

TOWN OF NEW WINDSOR

PLANNING BOARD

January 9, 2013

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER
BUILDING INSPECTOR

NICOLE PELESHUCK
PLANNING BOARD SECRETARY

ABSENT: HENRY VAN LEEUWEN

MEETING AGENDA:

1. Silver Stream MHP
2. Temple Hill Apartments S.P.
3. Hudson Valley SPCA Sub.
4. Hudson Valley SPCA S.P.
5. Rock Tavern Village VanLeeuwen LLC

REGULAR MEETING:

MR. ARGENIO: Welcome everybody to the first regular meeting of January 9, 2012. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

MR. CORDISCO: I do have Mr. Taylor Palmer, he's a freshly minted attorney who joined my office against his better judgment and we're happy to have him and I

thought I'd bring him out so he could see how the board operates.

MR. ARGENIO: Where is he minted from?

MR. PALMER: Pace Law School.

MR. ARGENIO: We're going to get kicking right away.

REORGANIZATION MEETING

MR. ARGENIO: We had our reorganization meeting. Without getting into a lot of the details, the reorganization of the planning board is the same as it was last year so Franny you still have a job as do you, Mark, and there's some discussion but Dominic but you made it

MR. EDSALL: Thank you, look forward to 2013 with all of you.

MR. ARGENIO: I'll accept a motion that we remain the same structure that we had last year.

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Roll call.

ROLL CALL

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

January 9, 2013

3

ANNUAL MOBILE HOME PARK REVIEW:

SILVER STREAM MHP

MR. ARGENIO: Silver Stream is not here, they're sick.

REGULAR ITEMS:

TEMPLE HILL APARTMENTS SITE PLAN (11-14)

MR. ARGENIO: So first is Temple Hill Apartments. Application proposes a 272 unit multi-family residential development, 186 totally affordable senior citizen housing units plus 84 work force housing units plus two caretaker apartments on total of 19.5 acres. The plan was previously reviewed at the 14 September 2011, 9 November 2011, August 2012, October 2012, 24 October 2012, 14 November 2012 and 12 December 2012 planning board meetings. And your name is?

MR. EWALD: Travis Ewald from Pietrzak & Pfau Engineering and Surveying.

MR. ARGENIO: Travis, what can you tell us?

MR. EWALD: Since we were here last, we were before the town board where they held their public hearing and they granted the special use permit and the work portion and senior housing overlays. After that time, a representative of our office met with the New York State DOT resident engineer in the Town of Newburgh to discuss the proposed improvements at the intersection with Temple Hill Road, went through it, they did not appear to have any issues with the widening of the lanes, anything that we're proposing. It appears that it will just come down to some technical comments from the--

MR. ARGENIO: Where is that plan?

MR. EWALD: The DOT plan?

MR. ARGENIO: Yes.

MR. EWALD: It's at the back of the plan set or do you mean as far as submission to them?

MR. ARGENIO: Is it here in front of me in the back of the plan set?

MR. EWALD: Yes.

MR. ARGENIO: Mark, you've gone through the DOT plans?

MR. EDSALL: Yes, but not to the degree the DOT will as

far as their issuance of a permit. Usually, there are detail changes made as part of the actual permit plans but conceptually it's as discussed and as Mr. Grealy had reviewed.

MR. ARGENIO: That's my question, so it's essentially what we discussed at prior meetings and I assume that there's a proper complete set of plans that John Collins crafted with the exact details of the thicknesses of the pavement and the widening of the lanes, et cetera, et cetera, et cetera?

MR. EWALD: I believe that's being put together and submitted to the DOT. They also requested a syncro-analysis and some other studies that they wanted as part of their application.

MR. ARGENIO: Travis, let me ask you this, two things I'd like to hit, there's not a lot of comments on this application, this has been round and round again, but I would like to at the risk of being redundant I'd like to hear from you again for the benefit of the record at what point in time will you complete your highway work in the DOT right-of-way as it relates to your construction of your project?

MR. EWALD: If I remember correctly, the DOT highway work is completed prior to the issuance of the first Certificate of Occupancy for any of the proposed buildings.

MR. ARGENIO: Okay, also there's talk about a signal that may have to go in at a later date on Route 300 at some point in time when the warrants are met up on that highway. What's the position of yourself or your client, I should say your client on that signal relative to the construction of that related date? It's my understanding from previous discussions in this venue your client was prepared to fund half of that signal to be constructed at a later date.

MR. EWALD: That sounds correct to me. I believe that they were going to discuss it with town board but that sounds like what I remember.

MR. ARGENIO: Is my memory correct?

MR. EWALD: I don't remember if there was a quantity, I do remember that it was in discussion that they were going to contribute.

MR. CORDISCO: The town board as part of the special permit in December will set the amount at 50 percent.

MR. ARGENIO: Its addressed in the document?

MR. CORDISCO: It's a condition of the Town Board's approval.

MR. ARGENIO: Good, then I don't need to continue to step on ground that they have already covered. Mark or Dominic, what else do we need to do from a procedural point of view relative to this application?

MR. CORDISCO: Procedurally, they're at the end of the line really, the board previously adopted a negative declaration so you have completed SEQRA review for this file. You referred the application to the town board, the town board has granted their special permit and the only remaining approval is site plan approval for the detailed engineering and construction design that's before you now and establishing any conditions of that approval as part of that. I did have a conversation today with the town attorney who called me and alerted me to a fact that I was not aware of and that fact is that the project is within the sewer district but it's not within the water district. So one of the conditions of the approval should be that an outside user agreement has to be negotiated and executed with the town board regarding the use of water on this site. He also told me that the town board has already authorized the Supervisor to negotiate and execute that agreement so that authorization is there but what I'm saying is that the agreement is not yet there and prior to, you know, having plans signed and building permits begun and construction begun an outside user agreement for water services should be a condition of our approval.

MR. ARGENIO: Okay, we do have approval of fire, I was going through the summary here and I didn't see that in the summary documents. So I asked Nicole to find it. So we do have approval from the fire department. Where is the summary document? Parks Historic Preservation, no impacts. Anybody have any other thoughts?

MR. GALLAGHER: I just have one quick with the access drive to the Purple Heart, what was our final, no crash gates, is that just going to be a paved road? I see here possible future access.

MR. EDSALL: We had some concerns about the width, there wasn't a clear indication that it was ever going to be built. So what we have done is we reserved an adequate size right-of-way so that if it's proposed in the future, there's room and then we have merely indicated that they have to come back to the planning board to review that.

MR. GALLAGHER: As of now just going to be Item 4?

MR. EDSALL: Just going to be nothing, reserved strip.

MR. CORDISCO: Paper street.

MR. EDSALL: Paper connection. And the bottom line is that the reason I said relative to coming back to the planning board, it gives this board the opportunity to evaluate what it's going to be used for and if 20 feet is wide enough or asphalt 30 I tend to think the actual width is required but by pushing it off we have better information when we make the decision.

MR. GALLAGHER: Okay, that's all.

MR. ARGENIO: Well, we've been round and round with it, we certainly have seen it enough times. This is the tenth visit. I don't have anything else. Howard or Harry, do you guys have any other thoughts?

MR. BROWN: No.

MR. ARGENIO: Dave or Danny, any other thoughts on this? We talked about the phasing. I want to put it in the record and get your acknowledgment on the phasing that and again, I'm being redundant, but can't be too thorough with a project of this size, you're going to do all the rough grading initially and create all the storm water ponds and phase it appropriately so that the runoff is controlled and discharged in an appropriate fashion?

MR. EWALD: Absolutely correct, yes.

MR. FERGUSON: What about the timeline for the traffic study for the light?

MR. ARGENIO: Oh, yeah, let's just talk about that, I want to ask you guys about that. Harry had asked me about the, about just that and I didn't, I don't have

an answer.

MR. EDSALL: We talked briefly in the past about this and it's my suggestion that as part of the escrowing of the 50 percent value of the signal that there be a value established for the design and for the study to meet the warrants and have that included as again 50 percent contribution but require that again the intent is that within six months of the interconnect road being constructed.

MR. ARGENIO: I think the timing is the big question.

MR. EDSALL: Six months I think is fair.

MR. FERGUSON: They're not going to do a traffic study after the project is completed?

MR. EDSALL: No. In speaking with Phil Grealy, the traffic consultant, his opinion was that all the turning lanes were needed to support this project which the board and all of us had discussed. But it was his belief that there was no way you'd meet the warrants with just this project.

MR. ARGENIO: And the point is is that once you hook the two ends together, I mean, nobody knows if, it's anybody's best guess what's going to happen, we think it's a good idea.

MR. EDSALL: In the study and as you know, the applicant was gracious enough to fund a study performed by Phil Grealy, he was working for the town but Jonah Mandelbaum reimbursed the town for that as part of the costs for reviewing the study that Mr. Grealy performed looked at the anticipated interconnect traffic plus the development traffic and based on the estimated volumes he believed it will meet warrants easily once the connection is made. Obviously DOT's going to ask for some hard numbers. So my suggestion is that as part of the 50 percent reservation for the signal you include design costs and you include the study and get the 50 percent of all that costs, it's not going to be a lot compared to the traffic signal but you're in a position when the interconnection's made to have that contribution toward the study and then move forward.

MR. ARGENIO: And that could be, that could happen and again, Harry and I were discussing this, that could be two years from now, it could be 12 years, could be 18

years from now.

MR. EDSALL: There's two aspects to it. One is once the RPA development's done effectuating the interconnect that's not a major job but that's gotta happen but more importantly, we have nothing to interconnect to cause RPA, although they're anticipating start of construction RPA is anticipating start of construction within the next 12 months. So there's a good chance that this may move forward in a timely way, we don't know so that's what I'm suggesting six months after the interconnect.

MR. ARGENIO: Does that answer your question?

MR. FERGUSON: Yes.

MR. ARGENIO: Are you okay on behalf of your client?

MR. EWALD: Absolutely.

MR. ARGENIO: Good, so we got that put to bed. I think it's very reasonable, I don't think you're out on a limb with that at all, quite frankly.

MR. CORDISCO: Just so we're clear, the bonding that would be a condition of the approval could cover several different items, actually, it would cover the report that would be accomplished at the point in time that the interconnect is made or six months thereafter, the design of the light if the light is required and then fair share contribution towards the construction.

MR. ARGENIO: It's 50 percent.

MR. CORDISCO: Correct.

MR. ARGENIO: That's what you just agreed to.

MR. EDSALL: Just a note for Travis when he's preparing the cost estimates for improvements, all the improvements on the site will be considered private improvements with the exception of the thru-road which should be the amount of the value of that road should be established public road as the water main and sewer main that are going to be ultimately dedicated.

MR. ARGENIO: I'm glad you brought that up, I forgot about that. You guys alright? Dominic and Mark, you guys okay?

MR. EDSALL: Just a note that there are as I said in my comments a couple very minor corrections that need to be made. I didn't even ask that they consider putting them together for this meeting cause they're so minor. We've talked about them with Travis in the past so we'll doublecheck the final plans. Secondly, any conditions of approval that I have suggested I have also spoke with the Chair and Dominic to make sure it gets into the approval resolution.

MR. CORDISCO: Yes, our office would prepare a written resolution of approval which would encapsulate these conditions.

MR. ARGENIO: Subject-tos that I'm going to espouse in a moment are nice but the written resolution will make sure that it has them.

MR. CORDISCO: Those plus your other standard resolution approval conditions as well.

MR. ARGENIO: I'll accept a motion for final approval subject to Dominic, correct me if I misspeak, resolution of the water, how do I say it?

MR. CORDISCO: Conditioned on the applicant entering into an outside user agreement for water service for the project.

MR. ARGENIO: Subject to the applicant entering into an outside agreement for water service for the project, an outside user water agreement.

MR. EDSALL: Outside user agreement.

MR. ARGENIO: And subject to Mark's final comments on the plans which are not very significant, I think that's it, is that right?

MR. CORDISCO: The other ones are the ones we talked about tonight which could be encapsulated in the resolution relating to the light, the bonding and the timing of the road improvements that are apart from the light.

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

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

MR. ARGENIO: Travis, thank you.

MR. EWALD: Thank you.

MR. ARGENIO: Next on tonight's agenda Hudson Valley SPCA, why are they not here?

MRS. PELESHUCK: Travis is on for the whole night.

MR. ARGENIO: Go ahead, Travis. Let me, just one second, first you have the subdivision, is that right?

MR. EWALD: Correct, subdivision and then the site plan.

MR. ARGENIO: This application proposes subdivision of the 16.4 acre parcel into three non-residential lots each. The application was previously reviewed at the 25 April 2012 and 14 November 2012 planning board meetings. Go ahead, Travis.

MR. EWALD: In regard to the subdivision application, we have been to the Zoning Board of Appeals previously to receive variances for I believe it's proposed lot one which they granted.

MR. ARGENIO: How many variances?

MR. EWALD: There was three but they were all variances that would affect the internal lots that are being created, they don't affect any of the exterior adjoining parcels.

MR. ARGENIO: So it was lot size variance, what else was it?

MR. EWALD: We have a front yard, side yard and both side yards.

MR. ARGENIO: Okay, go ahead.

MR. EWALD: Essentially, it's the side yard between the existing SPCA building and the adjoining lot line.

MR. ARGENIO: Point to it.

MR. EWALD: Right here, that's pretty much what created the majority of the variances. The subdivision is a one sheet set, I don't--

MR. ARGENIO: Go ahead.

MR. EWALD: We were previously before the board

recently after the revised zoning was enacted at which time I believe that there was some issues regarding the existing use of the kennel and I believe it was referred to the town board at which they acted on a couple meetings ago, I don't, I don't know the outcome of it.

MR. ARGENIO: Dude, you've got to get your act together, my friend.

MR. EWALD: I apologize. My understanding was they were granted a special use permit.

MR. ARGENIO: I don't know, you're here to tell us brother, go ahead.

MR. EWALD: So that's, these were granted a special use permit for the kennel just is my understanding.

MR. ARGENIO: Was there anything else?

MR. EWALD: Not that I know of.

MR. ARGENIO: Mark, do you know that to be accurate?

MR. EDSALL: Well, the issue that has to do with zoning is the fact that you have an existing use, the kennel use which is the subject of the variances on lot one.

MR. ARGENIO: Yes.

MR. EDSALL: And all the zoning bulk information shown on the plan here is based on the zoning that was in place and fully in effect at the time they made number one application and number two the ZBA acted on it. Along comes the zoning change and the zoning change not only changed bulk requirements but it changed the acceptable uses in the zone.

MR. ARGENIO: And this application was well on its way prior to that change.

MR. EDSALL: Yes, but the town board to my understanding did, again, I wasn't at the meeting, was that they indicated that applications that were already before the board that had made the investment in design, surveying, engineering and so on could continue based on the zoning that was in place.

MR. ARGENIO: That's my understanding as well.

MR. EDSALL: With that in mind, that was the action the town board took was to acknowledge that the planning board would have the flexibility to process the applications as they were submitted to this board. The reason that's important is because the bulk values would not be legitimate otherwise so they're passed that hump, they've gotten the necessary variances so now this plan can proceed as per how it was before you.

MR. CORDISCO: And the new zoning would apply to projects that would be applied for.

MR. ARGENIO: Subsequent to the rezoning.

MR. CORDISCO: Correct.

MR. ARGENIO: Which makes sense, we've done that before.

MR. CORDISCO: Looking to do something in the future would look at current zoning and would need to apply.

MR. EDSALL: So the answer is the plan as submitted is consistent with the guidance we received from the town board.

MR. ARGENIO: Mark, you got that? We should talk to the attorney, this should be two actions, shouldn't it?

MR. EDSALL: Well--

MR. ARGENIO: It's one action for the subdivision, one action for the site plan, two separate things.

MR. EDSALL: That's why I'm asking the question.

MR. CORDISCO: We can process it in the sense for SEQRA purposes as one combined action but they are two separate applications but you'd adopt one negative dec in connection with the two, at least that's an option.

MR. EDSALL: And the reason why in a way I'm stretching for the prior decision to take what's effectively three site plans cause this plan as you recognize has three lots, the companion application for site plan is a coordinated three separate site plans merged into one application which is great for them because it saves them some application fees, more importantly gives us the chance to coordinate all the sites in one review.

What I'm suggesting SEQRA's all in one fold and I want to make sure that I wasn't heading in the wrong direction.

MR. ARGENIO: I didn't understand, I thought Mark what you were saying, what your comment was should we be considering these applications together or separate, meaning the site plan application and the subdivision application, that's what I thought you were referring to, okay.

MR. EDSALL: We've got separate applications, separate approval actions.

MR. ARGENIO: Do you guys understand? Okay, is there any reason we can't proceed with SEQRA?

MR. EDSALL: Traffic is, as far as lead agency?

MR. ARGENIO: Yeah, which is first, lead agency?

MR. CORDISCO: Establishing lead agency for this project, you know, is an important point and should be taken at this point. Correct, it would be notice of intent to take lead agency because there's other involved agencies, no, absolutely, the Department of Transportation which will have a highway work permit approval over the project it's highly unlikely that DOT would want to be lead agency but you can't jump the gun and make that determination without sending out the notice.

MR. ARGENIO: So we're going to circulate, let's circulate, that would be great.

MR. EDSALL: I'll send out the letter.

MR. ARGENIO: Do you guys see what's going on here with this? Here's your new lot, there's one lot, there's two lots and the third lot is this giant lot here, something like that, Travis, is that about right?

MR. EWALD: That's correct.

MR. ARGENIO: So--

MR. EDSALL: Nice penmanship.

MR. ARGENIO: This went to county, yes?

MR. EDSALL: Yes.

MR. ARGENIO: So we have to wait to hear. Should we probe this issue now or later, Mark, I think with the site plan?

MR. EDSALL: With the site plan?

MR. ARGENIO: Okay, so Travis, do you guys have any other questions on the site plan?

MR. EDSALL: My only comment just so the board knows where I'm heading because we have three lots that are adjoining to each other but will also share access and share utilities and because the subdivision plats will be filed at the county, I'm asking and reminding the applicant that I want all the easements shown on this plat or a companion plat. So there's two sheets, whatever, because I want to make sure we have a good clear record of the easements both or ingress egress and for all the utilities, water lines, hydrants, everything else recorded somewhere other than just on a site plan.

MR. CORDISCO: Not only that but we'll have to receive the easements at some point in the future as well as maintenance agreement amongst the lots because you know they're from somebody pulling in who's going to be just the appearance that this is one piece of property and how that's maintained is going to be shared.

MR. ARGENIO: What are you suggesting, Mark, are you suggesting a separate sheet for that?

MR. EDSALL: Well, I asked them to pull the subdivision plan out as we have talked about in the past so they're going to do that, if it's cleaner as far as clarity to have a separate easement sheet that goes with this single sheet, fine, that might be easier.

MR. ARGENIO: I think that's the best idea.

MR. EDSALL: I just want to have a real clear documented easement, all the cross-easements, the utility easement and as Dominic said, we'll be looking at the maintenance agreement because all three lots are going to share the single curb cut and we just don't want to have a fight in five years from now who's going to fix the pothole.

MR. CORDISCO: And who plows.

MR. EDSALL: Exactly, so that will come down the road.

MR. ARGENIO: Okay. Let's go on to the site plan, SPCA site plan.

MR. ARGENIO: Go ahead, Travis.

MR. EWALD: So the site plan, the application is proposing three retail facilities located parallel with Little Britain Road, the one furthest to the east is 11,400 square feet.

MR. ARGENIO: Isn't that west?

MR. EWALD: You're right, sorry about that. Looking at it, the remaining two are composed of 7,200 square feet and then in the rear of the parcel there will be three kennel buildings, each being approximately 4,500 square feet and then the existing building which currently houses the SPCA offices and kennels. We have met with the fire inspectors to review hydrant locations and access, ingress egress for fire fighting purposes and I believe we have addressed all their comments and we have prepared an actual storm water pollution prevention plan which has been reviewed by your engineer and I believe that we had minimal comments on that. The landscaping plan we received some comments from the board and we took those comments and revised the landscaping to provide a more diverse cover of trees and shrubbery.

MR. ARGENIO: Where is lighting, Travis?

MR. EWALD: The lighting is on--

MR. ARGENIO: I got it, never mind.

MR. EWALD: -- sheet seven.

MR. ARGENIO: Did the buildings get pulled away from 207 to any degree?

MR. EWALD: The buildings got pulled away from 207 and then we were able to put a grass strip between the buildings and the sidewalk area.

MR. BROWN: Does this allow for the road construction?

MR. ARGENIO: Well, we don't know what it's going to be if it ever happens but that, I don't know the answers, I don't know, I want to get to that in a moment. Travis, at a prior meeting it was suggested actually by Jim Petro was in attendance at the meeting as the town's building and property manager he suggested that

and I thought it was a good suggestion to possibly move these buildings back as far as you could so that in the event 207 is ever widened at some point in time there's adequate room in the front for that widening to take place. My question to you is if you don't know the answer, say you don't know the answer, did the buildings get moved back from their original proposed locations?

MR. EWALD: My understanding is that two of the buildings got moved back but they were only moved back slightly, I believe what was conveyed was that a landscaped strip was being sought between the proposed parking area and the buildings.

MR. ARGENIO: And we did talk about that as well, we talked about that too.

MR. EWALD: They were only moved back for that purpose, I don't think they were moved back to accommodate for any widening.

MR. ARGENIO: Now, I'm looking at that and seeing the landscaped strip is probably five feet.

MR. EWALD: It's probably six or seven feet because the sidewalks are a little bit wider.

MR. EDSALL: Sidewalks are six which is what we asked for with the overhang.

MR. ARGENIO: Where is the sewer and water for this? Mark, where is it coming from, Mark or Travis?

MR. EDSALL: Sewer's going out the back, I have some comments on that here, Travis, so you have them, water's coming out the front, I've asked that they clarify the connection to the water because they don't show the main so they should really show that and the sewer I think their information as far as the tie may be wrong so since I wrote these comments--

MR. ARGENIO: Where are they? Shows the tie in the back?

MR. EDSALL: Out the back and in fact what they're going to do is the sewer district 20 interceptor line.

MR. ARGENIO: I think that's right.

MR. EDSALL: It's right but they show the wrong size, there's already a tap there, they might already have a connection, I've got some plans.

MR. ARGENIO: Where is the domestic water, under 207?

MR. EDSALL: Yeah, on the far side of 207 but they need to define that so it's sewer is out the back, water's out the front.

MR. EWALD: One of the other comments that was raised at the last meeting was if these wetlands were being, if the DEC intended on incorporating them into their revised mapping and we made a, we contacted their office and received a reply back that they were not, I believe that was e-mails included in the submittal letter.

MR. ARGENIO: They're not going to be included in the new mapping?

MR. EWALD: That's my understanding, yes.

MR. ARGENIO: So if they're not going to be in the new mapping, why can't you move the buildings back?

MR. EWALD: The main thing that's driving the location of all the buildings that are along the front of the parcel is the existing building that houses the SPCA currently and that drives the grading throughout the whole site for these proposed retail facilities because you have your point of entrance where you're fixed at and you have this area in front of the building where you're fixed at so this building cannot be pushed back further. And I believe the feeling was that to allow for the circulation around here there was no other configuration that we could come up with that would allow these buildings and the proper circulation for the fire access vehicles combined with the grading restrictions that we had with these two fixed points, typically, when you're coming into a site you would be fixed at the entrance and you'd have a little bit of leeway with your design when we come in but we're kind of working between two points of restriction.

MR. ARGENIO: This is the problem right here.

MR. EWALD: Correct, this building and to allow adequate circulation around.

MR. ARGENIO: Can we talk about the lighting just a little bit?

MR. EWALD: Sure.

MR. ARGENIO: Do we really believe, Mark and/or Travis, that the wall packs in the front of this building are adequate enough? Do you really believe that?

MR. EDSALL: I will not comment on if they'll work or not because I haven't seen the additional information but I think it's a poor design choice because having the, a light attempting to project the light from the building out to the end of the parking lot is begging for glare problems on the state highway, I would much rather prefer seeing--

MR. ARGENIO: All the light from the highway into the site.

MR. EDSALL: That's why they should use freestanding light poles on the south side of the parking lot toward 207 with cutoff shields toward the highway directing the light interior.

MR. EWALD: Okay.

MR. ARGENIO: Lighting up beautiful building facades.

MR. EDSALL: We don't want them as flood heights but--

MR. EWALD: We'll make that change.

MR. ARGENIO: Do you have a comment here on that?

MR. EDSALL: I do.

MR. ARGENIO: Eighty feet, wow, 80 feet.

MR. EDSALL: There's no way you can direct usable lighting 80 feet and not create glare 100 feet out.

MR. ARGENIO: What about the dumpster, where is the dumpster, where is the refuse area, Travis?

MR. GALLAGHER: Right here.

MR. ARGENIO: He's trying to figure out himself.

MR. EWALD: Yes.

MR. FERGUSON: What about by building two as well?

MR. EWALD: Yeah, right here.

MR. ARGENIO: One, two, three I think he better take a look at that, my friend, I mean, Travis, I don't want to be difficult but how does that work? Tell me how that works?

MR. EWALD: In regard to?

MR. ARGENIO: How does it work, the guy comes to pick the dumpster up and put it in the dumpster truck or in the refuse truck, how does it work? How does it happen? Show me the traffic movement that accomplishes that.

MR. EWALD: Where they have it right now they'd have to wheel them out.

MR. ARGENIO: Into the travel lane?

MR. EWALD: Yes.

MR. ARGENIO: Well, that's well thought out, my friend, you should rethink that whole package. I want to talk about something, Mark, these went to planning already?

MR. EDSALL: Yes, they went as two individual referrals but they were advised number one of the zoning situation that they were grandfathered and number two that they're companion applications so yes, it did go out.

MR. ARGENIO: Have a look at this here, Travis, please step up to the dais, if you would, do you know where this is? Shot from big glass building.

MR. EWALD: Yes.

MR. ARGENIO: If you come out of the glass building, make a left, go about 400 feet and then go up in the air another hundred feet, this is the Thruway, this is 207 and all the members have this photo all the way back and the traffic is backed up as far as you can see. Okay, this is not news to anybody, anybody who's in this town knows that we've had this problem. You see what's going on here? They're waiting for the cueing lane which starts here to go left on 300, that

cueing lane is about six deep, four deep, this cues all the way back to Dean Hill Road.

MR. EWALD: I've never seen it like that but that's impressive, I understand.

MR. ARGENIO: On a Thursday or a Friday in the summer this traffic goes back to Little Britain School.

MR. EDSALL: I've had occasions where I've pulled out of Breunig Road and the line started there.

MR. EWALD: At 5:00 time?

MR. EDSALL: From 2:30 on.

MR. ARGENIO: I live out this way off Station Road, this is systemic in this area all the way through. It's a safety problem at your entrance to have cars stacked up there, the town has an A plan and a B plan that Mark and I and even I think Jimmy Petro may have been involved, I'm not sure. I know at least Mark and myself have been talking about it for quite some time has a stacking lane designed all the way back into here. The other plan has a stacking lane laying up a little shorter short of this culvert with a taking over here at the Verizon place widening here.

MR. EDSALL: We have actually gotten to the point where we have one plan and in fact it's beyond a concept, we have a design plan finished from John Collins Engineers obviously not to the standard of submitting to DOT but it's a complete design plan that extends the cueing lane eastbound all the way back to the front, the middle more or less of the Verizon building and then it reverses and turns into a left turn lane for Dean Hill and that design is complete.

MR. ARGENIO: Which is right here.

MR. EDSALL: If somebody tries to make a left turn through the backup it creates a backup the other direction then it becomes gridlock.

MR. EWALD: So the widening of this project is imminent.

MR. EDSALL: It's important enough that the town board has decided to move forward on acquiring the strip of land with Verizon directly rather than have a third

party involved, the town is working and in fact, I was on the phone with the new regional representative for Verizon this week to move that forward again so that the town will acquire the strip along the Verizon building to allow the widening and then it just becomes a matter of construction. DOT is already aware of the project, Senator Larkin has been supporting this for three or four years.

MR. ARGENIO: Mark has been working on that Verizon easement long before you guys showed up here, it's just Verizon it takes time, personnel changes, et cetera, just takes time. So why don't you take that with you, food for thought cause I think we're going to want to talk about that a little bit.

MR. EWALD: Okay.

MR. ARGENIO: Okay, so anybody else have any comment on this? You saw the picture, Dave, Howard or Harry?

MR. FERGUSON: Yeah, I saw the picture.

MR. BROWN: Yeah, I was going to ask on the dumpsters there's only two?

MR. ARGENIO: Three.

MR. BROWN: Where is the third?

MR. ARGENIO: There's one here, one here and one here.

MR. BROWN: I got it.

MR. ARGENIO: They're just not accessible, doesn't tickle me, I assume the sight distance is probably pretty good?

MR. EWALD: Best sight distance we can get and it meets the required design standards, we're right at the crest of the hill and we're directly across from the other entrance.

MR. ARGENIO: So you're directly across from the professional plaza across the street? That's good. How do we not have a public hearing on this?

MR. EDSALL: Didn't ever suggest you shouldn't.

MR. ARGENIO: How does that happen in this corridor? I

think we're early, I mean, he has some work to do.

MR. EDSALL: Yeah, at minimum you could determine that you're going to want to have the public hearing, let them know up front and then--

MR. CORDISCO: Based on the next submission, you can decide whether or not they're ready.

MR. ARGENIO: Yeah, and, well, let's talk about that a little bit.

MR. EDSALL: One other thing too you've got a very interesting situation in the fact that the kennel use is a special permit use under the zoning that existed when they applied so effectively, correct me if I'm wrong, it's an existing special permit that pre-exists the zone change and you're changing that special permit by expanding it fairly substantially. So I don't know that you would want to walk the path of taking a special permit.

MR. ARGENIO: I don't understand, say that again, how are we expanding it?

MR. EDSALL: Three more buildings to the kennel.

MR. ARGENIO: But the retail buildings they're not kennels, you're talking about the kennel buildings in the back?

MR. EDSALL: In the back they're going to more than double the area of the special permit use. To be safe, you should consider it as a modification of a special permit, just have the public hearing and call it a modification of a special permit so nobody questions that you've been thorough.

MR. CORDISCO: That could be processed under the site plan application.

MR. ARGENIO: Whose property is this here, Mark?

MR. EDSALL: Mr. Dantas who visits us annually his mobile home park is back up there, Walter's Trailer Park.

MR. ARGENIO: I don't see how you don't have a public hearing on this. What's over here?

MR. GALLAGHER: That's behind the deli and car wash.

MR. EWALD: That's the car wash sits right in here.

MR. ARGENIO: What's back there?

MR. GALLAGHER: Access from the Silver Stream?

MR. ARGENIO: No, is that the airport?

MR. EDSALL: Yeah, when you go up Silver Stream Road and hit the first turn all that land is Stewart properties, must curl around down to here.

MR. ARGENIO: What else do you guys have on this? Howard or Harry, do you have any other thoughts? Lighting's an issue, dumpsters, access, I want, Mark, I want to have a discussion with you a bit about the wetland thing here because I don't quite understand it as of right now, I don't want to get into a lot of detail and waste a lot of everybody's time until I understand it a little bit better.

MR. EDSALL: Okay.

MR. GALLAGHER: Are you proposing a main sign at the entrance to list the retail or signs on the buildings?

MR. EWALD: At this point, we didn't have anything proposed on there.

MR. ARGENIO: If you're going to do something, you should show it.

MR. EWALD: Okay.

MR. ARGENIO: Alright, Howard or Harry?

MR. FERGUSON: The existing concrete building there's no dumpster for that building, is that going to be used for anything cause it doesn't show on the plans for the dumpster?

MR. EWALD: For this building?

MR. ARGENIO: Talking about this building here.

MR. EWALD: I'll take a look at it as far as what they're going to do for the dumpster.

MR. ARGENIO: What do they do with all the dog and the cat poop, feces? I mean, is there like does the poop picker-upper guy come and pick it up?

MR. EWALD: I think they scrape most of it up and it gets hosed.

MRS. PELESHUCK: Goes into the wetlands.

MR. ARGENIO: I don't know if it's an issue or not, you're telling me that and what tripped it?

MR. EDSALL: Normally, it's dumpster.

MR. ARGENIO: What you said there's going to be the kennel's increasing in size, that's what got me thinking about it.

MR. EDSALL: Normally, it's dumpstered.

MR. ARGENIO: Flannery's has a little area where they walk the dogs out on the grass and they do their business.

MR. EWALD: They'll have a substantial area between these buildings but--

MR. EDSALL: When you're boarding dogs, you have the issue of that interior contained area they've got to remove it and put it into a dumpster, normally goes away by dumpster.

MR. ARGENIO: Okay, let's not beat it to death. You've got some work to do my friend and I want to understand the wetland thing a little bit more, please, are you privy to what he shared before?

MR. EDSALL: Yes, they forwarded the e-mail to me.

MR. ARGENIO: We'll talk about it another time. Anything else?

MR. EWALD: We've got some direction.

MR. ARGENIO: Thank you very much.

MR. ARGENIO: Rock Tavern, is that you too?

MR. EWALD: That's me too.

MR. ARGENIO: This application proposes a simple lot line change between the two involved lots. And this is known as Rock Tavern Village, LP, Toleman Road Associates. Okay, for those who do not know this is the piece on the corner of Toleman and 207 as Henry Van Leeuwen's piece, it's a cell tower area, it's the lot where I dumped all that fill a few years ago. Where's 207?

MR. EWALD: Well, 207 runs along here, this right here is where the current access runs into the cell tower.

MR. ARGENIO: Is this 207 here?

MR. EWALD: Correct.

MR. ARGENIO: So I've put it either here or here.

MR. EWALD: This lot has the storage buildings.

MR. ARGENIO: What are you trying to do here?

MR. EWALD: My understanding is that the access to the cell towers from Toleman Road will no longer be utilized.

MR. ARGENIO: That's where currently?

MR. EWALD: Right there.

MR. ARGENIO: Cause there used to be one here as well, apparently, this is the one that they're currently using.

MR. EWALD: And the application proposes to delete the current lot line and move it to the far side of where the access was essentially increasing the width of the tax lot 92.2 by 50 feet.

MR. ARGENIO: Jenn, what's going on here on this piece?

MR. GALLAGHER: Where are they going to put the access road to go into the cell towers?

MR. EWALD: My understanding is it will be coming off

207.

MRS. GALLAGHER: We discussed that when the paintball place came in and they said that they would not be accessing that from there, they would be accessing it from here, they actually put up a sign just recently right up here.

MR. ARGENIO: On 207?

MRS. GALLAGHER: No, on Toleman Road.

MR. GALLAGHER: We don't want anybody accessing from 207.

MR. EDSALL: Paintball's using that 50 foot strip?

MRS. GALLAGHER: Yes, they just--

MR. ARGENIO: Jennifer, so I understand what you're talking about, I think what you're saying by closing this off and dedicating that piece to this that strip to this piece now this property is forced over here and we told them don't access the piece from here?

MRS. GALLAGHER: Correct.

MR. ARGENIO: Well, I mean, I can't tell you that you can't have access on 207 but I can tell that you there's a way to do it, how about that, I mean that's--

MR. EDSALL: Mr. Chairman, we have a suggestion.

MR. ARGENIO: Sure.

MR. EDSALL: Dominic and I just entertained an alternative which would be since the paintball use is clearly not the best and permanent use of the property that the applicant work out a--

MR. CORDISCO: A license agreement that would allow them to continue to use that existing access road to Toleman regardless of which lot owns it.

MR. ARGENIO: We need to do something.

MR. CORDISCO: I assume that the road itself is not going to go away, just a question of you changing title and property lines and that would preserve their means of access, it's a license, I refer to it as a license

which is of course a formal agreement. But it's not as permanent as an easement because it might, you may not want to encumber that lot, you know, with a permanent easement for a use that at some point may very well go away as fun as it is.

MR. EDSALL: Yup, and if they want to for some reason change their access they'd have to come back to the planning board.

MR. ARGENIO: Did it go to county?

MRS. PELESHUCK: Yes.

MR. ARGENIO: It's certainly within 500 feet of a state highway.

MR. EDSALL: It's already gone.

MR. ARGENIO: Okay, Travis, talk to your client about what we just discussed.

MR. EWALD: Certainly will.

MR. ARGENIO: Jennifer, what might be helpful if you can get the minutes out or Nicole possibly you can do it, I know Jenn is busy with other stuff, get the minutes out where we talked about the access please.

MRS. PELESHUCK: Yes.

MR. ARGENIO: And give them to said building inspector for her use when she makes that phone call. Okay, what else? Okay, Mark, do you have something tonight? You're done, yeah, we're done, thank you, Travis.

MR. EWALD: Thank you.

DISCUSSION

WINDSOR ACADEMY

MR. EDSALL: You may recall the Windsor Academy which is on Route 94?

MR. ARGENIO: Firehouse?

MR. EDSALL: To the west of Union Avenue.

MRS. GALLAGHER: On Quassaick.

MR. ARGENIO: Across from Midway Market, the fire trap?

MR. EDSALL: Yeah, they're seeking the board's acceptance of two items, one the rear fence shown on the approved site plan was supposed to be six foot and they ended up building it as an eight foot for screening and for security and then there was a short chain link fence that restricted access to the back play area for the kids. That chain link instead of four was built to six. I can pass around pictures, they have some beautiful murals painted on their side of the eight foot and then this little driveway fence went to six foot, that's basically the change they're seeking the board's acceptance on.

MR. ARGENIO: What are the changes?

MR. EDSALL: Six to eight in the back and four to six for the chain link, that's a restriction area for the driveway going in the back.

MR. ARGENIO: Fences are designed to keep people out.

MRS. GALLAGHER: I went and looked at the minutes from 2001 when they were in front of us, you guys did know that they were going to be putting up an eight foot fence in the back. We have all that in the minutes and I believe that's just what they want to change and she wants to make sure that they're all on board.

MR. EDSALL: The plan may not have reflected their final intent, they're caught in a Catch 22.

MR. ARGENIO: How are they caught, what Catch 22 are they caught in?

MR. EDSALL: Plans say one thing.

MR. ARGENIO: What's prompting them to do this?

MRS. GALLAGHER: She actually wants to make a change and make it nicer, I guess a lot of parents want more security there because of the whole thing that happened in Connecticut. This is what prompted her to call and she wants to for security reasons heighten the fence so and get everything straight.

MR. ARGENIO: It's meeting building code requirements?

MRS. GALLAGHER: What she has there now does, yes.

MR. ARGENIO: You're saying okay, just want to understand, please bear with me.

MR. EDSALL: I defer to Jenn.

MR. ARGENIO: I'm hearing from you that the fence they installed is two foot higher than what they're supposed to install and hearing from you Jennifer that they want to install a fence that's two foot higher than what they have?

MRS. GALLAGHER: What's there now is eight foot high in the rear. In the minutes, we have all, everything in there says eight foot high, but I assume on the site plan it shows six for some reason. So she just wants to get everything squared away that she's allowed to have an eight foot fence in the rear for screening and security purposes.

MR. ARGENIO: There's a reason she's doing it. She didn't wake up one morning and say let me look at my plans to see what size fence is shown.

MRS. GALLAGHER: She's going to change the eight foot fence that she has there now, she wants to continue to have an eight foot fence but on the site plan I assume it says six foot.

MR. EDSALL: She may want to change the fence but she didn't want to make the expenditure of putting a different eight foot fence.

MR. ARGENIO: Now we're getting somewhere. I don't think anybody's got a problem with it. But it, just if I'm hearing, somebody woke up one morning, they realized the site plan didn't match.

MR. GALLAGHER: Is she refinancing?

MRS. GALLAGHER: Rita wants everything on paper, she's like that, she does not have a certificate for that fence.

MR. ARGENIO: Everybody okay? It's your issue, building department.

MRS. GALLAGHER: That's great.

MR. EDSALL: Thank you.

MR. ARGENIO: What else?

MR. BROWN: Did we vote on the new starting time?

MR. ARGENIO: Oh, yeah, the other thing, Mr. Bedetti, I mentioned that to you, didn't I, changing the time of the meetings?

MR. BEDETTI: It wasn't necessary for you to mention it but you did.

MR. ARGENIO: You do come to every meeting, I said something to Leo too. So we talked about that at our reorganization meeting and I mentioned it to everybody, all the professionals and all the support folks seem to be okay with a 7:00 starting time. Rest of the board's okay with a 7:00 starting time so we're going to change it to 7:00. If anybody sees fit, I'll accept a motion we move the start time to 7:00.

MR. BROWN: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

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

MR. BEDETTI: Starting when?

MR. ARGENIO: Next meeting. What's your vote?

MR. BEDETTI: Absolutely.

MR. ARGENIO: I think we're good. Got anything else? Motion to adjourn?

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. SHERMAN	AYE

January 9, 2013

35

MR. GALLAGHER
MR. ARGENIO

AYE
AYE

Respectfully Submitted By:

Frances Roth
Stenographer