

TOWN OF NEW WINDSOR

PLANNING BOARD

March 9, 2016

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

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

VERONICA MC MILLAN, ESQ.  
PLANNING BOARD ATTORNEY

JENNIFER GALLAGHER  
BUILDING INSPECTOR

STEPHANIE RODRIGUEZ  
PLANNING BOARD SECRETARY

ABSENT: HENRY VAN LEEUWEN

MEETING AGENDA:

1. 1st Ask Realty Mobile Home Park
2. Windmere Estates
3. New Windsor Fire Department
4. Weikfield Windsor Development
5. Meadowbrook Estates

**REGULAR MEETING:**

MR. ARGENIO: Welcome everybody to the regular meeting of the Town of New Windsor Planning Board for Wednesday March 9, 2016. I'll call the meeting to order. Everybody please stand for the Pledge of Allegiance

(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: Also joining us tonight is Shawn Arnott from Mark Edsall's office. I guess he's the new guy so everybody, that's Shawn Arnott sitting behind Mark.

APPROVAL OF MINUTES

MR. ARGENIO: If anybody sees fit, I'll accept a motion on the approval of the minutes dated 2/10 of '16 and sent out via e-mail on 3/1 of '16.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded that we accept those minutes as written. I'm going to give you one caveat to that, give me your number, there was a couple of terms that we used there when we talked about the blacktop so I'll just give you a call.

ROLL CALL

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

MOBILE HOME PARK REVIEWS:

1ST ASK REALTY MOBILE HOME PARK

MR. ARGENIO: Somebody here from 1st Ask Mobile Home Park? Come forward, ma'am. Ma'am, what's your name?

MS. SHAH: Kashmina Shah.

MR. ARGENIO: How many mobile units do you have?

MS. SHAH: Nine.

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

MRS. GALLAGHER: Yes.

MR. ARGENIO: What do you have to say?

MRS. GALLAGHER: Everything is good.

MS. SHAH: I have a check, I didn't know where to make it out to.

MRS. GALLAGHER: Just Town of New Windsor.

MR. ARGENIO: For \$250, check's not going to bounce, right?

MS. SHAH: Definitely not.

MR. ARGENIO: That said, I'll accept a motion for one year extension

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that we offer one year extension for 1st Ask Realty Mobile Home Park.

ROLL CALL

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

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MR. ARGENIO: Okay, ma'am, you're good to go. Take your time, you can give that to Stephanie as soon as you're done.

WINDMERE ESTATES

MR. ARGENIO: Windmere Estates Mobile Home Park. Yes, what's your name?

MR. JOHNSON: Richard Johnson.

MR. ARGENIO: How many units do you have out there?

MR. JOHNSON: We have 95, 96.

MR. ARGENIO: Where is your park?

MR. JOHNSON: Off Mt. Airy Road.

MR. ARGENIO: Jen, has somebody from you office been out there?

MRS. GALLAGHER: Yes, we have no problems at all with Mr. Johnson's park.

MR. ARGENIO: Do you have a check made out to the Town of New Windsor for \$570?

MR. JOHNSON: I do.

MR. ARGENIO: That said, and inasmuch as the building inspector says everything is in order, motion?

MR. BROWN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: That's for a one year extension for Windmere Estates Mobile Home Park on Mt. Airy Road. Roll call.

ROLL CALL

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

REGULAR ITEMS:

NEW WINDSOR FIRE DEPARTMENT (15-17)

MR. ARGENIO: New Windsor Fire department. I see you, Steve Drabick, in the audience. Mr. Babcock, how are you today?

MR. BABCOCK: I'm doing very well, how about you?

MR. ARGENIO: Okay, Steve, tell us where we're at with this?

MR. DRABICK: Well, we were at zoning board in February and we were successful in getting all the variances that we asked for.

MR. ARGENIO: They agree that these lots are in kind with the neighborhood and they're very much appropriate?

MR. DRABICK: Exactly. And in addition, based on the recommendation from the zoning board, we picked up one additional variance which would allow anybody who is going to develop one of these properties the choice of being able to put a slightly smaller house on the lot than what's required by current zoning so that was an additional variance.

MR. ARGENIO: What was the additional variance?

MR. DRABICK: Less minimum livable area.

MR. ARGENIO: Coverage?

MR. DRABICK: Livable floor area.

MR. ARGENIO: It makes sense you're asking for a smaller lot, putting a smaller house.

MR. EDSALL: I wanted to make sure that the revised number was on the table. I didn't see that that was granted as well but it's covered,

MR. ARGENIO: Okay?

MR. EDSALL: Yes.

MR. DRABICK: Other than that, the plan hasn't changed from what the board had looked at before, other than

the fact that the note was added about the variances and I have also added some construction details.

MR. ARGENIO: So, Jack, you guys are going to sit on this I guess for now, the fire department is going to sit on this for now?

MR. BABCOCK: Definitely, you won't see no for sale signs up in there.

MR. ARGENIO: You guys can do what you want, fine with us, just curious for my own purposes.

MR. BABCOCK: This is our money in the bank hopefully.

MR. ARGENIO: That's good, you guys do good work and you deserve a break.

MR. BABCOCK: We contacted several of the neighbors when we went in front of the zoning board I personally went around the neighborhood, got letters from them, no objections, nobody objected at the meeting, so we had American Legion Commander come speak on our behalf, we also had the president of the little league, I met with him and went over the property, they didn't know where their boundaries were, they were very pleased.

MR. ARGENIO: You covered all your bases.

MR. BABCOCK: Yes, sir, been there before.

MR. ARGENIO: No pun intended.

MR. BABCOCK: Been there before.

MR. ARGENIO: Anybody have any questions, members? Harry, Howard, you look like you want to say something?

MR. BROWN: No.

MR. ARGENIO: I think we're clear to take lead agency on this, I'll accept that motion.

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board declare itself lead agency for the Walnut Street minor subdivision owned by the

New Windsor Fire Department. I'll have a roll call.

ROLL CALL

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

MR. ARGENIO: Under SEQRA, unless I'm missing something here, I'll accept a motion for a negative dec if anybody sees fit?

MR. FERGUSON: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board declare a negative declaration under the SEQRA process for Walnut Street minor subdivision. Roll call.

ROLL CALL

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

MR. ARGENIO: Mark, is there any other technical items other than number four that we need to talk about?

MR. EDSALL: I think four is the only procedural item left.

MR. ARGENIO: So I'll talk to my, I'll ask the members what they think about item number four of Mark's comments, which is the public hearing. Personally, I don't see the need for it insomuch as we're only talking about the subdivision at this point and I'm quite sure that Mr. Babcock has accurately represented his efforts in the neighborhood.

MR. GALLAGHER: I agree.

MR. BROWN: I'm good.

MR. GALLAGHER: I don't see that the houses are over,

they match the area, so I'm fine with that.

MR. ARGENIO: Make a motion to waive that?

MR. GALLAGHER: I'd like to make a motion to waive the public hearing.

MR. BROWN: Second it.

MR. ARGENIO: That we waive the public hearing on this application. Roll call.

ROLL CALL

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

MR. ARGENIO: Mark, is there anything else?

MR. EDSALL: Just for the record, this subdivision application does not include any public improvements so there's no need for a cost estimate nor are there any inspection fees associated with the application. So the planning board can move forward to close it out.

MR. GALLAGHER: Make a motion for final approval for Walnut Street minor subdivision.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board offer final approval to the Walnut Street minor subdivision owned by the New Windsor Fire Department. Roll call.

ROLL CALL

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

MR. ARGENIO: Thank you, Mr. Babcock.

MR. DRABICK: We thank the board.

WEIKFIELD WINDSOR DEVELOPMENT (15-01)

MR. ARGENIO: Weikfield Windsor Development minor subdivision. This is the subdivision over on Station Road. What's your name, sir?

MR. PETERS: Zachary Peters with Mercurio, Norton, Tarolli and Marshall.

MR. YANNONE: Ray Yannone.

MR. ARGENIO: Ray or Mr. Peters, can you please tell us why we're here, what we're here to talk about tonight cause we don't have a listed item here but I'm aware of what's going on but the members are not so please.

MR. PETERS: We have a brief update on where we are at in terms of the approval process and I think Ray can give a process as far as what's going on at the site. We're currently working with the Department of Health and DEC for their review and approvals. I know we pretty much worked through that, we expect that to be wrapped up shortly. We have done, this is a blowup of the phasing plan that was included on this preliminary subdivision sheets showing the three phases that they're looking to complete the construction in, I think that's the reason we came here tonight was to kind of get an update on that in terms of how to proceed.

MR. ARGENIO: So Ray, you have final, don't you?

MR. YANNONE: We have preliminary subject to this Board of Health and DEC.

MR. ARGENIO: What's the status of Board of Health and DEC at this point?

MR. PETERS: They're essentially done, DEC notice is completed tomorrow so that should be wrapped up before the end of next week, I would assume and DOH is almost complete too. I think that would be finished by the end of the month, we did all the test wells and test pits and addressed their comments.

MR. ARGENIO: So Mark, what's the action with this tonight specifically?

MR. EDSALL: The applicant for purposes of constructing their model had obtained permission from the planning board to construct I believe it was the first 300 feet--

MR. YANNONE: Four hundred.

MR. EDSALL: -- of roadway.

MR. ARGENIO: They built that stub road last year.

MR. EDSALL: And put in sub-base to build to access their development lot for this model. At the point in time, they've requested that they get permission to clear and grade within the roadway right-of-way and go in. So I guess as far as bringing in the sub-base and all that work to be at their own risk in preparation of a final plan, they want to, they will not put any permanent improvements but they do want to do the grading and get the roads on grade and put in the sub-base. We have real concern with that, of course it is at their own risk and they're close to approvals so they just need board approval.

MR. ARGENIO: What is it for, Ray, it's not for the first 400 feet cause the first 400 feet of road is built.

MR. YANNONE: The model house is here, the stub that we have here is at the detention area so we have a long drive going to the house. So we'd like to grade this to the end of phase one, maybe clear some topsoil on phase two because that's, there's some low spots, it's a good place to place some of this material and be prepared for hopefully the next couple weeks the finals so we can file the maps and be able to hopefully, based on the interest in the property, start the next couple of houses not too far off in the future. So we're trying to do as much preliminary work as we can to recuse the amount of bonds that are going to be required and to be at a point in May or June where we're able to start planning for permits on the remaining lots in phase one.

MR. ARGENIO: How big is the model?

MR. YANNONE: About 3,500 square feet.

MR. ARGENIO: Nice size house.

MR. YANNONE: It is, and right now, there's a high level of interest from, you met Tony, right?

MR. ARGENIO: I didn't.

MR. YANNONE: His company's based out of India and they're going to be selling primarily the first phase, maybe the second phase to associates, they have a lot of wealthy business associates, friends, family and they're going to be used seasonally so it's, I mean, it's, they seem to, I met a few of the customers who have come back buy to look at the site, they have international businesses, they have houses in different parts of the world. And to the credit of New Windsor and Tony told the story last time he was here the first time I heard the entire story is they came, his father who established his business in India, he's third generation now decided in '08, '09 when the values, property values were softening that'd be an opportune time to invest in the U.S. He asked Tony to start a search from Maine to California and he spent almost two years and out of everywhere in the country ended up in New Windsor based on the property value, what they saw in the future, potential of growth.

MR. ARGENIO: What business are they in?

MR. YANNONE: Worldwide food distribution, they have over 1,000 employees, interesting group of people.

MR. ARGENIO: Just in the interest of full disclosure, the company that Ray hired to do his site work out there, my company does business with them, we rent equipment to them and supply estimating services, things of that nature, in the interest of full disclosure, just so it's out there, cause if somebody sees my equipment on the site with my name on it, I don't want them to think something underhanded is occurring. It's rentals and things of that nature cause he doesn't own a lot of that big stuff. So what you're looking for tonight, Mr. Peters, you're anticipating to have your DOH and your DEC wrapped up within the next four to five weeks?

MR. PETERS: I think that's reasonable, yes.

MR. ARGENIO: You can get then get final approval?

MR. YANNONE: Yes.

MR. ARGENIO: Tonight you're looking for permission to do some clearing and grading, some Item 4 installation, things of this nature? Mark, do you have any issue with that?

MR. EDSALL: Do I? No. We just always like to have the appropriate planning board approval in place. They need to comply with it, so if they need to build any storm water improvements, they'd be authorized in connection with the road construction.

MR. ARGENIO: You're not going to do any paving or anything like that until you have your final approval cause we need the fees. Mark has got to have his guy out there and they do whatever they do, SEQRA.

MR. YANNONE: Yes.

MR. EDSALL: The proof roll will occur before the Item 4 will go in, we can work with Ray, he's familiar with the steps.

MR. ARGENIO: Any questions? I know more about the project than I probably should, I live down the road, I drive passed it every day, you know, so I have a more of an intimate knowledge than anybody else. But I don't want to presume that you guys are as keyed in as I am, so if you have any questions certainly we should, they should be asked.

MR. GALLAGHER: Nothing stopping them from going on to phase two.

MR. ARGENIO: It's a relatively flat site, it's like open old farm fields, they broke through a stone wall from time to time, I don't want to seem like his advocate, that's Mr. Peters' or Ray's advocate, but I do drive passed there every day, I see what's going on there.

MR. EDSALL: We'll work with Ray to have them just replenish the escrow so that the interim inspections can occur.

MR. ARGENIO: Are you good? Do you have money now or you don't have money now?

MR. EDSALL: No, I think they've posted some money with the town but we'll replenish it a bit more, anything they put up now will just be credit when they close out the application.

MR. ARGENIO: You okay with that, Ray?

MR. YANNONE: No problem.

MR. ARGENIO: I don't want to get jammed up with Anthony Fayo because we were a little more informal than we should be.

MR. YANNONE: The question I have because we're working with the owners for securing the bonds for the filing are we, is this an accepted phasing plan that we can work on these boundaries? Because I'm going to be working towards having all the paperwork ready so I wasn't sure if that had to be actually approved.

MR. ARGENIO: It typically should be approved by this board, what I am seeing there makes perfect sense.

MR. EDSALL: The code requires that any phasing be part of the subdivision plat so--

MR. ARGENIO: Yeah, what I'm seeing there makes perfect sense to me, Ray, you do the first stub, that's phase one and then you do the second stub all the way to the back, you get out to Biagini's project and then you do the last piece on the right there, I think that's to the south or the west, something like that?

MR. PETERS: Yeah, south.

MR. ARGENIO: Makes sense to you, Mark?

MR. EDSALL: Yeah, we looked at this, I'll work with them on the temporary cul-de-sac section, the tee, probably the best base that's how the road's constructed might as well put the tee in and the fire department is--

MR. ARGENIO: Make a note for the members, if you notice, Ray did do what we asked or Mr. Peters did do what we asked, somebody did what we asked, they brought that cul-de-sac right to the property line. So if I'm not here as planning board chairman, if something happens to me or anybody we have to remember that when

that Biagini subdivision comes back for the rear phase of their project we have to tie this whole thing together.

MR. YANNONE: Is there anything required further on our side?

MR. ARGENIO: No, I think you're good.

MR. YANNONE: I'm trying to stay ahead of any legal paperwork or anything we have to do.

MR. EDSALL: Two items which is if this is going to be part of the final approval, this uses the alternate road construction without curbs, they'll need to have the town board write off on that alternative road construction which is in the code. So my suggestion is if the board is comfortable and believes it's appropriate for this subdivision that you in the minutes make a recommendation to the town board which we can pass on. And secondly, they're looking to make this a rural type road without sidewalks so that would be another item that could be in the recommendation of the town board.

MR. ARGENIO: I believe our code does not require sidewalks for this type of road, is that correct?

MR. EDSALL: I think you have to have one side but same as you need the waiver for the alternate road construction I believe you need a waiver for the sidewalks as well.

MR. ARGENIO: I can't see sidewalks here.

MR. EDSALL: No, just a matter of getting that recommendation in the minutes so the town board can acknowledge it. The theory when the code was written it's a lot easier to waive something than to ask for it.

MR. ARGENIO: Harry or Howard, that make sense to you guys?

MR. FERGUSON: Yes.

MR. ARGENIO: Okay, we've been round and round with the sidewalk thing in the town and it's gone from putting them on both sides to put them in on one side, don't put them in to just the fact that we've been round and

round so much over the past 12, 15 years, Mark, it indicates to me how much there is no perfectly correct answer, there's no right answer, it's going to be--

MR. EDSALL: Site specific.

MR. ARGENIO: -- site specific and everybody is going to have a different opinion on every site. And I think in the end, it's us, it's this board that's going to make that recommendation. So I think what I'm hearing from the members, Mark, is that we agree that there's no need for sidewalks here and that alternate town road construction would be appropriate for this application. So you're okay, Ray, you can continue what you're continuing but I want your assurance Mr. Peters and Ray you're going to follow this thing through, I'd like to see this thing closed out, I don't like loose ends.

MR. YANNONE: He's getting more pressure from the owner than me so--

MR. PETERS: We've been working hard to get it wrapped up so--

MR. ARGENIO: Four or five weeks I'd like to see you back in here and we'll close it up.

MR. PETERS: Absolutely.

MR. ARGENIO: Anything else?

MR. YANNONE: I have no requests on this, I have a request on another project.

MR. ARGENIO: Is it on the agenda?

MR. YANNONE: No.

MR. ARGENIO: Does it have anything to do with Mr. Peters?

MR. YANNONE: No.

MR. PETERS: I do have one question and I don't want to open up since we're going to be coming back later, last time I was here which was several months ago, there was talk about lighting or lighting district, was that worked out or was there anything else, we have to request a waiver on that if we're going to the town board?

MR. EDSALL: We'll fill you in, the town code is being reworked relative to street lighting to modernize it and look more toward the LED lighting that Central Hudson is making available and there might be some adjustments as far as the amount of light fixtures required so we'll make sure that's included in the final.

MR. YANNONE: Okay.

MR. EDSALL: Whatever the code requires we'll make sure it's on the plans and in the estimate.

MR. ARGENIO: Jen, is this sufficiently clear for you or do we need to be more specific?

MRS. GALLAGHER: I got it all written down.

MR. ARGENIO: Phase one, phase two at his risk clearing, grading, topsoil, stripping, things of that nature, it's all good, don't pave the road.

MRS. GALLAGHER: Got it all written down.

MR. ARGENIO: That's the most significant thing and we're looking to see you guys in four or four weeks, Mr. Peters, thank you very much, unless you need him?

MR. YANNONE: Thank you.

MR. PETERS: Thank you.

DISCUSSION - VAILS GATE FIVE CORNERS

MR. ARGENIO: So you have something on your mind? I think I know what it is but note to self the reason we have an agenda is because we like to stay focused and we need to publish it for the benefit of the public. What's on your mind, Raymond?

MR. YANNONE: We received the final approval for the Vails Gate Five Corners commercial property I think it was in November and we finally put our affairs in order. And I went to see Jen today for a demo permit but I didn't file, we have to do some legal work on the filings and I wasn't aware that that had to go ahead of the demo. So she asked, you know, she said I would have to ask the planning board permission to remove the gas station and the Club 32 from that site.

MR. ARGENIO: Okay, so you want to demo the buildings?

MR. YANNONE: Yeah.

MR. ARGENIO: What, how short are you from having your items filed with the office of the building inspector?

MR. YANNONE: We didn't further that only because we were looking for the financing and there were different people that, you know, we were talking to and some, and some of the people, the prospects like one was Taco Bell, we had franchises which was a complete change. We had to put a drive-thru in so we thought there's a good possibility we may have had to come back with some changes to that plan. Now we know that's not the case and hopefully we can--

MR. ARGENIO: So you're telling me why you're sticking with the old plan but the question is what is left for you to do to get that thing finalized so Jennifer can, you can pay her the fees, the necessary fees so the town can be in a position to speak to what goes on there and protect the interests of the Town of New Windsor?

MR. YANNONE: Two things that I'm aware of, the fee schedule, the budget for the improvements, what I can, we'll get that done in short order. But the second thing was the merging of the two lots. I have to, there's two actual lots there and one of the conditions of approval is we had to bring the two lots together so that may take a week or two of paperwork.

MR. ARGENIO: Okay, so you have to merge the two lots and you have to, what was the other thing?

MR. YANNONE: The bond for the improvements.

MR. ARGENIO: Is there anything else, Jen or Mark?

MR. EDSALL: No. Just a note as far as demo existing sites in preparation for development in accordance with an approved site plan, we don't inspect or look at the demo at all anyway, so I see no problem at all in this being handled as a building department issue in preparation of getting ready to build the site because we're not involved in this aspect anyway.

MR. ARGENIO: The only issue I have, I just like things buttoned up, just got done saying that six minutes ago and it's, maybe it's cause of who I am.

MR. EDSALL: Absolutely understand, just saying there's no overlap here so it's not an issue.

MR. ARGENIO: Yeah, there's not a thousand feet of silt fence and roads that have to be checked, just demo, Raymond, that's it.

MR. YANNONE: We're going to fill the hole in with the foundation.

MR. ARGENIO: Obviously you'll put Item 4.

MR. YANNONE: There's nothing else, clean up and prepare.

MR. ARGENIO: Okay.

MR. YANNONE: We're working on the building, the engineering plans for the building, all that is in process, all come together within a month.

MR. ARGENIO: I'm good, where you guys at with this, any thought process, any questions?

MR. BROWN: No.

MR. FERGUSON: No.

MR. GALLAGHER: No.

MR. ARGENIO: It's good to keep things buttoned up so Ray, take the buildings down, it would be great to see the eyesores on the ground. You're going to put them in a dumpster and take them away?

MR. YANNONE: No, can't wait.

MR. ARGENIO: You'll get them in a dumpster or 30 yard container?

MR. YANNONE: It's ready to go.

MR. ARGENIO: Get them the heck out of there.

MRS. GALLAGHER: Just wait until you have your building permit.

MR. YANNONE: We have three or four days of disassembling, taking things apart first so next week sometime.

MR. ARGENIO: Do you need insurance?

MRS. GALLAGHER: Yeah, he has everything, yeah.

MR. ARGENIO: So you're buttoned up.

MRS. GALLAGHER: Yes.

MR. ARGENIO: Okay.

MR. YANNONE: Thank you.

MR. ARGENIO: Good luck, Ray.

MR. YANNONE: Thanks.

DISCUSSION - MEADOWBROOK ESTATES (01-42)

MR. ARGENIO: Let's do Meadowbrook Estates first. Veronica, if I'm going sideways, just interrupt me.

MS. MC MILLAN: I think you're fine.

MR. ARGENIO: From Pietrzak & Pfau, please let this letter serve as our requests for a 90 day extension of conditional final approval for the, as you recall, the project received conditional final approval at the May 8, 2013 planning board meeting. It's Meadowbrook Estates cluster subdivision. Veronica?

MS. MC MILLAN: As you understand it, Mr. Chairman, this applicant was here in August of last year at which point the board gave them two 90 day extensions for the subdivision and then they appeared in October at which point they were given another 90 days. By our best estimation, they probably have approval at least through April 12. And Mark and I have been talking about this, we'd like to check in with them, see what the status of the subdivision is and report back to the board at the next meeting because they're not going to expire between now and the end of this month.

MR. EDSALL: Just as an update, I did reach out after Veronica and I talked, I had sent an e-mail to Joe Pfau asking effectively what's going on, keep getting requests, he responded to me late saying that they've got all their agency approvals and that they're in the process of negotiating with contractors to finalize construction so that they have a viable project. I would assume so, they're right at that break point where they're getting ready to start.

MR. ARGENIO: There's our update, what do we do, two 90s or what do we do?

MS. MC MILLAN: I think at this point if they're as close as Mr. Pfau suggests probably an additional 90 would cover it.

MR. ARGENIO: You guys agree? Somebody want to make the motion?

MR. GALLAGHER: Motion for additional 90 days for Meadowbrook Estates cluster subdivision.

MR. BROWN: Second it.

MR. EDSALL: And just so that we, cause I think because there's been so many multiple requests and the minutes weren't clear, why don't we have it through the July meeting 90 days plus or minus but say that it's through the first meeting in July because otherwise they have been asking, they have overlapping approvals.

MR. ARGENIO: Roll call.

ROLL CALL

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

MR. ARGENIO: On Meadowbrook and just as a general point of law, this approval is back from 2013. Now we have zoning changes in the town, you're very familiar with it, I know, I sit next to you in those meetings and that happens from time the time with some frequency, needs change, laws change, solar suddenly is something we're talking about. We certainly weren't talking about that back in the '90s. This concept of clustering seems to be in favor of late, they have approval from the town board to cluster this subdivision as a couple of other subdivisions do in this town which we're going to see soon, i.e. Apple Ridge has come back to life, you guys remember on the west end. Veronica, is there a time sunset on the approval for them to cluster or do they have that approval from the town board forever or is it tied to their planning board approval and run concurrently with the extensions they ask for?

MS. MC MILLAN: It runs, no, it's running concurrent with their extensions because their approval dates back from what I understand to 2013. The way the code, the New York State Town Law permits subsequent 90 day extensions at the request of the applicant and the board has always operated under the town code it does provide for sunset provisions. But the board has always behaved in a discretionary manner viewing the town, the State Town Law as trumping the issue and giving additional 90 day extensions so it runs concurrent with their extended approvals.

MR. ARGENIO: So we're the ones, we are the ones giving

them the extension on that cluster, even though the town board approved the concept of clustering for that subdivision, that's what I just heard, did I mishear you?

MS. MC MILLAN: No, you heard me correctly.

MR. ARGENIO: Okay, just curious, that's all.

## RIDGE RISE

MR. ARGENIO: The last item for tonight and it's not on the agenda cause it came up several days ago for the benefit of the members, the project behind U-Haul, Ridge Rise, that finally got approval, conditional final approval couple months ago. They called and asked if they can go clear some trees. Now many, many times as everybody knows Jennifer is the one who fields those phone calls but many, many times she'll call me and she'll say this one or that one they want to go clear this or clear that, usually something fairly innocuous and I usually typically like if they have their ducks in a row not a problem, I'll tell Jen get ahold of them, tell them they can take their trees down, something like that. But this is significant, there's a bit of a history here with the engineering component on this project in that it changed many, many, many times and Mark's reviews were quite substantial and his comments were quite voluminous as the plans evolved, if you guys remember correctly. So all that said, when Jennifer called me and asked me what my opinion was about giving them approval to start some clearing on their, at their own risk again similar thing to the other application, no inspection, nothing required, I said oh, Jen, there's a little bit of a history with this application and the clearing is probably going to be substantial. I'd like the members to be party to this. So in that process, Mark and I a couple days ago had a conference call with Tomer Slutsky, the owner of the project and I said to Tomer I don't think the planning board is going to take steps to it but I can't speak for them. But we need a plan on record that shows exactly the limits of what you intend on doing because it's not going to be generic and wholesale because at that point we're going to have a mess and Jennifer is going to have a mess and she'll get enough calls as it is once the trees start to come down so--

MR. GALLAGHER: In a visible area, I don't want it to start, stop and nothing else happen.

MR. ARGENIO: It's visible, that's right.

MR. FERGUSON: Or strip the whole place.

MR. ARGENIO: And I think there's enough exposure there where I want to bring everybody in and talk about it a little bit. So I said make a plan, show us exactly

what you want to do. We want to have a look at it to make sure it makes since, we want to make sure it's entirely and complete unambiguous. So I have the plan there, it's hanging up, Danny, you know what, I'm going to hang it up so I can, if anybody has a question, the owner did ask, he said if you guys want me to come in I'll come in. I said as long as we have the plan and it's clear you don't have to come in. So there's the plan, so he wants to clear the access and he wants to clear phase one.

MR. GALLAGHER: Access is going to be down by the billboard?

MR. ARGENIO: Phase one and you know the connection to here because remember we told him you have to have a loop and that's it. Now, let's just, let me get a little bit more specific in my mind, clearing is felling the trees and either removing them or putting them in, what do they call them, Shawn, hitches, bundles of trees?

MR. ARNOTT: Well, you have your--

MR. ARGENIO: Drop the trees and put them in a big bundle, it's--

MR. ARNOTT: On a skidder.

MR. ARGENIO: Take them on a skidder and putting, no grubbing, removing the stumps because grubbing makes a mess, you need a silt fence, we need inspections and fees and all that stuff. Jen, you want to speak to this at all?

MRS. GALLAGHER: I think he's done what you've asked. I mean, he's pretty desperate to get them down prior to the bats coming back, the Indiana bats.

MR. ARGENIO: What's the date on that, Mark, is that like mid April, late April?

MR. EDSALL: For the?

MR. ARNOTT: First of April.

MR. ARGENIO: After April 1st Indiana bats come out of the cave they live in in New Paltz and they land everywhere, you can't get the trees down because the bats are there. So as long as they're still up in the

cave in New Paltz it's okay to take the trees down.

MR. EDSALL: My only suggestion is that so that we have the clearing contractor truly understand the limit of where he's supposed to work is have Mr. Zeppone's crew flag limits, flag the limits cause we've had clearing contractors mistakenly just keep going.

MR. ARGENIO: Are you guys okay with that concept? If you're not, no sense in talking about it any further.

MR. GALLAGHER: He's prepared to build, he's ready to start building?

MRS. GALLAGHER: Yes.

MR. GALLAGHER: This isn't getting cleared and sitting back for five months?

MR. ARGENIO: I believe what's happened is the final set of documents has been submitted to Mark with all the corrections and subject-tos, well, that set of documents needed some correcting and some guidance, Mark has reviewed those documents and sent them back to Al Zeppone and Al Zeppone now has to respond to Mark and make those corrections, is that right, Mark?

MR. EDSALL: Yes.

MR. ARGENIO: What else is there out there that this guy has to do? He's got to get his plans finalized.

MR. EDSALL: He probably has the longest list of conditions on an approval on record at least since I've been here so we're working.

MR. ARGENIO: I don't think it's a problem with him starting to clear, he's got enough money invested, I don't think he's going anywhere. But I just don't want him in there flying by the seat of his pants, that's why we're so specific.

MR. EDSALL: We're trying to get this closed out cause he wants to build.

MR. ARGENIO: Okay.

MR. FERGUSON: Would it make sense to start maybe from the spur to the back half so it's kind of more off the road where it's not visible to the eye?

MR. ARGENIO: He needs a couple things, Harry, first of all, you need access to the site so you really need to clear the entrance, as much as you want to try to fly under the wire there I don't think he can. So once you get the entrance cleared and get up into the site, I don't have a fill report but I'm sure he's got a bit of dirt to remove, whenever you do a cut, you have to do a fill. So if you dig dirt up from one spot you need another spot to land it in and I'm sure that that probably reflects that cut fill process at least if it were me that's how I'd be looking at it.

MR. EDSALL: The other condition is that if he doesn't have permission from DOT to create the construction access he may have no choice but to come in off Corporate Drive.

MR. ARGENIO: Good point.

MR. EDSALL: So he should provide that permission in writing to Jennifer if he plans on coming off 32, if not, he should not be coming in off 32.

MR. ARGENIO: So Mark, you're the one that's going to craft the e-mail to him tomorrow, would you put that in there?

MR. EDSALL: I will.

MR. ARGENIO: Be very clear about what we're allowing for that plan. Let me just read it into the minutes so it is in there, Franny, per plans by Entec Engineering sheet one of one dated, I can see it, Leo, dated 3 of 2016 so as supplied to the building department. So that's it, fell the trees, put them in a pile, take them away but do not, Mark, do not do any digging, do not remove any stumps, do not put any temporary culverts, do not do anything of that nature because that will trip inspections and he's not at that point yet.

MR. FERGUSON: Put in there flagged.

MR. ARGENIO: Flag too, right, you got that, Mark?

MR. EDSALL: I got it.

MR. ARGENIO: That was Mark's idea.

MR. EDSALL: I got it down.

MR. ARGENIO: Jen, any other thoughts?

MRS. GALLAGHER: No, I think he's ready, he'll definitely do what we ask of him.

MR. ARGENIO: Off the record.

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

MR. ARGENIO: Does anybody have any other questions on this? You guys okay with it? So Mark, you'll send Tomer the e-mail?

MR. EDSALL: I will, return receipt confirmed delivery.

MR. ARGENIO: Jen, you'll take the plan back with you or Stephanie, put it in the file and he'll be very happy, I'm sure, it's not our goal to make people happy but it's not whether they're happy, our goal is to protect the town and I think we're doing it here with this. Anybody have anything else? Motion to adjourn? Shawn, do you want to make that motion?

MR. BROWN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth  
Stenographer