

TOWN OF NEW WINDSOR

PLANNING BOARD

December 11, 2013

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

ALSO PRESENT: TAYLOR PALMER, ESQ.  
PLANNING BOARD ATTORNEY

MARK EDSALL, P.E.  
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER  
BUILDING INSPECTOR

CAMMY AMMIRATI  
PLANNING BOARD SECRETARY

ABSENT: HENRY VAN LEEUWEN

MEETING AGENDA:

1. Silver Stream MHP
2. GSA/Acquest Development
3. Crestmoore @ N.W.
4. Classic Homes Builders
5. Kings Road Estates I Lot Line Change
6. Kings Road Estates II 3 Lot Subdivision

**REGULAR MEETING:**

MR. ARGENIO: Welcome everybody to the December 11 regular meeting of the Town of New Windsor Planning Board, last meeting of 2013. Everybody please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: Welcome everybody. First off members, did you give those guys schedules? You guys have the schedule for next year? Take a look at it. At the first meeting of the new year we'll vote to adopt that, unless anybody has a problem with it? I assume it's been vetted by everybody at this point. Second item of business is at that meeting, the next meeting, the first meeting of 2014, January 8, everybody please come 15 minutes early, members please come 15 minutes early, we'll meet. Not everybody, the members come 15 minutes early, we'll meet, have our organizational meeting like we do right here. We'll go in the back, Howard, like we do every year. Dave, that includes you, I mean you're part of the group, even though you're an alternate, you're a voting member. So all of that business aside, let's get right down to business as it were.

APPROVAL OF MINUTES DATED NOVEMBER 13, 2013

MR. ARGENIO: The first item we have is the approval of the minutes dated November 13, 2013 sent out via e-mail on December 3. I'll accept a motion to approve them as written, unless anybody has any issues.

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

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

ROLL CALL

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

ANNUAL MOBILE HOME PARK REVIEW:

SILVER STREAM MOBILE HOME PARK

MR. ARGENIO: Mobile home park review, Silver Stream Mobile Home Park. Anybody here to represent this? Step up, sir. What's your name for the record?

MR. PUCCIO: Mike Puccio.

MR. ARGENIO: Where is your park, Mr. Puccio?

MR. PUCCIO: Nine Bivona Lane.

MR. ARGENIO: Where is that, Jen?

MRS. GALLAGHER: Right across from Stewart Airport entrance right next to the Citgo.

MR. ARGENIO: How many units?

MR. PUCCIO: A hundred thirty-seven.

MR. ARGENIO: Lot going on there.

MR. PUCCIO: We're always busy.

MR. ARGENIO: Somebody from your office been there?

MRS. GALLAGHER: Yes.

MR. ARGENIO: What say you in that park?

MRS. GALLAGHER: We have no issues at all.

MR. ARGENIO: Thank you for keeping a nice place, Mr. Puccio. Do you have a check with you this evening made out on the behalf of the Town of New Windsor in the amount of \$760?

MR. PUCCIO: I do.

MR. ARGENIO: I'll accept a motion we offer them one year extension on their approval if anybody sees fit.

MR. BROWN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded to my right

December 11, 2013

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here. Roll call.

ROLL CALL

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

MR. ARGENIO: Want to give the check to Cammy? We'll see you in a year. Let's get to the regular items.

REGULAR ITEMS:

GSA/ACQUEST DEVELOPMENT, LLC (13-14)

MR. ARGENIO: First regular item on tonight's agenda GSA/Acquest site plan, Sylvestri Architectural Associates and C & S Engineers. Application proposes 25,680 square foot two story office building on the 2.45 acre parcel. The plan was previously reviewed at the 25 September 2013 planning board meeting. Mark, are you sure about that? I thought we saw this twice, twice we've seen this, I'm almost positive.

MR. EDSALL: It might have been, I'm not sure.

MR. ARGENIO: Let's, yeah, there's no need, so what's your name?

MR. O'BRIEN: I'm Victor O'Brien with C & S Engineers, 90 Broadway, Buffalo, New York, we're the civil engineers for the project. I'm here for Acquest Development.

MR. ARGENIO: Did you guys need some zoning relief, is that correct?

MR. O'BRIEN: That's correct, we went before the Zoning Board of Appeals for five variances and they were granted in October.

MR. ARGENIO: This is the FBI building, guys.

MRS. AMMIRATI: October 28.

MR. ARGENIO: All of them have been approved?

MRS. AMMIRATI: Yes.

MR. ARGENIO: So do you want to tell us about any changes you may have made to the plan? If my memory serves me, it was pretty thorough and there was some pretty stringent requirements that the FBI had on a lot of different things that they needed a certain way for security.

MR. O'BRIEN: Yes.

MR. ARGENIO: So we didn't have a lot of input in that which is okay, we're happy to have them in our town. So can you share with us?

MR. O'BRIEN: Do you want me to start from the beginning or do you want me to just highlight?

MR. ARGENIO: We'll start at the beginning, first Jesus was born and go from there or what are you going to do?

MR. O'BRIEN: We'll give the general synopsis of the site.

MR. ARGENIO: Just give us a brief general synopsis for the benefit of the members.

MR. O'BRIEN: Okay, well, at the risk of repeating what you said, it's a 26,000 square foot two story FBI facility, it's approximately a two and a half acre lot, it's located at Stewart Airport, Airport Center Drive, Avenue of America's here, parking for 100 and the vehicles that was one of the variances. The other, there were two variances for fence height, we have an eight foot wrought iron type fence on all sides, we got a variance for front setback which is 36.4 feet and we got a variance for the building height.

MR. ARGENIO: Which is the front, the bottom of the page?

MR. O'BRIEN: Avenue of the Americas, correct.

MR. ARGENIO: Okay.

MR. O'BRIEN: Basically since you've seen the plan last, we've made some changes to the entrances. Initially, it was split with an island for the card reader to open the gates but that presented at problem for fire access. So we have removed the islands and have an actual twenty foot wide entrance. And in doing that, what we had to do was make this one way so in order to pull up to the driver's side, you have to pull up to the left so you can't have two-way traffic.

MR. ARGENIO: So you kind of have a loop around the building putting the traffic back down onto the Avenue of the America's?

MR. O'BRIEN: You can exit in an emergency situation but just for traffic flow it's going to be pretty much one way through here.

MR. ARGENIO: Just in case any of the members are

looking at the lane widths, I should say aisle widths, that was approved on 11/21 of 2013.

MR. O'BRIEN: The 26 foot, correct.

MR. ARGENIO: Yeah, that's what we're, what I was looking at so the firemen are okay with this. Dave Sherman, do you have any additional thoughts on this?

MR. SHERMAN: Not right now.

MR. ARGENIO: Howard or Harry?

MR. FERGUSON: No.

MR. BROWN: No.

MR. O'BRIEN: Another small change I will point out is that they asked to have some decorative boulders along these two sides of the site, really it's a force protection requirement so somebody can't ram the fence so they're acting as bollards so to speak.

MR. ARGENIO: Where do they get the boulders? How do you create a specification for a builder?

MR. O'BRIEN: We give them a size and a weight and they get them from whatever quarry they can.

MR. ARGENIO: One of Mark's comments is we need to vote on a public hearing, I can't imagine considering a public hearing for this, this is kind of New Windsor property adjacent to the Port Authority, this exercise is no secret to the Port Authority. Anybody disagree with that?

MR. GALLAGHER: No.

MR. ARGENIO: Dave, are you okay?

MR. SHERMAN: Yes.

MR. ARGENIO: Accept a motion we waive that.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded that we waive the public hearing for GSA/Acquest site plan.

ROLL CALL

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

MR. ARGENIO: Danny, you're the last one sitting next to me, do you have any other comments that you want to make on this?

MR. GALLAGHER: I see the entrance and exit has the sliding mechanical gate to get in, there's no gate for the far right parking lot, is that a guest parking lot?

MR. O'BRIEN: Correct, yeah, you see where the handicapped parking is, there's just a manned gate there so you have to be buzzed in to get through.

MR. ARGENIO: Looks like a very tight plan, I have to say, very, very tight. Mark, is there anything else we need to be considering?

MR. EDSALL: No, they have responded to all previous comments. We worked everything out, everything is in good shape. I would suggest that you address number three and number five procedurally and it's ready to go.

MR. ARGENIO: I don't understand comment three, Mark.

MR. EDSALL: Three is just an acknowledgment for the record that there was extensive SEQRA review with--

MR. ARGENIO: Congruent with all that property.

MR. EDSALL: All you're doing is acknowledging that this plan is consistent with the findings.

MR. ARGENIO: I'll accept a motion that we determine this plan is consistent with the findings, SEQRA findings at the New York International Plaza.

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

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

ROLL CALL

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

MR. ARGENIO: Obviously, you'd need a bond estimate. Let me just read this into the record. I have a disapproval here and it says that I'll read it to you, sir, you need to add 335 Avenue of the Americas to the plan, that's your 911 number. Highway no issue. Fire approved. Water approved. Sewer approved. What else is there? Last bite at the apple boys. If anybody sees fit, I'll accept a motion we declare, we offer GSA/Acquest site plan final approval subject to Mark's comments really the only applicable one is the bond estimate.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made by Danny, seconded by Howard, I'll have a roll call.

ROLL CALL

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

MR. ARGENIO: Congratulations, sir, good luck to you.

MR. O'BRIEN: Thank you, thank you for your time.

CRESTMORE @ NEW WINDSOR SITE PLAN (13-02)

MR. ARGENIO: Crestmoore @ New Windsor is Mr. May. This application proposes 26,315 square foot building to be used as an assisted living facility with 133 units and 190 beds. The application was previously reviewed at the 27 February 2013, 12 June 2013, 11 September 2013 and 9 October 2013 and the 13 November 2013 planning board meetings. So I see Mr. May here. Michele, how are you?

MS. BABCOCK: I'm good thank you. How are you?

MR. ARGENIO: And Ms. Babcock. I'm sure everybody is very familiar with this application. We went round and round on quite a few issues on this application and discussion with Mark over the past week, week and a half or thereabouts. He's indicated to me that Mr. May has done a fine job in getting things tightened up here with this plan. So that said, Mr. May, could you share with us the things that you have cleaned up since we last spoke? As I remember, there may have been some grading easement issue, possibly some wall issues, I'm not really sure what else.

MR. MAY: Mr. Chairman, when it comes to the wall issues, we did have some walls that we did move back five feet from the property line. We also had an additional comment Mark wanted to have on the five feet that it would be a five feet minimum, the walls which were moved back, they would be built five feet from the property line. And then there will be actually a boundary line will be surveyed by a surveyor to show that they do sit back from the five foot boundary line and present it to Mark.

MR. ARGENIO: Maybe we want to do the survey before we build the wall to make sure it's in the appropriate location. Is there batter on those walls, do you know?

MR. MAY: A slight batter.

MR. ARGENIO: What is it per course, I don't mean to ask you.

MR. MAY: Four inches per unit.

MR. ARGENIO: Per layer?

MR. MAY: Right. The other thing that we cleared up

with Mark is the fact that we had some cleanouts that we put on the site utility plan. We actually have cleanouts now which are located at the force main approximately 150 feet on center, which is actually shown on the plan, shown on the profile.

MR. ARGENIO: Did you put the fence around the pond as Kenny had suggested?

MR. MAY: Yes, the fence is on the pond.

MR. ARGENIO: Do we have a detail of that fence, Mr. May?

MR. MAY: Yes, probably located on drawing SD3.

MR. ARGENIO: SD3, site detail three. Where is that fence going to be used?

MR. GALLAGHER: You're putting a white vinyl fence around the whole thing, that's the plan?

MR. MAY: We would like to have it colored black, it's a black picket fence.

MR. ARGENIO: Black vinyl picket fence around the pond?

MR. MAY: Correct.

MR. GALLAGHER: Plan is showing white vinyl picket.

MR. MAY: Well, it was mentioned that at the last meeting that you may want to have a white vinyl picket fence.

MR. ARGENIO: No, it wasn't, no, it wasn't. What was mentioned was split rail fence, standard split rail fence with black chain link around it. And I don't say that because I'm a genius, I say that because that's typically what we look for because the black chain link kind of gets lost in view and the picket fence looks nice and quite frankly, Mr. May, it's probably substantially cheaper than what you're proposing. I'm not a fence guy but does that make sense, Mark, what I just said?

MR. EDSALL: It's conventionally used. Mr. May indicated some concern about the longevity of the split rail.

MR. MAY: We were also thinking of the aesthetics, quite frankly, we wanted to have, we have lighting which is black vinyl, we wanted to have a black vinyl fence so that would match all of the adjoining lighting and everything on the site.

MR. ARGENIO: What's the other black vinyl component?

MR. MAY: It would be a picket fence.

MR. ARGENIO: You said you had something else that's blank vinyl.

MR. MAY: Well, you can have chain link that would be a blank fence also, we were just thinking of the aesthetics also.

MR. GALLAGHER: Is there a code for height for a fence around?

MR. ARGENIO: I think that's right four feet. I think that's correct, Jen, is that right the code is four feet?

MRS. GALLAGHER: Four foot high.

MR. ARGENIO: Blank vinyl picket fence, okay.

MR. ARGENIO: It's not something we should get banged up about. What we typically recommend as what we had described if you're adverse to it, not something we're going to have a feud over.

MR. MAY: We also have fencing around the patio area so we wanted to have a fence that would match the entire site so it makes sense to have same fence at the bottom that we have around the building.

MR. ARGENIO: What's the matter Michele?

MS. BABCOCK: Nothing. What our concern is is that you have these patio areas here and we have that black vinyl fencing around those areas. So we just kind of wanted to be able to mirror that across the site so that everything matched.

MR. ARGENIO: I don't think we're going to have a feud over it, I don't think we're going to have a feud over it but it looks like hell but whatever let's go back, go ahead, Mr. May.

MR. MAY: I think the other concern that we had was we have a letter from the architect concerning the building height which we presented to Mark.

MR. ARGENIO: Are we buttoned up on that, Mark?

MR. EDSALL: Yeah, they have read the code and have clarified the proposed height in the bulk table.

MR. ARGENIO: And they meet code?

MR. EDSALL: They are less than the, there's 53 permitted and they're just over 45.

MR. ARGENIO: Good. What about the south side of the site? Was there something we were discussing on the south side, some grading easement issue possibly?

MR. MAY: The grading easement has been e-mailed to Mark so that he's familiar with the grading easement which has been presented so Samir (phonetic), it's located in the SWPPP so it's part of the application.

MR. ARGENIO: Alright, we'll go with that, Mark, the grading easement?

MR. EDSALL: I'm sorry, we were discussing the fire department connection.

MR. ARGENIO: The grading easement on the south side.

MR. EDSALL: Yes, they submitted that easement, Michele submitted that I believe prior to the last meeting.

MS. BABCOCK: Correct.

MR. ARGENIO: Mark, I have disapproval from water and sewer.

MR. EDSALL: The disapproval that Mr. Agido sent in was based on the depth of the sewage pump station and the cleanout issue. Mr. May revised the plans based on some of my input from John's input, I took the actual plan, scanned it to John and he's gotten back to me as of last Friday late afternoon that he was okay with it. So the sewer issue is all resolved, I think that's what the disapproval was. I will forward a copy of John's e-mail over to Cammy.

MR. ARGENIO: Yeah, just so she can put it in the file.

MR. EDSALL: We just happened to be on another meeting on Friday and we went over it.

MR. ARGENIO: So yeah, we have fire approved, that's key, 911 approved, water and sewer I have disapproval but Mark is telling me that his contemporary discussions with Agido Mr. May did make the corrections in conformance with what John Agido and Mark wanted. County Planning local determination.

MR. EDSALL: Mr. Agido sent me an e-mail at 3:30 on Friday and the inverts looked fine, floats looked fine, water issue we had a discussion whether or not they would cross Route 32 with a single line versus a twin line, John's agreed this a single full sized line and the split on their side of the property.

MR. ARGENIO: What's full size, Mark?

MR. EDSALL: Eight inch, that way they don't have to--

MR. ARGENIO: Split for fire and domestic.

MR. EDSALL: Correct, that way there will be separate valving and shutoff which is what the fire inspector's asked that I pursue. So like I said, John did respond to that, I had sent him a full sized sheet so we'd have something to look at, it was late in the day.

MR. ARGENIO: Dave Sherman, Mr. Sherman, do you have any additional thoughts?

MR. SHERMAN: Just one question, last meeting there was a discussion of the height of the building 52 feet, that's been resolved?

MR. ARGENIO: Actually, 46 feet according to Mark he's verified that, that they're within code.

MR. SHERMAN: Okay.

MR. ARGENIO: Guys, Harry and Howard, do you guys have any other thoughts?

MR. FERGUSON: No.

MR. BROWN: No, I don't see anything. The whole thing is far enough away from 32?

MR. ARGENIO: Yes. Danny, do you have anything?

MR. GALLAGHER: No.

MR. ARGENIO: I'm just curious what's going on right here?

MR. MAY: Nothing, we haven't done any grading or any disturbance.

MR. ARGENIO: So that knob exists today?

MR. MAY: Yes, sir, that knob exists today, that's an existing knob that we had not touched.

MR. ARGENIO: Okay, Michele, you have anything else on this?

MS. BABCOCK: No, Mr. Chairman, we're just here tonight to ask the board to grant a negative declaration under SEQRA and site plan approval.

MR. ARGENIO: I think we're close here. If anybody sees fit to offer a negative dec on this project?

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

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

ROLL CALL

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

MR. ARGENIO: I can't think of anything else. I'm not incredibly thrilled with that fence thing around the pond but whatever, it's your property, maybe it will look good. I don't know, maybe it will match and everything will blend in nicely, I don't know. Ma'am, you're nodding, are you the applicant?

MRS. STRAUB: I'm the better half of this guy here.

MR. ARGENIO: Oh, okay.

MR. STRAUB: We talked about this with the architect before and he just, you know, he said Fred, why don't you just keep it consistent? You've got the black picket around the patio areas, why not just keep it consistent? Why do you want to do something else?

MR. ARGENIO: If there's nothing else, if anybody sees fit, I'll accept a motion for final approval for this application.

MR. FERGUSON: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made by Mr. Ferguson for final approval for Crestmoore @ New Windsor. Roll call.

ROLL CALL

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

MR. ARGENIO: Good luck to you, Mr. May. Good luck, Michele.

MR. MAY: Thank you.

MS. BABCOCK: Thank you.

CLASSIC HOMES BUILDERS, LLC (13-16)

MR. ARGENIO: Next is Classic Homes Builders. Sir, your name for the benefit of the stenographer, as if I didn't know?

MR. BRADY: Good evening members of the board, my name is Patrick Brady, engineer for the applicant.

MR. ARGENIO: Anthony, want to come up, bud? Mr. Fayo, Mr. Brady are in front of the dais representing, I assume you're the owner, Anthony?

MR. FAYO: Yes.

MR. ARGENIO: Okay, so Mr. Brady, tell us what you have here, what we have here.

MR. BRADY: What we have is a vacant 4.2 acre parcel located on the easterly side of Bethlehem Road about 500 feet south of Mt. Airy Road. The property will be served by individual septic systems and public water. We had done and have an area that's kind of hard to see as you can see it's a very wooded lot, it slopes gently from Bethlehem Road to the east or back towards the trailer park located here, we did receive layouts for it.

MR. ARGENIO: Mr. Brady, 30 feet it slopes?

MR. BRADY: Thirty feet?

MR. ARGENIO: Yeah, 478 to 448? That's a gentle 30 foot slope?

MR. BRADY: Moderate slope.

MR. ARGENIO: Okay, go ahead.

MR. BRADY: We had done several layouts for the property, one being a possibly a private road to conform with the zoning. We had done the layout currently before you and also a layout from where the flag lot in the rear, the layout before you is most conforming to the neighborhood. Also it's less detrimental to the environment. If we went with a private road, we would double the amount of impervious surfaces and create storm water management systems and stuff and this kind of blends with the neighborhood and we have reduced the storm water impacts. We do need

several variances, three variances per lot. We need a variance for the lot width in each of the lots and for the side yards. Now, in the R-1 also I'd like to point out the property is located currently in the R-1 zone to the rear, rear property line is the R-3 zone.

MR. ARGENIO: So the property line is the zone line between R-1 and R-3?

MR. BRADY: Correct. Now in the R-1 zone, your side yards are 40 and total of 80 or 40 and 40. Your R-2, 3, 4 and 5 setbacks are 30 and 60 or 30 and 30, the layout we have done we're--

MR. ARGENIO: Is it 30 and 60 or--

MR. BRADY: Thirty side, total 60.

MR. ARGENIO: Thirty, thirty, total of 60 as opposed to?

MR. BRADY: Forty and 80.

MR. ARGENIO: Got it.

MR. BRADY: The layout we did provides for 30 and 60 total, 30 and 30. That would yield a house of at least or maximum of 58 in width and what we tried to do is to keep the lot widths equal so what you see is each of the lots are about 118 foot in width.

MR. ARGENIO: And I've got to tell you I think this is better than the flag.

MR. FAYO: Oh, yes, definitely.

MR. ARGENIO: As opposed to looking out your back yard and seeing somebody in your lap.

MR. FAYO: Exactly.

MR. ARGENIO: I want to point out for the benefit of the members, no, before I do that, Anthony, who owns the piece of property down the page, whatever direction that is?

MR. FAYO: What do you mean by down the page?

MR. ARGENIO: Who owns this land down here?

MR. EDSALL: Southwest.

MR. FAYO: Central Hudson, they have a substation down here.

MR. ARGENIO: Central Hudson owns this?

MR. FAYO: Yes.

MR. BRADY: Parcel in fee.

MR. ARGENIO: Even better. Here's what I want to point out to the members, there's a reason I ask that question. If you look on the vicinity map in the top right-hand corner is just below Mr. Fayo's proposed subdivision, you see all those packed in lots? That's The Reserve. And the reason I point that out is Anthony what this board typically tries to do is when folks like yourself come in looking for a variance, we say okay, if the area's typically all two and three acre lots and somebody's trying to whack a lot into, you know, quarter acre pieces to get, to jamb houses in there, we typically don't look on it very favorably. But under these circumstances and I can't speak for all the members, but under these circumstances, we look for, we typically look for congruency in the neighborhood and under these circumstances what you're doing seems to be congruent with The Reserve and those smaller lots that are around you in the area.

MR. EDSALL: Mr. Chairman, one other orientation comment, if you look at the rectangular overall parcel, if it was turned 90 degrees and was against Bethlehem Road in all likelihood the entire project could meet code because you would then have the appropriate width for both lot width and side yard setbacks. The problem is caused because when this lot was created, it was created as a very deep lot but narrow so they meet the area requirements, just the shape of the lot that's creating the difficulty, in addition to the observations you made.

MR. ARGENIO: Mark, what about county on this? Are we in an appropriate proximity of an AG district where it's going to trigger something.

MR. EDSALL: If it is we'll do a joint referral on behalf of the zoning and planning board.

MR. ARGENIO: We'll do that right away, this is pretty

simple, we should keep things moving.

MR. EDSALL: We'll check into that and Cammy and I can send out a joint referral if it's needed.

MR. ARGENIO: Okay, do you guys have any questions?

MR. GALLAGHER: What size home you plan on putting there?

MR. FAYO: Probably looking somewhere around 25, 3,000 square.

MR. ARGENIO: Really?

MR. GALLAGHER: Some decent sized homes.

MR. FAYO: Yeah.

MR. ARGENIO: That's bigger than we typically hear.

MR. FAYO: I'm thinking the Cornwall School District and nice area.

MR. ARGENIO: Yeah, typically, I don't want to give away anybody's secrets, but a lot of the people are saying that they're trying to market smaller homes but whatever, it's not my business, it's your business.

MR. FAYO: We'll see what the market brings at that time, I might change that.

MR. ARGENIO: Anything else?

MR. BRADY: No, you know, if you have any questions?

MR. ARGENIO: Guys, anything else? Mark, you'll check on that?

MR. EDSALL: We'll check on that and then Patrick was in the process as he explained to me having the surveyor confirm all the final numbers so we make an appropriate referral to the zoning board.

MR. ARGENIO: I'll accept a motion that we declare this application incomplete at this time.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board declare this application Classic Home Builders, LLC minor subdivision incomplete at this time. I'll have a roll call.

ROLL CALL

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

MR. ARGENIO: So, Mr. Brady, Mr. Fayo, the planning board is determining that your application is incomplete and that you need some variances from the zoning board. You have been appropriately referred there, good luck to you. It seems as though what you're doing here fits in the neighborhood and it seems as though this board is sending you there with a positive recommendation.

MR. BRADY: Thank you very much. Have a good holiday, Happy New Year.

MR. ARGENIO: Happy New Year, Merry Christmas.

KINGS ROAD ESTATES I (13-11)

MR. ARGENIO: Kings Road Estate I lot line change and residential three lot subdivision represented by Mr. Yanosh. The application involves a lot line revision between the indicated lots followed by the subdivision of, what's LT stand for, Mark?

MR. EDSALL: Where you at?

MR. ARGENIO: In the description.

MR. EDSALL: That would be, appear to be a typo, Mr. Chairman, probably a just very poorly typed--

MR. ARGENIO: Into three single family--

MR. EDSALL: Add an O in the middle and it becomes lot.

MR. ARGENIO: -- 18.2 into three single family residential lots. Application was previously reviewed at the 13 November planning board meeting. I see Mr. Biagini here, I see Mr. Yanosh here, is everything in order with the proxy?

MRS. AMMIRATI: Yes.

MR. ARGENIO: Okay, Dan or Ed, whoever is okay with me.

MR. YANOSH: After last month's meeting, we broke this application into two pieces, Ed Biagini owns lot 18.2, his brother owns 18.1, we're going to do a lot line change transferring 22,000--

MR. ARGENIO: So 18.2 is being cut into three lots?

MR. YANOSH: Yes, 18.2 will be, yes, as part of the application first we have to do a lot line change. Ed is going to purchase 22,000 square feet from lot 18.1 to make the new lot line where it is right here between lots one and two and then he will subdivide part of his application, make lots two, three and four which are single lots for single-family homes, 1.183, 1.21 and 1.71 acres and Mr. Vincent Biagini will own remaining lot number one actually which will be 3.14 acres.

MR. ARGENIO: And there's no subdivision, Ed, here for your brother's parcel?

MR. BIAGINI: Yeah, we have a second.

MR. ARGENIO: That's the next one?

MR. YANOSH: That would be part two, correct.

MR. ARGENIO: I just want to take a moment and read Mark's comments if you guys will indulge me. Talk amongst yourselves. Yeah, Dan, there seems to be a few minor engineering clean-up things that you need to do, some numbering items, it's noted that the improvements shown for tax lot number 18.1 are provided to demonstrate buildability of the resultant revised tax lot 18.1, what does that mean, Mark?

MR. EDSALL: Because there are two applications and they very well might be filed separately, Orange County Local Law number one of 1989, it's been that long, requires that any lot you created is buildable with the sanitary system. Since they're moving the line, technically they have to show that that lot is still usable and they have done that. So if this Phase I or application one is filed before the other one is filed at least it meets the lot.

MR. YANOSH: That's what we're going to plan on doing, file this one first.

MR. ARGENIO: Just to refresh my memory cause it's not as good as it was when I was younger, what were the variances that you were granted by the zoning board, do you remember them?

MR. YANOSH: We got variances granted for on this project here lots two, three and four for gross area and lot width.

MR. ARGENIO: What about side yard, seems like--

MR. YANOSH: No, we kept everything the same 40 and 40 we kept it the way the zoning calls for.

MR. ARGENIO: Okay. Mr. Yanosh, please take a copy of Mark's notes.

MR. YANOSH: I do have them.

MR. ARGENIO: I should say Mark's comments.

MR. YANOSH: I have no problem with any of these, the soils test were witnessed by a representative from his

office couple three weeks ago, everything turned out to be satisfactory, even better than the first results we got and we did them months ago but we kept with the original design from the original perc test that we had done.

MR. ARGENIO: The driveway slopes downward towards the houses, if the houses had, we would be concerned since they're side entry, this can be avoided and a one percent positive slope is shown on the plan. The developer should decide if one percent is adequate or if somewhat greater slope may be beneficial. What does that mean? There's a one percent slope from the driveway towards the house or from the house away?

MR. EDSALL: All the driveways slope down toward the house.

MR. ARGENIO: I get that.

MR. EDSALL: He's done all the driveways side loaded garage and he slopes back up to the house at one percent.

MR. ARGENIO: So you're going at one percent up to the house?

MR. EDSALL: From the driveway.

MR. ARGENIO: So the fall from the garage door away is one percent.

MR. EDSALL: We've had a lot of problems with houses that are built with front garages and driveways that go down in because you don't have to be a rocket scientist to figure out the water is going to go into the garage under the door. What I am suggesting given the fact we've had a lot of heavy storms Ed may want to make sure he and his brother protect that so it minimizes the potential for damage they have showed a side load garage which is the right way to handle this.

MR. BIAGINI: Right.

MR. ARGENIO: The fall away from my garage is probably a third of one percent or something like that, whatever, you're the developer.

MR. BIAGINI: They'll be more than one percent.

MR. EDSALL: It's a good layout.

MR. ARGENIO: Yes, in that the driveways don't drain right into the garage.

MR. EDSALL: Believe me, there's been a lot of those built.

MR. ARGENIO: Hugely problematic.

MR. EDSALL: And can't figure out why.

MR. ARGENIO: Did we refer to county yet? What do we have for the outside agencies?

MR. EDSALL: They have both been sent to county.

MR. ARGENIO: Highway's approved so we can take comment number five off. The environmental assessment form you need a new form.

MR. YANOSH: I have it.

MR. ARGENIO: Work it out with Mark, Dan, whatever it is.

MR. EDSALL: She can scan them to me, put them on file.

MR. ARGENIO: We can declare ourselves lead agency. I'll accept a motion that the Town of New Windsor Planning Board declare itself lead agency for this application.

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board declare itself lead agency for Kings Road Estates subdivision. Roll call.

ROLL CALL

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

MR. ARGENIO: It may seem like we're going fast on

these applications tonight but they're very simple, I mean, am I missing something, Mark?

MR. EDSALL: No, as matter of fact--

MR. ARGENIO: He's got his approval, he got his variances from the zoning board, I mean, we can't do anything until we hear from county.

MR. EDSALL: You can't get much simpler than driveways off an existing road.

MR. ARGENIO: I know the area, I live in the area, there's tons of sight distance, Ed, right, I mean, there's no sight distance issues.

MR. BIAGINI: It's all clear, it's a straight run.

MR. ARGENIO: Does anybody else have anything? We can have, from a public hearing perspective, I'm ambivalent, we can have it or not, it's certainly not going to cost Mr. Biagini any time because we cannot approve this by law until we hear from the county. So whatever you guys decide, I don't, you got 207 on one side, I mean, there's some homes on the other side, it's up to you guys. You know, our position has always been, Ed, our position has always been that better to have it than not have it because it keeps you out of trouble, keeps us out of trouble.

MR. BIAGINI: We did have one, I think.

MR. ARGENIO: For zoning, how about that, Jen, was there, was it a busy public hearing do you remember?

MRS. GALLAGHER: One person.

MR. ARGENIO: Do you recall what the issue was?

MRS. GALLAGHER: She just wanted to see the plan.

MR. ARGENIO: So what are we doing with this? I'll accept a motion we waive it unless you guys disagree.

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded we waive the public hearing for this application. Roll call.

ROLL CALL

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

MR. ARGENIO: That makes sense, person showed up to find out what's going on, now they know what's going on, let's not waste a lot of time.

MR. BIAGINI: Nothing's changed. Just one question, is it possible to get one building permit on the whole parcel until it's--

MR. ARGENIO: We have to hear from county.

MR. YANOSH: Can we get a building permit for one parcel?

MR. ARGENIO: Dan, we have to hear from county, we have to hear from county.

MR. BIAGINI: Not a problem.

MR. ARGENIO: Quite frankly, this is simple enough where you almost don't have, Mark, I don't want to speak out of school, you also don't have to come to the next meeting, am I right or wrong, Mark, as long as county doesn't come up with anything crazy?

MR. EDSALL: All the comments we've had in the past Dan has addressed, there were some clean-up items in the comments tonight but there's no meat on the bone.

MR. ARGENIO: It's nothing, it's legal procedural stuff and we can't even do a me-too with county. Sometimes we do a me-too if they say it's okay, we have to by law wait to hear from them and you should be fine.

MR. BIAGINI: Good.

KINGS ROAD ESTATES II (13-15)

MR. ARGENIO: Okay, next is Kings Road Estates II minor subdivision. Application involves minor subdivision of tax lot 18.1. Now, Ed, this is your brother's parcel?

MR. BIAGINI: That's correct.

MR. ARGENIO: That you're representing tonight?

MR. BIAGINI: Correct, Dan's representing, I'm just--

MR. ARGENIO: I was going to say what do you charge your brother? Mark, are there any highlights that you need to throw at us, share with us?

MR. EDSALL: This one is even simpler than the last one cause it doesn't involve the lot line change. My suggestion is first you assume lead agency.

MR. ARGENIO: I'll accept a motion.

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board declare itself lead agency for Kings Road Estates II minor subdivision. I'll have a roll call.

ROLL CALL

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

MR. EDSALL: Second action item you could consider is the discussion of the public hearing.

MR. ARGENIO: It's the same thing, is there any significant difference between this and the prior application?

MR. EDSALL: No, this one's simpler but procedurally, it's a different application.

MR. GALLAGHER: Same type homes?

MR. BIAGINI: Same everything.

MR. GALLAGHER: I'll make a motion we waive the public hearing.

MR. FERGUSON: So moved.

MR. ARGENIO: Second it.

MR. ARGENIO: Motion made and seconded that we waive the public hearing for this application which is Kings Road Estates II minor subdivision. Roll call.

ROLL CALL

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

MR. EDSALL: Similar to the last application it has been referred to the county, that's what you're waiting for, there's some minor corrections, I don't see any issues.

MR. ARGENIO: I promise you we'll put you on the next agenda, you have my word, assuming we hear from county, we hear from them.

MR. YANOSH: We have to submit by the fifth, we've got 30 days.

MR. ARGENIO: Dan, you're right, 30 days and they're usually pretty good, okay?

MR. YANOSH: Thank you very much.

MR. ARGENIO: Ed, happy holidays. Mr. Yanosh, happy holidays.

MR. YANOSH: Thank you.

DISCUSSION:

CONTINENTAL ORGANICS

MR. ARGENIO: Continental Organics, Mark?

MR. EDSALL: Yes, before discussing this application, I will disclose for the record that my son who did graduate college with biology actually is now an employee of continental organics using his biology degree.

MR. ARGENIO: You have to leave the room, Mark. Actually, you have to leave the town.

MR. EDSALL: If so directed, I'll leave immediately.

MR. ARGENIO: Joe, what do you have? Ever so briefly.

MR. PFAU: Ever so briefly, I have Ray here with me if there's any questions about the thing here. But basically, it's an approved site plan. We have a number of greenhouses and a couple of, an aquatic building, we're running out of space for the fish and we built these three greenhouses right here and we would like to, we have an approval for greenhouse, greenhouse and then an aquatic building. We'd like to flip-flop these two buildings, build the aquatic building, put the greenhouse here.

MR. ARGENIO: Ray, you're building these?

MR. YANNONE: Yes.

MR. ARGENIO: What's that mean?

MR. YANNONE: Basically, a large fish house, each building has its own self-contained filtration systems, tanks and what's happening and why we need to--

MR. ARGENIO: Is it a house with fish tanks in it?

MR. YANNONE: It's a steel building with fish tanks in the building. So existing we have two that are existing now, one is a tilapia which are warm water fish 10,000 square foot building adjacent to The Belle's and we started Coho salmon in I think November or December in the actual storage facilities of The Belle's as a nursery in the back, those fish are starting to grow out at a rapid pace and they're

outgrowing the tanks, so there's a need to kind of jump over the buildings.

MR. ARGENIO: There's a building with multiple tanks in it, fish tanks?

MR. YANNONE: Correct, it will have approximately six large 24 to 36 feet diameter tanks that are approximately six to eight feet deep that will, we haven't finalized the interior design but they'll be in the ground approximately four to five feet.

MR. ARGENIO: That's for temperature?

MR. YANNONE: Salmon need to be cool.

MR. ARGENIO: Earth is always at 52 degrees and it keeps them cool.

MR. YANNONE: Yes. And the other reason we'd like to move the building, the site has a slopes going up and when the first three greenhouses that we built and the compost building have created the need, we have a one percent pitch on each greenhouse, but it's created a need for either a large retaining wall but we would like to bury the building into the earth so one end would be daylighted and the other--

MR. ARGENIO: Cut into the slope.

MR. YANNONE: Aesthetically, we don't want a big warehouse in the midst of the greenhouses and it's going to benefit the cooling side.

MR. ARGENIO: What's the other building? We have this building and what's the other building?

MR. YANNONE: A greenhouse, the rest of the buildings are greenhouses and what also happens is we're re-circulating the water so the existing tilapia tanks, the discharge now goes into the compost building that we just constructed, the water goes through a geo-tech style bag, it gets filtered and we re-circulate that now to the greenhouses.

MR. ARGENIO: What are you filtering out, fish poop?

MR. YANNONE: Only to make the water flow, that's really a fertilizer, so heavy solids going to the composting and try to retain as much of the nutrients

as possible to go back into the plants.

MR. ARGENIO: Who buys the tilapia?

MR. YANNONE: They have several buyers.

MR. ARGENIO: Like Cena 2000?

MR. YANNONE: No local wholesalers. But the tilapia are just growing out, now it has the capacity of up to 2,000 pounds a week, it's probably at four to 500.

MR. ARGENIO: None of this has anything to do with the planning board but I'm just curious as hell about it.

MR. YANNONE: You'll receive, it will hit the local market within a few months as more of it becomes available, they come into vacuum, they suck it out and most of the fish live or they put it in containers and it goes out live, it's not easy like you have the pre-packaged, here it is to cook.

MR. ARGENIO: How big?

MR. YANNONE: Pound and a half to two quarter pounds and the salmon will grow out anywhere from one and a half to six pounds, they'll grow up to 20 pounds if you have a large enough tank.

MR. ARGENIO: Is anybody allowed to go fish in there?

MR. YANNONE: You don't have to, they come right to you so--

MR. ARGENIO: Mark, any secrets here? Seems very simple.

MR. EDSALL: No, very interesting process.

MR. ARGENIO: So I think what you're just looking for, Joe, it seems to me is our affirmation of the flip-flop of the building.

MR. PFAU: That's correct.

MR. ARGENIO: Okay, you have an affirmation and thank you for coming in. You know what people say, better to ask for forgiveness than for permission. But with the Town of New Windsor Planning Board I like to think we're pretty flexible.

MR. YANNONE: Too big a deal to take a flier with, nothing you can move easily once it's built.

MR. ARGENIO: Anybody got anything else? Last meeting of the year, speak now or forever hold your peace. Thank you everybody for your participation, your good judgment and your cooperation in this past year. You're a good group and it's all good. Jennifer, that includes you, Cammy and the professionals.

Respectfully Submitted By:

Frances Roth  
Stenographer