

TOWN OF NEW WINDSOR

PLANNING BOARD

May 13, 2015

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
HENRY VAN LEEUWEN
HOWARD BROWN
DAVID SHERMAN

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

VERONICA MC MILLAN, ESQ.
PLANNING BOARD ATTORNEY

JENNIFER GALLAGHER
BUILDING INSPECTOR

CAMMY AMMIRATI
PLANNING BOARD SECRETARY

ABSENT: HARRY FERGUSON
DANIEL GALLAGHER

MEETING AGENDA:

1. Guardian Self Storage
2. Durante Rentals
3. Tractor Supply
4. Tractor Supply
5. Meadowbrook Estates
6. 32 Plaza

REGULAR MEETING:

MR. ARGENIO: I'd like to call to order the regular meeting of the Town of New Windsor Planning Board for May 13, 2015. Would everybody please stand for the Pledge of Allegiance?

(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: Welcome everybody, Danny Gallagher and Harry are not with us. As such, Mr. Sherman has joined us up on the dais. That said, we're going to get right down to business. For whatever reason, JCHS Mobile Home Park asked to be removed from the agenda and they have, we'll move right to our regular items.

REGULAR ITEMS:

GUARDIAN SELF STORAGE (15-02)

MR. ARGENIO: Guardian Self Storage, somebody here to represent this?

MR. REDL: Frank Redl, project manager.

MR. ARGENIO: You're the owner?

MR. REDL: No, I'm the project manager. I work for Guardian Self Storage.

MR. ARGENIO: Application proposes an amendment to a prior approval to construct two temperature controlled storage buildings in lieu of three buildings on the previously approved plans. The application was previously reviewed at the 11 March 2015 planning board meeting. As I recall, this was a pretty simple application. Do you have a plan that you can put up on the easel?

MR. REDL: I do have a plan. I have one here, sir. Okay, to refresh the board's recollection, we were before the board some years ago, we received site plan approval for the buildings that have been erected and also provided that three additional buildings could be built over in this area. We're seeking an amendment of that prior site plan approval to place two buildings there instead of the three. Some questions came up with comments from the town engineer after the first meeting, we revised the plan to reflect all of the town's concerns. Kelly Hardisty and I met with Mr. Edsall, I believe that he stands fairly pat now, I think we've addressed all the concerns that he had, certainly the plan--

MR. ARGENIO: Seems as though. Applicant's engineer, Christopher Lapine of Chazen, has addressed the storm water issue via letter dated 20 February 2015. We take no exception to the letter's analysis. I'm reading from Mark's comments on that, Franny, for the record. Lead agency was taken on 3/11 of 2015, public hearing waived 3/11 of 2015. Again, going from memory, this was a very simple application. I'm looking at it right now and they took the three buildings, they moved it down to two, there was some question as to the location of the fence, I don't even recall what the discussion was.

MR. REDL: The question came up whether the detention pond had to be fenced but the entire property is fenced.

MR. ARGENIO: As such, the pond is protected from the neighbors by that fence.

MR. REDL: That is correct, sir.

MR. VAN LEEUWEN: How high is the fence?

MR. REDL: Six foot.

MR. VAN LEEUWEN: Do you have a flag pole in front of the property?

MR. REDL: I don't believe so, I can't say for certain.

MR. VAN LEEUWEN: I think we ought to put one in. I'm a flag waver.

MR. ARGENIO: You were or weren't?

MR. VAN LEEUWEN: I wasn't born here, no, I came here when I was eight years old.

MR. ARGENIO: Are you advocating for a Dutch flag of the Netherlands?

MR. VAN LEEUWEN: No, they can keep that country, I like it right here.

MR. ARGENIO: Just figured I'd ask. Anybody have any questions? I don't want to fiddle around with this. Howard Brown, do you have any additional thoughts?

MR. BROWN: No, it was answered last time.

MR. SHERMAN: No.

MR. ARGENIO: Henry, do you have any additional thoughts on this?

MR. VAN LEEUWEN: Only the flag pole, I want that included in the motion.

MR. ARGENIO: Go over some procedural issues. I'll accept a motion for a negative dec for this application.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made by Mr. Van Leeuwen and seconded by Mr. Brown that Town of New Windsor Planning Board declare negative dec for the Guardian Self Storage. Roll call.

ROLL CALL

MR. SHERMAN	AYE
MR. VAN LEEUWEN	AYE
MR. BROWN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Go ahead.

MR. EDSALL: No, they've been very responsive and took advantage of the workshop process, everything's taken care of.

MR. ARGENIO: Buttoned up Veronica?

MS. MC MILLAN: Just when we, if you move to approve just that it's conditioned on the remaining couple of comments and Mark's comments from today.

MR. ARGENIO: Right, do you have this a copy of Mark's comments?

MR. REDL: Yes, I do. I reviewed it with Mr. Edsall before the meeting. We don't take exception with anything. As a matter of fact with respect to the road dedication which was supposed to have been done before I've been in touch with Chazen Engineering, we have ordered the survey work to be done, I expect to get the metes and bounds to Mr. Edsall's office in short order.

MR. ARGENIO: Okay.

MR. VAN LEEUWEN: I have no problems but we do want a flag pole. Are you in agreement?

MR. REDL: I'll see what I can do.

MR. ARGENIO: No, that's not the right answer.

MR. VAN LEEUWEN: You either do or you don't.

MR. REDL: It's not up to me.

MR. ARGENIO: Okay, talk to whoever you got to talk to and we'll see you at the next meeting.

MR. REDL: Are you serious?

MR. ARGENIO: I'm very serious.

MR. REDL: If that's going to be a condition of final approval, we'll have to accept it, simple as that.

MR. ARGENIO: We're not looking for a 75 foot pole but fortunately or unfortunately, however you want to look at it, that's an issue that Mr. VanLeeuwen tends to get a little focused on, he's an American and he's very proud of his citizenship and that carries through to this board and he's a member of this board and it's not something that's atypical what he's asking, you know, that he would not ask another applicant.

MR. REDL: Well, I have to apologize, I don't appear before the board often and when you started talking about a Dutch flag before, I honestly thought you were joking.

MR. ARGENIO: I really was kidding when I mentioned the Dutch flag, I should apologize to you for making light of it, please accept my apology.

MR. REDL: It's okay, a misunderstanding.

MR. VAN LEEUWEN: I left the Dutch flag over there where it belongs.

MR. ARGENIO: That's something that Mr. Van Leeuwen has been particularly passionate about for many, many years and it's very typical of him to ask an applicant to install a flag and he's always--

MR. REDL: Are there any requirements for the flag? Can it be a flag that's attached to the building or does it have to be a pole?

MR. VAN LEEUWEN: Pole.

MR. ARGENIO: Typically, it's a pole, we never get involved in dictating the size and where you put it but to proudly display the American flag at your facility

we'd be happy if you would help us with that.

MR. BROWN: Also, it's on Freedom Road that part of, you know.

MR. ARGENIO: I apologize for my part of the misunderstanding so we're good to go?

MR. REDL: It's okay.

MR. VAN LEEUWEN: He was only kidding me but I'll tell you I've been on this board over 30 years, okay, and I've always, always asked for a flag pole and there's people here in the audience that are shaking their heads cause they know, they've been sitting here a long time too. So moved.

MR. ARGENIO: Mr. Van Leeuwen has made a motion for final approval for the Guardian Storage facility on I believe it's Liner Road, is that right?

MR. REDL: Yes, it is.

MR. ARGENIO: Anybody second it?

MR. SHERMAN: Second it.

MR. ARGENIO: That motion has been made subject to the owner installing an American flag on a pole someplace visible in the front of the site somewhere.

MR. REDL: We'll probably put it in the vicinity of the office building at the entrance of the property.

MR. ARGENIO: That would be great and it's subject to Mark's comments. Roll call.

ROLL CALL

MR. SHERMAN	AYE
MR. VAN LEEUWEN	AYE
MR. BROWN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Thank you, Mr. Redl, for your time.

DURANTE RENTALS (15-03)

MR. ARGENIO: Durante Rental site plan on Route 300. The application proposes an equipment rental and sales establishment. The plan was reviewed on a concept basis only. Insomuch as Mark does not have lot of commentary in the introduction area, I assume that these plans are extremely conceptual, yes?

MR. DELASANDRO: Yes.

MR. DURANTE: Yes.

MR. ARGENIO: Who are you? What's your names?

MR. DURANTE: John Durante.

MR. DELASANDRO: Rob Delasandro, architect.

MR. ARGENIO: And you are?

MR. DURANTE: John Durante.

MR. ARGENIO: Where are you guys from?

MR. DURANTE: I live in Westchester, we're from Queens, Bronx, Mount Vernon and Elmsford.

MR. VAN LEEUWEN: I can tell from his voice that he's from Westchester.

MR. DURANTE: I'm actually an eight year member of the White Plains Planning Board as well.

MR. ARGENIO: I bet.

MR. VAN LEEUWEN: You're only a pup.

MR. DURANTE: That's it.

MR. ARGENIO: So what are you guys thinking here? Just for the edification of the members, this is, this location if you're to come out of the Guardian site that just received final approval and make a right on Union Avenue, head towards 207 just passed Moroney's before you get to the light on the right side is the former Mobil Station, this is the site. So Mr. Durante, tell us what your thoughts are on this piece.

MR. DURANTE: Well, would you like to start on the--would you like me to start on the plan?

MR. ARGENIO: Wherever you'd like to start.

MR. DELASANDRO: I'll start on the plan. So there's the existing service station building that's on the site, it's about 3,000 square feet and we're looking to add about 2,400 square feet to that to create an office space and use the three bays of the existing site for repairs and storage.

MR. ARGENIO: Just to be clear, the repairs would be for your own equipment?

MR. DURANTE: Own equipment plus customers' repairs as well. And it would be mostly small repairs cause any big repairs would get sent down to Queens to be repaired. So it would be like chainsaws, cutoff saws, the smaller types of stuff.

MR. ARGENIO: Per the code, Jen, isn't it supposed to be just repairs of his own equipment or--

MRS. GALLAGHER: Not in an HC Zone.

MR. DURANTE: Couldn't find any, you know--

MR. ARGENIO: Not looking for a problem, just want to avoid one.

MR. DURANTE: Thank you.

MR. DELASANDRO: So we'd be looking to maintain the two existing curb cuts as an entrance and egress from the site. Based on the additional square footage we'd be required to have 12 parking spaces. So we've added a little bit of paving at the rear of the site so we can have the 12 parking spaces plus a handicapped space, the trash enclosure that's behind the building. The front sections directly in front of the building and in between the two curb cuts would be temporary equipment storage for equipment that's coming in and out of the site as it's being returned or being picked up and then the corner of the site closer to 207 we'd be putting down just like gravel paving where we would store most of the more permanent equipment that's waiting to be rented.

MR. ARGENIO: What's that paving?

MR. DELASANDRO: Gravel.

MR. ARGENIO: I'm sorry, I misunderstood you.

MR. DELASANDRO: Right, so that would be for more of the display of equipment that's on the site or more longer term.

MR. VAN LEEUWEN: What's wrong with blacktopping, wouldn't that look better for your equipment, no?

MR. DURANTE: We have no issue blacktopping, we just know water drainage issues, we have no issue if that's what the board requires, we have no problem with that.

MR. ARGENIO: Well, I don't want to speak for Mr. Van Leeuwen but probably again knowing him his thought process is to just not have a dusty mess at the corner of Union Avenue and 207 and if you don't have a paved surface, it's going to be dusty. But that's down the road a bit so go ahead.

MR. DELASANDRO: So there'd be an office space, I know would be the new space then the existing service bays we'd be proposing landscaping right at the corner of Union Avenue and 207 and of course there'd be areas for landscaping at the rear of the site. Currently, the building meets the side and front setbacks but is too close on the rear but the new building we would be adding wouldn't make that condition any worse, it would keep, you know, the same.

MR. VAN LEEUWEN: How about a flag pole?

MR. DELASANDRO: Flag pole we could.

MR. DURANTE: It's right over here, you can't see it but--

MR. VAN LEEUWEN: You mean you're going to put it there?

MR. DURANTE: Dutch flag and American flag.

MR. VAN LEEUWEN: No, I left that over there.

MR. DURANTE: We'd be proud to put a flag.

MR. VAN LEEUWEN: I don't want to ever live there, I'll

visit but I don't want to live there, I like it right here.

MR. SHERMAN: The two buildings there are existing structures?

MR. DELASANDRO: This building is an existing structure and this would be an addition. Then there would be new six foot high fence around the perimeter with cantilevered sliding gates at the entrances and are they five feet, whatever you did in Elmsford.

MR. EDSALL: Says six.

MR. DELASANDRO: That's really more or less for security for you and more to just keep people off the site when it's not in operation.

MR. VAN LEEUWEN: That's a good idea. How high is the fence going to be?

MR. SHERMAN: What's the condition of the building?

MR. DELASANDRO: We looked at the building, the building is in good enough condition that we can use it for the intended use it was as storage bays.

MR. VAN LEEUWEN: I've been in it, it is.

MR. DELASANDRO: It's structurally sound.

MR. VAN LEEUWEN: I used to be a builder so I can tell.

MR. DELASANDRO: We did some, you know, conceptual plans and elevations, as we said, this is the existing building with the three service bays, there's an existing toilet room that we would refurbish and then have the new building would be an office, you know, rental counter, some display, some sales. We would, you know, this is sort of a conception of using the existing bays, putting in the new building which are with a little corner element with a tower, signage, you know, awnings that would wrap around the corner here that would be sort of with the logo lit up and this is kind of a side with that awning returning and this is the other side. There'd be windows on the two sides because this would sort of be like a small showroom.

MR. VAN LEEUWEN: There is a rental place, equipment rental place right down the road from you.

MR. DELASANDRO: Yes.

MR. VAN LEEUWEN: That's the third one come into town.

MR. DELASANDRO: Yes.

MR. ARGENIO: I think Durante I've rented from them before, Henry, and I think they rent different stuff than the other guy rents around the corner.

MR. VAN LEEUWEN: Didn't know that.

MR. ARGENIO: Blue Line over on 207 is more high stuff, Blue Line bought out Volvo recently, Blue Line bought them out, I think you guys are more homeowner.

MR. DURANTE: No, we're very much not homeowner, I think you probably rented from Durants, years ago they bought a company in Connecticut called Durants.

MR. ARGENIO: Apologize, very similar name. What do you rent?

MR. DURANTE: Construction equipment similar to what United and Blue Line do rent. The difference being that, you know, we do it on, we look for their crumbs, you know, United is a \$6 billion company. Blue Line is, I can't imagine, they're in the top 10 in the country, I forget if they're hundreds of millions or billions, we pick up their crumbs. So we deal with the contractors, we're doing very well with the crumbs. My facility in Queens is two miles from United Rentals, largest facility in the country, and it's doing amazing because if a guy's not doing 250, 300,000 a year from them, they don't care about them.

MR. ARGENIO: That's true, I can speak to that.

MR. DURANTE: We have someone that comes in, does \$20,000, they're our best client. We treat them like United treats the \$250,000 clients.

MR. ARGENIO: United is very independent, not that it matters to this board, but they tend to be focused on the bigger guys. So, okay, I do not want to do a market analysis.

MR. SHERMAN: It's a good niche.

MR. DURANTE: It's been great for us.

MR. ARGENIO: I want to read this note on Mark's comments here. The applicant indicates that the application use is proposed as a service establishment. In a review of how similar prior applications were classified, this writer, Mark Edsall, and Chief Enforcement Officer Gallagher, Jennifer sitting here, have determined the uses have been lumber and building material and equipment sales and storage which is now use B-18 of the HC Zone. As such classification of the plans bulk table is incorrect. For the B-18 use which requires special permit, the applicant would need some type of variances based on what is shown here. A referral to the Zoning Board of Appeals is necessary. So let me just talk a minute about this. Mark and I talked about this earlier today and I'm, Mark, I digress a little bit from what you had said earlier today or possibly digress is not the right word, maybe disagree is the right word. My opinion is we need more of a plan before we can refer this to zoning I think with more data on it, I mean, the members certainly can speak up.

MR. VAN LEEUWEN: No, you're right.

MR. ARGENIO: But I think we'd need a little bit more information on this. But one thing that does have me a little concerned and again, I'm going to ask the members what they think, is the applicant, it doesn't seem as though he's proposing to change the curb cuts at all but this is a change of use from what this building was. Now forget the zoning, it was a gas station. Now folks are going to be coming in and out of here with their pickup trucks and trailers with their, you know, their stuff on the back and whatever else they're dragging around. Mark, question to you, help guide the planning board a little bit, is that something that we would be sending to DOT? Would we be within our province to send that to DOT because of the change in use? Is that a reasonable statement or you think I'm crazy with what I just said?

MR. EDSALL: The DOT has always indicated that any physical work in the right-of-way mandates a referral. They have many times indicated that if the type of use on the site is changing to a degree that they should review the traffic patterns they have asked that it be referred.

MR. ARGENIO: Who determines that?

MR. EDSALL: I don't know that there's a hard and fast rule. Keep in mind, however, that this application in its previous forms many of which went through the planning board and failed to get to approval or got to approval and failed to be built.

MR. ARGENIO: That wasn't because of the planning board.

MR. EDSALL: No, no, not saying that, had gone to the DOT because DOT had concerns about traffic movements so this is a site that has been reviewed at least on a couple of occasions within the last probably 5, 10 years.

MR. ARGENIO: Your point is DOT is familiar with it?

MR. EDSALL: Yes, and they have noted to us that they have a concern.

MR. ARGENIO: At the end of the day, I don't know what the DOT's going to say because there's a traffic light down the road, they're not going to put a traffic light here.

MR. EDSALL: No, DOT had--

MR. ARGENIO: You're going to control the in and out movements at best.

MR. EDSALL: That's exactly what they had mandated in the past.

MR. ARGENIO: Yes.

MR. DURANTE: I brought, I asked the Mayor of Elmsford if he'd write a letter responding to this when we bought in Elmsford it was the same exact situation, we're on a major traffic corner, state road, worse traffic, 10 times worse traffic than I have here at the corner here and it took them about six months to approve me because of traffic. And they, I pitched to them that we're a very low traffic business and they laughed at me because most of the other rental houses are not part, part of our business we deliver the majority of the stuff we do, we're not very appealing to people coming in, we don't really rent bigger trailers, unless somebody has their own trailer or big

flatbed, we're not looking to get them. So they didn't believe, they said there's no way. They made me pay for traffic studies at two of my locations. I said this is no different than what I'm doing at these other two. They did the traffic studies, they came back and said we're not a heavy traffic facility. And then he did write me a letter saying it's been a year and we have approved that, so I can submit this to you guys.

MR. ARGENIO: Mr. Durante, I want to be clear with you, I am not advocating, I am not suggesting to the planning board that we compel you to do a traffic study. I'm only suggesting that we send it to DOT review cause it's their highway.

MR. DURANTE: Yes.

MR. ARGENIO: Lot of times they'd like to comment maybe one entrance will be in and out, one entrance will be in only, I don't know. And I certainly have no reason to doubt the validity of anything that you just said. So I guess, Mark, what I just heard from you is that it's up to the planning board.

MR. EDSALL: I would say relative to having more information on the plan, just from the further clarification from Mr. Durante on the uses, it seems that it's not just the single use that I'm referring to in my comment two. They in back roll in a couple uses that are less intensive, require less square footage and they would seem to be a mix of three different uses with one being the trigger that causes them to go to the ZBA.

MR. ARGENIO: Again, clarity on that would focus on particular specificity on what variances they would need to seek. We would have a concise understanding of that, let me just finish, in addition to that, Mr. Van Leeuwen just expressed some concerns about the, what would I guess be the south end of the lot, I don't think he's particularly thrilled with having a big gravel parking area there, I don't know that I agree or disagree with him. I'm not saying, I'd like to think about it a little bit, but that's something that the applicant should be thinking about a little bit.

MR. EDSALL: Correct. And as I stated, the three uses that I'm saying is there's retail, there's a repair component and then of course there's the rental business which was classified based on prior

applications under that special permit use. The zoning board would most likely be very interested to know that this is not 100 percent the use that requires the large property.

MR. ARGENIO: That's got to be cleaned up, man.

MR. EDSALL: I agree a hundred percent with you. So I think it will help them make their way through the zoning board cause they'll recognize that two of the three are closer to the area of the actual lot.

MR. ARGENIO: Let me go to my left here to Mr. Van Leeuwen and Mr. Sherman, what are you guys' opinion about referring this to DOT or not, Henry and David?

MR. VAN LEEUWEN: I'm for that cause I think one exit should be in and the other should be out and I think that's up to the DOT to say which is which.

MR. DURANTE: We have no problem doing that if that's what you guys requested.

MR. SHERMAN: Yeah, I agree with Henry.

MR. ARGENIO: Howard Brown, do you have any thoughts?

MR. BROWN: I think it's a traffic problem area definitely especially come around 3:00 in the afternoon they back right up, nobody will be able to get into your lot.

MR. ARGENIO: And here's where I'm at with this. The DOT or the town what we can say as my predecessor said many, many times we do have the ability to say how and I think Henry almost hit the nail right on the head when he said one entrance could possibly be going in and one could be coming out but, you know what, it's their highway, let them figure it out.

MR. DURANTE: Sure.

MR. ARGENIO: So I would suggest that, let me just read these other comments.

MR. VAN LEEUWEN: I know this property is pretty flat, okay, but I think you should have contour lines on this map cause all this map shows and I don't want to beak your horns, okay, all this map shows is a, what you're going to do and the pictures look good, can't deny that

but when we go into the files, we gotta have something that's precise and we need to know where this water is going to flow and how it's going to flow off the property.

MR. ARGENIO: They need to bring it along, I certainly agree with that.

MR. SHERMAN: This is very conceptual, he knows that.

MR. ARGENIO: So that's the deal, Mr. Durante, I think you need to get a little more specific on your plan, exactly what you're going to do where and I think at that juncture once, what's your name, sir?

MR. DELASANDRO: Rob Delasandro

MR. ARGENIO: Mr. Delasandro, and once you identify what you're going to do, where you're going to pave, exactly what you're going to do, Mr. Delasandro can illustrate and identify what variances you're going to need and by all means work with Jennifer and work--

MR. DURANTE: We're good with that, we didn't know we needed a variance.

MR. ARGENIO: Let me finish my point. Work with them, they'll figure out along with you guys what variances you'll need and we'll get you referred over there. And it would be great when we refer you if we had a set of plans that are at the next step. We don't need the final version of what you're going to do, I wouldn't expect it at that point, but the zoning board does need to see with some level of detail what you're going to do. Now you can make your point.

MR. DURANTE: Thank you. We honestly didn't know until an hour before we came that we were going to have to go to the ZBA. Originally, when we talked, it was okay as is under number two so we apologize, we would have had further detail.

MR. ARGENIO: No apology necessary.

MR. VAN LEEUWEN: It's got to come to this board to be referred, no choice in that.

MR. DURANTE: The other thing our plan is pretty set, we know what we're doing with the property, more up to you guys as to what you want.

MR. VAN LEEUWEN: Can I see a copy what the building's going to look like with the new mansard and all that?

MR. ARGENIO: Finish your point.

MR. DURANTE: Conceptually we know exactly what we're doing on the property. This is exactly what we've used to get the approvals in Mount Vernon and Elmsford, you know, we're ready to move forward as the plan is, we're here having you guys tell us what you'd like to see further.

MR. VAN LEEUWEN: You know there's one picture, can you take that one off, there's one picture.

MR. DURANTE: This one?

MR. VAN LEEUWEN: Yes.

MR. DURANTE: This is the Elmsford property that we purchased, an abandoned gas station, major, major corner on the corner of 9A and 297, that's a major traffic intersection.

MR. VAN LEEUWEN: Are you going to do something like that on this building too?

MR. DURANTE: This is what the final result was when we were done, this is what my yard looks like, any time you drive by three of my four stores, one is in an industrial area, it's hidden, we don't keep it the same way as the other three. This is what it will look like, the equipment is always well lined up. I've got one store on the highway to the White Stone Bridge, I have 225,000 people a day that pass by my store and when you drive by, it looks military how neat we keep things. We have an inspector that goes around once month to every store, he has a checklist of things to watch for. Every store has high definition cameras installed in the yards and inside, so we're constantly looking at the video, constantly on the phones, what's that piece of equipment doing there, no, no, get it lined up, get it straightened out. I'm on the planning board like you guys are, I know what it's like to have someone come in and you cringe as to what are they going to give me and what's really going to end up. I was on the Westchester Municipal Planning Federation Board for a few years so I care about what you guys care about. I want to give you guys a product on that corner, I'm

not the cleanest business, I know that, but I want to give you something you guys can be proud of when people, nobody's going to drive by and say what the hell's going on there, excuse my language.

MR. VAN LEEUWEN: I'd like to see you do something with the building and when you do the new addition tie that in but do something with a roof on it, something like that instead of a flat roof because the building now looks like an outhouse. We don't want this in this town, we want something that's--that's why I asked for the flag poles and I asked for different things because to me that's important. I'm only one member, to me that's important to make this town look good. We're right near the airport, okay, and you're right on the loop to go there to the airport, we gotta dress it up.

MR. DURANTE: We propose--what's it called, mansard?

MR. DELASANDRO: Raised parapet.

MR. DURANTE: On the old building we're raising the appearance of the roof to match the new building that's in the drawings as well to make it look like one contiguous building.

MR. VAN LEEUWEN: That's what I'm interested in, not interested in the way you line up the stuff, that's up to you.

MR. ARGENIO: Mr. Durante, Henry, let me just say something to you because I'm in the construction business, I'm going to tell you what, no kidding, and doesn't mean anything to anybody here but several project managers that work for me when I show up on a job site at the end of the day if all that heavy stuff is in a row like a bunch of soldiers it speaks volumes about the project manager. When it's like all over the place and, you know, one's here, one's there, that guy's a sloppy PM to me. But again, I don't want to get into it. Here's what I'm going to say to you. You said we're going to, you're asking us for input, I'm telling you design a site for us to look at that meets the plans, you know what your needs are, we don't know what your needs are. We need contours, we have to know where the water's going. At that point, we can get it to DOT, you know, show the pavement limits, Mark's going to look for a paving detail. Is there anything else in particular you want to mention?

MR. EDSALL: No. I would caution them if there are areas that you could use something pervious it's better because storm water's going to be a challenge if this entire area is paved.

MR. ARGENIO: Maybe you can use porous pavement.

MR. VAN LEEUWEN: Are you going to buy the building?

MR. DURANTE: We're in contract. The owner gave us 90 days to know we're getting approvals and I argued and said there's no way it's happening, that was the first week in April, he's not budging over on it. So we have another 40 days to know where we kind of stand with this or it's unfortunately a dead project for us.

MR. VAN LEEUWEN: I'm not going to speak for the chairman and I won't do that but we'll help you all we can to meet that but I'll tell you you gotta do things like everybody else does.

MR. DURANTE: Of course.

MR. VAN LEEUWEN: We need contour lines and we want to dress up the building because it is on the way to the airport.

MR. ARGENIO: Mr. Delasandro just a suggestion, you should probably work with like a civil engineer.

MR. DELASANDRO: We know that we did this plan, we had brought it in to Mark and at the time Mark said, you know, they're going to need more information to look at it but there were enough, you know, issues potentially with the site that he said get in front of the planning board, get their initial comments, you might as well get the ball rolling.

MR. ARGENIO: I agree with that.

MR. DELASANDRO: You know, we knew we still had work to do, we were in touch with the engineers who had done this survey I think in 2009.

MR. ARGENIO: So you're out in front of that and you agree?

MR. DELASANDRO: Right, absolutely.

MR. ARGENIO: Mr. Durante, about the pavement?

MR. DURANTE: Impervious pavement, the problem is it's sand makes it--

MR. ARGENIO: What he said porous pavement is what he said.

MR. DURANTE: Porous pavement, I've never used it before but sand will make it impervious.

MR. ARGENIO: DEC will accept it as porous pavement, the reality whether it chokes up or not is a different discussion.

MR. DURANTE: We can look into that.

MR. DELASANDRO: There are pervious paving systems.

MR. ARGENIO: What else can we do for you tonight?

MR. DURANTE: Just tell me what you're looking to do more with the building, if you would, Mr. Van Leeuwen, it's, so like I said, we're raising the roof.

MR. ARGENIO: I'm going to make you a suggestion, Mr. Durante, I mean I don't want to speak for Henry, I think that's nice, I think that if you added some color to the drawing you have I think that would help your ability to sell that building.

MR. VAN LEEUWEN: Now it looks like just an outdoor toilet, okay, it's gray, okay, cause it was Mobil, we want to dress up the town.

MR. ARGENIO: When I say color--

MR. VAN LEEUWEN: We don't want to break your horns.

MR. ARGENIO: If you're going to have colors on your building, put colors on that drawing cause that will give Henry an ability to see it and understand it better.

MR. DELASANDRO: Color rendering?

MR. ARGENIO: Yeah, I mean, we don't need anything crazy but a very basic color rendering would be very helpful, as he said, this is a busy area. Do you know what the traffic counts are there?

MR. EDSALL: I don't know.

MR. DURANTE: Thirty-two, it showed higher then there's been an update.

MR. ARGENIO: It was 40?

MR. DURANTE: It was 46 last year when we started looking at it, New York State updated the site and I think it shows 32.

MR. ARGENIO: Wow, I'm shocked, whatever it is it is. Okay, thank you.

MR. DURANTE: Thank you guys.

MR. ARGENIO: To be continued.

MR. DELASANDRO: Can I just clarify one thing, we would need to come back to you to be referred to the DOT and the ZBA at the same meeting?

MR. ARGENIO: Your application will be referred to DOT by Mark Edsall but you need to as a matter of procedure come here to be referred to ZBA and I'll give you my word, Mr. Durante, that if you get your ducks in a row, come here at the next meeting and you'll be referred at that meeting. We have no interest in dragging you out.

MR. DURANTE: Thank you, I appreciate that, yes.

MR. DELASANDRO: Thanks.

TRACTOR SUPPLY COMPANY (14-13)

TRACTOR SUPPLY COMPANY (14-14)

MR. ARGENIO: This application proposes, okay, just for the record, this is a subdivision or a lot line change I should say and a site plan, we're going to review them both concurrently so I'm going to read about the lot line change and I'm going to read about the subdivision. So Rod, if you can get your site plan up there as well too. Relative to the subdivision, the application proposes the subdivision of the overall parcel into two lots, one for development as part of the companion site plan application for Tractor Supply and the second parcel for future development. The lots will be served by a shared commercial accessway. The previous plan was previously reviewed at the 24 September 2014 and 11 March 2015 and 8 April 2015 planning board meetings. Relative to the site plan, the site plan application proposes site plan for 19,097 square foot retail establishment on the 4.75 acre parcel. The plan was previously reviewed at the 24 September 2014, 11 March 2015 and 8 April 2015 planning board meetings. So that said, Rodney?

MR. IVES: Rodney Ives. You can call me Rod.

MR. ARGENIO: So relative to the site plan, Mark, is there anything we need to particularly get focused on as a board on the site plan or is Rodney substantially buttoned up on that?

MR. EDSALL: He's in very good shape. As you recall, it's a detailed set of plans and there were quite a number of clean-up items that Rod and I had been working on getting resolved. The only items that are left are very minor in nature and are under comment number three and they're very minor.

MR. ARGENIO: Easement documents referred to in the site plan are needed for review prior to closeout of this application. Basic stuff. So any approval you receive whenever you receive it will be subject to that. Do you agree to that?

MR. IVES: I understand the lawyers are all working on it.

MR. EDSALL: You asked me on the site plan.

MR. ARGENIO: No, no, I asked you on the subdivision.

If I said site plan, I meant subdivision.

MR. EDSALL: Yeah, the subdivision side the SEQRA's done, you included it at a public hearing, even so, if you consider it you need it but you had one so you're way ahead of the game. The lot line change is ready for action.

MR. ARGENIO: Let's focus on the site plan which I already read into the minutes.

MR. EDSALL: That's where I had comment number three of the remaining minor correction actions on the plan, none there that I think are worth getting hung up on in a long discussion.

MR. ARGENIO: Looks like they're almost drafting comments, quite frankly.

MR. EDSALL: Most are.

MR. ARGENIO; Okay, Rod, talk to us, tell us what you've done here, what you've not done. We talked about the entrance, talked about a lot of things over the past few months.

MR. IVES: Yes. At the public hearing in April, comment was about the widening of the driveway. We previously had shown a 30 foot driveway, we're now at 35 feet.

MR. ARGENIO: There's right out, left out and people coming in hopefully not all at the same time?

MR. IVES: Hopefully not. And one of the exhibits, we have submitted exhibits, not sure how to integrate them into the site plan package, was the truck turning movements for somebody coming south or for a truck coming south or truck coming north to get into the ProBuild site through the shared access. Actually, I have that exhibit. We have designed the curb lines to get back into the ProBuild site.

MR. ARGENIO: I'm sorry, Rod, go ahead.

MR. IVES: We just--

MR. ARGENIO: So the movements work you're telling me?

MR. IVES: Yes.

MR. EDSALL: Yes, that was one of the submittals and as they're calling it the tractor trailer movements demonstrates that access to ProBuild is functional with the curb cuts as proposed.

MR. ARGENIO: Where are we at with DOT?

MR. IVES: We submitted drawings, working on getting the permit.

MR. ARGENIO: Did they make comments? What's the story?

MR. IVES: We're in that back and forth of, they're with the one driveway the 35 foot width is within their permitted width for a 45 mile per hour road, so everything right now meets their standards and we're just trying to get the DOT pay item numbers, the protection of traffic plan, get all those nitty gritty items.

MR. VAN LEEUWEN: Who are you dealing with at DOT?

MR. IVES: Mike Sassi, he's the permit engineer for the region.

MR. ARGENIO: So I'll just read through Mark's comments while you're talking, we talked about county at length, I think at the last meeting or the meeting before, I don't remember. Do you remember, Mark?

MR. EDSALL: I believe at the last meeting you touched on the county's comments as well.

MR. ARGENIO: About the heat radiating off the pavement.

MR. EDSALL: That and I believe they commented relative to this board requiring some type of a traffic study but we leave those studies, this is really a turning movement issue more than anything.

MR. ARGENIO: Our position was the traffic is what it is, we can't make it more or less and this is more of a turning issue that we have referred to the DOT. Rod, do you have Mark's comments?

MR. IVES: I do.

MR. ARGENIO: Tell me about item number four.

MR. IVES: I've talked to Tom Lucchesi, the initial plan he reviewed which was back in February had the two driveways because of DOT, we had to remove that and through that we had to remove the driveway, just made sense to remove the driveway on the south part of the site. Mr. Lucchesi commented that he needs 360 degree access to meet New York State Fire Code. Today there was some back and forth with the e-mails and whatnot, I was able to show that we can get the town's largest piece of apparatus through the gates for the outdoor storage area and come through the gates and then out. And what we're going to do is provide Knox boxes on the gates so the fire department even if the store's closed and those gates are closed, the fire department will be able to get through there.

MR. ARGENIO: So what's this comment about, a turnaround, did you mention that or did I miss you mentioning that?

MR. IVES: We had two options, Tom and I talked about two options, one being if I could prove that the apparatus could come through the outdoor storage area or provide a turnaround so if the fire truck is here it could turn around and get out.

MR. ARGENIO: So what of it?

MR. IVES: Well, we showed that through an e-mail today, we showed that the apparatus could come through the gate without hitting the gate, come through and then come out through the parking lot without any conflicts.

MRS. GALLAGHER: I was a part of this whole e-mailing thing today and Rod was going to check with your client to see what you wanted to decide on doing and Inspector Lucchesi is fine with that if we have keys to this gate I guess it's going to be open during the day.

MR. IVES: During the day these are open because they have somebody out in the yard.

MRS. GALLAGHER: Then when it's locked at night they'd have the keys and the Knox box and the fire department would be able to get them.

MR. IVES: Yeah, and the owner of DMK was agreeable to

that and those will show up on the architectural drawings, I can even spec that out on a key note.

MR. ARGENIO: Just slow down, I don't understand. So am I hearing that they're okay with the fire trucks going through the fenced area? Somebody can prove that they can make it through? If so, has it been proven? I don't understand. Jennifer?

MRS. GALLAGHER: Well, this was all done--

MR. ARGENIO: I don't understand why this is not tight and crisp at this point.

MRS. GALLAGHER: Just decided today in e-mails.

MR. ARGENIO: Why, why did it take the meeting tonight? Why wasn't it addressed long before tonight?

MR. IVES: I got comment last week through a phone call and just scheduling wise.

MR. ARGENIO: You're busy, okay.

MR. IVES: Extremely, so I apologize.

MR. ARGENIO: Explain it again.

MRS. GALLAGHER: What they're going to do is they're going to, these gates will be open during the day, fire truck is able to go through this gated area. At night when it's locked, God forbid something happens, there's a fire there, they'll have access through the Knox box having the keys to those gates to be able to get in.

MR. ARGENIO: Where is the Knox box going to be located?

MR. EDSALL: On the fence.

MR. IVES: Right on the fence.

MRS. GALLAGHER: Yup, and the fire department has their own key to get into these.

MR. ARGENIO: Henry?

MR. VAN LEEUWEN: What if there's equipment and forklifts standing in that?

MR. IVES: There won't be, they always keep this clear.

MR. VAN LEEUWEN: I'd rather see them come around this way to be honest with you.

MR. EDSALL: Mr. Chairman, the current State Code requires that if you go 150 foot into let's call it a dead-end run of a road with a fire apparatus, you have to either have a loop road or if you went 150 feet you have to provide means to turn around. The old code didn't have this, it's now required. So that was the trigger they're over the 150 in the back only, the front they can loop around. So originally, they proposed going through and Tom Lucchesi had no issue with it. And I raised the problem that's great during the day, what happens when they lock up at night. That's when Tom said we have no problem, we'd rather drive through than have to back up. So that's when the Knox box came up. Worst case scenario, believe me there are reverse gears in fire trucks, worst case scenario, it's not the intended design.

MR. ARGENIO: That's coming from an ex-fireman. Where is Ken Schermerhorn?

MRS. GALLAGHER: He's on other projects, he's not on this.

MR. EDSALL: Tom Lucchesi is.

MR. ARGENIO: Not that I doubt Tom but this whole thing is a little convoluted to me.

MR. EDSALL: I had a long discussion, you do not park fire apparatus within the building area when you're fighting the fire.

MR. ARGENIO: You park them outside.

MR. EDSALL: It's when you're leaving that you want to have the convenience of not having to back up. So they're not going to be in that area during an event, it's only when they're leaving.

MR. ARGENIO: Let's not beat it up, okay. Let me just read this. Fire hydrant should be located near the northeast or northwest corner of the building, did you do that?

MR. IVES: I know you're not too keen on getting

revised plans the day of a meeting.

MR. ARGENIO: Not too keen, I won't accept them.

MR. IVES: Comment was to move the hydrant, we're showing it.

MR. ARGENIO: Rod, I say to you why now, why not a week ago, why not two weeks ago?

MR. IVES: Well, the submitted plans is what he reviewed so that's what I have here tonight. I've moved the hydrant on the plan, Tom and I simply talked about the hydrant.

MR. ARGENIO: My point is, my point is that we should have the plans here tonight that show the relocated hydrant and that relocated hydrant should have been relocated long ago because I seem to remember this comment from a prior meeting.

MR. IVES: The--

MR. ARGENIO: The hydrant comment.

MR. IVES: The comment was to add the comment, I just got the comment last week to relocate it further up closer to the drive island so that's what we've done.

MR. ARGENIO: We talked about the shadow parking, I think, I feel like I'm the only one talking, Howard and David, I feel like Henry's the only one talking, if you other two guys have any comment, please speak up. We talked about the shadow parking, I think we talked about it at length. And I think we're resolved with that. Mark or Jennifer, we had shadow parking on another project and we had surety in place to make sure that if it needed to be built, it would be built. I think we should probably maintain a consistent posture unless there's something wrong with that surety process. What was that process?

MR. EDSALL: My recollection we require that the value of the improvements be posted in bond form, form acceptable to the town and that that security stay in place for three years following the C. of O. And at the point of three years, code enforcement side, our office would review it, as long as there's no problems having occurred, it would be released upon recommendation of the planning board who would

authorize release.

MR. ARGENIO: Are you okay with that?

MR. IVES: Absolutely.

MR. ARGENIO: I don't imagine you wouldn't be, pretty reasonable.

MS. MC MILLAN: Mr. Chairman, just so the applicant is aware that will be in a separate agreement, if the planning board decides to move forward with the project. The last time we did that type of shadow parking was in a separate agreement so it gives the town a mechanism for enforcement.

MR. IVES: Separate from?

MS. MC MILLAN: The resolution, we call it a developer's agreement.

MR. IVES: Right, I remember, okay, that's for three years?

MR. EDSALL: From the C. of O.

MR. ARGENIO: In Mark's comments, he's got some bullet points there that we should be looking at relative to the shadow parking.

MR. IVES: You see where they wanted us to remove the entrance.

MR. ARGENIO: I'm going to speak for a second on this. Members, please follow me or let me just ask you a question, Rod, first on drawing C4, what is that bizarre looking stippling on the top on the roadway, what's that indicate, heavy duty pavement?

MR. IVES: We have four different pavement sections, we have pavement section that's out in the DOT right-of-way, we have the town's standard pavement section for the cross access, so we tried to denote that and then we have the heavy duty pavement for our site and then a standard duty pavement up in the parking lot.

MR. ARGENIO: Okay, I'm going to make a suggestion to the members here and you guys can take it or don't take it or do something different. It seems to me that

Mark's comments do not contain a great deal of heavy lifting, quite frankly, comment three is almost like drafting stuff, well, it's not drafting stuff, it just cleans up things but they need to be cleaned up. This fire thing with Tommy Lucchesi, if those guys are okay with it, typically this board is okay with it. Rod, thank you for widening the entrance, this board requested that, we requested that cause we're town residents and we sit here because we should know these type of things where traffic jams occur or where they don't occur, how to fix them is a decision of an engineer and Mark's recommendation of widening that driveway and us recognizing that it could be a potential problem and you acknowledging that yes, you'll do what you need to do, we appreciate that. You took care of the turning movements going in and out of the site, we talked about that. We talked about the land banked parking. There's a couple things in my opinion that I don't want to use the term troubling but I think they need to be done before you get final approval and I'm going to tell you what they are with specificity. I'm going to tell you that this is only me speaking, guys, each one of you can talk when I'm done. I think you need to button up the hydrant thing, it needs to be shown where it needs to be shown and it needs to be done. I think you need this to button up the thing where Tommy Lucchesi, Fire Inspector, our code enforcement folks, this is a bit of an unusual approach the way you guys are approaching this. And I say you guys, I mean Jennifer and you and Tom which I don't take exception but it's got to be buttoned up. I need an approval from the fire inspectors. And what was the last thing, DOT thing, try to get it squared away with the DOT. And in my mind, these are each taken individually as a minor item but collectively I think they represent something that's significant. If you can get those three things buttoned up, David, this is, in my opinion, Henry, only my opinion, if you can get those three things buttoned up, I think you're ready for approval. And quite frankly, I would be ready to offer you that approval without you even coming in to show up, as long as Mark can represent that they're taken care of at this meeting. So that's my opinion. But Howard or David or Henry, you guys tell me what you think, the site's come a long way, Rod has been extremely cooperative with all this stuff he's been doing and addressing and that's what I think.

MR. VAN LEEUWEN: I have no problem with what you said.

MR. ARGENIO: Am I close?

MR. VAN LEEUWEN: You're very close.

MR. SHERMAN: Do you want a letter from the fire inspector, would that help?

MR. ARGENIO: I'd like to know with no gray area that that's cleared up, I'd like, the hydrant should be relocated and as I said, I promise you you don't even have to come to the meeting, just get yourself buttoned up. You're going to ask me for approval subject to and I'm going to say get the plans squared away, you don't even have to come to the meeting and we'll give you approval.

MR. IVES: I'd ask when is the next meeting?

MR. ARGENIO: Two weeks.

MR. IVES: The issue is on my client's side they're being told by the owner that they have to close by May 31st so they won't close on the property if they don't have planning board approval.

MR. ARGENIO: Bring them a copy--

MR. VAN LEEUWEN: You have to have a subdivision and site plan approval.

MR. ARGENIO: Bring them a copy of the minutes, of tonight's minutes, get the plan cleaned up and we'll give you final approval. Rod, look at me, no issue, just get it squared away, that's all.

MR. BROWN: It will be in the minutes.

MR. ARGENIO: It will be in the minutes as part of the public record.

MR. IVES: As far as squared up with DOT, do you want final permit in hand cause I know that's--

MR. ARGENIO: No, I would like you to make an affirmative statement that they're accepting your layout here. I'd like an affirmative statement that they're accepting your layout, you don't need the permit.

MR. IVES: Okay.

MR. ARGENIO: Because that would be unreasonable. I'd like to see this, I'm not asking for that, just that they endorse what you have there, something that we can remotely interpret to mean they endorse what you've shown.

MR. IVES: Okay.

MR. VAN LEEUWEN: Years ago we wouldn't approve it until the DOT gave you a permit.

MR. ARGENIO: But it's a different economy now.

MR. VAN LEEUWEN: Things are a little different than they were.

MR. IVES: I do have a flag pole.

MR. VAN LEEUWEN: I looked for it already.

MR. IVES: I just wanted to point it out.

MR. ARGENIO: Am I sufficiently clear?

MR. IVES: Yes, sir, I'm not sure how the schedule works with my client but I'll go back to them with this.

MR. ARGENIO: You're ready to go.

MR. SHERMAN: Just take the minutes.

MR. IVES: But when can I get a copy of the minutes?

MR. ARGENIO: Off the record.

(Discussion was held off the record.

Whereupon, following which, these further proceedings transpired.)

MS. MC MILLAN: Lot line change.

MR. IVES: How about the lot line change?

MS. MC MILLAN: The only remaining comment with regard to the lot line change we'll need to see the easement,

the commercial access agreement as a condition of that approval.

MR. ARGENIO: We talked about that, yes, that's number three, right?

MS. MC MILLAN: Yes.

MR. ARGENIO: Anything else procedurally preventing that?

MRS. GALLAGHER: Just if your major concern is my department with that, the fire inspector stuff.

MR. ARGENIO: It's all these items together.

MRS. GALLAGHER: I can assure you what we discussed here was 1,000 percent okay with my office.

MR. ARGENIO: I don't doubt you at all, let's get tidied up.

MRS. GALLAGHER: Okay.

MR. ARGENIO: I'll accept a motion for lot line change approval for the Tractor Supply site plan subject to Mark Edsall's comments.

MR. BROWN: So moved.

MR. SHERMAN: Second it.

MR. ARGENIO: Motion made and seconded we offer final approval for the lot line change for Tractor Supply. I'll have a roll call.

ROLL CALL

MR. SHERMAN	AYE
MR. BROWN	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: You're good, and if you need your, the person you answer to call me, I'll give you my number, you can have him call me.

MR. IVES: I'll handle it first then I might be in contact.

MR. ARGENIO: Off the record.

(Discussion was held off the record. Whereupon,
following which, these further proceedings
transpired.)

MR. EDSALL: What else do we have keyed up for the next meeting's agenda? You might be coming in just for this.

MR. ARGENIO: If we don't, we can have a vote via e-mail. What's the matter?

MR. EDSALL: I'm looking at the attorney.

MS. MC MILLAN: I have to handle the Orange County Planning Board Department's binding comments. Orange County Planning Department issued binding comments.

MR. ARGENIO: All we need is a majority plus one.

MS. MC MILLAN: I don't know if you want to consider doing that tonight and do conditional final.

MR. ARGENIO: Say again.

MS. MC MILLAN: I don't know if you want to consider doing that vote tonight and then saving the conditional final approval for the last vote maybe via e-mail or if you want to wait on the planning board.

MR. ARGENIO: We don't have conditional final, we have final or we don't?

MS. MC MILLAN: We don't, we have--

MR. ARGENIO: There is no conditional final approval process in New Windsor or preliminary final approval except for when they need to go out for outside agency approvals. What do we call that?

MR. EDSALL: You lost me. There's no such thing as preliminary site plan approval but there is conditional site plan approval.

MR. ARGENIO: To go out and get outside agency approvals.

MR. EDSALL: No, conditional site plan approval is when you're granting final approval and you do it with conditions.

MR. ARGENIO: You're trying to date me there.

MR. EDSALL: No, you lost me somewhere.

MS. MC MILLAN: All I want to make clear is we have to handle Orange County Planning Board Department's binding comments. I'm not sure we should do that via e-mail.

MR. IVES: Can we make an approval conditioned on, I understand where you are, I promise you we'll get these buttoned up.

MR. EDSALL: Can we go off for a minute?

MR. ARGENIO: Let's go off for a second.

(Discussion was held off the record. Whereupon, following which, these further proceedings transpired.)

MR. ARGENIO: Okay, we were off the record just for a couple minutes and Mark had, and Jennifer collectively enunciated and affirmed the position of the fire inspector and that they worked very hard to get this thing tied up today with the anticipation that they were serving this applicant in the Town of New Windsor by trying to do the best they could so he could potentially get final approval tonight. So having heard them elaborate a little bit, I'm going to poll the board. Would the board consider a conditional final approval subject to what Mark is going to read into the minutes in just a moment? Would you guys consider that?

MR. BROWN: Yes.

MR. SHERMAN: Yes.

MR. VAN LEEUWEN: Yes.

MR. ARGENIO: Veronica, you want to make a point?

MS. MC MILLAN: I just want to point out we have to consider overriding the Orange County Planning Department's comments before we--

MR. ARGENIO: We did, we considered them two meetings.

MR. EDSALL: You have to put in there specifically that you're, that you have considered their comments and that you're overriding them and give reasons why you're not going to address them.

MS. MC MILLAN: And there has to be a majority vote plus one.

MR. ARGENIO: That's brand new.

MR. EDSALL: This is a safe way of doing it.

MR. ARGENIO: It's brand new, Mark.

MR. EDSALL: We normally include it in the approval resolution, here we're just going to put a bow on it to make sure it's very clear that you've considered them.

MR. ARGENIO: I'm going to very briefly read a little narrative into the minutes. They comment, Orange County comments on traffic and if my memory serves me, we determined that this lot is a developable lot on the Temple Hill Road corridor and that other applications have come through that have a substantially and significantly higher impact count, some had higher traffic counts, that is some senior citizens, some residential housing, some multiple family developments. It's the planning board's opinion that that traffic in that area is what it is and we really have no ability to make it more or to reduce the traffic that's there now. This is probably a good use for this site given what's there.

MR. EDSALL: Mr. Chairman, just to supplement that, the two specific binding comments was that you require a cross-connection between this property and a completely separate owner adjacent to the south that would introduce the need for a co-application and there was no interest on the applicant's part to bring a separate party into the application. That's what we were advised. And secondly, the traffic study is what you're basically overriding, that you referred this to DOT knowing that DOT has done traffic studies and is

completely familiar with the Five Corners.

MR. ARGENIO: And we have no power to effect that signal or--

MR. EDSALL: Or effect turning movements, that's DOT's jurisdiction and in fact, DOT has implemented corrections or changes to the plan as a result of the referral.

MR. ARGENIO: Veronica, what else are you concerned about here?

MS. MC MILLAN: Just that the board vote on overriding those comments and it's because the planning department issued binding comments, normally they make a local determination with some advisory.

MR. ARGENIO: I'll accept a motion that we override those comments based on what Mark and I just discussed.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. SHERMAN	AYE
MR. BROWN	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Anything else?

MR. EDSALL: No.

MR. ARGENIO: I even forgot where we left off.

MR. EDSALL: If you want to consider the conditions of approval.

MR. ARGENIO: We talked about, guys shared with us some details about your discussion, so we're at the point where we're looking at conditional final approval, we're at that point for a vote. I'll accept that motion.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Conditional final approval has been made or condition, a motion for conditional final approval has been made. I'll have a roll call, made and seconded, Howard seconded it. Roll call subject to Mark's comments.

ROLL CALL

MR. SHERMAN	AYE
MR. BROWN	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: And this is subject to Mark's comments and Rod, I'm going to ask you that these changes to this plan are made in the next seven calendar days. Can you get that done?

MR. IVES: Yes.

MR. ARGENIO: I'd appreciate that if you'd do that, get them done, get them submitted to Mark so he's good with them and note to yourself, the approval is subject to these changes being done.

MR. IVES: I fully understand, appreciate it.

MR. ARGENIO: Motion made and seconded and we had a vote.

MR. VAN LEEUWEN: You're lucky.

MR. ARGENIO: Anything else, professionals?

MR. EDSALL: No. Thank you.

MR. ARGENIO: Okay, thank you. Okay, so let's just go--Rod, you're good?

MR. IVES: Yes.

MR. ARGENIO: Off the record.

(Discussion was held off the record. Whereupon, following which, these further proceedings transpired.)

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MR. ARGENIO: Good luck to you. Thank you for being so accommodating.

DISCUSSION:

MEADOWBROOK ESTATES (01-42)

MR. ARGENIO: Meadowbrook. Mark?

MR. EDSALL: It's my understanding that the major subdivision is seeking an extension of conditional final approval. I don't have the letter before me but is that, Cammy what--

MRS. AMMIRATI: Hold on, you'll know in two seconds

MR. EDSALL: Is that what they're looking for?

MRS. AMMIRATI: Yes, unfortunately, they gave us the wrong date here.

MR. EDSALL: As you recall, there was a phase one which was a conveyance of the property to the town, this would be an extension of the conditional approval for the overall major subdivision.

MR. ARGENIO: Any recommendations on we shouldn't consider that?

MR. EDSALL: No, I would say you're authorized, especially since the state legislature has given you carte blanche to extend.

MR. ARGENIO: What is it two 180 day approvals?

MR. EDSALL: Used to be 180 plus two 90s, I think now you can continue to give 90s until the cows come home so it's 90 days.

MR. VAN LEEUWEN: So moved.

MR. ARGENIO: Motion has been made we offer a 90 day extension to Meadowbrook.

MR. BROWN: Second it.

ROLL CALL

MR. SHERMAN	AYE
MR. VAN LEEUWEN	AYE
MR. BROWN	AYE
MR. ARGENIO	AYE

32 PLAZA (12-14)

MR. ARGENIO: 32 Plaza conditional final approval extension.

MR. EDSALL: Yes, that's a local issue because the town, it's called, the state law doesn't have expiration of site plans, but the local law does and in the spirit of paralleling the state law, you may want to grant 90 days onto this one as well.

MR. ARGENIO: Should we do 180 just so we don't have to clog things up in the future or is there a downside?

MR. EDSALL: I don't think there's any downside and I think because it's purely a Town of New Windsor law I would think you'd have the flexibility.

MS. MC MILLAN: I agree.

MR. ARGENIO: Okay, Henry, did you have question?

MR. VAN LEEUWEN: I want to know where it is.

MR. EDSALL: This is the Cowan's Jewelry site.

MR. VAN LEEUWEN: They started work there couple weeks ago.

MR. BROWN: No, that's the awning and the patio.

MR. ARGENIO: It's right near there. I'll accept a motion for 180 day extension for Route 32 Plaza site plan.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. SHERMAN AYE

MR. VAN LEEUWEN AYE

MR. BROWN AYE

MR. ARGENIO AYE

MR. ARGENIO: Guys, anything else? Motion to adjourn?

MR. BROWN: So moved.

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MR. VAN LEEUWEN: Second it.

ROLL CALL

MR. SHERMAN	AYE
MR. VAN LEEUWEN	AYE
MR. BROWN	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer