

TOWN OF NEW WINDSOR

PLANNING BOARD

April 13, 2016

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

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

VERONICA MC MILLAN, ESQ.
PLANNING BOARD ATTORNEY

STEPHANIE RODRIGUEZ
PLANNING BOARD SECRETARY

ABSENT: HENRY VAN LEEUWEN
JENNIFER GALLAGHER, BUILDING INSPECTOR

MEETING AGENDA:

1. Cedar Avenue MHP
2. Rakowiecki Sub.
3. Windsor Hospitality
4. Hudson Valley SPCA
5. JMR Associates

REGULAR MEETING:

MR. ARGENIO: Okay, welcome everybody to the regular meeting of the Town of New Windsor Planning Board for April 13, 2016. Would everybody please stand for the Pledge of Allegiance?

(Whereupon, the Pledge of Allegiance was recited.)

APPROVAL OF MINUTES 3/22/16

MR. ARGENIO: I'll accept a motion for approval of the minutes dated 3/9 of '16 which were e-mailed on 3/22 of '16

MR. BROWN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded we accept those minutes as written, roll call

ROLL CALL

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

ANNUAL MOBILE HOME PARK REVIEW:

CEDAR AVENUE MOBILE HOME PARK

MR. ARGENIO: Cedar Avenue Mobile Home Park. Please come forward, ma'am. What's your name, ma'am?

MS. DELGADO: Mary Ann Delgado.

MR. ARGENIO: How many units do you have?

MS. DELGADO: Twenty-eight

MR. ARGENIO: Stephanie, Jennifer is not here tonight, she has a personal engagement, but I understand she spoke with you, what does she say about the condition of this park?

MS. RODRIGUEZ: She said it's good.

MR. ARGENIO: Did you bring a check for the benefit of the town in the amount of \$250?

MS. DELGADO: I did.

MR. ARGENIO: Unless anybody has any questions, I'll accept a motion for one year extension.

MR. BROWN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded we offer Cedar Avenue Mobile Home Park one year extension.

ROLL CALL

MR. FERGUSON AYE

MR. BROWN AYE

MR. GALLAGHER AYE

MR. ARGENIO AYE

MR. ARGENIO: Give her that and I'll sign your papers and you're good for another year, okay?

MS. DELGADO: I'm done?

MR. ARGENIO: You're done, easy, right?

MS. DELGADO: Very easy.

REGULAR ITEMS:

RAKOWIECKI SUBDIVISION PHASE II (01-26)

MR. ARGENIO: First regular item is Rakowiecki. I see Dan Yanosh and Ed Biagini in the audience. The application involves subdivision of 33.4 plus or minus acre parcel into 35 single-family residential lots. The plan was previously reviewed at the 14 March 2001, 11 June 2003, 22 September 2004, 9 March 2005, 22 June 2005, 27 July 2005, 30 November 2005 and 8 October 2014 planning board meetings. Dan, do you have a plan that you can put up on the easel there for us to look at? So Ed, you or Dan if you would please take a minute and refresh the board's memory on this subdivision? Back quite a few years, if I remember right, we chopped it into two or three phases and the applicant requested it's my understanding you're looking for final conditional approval of the final phase, is that about right?

MR. YANOSH: Correct.

MR. ARGENIO: Please share with us.

MR. YANOSH: Phase one consisted here of the lots on Ashley Court, Ridgeview Road which were lots 17, 18, 19, 20, 21, 22, 23, 24 and 35 around the corner right there.

MR. ARGENIO: Have you built them out, Eddy, sold, done?

MR. BIAGINI: Yes.

MR. ARGENIO: Just as a followup, are you squared away with the cul-de-sac business with the neighbor? We were going to leave the cul-de-sac as it was and not interrupt their front lawn, is that whole thing put to bed?

MR. BIAGINI: I think at the meeting that we got our final approval we agreed to leave it alone.

MR. ARGENIO: I think they were pleased with that if I remember correct. Go ahead, Dan.

MR. YANOSH: The remainder is phase two remainder of the project which would be lots 1 through 16 and then lots 25 through 34 continue loop road all the way out

to the end back to the existing drive here.

MR. ARGENIO: Twenty-five lots, is that right?

MR. BIAGINI: Twenty-six.

MR. ARGENIO: Dan or Eddy, where are we at with the connection through the Weikfield? I don't see that illustrated.

MR. YANOSH: It's going to be between lots four and five, alright, I have the plans from a sketch from Tarolli, Norton, Mercurio, I did talk to John Tarolli the other day about the access into here, we're going to need once we give them this piece of property a 50 foot wide strip. We're going to need a little more acreage for these two lots here, lots three and four and a little bit more acreage for five, six and seven because I have to shove this lot line over, we're very tight in the square footage.

MR. ARGENIO: They have a lot of property.

MR. YANOSH: Yes, this section right here with lots three and four there's not a problem, probably going to acquire this section back in here which is vacant land for this lot here. John told me their cul-de-sac was supposed to be here in this area and extending to there, they got a little problem with the 150 foot lot width on this lot right here but there's some land back here that we could work on, I'll have to deal as we go along.

MR. ARGENIO: Why don't the plans reflect that at this point?

MR. BIAGINI: We had said at the last meeting we were going to leave this alone so we can get the map filed without going back to the health department with new lot line changes and then we'll coordinate with them and do the changes.

MR. YANOSH: We know we have to do the change, we have to do the road this way so--

MR. ARGENIO: Okay, Dan, you want to come up? It's five after seven, David Sherman, do you want to take Henry's spot? When was the public hearing, few years back? We certainly had one on this application. I'm going to read Mark's comment number three. The plans

are substantially the same as those considered at preliminary and preliminary approval which allows the applicant to go out for his outside agency approvals. As such, I recommend the board waive the final public hearing. Do we need to do that as a matter of procedure, Mark?

(Whereupon, Mr. Sherman moved up to the dais)

MR. EDSALL: Yeah, the subdivision regulations when they were revised a number of years ago actually provided for preliminary and final public hearing and this provision allows you if it's unchanged or very much similar to waive the final public hearing so I would put it on the record.

MR. ARGENIO: Yeah, members, I'm moving a little quick because this thing's been around so long it's gathering dust. We've been around and around and around with this subdivision. I'll accept a motion we waive that final public hearing unless anybody disagrees.

MR. BROWN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that we waive the public hearing for Rakowiecki.

ROLL CALL

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

MR. ARGENIO: Negative dec is done, they seem to be buttoned up with DEC with the sewer main extension.

MR. YANOSH: That's completed, right.

MR. EDSALL: Yeah, I believe the only open item as far as approvals is the realty subdivision that we're waiting on for the phase two of the subdivision.

MR. ARGENIO: Realty subdivision for phase two, okay, what's that process, what are we waiting for?

MR. BIAGINI: From the health department, they have the

maps and, you know, they had, they looked at them in April and basically they didn't change, all we did was take off the delineation of the sections and I spoke with Greg Moore on Monday and he said he'd be done with it fairly shortly.

MR. ARGENIO: Okay.

MR. EDSALL: Just for the record, the application as it was previously entertained had three phases. They had phase one came in, got final approval. At this point, they've dropped having two more phases and they're just having the balance as a single phase two. So if anybody looks back at the minutes, they're going to see a three phase subdivision, this in fact phase two is actually the balance which encompasses, which was previously two and three.

MR. ARGENIO: Okay.

MR. YANOSH: Correct.

MR. ARGENIO: Mark or Veronica, how does this lot line thing, lot line process work with getting those lot lines reworked to get that roadway through there and who's building that roadway?

MR. EDSALL: The obligation to build the road goes with the Weikfield subdivision. The obligation to provide the right-of-way goes with this subdivision. Inasmuch as the adjoining application or adjoining property has an application currently before the board, I contemplated they'd make a minor change to that plan or a completely separate joint application with this property owner, either way as it may work better for Weikfield I want to, I don't want to slow them down as we don't want to slow down Mr. Biagini, so we'll either have it merged into this application, have a lot line change added to it or--

MR. ARGENIO: Added to this?

MR. EDSALL: Showing they're going to contribute land to their applicant, could be on their plan and then Ed would come back in with a minor amendment just to move the lines on his subdivision.

MR. ARGENIO: Just want to make sure all that happens, that's my only concern.

MR. BIAGINI: I think we should get an affirmative acknowledgment from the applicant that he's going to follow through on that and we'll just--

MR. ARGENIO: You've said that in the past that you agree with that?

MR. BIAGINI: Yes.

MR. ARGENIO: And that works for you guys?

MR. EDSALL: We just need to work with the Weikfield people who have already spoken with us and Ed and everyone's on the same page, just got to put the pieces of the puzzle together.

MR. YANOSH: Correct.

MR. GALLAGHER: Does it need to be noted on this plan?

MR. ARGENIO: I don't think so, if it's part of their approval, I think that's sufficient, is that right, Mark or Veronica?

MS. MC MILLAN: The question becomes there's an affirmation on the record from the applicant that he's in agreement with this plan. If we include it as a condition of their approval, it's a condition of the final stamped maps that they've indicated they don't want to change at this point. So it's a question for the board if we're willing to accept an affirmation on the record versus an actual condition in the ultimate resolution.

MR. ARGENIO: That's a lot of words.

MS. MC MILLAN: I'm sorry, I'm a lawyer, we talk a lot.

MR. ARGENIO: Goodness. Yeah, I think before Danny, Danny will need to sign these plans, is that right?

MR. EDSALL: My understanding is the applicant intends to file these plans and then is committing to making a joint application for a lot line change with Weikfield or the other alternative Weikfield builds the lot line change into their plan and Mr. Biagini would just have to do an amendment to his subdivision.

MR. ARGENIO: Who's doing it, Weikfield or Biagini?

MR. EDSALL: They're both going to have to act.

MR. BIAGINI: Dan has been working with John Tarolli.

MR. EDSALL: There's no surprises here for either side.

MR. ARGENIO: I know there's not, just want to make sure that we, it doesn't get forgotten, you know, six months from now or a year from now it slips through the cracks and it's not done and then, you know, four years from now somebody opens something up and says what happened here? We're supposed to have a road going through and, you know, Eddy is sold out, Weikfield is sold out and everybody's gone.

MR. EDSALL: Just a question for you, Dan, have you reached a point where you and Tarolli's office understand the lot line change that has to occur?

MR. YANOSH: Yes.

MR. EDSALL: What I will do is I'll coordinate with Mr. Tarolli's office and Dan's office and we'll look to attempt to build that lot line change into his major subdivision so that would be step one. Then the land would be effectively part of Ed's subdivision and then he could come back in the very near future and realign the lots.

MR. ARGENIO: Can we get this done in, I mean, is four months enough to get this done?

MR. YANOSH: Couple months, we want to develop these as soon as possible, I'll get that other--

MR. ARGENIO: I just want it done and behind me, Eddy, I'm like you, I want things done, buttoned up, put them behind me and move on to the next thing.

MR. BIAGINI: We're both actually using VanEtten to do the roads and so, I mean, I can work along with them as well but just a matter of inking.

MR. ARGENIO: Let's put a note, let's revisit this in three months.

MR. EDSALL: I'm going to revisit it tomorrow.

MR. ARGENIO: Let me know if it's done by then.

MR. EDSALL: Won't be done but I'm going to make sure that we pursue the possibility of having the actual lot line change occur as part of Weikfield's final plans which they've told us they're coming in within weeks.

MR. ARGENIO: Danny, do you have a copy of Mark's comments?

MR. YANOSH: Yes.

MR. ARGENIO: Do you see the subject-tos item number five?

MR. YANOSH: Yes.

MR. ARGENIO: Okay, take any exception to any of that?

MR. YANOSH: No.

MR. ARGENIO: All necessary drawings being deemed appropriate by the town shall include phase two drawing for stamp of approval, public improvement performance guarantee shall be posted with the town. Obviously, public improvements will be reviewed by the town engineer, sewer superintendent, highway superintendent and that the plans will be subject to a final review of the engineer for the planning board before they get stamped. And I won't read the last bullet because it relates to what we just got done spending 10 minutes discussing. Does anybody have any other questions on this? Members? Harry or Howard? David Sherman, Danny?

MR. GALLAGHER: No.

MR. ARGENIO: Counsel, what else do we need?

MS. MC MILLAN: I just only add to Mark's comments to the extent there's any conditions outstanding from the last resolution with regard to the phase one approval in terms of offers of dedication for the roads and such that those would be conditions of this final approval also. That's the only thing I would add.

MR. ARGENIO: Mark, any other thoughts?

MR. EDSALL: No, I think we're good.

MR. ARGENIO: What are we talking about, talking about final approval or conditional final?

MR. EDSALL: Conditional final subdivision approval subject to what's already in the minutes.

MR. GALLAGHER: I'd like to make a motion.

MR. SHERMAN: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board offer Rakowiecki major subdivision conditional final approval subject to what we just read into the minutes, which is essentially Mark's item number five on his comments which the applicant has a copy of and to the contents of the prior resolution of approval. Roll call.

ROLL CALL

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

MR. ARGENIO: Thank you for coming in tonight. Dan, good to see.

MR. YANOSH: Same here.

WINDSOR HOSPITALITY HOTEL SITE PLAN AMENDMENT (15-09)

MR. ARGENIO: Windsor Hospitality Hotel site plan, somebody here for this? This is by Bohler Engineering. The application proposes two additional hotel buildings at the site of the existing hotel. The plan was previously reviewed at 22 July 2016 planning board meeting. So, sir, what's your name?

MR. O'CONNOR: Josh O'Connor, I represent Bohler Engineering, well, I'm with Bohler Engineering representing Mr. Patel, the owner and developer of the project.

MR. ARGENIO: Mr. Patel, how are you?

MR. PATEL: Good, how are you?

MR. O'CONNOR: Since we spoke with you last I believe Rob Osterhoudt was here and he represented Bohler at that meeting. We had a referral to the zoning board and we petitioned the zoning board for an appeal for three area variances, we went through the public hearing process and we were granted those area variances on the 25th of January. Since then, we have been working harder on the fine details of the site plan development looking at the storm water, creating utilities and such and really working to zero in on a final plan for submission to the board in hopes that we can have our public hearing and approval in relatively short order. The reason we wanted to appear before the board was to review status of the project tonight, talk about the site layout, where we stand with the development and really kind of poll the board and see if there are any aspects of the project that are of, that potentially impact our layout and design before we submit that final plan. Obviously, the site is very constrained and we do want to work with you on any concerns or issues you might have. Taking those into account, we want to be sure that we don't have any real game changers before we really zero in on that final set of plans. So since we last spoke, there have been a couple changes. I guess I can go over the project just to bring you up to speed. We're proposing 102 room Marriott Residence Inn on this portion of the site. This is Square Hill Road, there's a light here, Guardian Self Storage and the entrance for the Wal-Mart are here. The existing Steak and Stein is here on Route 300, the diner here and the vacant parcel also controlled by Mr. Patel and the Department of Public

Works facility for the County of Orange on the south side of the site. Again, as you can see, we have the existing Days Inn depicted in the middle here, 97 rooms, our initial plan called for a lot more grading and earth work than what we've sorted through now. We have a lot more walls and higher walls and we've worked through the grading and reduced that, I think we're at the highest 10 feet for those walls at this point. And really kind of scaled down the amount of--

MR. ARGENIO: Can you point to the walls?

MR. O'CONNOR: Certainly, so we have a retaining wall that begins about here, along Square Hill Road and here.

MR. ARGENIO: Right where your finger is, back up, go down the page, stop, what's the difference in grade between the parking lot and Square Hill Road there?

MR. O'CONNOR: Approximately, eight feet here.

MR. ARGENIO: Parking lot's higher?

MR. O'CONNOR: Yes. And a portion of the conversation we had with the zoning board was the assurance we'd be providing a fence on the top of that wall for screening of the residents along Square Hill, there are two. Further we're working to continue this wall around so this portion of the lot I think has as I said at its highest 11 some odd feet here and tapering off. What we're proposing at this point is a gravity wall, a self-supporting model block style wall which enables us to work with the utilities and not have so much concern with the tie-backs that are associated with a segmented block wall. Also allows us to extend the wall above finished grade to incorporate protection of vehicles instead of having to stack a fence, wall, guiderail, all these things in this relatively constrained space.

MR. ARGENIO: What kind of finish on the wall?

MR. O'CONNOR: Haven't decided but it's going to be a cast stone finish.

MR. ARGENIO: Colored?

MR. O'CONNOR: It can be dyed. We're working with the architect on the actual color program for the exterior, they're zeroing in on the final color scheme and

probably will select a tone for the wall. It's a precast concrete product so there are some, there's some flexibility in the coloration but it's still going to be a concrete product.

MR. ARGENIO: I think we'd prefer a gravity wall to an SMU wall.

MR. O'CONNOR: I think it serves our purposes a lot better and, you know, from the, for the amount of wall we have and the total heights, it's a little bit easier on labor and placement's a bit better. It also, again, we don't want to have a lot of structural fills under a parking lot which we would require if we had the tie-backs and all that so it decreases our overall costs and assists us, as I said, with some of the space constraint we have here. So aside from that, we're now proposing to match grade along the entire entrance drive which is widened from 24 to 30 feet and it matches grade right up the, to the main entrance of the proposed residence and we make up some grade in this trunk of an aisle that approaches the Days Inn.

Nothing exceeds seven percent. The hotel on the left side we're really close to a specific deal, we, it's a little bit in flux right now so we're not able to say what the specific flag is. We're constrained with our choice to the setbacks that we were granted, we won't in the final iteration here be proposing anything that has a larger square footage, higher height or is closer to the property line and it won't be in scale different than the hotels, just a matter of having the right brand sign onto the space. As far as the utilities go, we'll be providing a new water service to all three of the facilities, including the Days Inn. We'll be providing individual sewer for each facility, it ties into the existing sewer that runs along the front of the parcel through this easement and storm water is all to be managed on site and routed through a new storm sewer system going down the driveway and tying into the existing New York State DOT storm water system and flowing, pardon me, through a culvert which is not shown well here but basically right above the T in state, it goes under the road and enters the reservoir and overland configuration there. So we'll be maintaining that discharge point and obviously sensitive to the regulations, not decreasing the peak discharge through that conduit. We have addressed the landscaping. We're working with specific landscape requirements of the hotel. And additionally, we are looking at some clearing and grading that we'll need to

do along Square Hill Road. We did speak with Mr. Edsall last week about kind of adapting our landscaping along the road to be more in line with what the board would like. Right now we're showing some street trees. The impression we got from him was that we might be looking for something, we might be better suited to go for something a little lower in stature to give a little bit better screening. Your input on that would be helpful. There isn't anything in the code specifically that relates to providing that type of amenity and we'd like to provide something that suits your goals and understanding that's something we're going to need to do.

MR. GALLAGHER: Do you have a fence on top of Square Hill all the way down?

MR. O'CONNOR: Not just where there's a wall but from the corner of the parking lot to the corner of the wall.

MR. GALLAGHER: Proposing to put the trees on the inside of the fence?

MR. O'CONNOR: Trees will be to replace the vegetation and right up to the edge.

MR. GALLAGHER: On the outside of the fence?

MR. O'CONNOR: Yes, it will be, yes. So whatever type of planting will be provide there.and obviously that will be maintained by the applicant as people typically mow in their right-of-way in front of their house and that was to address specifically concerns from the gentlemen here and here, they didn't want to look at the hotel. So we worked with them to arrive at an amenable middle ground which is providing appropriate screening. And that said, when we were before the ZBA and we had that public hearing, our proposed finished floor was 12 feet higher than what we're proposing now. And that's the reduction of wall height that we have managed through a finer look at our grading so just to kind of close the loop on our work with the town we've spoken with Mr. Lucchesi continually throughout the process with the fire department making sure that what we're proposing is in line with his expectations and the fire department's needs and I think we have submitted plans to him five times and we still have a thumbs up from him on this.

MR. ARGENIO: There's no fire hydrants shown.

MR. O'CONNOR: We're going to propose them. We have, we have spoken with him, we'll need one here and we'll need to provide one here and potentially we're working out the final details, kind of depends on the size of the building about the hose reach we'll need to probably position one on the back corner.

MR. ARGENIO: Do you have a head problem with your water cause you're up so high?

MR. O'CONNOR: There is adequate supply for domestic, there may not be for fire flow, in which case we'd be required to have a tank there and each hotel would require one. Honestly, we have not done flow testing for fire.

MR. ARGENIO: What are the pressures like in that area, Mark, do you know?

MR. EDSALL: Well, you're right at tail end of the system where it interconnected with Town of Newburgh.

MR. ARGENIO: We did a tap quite a few years at Wal-Mart, there's only about 60 pounds.

MR. EDSALL: It's not great.

MR. ARGENIO: Seventy pounds is not tremendous, not a lot of pressure there. So that said, I don't see any provisions for that tank.

MR. O'CONNOR: At this time, we don't have one. As I said, that's kind of, we follow the line of the MEP engineer with the hotel, you know, they have the specific requirements of the hotel and they're going to be doing that testing in short order.

MR. ARGENIO: You ought to think about that because that footprint for that tank could be substantial.

MR. O'CONNOR: It could be and typically we do have other options.

MR. ARGENIO: To the point where it will affect what you've drawn there.

MR. O'CONNOR: That's why we're here tonight is to have those issues brought up, thank you. We'll have to look

at that.

MR. ARGENIO: Mark, should there be another entrance up here?

MR. GALLAGHER: I think we talked about that last time, didn't we, emergency or otherwise?

MR. EDSALL: The second emergency access would not be a bad idea, gated access keyed for the fire department. That's the exact reason they're here tonight so those type of things if they can integrate that in, although it would be a little bit cumbersome to come in that side to get to the far hotel, it would still work.

MR. ARGENIO: My initial thoughts were a couple things. And I'm sorry, I don't want to interrupt you, you're very well spoken and I'd like you to finish your--

MR. O'CONNOR: That really closes the bulk of my presentation. I can address, you know, the entrance, it's something we can work with, we don't have a strong interest in providing patron access through Square Hill Road.

MR. ARGENIO: I can imagine that. But let me just follow that thought through, Mark and members, my initial thought was that you have a signalized intersection there, why aren't you using it? But in your pitch, I used the word pitch, probably not the right word, but in your speech, you showed and pointed out that that wall gets rather steep down here.

MR. O'CONNOR: Yes.

MR. ARGENIO: So that access becomes difficult but there's a signalized intersection.

MR. EDSALL: Liner's not signalized.

MR. ARGENIO: I misspoke.

MR. EDSALL: You're one off.

MR. ARGENIO: Apologize.

MR. O'CONNOR: It is a valid entry point at a controlled intersection, even a stop sign.

MR. ARGENIO: This makes it easier, so that puts me

along the thought process of what Mark was just saying, possibly some kind of emergency access for fire apparatus in the event of a car crash or something on this driveway certainly would be good to have that other access unless somebody disagrees.

MR. GALLAGHER: Gated?

MR. ARGENIO: Yeah, something like that. I mean, Mr. Patel does not want his clients or his potential customers coming in the back door I wouldn't think so yeah, it would be a gated access for the firemen.

MR. O'CONNOR: You know with the configuration that we're working with now in previous iterations it's something that really wasn't possible just because of the grade changes and because of the parking lot configuration we'd lose a lot of stalls, we wouldn't have been able to make our counts. In that regard I will say to talk to Mr. Patel specifically about it, it is something that I think we can do as long as it's a controlled access. I think that we've got the grading sorted out. One of the things we did need to address with the Department of Public Works is really working on as I said a grading and it's limited but a grading, an easement here and how we plan to restore Square Hill Road subsequent to this development. And part of that is right now this corner of the lot which we haven't shown is below the grade here and I'm going to Mark on this, so when we finish the grading, there will be essentially a high ridge remaining, Square Hill Road will be essentially at the same grade as the parking lot.

MR. ARGENIO: Why is your zero line--

MR. O'CONNOR: It's basically our inflection point for the wall where it transitions is essentially right here. However, this builds up and this is high, we would ideally like to remove that and not build a section of wall here to hold this peninsula of land.

MR. ARGENIO: I would do that if it were me.

MR. O'CONNOR: If we did that it would also facilitate that thru-connection but again, that's part of the conversation that we were working on having with the Department of Public Works and really kind of fleshing out what's possible there. And I'll be frank, we do need some additional topo and survey in here and we're

working on that now. Right now, I can't say exactly where we would taper down three on one to match grade here.

MR. ARGENIO: I get it, no need to go on and on, it's a thought process that probably wouldn't be a bad idea if you investigated it.

MR. O'CONNOR: It seems like something the town's amenable to, we're not going to build any infrastructure on the town's property, we don't want to create a traffic demand here and a maintenance problem.

MR. EDSALL: No, I think looking at grading if they're tweaking the grading down at the end of Liner Road, Square Hill, they can actually put a 90 degree turn off the end just as an emergency access gate, grade that all out, it serves their purposes for grading and provides an emergency access in the back.

MR. O'CONNOR: If it's anything more than gated, I can guarantee that the neighbors won't be happy with us.

MR. ARGENIO: You know what would be good is if it could be done now, look, you do this grading, if that could happen right here because if it lined up with that you lose no stalls and a fire apparatus would come in straight into the site.

MR. O'CONNOR: That's something we can absolutely address.

MR. EDSALL: It would help the Days Inn, it would help the Residence Inn. But if you look at the separation between the main access road and the parking for the Residence Inn, there's a grade difference which would mean the fire truck would have to do a 180 degree turn in front of the Residence Inn which is not going to happen, smaller vehicles, yes, ladder not going to happen.

MR. O'CONNOR: They'd have to, so a truck coming in this side, pardon me, I want to make sure I understand, a truck gaining access through this controlled access wouldn't be able to serve our--

MR. EDSALL: Unless they made a hard left and went around the Residence Inn and were able to go that way.

MR. O'CONNOR: We have some outrageous scenarios in

play that would make that even necessary, they still desire to go through this, so what we're proposing there is that we have an emergency at the home two simultaneous to a blockage on the access road, not that it couldn't happen, but it's, we do have a 30 foot wide road here, fire trucks park on the side of 30 and 24 foot wide roads in the neighborhoods all the time and still manage traffic to go passed them.

MR. ARGENIO: I believe to have that opening would be a good thing.

MR. O'CONNOR: I believe so.

MR. ARGENIO: I don't disagree with what you're saying about the movement is difficult but two access points to the site not a bad thing.

MR. GALLAGHER: Was it ever brought up by Mr. Lucchesi?

MR. O'CONNOR: No, we actually looked at a couple different options to provide a redundant access and we looked to tie one in through here. Logistically, the grade change was too steep and it required another really hard 180 on a 10 to 12 degree slope, he said if we provided that his trucks couldn't actually use it.

MR. ARGENIO: Plus limit the value of that lower lot.

MR. O'CONNOR: We considered that but that's not our argument. We showed him a plan and we said this is what we could do and his response is it wasn't really functionally beneficial to him, it didn't really.

MR. EDSALL: Jerry, the reality from a fire fighting standpoint you're going to have half the site served by the emergency curb cut, even if you couldn't get a vehicle set up into the hotel, you could set up a pumper and stretch a line as a supply line to a tower so there's definite benefit. And it I'm sure will help from an insurance standpoint that there's multiple accesses.

MR. ARGENIO: Let's get passed that. What about the DOT, is this going to meet warrants for a signal?

MR. EDSALL: At this point, we have not crossed that bridge as it may be. There's no improvements proposed at the access to the state highway. The board has the option of asking for a traffic count or traffic study

to determine if warrants are met.

MR. O'CONNOR: At this point, we're working through SEQRA on this, we'd expect their comment. Our soft conversation with them, we don't have a letter or anything at this point indicates that they're not going to require anything. But that said, we don't have any final.

MR. ARGENIO: Any improvements?

MR. O'CONNOR: A signalized intersection. The peak hour for a hotel is pretty tapped, kind of a parabolic peak instead of the really sharp one with retail people coming in at three as opposed to everyone leaving at six. So you really have that kind of 11 to 3 peak with a hotel it kind of is off coincident with the main traffic on a commuter road, so it generally doesn't generate that, what DOT considers significant. In this case, even if we had over 100 trips, it's a drop in the bucket compared to peak traffic on 300.

MR. ARGENIO: What's the count?

MR. O'CONNOR: I don't have that information committed.

MR. ARGENIO: I bet it's like 40,000.

MR. O'CONNOR: It's up there for the peak hour, yes, it's up there. The good thing is we do have great line of sight both ways and it's an established entrance, your commuter knows that it's there, the people in the community know that it's there and that plays a really strong role in intersection safety. You don't want to throw something in that's a new generator and not have a light and surprise everyone who's driving the same route every day for 15 years. So it's not that it will be an unexpected turning movement onto the highway for your normal users.

MR. ARGENIO: You need to add some fire hydrants, what size is the main feed?

MR. O'CONNOR: It's a new main along.

MR. ARGENIO: Your main going up the hill?

MR. O'CONNOR: We're working on the final size, again, this is going to be coordinated with the MEP, it's going to be I would guess it's going to be an eight.

MR. ARGENIO: I'd be shocked but you do what you need to do.

MR. O'CONNOR: Well, it's a matter of providing, we'll need to provide, it would be a six inch fire service for each building and probably a two inch domestic would be adequate for each. It's a matter of looking at the sizing for each one and making sure we can deliver. It may be that big, certainly won't be larger.

MR. ARGENIO: Say that again.

MR. O'CONNOR: It may be as large as that but certainly not bigger.

MR. ARGENIO: Yeah, I mean, I'm not going to engineer it, somebody else does that, but if you're coming up that hill with an eight--

MR. O'CONNOR: We'd have a pressure issue.

MR. ARGENIO: And you split that, you know, the splitting causes a volume issue in addition to the pressure but whatever, that's somebody else's.

MR. O'CONNOR: Again, working through those details now there are engineering solutions to those problems, they don't impact our site layout and really our chief concern right now is the sight layout. Obviously, as I said, it's a very constrained site, we make our counts, we make our green space requirements, we're solid with all those things. But fortunately right now our parking layout here we can provide that with that access without a major site change, one over here would be okay, we throw our hands up and start over essentially so want to get those major hurdles.

MR. ARGENIO: Do you have a copy of Mark's comments?

MR. O'CONNOR: Not recently.

MR. ARGENIO: Not going to go through, he has a full page and a half of bullets and I'm absolutely positive that those bullets are not the sum total of all the bullets that exist, quite sure this is a cursory review.

MR. O'CONNOR: Yes, and we're in preliminary and what

we're proposing right now is absolutely preliminary as I said, we've worked through, we're 100 percent through the conceptual phase and we're working on drilling down on those fine details.

MR. ARGENIO: Who's the engineer, is it you or Goebel?

MR. O'CONNOR: It's Goebel, my boss Bill Goebel, yup.

MR. EDSALL: It's part of the firm, it shows up as two title blocks.

MR. O'CONNOR: He's the owner, he's my boss, he'd be happy to come down and visit if you'd like.

MR. ARGENIO: Mr. O'Connor, you're very well spoken and you really thoroughly explained things. But this plan has got, it's got to come forward, it's not ready for a lot of things that we need to do. I think we'll have a public hearing on this, there's no question.

MR. O'CONNOR: We're requesting one.

MR. ARGENIO: I don't think the plan is ready for that at this point. I think you'd need to get squared away with this tank issue to understand if you're going to need a tank or not, talk about that back entrance.

MR. ARGENIO: Where do they load and unload, where do people load and unload?

MR. O'CONNOR: It's here, we provide parking, I don't think that they anticipate that typical, you know, we're looking for more of, they have more of a business type of clientele that isn't going to be unloading, you know, loads and loads of bags.

MR. ARGENIO: Your--

MR. O'CONNOR: We're a bit more streamlined in approach.

MR. ARGENIO: You have areas that look like they're designated for landscaping adjacent to the building but you have none shown.

MR. O'CONNOR: There are additionally something I actually just spoke with the architect, we have pavement demarcation that we're providing, also there's going to be some stamped asphalt in front of the

building that's also tonal, that kind of gives that kind of break the area up and--

MR. ARGENIO: My point is that this is not going to be a lawn, is it?

MR. O'CONNOR: It's going to be landscaped.

MR. ARGENIO: I mean you need to show what you're going to do.

MR. O'CONNOR: Yes, absolutely.

MR. ARGENIO: What's going on here, is this paved?

MR. O'CONNOR: No, this will end up being a storm water management.

MR. ARGENIO: Is it grass?

MR. O'CONNOR: It's grass, pardon me, I misspoke, it is a parking lot right now.

MR. ARGENIO: It's a parking lot?

MR. O'CONNOR: Yes, and we've worked through, a big component is working with the DEC and making sure we can actually, we don't want a 60 day review, we don't want to do anything non-standard and pass the timeline greatly with these pocket ponds an additional bioretention areas kind of sprinkled around the site. We've worked through the calculations and we do make our runoff reduction numbers and infrastructure numbers and this will function as it is.

MR. ARGENIO: There's a lot going on here with the storm water, Mark, you agree?

MR. EDSALL: Absolutely.

MR. ARGENIO: There's a lot going on here. I see one, two, three, four, five, six, seven, eight water quality facilities, maybe there's more, maybe there's nine, I don't know.

MR. O'CONNOR: Yeah, you know, and respectfully, that's the direction that DEC drives us at this point they're looking for a lot of smaller treatment facilities instead of these large, high impact infiltration ponds and basins that are eyesores frankly.

MR. ARGENIO: What about the City of Newburgh, Mark?

MR. EDSALL: Once we have the SWPPP, we'll refer it as we always do when it's in their watershed for a courtesy review.

MR. O'CONNOR: We need to provide you with a SWPPP frankly.

MR. ARGENIO: Mark, what else do we need to talk about here tonight? I mean, I don't know what to say, you have a concept plan, we've seen it already. I would caution you on the landscaping it looks like you need to do a more substantial job on that, it would seem to me at least more thorough job on the landscaping, it's nice you have the flowering trees.

MR. O'CONNOR: Pardon me, as far as in the immediate areas around the building we have Residence Inn program as far as that goes they have standards and treatments we'll be following.

MR. ARGENIO: What's that mean to me?

MR. O'CONNOR: It means this is an overall development plan. Our final submission package includes detail around the specific buildings that will spell out this is kind of massing in bulk as far as, so we'll have that finer detail, we'll have a smaller grading plan.

MR. ARGENIO: It's been mentioned and you acknowledge it?

MR. O'CONNOR: Absolutely.

MR. EDSALL: Two things, Mr. Chairman, procedurally probably the greatest thing we need to accomplish tonight is to determine that we're going to issue lead agency coordination letter but we should determine what approvals are required. At this point, I list that under comment seven but I would add Department of Health because if there's going to be a water main that serves multiple buildings, the health department normally requires they review and approve the plans. Secondly, we can refer to DOT, I'm not quite sure they're going to issue a permit but we can at least make them aware officially.

MR. O'CONNOR: We're within 500 feet of the state road

and we're proposing to widen the entrance so--

MR. EDSALL: But is the entrance widening at the state highway?

MR. O'CONNOR: It should be, yes, we're going right up into the right-of-way.

MR. ARGENIO: I'm not seeing that on these plans unless it's there and I'm missing it.

MR. O'CONNOR: I'll have to doublecheck the numbers, I know we start the widening here, I have to doublecheck that. But that said, we're within 500 feet of the state right-of-way, means I would expect the DOT to have a comment, it's an increase in traffic and--

MR. ARGENIO: Well, it's got nothing to do with anything from where I'm sitting, you're accessing a driveway and you're increasing the volume at that entrance so, I mean--

MR. O'CONNOR: Straightforward.

MR. EDSALL: We'll get out, if it's acceptable to the board, we'll get out the lead agency letter including the Department of Health and the DOT, I don't believe any other--

MR. ARGENIO: Can I interrupt? Apologize for interrupting before the thought escapes me because I'm getting old and I forget things a lot quicker. Are you proposing any link from top to bottom? Let me elaborate because you're looking at me with that quizzical look, there's an eatery at the bottom of the hill, you have all these people in this Residence Inn here at the hotel, maybe there's restaurants in the hotels, maybe there's not, I really don't care but it would seem to me that people should be able to walk from one to the other, I would think that would make sense to you, Mark. Does that sound ridiculous?

MR. EDSALL: The normal course of life if you have hotels and restaurants adjacent to them lot of times people would rather walk than drive.

MR. ARGENIO: There's traffic all the time at the Palmerone Farms from the old hotel to the, either to the bar, to Chili's and Mr. Patel may develop a restaurant down here at some point in time, who knows

or a food, rent to Chili's or Applebee's or somebody.

MR. O'CONNOR: It's something we'll look at.

MR. ARGENIO: I think you should.

MR. EDSALL: So if the board has no objection, we'll take care of lead agency.

MR. ARGENIO: We should circulate.

MR. EDSALL: Yes.

MR. ARGENIO: Let's do that.

MR. EDSALL: Second issue through all the discussions I don't have in my comments but I think would be very helpful in addition to Josh indicated he was going to have some more detailed focus drawings on each of the three pads or actually the two new pads, one thing that would help us out quite a bit is a couple sections from the northerly hotel, the Residence Inn out to Square Hill to show us--

MR. O'CONNOR: Just an elevation or view?

MR. EDSALL: Just a section to show us the parking lot, the wall where the landscaping is going.

MR. ARGENIO: Where would you draw the section line?

MR. EDSALL: Maybe two locations at the hotel.

MR. ARGENIO: One here, one here.

MR. EDSALL: Yes, the reason--

MR. ARGENIO: Because you have relief from here to here then you have a flat pad then I think there's relief here.

MR. EDSALL: Not as worried in the front. The reason I'm asking in the back I need to coordinate with Highway Superintendent Fayo about the wall landscaping, any grading changes that will help him visualize it.

MR. O'CONNOR: Absolutely. So essentially, we'll pick something along in this area where we're sensitive to the fact we have the building, it kind of helps develop a screen where that doesn't give us that in this area.

MR. EDSALL: Secondly, it's going to help when you have your public hearing if any of the neighbors come in they'll be able to visualize what's being proposed. Last item and then I'll leave my comments to their own on the landscaping Josh asked for some guidance, where I was really heading was I've got the mass of the wall running along Liner Road, rather than having street trees which don't break up the mass of everything, having some lower bushes or evergreens that would break up the mass, I don't know if the board agrees.

MR. ARGENIO: Doesn't get tall until you get into here.

MR. EDSALL: Doesn't need a lot, just something to supplement the street trees.

MR. ARGENIO: If you're going to build a wall that I'm envisioning you're going to build a nice wall.

MR. O'CONNOR: We have a standard, you know, that we're working with our, the flags where we need to provide an amenity that suits and matches.

MR. ARGENIO: If you can get a picture of it, something.

MR. O'CONNOR: Sure. I mean, frankly, we're looking at Redi-Rock's product, they have 34 different stone finishes, they have precast in this system that's what we're pricing out and designing and I can provide some pictures.

MR. ARGENIO: Redi-Rock huh? Okay.

MR. O'CONNOR: We do have flexibility but as far as it's something I've worked with before and specs so I have some comfort in that, not trying something new, you know.

MR. ARGENIO: Okay.

MR. O'CONNOR: Actually, our, one of the potential GCs we've worked with a bit on specifications or two, we don't have any one dialed in as far as that goes but we do have some industry guidance in that selection as well.

MR. ARGENIO: Okay.

MR. O'CONNOR: But we'll provide the look and all of that for your review.

MR. ARGENIO: David Sherman, where you at?

MR. SHERMAN: I've just got one question.

MR. ARGENIO: Ask away.

MR. SHERMAN: Mark's comment with regards to the sidewalk in the back of--

MR. ARGENIO: Back here.

MR. SHERMAN: Mark's comment was request the use, purpose of the sidewalk.

MR. O'CONNOR: It's Mr. Lucchesi's need for fire. We have to be able to provide a plowable or shovelable access to the rear of the building for fire service.

MR. EDSALL: You have ground ladders, somebody has to stand the ladder up to get to the second floor.

MR. O'CONNOR: We have to be able to provide a clear access even if somebody wants to access a window on the first floor you don't want anybody having to traipse through knee deep snow.

MR. ARGENIO: Do we need to vote on that, circulate for lead agency, did we do that?

MS. MC MILLAN: We didn't have a motion, just--

MR. GALLAGHER: Make a motion for lead agency.

MR. BROWN: Second it.

MR. ARGENIO: Circulate for lead agency.

ROLL CALL

MR. SHERMAN AYE

MR. FERGUSON AYE

MR. BROWN AYE

MR. GALLAGHER AYE

MR. ARGENIO AYE

MR. ARGENIO: Thoughts on lighting, what kind of lighting are you going to have?

MR. O'CONNOR: It's going to be your typical parking lot and grade lighting as far as the parking lot goes.

MR. ARGENIO: You need to do better than that my friend, that's, you've given the right answers all night, that's patently the wrong answer.

MR. O'CONNOR: As far as height and scope goes--

MR. BROWN: You're near the airport so certain type of lighting.

MR. O'CONNOR: Oh, okay.

MR. BROWN: And you're high up.

MR. ARGENIO: Mark, did we talk about the Port Authority?

MR. EDSALL: I will reference my comment, it's in here someplace about the Port Authority. I received a phone call from the New York New Jersey Port Authority asking that I refer these plans to them once we had a resubmittal. I have not done that yet because I talked to Josh about having on the plans specific elevations, not height elevations for the top of the buildings in tabular form so when I send it to them they understand and if they have to have the red lights or whatever's needed which has occurred on a number of projects in the Town of Newburgh they'll let us know.

MR. ARGENIO: So Howard, we'll get isolux and pole location.

MR. O'CONNOR: Absolutely, that's a step in the development process. And as far as the building lighting goes, we're not proposing any dramatic uplighting or anything on the building. We do want the signs to be seen potentially from the highway, fortunately, that doesn't really impact any of our neighbors. And beyond that, it's their standard signage package for a Residence Inn but we're not looking at a whole building wash as far as uplighting.

MR. ARGENIO: Harry Ferguson?

MR. FERGUSON: One of Mark's points, the dumpsters, I didn't think two was a sufficient amount.

MR. ARGENIO: I was thinking the same thing, doesn't seem like a lot.

MR. O'CONNOR: Well, we do have a total of four.

MR. ARGENIO: Two per building is what he meant and we'll need an enclosure there similar surface as the building.

MR. O'CONNOR: Okay.

MR. EDSALL: I think what I was heading for you've got three hotels and you may want to have three separate enclosures. I don't know that it's practically a good idea that they're sharing dumpster enclosures.

MR. ARGENIO: Get that?

MR. O'CONNOR: Yes, we'll look into that. Again, Mr. Patel and his group are going to own this there's not a subdividable parcel, this isn't a scenario where you're going to end up with unique owners for all these facilities because we'd be creating massively non-conforming parcels with major frontage issues so that's not something that's in the cards in the future.

MR. ARGENIO: Lot of hotels going up, 17K, this.

MR. GALLAGHER: Any thoughts on solar for any of the lighting?

MR. O'CONNOR: We haven't had thoughts on it specifically, you know, we've been looking at our space constraint as far as just getting the parking in there, you know, as far as rooftop and the like, it could serve, would serve the building and that would be MEP and architectural, as far as our site lighting goes, we at this point don't have that plan, no.

MR. ARGENIO: What else can we do for you tonight, sir?

MR. O'CONNOR: I think we've made some great progress and I really do appreciate the board's time and this conversation tonight.

MR. ARGENIO: To be continued.

MR. O'CONNOR: Look forward to it.

MR. ARGENIO: You've got some homework.

MR. O'CONNOR: Yes, we do.

MR. ARGENIO: Mr. Patel, thank you for coming in, thank you for your potential investment in our town.

MR. PATEL: You're welcome.

HUDSON VALLEY SPCA SUBDIVISION (12-09)

MR. ARGENIO: Hudson Valley SPCA subdivision. This application proposes subdivision of the 16.4 acre parcel into three non-residential lots. The application was previously reviewed at the 25 April 2012, 14 November 2012, 9 January 2013, 10 April 2013 and 22 May 2013 planning board meeting. Your name, sir?

MR. RUGNETTA: Nick Rugnetta from Pietrzak & Pfau.

MR. ARGENIO: How are you tonight?

MR. RUGNETTA: I'm good.

MR. ARGENIO: You can come up, Mr. DiCarado.

MR. DICARADO: I was ready to apologize because I didn't know he was here, I didn't realize Nick was with them. I was going to throw myself at your mercy.

MR. ARGENIO: What do you have, Nick?

MR. RUGNETTA: Well, I guess starting with the subdivision, the plan hasn't been revised since 2013 but we have provided the declaration of access and utility easement as well as the maintenance easement.

MR. ARGENIO: Mark has a comment about, he doesn't have a comment here about that, he mentioned to me today the cross-easements.

MR. EDSALL: That's number two.

MR. ARGENIO: It's a comment, okay, what are we concerned with here, Mark, on the cross-easements?

MR. EDSALL: I don't think we have a concern, we just need to make sure that the final form of the, it's both an access easement and utility easement is in a form that Veronica ultimately finds acceptable for the purposes of both the subdivision and site plan.

MS. MC MILLAN: Mr. Chairman, just so the board is aware, the applicant did submit a proposed draft of it and it is under review. I believe Mr. Ozman is local counsel that's assisting them in that regard. And I have communicated with him to perhaps send us an electronic copy so we can speed the process and

proposing revisions based on Mark's comments and mine.

MR. ARGENIO: So that verbiage needs to get squared away and you need to accept the--

MS. MC MILLAN: Exactly, yes.

MR. ARGENIO: This is the subdivision application only, members. Mark, Nick was very efficient in his use of words a moment ago, do you have anything to add to this?

MR. EDSALL: This is the simple part of the application so I don't believe there's anything other than making one of the conditions that it is subject to having that cross-easement document accepted.

MR. ARGENIO: Any reason we shouldn't consider conditional final approval?

MR. EDSALL: Not that I'm aware of.

MR. ARGENIO: Members, any questions on this? This is another one that's been round and round and round.

MR. EDSALL: It has been to county, they've returned a local determination, you had a public hearing, held it and closed it and you have adopted a negative dec so procedurally you're done.

MR. ARGENIO: I'll accept a final motion for conditional final approval for this application.

MR. GALLAGHER: Subject to the cross-easements.

MR. ARGENIO: Subject to what we discussed.

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that we offer final conditional final approval to Hudson Valley SPCA subject to what we discussed on the cross-easements. I'll have a roll call.

ROLL CALL

MR. SHERMAN AYE
MR. FERGUSON AYE

April 13, 2016

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|---------------|-----|
| MR. BROWN | AYE |
| MR. GALLAGHER | AYE |
| MR. ARGENIO | AYE |

HUDSON VALLEY SPCA SITE PLAN (12-10)

MR. ARGENIO: Let's talk about the site plan. This application proposes three integral site plans on a single plan. The plans include retail and SPCA use. The plans were previously reviewed at 25 April 2012, 14 November 2012, 9 January 2013, 10 April 2013, 22 May 2013, 26 June 2013 and 25 September 2013 planning board meetings. This is for site plan approval and special use permit for the kennel, Mark, is that right?

MR. EDSALL: Correct.

MR. ARGENIO: Go ahead, Nick.

MR. RUGNETTA: Alright, so I think the last time the board saw this project was at a workshop meeting in January. So we have provided a couple revisions to the plan. We provided the addresses on here. There was a 911 comment and with our submission we provided an e-mail from the DEC stating that the wetlands are all Federal with the exception of the stream of course. We have also supplied the Orange County Department of Health approval letter for the water distribution supply and we recently got a DOT letter stating conceptual approval for the entrance to the site.

MR. ARGENIO: Just re-familiarizing myself with this. What's the use of the building typically?

MR. RUGNETTA: The use of the buildings are I think they're retail stores and then the kennels are commercial.

MR. ARGENIO: They're retail?

MR. RUGNETTA: Yes.

MR. GALLAGHER: The entrance, is that the existing entrance now?

MR. DICARADO: No.

MR. GALLAGHER: Kind of where the existing SPCA sign is?

MR. DICARADO: Yeah, pretty much right in here.

MR. ARGENIO: Point to it.

MR. RUGNETTA: There's the existing sign.

MR. GALLAGHER: Right around where the sign is?

MR. RUGNETTA: Yes.

MR. DICARADO: The new entrance will have much better sight.

MR. RUGNETTA: Yeah, there's better sight distance.

MR. ARGENIO: Lining up with the user across the street which makes sense.

MR. EDSALL: Jerry, can I ask a couple questions?

MR. ARGENIO: I'd be happy if you would ask a couple questions.

MR. EDSALL: Nick, could you just verify that there's no permit required relative to the stream that the DEC identified?

MR. RUGNETTA: Okay.

MR. EDSALL: I'm asking, do you know?

MR. RUGNETTA: I think it's under the general permit because it's all temporary disturbance.

MR. EDSALL: Okay, so DEC did not indicate that a permit was needed but we should probably if you do move to grant approval make that a condition that if a permit's required they obtain it before doing any work. The water system configuration I just want you to add on the final plans a note indicating that the water system on the site is private in nature and is to be owned and operated and maintained by the entities, that it is not a town maintained system.

MR. ARGENIO: Mark, this goes back a bit so I don't, you know, remember all the nuances of this, you went through the ponds and the water quality facilities on this at some point in time at a prior date?

MR. EDSALL: Yes, the SWPPP was it seems like years ago and it's October 16, 2013 it was accepted that's on the top of the second page. The next question for Nick involves the conservation easements that are shown through the Army Corps of Wetlands. What is the

genesis of the conservation easement?

MR. RUGNETTA: I might have to get back to you on that question.

MR. EDSALL: I don't know that we asked for it. I don't know that we've had it explained to us the conditions of the conservation easement. So that should be defined in some document that the attorney can review.

MR. ARGENIO: Who are they conserved for the benefit of?

MR. EDSALL: Exactly.

MR. ARGENIO: Do we know? And let me ask you this, Mark, why is that question coming up now, is that new verbiage?

MR. EDSALL: I don't recall seeing that conservation easement on a previous plan, I might of missed on the last set but I'm sure it wasn't there all along.

MR. ARGENIO: Okay. You need to get buttoned up with DOT, you say you have a letter from them, what does it say?

MR. RUGNETTA: Yeah, it's a, we provided it with our submission, it states that they're just giving us conceptual approval for the entrance.

MR. ARGENIO: Conceptually, we have performed a cursory review of the proposed plans and find the concept to be acceptable. A more in-depth review shall be performed during future permitting process to verify that your current New York State DOT specifications and details have been applied, they may change what you're doing there.

MR. RUGNETTA: Yeah, I think pertains more to the details regarding the entrance.

MR. ARGENIO: Oh, that's fine, but you understand DOT is DOT and you have to satisfy them.

MR. RUGNETTA: Right.

MR. ARGENIO: You're in their right-of-way. There's the highway work permit process, the DOT may also

require a traffic impact study.

MR. DICARADO: When I spoke with Sibby and I went over this with her, her statements were in the area of we don't know who's going to be on the property and how much traffic flow there's going to be. So until somebody purchases and we know what's going to be built--

MR. ARGENIO: Makes sense. Orange County local determination. What do we have from fire? Approved disapproved? Mark, what else on this, man?

MR. EDSALL: Well, I tried--

MR. ARGENIO: You're asking about this conservation easement, this is a new twist to things, it's shown as wetlands, I see it as wetlands, it's delineated as wetlands, it's considered as wetlands as part of the analysis of the site plan, I don't know what conservation, I don't know.

MR. EDSALL: My concern isn't that it's being conserved, it's always a good thing to protect open areas and wetlands. My concern is more that to be candid that the town is not being put on the hook for anything. So as long as Jennifer or Veronica gets a chance to read it, Jen Gallagher gets to look at it, I get to look at it, we make sure the town's not absorbing any responsibilities then my concern will likely vanish.

MR. ARGENIO: I think they've met all the requirements they need to meet and they're ready seems to me to go over the wire but for this discussion we're having right now.

MR. EDSALL: Yeah, I would ask that the conditions be that the applicant obtain any needed permit from DEC for the stream if needed.

MR. ARGENIO: Of course.

MR. EDSALL: That they add a note to the plan relative to the private nature of the water mains, also a condition as with the subdivision that the easement and shared maintenance agreement document be accepted by the attorney for the planning board and that the attorney for the planning board receive information on the conservation easements to ensure that it's

appropriately--

MR. ARGENIO: Suppose it's not appropriate, then what?

MR. EDSALL: They might have to remove that or they'll have to change the form of the easement. Clearly the town does not want any obligations to maintain or inherit any problems so we'll revisit it and make sure that the easement is to someone else or it's a conservation.

MR. ARGENIO: Suppose it's not, what recourse do we have?

MR. EDSALL: Take it off the plan or they would have to come up with another alternative.

MR. ARGENIO: It exits does it not?

MR. EDSALL: It's proposed.

MR. ARGENIO: It's proposed?

MR. EDSALL: Yes.

MR. ARGENIO: You're right, it does say proposed.

MR. EDSALL: So with those conditions in mind, I would also ask before you or as part of your approval the special permit items under comment number five be discussed so that they can be included into Veronica's final resolution.

MR. ARGENIO: That all the proposed structures, equipment and materials are readily accessible for fire and police protection, we have approval from fire here, what's the date on it, Stephanie, please?

MS. RODRIGUEZ: It's November 5, 2012.

MR. ARGENIO: So that's done. Plans haven't changed since that, have they?

MR. DICARADO: No.

MR. ARGENIO: And that proposed use and layout are in harmony with the orderly development of the zoning district and will not have a detrimental effect on the adjacent properties. You guys agree with that? I agree with that. Howard, Danny, you good?

MR. BROWN: Yes.

MR. FERGUSON: Yes.

MR. ARGENIO: Okay, so Mark, what do we need to do here? I understand the easement thing, I did not see the word proposed there.

MR. EDSALL: I would--

MR. ARGENIO: So you kept--

MR. EDSALL: Bottom line you've sent it to the county, that's all done, health department approval.

MR. ARGENIO: You may not have a proposed conservation easement, counsel's going to review that, do you understand?

MR. DICARADO: No, and I--

MR. ARGENIO: Explain it to him.

MS. MC MILLAN: On the plans there's an indicated proposed conservation easement. If there's going to be one there, that's a document that gets generated and filed in the title of the property so we need to--

MR. DICARADO: Who proposed that?

MR. ARGENIO: Dude, it's your plan, Mr. DiCarado.

MR. DICARADO: I didn't know I proposed that, it's Federal wetlands.

MS. MC MILLAN: Because if it's on Federal wetlands, it may be required by the Army Corps of Engineers, that's what your engineer has to clarify if it's required by them, it's a specific easement by them that gets recorded.

MR. ARGENIO: Are you paying attention to her? Not sure where it came from.

MS. MC MILLAN: It's a new appearance on the plans. We have to make sure if there's an easement required that it gets recorded and that it doesn't impact the town in any way.

MR. DICARADO: So the Army Corps of Engineers should see this?

MS. MC MILLAN: We don't know that this is on your plans so your engineer should be able to tell us that.

MR. RUGNETTA: We'll check.

MR. DICARADO: Okay, thanks.

MS. MC MILLAN: No problem.

MR. ARGENIO: So, let me just circle back, Mark, I need just a little help with the subject-tos.

MR. EDSALL: Subject-tos that as discussed if they need a permit from DEC, that that would be required before any work's performed, that the note is added relative to the water system, that the easement, shared maintenance agreements must be approved by the attorney for the planning board and that the document for the conservation easement should be submitted and accepted by the attorney for the planning board.

MR. ARGENIO: Okay, beautiful.

MR. EDSALL: That's it.

MR. ARGENIO: Anybody sees fit, I'll accept a motion for final approval, conditional final subject to those conditions that Mark just read in a moment ago.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded that we offer conditional final approval subject to the conditions Mark Edsall just read in for Hudson Valley SPCA site plan on Route 207. Roll call.

ROLL CALL

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

MR. ARGENIO: I think that's it. Do we need to have a

vote on the special use permit or does that come with the applicant?

MR. EDSALL: I think the approval should be for the site plan and special use permit for the kennel.

MR. ARGENIO: Modify the minutes appropriately that the motion was made for both.

MR. EDSALL: Site plan and special use permit and use for the record, the special use permit already exists because there's the use there now but they're increasing the amount of kennels. So effectively the board was modifying their special permit for the expanded use.

MR. ARGENIO: Do you have tenants or a buyer?

MR. DICARADO: We've got some nibbles, that's about it. I'm going to talk to the IDA cause they're the ones I'd like to work with, maybe they can help, I'll see if they can bring in some people. We've got some realtors, Jim Martin and some others that are looking, we have one nibble for the total piece of property, that's a different wrinkle but--

MR. ARGENIO: Good luck to you.

MR. DICARADO: I want to thank the board as a whole and everybody here as individuals.

MR. ARGENIO: Have a good day.

JMR ASSOCIATES SITE PLAN (16-06)

MR. ARGENIO: Okay, JMR Associates pulled out at the last minute so we don't have to review them. Professionals, any other comments?

MR. EDSALL: Inasmuch as JMR had some comments relative to their organization of their application, would you object to us sending the comments and asking them to revise their submittal before they come back in?

MR. ARGENIO: That's a good idea.

MR. EDSALL: We got I think a five page set of drawings then we had another loose drawing then we had another one and some eight and a half by 11 sheets. So the chairman and I discussed the fact that it's not supposed to come in pieces like a puzzle so maybe we'll do a, send it back to them. Anything else? Motion to adjourn?

MR. BROWN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth
Stenographer