

TOWN OF NEW WINDSOR

PLANNING BOARD

March 13, 2013

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PLANNING BOARD ATTORNEY  
Also Present: Taylor Palmer

MARK EDSALL, P.E.  
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER  
BUILDING INSPECTOR

NICOLE PELESHUCK  
PLANNING BOARD SECRETARY

ABSENT: HENRY VAN LEEUWEN

MEETING AGENDA:

1. Brittany Terrace MHP
2. Nugent MHP
3. Monaco MHP
4. Windmere Estates MHP
5. Stonegate at New Windsor
6. Ridge Rise S.P.
7. Benedict Pond S.P.
8. Global Properties - River Road

**REGULAR MEETING:**

MR. ARGENIO: I'd like to call the March 13, 2013 meeting of the New Windsor Planning Board to order. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

APPROVAL OF MINUTES DATED 1/9 & 1/23/13

MR. ARGENIO: We're going to start with the approval of the minutes dated January 9 and January 23 sent out via e-mail on February 6, 2013. If anybody sees fit, I'll accept a motion we approve them as written.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded that we approve the aforementioned minutes as written. Roll call.

ROLL CALL

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

ANNUAL MOBILE HOME PARK REVIEWS:

BRITTANY TERRACE

MR. ARGENIO: Moving right on, we have four items for the mobile home park review. First is Brittany Terrace. I see Mr. Kean in the audience. Would you please come forward, Mr. Kean? Jenn, has somebody from your office been out to see Mr. Kean's manufactured home community/mobile home park?

MRS. GALLAGHER: Yes, we have.

MR. ARGENIO: How is it?

MRS. GALLAGHER: Very good, very well kept park.

MR. ARGENIO: How are we with the road in the back, Jenn or Peter?

MRS. GALLAGHER: So far so good.

MR. KEAN: Haven't done a thing, can't afford to.

MR. ARGENIO: People are dumping fill for free.

MR. KEAN: Inspections aren't free.

MR. ARGENIO: Mr. Kean, I have always, I live in that neighborhood, I have always commended you for keeping a nice place because it's certainly, I'm not embarrassed to live in that place, it's a beautiful place, it's better kept than a lot of other communities in the town. Have you brought a check with you to the benefit of the town in the amount of \$470?

MR. KEAN: I have.

MR. ARGENIO: Insomuch as everything seems to be in order, I'll accept a motion we offer one year extension.

MR. BROWN: So moved.

MR. FERGUSON: Second it.

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

ROLL CALL

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

MR. ARGENIO: Thank you, Mr. Kean, for coming in tonight and thank you for keeping a nice, neat place.

MR. KEAN: Thank you, Mr. Chairman.

NUGENT MOBILE HOME PARK

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

MR. SHAH: Sandeeb Shah.

MR. ARGENIO: Jenn, has somebody been to the Nugent Mobile Home Park from your office?

MRS. GALLAGHER: Yes.

MR. ARGENIO: What say you?

MRS. GALLAGHER: It's okay.

MR. ARGENIO: Everything seems to be good. Thank you for keeping a nice, neat place, it's important. Have you brought a check made out to the benefit of the town in the amount of \$250?

MR. SHAH: For 150.

MRS. PELESHUCK: Two hundred fifty.

MR. ARGENIO: Change the one to a two and initial it or write a new check. Everything seems to be in order, I'll accept a motion we offer one year extension.

MR. FERGUSON: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded that we offer one year extension to the Nugent Mobile Home Park. Roll call.

ROLL CALL

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

MONACO MOBILE HOME PARK

MR. ARGENIO: Next is Monaco Mobile Home Park.  
Somebody here to represent this? Doesn't appear so.

WINDMERE ESTATES MOBILE HOME PARK

MR. ARGENIO: Windmere Estates Mobile Home Park.  
What's your name, sir?

MR. JOHNSON: Richard Johnson.

MR. ARGENIO: Somebody from your office been there to  
have a look?

MRS. GALLAGHER: Yes.

MR. ARGENIO: What say you?

MRS. GALLAGHER: Mr. Johnson also runs a nice mobile  
home park.

MR. ARGENIO: Where is your place?

MR. JOHNSON: Off Mt. Airy Road.

MR. ARGENIO: Where is that?

MR. JOHNSON: Go passed the reservoir, it takes a left  
and when you go up over the hill as you start going to  
town.

MR. ARGENIO: How many units?

MR. JOHNSON: Approved for 99.

MR. ARGENIO: You have a few units there.

MR. JOHNSON: Yes.

MR. ARGENIO: That's good, I'm glad to hear that  
because it's good. Insomuch as everything appears to  
be in order at the Windmere Estates manufactured home  
community, I'll accept a motion for one year extension,  
anybody sees fit.

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded by Mr. Ferguson.  
Roll call.

ROLL CALL

March 13, 2013

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

MR. ARGENIO: Thank you, Mr. Johnson, for coming in.

## REGULAR ITEMS:

## STONEGATE AT NEW WINDSOR (09-29)

MR. ARGENIO: Regular items, first regular item Stonegate at New Windsor represented by Mr. Shaw. The project involves 81 unit market rate multi-family residential project on 9.08 acre property. Plan was previously reviewed at the 18 November 20, 082,009, 27 October 2010, 8 December 2010 and 23 January 2013 planning board meetings. Greg, we're certainly all very familiar with what we're doing here, why we're here, what we're going to do, would you please just take a moment and for the benefit of the other members update them, especially Mr. Sherman who I think he's seen this but I'm sure the other guys have so if you would please?

MR. SHAW: Absolutely. This project started back in 2008, 2009, it was a senior citizen housing project. The plans were evolved, it was submitted to your board, went through a review process and in December of 2008, we had a public hearing on this project and it was for 84 senior citizen housing units in two buildings. And the site was exactly as it's configured today except for one change and I'll get to that in a minute. And in December of 2010, this board granted a negative declaration on the project again for 84 senior citizen housing units. When we got that neg dec, it allowed us to go to the town board and petition for a special permit for senior citizen housing. Along the way, the town board decided that they felt that they had made enough of a commitment to senior citizen housing and they wanted us to pursue multi-family housing because they were going to revise the zoning ordinance and to remove senior citizen housing from the ordinance. Therefore, they made a provision to allow projects that received a negative declaration to move from senior citizen to market rate multi-family. And here we are. Even though we were allowed 81 units for senior citizen with the provision that we could purchase up to three more units, alright, zoning only allowed us to by density 81 units and because we did not receive that special permit 81 units is the number on the table. So while the previous documents in the file spoke to 84 senior citizens, those extra three units are off the table, we're now strictly speaking about 81 units market rate multi-family. We came before this board last month to reintroduce the project before this board as I said back in December of 2010, we had 21 drawings

done and had been submitted for the public hearing everything from landscaping to lighting. We have a SWPPP completed, reviewed, accepted, we have a SPDES permit, we have a New York State DOT permit in hand, we have a wetlands permit. We have easements for the water main. We have water main extension approval for the town's water main extension. We have the health department approval for the private water main extension. We have everything we need. So here we are, we're before this board, at least we came back last month in an effort to start marching towards final site plan approval. And at that point the board said well, listen, we understand that we now have to evaluate the differences, okay, between senior housing and market rate multi-family housing and what we'd like you to do are a couple things. One, we'd like for you to investigate the difference in the traffic going from senior housing to market rate housing, that's one. Two, the increase in school-aged children K through 12, again from senior to market rate. We'd also like you to look at the increase in water and waste water consumption and discharge for the project. And finally, even though the old regulations called for two parking spaces per unit, the new zoning which was adopted in February of 2012 now requires two and a half spaces. Can you get another half a space per unit to satisfy that requirement? And we did. So the documents that we submitted before this board for this meeting reflects that with water and waste water, traffic, school-aged children and also the additional parking spaces that you asked for. Again, with the intent of moving towards final site plan approval from this board.

MR. ARGENIO: Okay, thank you, Mr. Shaw. For the benefit of the members, this has been vetted and vetted, gone through and reviewed, I can certainly attest to the things Mr. Shaw said. I have in my hand a multitude of letters from their traffic consultant, Maser, from Environmental Compliance Services relative to school-aged children and everything Mr. Shaw said just now is substantially accurate relative to the traffic and the children, et cetera, et cetera. We essentially, and when I say we, I mean this board, our engineer, our attorney and the town board erected a bunch of hoops that the owners of this type of facility would have to jump through, David, Harry, Howard and Danny to demonstrate that their project still fits and when I say a bunch of hoops, I mean quite literally in my hand, if you guys look up here, Mark Edsall along

with Dominic created a list of things that these folks needed to do to make sure that the project, their project was congruent with the current laws and regulations for this type of conversion. Greg, you've seen the list that Mark--

MR. SHAW: Yes, Mark was kind enough to e-mail it to me.

MR. ARGENIO: I added a couple items too but the bulk of it Mark and Dominic and the town board deserve the credit for. Are we in substantial conformance with this, Greg?

MR. SHAW: Yes, we are.

MR. ARGENIO: It seems to me--

MR. SHAW: I went over with Mark on the phone and I would say yes, we're very much in substantial completion with it.

MR. ARGENIO: Greg, just help me for a second and for the benefit of the board members, one of the components which was very important for this project was that they go up to Nina Street and obtain an easement through somebody's side yard then their back yard in order to connect the water main so we would have a looped system. I understand from John Agido, who is supervisor with CAMO Pollution Control or CAMO Environmental, whatever the company's called, they operate our water and sewer system, that stagnant water has always been a problem just I want to say south of this facility and this loop will correct that situation is my understanding. So you were gone for quite some time, Greg, getting the approvals on that connection, you're all set with that now, is that correct?

MR. SHAW: Yes, with Mark and the town's assistance, my client bought and paid for that easement, those two easements, one of them was very problematic, the other one wasn't too bad but they're in hand, hand filed in Goshen.

MR. ARGENIO: From my own edification, Greg, just help me, I know there will be a developer's agreement that will cover the other items, what about the pump station? I know there was a lot of discussion about the lift station, what's going to be memorialized in that developer's agreement relative to the lift

station, if I could just for a second the sewer goes down to 207 and it's got to be lifted up to fall gravity away, this is the lift station we're talking about and this facility will increase the flow into that lift station to the point where it can't handle it anymore so Greg--

MR. SHAW: We prepared a draft copy of the developer's agreement and submitted it to the town five, six months ago. This week was the first meeting on the developer's agreement between Dan Bloom and Mike Blythe, okay, and the town's position and Mark can attest to this is very simple. Seeing that it's a small pump station, it doesn't handle a lot of flow, it's rather old and the amount of flow that we're going to be generating is let's say is at least going to double what that pump station can presently handle, that it has to be replaced and unfortunately for my client, it's going to have to be at his expense. A couple components that presently don't exist with that pump station that are going to have to be add-ons such as a generator in the control building I believe the developer's agreement is going to speak to that's going to be done pro rata, in other words, my client will pay for a piece of it and the sewer district will pay for a piece of it, dependent upon how much sewage they're contributing to it but the wet well itself, the pumps, control panels, all the components that are presently out on 207 right now my client is going to have to foot the bill for that.

MR. ARGENIO: That's exactly almost word for word my understanding of what has been agreed to, what was stated in the meetings that I have attended and my discussions with Mark and the supervisor about this and I think that's good. So what we're doing we're getting a new what, sewer district Mark?

MR. EDSALL: I'm not sure what number that is.

MR. ARGENIO: We're getting a brand new lift station, they're going to pay for it and the upgrade is in the form of a generator, there's not a generator there now so what is it?

MR. EDSALL: Eighteen.

MR. ARGENIO: Sewer district 18 so we'll have the generator and we certainly can't ask this applicant to pay more than his fair share for that generator. Those

will, the water, the pumps, the developer's agreement, fire loop, we talked about that, talked about, somebody else talk for a minute, Harry or Howard? You guys have any questions? We asked them to create that patio area, they've done that.

MR. EDSALL: Mr. Chairman, one item that might be on the list and the list again is a kind of a one size fits all list that applies to a variety of different types of projects as far as configuration, one of the items is if it's not senior housing there's the potential for some school aged-children or younger children that there should be some availability or flexibility for installation of a playground or a small area for the children. In speaking with Greg, the paver area which was passive recreation or sitting area between the two buildings would appear to be a very appropriate location that if they wanted to make a portion of that to be converted to a youth recreation, child playgrounds and such, it would work very well there. I think we should decide if we want to allow them that flexibility with the caveat that if they put it in it would be appropriate for it to be appropriately fenced and allow the building department to deal with them in that area on a modification if they desire that. We don't know yet what the occupancy is going to be, I think it would be unfair to mandate it since we don't know.

MR. ARGENIO: Wait a second, Mark, excuse me, I don't know if I agree with that, I'll tell you why I agree with everything up until the last sentence. Because from a statistical perspective, the documents that I have that Mr. Shaw and his owner, these folks that they retained to analyze this thing post senior they're going to be generating 13--

MR. EDSALL: And a half.

MR. ARGENIO: -- and a half school-aged children so there will in theory if statistics hold be school-aged children there. So I think that we should do something along the lines of what you're saying but we should be more definitive and/or decisive about it.

MR. EDSALL: Well, we can handle it two ways. We can leave it to the building department to work with them on a conversion of a portion of that area and have appropriate fencing or direct them that if they do want to convert a portion of it or if you say they have to

that they'd come back at a later time with a plan just dealing with that conversion.

MR. ARGENIO: Well, I think that that should be called, described as a recreation area. What do you guys think?

MR. SHERMAN: Can you point out what area?

MR. EDSALL: Right between the two buildings.

MR. SHAW: Mr. Chairman, can I also point out in the developer's agreement unfortunately my clients going to be writing a check for hundreds of thousands of dollars.

MR. ARGENIO: Unfortunately for who?

MR. SHAW: For my client, he's going to be writing a check for the hundreds of thousands of dollars for the recreation fee so I'd like to give him a little flexibility here as far as money.

MR. ARGENIO: I'm okay with that but remember too when we do do the senior projects, there's some component there for and I don't know how the code reads but there's a component there for common areas and meeting areas so there should be something in the budget to do something in this area. But I'm very considerate of the statement that you just made and I don't disagree with it. But there should be something.

MR. SHAW: The only comment Mark made is that if my client wants to convert this into a recreational area, alright, that he comes back before the board with a site plan just for this area that gives him the flexibility of making the call whether this becomes a recreational area for the 13.5 children, I mean, going to really use this out of the 13.5, half of them, six maybe are going to be, you know, eight and under. Do you want a recreation area for kids eight and under? Is it worth it?

MR. ARGENIO: If I had the benefit of the e-mail that I sent to Mark several days ago or over the weekend I forget when I sent it, the e-mail said that okay, this is great and I'll be very frank with you, I said seems as though Mr. Shaw's done a fantastic job covering all the bases and making sure that he has appropriate substantive credible answers to the questions we may

ask but these kids, where do they go? Mark, this is what the e-mail said, are they playing and I think I used the term are they playing stick ball in the streets or what provision do we have for the kids? Because from a mathematical perspective, statistical perspective, you're telling us they're going to be there. I'm not telling you, I'm guessing you're telling me they're going to be there so I just want to make sure that we plan for it. I think it would be inappropriate to not make a provision for it, how we handle it I'm really open to suggestions but I think we need to do something. So Mark, do you have any thoughts?

MR. EDSALL: I think--

MR. ARGENIO: Does the board members have additional thoughts? Do you agree?

MR. BROWN: Is there a homeowners' association?

MR. SHAW: No, just purely rentals now.

MR. BROWN: So any recreation area is strictly independent?

MR. SHAW: Correct, it's going to be maintained by the rental manager.

MR. ARGENIO: What about the thing with the kids, I mean, you can't have the kids, the plan can't be the kids will play stick ball in the street. That's not a good plan. Dave? Danny?

MR. GALLAGHER: I agree cause there's not much, there's nowhere for them to go if they're not in another development where there's a school right next door where they can go play.

MR. ARGENIO: There's not like there's a giant grass field next door that they can go run around in and do something.

MR. SHERMAN: Talking about slides, monkey bars?

MR. ARGENIO: I don't know what I'm talking about to be honest with you, I'm talking about whatever's appropriate.

MR. SHERMAN: Cause I've seen areas like that in

complexes and they're, sometimes they go to waste.

MR. ARGENIO: And they fall into disrepair, very reasonable statement. Mark, what are we going to do?

MR. SHERMAN: Sometimes underutilized is what I've seen.

MR. ARGENIO: Greg, your point is well taken, I think Dave is annunciating it, we're not talking about 65 kids, 13 kids.

MR. SHERMAN: How big an area are you talking about, talking about two slides?

MR. ARGENIO: You're not going to have a lot, that's it right there, that circle.

MR. SHAW: About 40 feet in this dimension and probably an average of 45 feet in this dimension slide and maybe a swing and a lot of dirt.

MR. ARGENIO: Maybe we should just propose, show that area as a grassed area, just show it as a grassed area.

MR. GALLAGHER: Pavers because of the senior project.

MR. SHAW: I can do grass.

MR. ARGENIO: I bet you can, 13 a foot as opposed to \$12, I bet you can. Should we do that? I think that makes sense.

MR. EDSALL: Well, the reason I brought it up is clearly from your e-mail and our discussion over the weekend that was an item that we wanted to have on the list. Looking at the plan, that seems to be the only appropriate area that could be converted. And if you make it all grass now and the applicant decides that maybe the average 13.5 turns out to be 22 because of the market and that's who moves in and he decides he wants to put up one single playground unit, do we want to drag him back in for a site plan amendment?

MR. ARGENIO: No, I want Jennifer to handle it.

MR. EDSALL: If we identify the area and tell them they have the flexibility as the owners to do what they feel is appropriate, be it a grass area or add something but we can condition it on adding a fence for safety, let

them deal with it.

MR. ARGENIO: Who's better than you? Can't imagine you not taking that one, my friend. I think that would be best, take the pavers out, show it as a grass area and you win, it's a good thing.

MR. EDSALL: We'll work on the appropriate note that will give Jennifer the flexibility when they come in they can deal with the building department.

MR. ARGENIO: You heard that?

MRS. GALLAGHER: Yes.

MR. ARGENIO: Have a look, it's time. What else do you guys have, Mark or Dominic?

MR. EDSALL: Just for the record, Mr. Chairman, just as Mr. Shaw indicated, the list which was created quite recent because this is really the first couple times we had to deal with these conversions, I did go through the list with Greg and as he indicated, all these items have been addressed, either on the plan, in these correspondence or tonight, so I believe that they have provided all the information that we have deemed appropriate for consideration on these conversions. Procedurally, I think Dom will help us out on what the next step is.

MR. CORDISCO: Yeah, the process that's spelled out in the new code just indicates that the board is to follow the same site plan approval process so with the site plan this application is treated as a site plan which of course it is and the board has to decide procedurally whether it wants to hold a public hearing or not.

MR. ARGENIO: I don't think that's necessary. We're way passed that. What else you got?

MR. CORDISCO: That's it. The board would have to make a determination under SEQRA that the application as proposed is consistent with the prior application and that no significant environmental impacts are associated with this change in the plans.

MR. ARGENIO: If anybody sees it, I'll accept a motion that we, the planning board determine that the prior SEQRA finding on the prior application is consistent

with this application.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

ROLL CALL

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

MR. ARGENIO: What else, Dominic and Mark?

MR. CORDISCO: If you're ready to consider approval, I would suggest that you consider approval along with the same standard conditions together with the condition that the developer's agreement be finalized before the plans are signed.

MR. ARGENIO: Back to the board, anything else guys?

MR. GALLAGHER: Greg, existing barn that overhangs right there.

MR. SHAW: That's going to stay, it's not our barn and it will just stay.

MR. ARGENIO: I don't want to muck things up at this juncture, is there a need, Dominic, do we need some kind of license agreement for that?

MR. CORDISCO: License agreement for what?

MR. ARGENIO: This barn, Dominic, right here is this property owner down here, his barn hangs over on the applicant's property and Danny asked the question what about this barn and Greg says the barn stays, we have no issue, the barn stays and it's at the top of the slope for our pond, it means nothing to us. We have no need for that piece of property, we're going to grade around it, that's the end of that.

MR. GALLAGHER: Does that become a problem for the owner when he goes to sell some day with his barn on the other property?

MR. CORDISCO: It's his fault to be quite honest, it's

his problem and since this applicant's not proposing to change it or to move it or to take it down or to push it over then it's not an issue for this applicant, it's really an issue between two private parties at best, to the extent that person with the barn would have an issue with it, it's something that they have to resolve.

MR. ARGENIO: Mr. Shaw's made it clear it's his intent to not remove the 10 feet of barn.

MR. SHAW: It looks fine from here.

MR. ARGENIO: Anything else? David, anything else?

MR. SHERMAN: Just real quick that exit onto 207 was there a light proposed there or a just a stop sign right now?

MR. SHAW: Just going to be a stop sign, way back when Mr. Chairman suggested on the exit having a left-hand turn out and a right-hand turn out.

MR. ARGENIO: So people don't get jammed up.

MR. SHAW: We designed it accordingly and the DOT permitted it accordingly so we have one lane coming in and two lanes exiting.

MR. SHERMAN: Okay.

MR. ARGENIO: Guys to my right, Howard and Harry, Danny, anything else?

MR. GALLAGHER: No.

MR. ARGENIO: I'll accept a motion for final approval for this and I will read the subject-tos.

MR. SHERMAN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Dominic, make sure I get this right, motion made and seconded that we offer final approval for Stonegate at New Windsor multi-family market rate conventional multi-family conversion subject to the execution of the developer's agreement and the minor plan change that we discussed in the area between the two buildings, obviously the cost estimates, the public

improvement bond and the fees. If there's no further discussion from the members, roll call.

ROLL CALL

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

MR. ARGENIO: Thank you, Mr. Shaw, for doing such a good job with it.

MR. SHAW: Thank you very much.

MONACO MOBILE HOME PARK - CONTINUED

MR. ARGENIO: We're going to go back up, I understand that somebody has come late to the party this evening, that's Monaco Mobile Home Park. Thank you, sir, please come up. What's your name, sir?

MR. MONACO: Nicholas Monaco.

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

MRS. GALLAGHER: Yes, everything is in order.

MR. ARGENIO: Everything's in order, place is neat and tidy and safe?

MRS. GALLAGHER: Right.

MR. ARGENIO: How many units do you have, Mr. Monaco?

MR. MONACO: It's my father's, I'm not sure.

MRS. PELESHUCK: Three units.

MR. ARGENIO: Did you have a check with you made out to the benefit of the town for \$250?

MR. MONACO: Yes.

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

MR. BROWN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

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

MR. ARGENIO: Thank you, Mr. Monaco, give Nicole a check, you have a one year extension, we'll see you in a year.

RIDGE RISE SITE PLAN (04-27)

MR. ARGENIO: Okay, Ridge Rise site plan. The application proposes develop of the 30 plus acre parcel into 148 unit multi-family development. The plans were previously reviewed at the 13 October 2004, 25 October 2006, 26 March 2008, 18 November 2009, 11 August 2010, 9 March 2011 and the 8 August 2012 planning board meetings. Sir, what's your name?

MR. SIMOFF: My name is Hal Simoff, I'm the traffic engineer that submitted the traffic impact statement.

MR. ARGENIO: What's the name of your firm?

MR. SIMOFF: Simoff Engineering Associates.

MR. ARGENIO: Where are you from?

MR. SIMOFF: Madison, New Jersey.

MR. ARGENIO: Mr. Slutsky, do you have anybody else with you tonight or is it just your traffic engineer?

MR. SLUTSKY: Traffic engineer.

MR. ARGENIO: So, Mr. Simoff, what say you this evening to the planning board?

MR. SIMOFF: We submitted a traffic impact statement dated November 5, 2012, it was reviewed by John Collins, Phil Greal, with some comments, we resubmitted on February 1st and review memorandum was issued on February 15 that basically confirmed our findings and agreed with the conclusions.

MR. ARGENIO: Can you, Mr. Simoff, would you just take a moment and verbalize in your own words for the benefit of the planning board members essentially what you're proposing, what improvements you're proposing for the Route 32 Corporate Drive intersection, is that correct?

MR. SIMOFF: Yes, well, there's been--

MR. ARGENIO: I think I have a good feel for it but just so everybody knows in layman's terms what are we talking about here?

MR. SIMOFF: Well, there's been some discussion with Mr. Edsall and your traffic consultant about where there's a need for a left turn lane in the northbound direction. So what we have discussed and I have recommended that the left turn lane be Corporate Drive because for two reasons. Number one, that's where the first phase of the development is on the extension of Corporate Drive. And the second issue is that it, not only do we benefit our site but we benefit the other uses along Corporate Drive, basically the cost of the left turn lane whether we put it at the main entrance or call it the main entrance or Corporate Drive is the same. So just makes common sense to let it benefit more people than just the people entering this site.

MR. ARGENIO: I agree.

MR. SIMOFF: So that's what we're here to discuss, we'd like an endorsement so we can go forward with New York DOT and start that process.

MR. ARGENIO: Yeah, just for kind of future reference, it would have been good if you brought plans so these guys could see it, but we're really not talking about an incredibly complex situation here so coming north you'd come passed KFC, passed Popeyes, passed--

MR. SIMOFF: Sorry to interrupt, I have aerial photos.

MR. ARGENIO: Why don't you do something with them so we can see them?

MR. SIMOFF: I can pass them out.

MR. ARGENIO: How many copies do you have?

MR. SIMOFF: I have five.

MR. ARGENIO: Great, so just give me one, give David one and then you can maybe--

MR. SIMOFF: I'll give one to the professionals.

MR. ARGENIO: Walk us through it, put it up on the easel, oh, the board is missing, so then put your copy down on the table, Mr. Simoff, and describe for us what we're talking about.

MR. SIMOFF: What I have overlapped on this aerial, see you have labeled Corporate Drive which is Route 32

Corporate Drive and then in yellow I have noted where the proposed access is further to the north and we would like to, as I said, we would like to have the entrance at Corporate Drive because it benefits the industrial uses as well so that it gets the trucks and the people coming to the U-Haul, well the back of the U-Haul or the other uses, the auto body paint store.

MR. ARGENIO: If I'm coming north and I come passed Washington Green's entrance at what point does your stacking lane start? Does it start right there at the hotel right next to the driveway, closer to Corporate Drive, where does your stacking lane start?

MR. SIMOFF: The minimum I would suggest that the stacking lane itself which is going to be 10 or 12, 11 or 12 feet wide would be a minimum of 150 feet.

MR. ARGENIO: So you have room for quite a few cars to queue up?

MR. SIMOFF: So we have from Corporate Drive to the beginning of the point of that taper but we can match the tapers but from Corporate Drive to the beginning of the taper is about 220 feet.

MR. ARGENIO: You have plenty of room.

MR. SIMOFF: If we put 150 foot left turn lane in you come back to the taper, we can even pick up some of that taper that's for Washington Green.

MR. ARGENIO: Proposing no improvements on 32 for your northern most entrance?

MR. SIMOFF: Correct.

MR. ARGENIO: Where is Phil on that?

MR. EDSALL: He looked at it and he commented on Mr. Simoff's submittal and his report and then in discussions I asked him what's your experience with residential traffic going up into a commercial road where there's trucks and tractor trailers and versus just going a couple hundred foot down the road and pulling in the project driveway and after asking the question as to the likelihood of which of the intersections they would use Phil issued a memo February 27 which I believe has been circulated raising the issue of whether or not there should be a left turn

ability at both driveways.

MR. ARGENIO: Which is the question I'm asking you, what's the answer?

MR. EDSALL: Well, his comments was he believes there should be both. I think it's ultimately a DOT decision but what it comes down to is a comparison of will people take the first left turn or the more convenient left turn if you're going up the first left turn and you've got four commercial activities with tractor trailers moving about and backing up are we just going to go a couple hundred foot and turn into the project driveway where there's no conflicting traffic? When I raised that question, I don't know that Phil was so convinced everybody would make the first left turn and I don't know the answer to that.

MR. ARGENIO: That's what I was more looking to seek some assistance on.

MR. SIMOFF: Yeah, the ingress traffic during the peak hour, afternoon peak hour is 63 vehicles. Now I projected of that about 60 percent is going northbound so I have projected and that's based on basically the volumes that we found north and south on Route 32 and I matched it to the projections cause that's probably the best way without doing a real market study that you don't know the answer to. So I have 38 cars entering going northbound. Now, I assume that most of them would come in on the southern one which I projected at 26 and the remaining 12 would be at the northern driveway. I don't think there's warrants for both, there are minimum warrants, there's a shoulder there so that if the 12 or maybe it becomes 15 or 20 making that left turn during the peak hour I don't think it's, I think that there's only warrants for one left turn lane and obviously it's subject to New Jersey, New York State DOT but the fact that there's a shoulder and if you're talking about 12 or 15 cars that's one car every five minutes.

MR. ARGENIO: You know, it's illegal to go around somebody.

MR. SIMOFF: They do it.

MR. ARGENIO: I do it, you do it, we did it coming here tonight but it's against the law, but whatever. Tell you what I don't want to have the discussion cause I

think it's kind of moot it's the state's highway and typically, this board's position has been when we see what we think is an issue we refer it to our consultant, Mr. Grealy who's been our consultant for many, many years I've known him personally for many more years than I've been on this planning board.

MR. SIMOFF: I've gotten to know him on this, we've had some very frank conversations.

MR. ARGENIO: Very competent fellow, I've known him many years before I was on this planning board. We tend to defer to him and defer to the DOT unless they come up with something that we have, collectively feel including Mr. Edsall is egregiously wrong, so let them deal with it, let's see what they come back with unless the members have another thought on that.

MR. EDSALL: When we make our referral, we cannot only send the study but we can send Phil's memos and we can tell them that we want them to consider what the appropriate improvements are.

MR. ARGENIO: Mr. Simoff and Phil, what's the guy's name in Poughkeepsie?

MR. EDSALL: This is actually going to go there, Siby in Newburgh.

MR. ARGENIO: You guys can go fight over on Dixon Street, go wrestle over there.

MR. SIMOFF: I'll put my boxing gloves on.

MR. EDSALL: I think one of the next steps we have to take and I'm going to suggest something a little more than just a normal referral, we need to send this to DOT with input and I think at this point the board has a concern and wants DOT to resolve it but I think we need to have yours truly follow up on the referrals cause this has been sent to the DOT four times August 2010, March 2008, October 2006, and September 2004.

MR. ARGENIO: Let me cut you off just for a second, this needs to go to Poughkeepsie, kidding around with Siby, she's a very nice person but, and she does a great job, but this is, this needs a professional engineer and that type of thing.

MR. EDSALL: It has not gone just to Newburgh. My point being it was sent four times, they have never even acknowledged receipt so this time I think what I will do is send it and follow it up with some phone calls to make sure they got it and tell them I'm going to remind that them this, we really want them to look at it.

MR. SIMOFF: I tracked down, I spoke to all the people, I spoke to Poughkeepsie, I spoke to Siby and I even had to get a Freedom of Information Act response because Phil Grealy asked that it become, whether this section of highway is a, they call it a PIL section and I had to file a Freedom of Information Act to get New York State response priority investigation location.

MR. ARGENIO: That's a tragedy.

MR. SIMOFF: So I got it back and they said it's not.

MR. ARGENIO: You're hearing this? Tragedy.

MR. SIMOFF: But I've had contact with the characters with the people involved and so with your consultant and somebody pushing it on the clients said--

MR. ARGENIO: We're on the right track.

MR. SIMOFF: We'll get it done.

MR. ARGENIO: Mr. Slutsky, would you come up please? How did the unit count go from 133 to 148 with me having just the basic knowledge of the fact that some of the units were proposed right on the edge of the wetlands, how did the count go up?

MR. SLUTSKY: The count went up for two reasons, the lots are much smaller footprint compared to the town.

MR. ARGENIO: You changed the size of the units? You made them smaller from what to what?

MR. SLUTSKY: From 2,400 to 1,100. The units are smaller.

MR. ARGENIO: You're a man ahead of your time, you must of read the newspaper today.

MR. SLUTSKY: What happened today?

MR. ARGENIO: There's an article about not enough space for people and people are buying and/or renting and/or desiring smaller spaces rather than bigger spaces.

MR. SLUTSKY: I guess I was lucky but it's mainly because of the size of the units and I believe that we addressed the board's concern regarding the wetlands.

MR. ARGENIO: We'll talk about that at another time. The count went up, Mark brought it to my attention and I asked him why did the count go up, he did not have an answer and we should maybe ask Mr. Slutsky so I asked Mr. Slutsky. Go ahead.

MR. EDSALL: Just so we can better understand maybe where Corporate Drive may be more functional, presuming that everyone buys into Corporate Drive as being the main access, Tomer, maybe you can, just so all the board members hear what you intend to do with Corporate Drive because it's not really the best road right now.

MR. ARGENIO: It's barely a gravel road, I think you're going to improve it?

MR. SLUTSKY: We intend to improve it, bring it to more or less to the standard of the town as far as that goes, I don't believe you want to accept the roads.

MR. ARGENIO: We don't want that road.

MR. SLUTSKY: On top of this, we intend to do a lot of landscaping to dress up the entrance because to do a buffer between the residential and the corporate interests, the main entrance for the rental project so we want to address it, we're improving the condition of the roads and the aesthetic of it, you'll be happy.

MR. ARGENIO: Mark, is there a sewer issue on Corporate Drive?

MR. EDSALL: That's part of what's being resolved. The reason I'm asking is you all have the aerial in front of you and you can see from the aerial that there's tractor trailers parked in what will end up being Corporate Drive, ultimately, if this is going to be a free flowing road equal to town standards we've got to make sure that there's a full width road without obstructions, otherwise, the people won't want to use it.

MR. ARGENIO: Mark, I have to tell you and again probably not, shouldn't be having this debate but I disagree with Mr. Simoff, I believe people are going to want to use the other road but as I said, we defer to DOT and Mr. Grealy, you guys figure it out and let us know.

MR. EDSALL: But I want to make sure Tomer understands we need to make that road more of a characteristic of a road with commercial driveways off of it rather than the commercial driveways and the vehicles being parked out in the road.

MR. SLUTSKY: I think Mark because right now in a sense it's the wild west, they do whatever they want and that's why, I mean, there's no law and order but the sheriff will be in town, it's going to be under control.

MR. EDSALL: Good deal.

MR. ARGENIO: And the sheriff is six foot three and he has an Israeli accent, by the way.

MR. SIMOFF: We paint the center line, shoulder lines and we--

MR. ARGENIO: Yes.

MR. EDSALL: Sounds good.

MR. ARGENIO: Anything else, Mr. Slutsky?

MR. SLUTSKY: I'm fine, thank you.

MR. ARGENIO: Nice to meet you, sir.

MR. SIMOFF: Thank you, sir.

MR. CORDISCO: Just have one additional item, I'm not sure if this was brought up at a prior meeting or not, perhaps when I wasn't here but in regards to the change in the density, Mr. Slutsky has negotiated a developer's agreement with the town board that was premised on a lower density and the payments that were due under that developer's agreement were tied to that specific density and may be worthwhile for Mr. Slutsky to go back and confirm that that developer's agreement still counts for this additional density or whether or not it has to be modified.

MR. ARGENIO: A hundred forty-eight?

MR. SLUTSKY: A hundred forty-eight.

MR. ARGENIO: A hundred forty-eight?

MR. SLUTSKY: A hundred forty-eight before we entered into negotiation in completion of the developer's unit.

MR. ARGENIO: I'm not going to argue because you know what I'm going to do, I'm going to ask Mike Blythe and ask George what's the count and they need to say 148, as long as they do that, we're good, we don't have to debate it.

MR. CORDISCO: It's not our call.

MR. BLYTHE: I couldn't have said it better myself, Mr. Chairman.

MR. ARGENIO: Thank you.

MR. SLUTSKY: Thank you very much.

BENEDICT POND SITE PLAN (13-03)

MR. ARGENIO: Miss Babcock is here representing the Benedict Pond site plan. The project involves a 120 unit market rate multi-family residential project on a 15 acre property.

MS. BABCOCK: Fifty-one.

MRS. PELESHUCK: Don't look at me, I don't do this.

MR. ARGENIO: Fifty-one acre property, it's not 15 acres, Mark, it's 51.

MR. EDSALL: Sorry, a little dyslexia.

MR. ARGENIO: Conversion plan was previously discussed at the 27 February 2013 planning board meeting. Mark, obviously you didn't list all the other visits of Benedict Pond because they go back years and years ago.

MR. EDSALL: Because I knew it would wear you out to list them all.

MR. ARGENIO: It's years of business. Michele, I'm going to try to save a little bit of wind here but when I'm done, please say whatever I missed, fill in the blanks. This project is extremely, extremely similar in concept and rule of law and zoning application as the previous project discussed this evening, Stonegate. If you look at it, it certainly appears different. We're going around a nice pond here and there's probably going to be some type of walking trail or some such thing. But this project, the only difference between this and the prior one we reviewed relative to the conversion is this project you're looking at now Benedict Pond was approved as a senior citizen housing complex where Stonegate was a breath away from approval and the door got shut on senior citizen projects in the town and they just didn't get their approval. But this project was approved, Michele, that's correct?

MS. BABCOCK: That is correct.

MR. ARGENIO: So they were approved. So now in keeping with the Town Code and Town Master Plan, Miss Babcock's client has the right to take their senior project insomuch as the town has determined that we're now at or close to saturation point on senior citizen housing rather than scrap the project, taking and converting

into a multi-family market rate project, is that substantially correct? What did I miss?

MS. BABCOCK: Yes, no, I can give you a little bit more detail, I mean, the project we did get full SEQRA compliance, the project was approved, the applicant even paid all fees and the plan was stamped and signed.

MR. ARGENIO: That's how close this person was to--go ahead.

MS. BABCOCK: I can give you a little bit more, you want more detail?

MR. ARGENIO: Don't kill us with it but these guys have probably not seen it, I've seen it a thousand times.

MS. BABCOCK: This is 120 units, there's 30 buildings, each building contains four units. The applicant isn't proposing any changes to the plan, it currently contains recreational facilities that include a clubhouse, a swimming pool, like you said, there's walking trails along the pond, there's gazebos and benches for everyone to sit.

MR. ARGENIO: And a lot of that was at the request of the planning board at the time when we were preparing our detailed review of the project.

MS. BABCOCK: I did receive a copy of the checklist from Mark Edsall with some items.

MR. ARGENIO: How are you with the checklist, Michele, I need you to give me some kind of assurance for that?

MS. BABCOCK: I can give you the brief answer which is I can affirmatively answer all of the questions on here but if you'd like for me to take a minute to go down.

MR. ARGENIO: No, we don't need the details, as long as you can and you will need to check this off and physically hand a copy of it to Mark or somebody to have them have it in the file certified as a professional attorney that yes, you have done all these things.

MS. BABCOCK: Yes, so I talked about the SEQRA and the approval as far as the parking, the plan as designed had 3.35 parking spaces.

MR. ARGENIO: Everybody catch that?

MS. BABCOCK: So the way that the project is designed the clubhouse is in the front, there is approximately 65 parking spaces outside of the recreational facilities, total on the site there's 164 parking spaces for visitors.

MR. ARGENIO: Code is 2.5, okay, and you're at 3.5?

MR. EDSALL: When this project was before the planning board, the senior citizen housing regulations did not exist. This from a zoning standpoint was designed as multi-family cause it was no density bonus, there was no separate set of rules for senior housing. That's why the parking is much more than even today's parking standard so the density, the parking all when it was back designed eight, 10 years ago originally started, was designed as a multi-family project, they just preferred and proposed the project as senior housing.

MR. ARGENIO: I believe Tony Danza was involved. Is he still involved?

MS. BABCOCK: Yes, the only difference with the approval process was at that time we had to go to the town board and seek a special permit which is similar to the code requirement now.

MR. ARGENIO: Michele, do you have any other pertinent details that you need to offer us relative to this?

MS. BABCOCK: No.

MR. ARGENIO: Guys, do you have any questions on it?

MR. BROWN: This is going to have a clubhouse, right?

MS. BABCOCK: Yes.

MR. BROWN: How's it going to be maintained?

MS. BABCOCK: This is going to be maintained by an HOA.

MR. BROWN: What about refuse removal and all that?

MS. BABCOCK: The garbage and stuff, yeah, there's, on the plans there's several locations for dumpsters and recyclables, the enclosures meet the current town specs, they have the stone along the bottom and the

posts with the roof.

MR. ARGENIO: That discussion that we always have about that, this is going back years, we went round, matter of fact, Howard, this was one of the early projects that I was involved in from a planning perspective where we started looking closely at that stuff I'll call it a pilot project. Harry, what do you think, man, do you have any thoughts on this?

MR. FERGUSON: Nothing.

MR. ARGENIO: It's fairly straightforward, I think it's a good project in the west end of town, beautiful pond, I think that it's going to be a beautiful place, I hope it does not fall into disrepair because it's a beautiful location. There's a pond, as I remember, we had them put walking trails around it, I don't think they're concrete, I think they're gravel walking trails or something but it was pretty nice I thought. Dave?

MR. SHERMAN: No, there's a market?

MR. ARGENIO: That's going to be the owner's risk.

MR. SHERMAN: Just hope there is a market.

MR. ARGENIO: Dan, do you have any thoughts?

MR. GALLAGHER: No.

MR. ARGENIO: Dominic or Mark?

MR. EDSALL: Just one note, the suggestion is going to be that the board consider I guess it could be a reapproval or approval because it's going to be a conversion of the plans as originally proposed. The plans that you have before you tonight are a combination of a portion of the stamped plans and some merged plans to help tonight looking at the project.

MR. ARGENIO: Just--

MR. EDSALL: These aren't the ones that are going to be stamped.

MR. ARGENIO: As an extension of that, the issue with the plans is that there are multiple scales on large sheets and I think everybody was here at the last meeting, I said I wanted you guys to at least be able

to see the entire project. Now, myself, Danny Gallagher and some of your predecessors went through the vetting process of this project and the review process of this project, very, very, very thoroughly but as I said, I felt you guys gotta at least see what we're voting on and, you know, the background we have gone round and round about that so that's why Mark kind of cut and pasted to get this on one page so we weren't standing here stapling four different pages together holding them up so that's the genesis of that commentary.

MR. EDSALL: So the, well, what I was saying is that the, if the board grants the conversion and reapproval, my suggestion is that you restamp copies of the plans that have already been approved so that they'd be identical.

MR. ARGENIO: You'll give them a quick scan, make sure they're right?

MR. EDSALL: We know they're the right thing because we have an original set that bear the Planning Board's stamp on every drawing.

MR. ARGENIO: I know the story, Michele.

MR. EDSALL: So my suggestion is those same plans be re-stamped so clearly they are the same ones.

MR. ARGENIO: I'll accept a motion that if anybody sees fit that the negative dec that we granted for the original project is consistent with what's in front of us.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that we affirm the negative dec previously granted at a prior date and approved by the board.

ROLL CALL

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

MR. ARGENIO: What else?

MR. CORDISCO: Public hearing, waiving public hearing?

MR. ARGENIO: Do we have to formally accept a motion we waive that?

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that we waive public hearing on this inasmuch as I'm sure we had one, I know we had one prior to this. Roll call.

ROLL CALL

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

MR. FERGUSON: So everything is staying like the proposed horseshoe pits and shuffle board?

MS. BABCOCK: All of those are staying.

MR. ARGENIO: Do you want to move in, Harry?

MR. CORDISCO: Motion to grant reapproval and conversion to market rate.

MR. ARGENIO: I will accept a motion if anybody sees fit that we grant reapproval for this project along with the conversion to market rate units.

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

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

ROLL CALL

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

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MR. SHERMAN                    AYE  
MR. ARGENIO                    AYE

MR. ARGENIO: Thank you for coming in.

MR. SIMOFF: Thank you for your patience.

DISCUSSION

GLOBAL PROPERTIES - RIVER ROAD

MR. ARGENIO: What else? Global Properties?

MR. EDSALL: We have received something via the building inspector's office and the workshop and communication from the supervisor's office, the property currently owned by Dave Plotkin which is between properties owned by Global and I think Dave's property's actually called Eastern Harbour Associates is being sold to Global and they're proposing to demolish several buildings that are in disrepair and are likely an attractive nuisance at this point. Remove all the buildings on the property with the exception of one that's going to be restored and extend the railroad tracks.

MR. ARGENIO: So they want to take a bunch of buildings down. Go ahead.

MR. EDSALL: They want to extend railroad tracks siding along the Hudson.

MR. ARGENIO: So the siding is there now somewhere north or south and they want to extend?

MR. EDSALL: They're going to build a new siding and they're going to extend down through the property they're purchasing and as far as new building construction, none as far as grading as I understand it none other than what's needed to demolish the building and put the tracks in and all the tracks are going to be used for deliveries of product that will be pumped from those tankers on the tracks to existing Global storage tanks, no new storage tanks.

MR. ARGENIO: So your question is going to be is it, do we want them at planning board or what to have Jennifer handle it, if that's your question? I have one questions.

MR. EDSALL: It's actually going to be my recommendation that since the facilities really are limited to railroad tracks, piping and pumps and they are connected to existing fuel storage tanks that you refer this to Jennifer and the building department who in turn would have some assistance from the fire inspectors and Global would need to comply with the

appropriate standards, this is the type of mechanical work that I don't know that really is something that we would get too involved in anyway.

MR. ARGENIO: Mark, my question was going to be just that the only issue I have is a fire safety, health and welfare issue, as long as we know that our fire protection folks are there making sure they meet the standards whatever it is cause I'm not that guy that does that, that would be my biggest concern.

MR. EDSALL: Mine as well. To be honest with you, I don't know that there's anything else for us to review other than that I'm sure if we send it to Jennifer she'll work with them and the right thing will happen.

MR. ARGENIO: What do you think, Mr. Brown?

MR. BROWN: Fine by me. Jennifer can handle it.

MR. ARGENIO: The main thing is the fire issue. David?

MR. SHERMAN: No, I'm fine.

MR. GALLAGHER: Fine with that.

MR. ARGENIO: It's yours, my lady.

MRS. GALLAGHER: Thank you.

MR. ARGENIO: Jenn, let's just make sure that I would never discriminate from one applicant to another, let's make sure that the improvements are relegated to the spirit of what Mr. Edsall just described and they're not, suddenly we don't have six buildings going up or applying for building permits for I don't know what but if it turns into that please bring it back here so we can talk about it a little bit.

MRS. GALLAGHER: Definitely.

MR. EDSALL: The basis of my understanding of the scope was a discussion with representatives from Global, formerly from Warex speaking with Global's corporate attorney who verified exactly what they're doing so this is the representation they made.

MR. ARGENIO: Mark, you just never know, my friend, seen crazier things.

MR. EDSALL: I wanted the minutes to say who told me.

MR. ARGENIO: Motion to adjourn?

MR. FERGUSON: So moved.

MR. BROWN: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth  
Stenographer