understand.

MR. CAPPELLO: Well, there's a provision in your code.

MR. ARGENIO: Three hundred dash seven in the code that says something.

MR. CAPPELLO: Planning Board is authorized to waive site plan approval for minor changes to a previously approved--

MR. ARGENIO: How is this minor? You're reconfiguring the entrance to a state highway, in what world is that minor?

MR. CAPPELLO: We're channelizing an existing--

MR. ARGENIO: In what world is that minor? Am I off base? If I'm off base, somebody better stop me before I go off a cliff. Mark or Dominic?

MR. CORDISCO: There's a provision in the code that allows the board to waive site plan amendments for minor changes to existing site plan approval. The board is, does it on an informal basis when somebody comes in because they want to add a shed or take away a shed or change some feature on the plan that the board then declares to be basically a field change and sends them to the building permit or the building office.

MR. ARGENIO: Plan here?

MR. CORDISCO: Correct.

MR. ARGENIO: Having filed a planning board application you'd probably be in and out of here in one meeting, maybe two meetings because you're on the state highway, you have to go to the county, that's not my rule, that's the county's rule, it's not our rule.

MR. CAPPELLO: Well, just for the public hearing process we do have a plan, we just, you know, thought it would be easier because all that we were channelizing when you see what's existing there there's no more impervious surface.

MR. ARGENIO: Net decrease.

MR. CAPPELLO: There's no additional square footage, so there's no additional parking required.

MR. ARGENIO: Have you looked at this yet?

MRS. GALLAGHER: No.

MR. ARGENIO: So you don't know what they're saying could be right, could be wrong?

MRS. GALLAGHER: No.

MR. ARGENIO: We certainly take it for face value but you have a beautiful plan, looks like you've done a beautiful job, I'm 10 feet away but it's nice, we don't jam anybody up.

MR. CAPPELLO: It's just what you said because it's on a state road then we have to go to the county then it's another 30 days, if we can go through the building inspector, get your comments and do the same thing, you know.

MR. ARGENIO: Mark, help me with this, man.

MR. EDSALL: Well, I think what makes this one more complicated is the fact that it accesses a state controlled road, if it was a town road, it probably would be simpler.

MR. ARGENIO: Can we just say it's okay on a state road?

MR. EDSALL: I don't know that state DOT has been upset with us in the past when they haven't had referrals and I think it requires a referral. I just don't know how you would refer something without an application.

MR. ARGENIO: Am I missing something here, Harry or Howard, any other thoughts?

MR. CAPPELLO: Are we doing any work within the right-of-way?

MR. ARGENIO: Yeah, I can see it from here without any glasses on, I think you guys should make an application.

MR. EDSALL: Can I have authorization to refer it to

County Planning and DOT immediately?

MR. ARGENIO: Yeah.

MR. EDSALL: Plan's complete.

MR. KOEHLER: We haven't submitted an EAF.

MR. EDSALL: If you can submit even a short EAF and an application we can refer it immediately.

MR. CAPPELLO: Okay.

MR. ARGENIO: Get you guys going, you've been here enough times.

MRS. GALLAGHER: Application first though.

MR. ARGENIO: Any property transfers, anything like that?

MR. KOEHLER: This office space they're updating it.

MR. ARGENIO: Clean up the free-for-all on River Road and you'll be right through the planning board. No issue, none, very easy.

MR. KOEHLER: Okay.

MR. ARGENIO: Okay, thank you. Any further business? Motion to adjourn.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth
Stenographer