

TOWN OF NEW WINDSOR

PLANNING BOARD

October 8, 2014

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

ALTERNATE: DAVID SHERMAN

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PLANNING BOARD ATTORNEY

MARK EDSALL, P.E.  
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER  
BUILDING INSPECTOR

CAMMY AMMIRATI  
PLANNING BOARD SECRETARY

MEETING AGENDA:

1. Windsor Heights MHP
2. Martinez Subdivision
3. L & M Mertes Realty, LLC
4. Rakowiecki Subdivision

**REGULAR MEETING:**

MR. ARGENIO: Okay, we're going to call the meeting to order, welcome everybody to the regular meeting of the Town of New Windsor Planning Board for Wednesday, October 8, 2014. Would everybody please stand for the Pledge of Allegiance?

(Whereupon, the Pledge of Allegiance was recited.)

APPROVAL OF MINUTE DATED 9/24/14

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

approval of the minutes dated September 24, 2014 and sent out via e-mail on October 2, 2014. I'll accept a motion we accept them.

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

ANNUAL MOBILE HOME PARK REVIEW:

WINDSOR HEIGHTS MOBILE HOME PARK

MR. ARGENIO: Moving on to the annual mobile home park review is Windsor Heights Mobile Home Park.

MR. SASSER: Joel Sasser.

MR. ARGENIO: Jennifer, has somebody from your office been out there?

MRS. GALLAGHER: Yes.

MR. ARGENIO: What do you have to say?

MRS. GALLAGHER: No issues.

MR. ARGENIO: How many trailers?

MR. SASSER: Twenty-eight.

MR. ARGENIO: Where is this?

MR. SASSER: Riley Road.

MRS. GALLAGHER: By Dean Hill Road.

MR. ARGENIO: If anybody sees fit, do you have a check made out to the benefit of the town in the amount of \$250?

MR. SASSER: Yes.

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

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

MR. ARGENIO: You can give that check to Cammy and I

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will sign this and you can go. Thank you for coming in tonight.

ZBA REFERRALS:

MARTINEZ SUBDIVISION (14-16)

MR. ARGENIO: ZBA referral, Martinez subdivision on Riley Road. Who's representing this? Joe, you're representing this?

MR. MINUTA: We can both represent both of our work.

MR. ARGENIO: Dan, you too?

MR. YANOSH: Yes.

MR. ARGENIO: This application proposes subdivision of the 1.6 acre parcel into two single family residential lots. This is for a zoning board referral. So that said, Joe, looks like you're going to represent this, can you tell us what you're doing here?

MR. MINUTA: Sure, we're got an existing lot with a house on it. We have checked with the other areas in the neighborhood, they're all similar in size even based on cutting the property up.

MR. ARGENIO: Can you take me to this lot from either end of Riley Road please?

MR. MINUTA: Sure, take 94, make a right onto Riley Road and it's about quarter mile in, less.

MR. ARGENIO: Left or right side?

MR. MINUTA: Right side.

MR. ARGENIO: Got it, go ahead.

MR. MINUTA: So the house exists here. Basically what we want to do is make another lot here by cutting this through and provide a 52 foot and change right-of-way or, excuse me, driveway area and then the house would be in the back, pretty simple application, there's a couple variances that would be required.

MR. ARGENIO: Is it the same owner for both lots, Joe, or is he peeling it off for a family member?

MR. MINUTA: Yes, that's exactly what's happening.

MR. VAN LEEUWEN: Who is the owner?

MR. MINUTA: Mr. Martinez, Cecil Martinez.

MR. ARGENIO: Mark, can you, do you have any additional information to shed on this application? It seems quite simple. Obviously, if they do go to zoning and they get approval, they'll need septic.

MR. EDSALL: I spoke with Dan about one correction to the bulk table which he indicated he would follow through on. This is one of those cases where the zoning code was changed to attempt to keep persons from developing lots with multiple flag lots rather than having private roads. However, in this particular case, it's a fairly sizable lot that has the house right up against Riley Road so they could go through the exercise of putting a private road in to avoid the lot width variance for the lot in the rear but that would be I think a waste of capital because you're building a private road really for no reason.

MR. ARGENIO: Essentially, a driveway to private road specifications.

MR. EDSALL: Which is silly, this wasn't the purpose of the flag lot restriction, it was more for multiple flag lots. This is the case where you have a lot of vacant land in the back of an existing residence.

MR. ARGENIO: Just for the edification of the members, if you look at the location map on the top right of sheet one of one, you can see that most of the lots in the proximity of this--

MR. VAN LEEUWEN: Have that type of situation.

MR. ARGENIO: -- location of similar size, that does not mean all of them, I see two lots that may be a bit larger but all of them are pretty similar. What else, Mr. Minuta?

MR. MINUTA: Basically, it--

MR. VAN LEEUWEN: Wants a referral.

MR. ARGENIO: Anything else, Dom?

MR. CORDISCO: No, sir.

MR. ARGENIO: Pretty simple, right? Do we have an

issue with the AG, proximity to an AG district here?

MR. VAN LEEUWEN: I don't know if it's an AG district.

MR. EDSALL: I don't believe so.

MR. YANOSH: There's nothing there.

MR. ARGENIO: What about the offset requirement to the state highway, look at the location map on the top right, Mark?

MR. EDSALL: Yeah, it's probably within the 500 foot when it returns back to the planning board we can refer it or we can do a joint referral with the ZBA.

MR. ARGENIO: That's kind of where I was going inasmuch as there's not a lot of discussion, seem to be happening because it's so straightforward, I don't imagine wild changes to the site plan so--

MR. EDSALL: They have indicated that both water and sewer are available so we don't have the septic design issue.

MR. ARGENIO: Okay, good.

MR. EDSALL: So, it's even simpler.

MR. YANOSH: You could then refer to the county panning today and--

MR. ARGENIO: Cammy, are you going to do it today?

MRS. AMMIRATI: No.

MR. ARGENIO: Won't be today.

MR. YANOSH: Well, not today but tomorrow?

MR. EDSALL: I'll work with Cammy on a joint referral so we can work in tandem with the zoning board.

MR. YANOSH: Just move it along quicker that's all, takes a month to get that done.

MR. ARGENIO: Anything from Anthony on this driveway?

MRS. AMMIRATI: I've got nothing yet.

MR. VAN LEEUWEN: I don't know what the zoning is.

MR. YANOSH: It's 40,000.

MR. VAN LEEUWEN: So you need--

MR. YANOSH: We need an area variance for lot number one, the existing house, we need a lot width for lot number two because there's a flag lot and we need street frontage, we need 70, we only have 57, three variances we need.

MR. ARGENIO: I'll accept a motion that we declare this application incomplete at this time.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded that the Martinez minor subdivision be declared incomplete at this time which would give them the necessary referral to go to the zoning board.

ROLL CALL

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

MR. ARGENIO: You've been referred to the zoning board, Joe, with I think a positive recommendation. What you're proposing is congruent with the surrounding neighborhood. Do with it what you will. Best of luck to you.

MR. MINUTA: Thank you.

REGULAR ITEMS:

L & M MERTES REALTY, LLC (14-15)

MR. ARGENIO: Regular items, L & M Mertes Realty, LLC site plan. The application proposes a 60 by 100 foot pole barn on the existing site. The application was reviewed on a concept basis only. You guys can stand over there, do you have a plan with you?

MR. AZATLLAH: We dropped it off.

MR. EDSALL: Here's an extra one.

MR. VAN LEEUWEN: Who's supposed to represent you?

MR. SAYED: We are.

MR. ARGENIO: Clip that up on the board there. What are you guys' names?

MR. AZATLLAH: Ahmad Azatllah.

MR. SAYED: Ray Sayed.

MR. ARGENIO: Ahmad, I'm going to speak for a minute and then I'm going to let you guys speak. It's my understanding that you guys were going to put up quote unquote fabric type building, correct?

MR. AZATLLAH: Correct.

MR. ARGENIO: And I think Mark was, speaking to Mark about it you had the issues with the fire inspector and such and to meet your needs better you elected to do a pole barn type building?

MR. AZATLLAH: Correct.

MR. ARGENIO: That would be poles with some sort of aluminum siding paneling and a truss roof, is that more or less is that close?

MR. AZATLLAH: That's exactly right.

MR. ARGENIO: So I'm just having a quick look at the plans.

MR. AZATLLAH: That used to be with the property last year and it collapsed last year, it's no longer there.

MR. VAN LEEUWEN: Is the debris still there?

MR. AZATLLAH: No, we removed it.

MR. VAN LEEUWEN: It's all removed.

MR. AZATLLAH: Correct.

MR. VAN LEEUWEN: How come it's on the plan, shouldn't be on the plan.

MR. ARGENIO: I'm going there right now. Ray, do me a favor, are they your comments Mark or just an agenda?

MR. EDSALL: They're agendas, I have comments right here.

MR. ARGENIO: So Ahmad, from what I know about the application again from talking to Mark, it's not a tremendous impact on the parcel but your plans are somewhat deficient. Ray has a copy of Mr. Edsall's comments, just so you know how it works, typically, we'll go through the comments, we'll talk a little and if the members have any questions, hopefully you guys can answer them. Is there any reason you didn't bring your surveyor in tonight, your engineer?

MR. AZATLLAH: I wasn't aware.

MR. SAYED: Yeah, it was hard enough just to get these plans from him.

MR. AZATLLAH: We literally just waited three months to get the site plan from him.

MR. ARGENIO: I want to direct your attention to Mark's comments because I see you have them in your hand. And I'm going to read a couple things because I want to point some things out for your attention. The project is located in a PI zoning district of the town, planned industrial, the use appears to be special use permit, number three, the bulk information shown on the plan appears correct with the following corrections needed, not going to read them but there's five bullet points there that Mark has, you need to have your guy, your surveyor guy or engineer take a look at this and include that data on the plans, we need that.

MR. AZATLLAH: Okay.

MR. ARGENIO: Second comment says the applicant's consultant should look at the proposed building setback and bulk table height permitted in the code as well as front yard setback as submitted. It appears that a referral to the zoning board is necessary. The applicant should advise if this is their intent. So again for clarity cause we meet every two weeks and we understand a lot of this stuff the way this is shown now your structure, your proposed structure is too close to the property line. That's not to say it can't go there but you would need a variance from the zoning board.

MR. EDSALL: And it's so close that it's ridiculous not to just move the building one foot.

MR. ARGENIO: Is that the requirement?

MR. EDSALL: It's 12 inches per foot is permitted for the height, they're 30 feet away which is a permitted 30 foot building height, they have 31 so they just need to move the building one foot and the problem goes away.

MR. AZATLLAH: We have no problem with that.

MR. ARGENIO: Here's what you need to do as difficult as the pill may be to swallow, get ahold of your engineer and he has to put it on the plans.

MR. AZATLLAH: We may have to rehire someone.

MR. VAN LEEUWEN: If you can't get ahold of him and he's not willing to help you --

MR. ARGENIO: Dan Yanosh is in the building somewhere probably looking for a client. Dan, are you still here?

MR. YANOSH: I'm still here.

MR. ARGENIO: Talk to these guys.

MR. VAN LEEUWEN: You got one already, see that.

MR. AZATLLAH: That was easy.

MR. ARGENIO: You're very close on the setback, the building would have to be moved about exactly 12 inches

to the east and that would avoid the need to have to go to the zoning board. I think the planning board engineer's suggestion is a good one and you should listen to it. Mark's comment number three at planning board work sessions we requested that the layout of storage areas, vehicle parking spaces, access aisles, et cetera, all be laid out. Mark, they do have parking spaces, are you looking for something else?

MR. EDSALL: Yeah, fire inspector's office asked that when we have large sites that are commercial use and they're storage materials try to give some indication where the storage is going to be and where there are going to be access aisles, perhaps whomever they're successful in getting ahold of we can sit down at workshop and get this all resolved so the next plan is in a form that the plan is all complete.

MR. ARGENIO: For the planning board this is very simple, just needs to be right, very simple, I mean, just you get it right with whoever if it's this guy or somebody else, some other engineer we don't care who your engineer is, it makes no difference to us, you see, but by law we need to have certain things buttoned up because fair's fair.

MR. AZATLLAH: I'm, we're hoping that we get this wrapped up before winter comes in cause all our employees right now they're outside.

MR. ARGENIO: It won't be tonight.

MR. AZATLLAH: I realize but so I guess we'll speak with Dan about revising.

MR. ARGENIO: I want to be very clear for the record, I'm not advocating Dan, I just know he happens to be in the room and he's been in front of this board a lot of times. There are other competent folks and Dan has been very capable, demonstrated himself to be very capable to this board. Dominic, is that fair enough?

MR. CORDISCO: Absolutely.

MR. ARGENIO: Don't want to get myself in trouble.

MR. AZATLLAH: Can we get some type of approval at the workshop?

MR. ARGENIO: No, the approval process happens here at

this board. But what the workshop is designed to do for you to sit down with the engineer and the engineer is like the point man in all of this and he'll work with you and give you the appropriate guidance that he feels you need to put on that plan that this board typically looks for and the stuff you have to have on that plan by law. If there's any legal issues, he'll interface with the planning board attorney so that workshop is an invaluable tool for you, for any applicant to just get out in front of any issues that us folks might be bringing up. Mark will steer you in the right direction, go ahead.

MR. EDSALL: One item that I don't have on my sheet is a comment but we could address at this point since it seems the board does want to try to help get this to an end point as soon as possible, it's an existing special permit use, they're not changing the operation so I don't believe they're changing their special permit. But they are changing the site plan so it's my belief and I asked Dom if I was heading in the right direction if the code would then state that the public hearing for a special permit would not be required and that it would mean that the site plan amendment public hearing could be optional so the board could decide if they believe that in this location the information you have as far as this building addition warrants a public hearing, we can give them that answer tonight hopefully.

MR. ARGENIO: You guys know where this is?

MR. VAN LEEUWEN: I know where it is.

MR. ARGENIO: Near the railroad tracks there, very commercial, commercial zone.

MR. VAN LEEUWEN: I've been here almost 30 years, this has been in front of us a few times.

MR. ARGENIO: The building is adjacent to the road, it's not right to somebody's property line, if we had the legal authority to waive it, I don't see it as an issue unless you guys take exception to that.

MR. VAN LEEUWEN: I don't think we should.

MR. ARGENIO: What?

MR. VAN LEEUWEN: Waive the public hearing.

MR. GALLAGHER: Who's back there, there's residential back there?

MR. VAN LEEUWEN: Well, there's a couple houses in there, there's a couple houses on this side, okay, but not that many, there's four or five, that's all it is tops, we can decide that later on, I'm not saying we should or shouldn't.

MR. ARGENIO: That's my sense, are you looking for, are you saying--

MR. VAN LEEUWEN: This building should be taken off the map.

MR. ARGENIO: That's a foregone conclusion and that comment that you just made goes along with getting the whole plan updated and as Mark said showing the additional parking in the other areas. Ray, make a note on those comments too, make a note in your head whatever you have to do, need to show us where the entrance is. I see two spots that say gate should indicate, should be something on the plan indicating that that's the entrance and that's the exit and that's whatever the case may be and again, this is not incredibly complex but does need to be correct.

MR. VAN LEEUWEN: A good surveyor would know that.

MR. ARGENIO: Howard and Harry, you guys have anything else there that you're thinking about?

MR. BROWN: What are they going to store in there anyway?

MR. AZATLLAH: I'm sorry?

MR. BROWN: What are you going to propose to store?

MR. AZATLLAH: We're going to be taking our operation inside the building rather than outside, we'll have a concrete platform and we're not storing anything, we're just dismantling vehicles inside the building.

MR. ARGENIO: What's your operation?

MR. AZATLLAH: We're used auto parts, we dismantle vehicles.

MR. VAN LEEUWEN: Sell the parts when you take them apart?

MR. AZATLLAH: Yes.

MR. BROWN: Like a salvage?

MR. AZATLLAH: Absolutely, salvage.

MR. VAN LEEUWEN: Local people coming in or--

MR. AZATLLAH: Mostly local and we have delivery services that we go to New York City and the Bronx.

MR. ARGENIO: You guys have been there a few years, haven't you, Ahmad?

MR. AZATLLAH: Three years.

MR. ARGENIO: Dan, any thoughts on this?

MR. GALLAGHER: No.

MR. ARGENIO: I would encourage you guys, the members that is to take a ride over there to Mertes Lane and once he'll get the plans buttoned up and we can vote on that public hearing but you guys should understand what's over there.

MR. VAN LEEUWEN: There's only a couple houses.

MR. ARGENIO: The reason why I say that I almost bought a piece of property a few years back over there.

MR. VAN LEEUWEN: So did I.

MR. ARGENIO: It's PI for a reason, let me just so that. Okay, Mark or Dominic, is there anything else I need to cover here tonight?

MR. CORDISCO: No, sir.

MR. ARGENIO: Do you have any questions, anything else you're interested in?

MR. AZATLLAH: No, we have a better understanding.

MR. VAN LEEUWEN: It's an ideal use.

MR. ARGENIO: Any other thoughts?

MR. SAYED: No, we'll get these amended and clarified on the site plan.

MR. ARGENIO: Yeah, get it cleaned up and do go to a workshop session with Mark, talk to him about it and knock it out. This is simple. I did the same thing in my yard, my yard's in New Windsor almost, I think my building is maybe almost exact same size as yours or similar and we've had to do to same thing, we had to show the parking, show the entrance, show the other buildings, et cetera.

MR. AZATLLAH: Okay.

MR. ARGENIO: Thank you.

MR. AZATLLAH: Thank you for your time.

RAKOWIECKI SUBDIVISION PHASE 1 (01-26)

MR. ARGENIO: Next on tonight's agenda Rakowiecki major subdivision. The application involves subdivision of the 33.4 acre parcel into 35 single family residential lots. The plan was previously reviewed at the 14 March 2001, 11 June 2003, 22 September 2004, 9 March 2005, 22 June 2005, 27 July 2005, and 30 November 2005 planning board meetings. Phase one is 10 lots?

MR. YANOSH: Nine lots.

MR. ARGENIO: Plus the remainder. I don't want to speak for Mr. Yanosh or Mr. Biagini but what I know about this and Mr. Biagini you correct me if I misspeak, these guys got approval long time ago in the early 2000s, Mr. Biagini did some work up there and I guess I think, I know market went flat.

MR. BIAGINI: Right, exactly.

MR. ARGENIO: Went flat on everybody and you've been sitting on that lot inventory for however long it's been and now you see things picking up?

MR. BIAGINI: Yes.

MR. VAN LEEUWEN: You gotta move.

MR. BIAGINI: Yeah.

MR. ARGENIO: Dan or Ed, why don't you tell us what you're doing tonight?

MR. BIAGINI: We're looking for final approval on the nine lots and I guess preliminary extension on the balance, the tenth lot.

MR. ARGENIO: Tenth lot is the big one?

MR. BIAGINI: Right.

MR. VAN LEEUWEN: This piece here?

MR. ARGENIO: With the lines through it?

MR. YANOSH: Yes.

MR. ARGENIO: Before we go--

MR. VAN LEEUWEN: One big one and nine small ones.

MR. BIAGINI: That's right.

MR. ARGENIO: Dominic, can you speak to the members relative to the extension of preliminary, final or something else approval for this project please?

MR. CORDISCO: Sure, I mean, typically--

MR. ARGENIO: Are they eligible for it?

MR. CORDISCO: Yes, yes, they are eligible for it. I mean, approvals are granted for six month periods, if there's been no change in circumstances regarding the project the board has been granting extensions as a matter of course.

MR. ARGENIO: So the extension, Ed, so I'm clear is for the nine lots in phase one?

MR. BIAGINI: Well, we're looking for the final on the nine lots in phase one and extension of preliminary for the balance.

MR. ARGENIO: Got it. So it's final approval for the nine lots in phase one and extension for the balance in phase two.

MR. CORDISCO: In other words, they don't want to file the plat for phase two yet.

MR. ARGENIO: That's what I'm hearing. Mark, can you speak to the status of the forward area, phase one, the nine lot area from an engineering or buildability point of view?

MR. EDSALL: I think the entire project generally has the same status because they have pursued and obtained agency approvals that are for the overall project. Under my comment two, I list some of the milestones that they have reached and have occurred such as the negative dec, sewer main extension approval, realty subdivision approval, wetlands they have been to DEC for, they had a sewer district extension, they've got a certificate of sewer allocation on file at the town attorney's office and those apply to the total project. It's clear that anybody in today's economy doesn't care to finance and build a project this size all at once. So what their status of the project is all the same, it

all has the necessary outside agency approvals. What they're seeking is final approval just for the nine lots leaving the remainder so they only need to deal with the bonding, the fees and the issues for the nine lots. They have coordinated with us about how they selected the nine, this creates the loop road through so that they don't end up with a completely, with a project with a dead-end and it also includes the first storm water basin is to be completed so they're phasing it in a manner that's consistent with the storm water requirements and access.

MR. ARGENIO: So DEC, sewer main extension, as-built's been prepared and submitted, that's in good shape, the testing has been accepted, DOH realty subdivision that's put to bed, DEC wetlands put to bed, sewer district extension has been granted by the planning board, sewer allocation points are filed with the town attorney's office. Dan, do you have a copy of Mark's comments?

MR. YANOSH: Yes.

MR. ARGENIO: Okay, I want to just for everybody's, the members edification, are the Vallancourts here? That's you folks. I have a letter in my hand, I'm just going to point the members' attention to the top right-hand section of sheet one of four, take a look at that cul-de-sac over there. I'm not going to read the whole letter, I'm going to paraphrase it a little bit. Cammy, would you send these guys a copy of this? Did you or did you not?

MRS. AMMIRATI: Okay.

MR. ARGENIO: Dear Mr. Argenio. We reside at 10 Ashley Court. Ten Ashley Court for the members' benefit is, do you see the shaded area, I'm going to point with my laser here just for a minute. Dan and Ed, that's this lot right here, we're talking about this piece of cul-de-sac right here is what we're talking about, it's currently a round cul-de-sac. Mr. Biagini's going to come through with his road and that's the deal. So let me just go through this letter so you guys can understand what we're talking about. The road is currently a cul-de-sac and scheduled to become a thru street as part of Ed Biagini's project. While we were aware Ashley Court would be extended, we were never informed the circle would be eradicated. Our property lines extended more than 2,500 square feet of land,

currently roadway, would be added to our property, et cetera. Public hearing, we were not made aware of this, Jennifer, what does this mean we were not invited to the public hearing despite our concerns, this omission was researched and confirmed by Jennifer Gallagher?

MRS. GALLAGHER: We looked back in the 2005, all the labels that were sent out and they were not on it.

MR. ARGENIO: But they are aware that this is going to be extended. The concept of adding land to our existing property is a complex undertaking. Our home was built atop of a hill and there is a front yard and driveway that make a steep decent down to street level. We have a multitude of questions and concerns. One is relocation of the electrical utilities. Who does that, how do we deal with the interruption of services? Is there a plan to address our footing drain and a large runoff drain? Both drains expel water very effectively into a town built swale. Essentially all is working well now, you're going to turn this thing upside down on us. Extending our property years after we have completed professional landscaping to address a steep lot performed improperly will negatively impact the aesthetics to our home reducing its value. Quality control, how do we know it's going to be done right the way it should be? Who will ensure the work is done in a timely manner and that we continue to have safe access to our home. My wife has a medical condition that prohibits her from walking up and down the driveway so it's imperative that we are able to drive up to our home. Okay, so I'll tell you guys I'm going to share a couple thoughts here, Mark and I have talked about this a little bit. One of my children is friends with one of you guys, is that right, my daughter Alyssa you're friends with, what's your name?

MS. VALLANCOURT: Linda.

MR. ARGENIO: Linda Vallancourt, I've been to their home, this is going to be when my daughter was in Washingtonville School District with you guys. Still friends?

MS. VALLANCOURT: A little bit.

MR. ARGENIO: So yes, very, very steep lot, yes, very nicely manicured, yes, nice lawn, I mean giant, steep lawn like this. So here's what I'd like to put out

there for everybody including the Vallancourts, I'm not going to take credit, this was our engineer's idea, quite frankly. And Ed, you too follow me on this. What Mark suggested was obviously I think and Cammy send these guys this letter so they can see it too, most of what the Vallancourts have here and I say most only cause I'll never say everything that's there is good, but most of what's in here it seems to have merit that there are issues that are issues, I mean not insurmountable issues, if I owned that house I'd be asking the same questions. So what Mark suggested if we can appeal to the highway superintendent maybe Mr. Biagini could just build Ashley Court as a through road and leave that piece of pavement there and that could be parking that the Vallancourts could use if they have a party or whatever.

MR. BIAGINI: Yeah, I have no problem with that.

MR. ARGENIO: So that's, do you guys have any thoughts on that? I'm looking to not, I'm looking to solve a problem not create one. That said, I'm going to qualify this with the fact what I'm about to say I'm going to qualify with insomuch as Jennifer researched the original public hearing notice, insomuch as I do have a letter in my hand, insomuch as you folks are here tonight, normally counsel really, really leans on me very hard about letting people speak in a meeting when it's not a public meeting because it's a problem on a multitude of fronts. I'm going to go around that tonight and I'm going to say if one of you guys want to get up and speak, maybe comment on what I propose or something else relative to this cul-de-sac thing, one of you we'll be happy to hear from you. What's your name?

MRS. VALLANCOURT: I'm Sheila Vallancourt.

MR. ARGENIO: Come on up, Mrs. Vallancourt, go ahead.

MRS. VALLANCOURT: Yeah, my question is if that's left to us for parking, does that mean that property is going to be handed over to us?

MR. ARGENIO: No

MRS. VALLANCOURT: It would still be a public road?

MR. BIAGINI: Left in the town's name and left as it is what you see there today will be there next year.

MR. EDSALL: The bottom line is what we're heading toward is that the town would take no action at this time. If five years from now you petition the town that you had another plan for your front yard and you wanted the town to abandon that to you you would go to the town board at that point because it was effectively we're kicking the can down the road in a good way by saying we're not going to deal with that at the planning board level, we're not going to deal with it as part of Ed's subdivision because normally the property owner that's adjoining wants the land.

MR. ARGENIO: They want a bigger front yard or they want their--

MRS. VALLANCOURT: And we would, if we had a nice, flat front yard and you were just going to add to it I'd say fantastic, we'll be farther from the road.

MR. EDSALL: Here it creates other problems. So I think we just need to have Anthony Fayo agree that there's no reason that we have to abandon that piece of property to the neighbor and there's no impact to him to leave it as a paved area town owned. The only thing Dominic and I were having a little side discussion here it's very probable that he's going to say just understand when we plow through we're plowing through, we're not going to plow the cul-de-sac, he may decide he's going to but normally when I've seen this happen municipalities say fine, we'll leave the pavement but we can't plow extra property.

MRS. VALLANCOURT: Even if it's still town property?

MR. EDSALL: I'm just saying there's a chance that he may say fine, we'll leave it but just understand we can't guarantee we're going to.

MR. BIAGINI: He would still have to plow to their driveway though.

MR. EDSALL: Ed, I'm not Anthony Fayo and you're not Anthony Fayo.

MRS. VALLANCOURT: But if it's a town road, we had a medical emergency and we were--

MR. BIAGINI: I'll speak to him tomorrow.

MR. EDSALL: I'll take care of that.

MR. GALLAGHER: Do we have another instance in town?

MR. ARGENIO: Yes, we do, I can't tell you exactly where, Danny, but I have seen it in other places around town.

MR. EDSALL: I'm not saying that's what he's going to say but that's worst case. He may say fine, we'll go there, take a wide swath with the plow, we may not do a full job but we'll go through.

MR. VAN LEEUWEN: It's not in our hands.

MR. ARGENIO: Danny Yanosh, share your sidebar with everybody.

MR. YANOSH: I was just explaining this is a normal situation with cul-de-sacs and subdivisions, lot of times towns will make you put a road to the end of the property with a cul-de-sac at the end of it to extend the road in the future. And this is what happened here, extended in the future and lot of subdivisions have that small little sliver of land going back to the owners that would adjoin that piece of property, it's a common occurrence all the time this happens to be such a big area in front of your house.

MRS. VALLANCOURT: Just happens to be a very large piece of property.

MR. YANOSH: What they should of done half on you and half on the other guys and make it in the middle but that's not the case so it won't happen that way.

MR. ARGENIO: If I may, Miss Vallancourt, this is a little unique because of the fact that you're on this dare I say pimple of a piece of property, you're very high and your lawn is steep and I'm going to tell you something, Mr. Biagini, to get that thing done and done right, bring some fill in and blend it in, he would spend a nickel.

MRS. VALLANCOURT: Absolutely, to do it properly you have to come up onto our property and regrade.

MR. ARGENIO: And tie it all in and the thought was again this is from Mark and I agree with him, this was a solution that would work well for everybody and

everybody would come out happy. As I said, most of the questions that were on your letter were very, very well written letter and they're very relevant questions and I'm thinking that, I'm hoping that.

MRS. VALLANCOURT: That would be wonderful.

MR. ARGENIO: Howard and Harry, are you guys okay with this, make sense to you?

MR. BROWN: Yes.

MR. GALLAGHER: Yes.

MR. VAN LEEUWEN: Yes.

MR. ARGENIO: So Mark, are you going to speak to Anthony about this?

MR. EDSALL: I'll speak to Anthony. One thing we can keep in mind this doesn't have to be resolved final as far as the ending disposition as part of phase one. We've got phase two so if we need to re-address it as part of phase two, we can but I'll talk to Anthony.

MR. ARGENIO: I think we'd be fools to not reserve that right to do that.

MR. EDSALL: We don't have to reach a conclusion tonight, we, now the concerns we can start working on it.

MR. ARGENIO: Ed, you're okay with this?

MR. BIAGINI: Fine with that.

MR. ARGENIO: I would also ask that you agree that the town planning board reserves the right to revisit this.

MR. BIAGINI: Absolutely.

MR. ARGENIO: If we find other knowledge at a later date.

MR. BIAGINI: Not a problem.

MR. ARGENIO: But it will save you some money, Miss Vallancourt, it's going to save you some heartache, the tone of your letter was you're nervous, we'll put the whole thing to bed. Thank you for coming in. I would

request Miss Vallancourt that you write a brief letter identifying yourself and outlining this request as discussed tonight and get it to Mrs. Gallagher and that letter should go something like Dear Mr. Argenio, I request that the cul-de-sac that I live on, X, Y, Z address be unaffected by the subdivision, get the name of it, take a piece of paper, the name of it's on there, we request that the cul-de-sac remain intact on a permanent basis because of the landscaping, because of the interruption, because of, because of and that way that will give Mark something to work on going from there, okay?

MRS. VALLANCOURT: Thank you. Can I ask one question to Ed? So visually, it's going to look just the same except that road will be, come right out?

MR. BIAGINI: Just going to come out to the cul-de-sac.

MRS. VALLANCOURT: Thank you very much.

MR. ARGENIO: Thank you for coming in. Okay, wow, that went better than I thought. Don't get that every day and it's very seldom that we're able to solve two problems and both parties are happy. So whatever, it's all good. Ed Biagini, Dan Yanosh, do you have a copy of Mark's comments?

MR. YANOSH: Sure.

MR. ARGENIO: Specifically bring your attention to comment number five, has a few bullets in there, I'm not going to read them but you need to read them and act on them.

MR. YANOSH: Not a problem.

MR. ARGENIO: Dominic, from a procedural point of view, what are the exact procedures?

MR. CORDISCO: SEQRA's already completed so at this point unless the board has any other concerns, Mark has outlined some conditions the board would be in a position to grant conditional final approval.

MR. ARGENIO: For the rear?

MR. CORDISCO: Correct, no, conditional final.

MR. ARGENIO: For the nine?

MR. CORDISCO: For the first nine and preliminary approval extension for the balance.

MR. ARGENIO: Okay, do you guys have anything else, Danny Gallagher or Henry?

MR. VAN LEEUWEN: No, I have nothing.

MR. BROWN: No.

MR. FERGUSON: No.

MR. VAN LEEUWEN: You guys cleaned it up very nicely, right Eddy?

MR. BIAGINI: We try.

MR. VAN LEEUWEN: We do too.

MR. ARGENIO: So that said, I'll accept a motion for the back lot which is known as phase two of Rakowiecki subdivision for extension of the current approval.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded that we offer, Town of New Windsor Planning Board offer extension to the preliminary approval for phase two of the Rakowiecki subdivision. Roll call.

ROLL CALL

MR. FERGUSON            AYE

MR. BROWN              AYE

MR. GALLAGHER         AYE

MR. VAN LEEUWEN       AYE

MR. ARGENIO            AYE

MR. ARGENIO: And the second motion if anybody sees fit to make it is for conditional final approval for the nine lots in the front of phase one Rakowiecki subdivision.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded we offer final approval for the nine lots in the front of the Rakowiecki subdivision area known as phase one on the plans known as Rakowiecki subdivision. Roll call.

ROLL CALL

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

MR. ARGENIO: Mr. Biagini, thank you for coming in.  
Mr. Yanosh, thank you for coming in.

MR. BIAGINI: One other item, Jerry, I sent a letter in in August requesting a waiver on the requirement for sidewalks, did you get that?

MR. ARGENIO: No.

MRS. AMMIRATI: I sent it to Mark in August.

MR. EDSALL: That goes to the town board.

MR. VAN LEEUWEN: We don't have that authority.

MR. BIAGINI: Okay, I just thought it went to the planning board.

MR. ARGENIO: Okay.

MR. BIAGINI: So it goes to the town board?

MR. ARGENIO: Yeah, that's a fact, Mark, it goes to the town board?

MR. EDSALL: Yeah, it will likely go to the infrastructure committee for discussion and a recommendation and then it will come back here.

MR. ARGENIO: Mark, anything else? Dominic?

MR. CORDISCO: No.

MR. GALLAGHER: Do we need to list the amount of days for the extension of the preliminary for phase two?

MR. ARGENIO: Dominic, do we have to list the

extensions that we gave them for the lot in the back?

MR. CORDISCO: What the board's typical practice has been is to grant not only the six month extension but also the two 90 days so for the record it's a full 360 days.

MR. ARGENIO: For the record, it's 360 days. Okay, guys, thank you.

DISCUSSION

FATM

MR. ARGENIO: Jennifer Gallagher?

MRS. GALLAGHER: FATM where they put the Emergency One Care, the old Gloria's Griddle, they want to put a six foot vinyl fence on the south side of the property separating them from the Econo Lodge. Six foot fence would meet code, just bringing it to your attention as a discussion item to see if you guys have any problems with it.

MR. BROWN: What kind of, is there going to be any color to it, like slats or just plain?

MRS. GALLAGHER: Just a vinyl fence.

MR. FERGUSON: White vinyl?

MRS. GALLAGHER: They don't list a color, just a vinyl fence. They're having, I think they're having some issues with the Econo Lodge and garbage and people walking over constantly.

MR. ARGENIO: Transients type thing?

MRS. GALLAGHER: I don't know if it's people staying there or staff, I don't know, but that's why they put the temporary fence at that time, people were using their dumpsters, people were stealing planters.

MR. ARGENIO: How tall?

MRS. GALLAGHER: Six foot from the building back.

MR. ARGENIO: They give you a little sketch?

MRS. GALLAGHER: Yeah, they did, where they're proposing it meets code.

MR. ARGENIO: What they're proposing meets code?

MRS. GALLAGHER: Yes.

MR. ARGENIO: Are you guys okay charging Jennifer with this?

MR. VAN LEEUWEN: I have no problem.

MRS. GALLAGHER: Do you have a particular color?

MR. BROWN: Just as long as it blends in.

MR. GALLAGHER: For commercial, I don't know that vinyl after five years--

MRS. GALLAGHER: Maybe the tan vinyl might look nice with the property.

MR. GALLAGHER: Sometimes with the sun the white vinyl fades.

MR. ARGENIO: Would you make that suggestion that they give us something with a little color, tan or light brown?

MR. VAN LEEUWEN: Light green?

MRS. GALLAGHER: Yes.

MR. ARGENIO: Anything else? 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