

TOWN OF NEW WINDSOR

PLANNING BOARD

June 11, 2014

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

ALSO PRESENT: TAYLOR PALMER, ESQ.
PLANNING BOARD ATTORNEY

MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER
BUILDING INSPECTOR

CAMMY AMMIRATI
PLANNING BOARD SECRETARY

MEETING AGENDA:

1. Hudson View MHP
2. Paradise MHP
3. Apple Ridge Sub - Canceled by applicant
4. Superior Auto
5. Minuta Addition

REGULAR MEETING:

MR. ARGENIO: Welcome everybody to the June 11 regular meeting of the Town of New Windsor Planning Board. Would everybody please rise for the Pledge of Allegiance?

(Whereupon, the Pledge of Allegiance was recited.)

APPROVAL OF MINUTES

MR. ARGENIO: First item on tonight's agenda is the

approval of the planning board minutes dated 4/23 of '14 and 5/14 of '14. If anybody sees fill, I'll accept a motion we accept them as written

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded to my left.
Roll call.

ROLL CALL

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

ANNUAL MOBILE HOME PARK REVIEWS:

HUDSON VIEW PARK

MR. ARGENIO: Tonight we have two items on the mobile home park review, first is Hudson View Park. Anybody here to represent this? Ma'am, what is your name for the stenographer, please?

MS. TOBACK: Dorothy Toback.

MR. ARGENIO: Mrs. Toback, yes, I remember you. Jenn, has somebody from your office been out to have a visit?

MRS. GALLAGHER: Yes.

MR. ARGENIO: What say you?

MRS. GALLAGHER: We have no issues.

MR. ARGENIO: How many units, Mrs. Toback?

MRS. TOBACK: Twenty-six.

MR. ARGENIO: Thank you for keeping a nice place. Have you brought a check made out to the benefit of the Town of New Windsor in the amount of \$250?

MRS. TOBACK: Right here.

MR. ARGENIO: I'll accept a motion we offer one year extension.

MR. BROWN: So moved.

MR. VAN LEEUWEN: Second it.

ROLL CALL

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

PARADISE MOBILE HOME PARK

MR. ARGENIO: Next is Paradise Mobile Home Park. Somebody here to represent this? What's your name, sir?

MR. MANNIX: Ken Mannix.

MR. ARGENIO: Jennifer, has somebody been out to visit this mobile home park?

MRS. GALLAGHER: Yes, everything is in order there.

MR. ARGENIO: How many units, Mr. Mannix?

MR. MANNIX: Twenty-six operable.

MR. ARGENIO: Thank you as well--

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

MR. ARGENIO: -- for keeping a nice place, it's important. Did you bring a check for the town for \$250?

MR. MANNIX: Yes, I did.

MR. ARGENIO: Mr. VanLeeuwen has made a motion that we offer Mr. Mannix a one year extension.

MR. GALLAGHER: Second it.

ROLL CALL

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

MR. ARGENIO: Thank you for coming in.

REGULAR ITEMS:

APPLE RIDGE SUBDIVISION (08-16)

MR. ARGENIO: Regular items. Okay, Apple Ridge was scheduled to be here this evening, they were included on the agenda, they phoned Mr. Edsall, shouldn't say phoned, they sent an e-mail to Cammy and Mr. Edsall indicating that they were not able to get certain components of their application ready to be on time and they asked to be removed. I told Cammy not to republish the agenda today as that would be a waste of money, town money and a waste of time. So Apple Ridge is TBC, to be continued as it were.

SUPERIOR AUTO (14-06)

MR. ARGENIO: Moving on to the second regular item on tonight's agenda, it's Superior Auto represented by Joe Minuta. This application proposes a site plan amendment to expand and encompass the adjoining lot to the east. The plan was previously reviewed at the 23 April 2014 planning board meeting. Brian, do you want to come up as well or are you okay there?

MR. BARBERA: I'm fine.

MR. ARGENIO: Okay.

MR. BARBERA: Jerry, he's got a fancy suit on, I've got blue jeans on.

MR. ARGENIO: Let the high end guy represent. Joe, there was some issues that we talked about, one was lighting, I'm going from memory, there may have been a couple of other minor things. Can you update us on lighting, parking, whatever changes you made please?

MR. MINUTA: Sure, we have to the best of my ability and knowledge we have accomplished all of the comments from last session with Mr. Edsall's comments. The lighting we have updated the plan to show where exactly those fixtures are.

MR. ARGENIO: What page is that on, Joe?

MR. MINUTA: That's L1.

MR. ARGENIO: Go ahead, Joe.

MR. MINUTA: The number's on there where the targets depict the foot candles, the large boxes those represent where the lights are on the building, those are wall mounted lights.

MR. ARGENIO: The box is the building and then the black squares are the lighting locations?

MR. MINUTA: That is correct and they're just shown out of scale so you can depict it very easily. On the property lines on the top of the page you'll see two triangles, those represent the other type of lights and those are the Central Hudson pole mounted lights.

MR. ARGENIO: Joe, if I can interrupt you for a second,

Mark Edsall, you and I had a discussion about this application and I think you had indicated that Mr. Minuta was proposing flood lights but I do see on L1 where he's got a cut sheet from Lithonia and he does have the lights with the shields on them on the top.

MR. EDSALL: That's a different plan.

MR. ARGENIO: So he upgraded the lights it looks like?

MR. EDSALL: Yes, these have shields.

MR. ARGENIO: There was a concern, Joe, about the lights, I mean, your neighbors are close by or Brian's neighbors are close by and we don't want to be causing light pollution and flooding the area with sun like light, sunlight like lighting in the evening. So go ahead, Joe.

MR. MINUTA: Understood. And oh, to that end, we have also included the note on the drawing as requested or required that should there be, any items such as a complaint for glare or so forth Mr. Barbera is in agreement that those lights would be exchanged for whatever the town requires.

MR. ARGENIO: Brian, you're good with that?

MR. BARBERA: Absolutely.

MR. ARGENIO: The reason we do that I don't want you to think we're singling you out, isolux curves are great but a lot of times they don't accurately reflect what happens in the field, lot of times an applicant may use a different fixture and suddenly we have a problem and the planning board, the town needs to be able to remedy the problem.

MR. BARBERA: Not a problem, absolutely.

MR. ARGENIO: Thank you. Go ahead, Joe.

MR. MINUTA: I believe that addresses all the lighting concerns.

MR. ARGENIO: I think it does, yeah, Mark, anything else on the lights?

MR. EDSALL: No.

MR. MINUTA: Alright, we have updated the bulk requirements as requested. The parking as illustrated and to the best of my satisfaction were compliant with all of the prior requests.

MR. ARGENIO: Let's just go ahead, Henry.

MR. VAN LEEUWEN: I was here and I've been here a long time, okay, as most of you know, and we said when these two applications were approved that there would be no more than 30 cars and last meeting I asked somebody to check into that, I don't know if that's been done yet or not.

MR. ARGENIO: I don't, when you say no more than 30 cars, does that mean--

MR. VAN LEEUWEN: Supposed to be no more than 30 cars on the property at any one time, that should be checked out before we really, before we go any further.

MR. MINUTA: What we're aware of is that there are subsequent approvals after your time there that allowed for the cars and the property to be the way it is and in fact I prepared the plans.

MR. VAN LEEUWEN: You're telling me it was lifted?

MR. MINUTA: By a new plan a few years ago.

MR. ARGENIO: Brian, if you want to address that please stand up and come up front.

MR. BARBERA: Cause I've been there 22 years.

MR. ARGENIO: Brian?

MR. BARBERA: Brian Barbera. Yeah, I've been there 22 years, so I think the first initial site plan that's what it was, I had, I was allowed 14 display in the front and then I put a building up, repair shop where my office is now and I was allowed I think 10 and then another six on the side, that was the first initial site plan, that was the actually the second initial site plan then where my office was was a house, my office was a house, we knocked the house down.

MR. VAN LEEUWEN: I remember that property very well, I pass it every day.

MR. BARBERA: We knocked the house down and that's a new site plan which allowed me more cars and I bought the property from next door and now I'm expanding a little more, you know, every year I've been growing but this is about it for me, you know, I think I've reached my height with my potential to grow with the aggravation I had.

MR. ARGENIO: So you have expanded your geographical footprint?

MR. BARBERA: Three times and this will be the fourth and this will be probably the final site plan.

MR. VAN LEEUWEN: You live in Larry's old house?

MR. BARBERA: No, no, now Larry's old house I rent, that was in back of me.

MR. VAN LEEUWEN: And the one in the front he owned too, I remember when you tore that down couple years ago.

MR. BARBERA: Yes, yes.

MR. ARGENIO: So Henry, possibly what you could be referring to--

MR. VAN LEEUWEN: If it's lifted it's lifted.

MR. ARGENIO: What you could be referring to is the original approval on the smaller parcel may have had that requirement but as Mr. Barbera expanded his business it's going to be more cars. Mark, did you want to make a comment?

MR. EDSALL: Just for the record or I should say more or most recent site plan application had 34 display spaces.

MR. ARGENIO: That's behind us at this point.

MR. EDSALL: Yes.

MR. ARGENIO: Okay, alright, well, I think that answers that. Just for the record, I think we need to just talk a bit, Mark, one of Mark's comments and I'm going to read it, Joe, in the prior review I noted some inconsistencies in the parking count. The current plan depicts 89 spaces on the proposed site plan but calls

for 94 spaces in the bulk table. The bulk table seems to require corrections, I think you have the room, you have the space but I think it's a technical correction. Is that the sum and substance of the comment, Mark?

MR. EDSALL: No, they show 89 and unless they start stacking the cars on top of each other I think 89 is it. But the bulk table shows 94 so I think the bulk table just needs to match the plan.

MR. ARGENIO: Is that count congruent with the code, are they under the threshold?

MR. EDSALL: Well, the code doesn't say you can and can't have a number of spaces, it leaves it to the planning board to review what physically fits and what's accessible. So that's what you're reviewing and the plan that you're looking at right now which shows access lanes and shows access to the building and parking along the perimeter shows 89 parking spaces, total spaces.

MR. MINUTA: Counting this up you're absolutely correct, it's a typographical error on our parking requirement, the physical lot does show 89 spaces.

MR. ARGENIO: We need to get them, the matches.

MR. MINUTA: My apologies for that, we'll definitely correct that.

MR. EDSALL: Some of the 89 are display spaces, some are required parking spaces, that's what's in the bulk table but the total needs to be 89.

MR. ARGENIO: Brian, I also would like to bring to your attention the bulk table indicates about 85 percent development coverage. However, based on the gravel area at the southeast corner, the coverage would be and again, I'm reading from Mark's notes, 86.7 percent which would require a variance. Statutes of the prior grass area on the northeast corner for the building should be clarified as this may help the situation. It's suggested that the non-developed area be increased to provide coverage less than 85 percent. Essentially, that gravel area needs to stay gravel. Mark, can you just elaborate more for a moment on the grass area?

MR. EDSALL: Yeah, on the prior plan kind of dotted shaded area whatever it is on the upper right of the

office building was a grass area. I'm anticipating that's no longer going to be grass, otherwise, the way the lanes are set up you'll be driving over it anyway so I'm presuming that that, what used to be a grass area again toward the 207 side of the building is going to be paved. That being the case, they're going to have to increase the gravel area in the back to stay under 85 percent.

MR. MINUTA: We can offset that.

MR. ARGENIO: Joe, you look befuddled, do you see what he's saying?

MR. MINUTA: No, I get it. We're volumizing the water so by taking this out, we need to add to that, gets us under it so we'll make the adjustment to that.

MR. EDSALL: It keeps it in compliance so he doesn't have to go to the zoning board, second of all that's his disposal area for sheet flow.

MR. MINUTA: Yes.

MR. ARGENIO: Harry and Howard Brown, do you guys have any other thoughts on this? The lighting thing I think was a particularly important component that we needed to address. And I think Mr. Minuta I think he's addressed that. Danny?

MR. GALLAGHER: No, nothing, I'm good.

MR. ARGENIO: Mark, you said before that the sheet with the Lithonia lighting display on it with the cut data was added.

MR. EDSALL: The note was added, our standard note was added.

MR. ARGENIO: The standard note was added, okay. Let me just have a second here. Joe, also FYI the county also commented on the impervious surface so let's not slip on that.

MR. MINUTA: Absolutely not.

MR. ARGENIO: Yeah, the bulk of the comments from the county were the water, were the lighting issue and the impervious surface issue. It appears as though we have not taken lead agency, I think we can do that at this

time if anybody wants to make that motion.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board declare itself lead agency for Superior Auto site plan. Roll call.

ROLL CALL

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

MR. ARGENIO: So we have lead agency. Taylor, it would also seem to me while it's not written here it's probably appropriate for us to consider negative dec?

MR. PALMER: Yes.

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

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Made by Henry and seconded by Harry that we declare negative dec under the SEQRA process for Mr. Barbera's site plan, Superior Auto.

ROLL CALL

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

MR. ARGENIO: Mark, I think that I focused on the two important issues that you and I had discussed that you memorialized in your notes here. Is there anything in particular that anything else in particular that you think we should be focused on as a board?

MR. EDSALL: I don't recall if at the last meeting the board just acknowledged that they did not intend

because this is with an amendment to have a public hearing but if there was not that acknowledgment in the record we should probably at least indicate that it was considered.

MR. VAN LEEUWEN: We waived public hearing, didn't we?

MR. ARGENIO: Well, let's talk about it. Anybody see the need for a public hearing?

MR. VAN LEEUWEN: I don't think so.

MR. GALLAGHER: I want to say we might of had one years ago and nobody showed.

MR. ARGENIO: I think we did, Danny, and I think it was a lot more significant, there was a building involved, am I right, Brian?

MR. BARBERA: Yeah, and I pretty much own the stuff around me.

MR. VAN LEEUWEN: He bought it all up.

MR. ARGENIO: Good for him, that's what we like in New Windsor, we want business to thrive, we don't want them to whiter on the vine. I'll accept a motion to waive it.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion waived and seconded to my left. Roll call.

ROLL CALL

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

MR. GALLAGHER: I have one question, Joe, vinyl fence is that just on the one side of the property?

MR. MINUTA: Yes.

MR. GALLAGHER: Six foot, can you point to where it

starts and stops?

MR. MINUTA: Six foot fence is here, okay and--

MR. GALLAGHER: Coming from 207 straight back?

MR. MINUTA: That is correct.

MR. GALLAGHER: How close to 207 does it get?

MR. MINUTA: We step back 20 feet.

MR. BARBERA: Yeah, so you can see going left and right.

MR. ARGENIO: Joe, I think we're pretty good here, Joe, we talked about the lighting that was important, you're going to need to correct that typo on the plans, you're going to need to adjust that gravel area a bit to get under that 85 percent threshold which I don't imagine should be any issue at all.

MR. MINUTA: Forty-six six to 50 or something.

MR. ARGENIO: Get under that number. Mark, is there anything else?

MR. EDSALL: No, everything else on the plan is in good shape and I believe the board has addressed all the items and not by chance many of the items that the board was reviewing and addressed over the last two meetings are parallel with the county planning so I think we're in good shape.

MR. ARGENIO: Yeah, same or similar issues. Somebody want to take this over the top?

MR. VAN LEEUWEN: I do, I'll make a motion to grant final approval.

MR. FERGUSON: Second it.

MR. VAN LEEUWEN: But you have to change those two items.

MR. MINUTA: Yes, sir.

MR. VAN LEEUWEN: And Mark would have to look at it.

MR. EDSALL: Yes, I'll look before it's stamped.

MR. ARGENIO: Motion has been made and seconded by Harry for final approval for Superior Auto subject to the commentary that we just had. Roll call.

ROLL CALL

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

MR. ARGENIO: Thank you, Joe. Brian, good luck to you.

MINUTA ADDITION (14-07)

MR. ARGENIO: Next is the Minuta addition at 554 Temple Hill Road. Proposed professional office space with a three phase addition to the additional, to the existing building. The application proposes the use of the existing building as a professional office with a total of three phases of additions for office use. The plan was previously reviewed at the 23 April 2014 planning board meeting. So, okay, again, we talked about some things, Joe, we talked about square footage at the last meeting, we talked about breezeways, we talked about parking, if I recall correctly. Can you update us on whatever changes and/or improvements you've made to the plan based on the comments of the planning board and your desire to bring it within compliance to town code?

MR. MINUTA: Okay, what I'd like to do is first start out with the fire access that was granted by the board, fire commissioners for the 25 feet to the side yard here. So that takes care of that item.

MR. ARGENIO: Joe, what about sprinkler, Jen, do these have to be sprinklered this building?

MRS. GALLAGHER: No.

MR. ARGENIO: It does not?

MRS. GALLAGHER: No.

MR. ARGENIO: Okay.

MRS. GALLAGHER: Town Code is 9,000 square feet now.

MR. ARGENIO: That's no place right now?

MRS. GALLAGHER: Yes.

MR. ARGENIO: Go ahead, Joe.

MR. MINUTA: What we have on the plan is we have indicated on the plan the individual phases and their square footage.

MR. ARGENIO: What drawing is that?

MR. MINUTA: That's drawing S1.

MR. ARGENIO: Okay. Go ahead.

MR. MINUTA: So you'll see we have phase one which is simply a pop-up dormer of the existing second floor.

MR. ARGENIO: So that's going, like being cut into the roof of the existing building.

MR. MINUTA: Correct. Okay, that's the first one. The phase two which is 739 square feet that's the addition that's being placed off of what's currently the garage area or studio. And then phase three of that is 2,746 square feet which is two story and that's being placed to the rear in an L shape format as you can see. We have kept the existing side yards so it's not increasing the degree of non-conformity. We have also identified the sidewalk area cause that was a little more difficult for everyone to comprehend on the last plan, we have also shown the handicapped slope of one on 12 at that corner.

MR. ARGENIO: So what's that, Joe, is that a large pie shaped concrete handicapped ramp?

MR. MINUTA: Correct.

MR. ARGENIO: So what's the stippled area around the outside of the radius?

MR. MINUTA: That would be the warning strip for a compliance--

MR. ARGENIO: That's pretty slick, this whole thing is a handicapped ramp and this is the bumps for the people, see that, Mark?

MR. EDSALL: Probably be a good idea for him to call that out on his plan.

MR. ARGENIO: I agree, that's one of the questions you had.

MR. EDSALL: I wasn't sure because it has a defined line for the sidewalk, it doesn't identify that as a sidewalk area as well so now I understand it.

MR. MINUTA: Okay.

MR. ARGENIO: Go ahead, Joe.

MR. MINUTA: The spaces have been qualified as far as

the phases. So phase one is going to qualify these spaces here and phase three being to the rear passed this dashed line, right, so we're building the parking as we're building the phases. The parking requirements themselves because the majority of the building is being occupied as the residence the remainder of that only requires two cars.

MR. ARGENIO: Wait, currently the majority of the building is being occupied by a single residence?

MR. MINUTA: There's a caretaker's portion of that.

MR. ARGENIO: How many feet is it?

MR. MINUTA: That's a good question, I need to get that down.

MR. ARGENIO: I would think that would be--

MR. MINUTA: Be happy to get that back to you.

MR. ARGENIO: That would be important, okay, go ahead.

MR. MINUTA: That being the case, we have included the other spaces for the building itself and that reflects the bulk table requirements. So what we have concluded was that there were 17 spaces, one space per 200 square feet for section 300 and two spaces for the owner occupied residence which is the first portion here. I would be happy to qualify that for you, just want to give--

MR. VAN LEEUWEN: Are you going to live there yourself?

MR. MINUTA: I do live there myself.

MR. VAN LEEUWEN: You do?

MR. MINUTA: Yes.

MR. ARGENIO: Go ahead, Joe.

MR. MINUTA: So the entire plan has been updated in accordance with the comments from last session. We have updated the bulk table in accordance with comments from last session, the lot width in particular went from 129.75 cause we took that lot line at the setback line rather than the front at the road.

MR. ARGENIO: Say that again, Joe.

MR. MINUTA: The lot width was the comment from the last session and what we did is we utilized the lot width up front per Mr. Edsall's comments, that lot line is measured at the setback line 60 feet back. So what we did we took that dimension and that became what's understood as the lot width, it's an irregular shaped lot as it is, that's basically how we determined it.

MR. ARGENIO: I don't see the setback line, I don't see the forward setback line, I don't see the forward setback line, I see a leader that goes left to right but I don't see the setback line or are they just overlaid on top of each other, Joe, so I can't see?

MR. MINUTA: There's a dash if you'll allow me, you see the dash, this dashed line represents--

MR. ARGENIO: I got it, the one line falls on top of the other line, that's why I can't see it.

MR. MINUTA: That's correct. And showing the 129.9 so that's been handled as far as the plans are concerned. The landscaping, the landscaping is existing, we're not changing any of that, we're screened from the other side. I believe that handles all of the questions of the site plan. The site grading--

MR. ARGENIO: What page is grading?

MR. MINUTA: S2 and we're looking at drawing one S2 so what we have shown here is the existing site. We're going to be filling this site from this portion in here, okay, to match the grade here. Ironically, the grade here and grade back here identically the same so a belly fill, we're going to be taking the material and grading it in this direction so as to cause positive drainage to that location and a swale which will go right into what we have as an existing drainage structure on the other side.

MR. ARGENIO: You know what, you're creating or I should say you're not creating a swale, you're creating a slope to your neighbor's property, I see what it says but I'm telling you what the contour said.

MR. MINUTA: Actually, no, because it's bermed.

MR. ARGENIO: It says 98, 97, 99, 99, 98 so you have a

berm there, Joe.

MR. MINUTA: Ninety-seven is the lowest point, 97 is the lowest point so it slopes up, okay.

MR. ARGENIO: I see that, okay, so that comes around your property along, yeah, around this way then to the south and are you keeping that belly, Joe, as you head south there?

MR. MINUTA: Yes, everything eventually the topo will grade down with it and continue on because what we're doing we took the low point here.

MR. ARGENIO: You know what the problem is, there's a gap where that walkway is, you see that, where is my little thing there, do you see that walkway, Joe? There's a walkway here, let me just finish, and I think you're doing the right thing here, I think I can see where you're creating the swale so that carries around like this and you know what that does, Joe, it avoids heartache for us, avoids heartache for you, just solves a lot of problems having that swale there I think.

MR. MINUTA: I spoke to the neighbor, he's really happy about it.

MR. ARGENIO: Yeah, I would be too. So you're going to come around with this swale like this and suddenly here the contours disappear and then they pick up again over here? You guys see what I'm saying there? Go ahead, Joe.

MR. MINUTA: Here's what we have. The contours take place on the property, what you have here is there is a, there are two drainage structures that come in this direction underground, they're probably. I think they're eight inch corrugated pipe and they enter right here through this fence line and they both connect at this location.

MR. ARGENIO: On the other guy's property?

MR. MINUTA: Yes. So what happens there's a large drainage structure here, this flows positively in this direction on the site there's basically a dry bed creek if you will seasonal and that's basically it.

MR. ARGENIO: Joe, I think you need to show these structures even though it's not on your property. I

think you need to do that. Don't you think, Mark?
They should be illustrated.

MR. EDSALL: Understand the concept of what Joe's goal is because we talked about it at one of the early workshops, I just can't follow the contours. And the other problem is they don't show the neighbor's property contours so I have no idea if he's filling on the neighbor's property, if he's impacting the neighbor's property cause I can't close the loop as it may be, I know the idea and I think it's the right thing.

MR. MINUTA: Emphatically I will tell you I'm going to be doing the work myself, this is being dug through, you'll see me on the backhoe.

MR. ARGENIO: There's not a laborer that works harder than Joe Minuta, I drive passed him all the time.

MR. MINUTA: So the purpose here is not to allow anything onto the neighbors' properties, it will be set back, that actually flows upward this way.

MR. ARGENIO: Let me say this to you, Mark, tell me if you agree with this. Based on what I'm seeing here I think you did a golden job all through here, I think it's the right thing, I think you got it nailed. But I think what should be happening is this similar, this situation should be replicating itself down here. Now I think you're telling us that it's your intent to replicate it, I think you should show it on the plans.

MR. MINUTA: I'm misunderstanding what you're asking.

MR. ARGENIO: You have a swale here and you're capturing all your water and you're illustrating that with the contours I think you should be showing us that as well down here.

MR. MINUTA: You want to see this area here?

MR. ARGENIO: Show us those contours.

MR. MINUTA: No problem.

MR. ARGENIO: As I said, one of the biggest issues we handle as a planning board and you've sat in Danny's seat for a long time is drainage, the guy's water and this and that and if you can show us that it puts you

in a great position, I know Ronsini's been there for 100 years but they sell the property, somebody moves in and they say oh, the guy's water, look, he did it per the plans, I don't know what to tell you.

MR. MINUTA: Jerry, here's the thing, this location here is where it currently flows to, I'm hitting the exact same benchmark location, everything here flows in this direction, I'm not changing everything.

MR. ARGENIO: Highlight that, show it, show it, show us that.

MR. MINUTA: Happy to do so.

MR. ARGENIO: Am I missing something?

MR. EDSALL: You said you were going to berm it. Are you berming or are you filling on your side on your property? What about the side toward the neighbor, toward Ronsini, will you be creating a berm on his side or sloped into the swale?

MR. MINUTA: No, at the property line it will start at the bottom of the berm with the existing elevation.

MR. EDSALL: Berm or fill?

MR. MINUTA: Berm.

MR. EDSALL: You're going to berm on his side?

MR. MINUTA: No, stemming from the property line we're going, here's the property line, we're going to come up and come down.

MR. EDSALL: How do we know you're not obstructing the sheet flow off his property with a berm?

MR. MINUTA: Cause that comes this way, on his property is a low spot which is also where the drainage structure comes through.

MR. EDSALL: That's my only concern.

MR. ARGENIO: As we sit here we're not seeing that, we should see that and, you know what, Joe, I'll take a ride by there again so I can understand it better.

MR. MINUTA: You can actually see this pipe protruding

out of the ground in certain areas.

MR. ARGENIO: You see the top of the pipe?

MR. MINUTA: Exactly.

MR. EDSALL: I think a field visit may solve my questions as well.

MR. VAN LEEUWEN: Help that area.

MR. ARGENIO: So let's not beat--

MR. VAN LEEUWEN: Why is this sidewalk going over onto the neighbor's property?

MR. MINUTA: That's not new, that's existing, I thought I explained last time, let me go ahead again. This was existing, this, all this property was owned by Mr. Ronsini, he split the property up for his children so they each had a home. And what happened there there's a little embankment on this side, there's a little bridge that goes across so they can go visit each other, that's no longer the case. When they built it or I should say when they subdivided it, they did not include this section here so that's what we have.

MR. ARGENIO: In all fairness, Henry may not have been at that meeting but I do remember you explaining that, it was like the compound like the Ronsini compound there. So do you guys anything else on the drainage, Harry or you, Howard, Danny, any other thoughts on it?

MR. GALLAGHER: No.

MR. ARGENIO: I don't want to beat the horse, go ahead.

MR. GALLAGHER: No, I said I understand the drainage.

MR. ARGENIO: Yeah, the horse is dead. Talked about sprinklers, I don't think anybody's worried about the lighting on the Flannery Animal Hospital side, at least I'm not.

MR. MINUTA: They actually illuminate my lot so I'm happy.

MR. ARGENIO: Are you doing anything on the other side that's going to disrupt your neighbor that you're so close to there?

MR. MINUTA: No.

MR. ARGENIO: So we have the lighting note which is good.

MR. EDSALL: Not yet, we need the lighting note.

MR. MINUTA: Which note, this one?

MR. EDSALL: Typical one.

MR. MINUTA: It's up top.

MR. EDSALL: It's in the grid, it blinds me.

MR. ARGENIO: Joe, you've got a lot of homework to do here but let's see if we can move this thing forward. Can we take lead agency, any reason we can't?

MR. EDSALL: No.

MR. ARGENIO: I'll accept that motion.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board declare itself lead agency for the Minuta site plan on Route 300 or Temple Hill Road, whatever that is there.

ROLL CALL

MR. FERGUSON AYE

MR. BROWN AYE

MR. GALLAGHER AYE

MR. VAN LEEUWEN AYE

MR. ARGENIO AYE

MR. ARGENIO: So let's talk about DOT just a little bit. Henry, you were just making a comment and I interrupted you, please finish your comment.

MR. VAN LEEUWEN: No, I'm good.

MR. ARGENIO: I thought it was about DOT.

MR. VAN LEEUWEN: No, I didn't say anything about DOT

using the existing driveway which is there.

MR. ARGENIO: That's right so--

MR. VAN LEEUWEN: He doesn't have to go to DOT.

MR. ARGENIO: I'm going to tell you something, I think that would be my position. I would agree with that. But let's, the only concern I have is that the building went from one use to another use but the old use is still in place which would be the residential component. So I don't know how, I mean, I don't know how it would work with DOT. I can't imagine them requiring him to rework his curb cut, there's nothing else you can do, there's no place else you're going to put the curb cut in front of the building. Joe, I don't imagine you're going to put a signal to get yourself in and out of that curb cut, so I don't know what the DOT component would be so I'm going to ask Mark or Taylor to give us members some insight so we can help make a better decision.

MR. EDSALL: Well, Joe, I think you upgraded the width a while ago when you added the supplemental use you consulted with DOT.

MR. MINUTA: It's a 25 foot width.

MR. EDSALL: So the bottom line is DOT was party to your revision from a sole residential driveway to the combined use.

MR. MINUTA: Yeah.

MR. EDSALL: They're aware of the location, they accepted the change.

MR. MINUTA: She visits my office on a quarterly basis so yes, we talked about the structure.

MR. ARGENIO: Okay.

MR. VAN LEEUWEN: She's awful fast.

MR. ARGENIO: So she's good with it, Joe, you're representing it as she's not made any issue with it at all?

MR. EDSALL: Where I was heading is if it had changed from a sole single family residential to a mixed

commercial residential which is really what it's going to continue to be as long as Joe had worked that out with DOT as part of his modifications there is from a function standpoint there's more square footage but it's the same now as what Joe worked out with them in the past.

MR. MINUTA: That's correct since I've had it the property--

MR. EDSALL: He's representing that he contacted DOT and worked out the prior conversion, I don't think there's a need to get ahold of them again.

MR. ARGENIO: I agree with you.

MR. VAN LEEUWEN: To get DOT approval today takes about a year.

MR. ARGENIO: Or four. I agree with Mark, I agree with you. Do you guys have any questions about that? I mean really, Danny, what option is there?

MR. GALLAGHER: Move it closer to the light and cause more of a problem.

MR. ARGENIO: How do you even move it? The only thing they can do is say move it six feet or move it two foot, it's crazy, so, alright, let's not beat that horse.

MR. VAN LEEUWEN: That horse is dead.

MR. ARGENIO: Yeah, you know what, I'm just going through county, Mark, again, they have the same comment that you have about the space and the use of the space which again would drive the parking, it's unclear to them as well as it's unclear to you as you said earlier.

MR. EDSALL: Yeah, I think in all honesty we've gone through all my comments and we've received answers, we just have to have answers reflected on the plans. One change that I think he's going to have to do is that the code requires that you round up for parking so you really need 18 spaces, not 17 so it's 18 plus two which is the 20. So there's plenty of room for it. I think that all these corrections, the clarified drainage swale and the grading, the, I've suggested that you have a photocell timer on, if the board decides that

could be a note really the rest of these are all just cleanups on a final plan.

MR. ARGENIO: Joe, just as a matter of fact, I'm reading through the county comments and they're also commenting on the storm water issue.

MR. MINUTA: Okay.

MR. ARGENIO: Same as we just discussed and discussed. Do you see any reason, Joe, based on the functionality of your business and your residence there why you wouldn't put photocells on those lights?

MR. MINUTA: I already have photocells on them.

MR. ARGENIO: So that's a non-issue.

MR. EDSALL: Is it timer photocell or just photocell?

MR. MINUTA: It's photocell so when it gets dark it turns on, there's a dusk to dawn function which dims them halfway and they can be turned off completely.

MR. EDSALL: I'm looking at the residential side that at three in the morning it's not shining in people's windows.

MR. MINUTA: That's the light that comes across my rear yard up.

MR. ARGENIO: What i was going to say on the residential side there's one light, I mean, if it becomes an issue.

MR. EDSALL: Alright, we'll deal with that.

MR. ARGENIO: Danny, Howard, Harry, Mr. VanLeeuwen, anything else? Joe, I don't think there's any heavy lifting but you need to take care of it, please. The most important thing is the grading I think and the square footage, let's get the square footages and the parking cleaned up with no ambiguity and get the grading issue cleaned up, memorialize it, show the culverts, show the drainage channels, where it's going even though it's off your property, I mean, it's important. So that's it, do you have anything else for us?

MR. MINUTA: I don't think so. I need to rekindle what

my thoughts were on the parking situation because it's a home occupancy, I think that's where the parking generated from in my mind.

MR. EDSALL: No, I looked at the numbers, just what I did, you rounded down instead of rounding up, just add one space.

MR. MINUTA: We're going to add two more spaces, you want to see one more space, we're going to identify the drainage structures that exist here on the property.

MR. ARGENIO: Pipes, inverts, catch basins, anything that's taking drainage away or bringing it in.

MR. MINUTA: All I can find I've got two pipes that connects at the--

MR. ARGENIO: Clean the contours up on the right side of the drawing on your property or off, I don't care, these contours in the vicinity of this here, this area here. Joe, on the top of the drawing you did a fantastic job.

MR. EDSALL: The contours don't close up there, Mr. Chairman, I'd suggest he comes to a workshop so we might be able to make sure next time he comes back it's done.

MR. MINUTA: Mark, whatever you'd like to do that's fine.

MR. EDSALL: Joe, it's not a matter of what I like to do, the contours don't work.

MR. ARGENIO: Where do they not close?

MR. EDSALL: They're not tied to anything because the neighbor's property has no contours, you can't tell if he's filling and obstructing or filling on his property. I need to look to see what the impact on the neighbors is I believe, Joe, but the plan doesn't show that.

MR. MINUTA: I'll get the transit out.

MR. ARGENIO: Yeah. Take 20 minutes or half hour, even if you stop by Mark's office to chat and go over it.

MR. EDSALL: Probably better meeting at his office,

we'll look at it.

MR. ARGENIO: Do that and get this thing buttoned up so we can move it on because you're a local guy, you've been here 100 years and I know you were renting down on 32, we're glad you didn't move out of the Town of New Windsor, we're glad you're still here. We want to try and keep you here but we need to do it in a lawful fashion with consideration of your neighbors. So that's it. I'm sorry, Joe, go ahead, do you have anything else for us, Joe?

MR. MINUTA: No.

MR. ARGENIO: Okay, thank you for coming in, we'll get you squared away. So.

DISCUSSION

1. CITY OF NEWBURGH NOTICE OF INTENT FOR LEAD AGENCY

- A) TORCHES RESTAURANT
- B) STEELWAYS, INC./PORT OF NEWBURGH

MR. ARGENIO: Discussion items, City of Newburgh intent for lead agency. Mark, ever so briefly cause I don't think this is a big issue at all, why don't you share with the members?

MR. EDSALL: I'll speak slowly so that if I say the wrong thing Taylor can elbow me. I believe this is as a result of the new 239-NN that when there's notifications made to the county if it's within the 500 foot of the municipal boundary that they notify the adjoining municipality, that's why it's not addressed to the planning board, just generically to the town. So I would think--

MR. ARGENIO: Excuse me, what I just gave you guys has nothing to do with what he's talking about right now. Go ahead, Mark.

MR. EDSALL: Cause I don't know that we would have any jurisdiction to be lead agency anyway.

MR. ARGENIO: Why did we get this notice?

MR. EDSALL: I think they're doing this because they're doing this under the General Municipal Law for notification cause it's near the town line so I don't think we have a choice on lead agency.

MR. ARGENIO: Torches, where is the closest New Windsor property line?

MR. VAN LEEUWEN: That's a hell of a ways.

MR. EDSALL: It seems to be more than 500 foot to me but--

MR. VAN LEEUWEN: It's a mile.

MR. EDSALL: I don't know that we have much to say about either one of these but it's nice of them to put us on notice.

STEELWAYS, INC./PORT OF NEWBURGH

MR. ARGENIO: Steelways?

MR. EDSALL: Same thing, I don't know that there's any participation from the town.

RANDAZZO'S

MR. ARGENIO: Randazzo's, I gave you guys some pictures, I needed to change my ink cartridges so the color kind of really sucks but it's pictures of the restaurant, used to be Napoli's. Mark, go ahead.

MR. EDSALL: This as with many applications or I should say with many restaurants in the town they like to take advantage of the good weather and the board has treated these as seasonal, outdoor, temporary seating which does two things, it requires that they give you a sketch but no formal plan and number two that there's no required parking associated with the temporary seats because they in fact are temporary seasonal. What the board normally looks at is the access safe and whether or not the ratio of indoor permanent to outdoor temporary is reasonable here, they're proposing five tables at of four, 20 outdoor seats, they've got well over that, inside ratio seems reasonable, outdoors they've got a nice, flat area they want to block the front off with planters. My concern is only they've got those steps, I don't want to see if it's dark somebody take a header off the back, they should do something to make that safe and I--

MR. GALLAGHER: From the back parking lot, correct?

MR. EDSALL: Yes, I would suggest that if the board thinks it's a reasonable request that you accept it and refer it to the building department and they could just make sure that they address the safety issue on the back.

MR. ARGENIO: Jennifer, are you alright with that?

MRS. GALLAGHER: Absolutely.

MR. ARGENIO: Are you guys okay with that?

MR. GALLAGHER: Yes.

MR. VAN LEEUWEN: I have no problem.

MR. GALLAGHER: What would we have them do?

MR. ARGENIO: Jennifer may ask them to install some wall packs. Jen, that's been referred to you to handle.

MR. BROWN: One question, is this strictly for eating purposes, no entertainment?

MR. EDSALL: That's a good point, that should be in the record that it's intended only for restaurant purposes, not entertainment.

MR. ARGENIO: I assumed there was no entertaining, Howard, because they're only showing tables. So I assume it was only for eating but that's a great point. The record reflects that they're authorized to seat and serve, no DJs, no bands outside.

SISTERS OF THE PRESENTATION

MR. ARGENIO: Sisters of the Presentation.

MR. EDSALL: The sketch I handed out earlier to the board members is colorized to show on the left are the buildings that are along 207, this is the recent subdivision that the Sisters split off the commercial side on 207 for sale and they have their residential complex in the back to the right, they've got a gravel driveway that connects to the yellow triangle which is their cemetery. They come in just to ask which I think is very nice of them to ask whether or not they can pave their driveway. It's gravel now and I said, you know, it's nice of you to ask, I'll tell the board but I don't think they're going to be concerned.

MR. ARGENIO: They've always been very nice folks, very honest.

MR. VAN LEEUWEN: Not when I was in school, my knuckles still hurt.

MR. ARGENIO: Maybe up ought to look in the mirror. Harry and Howard, do you guys have any issue with the Sisters?

MR. FERGUSON: No.

MR. BROWN: No.

MR. GALLAGHER: No.

MR. ARGENIO: Mark, tell them to proceed and thank them for being considerate.

MR. EDSALL: By the way, after the subdivision went through and they were able I believe to close on the property, they were very, very thankful, they thought that the planning board treated them very nicely and thanked everyone so I'll pass that on now that you've said okay.

MR. ARGENIO: David or Jen, anything else? Professional members? Motion to adjourn?

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth
Stenographer