

TOWN OF NEW WINDSOR

PLANNING BOARD

April 25, 2012

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER
BUILDING INSPECTOR

JAMES PETRO
PLANNING AND ZONING BOARD COORDINATOR
AND PROPERTY MANAGER

ABSENT: HENRY VAN LEEUWEN

MEETING AGENDA:

1. Antonio's Barber Shop S.P.
2. Brittany Terrace S.P. Amendment
3. Hudson Valley SPCA Sub.
4. Hudson Valley SPCA S.P.

REGULAR MEETING:

MR. ARGENIO: Welcome everybody to the of the Town of New Windsor Planning Board meeting for April 25, 2012. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

APPROVAL OF MINUTES DATED 3/28/12

MR. ARGENIO: I would like to first start off with the first item on the agenda relative for the members relative to the minutes dated March 28, 2012 and sent out on April 18. If anybody sees fit, I'll accept a

motion that we accept them as written.

MR. BROWN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded. Roll call.

ROLL CALL

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

PUBLIC HEARINGS:

ANTONIO'S BARBER SHOP SITE PLAN & SPECIAL PERMIT
(12-02)

MR. ARGENIO: First on tonight's agenda Antonio Barber Shop site plan special permit on Riley Road. Step up. Your name for the record, sir?

MR. MUGNANO: Antonio Mugnano.

MR. ARGENIO: So tell us, refresh our memory please of the issues that were associated with this application as you recall them and then we'll turn back to the board and talk about it a bit then we'll open it up to the public for comment.

MR. MUGNANO: From what I recall last time--

MR. ARGENIO: Put your plan up, take a minute. Do you need another clip? This time make sure you can see it, last time it was too small.

MR. ARGENIO: Thank you. Basically, this is coming off Route 94. Last time I was here I was told that the Town of Cornwall had to be notified because I was within 500 feet of the Cornwall town line, State of New York or the county because it was within 500 feet of Route 94.

MR. ARGENIO: Yes.

MR. MUGNANO: I was also told the driveway, not the driveway, the parking there were excessive spaces that would conflict with the spaces required by the town on the inside arch of the circle so the inside parking spaces were removed. And other than that, I don't believe there was anything else that had to be addressed. I just had to wait for the letters to go out for Cornwall and I believe the county or the state.

MR. ARGENIO: Mark is indicating in his comments that the parking stalls appear to be out of scale which I'm okay with, this is kind of more a sketch than an appropriately drawn plan. My only concern is, Antonio, is you have five stalls there. What's the distance across the front of the building?

MR. MUGNANO: Where, right over here?

MR. ARGENIO: From, where is my toy, here, from here to here, from corner to corner.

MR. MUGNANO: It's a concrete cinderblock wall.

MR. ARGENIO: How long is it?

MR. MUGNANO: This is 27 feet here and 27 feet here.

MR. ARGENIO: You're over 50 feet which is one, two three, four, spaces within certain feet, within 50 feet, Mark, does that address your certain there?

MR. EDSALL: Well, it did but the spacing issue was more for the ones along the inside of the loop because he needs a total of eight.

MR. MUGNANO: I'm sorry.

MR. EDSALL: And the ones that are shown along the inside of the loop.

MR. MUGNANO: I don't see any. I had those removed, I had new plans made up unless you need extra copies.

MR. EDSALL: We need eight and he took those off cause we had I think he said they all weren't needed but he still needs a total of eight.

MR. ARGENIO: Can we not show two stalls on the inside of that radius?

MR. EDSALL: There's room, I'm sure if we had the dimension I'm sure he can find it, I just don't have a dimension plan.

MR. ARGENIO: Here's what we need you to do, just let me talk for a second. You need to show the width of these stalls, okay, indicated on the plan, the plan that you will submit to the, to Nicole's file after this is all done and you need to show two stalls here and dimensions of those stalls.

MRS. PELESHUCK: Three.

MR. ARGENIO: That's what you need to do. Go ahead.

MR. MUGNANO: Was there supposed to be six or eight? Because I remember initially it was supposed to be six.

MR. EDSALL: It was six if it was single family, has to be eight if it's two family.

MR. MUGNANO: Okay.

MR. EDSALL: You need the two extra spaces because of the two family versus single family.

MR. MUGNANO: Okay, is it okay if I can put where the entrance is and where the garage is? Cause there's a garage door on the opposite side, there's room for two cars, there's room for four cars.

MR. ARGENIO: If they'll fit without encroaching on anything else, that's fine.

MR. MUGNANO: Okay, so the issues are just parking spaces?

MR. ARGENIO: They don't block a fire lane.

MR. EDSALL: Which there isn't one.

MR. ARGENIO: Well, I understand but they can't be across the driveway, they can't be shown to be across the driveway, blocking what would be an emergency access, that's my point.

MR. MUGNANO: Cause initially I had them on the inside and over here parallel parking to the entrance to the driveway, I don't know if that's okay.

MR. ARGENIO: I would ask that you work with Mark to see that they're appropriately located. Mark has indicated that he thinks there's room for them. Please work with him on getting them located and drawn properly and just put dimensions on there of what size the stalls are going to be so we know they're going to fit and we know that as a matter of record they're to be there.

MR. MUGNANO: When you say stalls, you mean the size of the parking spaces which are 9 by 20?

MR. EDSALL: Nine by 19.

MR. PETRO: Nine by 19.

MR. ARGENIO: Yes.

MR. MUGNANO: You need those labeled on each parking spot?

MR. ARGENIO: Correct.

MR. MUGNANO: I wasn't aware of that.

MR. BROWN: He had nine by 16 on these driveways.

MR. ARGENIO: Which is certainly incorrect, he needs to get that squared away. But as I said, Howard, I don't think that it's something that we need to get twisted up about at this point. Mark's telling us that there's room for the stalls. I don't know why it's not correct here tonight but I don't think it's something that we should get overly twisted up about, as long as Mark's been there somebody from his office has been there and Mark is indicating that they can fit. We're not talking about 40 stalls here, we're talking about seven or eight and when I asked him the question about the width along the front of the building when I'm doing the math in my head I'm figuring nine foot in spite of what it says here so that's got to be, that's a plan clean-up issue and it needs to be done.

MR. MUGNANO: Okay.

MR. ARGENIO: Before we go to the public hearing, do you guys, Howard, do you have any other thoughts or Harry?

MR. FERGUSON: No.

MR. GALLAGHER: Not at this time.

MR. ARGENIO: On the 4th day of April, 2012, Nicole compared 62, oh my goodness, addressed envelopes containing notice of public hearing for this application. They were sent out, she had obtained the list from our assessor Todd Wiley. At this point in time I'd like to open this public hearing. If anybody in the audience would like to speak for or against this application, please raise your hand and you shall be heard. Yes, Leo?

MR. BRAUN: Actually, two questions. One was the parking, two is the sign. Is there going to be any particular type of sign indicating or advertising that there's a barber shop in this area?

MR. MUGNANO: Whatever I'm allowed by the town, I know I'm allowed a sign, I don't remember what the dimensions were.

MR. ARGENIO: Jenn, can you share for the benefit of Mr. Braun?

MRS. GALLAGHER: He's going to be allowed a freestanding sign, he will also be allowed to put a wall sign on his house or garage or whatever he wants to do.

MR. EDSALL: No, for home office it would just be the small placard sign cause this is with a home office you're not supposed to change the appearance of the character of the building as a residence. So remember we put in the code it's a small 18 inch by 12 inch or something, a small sign?

MR. ARGENIO: It's your intent to put a sign in accordance with the code as it's written?

MR. MUGNANO: Okay.

MR. ARGENIO: I'm asking you.

MR. MUGNANO: If that's what they, if that's what I'm required to do, absolutely.

MR. ARGENIO: Well, there's a code and you do want a sign?

MR. MUGNANO: Yes.

MR. ARGENIO: You're not going to go to the zoning board and get a variance for, to attempt to erect a large sign?

MR. MUGNANO: No.

MR. ARGENIO: So you'll work with Jennifer on whatever the Town Code is and erect an appropriate sign in conformance with the code?

MR. MUGNANO: Absolutely.

MR. ARGENIO: Leo?

MR. BRAUN: Fine, I'll accept maybe a barber pole if he wants.

MR. ARGENIO: That will be between Jennifer and Antonio.

MR. MUGNANO: If it's allowed, you got it.

MR. ARGENIO: Anybody else?

MR. GALLAGHER: Motion to close the public hearing.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded that we close the public hearing for Antonio's Barber Shop. Roll call.

ROLL CALL

MR. FERGUSON AYE

MR. BROWN AYE

MR. GALLAGHER AYE

MR. ARGENIO AYE

MR. ARGENIO: SEQRA, Dominic, do you have any particularly specific comments about SEQRA for us?

MR. CORDISCO: Not in connection with SEQRA, no.

MR. ARGENIO: Do we need to do lead agency? We've done that?

MR. EDSALL: I don't have any record of it.

MR. CORDISCO: We're not circulating because no other involved agencies are involved so you just have to acknowledge that you're lead agency for an uncoordinated review.

MR. ARGENIO: I'll accept a motion to that effect if anybody sees fit.

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that we declare ourselves lead agency for the uncoordinated review of Antonio's Barber Shop. Roll call.

ROLL CALL

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

MR. ARGENIO: I don't think there's, I don't imagine there's any environmental issues here as it relates to SEQRA. If anybody sees fit, I'll accept a motion that we declare negative dec.

MR. FERGUSON: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded by Mr. Gallagher made by Mr. Ferguson, seconded by Mr. Gallagher that we declare a negative dec under the SEQRA process. Roll call.

ROLL CALL

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

MR. ARGENIO: What about planning, Nicole, do we have a letter from them?

MRS. PELESHUCK: Yes, has a couple of comments but it's local determination.

MR. EDSALL: Mr. Chairman, under my comment four, I tried to boil their comments down to some bullets, the third and fourth of which have already been discussed relative to the signage and parking.

MR. ARGENIO: Let me just get to that, Mark, cause I have two sets of comments.

MR. EDSALL: Yeah, that was when I had received the copy I had included that as comment four to try to make it a little more convenient.

MR. ARGENIO: Okay, again, this is going to be tricky, okay, you did read the letter, Mark, and you have summarized it for us?

MR. EDSALL: I did my best.

MR. ARGENIO: I'm not going to read the letter, I'm going to focus on your commentary. Applicant should verify his ownership of the property, that's a very interesting comment. Jimmy, do you ever remember hearing the county ask that the applicant verify the ownership of the property?

MR. PETRO: No.

MR. ARGENIO: That's new for me too.

MR. EDSALL: I think the reason is because it's the definition says that it's a home occupation.

MR. ARGENIO: Is it your home?

MR. MUGNANO: Yes, sir.

MRS. GALLAGHER: Mr. Chairman, we checked into that, I checked today at the assessor's office, it's still in his father's name.

MR. MUGNANO: It shouldn't be, I had that changed back in December or January.

MRS. GALLAGHER: You need to check with the county on why no deed is pending, nothing is in the assessor's office.

MR. PETRO: Just get a proxy, have your dad sign it and Jenn can put it in the file and you don't have to think about it.

MR. ARGENIO: Follow what he's saying?

MR. MUGNANO: The proxy form I get where?

MRS. GALLAGHER: If you have already done what you've said you've done you just need to check with the county, see why the deed has not been sent to the assessor's office.

MR. MUGNANO: Three Hundred and twenty-five dollar transfer fee.

MRS. GALLAGHER: Did you pay that?

MR. MUGNANO: It went to Jonathan Jacobs' office, that's who took care of the transfer.

MRS. GALLAGHER: They have nothing so I would check into it.

MR. ARGENIO: Please work with Jenn, get that worked up, doesn't seem like a significant issue.

MR. MUGNANO: It's required, it's required.

MR. ARGENIO: Applicant should submit a copy of his barber license to the planning board. Do you have a barber's license?

MR. MUGNANO: I have a barber license.

MR. ARGENIO: We talked about signage, board should note that this is a two-family residence, we talked about that. The board should require pavement striping for one way circulation for an application for a man who wants to cut hair in his home, his two-family home? What do you think the genesis of that is if you have any insight?

MR. EDSALL: My only conclusion is that well not from a inter-municipal perspective but I believe in their review of the site plan as a freestanding site plan they saw the indication that it was a one way loop and they thought that there should be some direction for the customers. Again, we have got the competing challenge of we're trying to say we want it to look like a residence, not like a commercial property so if you start striping and putting signage up and everything else.

MR. ARGENIO: I would think Mark, my goodness.

MR. EDSALL: It's not a--

MR. ARGENIO: Do you guys have any comment to my right, Howard or Harry?

MR. BROWN: Do we have a choice?

MR. ARGENIO: Oh, yeah, we have a choice.

MR. PETRO: Just override it.

MR. ARGENIO: If it's unanimous, it's overridden.

MR. EDSALL: If there were sight distance issues where

you were going around blind corners and it would be a hazard if cars obstructed each other or opposed each other but this is an open loop driveway that's not going to have a terrific volume. I'm not saying you won't have customers but not like it's going to be Big V Plaza.

MR. BROWN: Trying to keep the house to look residential.

MR. ARGENIO: Residential, yes, which is the whole idea of having a small sign, do you feel different than Harry?

MR. GALLAGHER: No, I don't, I don't think we have to require it.

MR. EDSALL: If the applicant runs into a traffic problem they can put up, a lot of times put up residential driveways with wooden arrows or tell their customers which way to come in and out.

MR. MUGNANO: I only put the enter and exit this way, they knew where the driveway was, I don't know if that's what rose the red flag.

MR. EDSALL: It probably did. How wide is the driveway on each side?

MR. MUGNANO: I don't have the dimensions on this one.

MR. EDSALL: Generally is it?

MR. MUGNANO: It's two cars wide going in.

MR. ARGENIO: Even if it's not we're not talking about a dozen vehicles a day.

MR. EDSALL: It's not going to create an unsafe condition.

MR. ARGENIO: The board should consider site lighting, you had previously represented to me that you're only going to be open during the day.

MR. MUGNANO: Right.

MR. ARGENIO: That's the case.

MR. MUGNANO: Exactly, when daylight savings changes it

will be dark, on the garage it's lighting for the tenants for myself and there's two lamp posts at each end of the driveway.

MR. ARGENIO: Okay, board members I'll go with you, Danny first, what else do you have on this if anything?

MR. GALLAGHER: Nothing, I was going to comment on the lighting, I don't see anything else.

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

MR. FERGUSON: No.

MR. BROWN: Just the lighting.

MR. ARGENIO: What's your thought on the lighting?

MR. BROWN: Well, during the summertime or daylight savings time it's not a problem but regular eastern standard time it gets dark at 4:30 and you're still going to have people in the barber shop if they park their car down the driveway they come out.

MR. ARGENIO: Let me just point something out so we're all clear, the parking will typically be inboard on the site, it will not be down near Riley Road and, I mean, I'm sure you're being honest with me, we can have Jennifer verify it, you represented that there are coach lights at the end of the driveway, is that correct?

MR. MUGNANO: Two lamp posts Home Depot style, three 60 watt bulbs in each one and one of the street lights you mount to the garage.

MR. ARGENIO: As my predecessor used to say about the flag pole, make sure you have a flag. My question to you is the lights do work?

MR. MUGNANO: Absolutely, my tenant complains they're too bright that they can't sleep.

MR. ARGENIO: How far are we going to go with this? I'm deferring to you.

MR. BROWN: No, that's it.

MR. ARGENIO: Mark and Dominic?

MR. EDSALL: Seems adequate. The thrust here is to try to make it appear like a residence so it's good that it's residential style lighting, it seems to be adequate.

MR. ARGENIO: Yeah, and you start playing with lighting in this area let's add five lights and make it bright, it's a whole different set of issues, you know, we're trying to strike a reasonable balance here between safety and consideration of the neighbors. And I think we're on track here. Sir, I would ask that you please work with Mark and/or Jennifer on this parking thing, get it squared away, one of the conditions of your approval is that you craft a drawing that is in conformance with what we discussed here tonight. Mark, you understand where we are?

MR. EDSALL: I do.

MR. ARGENIO: That being said, are there any subject-tos? I'm not aware of any. Have I missed any, Mark or Dominic?

MR. CORDISCO: Just important that you adopt the findings that's laid out by Mark in his item number two because this is a special permit, you have, the board has to make certain findings in connection with the home professional office that it's consistent with not only the code but also with the neighborhood, the bulleted items should be part of your resolution and you can incorporate them by reference.

MR. ARGENIO: Members, you have the comments, the five bullets, does anybody take exception to anything that's listed there, what's stated in there? We agree with that, that it's a secondary use not going to employ more than one person, it's not going to create a public nuisance. Harry, you in substantial agreement?

MR. FERGUSON: Yes.

MR. BROWN: Yes.

MR. GALLAGHER: Yes.

MR. ARGENIO: I'll accept a motion for final approval subject to the fact that we have acknowledged that bullet points in Mark's comment number two we acknowledge that this applicant meets those criteria

and subject to Antonio working with Mark on the parking thing.

MR. EDSALL: This is a site plan approval and issuance of a special permit.

MR. ARGENIO: That's correct, that's what the motion will be for.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Roll call.

ROLL CALL

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

MR. ARGENIO: Thank you for coming in. Please take care of those things with Jenn.

REGULAR ITEMS:

BRITTANY TERRACE SITE PLAN AMENDMENT (01-53)

MR. ARGENIO: Regular items Brittany Terrace site plan. The project previously received approval for an expansion many, many, years ago and is before the board tonight with a record plan for acceptance of the planning board to replace the old plan that neither the town nor the applicant has the ability to produce. The plan indicates an additional 96 units. The matter was previously reviewed at the 12 September, 2001, 12 June, 2002, 26 January, 2001, 12 October, 2001, 2011, 9 November, 2011 and 28 March, 2012 planning board meetings. So now we're on. I see Mr. Torro here. Mr. Torro,, the plans that we have seen the last few, your last few visits to this board, have you made any changes from them from the last visit or two to this one I should say the last visit.

MR. TORRO: No, sir.

MR. ARGENIO: As I remember, and correct me if I misspeak, there were two issues that were of significance to this board, my contemporaries and myself that we were focused on one was deriving some type of correlation between the gallons of effluent discharged per unit relative to the quantity of units because DEC works off of gallons per unit and the board is working off of quantity of units that's manufactured home park units and what he'd asked you to supply data to Mr. Edsall to review so he could verify that calculation was that is not substantially an accurate description of item one.

MR. TORRO: Yes, that was.

MR. ARGENIO: Second item as I remember was the generator issue which we'll talk about a bit and having it or not having it, et cetera, is that substantially correct?

MR. TORRO: That's correct.

MR. ARGENIO: Okay, for the benefit of the board members, I just want to bring you guys up to speed. I have spoken to Mark several times about this since their last appearance because this generator thing has been such an important issue to us. First off, FYI the statement was made at the last meeting by Mr. Kean the

applicant himself the owner that in essence and I'm going to paraphrase why should I have to have a generator for my sewage treatment plant, the town doesn't have a generator on their sewage treatment plant. Here's the fact, the facts are that our sewage treatment plant that is that of the Town of New Windsor it runs off of hydraulics which means water head flow, et cetera. Our sewage treatment plant can run for 48 hours with no power off of the dynamic flow of the water coming in than the effluent coming in that it's coming from a higher elevation to a lower elevation. The only issue they have is removal and disposal of sludge which will accumulate over that period of time they don't have power, et cetera, and I spoke directly to Mr. Agido about that so that is in essence from the horse's mouth so to speak. So I just want that on the record because Mr. Kean made that statement and it's important to know and in add to that our sewage treatment plant is from 1970. Mr. Petro, do you know five or six or eight?

MR. PETRO: I don't know the exact date.

MR. ARGENIO: Late '70s and this is new and we have to look at this under today's guidelines. Mark, I want you to speak very briefly on the discussion you had with the DEC relative to the generator for the benefit of the record more importantly and I'd like the members to know as well.

MR. EDSALL: Yes, I contacted the DEC to inquire as to whether or not they had consciously made a decision not to require a generator and if that would be an element that they would normally believe is needed in a waste water treatment plant. And the response I got was is that effectively and I'll paraphrase is they said oh, that was an oversight. So they said it was on oversight and we would recommend it. So following that discussion and my follow-up discussion with the chairman, we concurred that the prior representation of the applicant that an on-site permanent generator installation for the ultimate buildout was the appropriate requirement and in fact the DEC may require that on subsequent submittals. However, given the fact that the Phase I is a very small portion of the 96, being only 10 of the 96 units, the chairman asked if I would go out and look to see what provisions they have for now with the current plant and how it would handle the additional 10 units. In fact, Don I think his name is Don Olan was kind enough to invite Larry and I to

look at their current setup and in fact they have a very good temporary setup, they have a roll-up generator I think 50 KW with a permanent connection which can be connected into, it's a quick disconnect with a transfer switch so it's manual but nonetheless it's not like they have to wire this up every time there's a power failure.

MR. ARGENIO: Plug and play.

MR. EDSALL: Plug and play, and they ran the plant with Larry and I there off the generator and in fact because we were burning up a lot of their fuel cause it's a diesel powered generator they wanted to end the test probably half an hour into our visit to save fuel.

MR. ARGENIO: Cause they didn't want the wires to heat up and melt. Go ahead.

MR. EDSALL: Everything was running fine and I think it's an adequate setup for this stage. However, we have made it very clear I think in the minutes and in the past and they have offered and represented that there would be a permanent installation when they come back in for a Phase II and Phase III approval and I suspect from speaking with the DEC representative that they very well may not be fully cognizant of the oversight.

MR. ARGENIO: And they may require it.

MR. EDSALL: They may.

MR. ARGENIO: For the benefit of the members, this is the thought I know we bantered around at the last meeting temporary permanent, temporary permanent and it was certainly a fairly tenacious meeting. Let me say that, I will just use that word. What Mark and I came up with and this is for your consideration, if you guys disagree with this we can certainly talk about it, was the thought was that the first, what they're looking for first for approval is 10 units and the thought was that the generator as long as they own it and have it on site and it's all ready to work, plug and play so to speak the proposal to you guys that I felt, Mark felt that that's probably okay for the first 10 units but to go further this board may want to discuss it further and as Mark said the DEC might quite frankly require a slab mounted generator with auto start, auto exercise, et cetera. Are you to my right, Harry and Howard, are

you okay with this?

MR. BROWN: Yeah, that could be 10 years.

MR. ARGENIO: It could very well be 10 years, who the heck knows.

MR. FERGUSON: Okay.

MR. GALLAGHER: No problem.

MR. EDSALL: A side discussion that goes with that while we're still on this waste water plant, when I was out there obviously the plant was running, I did take note of any odors or any problems. I didn't sense any difficulties with the plant operation, the noise from the blowers was minimal, very quiet operation. But one thing I did notice they have you might call it a chemical and control building almost like a small shed that they're looking to provide winter protection for their chemical addition and their controls and candidly I think that the investment they have made I told them I thought they should really be asking this board for an approval to put effectively a more permanent structure in place just for the equipment and the chemicals and in fact maybe even this future generator right next to the plant rather than the shanty type temporary structure they have started. Larry, you were going to try to determine what size dimension that it's probably going to be a small block building.

MR. TORRO: They would have to make consideration for an expansion of the plant, how they could handle it but definitely something they have considered that they need, I mean like Mark said they have a big investment in equipment here, it should be undercover if nothing else for their own sake as well as the public.

MR. ARGENIO: Mark but that's not required, I want to be clear.

MR. EDSALL: Well, I think it would be foolish if number one they don't want it and they don't construct it and number two, given the difficulties and the long period of time it took to get this plant in place and trying to fix this problem I think we should if possible work with them to get that outbuilding, that accessory building approved. It's going to look no more than probably smaller than a garage.

MR. ARGENIO: Let me say this again, it's not you or I owning that site, construction of this building is not a Town Code requirement.

MR. EDSALL: No, no, no.

MR. ARGENIO: It's not.

MR. EDSALL: No.

MR. ARGENIO: Then I think and I can't imagine you guys disagreeing, I think we should work with them as best we can if it's their desire to put a structure around that I think we should try to work with them as best we can to get some sort of structure built that if it's within the neighborhood and that's natural in nature when you're out on Station Road in the west end of the town.

MR. EDSALL: Yeah, I would urge that to be considered even if you, I mean, this predates SEQRA so it's not like you have to consider SEQRA as part of this application but I really think we should urge them to come back in so they can get this started. I know speaking with Don he wanted to get this built for the winter so rather than have this drag out it's going to I think if it's 10 by 20.

MR. TORRO: Right, well, slightly larger but still not much more than that.

MR. EDSALL: Twenty by 20 it's going to look like a garage.

MR. ARGENIO: Please urge your client to the effect that you guys are obviously to the effect of what Mark just described but it's not a requirement and Donny seems like a pretty practical guy, I can't imagine him not wanting to be tidy and keep that inside a building.

MR. EDSALL: Would you consider the construction of this accessory building?

MR. ARGENIO: Let me finish the sentence because they need the structure to make the place look tidy and that's what they do, they've done a nice job on keeping the front of the place looking tidy.

MR. EDSALL: The question I would pose to the board would you consider that a site plan amendment or

consider that part and parcel of the waste water plant that we've been asking for and allow the building inspector to just work with them to put up a garage style building?

MR. GALLAGHER: That's what I wanted to ask you if we give this final approval you said this predates SEQRA, if we give final approval is it then a SEQRA involvement after we give final then they want to do it afterwards?

MR. CORDISCO: Theoretically but, I mean, the SEQRA that you would be looking at would just be this building, I mean, it doesn't, you know, you don't back end like the rest of the projects.

MR. ARGENIO: It's something, counselor, it's something that we can give them approval on their plan tonight and it's something that they can work with the building inspector on and Mark on relative to the location and the size, they can get a building permit for it and it's done, yes?

MR. EDSALL: Yes, absolutely, and the location isn't really flexible cause it's got to be where the equipment is, basically there's a slab there now with no building to protect it.

MR. ARGENIO: Howard are you guys okay?

MR. FERGUSON: Yes.

MR. BROWN: Yes.

MR. GALLAGHER: Yes.

MR. EDSALL: My way of looking at it it's part of the waste water plant.

MR. ARGENIO: Just give me a minute to go through this thing, Mark, can you briefly speak about the effluent discharge issue and your findings?

MR. EDSALL: The volume issue?

MR. ARGENIO: Yeah, the correlation of the gallons to the number of units.

MR. EDSALL: Yes, I don't remember which meeting we asked Larry to handle that rather than have the

applicant just submit raw data I appreciate the fact that Larry went through 36 pages of data.

MR. TORRO: For 18 months, correct.

MR. EDSALL: Basically from July 1, 2010 through December 31, 2011 and the average consumption per unit based on all the record consumption water use information is 81 gallons per unit and I think you represented that it was someplace--

MR. TORRO: Fairly consistent with the Health Department and the DEC that we're looking at 100 gallons per unit.

MR. ARGENIO: That's what you're using for a calculation?

MR. EDSALL: Twenty percent safety factor on top of the real numbers. So again, we're not using the standardized tables but we got real data and that was in my mind you can revisit this in the future if you want to but at this point it seems legitimate.

MR. ARGENIO: I want to read Mark's comment five, I can certainly put it in my own words but Mark has shortened it. The applicant should be reminded that if an approval is requested for each subsequent phase they must return to the planning board for the same. As well any and all necessary approvals, DOH, DEC, et cetera, will be required for subsequent phases. Now I'm not speaking for Mark's plans now, I think we are, the planning board is accepting with any motion we made tonight the concept plan, the layout plan of what you proposed here tonight. And the other thing I want to encourage you and I hit on it, we hit on it a little bit at the last meeting is I think it would be really good if they could construct that link to Toleman Road sooner rather than later. And when I say construct it I don't mean build it with a three inch thick lift of blacktop, I mean have it passible for the residents, I think that would be a good thing, Mr. Kean hedged when I asked him about that at the last meeting and I understand why he hedged and I don't disagree with it but please encourage them that would be really helpful if they can get that done because traffic's a big issue for all the folks out there, that's what we heard at the public hearing time and time and again and that link would help that issue.

MR. TORRO: Okay.

MR. CORDISCO: Mr. Chairman on comment number five on Mark's comment number five just want to add to that that this is no different than the original approval we're still acting under the original approval, God knows when it happened in 1968.

MR. ARGENIO: Except this is phased.

MR. CORDISCO: That was phased approval as well and so here--

MR. ARGENIO: Do you have a plan so I can see that and verify that, do you have one Larry?

MR. CORDISCO: The text of the approval at that time did reflect the fact that it was a phased approval subject to further expansion of the sewer in the future and getting permits from whoever.

MR. ARGENIO: So this approval if it's achieved tonight is congruent with that.

MR. CORDISCO: That's exactly right, just so that we're clear what we're talking about is Phase I which would only allow the construction of 10 additional units. For any units beyond 10 they would have to come in for Phase II approval and as part of Phase II approval they'll have to show that the capacity of the waste water treatment plant could handle the additional units at that time.

MR. ARGENIO: Should the planning board vote in the affirmative, it only allows your client to construct the units in Phase I.

MR. TORRO: Understood.

MR. ARGENIO: Just want to be clear you've been at all the meetings?

MR. TORRO: I've known that since a few of them back.

MR. ARGENIO: Harry and Howard, I've tried to cover everything, do you have any other thoughts?

MR. BROWN: No.

MR. ARGENIO: We've been round and round on it, I think

we've covered, I can't think of anything else, the generator, the effluent. Danny, do you have anything else?

MR. GALLAGHER: I don't think so.

MR. ARGENIO: Counselor or Mark, have I covered what needs to be covered?

MR. EDSALL: I think the record's very clear.

MR. ARGENIO: I hope it is, if it's not clear on this one something's wrong.

MR. CORDISCO: As we discussed before this project was the project that was commenced prior to the enactment of SEQRA and SEQRA does have a statutory requirement that projects that are commenced prior to it going into effect on November 1st of 1978 are exempt from its requirements, you don't have to take any action under SEQRA. We're just putting that in the record to acknowledge it. But in terms of the approval the way that I would suggest that the board might want to consider the approval is that you're accepting a recreated plan that's consistent with the prior approval that was granted, the historic approval on this project and also meets all current zoning requirements as far as storm water and fire safety and also deals with of course the sewer issue and that as far as site plan is concerned, the only thing that's granted, I know I'm making a mistake of actually saying three sentences rather than two, I apologize but that you'd be granting site plan approval for the first phase for 10 units.

MR. ARGENIO: Any action we take tonight is subject to exactly what Dominic just described. I'm not going to endeavor to say your words again cause they were concise and well-spoken so I'm not going to go down that road again. That said?

MR. GALLAGHER: I'd like to make a motion we make final approval for Phase I of Brittany Terrace site plan and to accept the record plan.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded that we offer final approval to the Phase I of Brittany Terrace site plan and accept the record plan that Mr. Torro has

submitted on behalf of his client. No further discussion from the board members, roll call.

ROLL CALL

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

HUDSON VALLEY SPCA SUBDIVISION (12-09)

MR. ARGENIO: Hudson Valley SPCA minor subdivision and subsequent to that is Hudson Valley SPCA site plan. I'm going to read both the descriptions here but it seems to me we should probably be whacked up into two different apps.

MR. PFAU: Yes, I got that message.

MR. ARGENIO: So Mr. Pfau, I'm going to read both the descriptions and if you would describe the subdivision first and then go into your site plan about what you're thinking that would be great. The application proposes the subdivision of the 16.4 acre parcel into three non-residential lots. The application was reviewed on a concept basis only. And the site plan is, the applicant proposes three integral site plans, a single plan, the plans include retail and the SPCA use. The plan was reviewed on a concept basis only. So that said, Mr. Pfau, what do you have here?

MR. PETRO: Before we start, I'd like to make your board aware of the fact that this application was also simultaneously before the Orange County IDA where there was application there for a PILOT sales tax and mortgage tax exemptions. We have not yet determined at Orange County IDA how much of this is going to be not for profit and/or for profit and I think I'm going to, this is some information here tonight, I'm kind of wearing two hats and I do not, I'll talk to it later, Mark, where you mentioned about the stand alone lots, I think we want to get into that a little bit more later and I'll tell you why because I think it's your intentions to break these up and sell them, correct?

MR. PFAU: I believe so, yes.

MR. ARGENIO: Tell us now so we can have a comprehensive picture.

MR. PETRO: Obviously, he has three separate buildings here and some of it is going to be internal flow, there are going to be cross-easements over all the traffic patterns and the flows and I think it's important to understand and know that if you're going to sell one or two or make all three separate lots they should definitely be all stand alone on their own merits per lot with no shared parking off another lot. And I thought that should be brought up that shared parking,

I know that we have done that in the past, you were here when we did it in the past. When you're starting brand new, it should be a stand alone each lot even though you're going to have cross-easements.

MR. ARGENIO: Jimmy, unless my memory fails me that shared parking concept has typically only applied where we have an existing plaza or existing paved parking and existing buildings and the one that jumps out at me is Destinta.

MR. ARGENIO: I was going to say the Vails Gate Diner and the building next to it shared parking in the back.

MR. PETRO: And times of operations too, we wouldn't know that here because there's no way of knowing the future tenants but that was the reason for shared parking.

MR. ARGENIO: Go ahead, Mr. Pfau.

MR. PFAU: I'm going to be doing some minor revisions based on that comment.

MR. EDSALL: They did make application for both subdivision and site plan so the concept before you is individual lots for the two westerly retail buildings and then the third retail building being part of the SPCA lot, that's the way it's before you at this moment.

MR. PFAU: That's correct, yeah. To discuss the subdivision real quickly this is a 68 acre plus piece of property on the north side of 207, it's in the NC Neighborhood Commercial zone, like was spoken, there are three proposed lots, there's an 11,400 square foot retail building on one lot which is 2.14 acre parcel, the smallest lot which is a .86 parcel piece, a 7,200 square foot retail building and then the remainder of the land which is the remaining 13.4 acres will also have a 7,200 square foot proposed retail building along with the existing facility behind that building and also three additional kennel buildings in the back. You know, the lot lines have pretty much been drawn based on the site plan. The site plan was developed first and the lot lines were drawn around that to break out the three buildings.

MR. ARGENIO: Do you have a coverage issue on these lots?

MR. PFAU: No, I do not.

MR. ARGENIO: Are you sure?

MR. PFAU: Yeah, because the coverage is strictly building in your code as far as the definition of coverage.

MR. ARGENIO: You don't need and you're telling me you don't need any variances here?

MR. PFAU: I do not believe I do, unless somebody sees something.

MR. ARGENIO: What side yard offset requirement?

MR. PFAU: Fifteen foot side yards, rear yard is 15 foot.

MR. ARGENIO: Let's talk about that and I don't want to get too far tonight because you already acknowledged you have some homework to do with the lot line building, the two buildings on the right they're separated by a property line that goes right down the middle of the driveway. How does that serve in and out, backing up, turning, doing whatever you need to do for the right hand building and the parking on the left side of the right hand building, this parking, this parking, Joe, and then this parking seems to me there's not enough room here. I don't want to have a debate about it tonight but I think about it, check it out.

MR. PFAU: There's enough room for what?

MR. ARGENIO: For this building to operate independent of itself, including that parking and then this building to operate independent of itself including that parking.

MR. PFAU: Are you saying the number of spaces you don't believe?

MR. ARGENIO: No the spaces are backing out onto somebody else's property, talking about the concept of cross easement, et cetera.

MR. PFAU: Well, I believe we're allowed to have the cross-easements.

MR. EDSALL: I think, I don't want to put words in Jim's mouth, but Jim was looking more at the number of parking spaces per lot.

MR. ARGENIO: I'm not commenting on what Jimmy's focused on that cross easement concept is, okay, that's okay per the Town Code, Mark, that's the question?

MR. EDSALL: For site plan yes.

MR. ARGENIO: Okay.

MR. CORDISCO: If they would need to be easements not only for access but maintenance because you would need to make sure that the people maintain the area so it stays drivable.

MR. ARGENIO: We're going to have to look at that.

MR. PFAU: If you look at the site plan without the property lines on it, the traffic flow works very well, it's just the fact that we drew property lines in between the buildings. If you remove the property lines and just see the site plan by itself, it works very well.

MR. PETRO: Just to clarify, I think the cross-easements for the traffic flow and the drives is one issue. The cross-easements and/or the shared parking is another issue.

MR. ARGENIO: I agree with that, Jim. Go ahead.

MR. PFAU: Well, I mean, that's it as far as the subdivision portion of it. Obviously, it's a three lot subdivision, described the lots, you have to take a look obviously to make sure that each lot stands on its own with regards to parking. I can modify that slightly, there's room in the back to add additional parking on any of these lots. So I don't see that as being a problem in our next submission. I'll certainly show that. I'll show the parking calculations for each lot based on use and number of spaces.

MR. EDSALL: While we're still on the subdivision aspect because you're looking at lot one effectively classified as a commercial kennel, it's B9 use and one of the things that I comment under the subdivision is that the bulk table is written on the basis of retail only, it doesn't recognize the SPCA use which has B9

special permit use and it doesn't recognize those different bulk values. And although they may have the area required there are other bulk values that they have problems with because of the lot configuration. So if they proceed based on the layout of the lot lines as submitted, they'll need several area variances so you should make the bulk table reflect retail and the special permit use on lot one and then decide either you can adjust the lot lines.

MR. ARGENIO: Can I interrupt you for a second?

MR. EDSALL: Sure.

MR. ARGENIO: I think I'm saying the word coverage and I think I mean area variances. For the benefit of myself and the rest of the board specifically describe what an area variance is cause I think I interchanged the two terms.

MR. EDSALL: I'm sure counselor will whack me upside the head if I don't answer this correctly. Two different types of variances that you can obtain, a use variance for variances relative to the bulk tables which would be either area setback coverage, that whole family of variances are area type variances. So when I'm saying I hate to use really when we created that in the trade they shouldn't of called them area variances, they should of called them bulk variances because you think the only variance you need is an area variance but they include setbacks.

MR. ARGENIO: So you have confirmed what I thought was the case when I say coverage, I'm referring to an area variance, I'm just using the improper term.

MR. CORDISCO: Correct.

MR. EDSALL: So there are a whole other series of B9 bulk requirements that aren't reflected on the plan and when Joe puts them on the plan he will quickly recognize that either the lines have to be adjusted to maintain compliance for lot one as a B9 use or he needs to go to the ZBA.

MR. PFAU: We'll adjust the lot lines.

MR. ARGENIO: Go ahead, Joe.

MR. PFAU: Do we want to continue to talk about the

subdivision?

MR. ARGENIO: Do you guys have any questions on the subdivision?

MR. GALLAGHER: No.

MR. PFAU: The intent and we'll remanipulate the lot lines as required, but the intent is to separate two of the buildings on there, on stand alone lots and the third building being the remainder plus a new retail building.

MR. PETRO: Yes, it should be noted and Tom will be able to answer, Tom, why don't you state your name?

MR. DICARADO: Tom DiCarado, I'm the past president current vice president of the Hudson Valley SPCA.

MR. PETRO: Mr. Chairman, the New York State Law requires that the kennels of the SPCA have a certain number of acreage to operate. If you unwittingly know or create this subdivision and don't know what that is so I think Tom why don't you tell us what the remainder of the land is going to be and does that meet that requirement for New York State?

MR. DICARADO: The remainder is 13.4.

MR. PETRO: Do you know what the requirement is?

MR. DICARADO: As far as I know, it's 10 acres, that's as far as I know.

MR. PETRO: The reason I bring that up we probably should know that for a fact.

MR. ARGENIO: Joe, you should probably go down that road.

MR. DICARADO: I'll check that.

MR. PETRO: That's why I mention that.

MR. ARGENIO: No, I don't think there's anything else on the subdivision, Joe, other than what we discussed. I don't think there's anything else. Let me just make a comment and I don't know if it's relative to the subdivision or the site plan or both, the Town of New Windsor has a giant traffic problem on that corridor,

I'll tell you I've been on this board for many years and that's probably one of the three worst areas of the town for congestion today. Is that a fair statement, Mark?

MR. EDSALL: Yes, matter of fact--

MR. ARGENIO: Even without doing a lot of crazy calculations.

MR. EDSALL: It's a really rough area and it's been targeted as one of the problem areas. We've been discussing the issue with another site plan application, Silver Stream site plan application.

MR. ARGENIO: Mark and I and the rest of the board have been talking about the problems in that area for many, many years, some day way down the road when I'm probably old and decrepit and living in Florida the state will widen that road, take part of the front of Mr. Petro's properties which his son will probably own at that time and make it right. But in the interim, there's a plan in place that mitigates the traffic issues, doesn't solve them but it certainly mitigates them. We had an applicant on Silver Stream Road had agreed to make the improvements that were required but that applicant either went elsewhere or they just decided not to develop it, my memory serves me I think they just decided not to do the expansion they wanted to do. So I don't know where that's going to go as it relates to your application but that's an issue that's out there, as I said, it exists and it has existed for probably--

MR. PFAU: Is that information I can get ahold of?

MR. ARGENIO: What information would you like?

MR. PFAU: Whatever the improvements were.

MR. ARGENIO: Speak to Mark, he'll share it with you and we also had a traffic study.

MR. PETRO: Just should note because I keep bringing up things when I had met with Tom we did a little sketch plan at one time, he did follow through quite nicely and I'm sure Mark brought this up at workshop, he did align the entranceway of the site Westgate is across the street it's on the plan there and it's directly across.

MR. ARGENIO: Typically something that the state would look for or we'd look for.

MR. PETRO: Mark I'm sure you brought it up.

MR. ARGENIO: I'm sure that's a function of achieving sight distance.

MR. PETRO: Yeah, there's not too much right there.

MR. PFAU: That's the best sight distance.

MR. ARGENIO: Tell us about the site plan, Joe.

HUDSON VALLEY SPCA SITE PLAN (12-10)

MR. PFAU: There's a single entrance into the site, it goes through to the rear of the building. There are three retail buildings proposed along the front, there will be parking in front of that, there will be parking along the sides of the building. We have a complete fire lane looped around all three retail buildings so there's complete circulation around all three. We, you can see the existing facility is actually behind building number, retail building number one as we're calling it, we're providing additional parking along the westerly side of that building but we also have our direct access from 207 straight back to the rear of the property so there's a direct access back.

MR. ARGENIO: That's a good idea.

MR. PFAU: Where we provide parking and there's three proposed kennel buildings in that particular location. At the workshop meeting Mark had indicated that the code does not provide for bank parking we do show it on the plan. What we'll do is actually provide that as actual parking spaces unless I know that there was some talk that potentially there might be some adjustments to the zoning code in the near future that might consider--

MR. ARGENIO: But until that's in effect, it doesn't affect you.

MR. PFAU: Exactly. So what we show as banked we understand will be actual parking because we show our parking calculations up there and we include the bank so that will actually be actual parking. I believe it's a little excessive. If you take a look at kennel space required just for the kennel is 106 spaces, I think it's a little much for a kennel site.

MR. ARGENIO: Why do you say that, kennel traffic flow?

MR. PFAU: Would you imagine there'd be over 100 cars parked there?

MR. DICARADO: It would be nice but right now it's probably much more than we need but if it's required then that's what it will be.

MR. PFAU: I just wanted to clarify I understand that the banked parking we show will be actual parking. We

have two locations for where we believe the storm water management will be, the site kind of crests both directions, there's a wetlands, a COE wetlands that goes around the exterior of the site, portions of Silver Stream actually go around the westerly side, loop out and they come back through the site. We're not proposing to touch any of the wetland areas at all, we need no permits in that respect. The site will be served by central water and sewer which is actually there's an easement, a sewer easement that crosses the property right there, we're not sure if we're going to access that or out Little Britain but as we say, this is the sketch site plan portion and let's see what else, I believe that's pretty much it.

MR. ARGENIO: I have a couple things and members if anybody has any questions please just jump right in. First thing is and again it's premature as you said Mr. Pfau keep in mind that I think in my opinion the planning board did a very nice job in working with the developer of the facility across the street. I think the trees on that corridor are beautiful. I think it has been the intent of the town and this board for many, many years to try to punch that corridor up a little bit as it is our primary entrance, primary entrance to the airport and it is a primary route to our industrial park of how many acres, Jim, 126?

MR. PETRO: A hundred and forty.

MR. ARGENIO: A hundred and forty acres at the airport so it's the desire of the board and town to punch that area up to make it look nice. We'll be looking for you to get focused on the entrance, it appears that you have room between the property line and the curb line so we'd like you to consider that.

MR. PFAU: Absolutely.

MR. ARGENIO: The car wash was done down the road, there's a nice planter there between that and the deli so we're trying to encourage each lot owner as they want to make substantial improvements on their lots to increase the aesthetic component of that entire area so please consider that.

MR. PFAU: Understood.

MR. ARGENIO: And I would love to hear about the dog cemetery in five minutes or less, I'd like to hear how

that works, what do you do with dead parakeets, dead dogs and cats?

MR. PFAU: Tom is going to speak to that.

MR. DICARADO: If I can, the cemetery really hasn't been used, if you go through and look at the plots and the dates, vast majority of them were in the '50s and '60s, lesser amount in the '70s, almost none in the '80s, you get one or two in the '90s and that's it. I mean, it's, so there are very few people coming to that area. I mean, it was established well before I was involved in the organization, there are several people that come to the cemetery. We're going to talk to them about relocating their plot and we'll do whatever we have to do, benches around them, we'll make it better than it is now. The other vast part of the cemetery was a Dr. Thomas about 35 years ago and he just indiscriminately buried parakeets and whatever in that area, that's about a third or more of the cemetery. There are no headstones, there's nothing we can do, you know, in that area. There's no way we can even know who we would contact. We just put a legal notice in the record, Times Herald Record and The Sentinel, we're going to run that twice a week in each paper for eight weeks. We've got everybody at these shelters watching for anyone that comes to the cemetery to have them contacted. But there's one or two people that actually come and at one end of the cemetery there's Newburgh's police dogs. We talked to the Newburgh police chief a while back, we'll reconstitute that, we're trying to make everyone happy. The intent is to take that burial area--

MR. ARGENIO: Move it?

MR. DICARADO: Right.

MR. ARGENIO: If I can interrupt you for a second to be very honest with you, I don't know what you guys are thinking but I wasn't thinking in any way, shape or form about the former pet owners. Maybe that's inconsiderate and shortsighted, I was more thinking about the environmental issue or DEC issue about digging up bones or flesh or dog collars or whatever the case may be.

MR. PFAU: My understanding --

MR. ARGENIO: The other issue is probably an issue and

you seem to have that covered but I was totally focused on what I just described.

MR. PFAU: My understanding from the research that I've done there are no DEC regulations in this regard.

MR. ARGENIO: I would be shocked, they regulate everything in our lives.

MR. CORDISCO: Unfortunately, I did check into this issue as well and I'm not trying to throw up any roadblocks in connection with this but there are in order to operate a pet cemetery in New York State you do have to get a license the law requires in that area that's being, going to be used as a pet cemetery is supposed to be permanently dedicated for the use.

MR. ARGENIO: What's permanent?

MR. CORDISCO: In terms of a deed restriction that gets filed in the County Clerk's Office and then there's even a procedure where you can go to court to remove that restriction, I have no idea whether or not that's happened here, it appears I would hope that you check title and there are restrictions, it may very well be that because this was a historic pet cemetery that it may have predated these requirements.

MR. ARGENIO: Please don't use the term historical, please.

MR. DICARADO: But there was--

MR. CORDISCO: I can't answer these questions tonight but I can tell you that there is an existing regulation in New York State that says whenever you have a pet cemetery you're supposed to get a license, you're supposed to identify the land and then you're supposed to preserve the land by filing essentially a conservation easement over top that property. Here we have a situation where we have an existing pet cemetery that may or may not, probably not is covered by a deed restriction, sounds like it's not but then we're going to have a future relocation of that pet cemetery that in order to be in compliance with state law may need to be restricted.

MR. ARGENIO: All right, I don't think we need to get twisted up about it. But you should bone up on it. We want to make sure we follow the law, that's all. Did

you guys have any other questions?

MR. GALLAGHER: I was actually more on the lines you were.

MR. PFAU: That's what I meant by the DEC.

MR. CORDISCO: About exhuming remains.

MR. PETRO: Stephen King may have to sign off on this.

MR. ARGENIO: You never know, who knows.

MR. PETRO: You have to think of everything.

MR. ARGENIO: What else do we need to do with this tonight?

MR. PETRO: I have one more comment. I'm talking a lot as usual.

MR. ARGENIO: No, stop, really, not really.

MR. PETRO: This is only a suggestion because I'm sure Mark's looked at this and, you know, you're working too and you brought this up the first thing you started talking about is eventually Route 207 will be made wider and improved some day. If that should happen--

MR. ARGENIO: You and I have talked about that.

MR. PETRO: If that should happen and the way this site plan is configured at this time they're going to lose 67 parking spots. I don't know whether you can or whether you can't to move everything back a little bit, could be 10 feet, 15 feet, I know that you're probably meeting the code as it is 40 foot front yard and you're providing 88 feet according to your plan. Do you understand what I'm talking about?

MR. PFAU: Absolutely. The only issue we have is really on the eastern portion with the existing building we're just tight in that particular area.

MR. ARGENIO: You know what, that's almost 20 years of planning board experience speaking and I think that he just summarized it very well, it's a good thought talking about planning.

MR. PETRO: You may not have to but I'm saying Tom give

it some thought, God forbid you should get this all done up and running and they come across there and--

MR. ARGENIO: And you lose 67 spots in the front of your building, you're going to have a real problem.

MR. ARGENIO: Jimmy, that's a great point.

MR. PETRO: So it's something to look into.

MR. PFAU: There's about 30 foot in between edge of pavement New York State and our parking of green space, a lot of it's right-of-way, state right-of-way.

MR. ARGENIO: And Joe get creative, Mr. Petro brings up a good point possibly maybe that could be parallel parking along that line, that way if it ever does come to fruition it's not as tremendous an impact there. Think about it. Do you guys have any other comment? I think that's a great comment.

MR. CORDISCO: I do have one additional comment and Joe had mentioned that they were staying away from the wetlands on this site and that he's identified these as Army Corps wetlands, one issue that we have been tracking is the fact that the DEC is finishing its new wetland maps, they're picking up a lot of Army Corps wetlands. Those maps my understanding is that they're done, they're sitting on a shelf up in New Paltz and that some point in the future there will be public hearings on those maps.

MR. ARGENIO: Are they lawfully in effect as of today?

MR. CORDISCO: No.

MR. ARGENIO: I don't want to talk about it.

MR. CORDISCO: But the only reason I want to point it out however is that if and when the DEC does release those maps there's no grandfathering involved.

MR. ARGENIO: Good point, excellent point.

MR. CORDISCO: So if you have approved, if you even have an approved site plan subdivision by that point where all of a sudden--

MR. ARGENIO: You could be one meeting away from approval when those maps get released.

MR. CORDISCO: You can have an approval but not yet build and you would have to deal with it then. So it's something that you just run the risk of and you just want to point out we're not suggesting that you go to DEC and say are my wetlands also going to be--

MR. ARGENIO: Anything else, guys? Jimmy, that was a good point. Do you have any other thoughts on it?

MR. PETRO: No.

MR. ARGENIO: To my right, anything? That's it. Professionals, do you have anything else?

MR. CORDISCO: No.

MR. PFAU: Is there any sense of starting SEQRA?

MR. EDSALL: We need to make referral circulations but we want to do that, we have two applications in hand.

MR. ARGENIO: We're early.

MR. PFAU: Just asking.

MR. ARGENIO: Motion to adjourn?

MR. BROWN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth
Stenographer