

TOWN OF NEW WINDSOR

PLANNING BOARD

June 8, 2011

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

ALSO PRESENT: GEOFFREY E. CHANIN, ESQ.
PLANNING BOARD ATTORNEY

MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER
BUILDING INSPECTOR

NICOLE JULIAN
PLANNING BOARD SECRETARY

ABSENT: HENRY VAN LEEUWEN

MEETING AGENDA:

1. HUDSON VIEW MHP
2. PARADISE MHP
3. MASONS RIDGE 11 SP
4. VAILS GATE BUSINESS PARK SP
5. CENTER LINE STUDIOS LLC
6. NEW CINGULAR WIRELESS
7. MEADOWBROOK ESTATES CLUSTER AMENDMENT

REGULAR MEETING:

MR. ARGENIO: I'd like to call the June 8, 2011 regular meeting of the planning board to order. Everybody's here except Henry Van Leeuwen so I asked Danny just to wait a couple minutes if Henry doesn't come I'm going to have Danny come up and sit as a stand-in for the vice chairman. That said, we'll get right down to business here.

APPROVAL OF MINUTES DATED APRIL 27, 2011

MR. ARGENIO: The minutes dated April 27 and sent out via e-mail on May 20, if anybody sees fit, I'll accept a motion we accept them as written.

MR. BROWN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

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

ANNUAL MOBILE HOME PARK REVIEWS:

HUDSON VIEW MOBILE HOME PARK

MR. ARGENIO: We'll start this evening with the annual mobile home park review. First on the list is Hudson View Mobile Home Park. Somebody here to represent this?

MR. SAYLES: Yes.

MR. ARGENIO: You guys want to come forward please? What's your name, sir, for the stenographer?

MR. SAYLES: First name Vincent, last name Sayles, S-A-Y-L-E-S.

MR. ARGENIO: You're what, you're the owner?

MR. SAYLES: Manager.

MR. ARGENIO: Has somebody from your office been over to that park, Jen?

MS. GALLAGHER: Several times. This is the mobile home park that we had some issues with I think almost a year ago in August. Since then, we have worked with Vinny and he has turned that around.

MR. ARGENIO: Is this the one where they had the attorney from Poughkeepsie came?

MS. GALLAGHER: That's correct. We worked with Vinny on cleaning up this park and my office, both the fire inspector's office and the building inspector's office have been down there several times, I'd say it's been turned around 90 percent, I mean, it's, they have done a great job. Thanks to Vinny, it's been, we had 108 issues back August 25, 2010 and now they're down to 10 issues.

MR. ARGENIO: Ten issues. Without going through all of those issues, is there any life, safety, health and welfare issues on there, Jen?

MS. GALLAGHER: No.

MR. ARGENIO: What's the most significant thing?

MS. GALLAGHER: The most significant is lot number 10

with the rear deck that we were concerned with back a year ago. It's kind of the owner that lives in the mobile home is giving them a little problem with getting permits and fixing what he needs to fix on that which their hands are tied with that. So I think what our office is going to do is issue that person an order to remedy and try that route on them.

MR. ARGENIO: That goes to the owner of that unit?

MS. GALLAGHER: We're going to try it that way, yes.

MR. ARGENIO: Mr. Sayles, you have tried and tried?

MR. SAYLES: Tried attorneys, he has his own attorneys and we're back and forth fighting constantly.

MR. ARGENIO: Okay, what other significant issues do you have on your list?

MS. GALLAGHER: None, I would say it's more sheds, fences, a few additions on the home which they have permits on, they just are waiting for engineers reports or something like that but nothing, nothing life threatening or safety issue.

MR. ARGENIO: Mr. Sayles, is it fair to say that you are continuing to work on the list with Jennifer and try to get it down to zero?

MR. SAYLES: Absolutely, always.

MR. ARGENIO: I commend you for your efforts.

MR. SAYLES: Thank you very much.

MR. ARGENIO: This evening do you have a check for the benefit of the Town of New Windsor in the amount of \$500?

MR. SAYLES: Yes.

MR. ARGENIO: Anybody else have any other questions? Any other members, Danny, Howard?

MR. BROWN: I remember it from last year.

MR. ARGENIO: It was a disaster.

MR. BROWN: It was a disaster.

MR. ARGENIO: We have the check. As such, if anybody sees fit to offer them a one year extension, I'll accept that motion.

MR. BROWN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded we offer Mr. Sayles as manager of the Hudson View Mobile Home Park one year extension of his permit. Roll call.

ROLL CALL

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

MR. SAYLES: I'd just like to thank Jen and her crew, without them, a lot of it wouldn't have been possible.

MR. ARGENIO: She's very diligent about what she does and you know sometimes it's very difficult especially with the trailer parks because of the ownership issues to get these things taken care of but at the end of the day, you just want to make sure nobody gets hurt.

MR. SAYLES: I stepped in in the middle of this, if she wasn't so thorough I don't think that timeframe would have been possible.

MR. ARGENIO: Kudos to you, Jen, and thank you Mr. Sayles. You don't have to do anything else, you have a vote, you're good to go for another year, keep up the good work.

MR. SAYLES: Thank you very much.

PARADISE MOBILE HOME PARK

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

MR. MANNIX: My name is Ken Mannix.

MR. ARGENIO: Jen, somebody from your office been to be check this out?

MS. GALLAGHER: These have and everything is in order.

MR. ARGENIO: Kudos to you for operating a good place. As such, if anybody sees fit, I'll accept a motion for one year extension.

MR. FERGUSON: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded for one year extension for the Paradise Mobile Home Park. I'll have a roll call.

ROLL CALL

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

MS. JULIAN: Do you have the check?

MR. MANIX: Yes.

MR. ARGENIO: I almost forgot the most important part.

MR. MANIX: You didn't forget.

MR. ARGENIO: Have a good night, sir. Thank you. Dan, why don't you come on up?

PUBLIC HEARINGS:

MASONS RIDGE II SITE PLAN (11-01)

MR. ARGENIO: First regular item on tonight's agenda public hearing Masons Ridge II site plan. I see Mr. Coppola here and Dawn Kalisky. So, we had some issues, we're going to just take a look at this quick and then we'll open it up to the public to get their comments then we'll come back to the board. What I'd like to do is to try to stay away from a bit just for a moment the technical issues. Can you just tell us briefly about the changes you have made to the plan based on some of the things that we had discussed at our last several meetings?

MS. KALISKY: As of our last meeting, we had satisfied all the technical comments. We had requested that for ease of access for the refuse collection to turn the upper dumpster 180 degrees.

MR. ARGENIO: I think the intent was to prevent the garbage truck from backing into the road.

MS. KALISKY: Exactly, we have done that. We have widened the sidewalks in front of the parking spaces in front of the buildings to a six foot width and both the plan and the architectural drawings depict the tenant storage utility area on the first floor and A.J. will discuss that further. There was a question raised regarding the Department of Health approval of the water system single connection. We did provide with our submission a letter from the Department of Health indicating acceptance of that that no review from them is required. And unfortunately we told the planning board at our last meeting we had Landmark Archeology on the job to actually satisfy the Office of Parks comment for a cultural resource investigation, the field work was completed last week, we sent via e-mail late Friday afternoon that's as soon as we had received it just a report indicating, a letter report indicating that no artifacts were found and they are completing the total Phase I cultural investigation, submitting that to the Office of Parks with a recommendation that no impact.

MR. ARGENIO: You have that, Mark?

MR. EDSALL: I do, it's a letter dated June 3 from Landmark Archeology.

MR. ARGENIO: Okay.

MS. KALISKY: Of course, once we actually get a hard copy of that final report we'll provide to the planning board as well.

MR. ARGENIO: Yes, we'll need it for the file.

MS. KALISKY: Yes.

MR. ARGENIO: Guys, do you guys recall anything else, any other changes? Sidewalk, initially we had them move the sidewalk across the parking lot closer to the building which I think is the right thing. We discussed the width, it's now a bit wider to allow for the overhang of cars. We talked about the dumpsters. You have the dumpster enclosures, yes?

MS. KALISKY: Yes, yes, as constructed although smaller we split the size, they were 10 by 20 in the Masons Ridge project, the split face block with the vinyl doors if I'm not mistaken.

MR. COPPOLA: Yes.

MR. ARGENIO: Anthony, what else do you have on this?

MR. COPPOLA: Our plans have been basically the same, I can give a quick overview of what we're proposing.

MR. ARGENIO: You know what, Anthony, now you can turn it cause we have seen that multiple times, so if anybody has any questions they can look at it. So go ahead on the architectural.

MR. COPPOLA: So what we're proposing basically a garden style apartment building, one building 20 apartments there's a three story side that faces the east and because it's a sloping site, there's a two story side which faces the west up the hill and the rest of the development. So it's two to three stories, there's an eight unit footprint so there's eight units on the two upper floors and 40 units on the lower floor so the mix of apartments is one, two and three bedroom and that's 8 three bedroom, 8 two bedrooms and 4 one bedroom apartments. The building's fully sprinklered required by the State Building Code. The grade level units which that's the lower floor and the middle floor those are all handicapped accessible units so there would be 12 out of the 20 which would be handicapped

accessible, those would be at grade. There's no elevator in the building. So the building facade is a mixture of vinyl siding and cultured stone with the reversed gable as we depict here. As we stated there is a tenant storage requirement in the town's ordinance for this type of housing that that storage be in the same building and we have provided those types of that type of storage I think maybe 60 square feet we have provided in like a caged system that would be in the lower level of the building. So that's it in a nutshell. These are market apartments so they are not subsidized at all, it's whatever the market will bear for this, unlike in a separate project from the work force housing which is currently under construction further up the hill.

MR. ARGENIO: Okay, unless my fellow members have any other questions I'd like to open it up to the public, we'll certainly have a chance to comment on it again. On the 19th day of May, 2011, Nicole compared 19 addressed envelopes containing notice of public hearing for this application. This list was provided to her by Tod Wiley, the assessor. Notices were appropriately mailed out advertising this public hearing this evening. At this point in time, the public hearing's open, if somebody would like to comment on this application, please raise your hand, be recognized, come forward and speak in a clear, intelligible voice and hopefully we can answer whatever concerns you have. Yes, sir? Your name, sir?

MR. BIGG: Good evening, my name is John Bigg, I reside at 86 Windsor Highway and I have a couple of concerns regarding the project. Initially, I was concerned about the definition of work force housing. I know that was for the original project.

MR. ARGENIO: The other project?

MR. BIGG: Now the apartment project is that going to be work force or is that going to have a different designation?

MR. COPPOLA: It's market, it's not work force housing, it's not subsidized, it's market.

MR. BIGG: All right.

MR. ARGENIO: That means whatever the market will bear, if they can get 400 a month, if they can get 4,000 a

month, it will be 4,000.

MR. BIGG: My other questions were of a technical nature. The other thing I was concerned with there's always been a problem with drainage at this site and especially in the spring with the spring that I was wondering how the drainage issues are going to be addressed.

MR. ARGENIO: I can tell you, Mr. Bigg, that I want the applicant to address this but this drainage issue is something that Mark and this board have looked at very closely for obvious reasons cause of the hill. But I'd like one of you folks to address his specifics of his concern.

MS. KALISKY: Absolutely, and I know exactly where you're talking about, that intermittent stream that runs through here.

MR. BIGG: Right, and my basement suffers from it.

MS. KALISKY: Your basement hopefully should be alleviated to a degree, anything that was coming in we have actually the majority of the construction is up top here as you know we have a system of diversion swales, catch basins, piping, two sand filters for pre-treatment retention pond discharge over here.

MR. BIGG: So you're diverting it?

MS. KALISKY: Yes, down here. Now if I'm not mistaken you're over here?

MR. BIGG: Yes.

MS. KALISKY: As far as the Masons Ridge II development, once again, we have everything draining away toward the access road, we'll catch it here and once again divert that into the bioretention area here in front of the lodge parcel and bring that down here so for the most part--

MR. ARGENIO: Dawn, could you turn that halfway between us because I have a question on the drainage too before Mr. Bigg leaves? Go ahead, continue please.

MS. KALISKY: So as I said with your parcel here for the most part everything that was coming your way we're actually picking up and moving it over here now putting

it into the state system.

MR. ARGENIO: Mr. Bigg, just stay with me for one second. Dawn, there is a basin somewhere right in this area here, just to the left of the dumpster pad, the outfall is not illustrated on the plan. Where is that?

MS. KALISKY: It's actually pitched back.

MR. ARGENIO: It's pitched back?

MS. KALISKY: Yes, collected on both sides.

MR. ARGENIO: Pitched back across the road then it goes up the page and to the right and ends up in the bioretention area. You follow that? There's a drainage structure here. I was worried about dumping here, maybe they didn't illustrate but all the drainage is being caught and sent over here to this filtration pond.

MS. KALISKY: Correct.

MR. ARGENIO: We have curb here on the bottom?

MS. KALISKY: That's correct.

MR. ARGENIO: I interrupted you, Mr. Bigg.

MR. BIGG: No problem so as long as I guess there's sufficient pitch on that it shouldn't be any problem.

MS. KALISKY: Yes.

MR. BIGG: My other question was regarding access, what's taking place with that, is there one entrance or multiple entrances?

MS. KALISKY: The Masons Ridge II parcel is going to be accessed off the private road, the shared commercial access for the Masonic Lodge and Masons Ridge development so off this existing road that was previously approved and under construction to a degree.

MR. BIGG: That's the new road, not the existing access?

MS. KALISKY: Right, this here, this is what they're using right now.

MR. BIGG: That's been a point of contention for many, many years.

MS. KALISKY: As you can see, we have colored that green, that will be eliminated in its entirety, the delay for this was an existing gravel drive so they were utilizing that until they can get all the permitting.

MR. BIGG: Might as well utilize during construction.

MS. KALISKY: Right, once we get construction entrance in here we'll get the utility one.

MR. BIGG: Just going to be a single entrance?

MS. KALISKY: Yes.

MR. BIGG: Any sort of traffic light?

MS. KALISKY: No, sir, during the original Masons Ridge development review we had a traffic study done by John Collins Engineering, they are traffic engineers and we also supplemented that with the Masons Ridge II project updated the report and as far as the level of service it did not warrant any turning lane, did not warrant any traffic light and basically no increase of the level of service that is existing.

MR. BIGG: Additional point are you going to have the traffic flow with I should say the traffic coming out of their Masons Ridge project flow with the traffic, any turning across lanes?

MR. ARGENIO: I don't think I understand the question.

MS. KALISKY: One way out, one way in kind of thing.

MR. ARGENIO: Okay.

MS. KALISKY: No, sir.

MR. BIGG: Because there is a heavy volume of traffic especially in the mornings and evenings, the rush hour times, I'm just very concerned about accidents at that corner.

MS. KALISKY: Fortunately, we do have a very good sight distance, you're correct about the traffic during the mornings, the peak hours, in fact, those hours were

studied in the report and once again, the number of trips generated from this development and the addition of the additional 20 units was not significant to warrant under their guidelines to warrant any--

MR. ARGENIO: Mr. Bigg, their entrance egress is okay there but one of the things this board is growing increasingly concerned about keeping an eye on so to speak is that intersection of 32 and Union Avenue, I work across the street from this and on a Friday afternoon that can be difficult.

MR. BIGG: Yes.

MR. ARGENIO: Not impossible but it can be busy but we did have them do a traffic study to verify the veracity of the information they were supplying us.

MR. BIGG: So so far so good.

MR. ARGENIO: Seems to be okay, we had professionals.

MR. BIGG: Monitor until such time as necessary.

MS. KALISKY: And the DOT if I just may the DOT is once again looking at that intersection as many other intersections in Orange County, they believe there should be some improvement done there not because of this project just because of the population that we have now but just like 9W they were going to widen that, I've been hearing that for 20 years so--

MR. ARGENIO: Anything else, Mr. Bigg?

MR. BIGG: No, that answers my questions.

MR. ARGENIO: Thank you very much. Does anybody else have any questions? Leo, what do you have, man?

MR. BRAUN: One quick question, Leo Braun, on the, if I can.

MR. ARGENIO: Come on up, show us what you're looking at there.

MR. BRAUN: Yes, that particular one there, I did not see any basements or garages.

MR. COPPOLA: There's no garages, there's just parking on both sides above and below, no garages, we're not

parking inside the building.

MR. BRAUN: There's no basements whatsoever?

MR. COPPOLA: Well, there's a lower level which would be the basement level so there's apartment on that on the downhill side and then in back of that that's where we have the tenant storage and have a utility room back there so that would be kind of where the basement is.

MR. BRAUN: Would that be a crawl space?

MR. COPPOLA: No, it will be a full storage so there would be apartments in there.

MR. BRAUN: Apartments on the ground level on the front side?

MR. COPPOLA: Yes, so this is the slab on grade so if I'm here on the downhill side the eastern side of the building I walk into my apartment that's a slab on grade then if I walk further back I would get to the storage area.

MR. ARGENIO: It's unfinished, Leo, they have like the pen, a pen like an area you would lock up with a gate and store your whatever, your bicycle, I know you're a big bicyclist, store your bicycle there or whatever else.

MR. BRAUN: Yeah, I'm just thinking of myself 60 square feet I don't have room for my stuff again 6 x 10. That should be a little larger. Thank you.

MR. ARGENIO: Okay, Leo, thank you. Anybody else? Yes, ma'am please come forward.

MS. BAEZ: My name is Hilda Baez, 88 Windsor Highway.

MR. ARGENIO: Yes, ma'am?

MS. BAEZ: My concern is the privacy back there, it's open, I mean, if they are going to build the first building is going to be right behind me, I mean, for 10 years I have been living there free, empty space and now I'm going to have a building right behind me. Is there a possibility of a private fence at least that I don't lose my privacy?

MR. ARGENIO: Yeah, there's a possibility for a lot of

things, get to the one with the lot lines on it. Miss Baez, I need to stress to you I understand your point and I don't disagree with you, it's a very good point in that you have to remember that they do have the right to develop the property. But as long as they act within the law they have the right to develop the property. Miss Baez, do you have a landscaping plan?

MS. KALISKY: Yes, we do, that would be sheet four of five landscaping on one side, lighting on the other.

MR. ARGENIO: Dawn, tell me what I'm looking at here for trees? I see a QRBC, QRO, I see Danny's showing me the legend, you know. Let me just throw this out there to you guys, you have been here before Miss Baez, they do have some landscaping proposed behind your property between your property and the parking lot that's going to be above your lot. What I would propose instead of a fence maybe it might be nicer if they can do a little additional landscaping there, might look nicer than a fence, only my opinion.

MS. BAEZ: Well, I have a dog, it's like open, if it would, right now I do have like what they call the cyclone fence.

MR. ARGENIO: What's that, Mark, cyclone fence, chain link?

MS. BAEZ: Regular one with the wire.

MR. EDSALL: Chain link.

MS. BAEZ: But that is right now to keep my dog inside and to keep animals to come into my property, get the deers away or whatever. But that does not give me any kind of privacy but if I'm going to have people right behind me and I'm like on a kind of a slope I'm like it's from up coming down so I might have people like looking even into my rooms. So it would be very nice, I mean, I know what you're saying is very nice, the open landscape but I'm really concerned about at night also I'm alone, I live with my dog by myself, I don't know.

MR. ARGENIO: What kind of dog is it?

MS. BAEZ: German Shepherd, it would not let you in but you never know.

MR. ARGENIO: I'm a nice man.

MS. BAEZ: It's a big German Shepherd but I'm saying what kind of traffic is going to, what's going to happen to be open like that and I'm by myself, I would be terrified of not having something private back there.

MR. ARGENIO: Okay.

MS. BAEZ: It scares me.

MR. ARGENIO: Do you have any other questions or comments?

MS. BAEZ: Actually, when he mentioned, Mr. Bigg mentioned before about the traffic like right now we're on a busy highway, 32 is getting very busy and sometimes before we could get out of our driveway we would spend 10 minutes there waiting for the traffic. Now with all this development it's going to be more traffic. So is there going to be any way that some kind of stop sign or traffic bumps or something?

MR. ARGENIO: Let me just comment on that, I work across the street.

MS. BAEZ: I heard that.

MR. ARGENIO: I don't think I ever waited 10 minutes, sometimes I have to wait.

MS. BAEZ: Depends on the hour.

MR. ARGENIO: You're a hundred percent right, depends on the hour, it's a busy road, there's going to be a stop sign and the concerns that you have were the same concerns that we have. That's why we asked them to hire a traffic consultant, not Mark Edsall, not our town engineer or planning board engineer, a separate guy, another guy from Westchester because we don't want to have car accidents out there, we're concerned about safety. And the report, Mark, if I misspeak please correct me, the report from the expert that we hired was that with the amount of units that are here it does not warrant a traffic light, it does warrant a stop sign and controlled in that fashion but no traffic light. We have to rely on the expertise of the professionals that we hire obviously.

MS. BAEZ: Sure.

MR. ARGENIO: I'm going to address the other issue, the privacy issue. Did you have anything else?

MS. BAEZ: That's it, thank you.

MR. ARGENIO: Anybody else? Yes, ma'am?

MRS. CRANGANA: I have the same concern.

MR. ARGENIO: Your name?

MS. CRANGANA: Irene Crangana.

MR. ARGENIO: I think you're right here, ma'am.

MS. CRANGANA: Okay, okay, so there's going to be parking behind me?

MS. KALISKY: The parking ends here by Miss Baez's property, you're going to have green, there's the emergency access road, there's their loop here, however, this isn't paved, it's grass pavers so it's to support an emergency vehicle should they need the access.

MS. CRANGANA: Is there going to be landscaping behind me?

MS. KALISKY: Yes, there's landscaping here, we have a combination of leave trees as well as evergreen trees to block view so they'll be taller in this area in front of the building.

MS. CRANGANA: Because I heard they were going to blast at the foot of the mountain here or I see them taking out a lot of dirt.

MS. KALISKY: They're moving a lot of dirt? They shouldn't be taking any out. The site is actually balanced.

MS. CRANGANA: I see a truck going out.

MS. KALISKY: I'll look into that. Thank you.

MR. ARGENIO: There's a truck, it's not of any significance, I happen to know that for a fact, the site is almost a balance. And to answer your question

about blasting, maybe, wouldn't surprise me if they were blasting over there. Jen, do they have a permit to blast?

MS. GALLAGHER: No, but they have inquired about it.

MR. COPPOLA: They have been talking about it, I know that, I don't know if that's in the right-of-way down there.

MS. KALISKY: No, actually we did have our pre-con meeting with the DOT on Tuesday and of course there's no blasting permitted within 250 feet of the right-of-way of Route 32. So basically, it will bring them back to station 300 which you won't have on that set of plans but on this road back up in this area. They'll be hammering through there, we're looking at possibly raising the sewer up a bit to see if we don't have to hammer as much.

MR. ARGENIO: So the answer to your question is nobody knows.

MS. CRANGANA: Is the DEC involved at all?

MS. KALISKY: The only permit that we were required to get was the storm water SPDES, the storm water construction, the Town of New Windsor is an MS4, the project in itself was a significant size where we had to prepare a full storm water pollution prevention plan prepared by our office, of course reviewed by the town and signed off by the town as well.

MS. CRANGANA: Well, I guess they're doing it so okay, thank you.

MR. ARGENIO: Thank you very much, ma'am. Anybody else? Motion to close?

MR. GALLAGHER: Motion to close the public hearing.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded we close the public hearing for this application.

ROLL CALL

MR. FERGUSON AYE
MR. BROWN AYE

MR. GALLAGHER AYE
MR. ARGENIO AYE

MR. ARGENIO: Okay, couple things I'm going to talk about the engineering updates, talked about Parks and Recreation, you need to get us a copy of that letter, Mark has some housekeeping issues. Do you have his comments? Please get a copy of them.

MR. EDSALL: Mr. Chairman, can I ask a question?

MR. ARGENIO: Yes, I have a couple things I'm going to get to. Go ahead.

MR. EDSALL: I'm myself and our building inspector are rather confused. The application that's before the board says that it's a work force housing project, note four on the cover sheet says that it is special permit for work force housing, the density and the bulk table on the plan says it's work force housing and tonight--

MR. ARGENIO: It's market rate.

MR. EDSALL: It's market rate. I was not aware of this evolution until tonight. I asked Jennifer if maybe I was asleep at the switch and missed something.

MS. KALISKY: If I can just clarify that?

MR. ARGENIO: Please do.

MS. KALISKY: When A.J. was referring to not funded, not funded by the D.H.C.R. like the Masons Ridge submission we made where they'll establish the rates that can be charged because it was state funded. The Masons Ridge II is not being submitted to the D.H.C.R. They are not setting a criteria for the market or not market rate, the work force housing rates that Masons Ridge is permitted to charge. So outside of their funding they are going to comply with the town's work force housing as part of the work force housing overlay district.

MR. ARGENIO: It's not subsidized?

MS. KALISKY: Right.

MR. EDSALL: From the town's standpoint it's not market rate, from the town's standpoint it's work force housing and the allowable rates are set by Town Code

and by the Town Board's special permit so just so the record is clear this is still work force housing.

MR. COPPOLA: That was my error.

MS. KALISKY: He lost me for a moment as well.

MR. EDSALL: Just so the record is clear then.

MR. ARGENIO: Jen, are you okay with that clarification?

MS. GALLAGHER: Yes.

MS. CRANGANA: I'd like to ask another question.

MR. ARGENIO: You're not supposed to because the public hearing's closed, go ahead.

MS. CRANGANA: Since there's going to be three bedroom apartment means there will be a lot of children there right, I mean, you know, could be.

MR. ARGENIO: Anthony?

MR. COPPOLA: There's 8 three bedroom apartments.

MS. CRANGANA: So they could be. Is there any park or anything for the children or are they going to be running wild?

MR. COPPOLA: Technically, the amenities are separate.

MS. KALISKY: Well, no, they are shared, the Masons Ridge II is actually an additional building.

MR. ARGENIO: Why did you come tonight, Anthony?

MS. KALISKY: Do me a favor, go sit down please.

MR. ARGENIO: Go ahead, answer the lady's question.

MS. KALISKY: As far as all the amenities, all the community facilities we have a basketball area up in this corner here, if I can just turn this a little bit for the benefit.

MR. ARGENIO: Go ahead.

MS. KALISKY: The center building here is also a

community building that houses a central mail facility, laundry facility outside of this area so way up in the back far away from where your home is we have the, to the lot that's all enclosed we have a play field so the recreation, the community building all of that is shared, it's all except for the Masonic Lodge they don't get to play in the playground. I do believe they play in Miss Baez's pool, I heard Mr. Reynolds, so all the amenities, all the recreation facilities for the Masons Ridge development are shared with the Masons Ridge II development.

MS. BAEZ: Behind me is going to be a parking lot or--

MR. ARGENIO: It will be a parking lot then the building. Look, guys, let me just say something, the public hearing's open, public hearing's closed now. I don't want to be sticky but by law we're not supposed to take comments after the public hearing is closed. That said, did you have a question Miss Baez?

MS. BAEZ: No, that's okay, I just wanted to be sure how far the action is going to be.

MR. ARGENIO: Here's what I want to talk about this thing, we need to just focus on this just a little bit this thing with Miss Baez, she brings up a good point and Mrs. Crangana is kind of right with the same point I think we should be considering and this is my suggestion to the board members, I think we should be considering something in this area and this is the purpose of the public hearing to get input from the public. Now we were very much focused, this board was very much focused on the drainage issue because of the hill and for obvious reasons but I don't live there, you guys don't live there and we're hearing from the people, Howard, I'll start with you.

MR. BROWN: My thoughts were the privacy issue, I think that a little bit more shrubbery or landscaping could be done to isolate the development from the private people that own the homes.

MR. ARGENIO: Harry?

MR. FERGUSON: The landscaping that's on the bottom of that parking lot should kind of wrap around on that loop because then that little corner's open so there's a wide open there, I see there's one tree on the corner of the building but really that's the only landscaping

blocking Mrs. Crangana.

MR. GALLAGHER: I agree. I also believe most of the landscaping should be evergreens, something that doesn't lose the leaves, that way year round privacy.

MR. ARGENIO: You know what I think, I think you guys are right and I think there should be a fence there.

MS. KALISKY: Typically, we put up like a six foot vinyl stockade fence which they can't see through would provide the screening. Now as Miss Baez said her home is lower so a six foot fence will prevent people from crossing in and we'll augment that with additional landscaping.

MR. ARGENIO: I think I agree with you, six foot would be substantial enough.

MS. KALISKY: With the evergreens and the deciduous trees will actually grow of a height higher than the six foot but the fence will be back there so it will prevent anybody from crossing down into.

MR. ARGENIO: Mark, any additional thoughts on the type of fence?

MR. EDSALL: No, I think solid fence, be it stockade or vinyl would work great and if they can break up the mass with plantings it will serve the purpose. We can't not disclose the fact because of the grade difference it's not like you're going to be isolated but you'll have an improved situation.

MS. BAEZ: Security.

MR. ARGENIO: The fence we're talking about is similar to the fence that's on top of the wall at Target over on 17K, that vinyl solid I want to say stockade solid stockade fence.

MR. EDSALL: That's a low maintenance item.

MR. ARGENIO: Very low maintenance and Miss Kalisky that should run from somewhere over in here and should wrap to somewhere up in here.

MS. KALISKY: Very good.

MR. ARGENIO: And I think the landscaping to a great

extent Danny's right on Target and Howard and Harry as well should be you should use stuff you have there but augment that with evergreens so we have green four seasons and do include landscaping on the residents' side of the fence so they're not looking at this big slab of vinyl that would be kind of crummy, I think to do that so that's what I think you should do with that.

MS. KALISKY: Very good. If we may, could we actually meet and discuss what the residents themselves would like to see on their side?

MR. ARGENIO: If you want to open that door be my guest.

MS. KALISKY: We have, actually, we were aware of the concerns and have had some preliminary discussion already.

MR. ARGENIO: Good. I have a note let me just go through this here too on the comments, Mark, you gotta help me with this or Jennifer, I have a disapproval for fire, I think this has been updated, I think that it's approved now.

MS. GALLAGHER: Yes.

MR. ARGENIO: This note has not been updated.

MR. EDSALL: Yeah, I think it was resolved.

MS. JULIAN: It was.

MR. ARGENIO: That needs to be cleaned up. I have a note that we have taken lead agency. Mark, is there any reason now that we have heard from the archeologist is there any reason we cannot adopt a negative dec if we see fit?

MR. EDSALL: No, you have already heard from County Planning, Dom always makes sure we're aware that we can't act until we have heard back from the county. Secondly, on Monday, I did communicate with Dom on the letter we received addressing the archeological issue and Dom felt comfortable with that letter in hand, we could move forward on the negative dec and refer it back to the town board.

MR. ARGENIO: Okay, if anybody sees fit, I'll accept a motion we declare negative dec on this application.

MR. BROWN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor declare negative dec on this under the SEQRA act.

ROLL CALL

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

MR. ARGENIO: County has sent us a note that says local determination which is good for you guys. I think the appropriate thing at this point is to refer you guys back to the town board so you can get your approval from the town board and then this board will give you a formal approval. But I would like the whatever you come up with on the landscaping and the fence memorialized as part of the plan and bring to the town board so they can see it if any questions come up.

MS. KALISKY: Yes.

MR. ARGENIO: I want them to know we're doing our due diligence and they should be aware of it as well that we're responding to the needs of the homeowners in the area, which is important, that's one of our functions. And then we'll move you from there.

MS. KALISKY: Very good.

MR. ARGENIO: Have I missed anything or counselor?

MR. CHANIN: No, sir.

MR. EDSALL: Dawn alluded to the response from the Department of Health, I did see that letter since it's really only a branch service off the water main that's the private main on the site, County Health Department has said that that could be handled as part of their as-builts and such so we don't need any further Health Department approvals.

MR. ARGENIO: Thank you for coming in.

REGULAR ITEMS:

VAILS GATE BUSINESS PARK SP (11-07)

MR. ARGENIO: Vails Gate Business Park site plan. This application proposes new 49,674 square foot warehouse building on the existing site resulting in a total of four buildings. The site and the new buildings span the town line with Cornwall. The plan was reviewed on a concept basis only. I see the esteemed Mr. Tom DePuy is representing this application. You lose weight?

MR. DEPUY: Yes.

MR. ARGENIO: Look good man, look great.

MR. DEPUY: I'm out surveying again, working for a living. Just to remind the board--

MR. ARGENIO: This is Tarkett.

MR. DEPUY: Yes, this was the old Tarkett building, we had been back in front of you about two years ago and had gotten a site plan and special use permit to re-occupy this building here which was partly in the Town of New Windsor and Cornwall, we had gone to Cornwall, got this redeveloped. Basically Vails Gate Business Center is proposing a 49,000 square foot building over in this area. This is where the large parking field is now, we would access it off the existing road, we would provide access all the way around both for accessing the building and also giving fire access all the way around the building. About 9,000 of it's in Cornwall and the remainder about 3,900 is in New Windsor.

MR. ARGENIO: I think you have that reversed. Oh, no, I'm sorry, never mind.

MR. DEPUY: We would propose in order to make up the parking we were going to propose doing additional parking here and then also provide parking over here. Basically, we would, there's an existing sewer force main runs out here, we would install a pump station, pump sewer to that with a common force main, do a gravity sewer down this way, there's existing water on the site, tap that, bring it in both for domestic and fire protection and we're also proposing some additional fire hydrants to provide protection.

MR. ARGENIO: What does your guy do, what's his business?

MR. DEPUY: I have Mr. Kessler with me. Basically, they are renting out warehousing to multiple entities and that's basically it. Do you have any light manufacturing or mostly all warehouse?

MR. KESSLER: There's a little.

MR. DEPUY: Most of it's warehousing, they've gotten a demand of needing more so--

MR. ARGENIO: So the new building is the same use as the existing building?

MR. DEPUY: As the existing buildings, yes.

MR. ARGENIO: So you're looking at four, \$5.00 a foot heated warehouse space, no offices?

MR. DEPUY: Just we would propose small offices in the warehouse if necessary. The parking demand that was the other thing though we kind of are requesting I don't know whether the town zoning allows any kind of green parking spaces.

MR. EDSALL: Not yet.

MR. DEPUY: Okay, we showed that we have the ability to do it but we really for this use don't need that parking and all that asphalt out there so I guess your zoning doesn't allow green spacing so--

MR. ARGENIO: Are you missing a leader here right here?

MR. DEPUY: Yeah, the pond's right here.

MR. ARGENIO: That's the blue area?

MR. DEPUY: Yes, and basically all the storm water wants to run to this point, we would develop this storm water quality pond here and then there's an existing ditch line that discharges out here and goes out into the wetland. When we developed this area, there's other ponds back in here that all discharge in the direction. Also I do have a blowup of what it--

MR. ARGENIO: That's the new building?

MR. DEPUY: Yeah, right here, that's our storm water this back part we did sheet flow and ditch over and bring in that way.

MR. ARGENIO: Jennifer or Mark, do you catch the water in the back and divert it somewhere?

MR. DEPUY: We want to do it with a ditch line back and around and in here.

MR. ARGENIO: Catch in a swale and bring it around the corner?

MR. DEPUY: Yeah.

MR. ARGENIO: Jennifer, and you guys speak up if you have a question, Jennifer or Mark, what about this building code issue, this is from a zoning, I'll read from Mark's comments, from a zoning standpoint the application appears compliant with the exception of one condition caused by the building crossing the town line that would be a pretty big issue I would think. Such layout results in a non-compliant setback because it's on the line obviously and non-compliant building height. How do we deal with that?

MR. EDSALL: We had an opportunity to talk about it Jennifer and I and obviously the same condition exists with an existing building that was there prior to this owner.

MR. ARGENIO: Certainly it does, yes.

MR. EDSALL: That's a new building so the question becomes if it was a single lot, well, let me step back, it's more than one lot because it's bisected by the town line that creates the two different tax lots. If it was, didn't happen to have the town line splitting it it would most likely be a single lot in deed lot so the possibility of linking the two lots via deed to have them function and act as a single lot so they couldn't be sold separately if we can have the Town of Cornwall buy into the same approach and have their code enforcement officer determine that if it exists from that format that that setback issue would go away effectively because the concern of the setback is set back from other properties so if by deed restriction we can make them function as a single lot Jennifer says she has no particular issue with it.

MR. ARGENIO: Jen, how do they, you may not know the answer, I'm just curious how are they taxed by the amount of finished square footage in New Windsor then Cornwall collects the amount of square footage in Cornwall? Is that that simple?

MS. GALLAGHER: Yes.

MR. DEPUY: That's how the assessor does it.

MR. EDSALL: So we have the added benefit of coordination that Dominic and myself also work with the Cornwall Planning Board so we'll pitch the same approach to their building inspector and planning board.

MR. ARGENIO: Tom, tell me what's going on here with these handicapped stalls, this whole funky package, how does that work?

MR. DEPUY: We're providing handicapped accessibility into each of the units, basically, so it's a parallel park, basically, what happens this is going to be loading dock on this side but we're going to be grading access on this side so basically we're providing the handicapped parking on the, this is in theory that we have to give intake access to each of the units so basically you pull in here, parallel park and then you have the ability to come out on this provided area and access into the building.

MR. ARGENIO: What's going on here with the islands, is that an edge of pavement and then a grass area?

MR. DEPUY: Yeah, grass area and edge of pavement, this is the loading dock here, very similar to the way we had rehabbed this old building the same way and what happens is it makes each unit accessible by dock and also by grade to the opposite side so it gives it flexibility for the use of the building as they're using it this concept of the lots being linked.

MR. ARGENIO: What are the machinations of that?

MR. EDSALL: Most likely first off I will say that I will dump that on Dom as soon as he comes back but I think it's probably going to be, end up being a deed restriction that would link these two so that they couldn't be sold to separate owners and it would have to be kept as a single functioning lot.

MR. ARGENIO: Your guy okay with that? Do you want to come up sir?

MR. DEPUY: I think you own it under one deed anyway, I think you took ownership by one deed. The question is since we're in two towns when this line creates approximately a paper property line is what it creates we would need variances from the offset of that but they're saying if we put a restriction on the property saying that these could never be sold separately.

MR. KESSLER: Yes, that's no problem.

MR. ARGENIO: It's no more than a technical issue.

MR. EDSALL: The back lot has no frontage and no, without the front lot--

MR. KESSLER: You couldn't access it.

MR. ARGENIO: It's no more than a cleanup thing.

MR. KESSLER: No problem.

MR. EDSALL: As long as Cornwall agrees.

MR. DEPUY: Yes.

MR. ARGENIO: I want to talk about where is the, Tom, point to the wall please.

MR. DEPUY: The retaining wall?

MR. ARGENIO: Yes.

MR. DEPUY: Right here.

MR. ARGENIO: How tall is it?

MR. DEPUY: We start at zero and I think our highest point is here, four and a half to five feet.

MR. ARGENIO: So is it safe for me to say it's not more than five feet?

MR. DEPUY: Yes.

MR. ARGENIO: Okay, 258, 255, so the face of the wall you're looking at the face of the wall from the

wetlands?

MR. DEPUY: Yes, you'd be viewing it from this direction.

MR. ARGENIO: That wall's holding up your driveway, just a thought, typically with this group people are very concerned nowadays including this Town of New Windsor with the dry block, the SMU walls with the geogrid and such when they get big if they're not designed and constructed correctly, they're prone to failure. If done correctly they're usually pretty good but the failure's catastrophic when they fail. I don't think you guys have a problem with this wall, two reasons, one, the height is five feet at its highest point, two, the low side of the wall is into a vacant area. I certainly don't want the wall to collapse into the wetlands. If the wall falls down you're the one that's going to suffer because you're going to lose your driveway.

MR. KESSLER: It's wetlands all the way across.

MR. ARGENIO: I'm with you. On the SMU wall, Tom, what we typically suggest when you get above four or five foot the quote unquote big block walls fill them with stone, you're not quite to that height where you have to do that but if you're going to do an SMU wall we're going to be looking for engineering reports, somebody's going to certify that wall that it's built right.

MR. DEPUY: All right.

MR. ARGENIO: If it were 9 or 10 feet we'd be having a different discussion so I don't want to belabor it, that's the deal with the wall, needs to be certified certainly designed by a P.E. There was an issue if my memory serves me there was a sight distance issue with this application originally that you, sir, if you were the owner I think you remedied it. Tom, do you recall that?

MR. DEPUY: Yeah, it was here, we had to come out and do some, it was back towards the bridge of the Thruway they came in and they did some slight grading and we cut down some trees and trimmed out everything.

MR. ARGENIO: Increase the sight distance.

MR. KESSLER: Brush that was there, it was really minor

and in the two years that we have had the facility I don't recall anybody ever having an accident there, any kind of automotive accident or truck accident.

MR. DEPUY: Our use is not a peak generator that is what happened was when it was the factory, you know, 300 people get let out and now it's--

MR. ARGENIO: With the factory, Tom, was probably five times higher.

MR. DEPUY: Yes, and our proposed use here is going to mirror what we're doing here so no increase in peak, no volume increase but no peak increase.

MR. ARGENIO: Certainly nothing near what it was when Tarkett was here. You know what we should do just to make it part of the record, oh, somebody should do this, just check with the cops just to make sure that we can put it in the file that we did check it and we did verify that there's no issues. I don't think there's issues, I go home that way sometimes and I have never seen an issue but to have it as part of the record certainly wouldn't hurt anybody. So the access is in New Windsor so Mark has a comment here the planning board may wish to authorize the issuance of the lead agency coordination letter. My question was going to be why us, why not Cornwall? Likely because the access is in New Windsor?

MR. EDSALL: And you've probably got 80 percent of the new building and you've got the access.

MR. ARGENIO: In my mind the access--

MR. EDSALL: That's from an environmental standpoint probably the bigger issue.

MR. ARGENIO: This project is adjacent to Route 94 as such must be referred to County Department of Planning that's a requirement. Anything with DOT on this, Mark? Nothing, no change in the entrance, right?

MR. EDSALL: No, it's your option if you believe there's a reason to send it, I don't know that there is.

MR. ARGENIO: Unless you guys disagree, I think Mr. DePuy has brought up a good point in that the use is not nearly as intensive as what it was when it was a

tile factory.

MR. GALLAGHER: No.

MR. ARGENIO: I think we should do the cop thing just so we can have it. Mark, what do we need to do? I think we can refer this, can we not? The plans look like they're pretty good.

MR. EDSALL: Yes, I can make the recommendation both to Cornwall and the county and lead agency letter.

MR. ARGENIO: No walkways anywhere, Tom, it doesn't look like?

MR. DEPUY: No.

MR. ARGENIO: No pedestrian traffic?

MR. KESSLER: No, very little. Each unit may be one or two employees, usually on the average there's going to be small 8,000 square foot units in there, you know, potential.

MR. ARGENIO: Typically storage.

MR. KESSLER: What we ended up with was about I guess about 85 percent of the main structure is warehousing.

MR. ARGENIO: And what's the other 15?

MR. KESSLER: Some there's a company that splits paper, one of the units, another company that makes theater props.

MR. DEPUY: Mostly retail.

MR. KESSLER: We picked up a few people from Woodbury Commons retail outlets for their warehouse.

MR. ARGENIO: They store stuff there?

MR. KESSLER: Right.

MR. ARGENIO: Makes sense. You guys have anything else?

MR. GALLAGHER: No.

MR. ARGENIO: Mark, what do we need to do, we can refer

it?

MR. EDSALL: I will move forward on the paperwork and Tom advised me they are making application to Cornwall's Planning Board.

MR. DEPUY: Yes, we'll probably be making that tomorrow.

MR. ARGENIO: Do you use the rail part?

MR. KESSLER: No, it's still there, we had an inquiry just recently for the, to have somebody that might have interest in using it to access some of this facility.

MR. ARGENIO: It's a very interesting site, I'm glad you're able to make it work.

MR. KESSLER: Yes, well, I mean, otherwise, it would have just sat, we did a major renovation to get it into a workable rentable space.

MR. ARGENIO: Were you the guy who bought it from Tarkett?

MR. KESSLER: Yes.

MR. ARGENIO: Anything else, Mark?

MR. EDSALL: Not that I know of.

MR. ARGENIO: You know what to do, we'll do the referral to county, do your thing with Cornwall and Dominic and Mark, you'll get with Dominic and you guys will start working on this verbiage for combining the lots, not combining them, verbiage that will keep the lots linked.

MR. EDSALL: Yes.

MR. ARGENIO: Thank you.

CENTER LINE STUDIOS LOT LINE CHANGE (11-08)

MR. ARGENIO: Center Line Studios lot line change. The application proposes multiple lot line adjustments and parcel combinations on both sides of Forge Hill Road, in the area of the Cornwall Paper Mill. The application was reviewed on a concept basis only. What do we have here, Mr. Clearwater?

MR. CLEARWATER: Good evening, my name is James Clearwater, land surveyor with MJS Engineering. I colored things up because even though this is a relatively simple application, it's confusing. Those of us who have lived in Cornwall and New Windsor forever remember this as Cornwall Paper Mill not as Lafayette and Cornwall Paper Mill was owned by Louis SanGiacomo and he expanded the site and expanded the building numerous times over the years, big adjoining pieces of property and adding things, adding it altogether. Now it's owned by Center Line Studios. There are three tax lots owned by Center Line Studios and one tax lot owned by N & C Land Corporation which is Andy Callahan. What the plan is is that Andy and N & C Land Corporation will buy everything on the south side of Forge Hill Road and Center Line will retain everything on the north side.

MR. ARGENIO: Show me where 9W is?

MR. CLEARWATER: This is Forge Hill Road.

MR. ARGENIO: 9W is on the right side which Andy is going to get?

MR. CLEARWATER: Andy owns.

MR. ARGENIO: Jim, I can see it.

MR. CLEARWATER: This is the tax map, Andy owns the little blue one, it's a two acre site. That's where the warehouse used to be, 1-800 Mattress used to be in that building. Center Line owns the rest of it. Andy is going to buy and annex to his piece all the land going to the east including the old railroad spur that goes up in the back, the three old houses that are out there, those will all be annexed onto Andy's warehouse piece. The existing house that sits up on the hill it's a ranch style brick house that will sit on its own lot separate from the rest of it that's owned by Center Line now.

MR. GALLAGHER: Parcel B.

MR. CLEARWATER: That's right. Everything on the north side of Forge Hill will be retained by Center Line. There's two tax lots out there now on the north side the tax line tax property line runs right through the middle of the building, the big mill building so the idea is to move the property line over so the mill building is all on one piece and the balance of this property on the north side would be on separate which would include this 10 acre site on the far west.

MR. ARGENIO: Is this, and this is two different lots?

MR. CLEARWATER: They're currently one tax lot.

MR. ARGENIO: Are you proposing to be two different lots?

MR. CLEARWATER: No, they are together now as one tax lot and they'll remain together as one tax lot.

MR. ARGENIO: Okay. I've got to study this plan a little bit, my goodness, so Andy's going to get this?

MR. CLEARWATER: Andy gets all the blue and he gets this yellow piece which is the single-family house that sits on top of the hill, that's a single family residential house that's a permitted use in the zone and it will sit on its own separate lot separate from all the other commercial stuff.

MR. ARGENIO: Center Line Studios gets this, this and this?

MR. CLEARWATER: Right, they already own it and they'll retain it.

MR. ARGENIO: So they're lopping this off for Andy?

MR. CLEARWATER: That's correct.

MR. ARGENIO: Where does this go?

MR. CLEARWATER: This is the railroad spur and it connects up with the old railroad that ran in the back here, that's the railroad that ran passed.

MR. ARGENIO: Does it go under 9W?

MR. CLEARWATER: It used to.

MR. ARGENIO: So it ends at 9W now the parcel?

MR. CLEARWATER: Right, there used to be a bridge on 9W it was filled in.

MR. ARGENIO: It's before my time.

MR. CLEARWATER: This railroad ran along Moodna through or behind Firth Carpet Mill, Majestic Weaving and ran on a bridge across Moodna across Route 32 you still see the abutments. Anyway, this is the spur don't remember who built it but it would come down to this building.

MR. ARGENIO: Okay, so I see the old lot line in the building over here, is that right, Mr. Clearwater, exchanging that in favor of this? So we have a building that's still too close to the road but at least the lot line doesn't go through the middle of the building.

MR. CLEARWATER: Right, if you look at that historically Lou SanGiacomo he was a little difficult to work with, the Town of New Windsor had to sue him when they put the sewer line in, the county had to sue him when they went and fixed the bridge over Moodna, it was, and all the deeds he added on to the property piecemeal over the years some of it's owned by Cornwall Paper Mills, some is owned by him personally, some owned by SanGiacomo of Orange, New Jersey, which is a New Jersey corporation and that's why they ended up with all the separate tax lots, it's a real mess even before this before Lafayette bought it.

MR. ARGENIO: Always stupefied how close the building is to the road. Let's move this along. I think we have an understanding.

MR. CLEARWATER: There was never a right-of-way width established where the buildings are real close to the road. SanGiacomo would never agree with the county so there was never any formal right-of-way so with this application we'll establish a right-of-way from the county through there, it won't be as wide as they want but the buildings are so close, the buildings are right on the road so we'll make it as wide as we can with the county. I met with them last month and basically whatever we can give them they'll take.

MR. ARGENIO: Okay, who did you meet with at the county?

MR. CLEARWATER: Pat Kennedy.

MR. ARGENIO: You guys have any questions on this? I think I understand what's going on here. Taking a mess and you're making it less of a mess from what I can see.

MR. CLEARWATER: Right.

MR. ARGENIO: Fair description, Mark?

MR. EDSALL: I think it's a real big mess that's going to be just a little bit of a headache.

MR. GALLAGHER: Somebody plans on occupying the mill?

MR. CLEARWATER: Right, Center Line Studios builds sets for Broadway plays and theater stuff down in New York and they want this building because of the height inside they need the height and the space.

MR. BROWN: So they're going to use the existing buildings, just renovate it?

MR. CLEARWATER: Major renovation.

MR. EDSALL: Center Line's issue was before the board as to whether or not it was a continuation of the prior use and the board and the building inspector's office had acknowledged that it was in fact a continuation in the same use class so they did ask the question and then they ended up purchasing it from the bankruptcy court and I think in their respect they are taking an eyesore and trying to clean it up so everything's going forward.

MR. ARGENIO: Peel off of some of it and sell it to Andy and help recoupe their investment.

MR. CLEARWATER: Cornwall Paper Mills was in bankruptcy and the Canadian company that became Lafayette Paper bought Cornwall Paper Mills out of bankruptcy and now Center Line bought it.

MR. ARGENIO: If what you have is accurate, I don't take exception to any of this, this is the creek going

around there, so do you guys have anything, Harry or Howard?

MR. BROWN: I think it's an improvement.

MR. GALLAGHER: Absolutely.

MR. ARGENIO: Mark, what do we need to do? This has to go to county.

MR. EDSALL: It's got to go to county, got to be sent to Cornwall because of the spacing to the municipal boundary. One thing you might be able to reach a decision on to give Jim a little bit of foresight into what's going to happen down the road is a determination on this lot line change if there will be the need for a public hearing.

MR. ARGENIO: There's no site plan here.

MR. EDSALL: I'm not saying you should have one. What I am saying is the code says that for subdivisions which technically this is a subdivision in the form of a lot line change you have to decide if you want one.

MR. ARGENIO: Do we see the need for that public hearing?

MR. EDSALL: Everything that's happening here is on paper, there's no physical changes.

MR. GALLAGHER: Motion to waive the public hearing.

MR. FERGUSON: Second it.

ROLL CALL

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

MR. ARGENIO: You have to go to county, we'll refer to Cornwall and we'll see you again. Am I missing anything?

MR. EDSALL: As soon as the time elapses and we can have him back and we get, Jim gets a clearance from the county what they want we'll have him back.

MR. CLEARWATER: You'll send it to Orange County Planning?

MR. EDSALL: Yes and to Cornwall.

MR. CLEARWATER: And the DPW?

MR. EDSALL: You're dealing with DPW but we'll send it so we're aware that we're looking for them to resolve.

MR. ARGENIO: Let's be clear, we authorize it to be referred to the Orange County Department of Planning by law because of your proximity to 9W. Now if you want to speak to Orange County DPW, go ahead.

MR. EDSALL: Whatever the county and the applicant work out for alignment we want to know about it, we have to know about it but I don't know whether or not we need to send it, you know, unless the applicant wants us to.

MR. ARGENIO: Well, I don't think there's anything tripping us sending it because they are not changing a bunch of entrances onto the county road if they were then we'd be obligated to send it, I think.

MR. EDSALL: Yeah, Jim, was Kennedy looking for us to send it?

MR. CLEARWATER: No, well, he didn't say specifically, obviously, the application sits on a county road so I thought that it should go formally from you but if you want me to just deal with it I'll deal with it.

MR. EDSALL: Your option, Mr. Chairman.

MR. ARGENIO: I think until you start talking about changing curb cuts, increasing--

MR. EDSALL: We're not creating any new lots.

MR. ARGENIO: -- increasing the traffic flow from the lots by triple or double or 20 percent there's nothing that trips us to go to County DPW I think Mark at least.

MR. EDSALL: We're not, any lot line changes with the county right-of-way are going to be between the applicant and the county's request.

MR. ARGENIO: Work it out with Patrick, that's how I

feel about it. Now time comes you show up and you have a building and an addition and you want to do this and that's a different discussion at that point but for lines on a piece of paper, I don't really think that we need to go down that road, I don't think we need to go down that road.

MR. CLEARWATER: Okay.

NEW CINGULAR WIRELESS (11-09)

MR. ARGENIO: New Cingular Wireless. Application proposes construction of new 100 foot monopole cellular tower. The plan was reviewed on a concept basis only. So nice to see you, counselor.

MR. MORANDO: Nice to see you, Mr. Chairman. How are you?

MR. ARGENIO: Update me if you would please on the status of your old application and I hope I do mean old but you'll tell me.

MR. MORANDO: I'm always nervous mentioning that application. At the last meeting at the end of April as you know we presented a comprehensive sight analysis which we identified the Petro property, Route 9W as an alternative viable site. As directed by this board, we went back, prepared a full complete application for this site, a proposed 100 foot monopole. Simultaneously, we were having discussions with Dominic Cordisco, counsel for the planning board where we came to the agreement to hold the Windsor Motel application in abeyance while we proceed with the Petro application. In other words, the clock is not running on the Windsor Motel application. Now for tonight's application unless--

MR. ARGENIO: No, I wanted a, I asked you the question, you answered it. Let's talk about tonight's application.

MR. MORANDO: Moving forward.

MR. ARGENIO: Let's move forward as it were.

MR. MORANDO: I will give you, I know the board's familiar with the proposal but I will give you a brief summary and defer to the board for comments and questions. As I indicated, this is on the Petro Plumbing and Heating property located on 9W. The purpose of this application is to obtain special use permit, site plan special use permit for the 100 foot monopole located on this site. The purpose is to provide necessary wireless service in an unserved area in the Town of New Windsor primarily along Route 9W and Route 94. For specifics to the site itself it is an

active commercial property, there's an existing access drive extending west from 9W, which will lead to proposed site location for the 100 foot monopole. There's a 44 x 58 fenced in equipment compound as proposed as part of this application. The equipment shed for AT&T will be located within AT&T's antennas and will be located approximately 90 feet on the tower itself, there will be 12 antennas included in the proposal as well as a GPS antenna located within the compound site. In sum, I would say that the proposed facility will enable AT&T to meet the deficits and wireless service needs in the targeted areas. And some highlights for the site itself, it's on west side of Route 9W, it's immediately adjacent to the Anthony's Pier 9 site and commercial structures which in the past has been mentioned as a favorable location.

MR. ARGENIO: Anthony's is north?

MR. MORANDO: Anthony's is south, immediately south. The site itself meaning the wireless facility would be, it's set back a significant distance from the Hudson River shoreline, it's set back over 400 feet from Route 9W, it's tucked in the rear of the property so to be tucked away from neighboring structures. There's natural screening and existing vegetation on the site which will be completely, well not completely surrounded but for the most part around the facility itself, and because of that location it will not interfere with the Hudson River viewshed from the Coloni Funeral Home.

MR. ARGENIO: Where's the newspapers when something comes together? When it does, nobody's here tonight.

MR. EDSALL: It's a shame.

MR. MORANDO: At this point, I can go further, I can see if the board has any comments.

MR. ARGENIO: What's the existing two story dwelling on this site?

MR. GALLAGHER: Behind Petro.

MR. MORANDO: Yes, I don't know if it's, it's characterized as a dwelling.

MR. ARGENIO: Existing two story dwelling.

MR. MORANDO: I can confirm but I know it's part of the Petro site.

MR. GALLAGHER: Storage maybe.

MR. MORANDO: I believe so but I can confirm that.

MR. ARGENIO: Anthony, in your own words what's located above you and behind you to the west I think it would be?

MR. MORANDO: If you go, yes, to the west would be well back there there's a few hundred feet, there'd be Nee Avenue and Fay Avenue.

MR. ARGENIO: So is it like woods and Nee and Fay are above you?

MR. MORANDO: Yes, it's wooded area and in approximately 300 feet would be the closest residence so there are residences 300 feet and beyond.

MR. ARGENIO: You don't have the kind folks from Tectonic here?

MR. MORANDO: No, I apologize.

MR. ARGENIO: If your elevation is at 136 or thereabouts, what elevation are the residences on Nee or Fay Avenue? It's about 140, 240, 180, 210, 290 about.

MR. MORANDO: I don't want to guess because I don't want to be wrong.

MR. ARGENIO: You never like to guess.

MR. MORANDO: I like to be certain when I say something but I do know that the topo--

MR. ARGENIO: Quite steep.

MR. MORANDO: Yes, the elevation is quite steep, it would be set against the ridge line. I drove by tonight, that's the way my visual perspective is but I don't have the elevation of those areas, it might be on one of the drawings.

MR. ARGENIO: Anthony, your client is okay with the concept of the stealth pine tree tower?

MR. MORANDO: At the last meeting, I remember one of the members of the board didn't maybe intentionally mention monopine just as a precaution, we did include, visually depict that.

MR. ARGENIO: Your client is okay with that?

MR. MORANDO: I do discourage it, I can get into the limitations.

MR. ARGENIO: Most of them discourage it, people want to come in later they can't.

MR. MORANDO: Makes it more difficult from an engineering and structural sense, you have metal branches which increase the weight and load, those are other issues. There's also, I mean, it's a minimal increase but there will be an increase of four to five feet to the top of the tower, it wouldn't be for antennas, it would be to create a taper effect for monopine, otherwise, it looks like it's chopped off at the top. There won't be branches below 50 feet on the tower so they start 50 plus.

MR. ARGENIO: If any of the other members have any questions, please jump in. Everybody knows the history here, this was not going easy but Mr. Morando has it seems to me stepped up to the plate and if you have to have a cell tower this is probably where it should be, not on the top of the Windsor Motel, not behind the Windsor Motel, certainly not in viewshed of the Hudson River from Coloni Funeral Home, former Coloni Funeral Home or any other site in that corridor. Anthony, we have to have a public hearing, you know how that goes, it's certainly never easy.

MR. MORANDO: Special use permit, we need it.

MR. ARGENIO: That's right, you need it, special use permit but I will say for the record that you have taken this in a direction, you don't have to write it, you have taken it in the direction as I said nobody wants cell towers but taken it in a direction it should go if we have to have cell towers in our town.

MR. BROWN: Going to have a public hearing, shouldn't they have finalized what kind of pole?

MR. ARGENIO: I would, I don't know that we need to do

that, Howard, cause we may get something from the public at that evening. What you should do is make sure you bring your Tectonic folks with you and bring a nice big picture so everybody can see what we're doing here, there's no secrets here, you've been here long enough to know that I know what my opinion is but I'm not going to get into it right now. I don't think it's appropriate as of yet. Do you guys have the blue book?

MR. FERGUSON: Yes.

MR. ARGENIO: I encourage you to take a look at that. You did the visual analysis which you knew we were going to ask for. Mark has some comments. Mark, can we take lead agency on this? Is there anything technical we need to do?

MR. EDSALL: I'm not aware of any other agencies that are involved so you could get it out of the way.

MR. ARGENIO: So we can assume lead agency. I'll accept a motion.

MR. FERGUSON: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded we declare ourselves lead agency, New Windsor Planning Board.

ROLL CALL

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

MR. ARGENIO: Let's get this to the county. I don't see any reason why we can't do that.

MR. EDSALL: We took the liberty because this is an ongoing moving application that we have referred it to the county.

MR. ARGENIO: Good.

MR. EDSALL: We got it out.

MR. MORANDO: Thank you very much.

MR. ARGENIO: What do we say? If anybody sees fit, I'll accept a motion to schedule that public hearing.

MR. BROWN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded by Mr. Ferguson to schedule a public hearing for AT&T.

ROLL CALL

MR. FERGUSON AYE

MR. BROWN AYE

MR. GALLAGHER AYE

MR. ARGENIO AYE

MR. ARGENIO: What else do you want, Anthony, tonight?

MR. MORANDO: Nothing.

MR. ARGENIO: Anything else? Get with her.

MR. MORANDO: Just for clarity, we're looking at the July 6 meeting for the public hearing?

MS. JULIAN: Depends on the assessor.

MR. ARGENIO: What did I tell you when we met at all the previous meetings? You're on track so as soon as we can get the list, as soon as we can get you on you're own.

MR. MORANDO: Okay, thank you.

MR. ARGENIO: There's no need to play monkey games with this.

MR. MORANDO: No, no, just trying, just want to have my scheduling ready to go.

MR. BROWN: It has to be 30 days?

MR. ARGENIO: No, it has to be I think--

MR. EDSALL: You can't act either with a negative dec or for approval until you hear from the county but you can have the public hearing as long as there's proper notice.

MR. ARGENIO: I think it's 10 days, Howard, that's what you meant, right?

MR. BROWN: Yes.

MR. ARGENIO: Thank you for coming in. Thank you for your cooperation.

MR. MORANDO: Thank you and thank you board members.

MEADOWBROOK ESTATES CLUSTER SUB. PLAN AMENDMENT (01-42)

MR. ARGENIO: Last on tonight's agenda Meadowbrook Estates. Meadowbrook, it's my understanding that this is more of a discussion than anything else. It's my understanding, Mr. Applicant, that you guys want to do some clearing and grading. Can you expound on that a little bit?

MR. EWALD: We'd like to do some clearing, grubbing and rough grading of the areas of the right-of-way, some detention areas, the sewer easement lines proposed, basically all the areas where the tree cutting was completed a couple months ago and that's what we're requesting permission to do.

MR. ARGENIO: Mark, did we not ask the applicant to supply us with a red line drawing indicating the approximate limits?

MR. EDSALL: I have one that shows the limits of work on it. Do you have that plan?

MR. EWALD: Yes, it's underneath here.

MR. EDSALL: It's not all the roads, Mr. Chairman, but they have the roads that they do want to work on they have shown.

MR. ARGENIO: So we have that drawing so within those approximate limits you guys want to get in there and do some grading?

MR. SEWITT: That's correct.

MR. ARGENIO: You don't have final approval, just for the benefit of the rest of the board because?

MR. EWALD: We have preliminary.

MR. ARGENIO: You don't have final because?

MR. EWALD: Outside agencies.

MR. ARGENIO: Still waiting on agency approvals, DOH, Department of Health?

MR. EWALD: And DEC.

MR. SEWIT: DOT.

MR. ARGENIO: So they want to do, you have cleared it or you're going to clear it, do you want to do some grubbing? You'll obviously be obliged to install appropriate silt fence to protect your work.

MR. EWALD: Right.

MR. ARGENIO: Or you'll be subject to a fine that Jennifer will be happy to send somebody out and issue.

MR. SEWITT: We don't want to give her any extra work.

MR. ARGENIO: Understand that the grading will be at your own risk, DEC or some other outside agency changes the plans or say move the road to the left five feet too bad for you.

MR. SEWITT: This is true, we realize that.

MR. ARGENIO: You also understand that any acknowledgment of your request or approval of your request this evening does not include the installation of any underground piping, underground catch basins, underground sewer manholes.

MR. SEWITT: No infrastructure.

MR. ARGENIO: Or anything of the like, no infrastructure, put in two words, it's relegated to grading, stumping and grubbing, stumping is grubbing, rough cuts, rough fills, obviously you have to compact it, that would be your issue. Mark, how do we handle that?

MR. EDSALL: The only add-on I would have is not only are we talking about silt fence but this has to be 100 percent in compliance with the SWPPP that's been reviewed and approved, and number two, because they are starting some aspect of the construction prior to final approval, if the board so authorizes they need to establish or the town needs to establish some type of pre-payment of inspection fees so that there is available moneys for town coverage of the work, especially as you said fills are restricted within the town right-of-way as far as compaction and type of materials. You can't just cut and fill roads in New

Windsor. The material that goes in is a fill within town roads has to be up to a DOT standard, if you're going to use native material, it has to be tested, if it meets the grade, you have to compact it properly so we need to have moneys posted and they'll be credited toward the final payment, not like it's extra money, kind of pre-payment of inspection fees.

MR. SEWITT: We'd be willing to do that prior to us doing any work.

MR. ARGENIO: How is that coordinated?

MR. EDSALL: Jennifer and I.

MR. ARGENIO: Really the only issue these folks have done the right thing, the only issue is compaction.

MR. EDSALL: Don't make a mess with the storm water and compact properly.

MR. ARGENIO: The only engineering issue physical engineering is compaction.

MR. EDSALL: That's it.

MR. ARGENIO: Four foot lift does not work.

MR. EDSALL: No, with the wrong material either so and that's happened and we have had people have to dig it back out and that isn't good for anybody. So we'll work that out, we'll work a number out and as long as it's acceptable to the board Jennifer and I can take care of that.

MR. SEWITT: We're fine with that, again, just as long as we don't have to put anything up until we're ready to begin work.

MR. EDSALL: Right.

MS. GALLAGHER: Where are you going to be accessing the site through the same road you did through Settlers Ridge?

MR. SEWITT: No, what I think we'd like to do is go in through the railroad road because we discussed that last time that was really just for clearing, that's why the fence is up.

MR. ARGENIO: That's the right answer.

MS. GALLAGHER: Correct.

MR. SEWITT: Good.

MR. ARGENIO: And do you know what, at the end of the day you have to help us help you because if the people show up in her office stomping their feet, I'm going to say to you or Jen someone's going to say did we not discuss this whole thing ad naseum.

MR. SEWITT: When we did do that that weekend I went up to the site twice, I spoke to the people there, explained to them what we were doing, asked their concerns, they were happy that we were going to be out of there, they were happy that I showed concern, it was legitimate, that was the end of it.

MR. ARGENIO: Any questions?

MR. GALLAGHER: I'm okay.

MR. ARGENIO: Do we need to vote on this?

MR. EDSALL: I wouldn't.

MR. ARGENIO: Counsel says no, we don't need to vote, it's been discussed, you have been authorized to proceed as we have discussed this evening. Anything else?

DISCUSSION

KIA PARKED CARS

MR. EDSALL: Two items, one I will be very quick just to confirm a discussion I had with the chairman we had a concern raised about the Blockbuster site by Five Corners and also the car wash are no longer in operation, they are vacant buildings, and currently there's no commercial activity. The next door neighbor has reached an agreement to temporarily park the Kia, correct, park vehicles on that site.

MR. ARGERNIO: The car dealer.

MR. EDSALL: The car dealer, we told the owner of the Blockbuster property that we would bring it to your attention as long as the board had no objection it can happen. They are just parking on a parking lot. But when the commercial occupancy of that building resumes that can't continue anymore, you can't have the, when Blockbuster's filled by a restaurant or retail or something else, it's got to stop.

MR. ARGENIO: And Jennifer will convey this to the owner.

MS. GALLAGHER: I have spoke to Jim several times about it, he's willing to come in if we want him to revise his site plan, if you feel that that's necessary he's willing to do that.

MR. ARGENIO: I don't think so, if what we're talking about are parking cars, we've got Casey Manns all over town parking junk vehicles.

MR. EDSALL: In fields, in woods.

MR. ARGENIO: Fields, woods, wherever he can fit them, this guy's a very competent, capable developer in our town.

MR. EDSALL: If anybody asks the board considered it.

MR. ARGENIO: Unless you guys disagree, Harry, you okay with this?

MR. FERGUSON: Yes.

MR. GALLAGHER: No problem.

MR. ARGENIO: I don't see it as an issue. He should park his cars, you're right, obviously can't have approval for a restaurant if they have cars parked there.

MR. EDSALL: But the reality is Kia is going to have to figure out if they've got too many cars, they've got a nice site but they've got too many cars.

OPEN APPLICATIONS

MR. EDSALL: The second issue is that Nicole has prepared pursuant to the request of the infrastructure committee a list of pending projects and it has become very obvious to us that it is a voluminous list of applications that are open. We want to go through that list, just updating the board and probably recommend somewhere along the line that as we have done in the past letters be sent to open applications either come in and finish or take action and close it out for you so just give you an idea we're working on that.

MR. ARGENIO: Okay, thank you. Anything else?

MR. EDSALL: That's it.

MR. ARGENIO: Motion to adjourn?

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth
Stenographer