

TOWN OF NEW WINDSOR

PLANNING BOARD

May 25, 2016

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN  
DANIEL GALLAGHER  
HOWARD BROWN  
HARRY FERGUSON  
HENRY VAN LEEUWEN (ARRIVING LATE)

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

VERONICA MC MILLAN, ESQ.  
PLANNING BOARD ATTORNEY

STEPHANIE RODRIGUEZ  
PLANNING BOARD SECRETARY

ABSENT: JENNIFER GALLAGHER, BUILDING INSPECTOR

MEETING AGENDA:

1. Weikfield Windsor Development
2. Patriot Bluff S.P.
3. Best Fudgin Cakes
4. Windsor Hospitality
5. Central Hudson Gas & Electric

**REGULAR MEETING:**

MR. ARGENIO: I'll call to order the regular meeting of the Town of New Windsor Planning Board for Wednesday, 25 May 2016. Would everybody please stand for the Pledge?

(Whereupon, the Pledge of Allegiances was recited.)

MR. ARGENIO: Welcome everybody.

WEIKFIELD WINDSOR DEVELOPMENT (15-01)

MR. ARGENIO: First item on tonight's agenda, first applicant called earlier today and said that they needed a little additional time to get their ducks in a row. They indicated to Veronica that they were not prepared adequately but she recommended to them you may want to consider taking themselves off the agenda if they're not prepared and they did the same. That brings us to Dan Simon.

PATRIOT BLUFF SITE PLAN AMENDMENT (16-08)

MR. ARGENIO: Patriot Bluff site plan amendment. This is off Union Avenue and 32 up in the back just south of the condos where Howard Brown lives. The application proposes a revision of the prior approved site plan from 178 townhouse units which was a zero lot line subdivision to 314 market rental apartments on the 55 plus acre parcel. The plan was reviewed on a concept basis only. I see Dan Simon here to represent this so Danny, why don't you tell us what you're thinking here.

MR. SIMON: First of all, thank you, Chairman Argenio and members of the board, good to see you after so many years.

MR. ARGENIO: So so many.

MR. SIMON: So many, yes. The current approved, I'm handing out a couple things here which kind of show a little bit of the history on the project site. And another, the other shows some projects that we own and manage and have built throughout the country. But I have put together two maps overlaid on aerials, one which shows the original SEQRA approved plan and one which shows the current approved plan. The original SEQRA approved plan contemplated 530 some odd units on the property which at that time when the PUD was approved it included the property of the Epiphany College. That approval consisted of about 100,000 square feet of retail, another 15,000 square feet of office on the Epiphany College property and 530 some odd units throughout with about 60 located on the Epiphany College property. The current plan that's approved that I have there consists of the retail center that we got approved many years ago, about 70 some odd thousand square feet of retail, we had reduced that, it includes 102 of the Patriot Ridge townhouses that have been built and constructed and the upper portion was then planned for 178 additional two and three bedroom townhouses. We have owned the property for a lot of years as you know, we have been trying to find a market for the upper townhouse units but we don't really see the market recovering enough for these types of homes to. At the current time, our plan is to come and discuss with this board a potential shift to develop the property as a luxury rental community. AVR Realty Company who's our parent company owns and manages about 10,000 rentals across the country in about 35 different communities. We strive to build the

best properties with full service recreation and amenities. These units up here also would have a full service recreation complex, swimming pool, tennis courts, dog park areas. The recreation complex is right here in the middle, tennis courts would be located on the other side here.

(Whereupon, Mr. Ferguson entered the room.)

MR. SIMON: Attached parking within the buildings for garages, also detached garage structures for additional parking, plenty of on-site parking, we try and maintain a ratio well over two and a half to one total parking.

MR. ARGENIO: Is that our code?

MR. SIMON: No, the code varies a little, I think it depends on the size of the units. But I think we put a summary table there that kind of shows on the first page the total parking but we're well in excess of the parking requirements. And these units would be one and two bedroom rental units, predominance of the renters these days we find are young professionals and seniors 55 and over set. So our communities typically don't have a lot of school children but the people that live here like to enjoy themselves so we have full service lounge area, pool tables, full service fitness, fitness on demand.

MR. ARGENIO: From a market perspective, Danny, what's the difference between, economically what's the difference between say senior housing and this housing?

MR. SIMON: Well, economically, I mean, the senior rental market is not something that we corner in particular, we don't target seniors particularly for a rental community. We have developed for sale senior communities.

MR. ARGENIO: Why would a senior go to your place rather than one of the other senior housing complexes in New Windsor?

MR. SIMON: Because we offer a lot more amenities, we offer a kind of very vibrant lifestyle. Our fitness facility in itself is usually about 3,000 square feet out of the entire clubhouse facility. So they don't feel like they're a senior. Our communities don't kind of cater to them from the standpoint of senior facilities but we do cater to them with the amenities

they're used to, a lot of our seniors in these communities are snow birds, they'd spend portions of the year in warmer climates.

MR. ARGENIO: Go ahead.

MR. SIMON: So this community would be a mix of one and two bedroom units in three story buildings. The footprint of the entire development you'll notice from the overall plan has been reduced. We're able to fit the density in a much tighter configuration thus saving a little more open space up on the ridge lines moving away from the wetland areas a little bit more that were originally impacted by the other one. We're planning with this development connecting the Epiphany Drive extension with the thru-road onto George Green Drive to allow full movement between Windsor Highway and 300. I think that's pretty much it from me. I can answer questions.

MR. BROWN: This similar to Riverview?

MR. SIMON: Riverview, Rivercrest you mean our development in Fishkill?

MR. BROWN: Right.

MR. SIMON: This is a little different. These are three story buildings, that was a two story development but similar sizes these rentals.

MR. BROWN: That was rental too, right?

MR. SIMON: Yes. These units are roughly one bedrooms, rages anywhere from 850 to 920, two bedrooms from 1,100 to 1,295 so they're good sized units too.

MR. ARGENIO: Howard, have you seen those units over there?

MR. BROWN: Yes.

MR. ARGENIO: How are they?

MR. BROWN: Nice but they're right on the river.

MR. ARGENIO: What's this here, Dan, what's going on right in here?

MR. SIMON: This is a mix of surface parking and small

garage structures to give these units the ability to have a contained garage.

MR. ARGENIO: They'd park there and then cross the street?

MR. SIMON: Yeah, the sidewalks aren't shown but--

MR. ARGENIO: Obviously it seems to me that you're way deficient in detail but probably not gotten to that point yet.

MR. SIMON: Yeah, no, this was kind of just brought up, you know, for the scale of this plan, it wasn't, it would just get a little too crowded.

MR. ARGENIO: Mark, what are we looking for? You may not know off the top of your head what are we looking for for parking on something like that, ratios, do you know off the top of your head?

MR. EDSALL: I think the two and a half is good for the residents but I believe we also require some additional parking for the amenity areas and some guest parking but that's something that clearly when we get the larger scale drawings we can work out. I'll doublecheck the code.

MR. SIMON: The bulk requirements here say 2.5 spaces per unit total of 785 required, we have about 800 shown.

MR. ARGENIO: I just want to read from Mark's comments here for the benefit of the members, the project and the audience as well because this does go back a bit, this even predates me this project. The project is part of the Planned Unit Development, PUD, acronym PUD approval previously granted by the Town Board of New Windsor. The prior site plan for this portion of the PUD was 01-66, Patriot Bluff. Given the long history of this overall development, I suggest the applicant submit a narrative explaining the prior approvals in consistency of this application with that prior approval which I'm sure Dan Simon will do. As part of the processing of this application, SEQRA review will be required. The board will need to determine what if any supplemental or updated information will be needed in that regard. So we should talk about that a little bit, Mark, and we should get some guidance. Members should get some guidance from counsel and from you on

the SEQRA component because the unit count facially seems to be going up but again, I don't know the history of this thing starting from day one coming forward to now and I think Mark you're very wise to ask for that type of narrative for the benefit of the planning board members and the town engineer so we can refresh our memories and understand the history of this thing from where it started to where we are now. So I'm not going to get micro-focused on the quantity of the units. So Mark, let's talk about SEQRA and the impact. I think if I remember correctly going back years and years when Tom Perna was here, is that right, Dan?

MR. SIMON: Yeah.

MR. ARGENIO: Representing this project, we didn't have the benefit of the connection through to Mandelbaum's project

MR. EDSALL: We did not.

MR. ARGENIO: So we have that now and we asked Tom at the time to make provisions for that and way back when I think he did subsequent to that Jonah bought that parcel and he's doing his work force housing and that town road is actually constructed now through to the end with the expectation of this coming at some point in time. So I don't want to go on and on but I will, we're starting with SEQRA and I got right to traffic so that will tell you where my thought process is.

MR. EDSALL: Rightfully so. But looking at the big picture, this was the subject of an Environmental Impact Statement back in the '90s and there have been revisions as one would expect with a large project there's been revisions and subsequent environmental reviews, I believe there was at least the one supplemental prepared.

MR. SIMON: We did prepare a supplemental at the time the 178 units came in.

MR. EDSALL: That was a change from single family residences which were originally anticipated on the upper level to townhouse units.

MR. ARGENIO: With the zero lot line?

MR. SIMON: It went to, yeah, townhouse lot, small

lots.

MR. EDSALL: So from an environmental standpoint, there's been a terrific amount of review, the original review looked at 537 units. This is still proposed in its expanded form 416 I believe is the total so it's well less than the 537 that was analyzed. But that was analyzed quite a number of years ago. It was analyzed with the townhouses and focused on some of the primary issues, storm water, traffic, sewer and water and it was found to be mitigated by different improvements the applicant has contributed toward.

MR. ARGENIO: They made significant financial contributions years ago.

MR. EDSALL: Towards sewer, drainage and water issues. So my belief is that we should look at SEQRA again, we should reopen SEQRA. The original review was done by the town board, the supplemental I believe was done by the planning board and the town board concurred. We should probably communicate with the town board, have them again confirm they agree with the planning board's opening SEQRA and doing a supplemental. I suspect it can be a fairly narrow scope although the board's going to have to decide but my gut is just as you indicated traffic is probably the primary issue.

MR. ARGENIO: The building footprint it's not the same but--

MR. EDSALL: There's less disturbances but there's more units than the townhouses. I believe the bedroom count is roughly equal.

MR. SIMON: The bedroom count is the same that was approved under the 178 plan.

MR. EDSALL: We've got similar layouts but we've got more units, traffic engineer could analyze that and we've got the benefit now of the distribution of the trips that are generated from the site cause you've got a connection now to two state highways rather than everything coming out one direction. So I don't suspect there's going to be a significant problem here. In fact, the distribution of the traffic may in fact show a lesser impact, sewer, water, as I said, they've contributed toward improvements that have been made so that the town can accept their development with the utilities that are in the area. And storm water it's

just a requirement they're going to have to do that anyway because DEC mandates it.

MR. ARGENIO: What do we have to do? Do we have to have a scoping session or can we go right to traffic? What's the process?

MR. EDSALL: I think because you have a history of Environmental Impact Statements I believe the safest course is to have a narrow scope supplemental. You don't have to have a public scoping session if the board is comfortable with identifying the specific issues with the applicant as part of the public meetings. But I need to meet with Veronica because we've got a lot of catching up to do and we can make some written recommendations, we can coordinate with the applicant.

MR. ARGENIO: I don't think she's ever seen this.

MS. MC MILLAN: No. And I would like to see what was done before just to better advise the board about what should be done going forward but I think we can certainly work on that with the applicant, it won't be a problem.

MR. SIMON: Well, if Mark doesn't have a copy, I can get you a copy of the last supplemental that was done and we can use that as a guide.

MR. ARGENIO: Unfortunately, your engineer left town.

MR. SIMON: Everyone has the right to retire and I wish him well.

MR. ARGENIO: I don't know, Mark.

MR. EDSALL: He seems to be enjoying himself too much too from what I hear. But I think that's the heart of it, Mr. Chairman, and I believe because their disturbance footprint is less from an archeological standpoint that analysis occurred for a larger disturbance area.

MR. SIMON: We went through a large phase two also you'll remember when we did the 178 we dug a lot of trenches, lot of holes and that one came up moot.

MR. EDSALL: This has no disturbance outside the area that's been analyzed?

MR. SIMON: No, actually less.

MR. ARGENIO: This is good to get that crossover done.

MR. SIMON: When they had this 178 approved that property was still kind of up in--

MR. ARGENIO: It was woods, Danny.

MR. SIMON: No one had any plans for it.

MR. ARGENIO: You guys reserved the right-of-way.

MR. SIMON: Reserved the easement.

MR. ARGENIO: And you were not going to build but now that it's built our policy has typically been the last guy in makes the connection unfortunately so--

MR. SIMON: That's okay, understood.

MR. ARGENIO: Harry and Howard, do you guys have any questions? Do you remember this?

MR. BROWN: Oh, I remember it.

MR. ARGENIO: You remember well, Howard, I'm sure you do, you were a party to all this. You guys, members, you know what we have to think about, what are we going to do with the sidewalks on the main drag there? I certainly don't think that--

MR. SIMON: As I recall under the original approval we proposed a sidewalk on one side for the entire lane.

MR. ARGENIO: I think that probably makes a lot of sense.

MR. GALLAGHER: With trees, I believe.

MR. ARGENIO: Typically, these guys will give you a little guidance on that, Danny, our thoughts, but I know Jonah has sidewalks on both sides in his package there but he has significant development on both sides so it's a different type of thing. But I think this should be connected to his package that he has.

MR. SIMON: We also had a space constraint with this flag portion when this school was sold off so we, that

was probably one of the reasons we only put it on one side cause we had to fit 30 foot for the road plus the sidewalk and we actually acquired some grading easements just to get that in. So I think that's probably why we decided that one side was feasible for that stretch of road, it's probably about 1,000 feet.

MR. ARGENIO: Mark, what were they proposing for lighting up and down Epiphany Drive? I don't remember where that landed but I do remember discussing it many, many years ago.

MR. EDSALL: Yeah, I'd have to look back at the notes.

MR. ARGENIO: What are you thinking, Danny?

MR. SIMON: I don't even remember.

MR. ARGENIO: What are you thinking about now doing?

MR. SIMON: Is George Green Drive lit?

MR. ARGENIO: No, think about it a little bit, I'm not telling you you need to go left or go right but think about what you'd like to propose and the members will think about it as well.

MR. GALLAGHER: Right in this area.

MR. ARGENIO: Just in general, Danny, I'm just bringing it up because it's something we should be talking about and trees and things of that nature.

MR. SIMON: Yeah, this is a very high portion of the site, too, I don't know if that would have any visual ramifications as you'll see you definitely will see poles up there from neighboring properties, you know.

MR. ARGENIO: Might not be the most attractive application for that type thing.

MR. SIMON: I would tend to follow suit with whatever the other town road standard was built to, there will be plenty of lights within this section obviously.

MR. EDSALL: Back on the sidewalk issue I believe the intent was and still is that the entire connector road from Route 32 Windsor Highway to Route 300 would be dedicated to the town so it's a public road. And one of the reasons besides the fact that it would seem to

be a waste of Dan's company's money to build sidewalks on both sides for that long a run is that it's a maintenance burden on the town. So I don't think the town wanted sidewalks on both sides for that long connection.

MR. ARGENIO: That make sense, when you say town, you mean the town board?

MR. EDSALL: Yes. One of the things we need to make sure when this application is set up that it's geared toward dedication as is Jonah's roadway so that that would be constructed to town standards.

MR. ARGENIO: Jonah's is town road, is it not?

MR. EDSALL: I believe it was offered for dedication, yes.

MR. ARGENIO: Okay, Harry and Howard, you guys have any other thoughts on this, Danny, anything?

MR. GALLAGHER: No.

MR. ARGENIO: Dan, what else can we do for you tonight?

MR. SIMON: Nothing at this point. Would you like me to maybe for the next meeting come back with a short outline, kind of a SEQRA outline of what we did in the last one, what were, you know, what you think we probably should be looking at in this one?

MR. ARGENIO: Mark, we're going to be looking for guidance from you and Veronica from you two on SEQRA, I think you have a flavor for that, we're focused on traffic and after that I think Danny that narrative is important, that historical narrative, you know, for these guys.

MR. EDSALL: Maybe on the next visit if he's got the historical narrative we can review it and work with him, make it as complete and informative as possible and secondly perhaps he could propose a draft scope and we can work with him on that.

MR. ARGENIO: Yes.

MR. SIMON: And when would you like that stuff submitted generally?

MR. ARGENIO: Tomorrow.

MR. SIMON: I know.

MR. EDSALL: We'll set up a meeting.

MR. SIMON: Sometime in the next couple weeks?

MS. MC MILLAN: Yes.

MR. EDSALL: Yes, we'll meet as soon as possible.

MR. SIMON: Okay, alright, well, I thank you for your time, good to see you after so many years.

BEST FUDGIN CAKES INC. (16-09)

MR. ARGENIO: Best Fudgin Cakes. The application proposes the conversion of the existing building to a wholesale bakery and caretaker apartment on the second floor. Tell me what's your name, sir?

MR. STRIDIRON: Darren Stridiron, I'm the professional land surveyor representing the Gerrity's who are here tonight to answer questions on the business operation side.

MR. ARGENIO: What's your name, sir?

MR. GERRITY: Matt Gerrity.

MR. ARGENIO: What do you guys do? What are going to do?

MRS. GERRITY: We're going to open up a wholesale bakery, part retail, it's going to be mostly specialty cakes, things like that. I'm a pastry arts teacher down in Westchester currently and I just want to continue doing the baked goods that we do. I have a good clientele base already so I want to expand on that.

MR. ARGENIO: Wholesale retail, what's the difference?

MRS. GERRITY: Wholesale is like you cater to restaurants, hotels, you know, people call in an order, specialty cakes, so if you have a wedding or birthday party, Bar Mitzvah.

MR. ARGENIO: And you deliver the cake to Anthony's Pier 9?

MRS. GERRITY: Yes, cookie platters, holidays, it would be more geared towards that. Try to keep it on the simple, having a retail space open seven days a week is a lot to have a case full and stuff and, you know, I wouldn't have that. I would have maybe partial retail and that would come later in the building. Darren can show you it's a small section in the front which I'd have maybe one case in the front so most of it would be a production area, you know, packaging and things like that.

MR. ARGENIO: Where are we here?

MR. STRIDIRON: Quassaick Avenue right near the bridge.

MRS. GERRITY: The last spot in New Windsor.

MR. STRIDIRON: East side of 9W.

MR. GALLAGHER: So you're by the pool table place?

MRS. GERRITY: Right next door and the broken bridge.

MR. ARGENIO: That forward building is the building that had the blue tarp on it for 100 years?

MRS. GERRITY: Yes.

MR. ARGENIO: I know where we are, okay.

MR. EDSALL: Mr. Chairman, if I can just interject one item purely from a definition standpoint with the zoning code what they're describing, although because there's more large product and bulk and selling to businesses in the area where that might be delivered rather than picked up that's still by definition is retail. And since wholesale is not a use specifically listed in the zone and is not allowed as a specific freestanding use, the reality of it is it's really a retail establishment which is allowed in the zone.

MR. ARGENIO: Makes sense to me, I think it should be there.

MR. EDSALL: Just wanted to make sure the record didn't show that they're proposing something that's not allowed in the zone.

MR. ARGENIO: The property is located in a PI zoning district and it's anticipated for a change to NC zone cause that generally is what runs along Route 9W. I'm reading from Mark's notes here and that makes sense, NC makes sense in that area. Go ahead, Mr. Stridiron, what do you have to say?

MR. STRIDIRON: We currently have three variances requested for the property. One is the area which is a pre-existing, non-conforming. The other is a front yard of 40 feet, we have zero feet right now because the building is literally right up against the property line and then we have the side yard which is--

MR. ARGENIO: But that's existing now right?

MR. STRIDIRON: Yes, and then we have the parking issue which the site is currently very small.

MR. ARGENIO: Point to the parking.

MR. STRIDIRON: Right now we have two garages, we have a two car garage and a one car garage, there's three spots inside the building and then we're proposing two additional spots as an easement on the neighboring property which is owned by the same person they're in contract to purchase.

MR. ARGENIO: You're going to buy that?

MRS. GERRITY: Yes.

MR. STRIDIRON: And the easement is part of this site plan.

MR. ARGENIO: Why would you need the easement if you're going to own the property?

MR. STRIDIRON: Our concern in the meeting with Mark--

MR. EDSALL: They're not going to own the adjoining property, the adjoining property is where the easement is.

MR. ARGENIO: I thought you were going to buy the adjoining property. So you mean contract to purchase you mean the main site?

MR. STRIDIRON: Yes, they need additional two possibly more depending on what the--

MR. ARGENIO: Do you know how much I'd like to see somebody in that building making a profit? It's the entrance to our town.

MR. EDSALL: Building has been unfortunately inactive for quite a while. Could I speak to the zoning issue just for a moment? We need to work with the applicant, I spent some time and I spoke with Mr. Gerrity about the zoning end of it, Veronica and I spent quite a bit of time to make sure we're looking at this correctly. Actually, some of the items that they show as needing variances relative to bulk are pre-existing, non-conforming conditions.

MR. ARGENIO: That's why I said what I said.

MR. EDSALL: You were headed in the right direction. What's happening if the town rezones this as NC which is an appropriate zone given the size of the lot and its location and all the other NC along the great majority of 9W they still can't meet the bulk requirements with the use group that has the least bulk requirements. So they couldn't develop this lot, it has no possible use that would have a lesser demand than what they're proposing so they're really pre-existing non-conforming conditions that can never be met.

MR. ARGENIO: I'm getting that.

MR. EDSALL: The only one that really triggers the need to go to the zoning board is the parking which again there's no way they can develop more parking, they've done their best by getting a lease and permanent easement or lease for two spaces on the neighbor's property. So this is going to the zoning board but we'll clean it up with Mr. Gerrity and his surveyor and get it over to the ZBA. But we want to send it in that corrected form.

MR. ARGENIO: So there's nothing else you can really do with this piece? You're in a NC zone, you have a building that--

MR. EDSALL: It's currently in a PI zone and there's no use in the PI zone that covers--

MR. ARGENIO: The whole thing is covered by building, I mean, it should be an NC zone, yeah, I get it. You guys understand what we're doing?

MR. FERGUSON: Yes.

MR. BROWN: Yes.

MR. ARGENIO: Do you have any questions?

MR. FERGUSON: No.

MR. ARGENIO: Danny, do you have any questions on this?

MR. GALLAGHER: No.

MR. ARGENIO: Best Fudgin Cakes.

MR. GALLAGHER: I like that it's cleaning up the property.

MR. ARGENIO: Maybe sell some cakes to Richard Ostner across the street.

MR. EDSALL: They're our neighbors.

MR. ARGENIO: So you have to clean up that zoning board referral, Mark.

MR. EDSALL: We'll work with Darren on that. We're going to show the other pre-existing, non-conforming, many times when the zoning board sees something that's pre-existing, non-conforming in their judgment if they feel they want to grant a variance just so there's no doubt that the property is okay they've done that so that will be up to the ZBA.

MR. ARGENIO: We need input from the building inspector regarding the need for handicapped parking, I'm not going to touch that. Two outside parking spaces should be assigned and reserved for retail customers. They don't have to back out into traffic do they?

MR. EDSALL: No, that works well the way they have it set up. Can you look at the second paragraph of one?

MR. ARGENIO: The board have the applicant acknowledge on record that, you'll read Mark's comment, the applicant has made this application in anticipation of the rezoning mentioned above. I recommend that the board have the applicant acknowledge on the record that he understands the board cannot approve the site plan until such time that the zoning change has been fully completed. And that he's proceeding with this application fully at his own risk understanding that the proposed use is not permitted with the current zoning. Do you understand that?

MR. GERRITY: Yes.

MR. ARGENIO: I don't see the need to put that in there but our overly cautious engineer does.

MR. EDSALL: We don't want to have them believe--

MR. ARGENIO: There's some implied right to be there now with a PI zone.

MR. EDSALL: The reality is we have no way to guarantee that the town board is going to do what we believe they are going to do but we're hoping they will.

MR. ARGENIO: The plan should provide a dumpster detail location of your dumpster, just show where you're going to put your dumpster.

MR. STRIDIRON: Right here on the north side we have it.

MR. ARGENIO: Accept a motion we declare this application incomplete.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board declare the Best Fudgin Cakes application incomplete at this time thus sending you to the zoning board for the necessary referrals. I'm going to have a roll call on that.

ROLL CALL

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

MR. ARGENIO: Do you guys have any other questions on this? Mark, anything technically? Veronica, anything?

MR. EDSALL: No, we'll work with Darren.

MS. MC MILLAN: No.

MR. ARGENIO: Why don't you call Stephanie and we'll get you, she'll get you over to the zoning board now that you've been referred, go there, see those folks, they're nice people, I'm sure they'd like to see that being developed.

MR. GERRITY: Mark, I have to wait on that until after the zoning change or should I continue just moving forward?

MR. EDSALL: I don't know how the zoning board attorney is going to treat this but I think you need to make an

appearance there and ask them if they care to treat this the same as the planning board is. They may, their attorney may find a way of granting the variances with the condition that it is rezoned as NC.

MR. ARGENIO: We're just trying to save you time here.

MR. GERRITY: No, we appreciate that.

MR. EDSALL: Town board has made it clear to us that they believe that PI is as inappropriate a zone as we believe so I think it's going to happen.

MR. ARGENIO: When do you think that zoning is going to go into effect?

MS. MC MILLAN: As soon as the next 30 to 60 days, it has to work its way through the process with the town board but I think it's, we're pretty close.

MR. ARGENIO: They've been working on this for a long time.

MS. MC MILLAN: Yes.

MR. ARGENIO: Anything else?

MR. GERRITY: I just want to say that everybody that we've spoken to from the moment we started this has been so helpful, not only returned phone calls, called me back but have provided guidance to our questions. Mark has been worth his weight in gold. And the fact that the town has this procedure set up, the work sessions and things like that that was amazing. I come from the, I lived over in Brewster for a large number of years, building inspectors and everybody over in the Town of Patterson and Brewster and I've already called the inspector and supervisor friend of mine that this is a procedure you guys should consider because--

MR. ARGENIO: Go use New Windsor as your model.

MR. GERRITY: But seriously because I've been very active in town levels politically, I'll tell you that they ran into so many roadblocks. Had they done something like that ahead of time, it would have saved so many problems. It would have helped people that needed help and stopped things that should have been stopped. So that was worth its weight in gold.

MR. ARGENIO: We have some good people that work very hard around here and it seems to come together.

MRS. GERRITY: And we want to keep the business in New Windsor, we've lived here for 10 years.

MR. ARGENIO: As such, we'll do whatever we can do within the bounds of the law obviously to keep you right where you are and have you right there selling your cakes and your fudge, alright?

MRS. GERRITY: Thank you.

MR. GERRITY: Thank you everybody.

WINDSOR HOSPITALITY HOTEL SITE PLAN AMENDMENT (15-09)

MR. ARGENIO: Next is Windsor Hospitality. This application proposes two additional hotel buildings at the site of the existing hotel. The plan was previously reviewed at the 14 December 2015 and 13 April 2016 planning board meetings. Just give me a minute, please, I think there's an Article 78 on this, Veronica, is that right?

MS. MC MILLAN: There is an Article 78 pending from the ZBA granting variances for the project.

MR. ARGENIO: So the Article 78 is at the zoning board level questioning your fitness to acquire variances you're seeking. So I want you to understand, what's your name?

MR. O'CONNOR: My name is Josh O'Connor, Bohler Engineering, nice to see you again, Mr. Argenio.

MR. ARGENIO: I want you to understand, Mr. Patel, that we cannot take any final action until that Article 78 is settled. I need you to acknowledge that. Do you acknowledge that?

MR. PATEL: Yes.

MR. ARGENIO: We'll continue with our review of your project but this review on your behalf is at your own risk. There are no guarantees of anything.

MR. PATEL: Understand.

MR. ARGENIO: From this board you need to get through your Article 78 proceeding which I understand you're going to work on. Hello, Henry, how are you?

(Whereupon, Mr. Van Leeuwen entered the room.)

MR. ARGENIO: Which I understand you're working on.

MR. PATEL: Yes.

MR. ARGENIO: Veronica, anything else you'd like to add to what I just said?

MS. MC MILLAN: Well, I spoke with the applicant's counsel for the Article 78 and she advises that it is

going to be fully submitted before the court on June 10. So the applicant is acknowledging that he is proceeding for right now at his own risk in the event that the variances were undone by the court in the litigation and as we move forward we'll keep abreast of the status of the Article 78 and update the board accordingly.

MR. ARGENIO: Okay?

MR. PATEL: Yes.

MR. O'CONNOR: Yes.

MR. ARGENIO: Yes, your name?

MR. O'CONNOR: Josh O'Connor, Bohler Engineering.

MR. ARGENIO: Tell us where we are.

MR. O'CONNOR: So subsequent to our last meeting, we moved aggressively in getting a full set of site plans and associated documents to Mr. Edsall and the town for review. We prepared the full set a SWPPP submitted on the storm water details and the like, grading. We do anticipate some comments from the TDE in addition to I would expect comments from some of the other relevant parties that have been circulated in SEQRA. We look forward to addressing those comments. At this point, I could go over the--

MR. ARGENIO: Henry, do you have a copy of this plan? This is the hotel.

MR. O'CONNOR: At this point, I can take a few minutes to address some of the changes that we made following our past meeting and addressing some of the comments that your board had.

MR. ARGENIO: I see you have the access to the rear.

MR. O'CONNOR: Yes, we have also, we provided a full lighting plan for the project, that was one of the outstanding items. I believe you'll see detailed landscaping which provides detail for each of the proposed buildings in addition to a larger plan that addresses the bulk landscaping on the site. That work through the final configurations of the parking lots address our parking counts, really we should be pretty close. Obviously, there are always going to be some

comments on projects of this magnitude, you know, we do expect to work through some of those engineering details again as I said with Mr. Edsall's office. But at this point, we would like to move forward with a public hearing on this project.

MR. ARGENIO: Has this gone to DOT yet, Mark or Josh, anybody know?

MR. O'CONNOR: I don't know if it's been submitted yet. We're--

MR. ARGENIO: I'm going to say that probably the plans last time were not at the level of fitness where we wanted to send them as of yet.

MR. EDSALL: And really the applicant is obviously introducing some additional trips into the state highway system but the only permit they're going to require is relative to the construction relative to sewer or to rather storm water. The storm water information wasn't available before, the SWPPP was just received so we need to send a copy of the SWPPP and the plans that are now.

MR. ARGENIO: Well, I think our thought process too was at the front end of your commentary, Mark, when you mentioned trip generation while there are no curb cut modifications or paving modifications proposed, we should be sending it to DOT because it is a significant additional load on the highway.

MR. EDSALL: We just didn't do so because they really need to look at both the use but as importantly the storm water so we held off until we had the storm water.

MR. O'CONNOR: Closing in on that as well we're working with the traffic engineer, I spoke with him Friday, yesterday, this afternoon.

MR. ARGENIO: Who is it?

MR. O'CONNOR: It's Atlantic Traffic.

MR. ARGENIO: Who's that, Mark?

MR. O'CONNOR: They're out of North Jersey, they're one of the companies we work closely with so that's pending and it should be frankly I hope today but it will be

tomorrow we'll be able to provide that trip generation and traffic analysis to Mr. Edsall's office and to the town as well obviously and for circulation and hopefully that will be, I think it will address the concerns that they have.

MR. EDSALL: We'll add that to the DOT referral as well.

MR. ARGENIO: I want to put this in the minutes, just remember this that I said this, Stephanie, there is no public conference room in these hotels or banquet facilities?

MR. O'CONNOR: No public conference or banquet. There's a meeting room that's available, not a meeting room, but a computer lab type thing that's available for hotel patrons and there will be, you know, as typical your continental breakfast prep area and service area. But there are not publicly accessible restaurant, banquet or conference facilities at either of these.

MR. ARGENIO: I'm not going to go on and on about Mark's comments, they seem to be appropriately detailed and of a wholesale engineering nature so I'm not going to read all of them.

MR. O'CONNOR: We're looking forward to digging into these.

MR. ARGENIO: I'm curious, one of Mark's bullets is indicating that your plan says retaining walls are by others, what's the genesis of that?

MR. O'CONNOR: We're not designing the retaining walls, we're working with the structural engineer that works with the retaining wall system and they're providing--

MR. ARGENIO: That's pretty typical, that's 100 percent typical the way you're doing it.

MR. EDSALL: We have standard notes, Mr. Chairman, I'll forward them to Josh. And the notes are written in the format, under the presumption that the actual design of the specific wall is going to be constructed by a third engineer so I'll get those notes over to Josh.

MR. O'CONNOR: We've worked with them, I do have a design in hand at this point, we're doing a little

pre-engineering on it, make sure that it's the best product.

MR. ARGENIO: What product is it?

MR. O'CONNOR: We looked closely at Redi-Rock.

MR. ARGENIO: You've not diverged from that, you said that last time.

MR. O'CONNOR: No, we have that in hand priced out quantities, you know, the whole thing is ready to go. We just have, as I said, want to take a last look with our, with one of the potential GCs and maybe a potential other product but right now that's the direction.

MR. GALLAGHER: Anything in the area that's been used with Redi-Rock?

MR. ARGENIO: They're large blocks, Danny, with a rough face front, maybe Guardian Storage is similar. At the end of the day, it's a \$50 face foot wall, that's it, end, the story's over at that point, maybe 53, maybe 49, maybe 48.

MR. O'CONNOR: Depends on finish, there are three different choices.

MR. ARGENIO: Relative to the product there's product upgrades.

MR. O'CONNOR: There's certain cross-complexity and different finishes so if you choose ledge stone, you have to do four different blocks, whereas, if you choose cobble, it's the same block over and over.

MR. ARGENIO: Aerial fire apparatus access road is required to comply with four story hotel, I don't know what that means.

MR. O'CONNOR: That means we can't have any overhead power lines or our obstructions that block aerial apparatus from accessing the hotels when they're I believe over 30 feet. And we're providing that, we'll make sure that we accommodate that. I have spoken with Mr. Lucchesi, actually I spoke with him again today, we're working with him on the final location for fire hydrants.

MR. ARGENIO: You need to do that with him, not us, what we need to know that he's accepted it. Sidewalk in the back of the building?

MR. O'CONNOR: Yes.

MR. ARGENIO: What's that made out of? You're not supposed to go over four stories with wood, right, steel building?

MR. O'CONNOR: The building to the right, steel building.

MR. ARGENIO: Can't be wood.

MR. O'CONNOR: Yes, there's potential, this is a wood building four stories.

MR. ARGENIO: And you have a walk-behind there?

MR. O'CONNOR: Yes, and that's to provide access for the fire.

MR. ARGENIO: Dumpster enclosure?

MR. O'CONNOR: Following our last meeting, I showed an additional dumpster but I've been talking with Mr. Patel for the past week here and he insists operationally that a fifth dumpster is excessive for their operation.

MR. ARGENIO: I see two locations.

MR. O'CONNOR: We have two locations, we added an additional dumpster here but he's strongly of the opinion that four is more than enough for their use.

MR. ARGENIO: Two and two?

MR. O'CONNOR: Yes.

MR. ARGENIO: Okay.

MR. O'CONNOR: But I think we should be pretty close.

MR. ARGENIO: Close to what?

MR. O'CONNOR: Close to having a product that's constructible and approvable at this point.

MR. ARGENIO: Nothing from the Port Authority yet?

MR. EDSALL: Not yet.

MR. ARGENIO: We put our lead agency coordination letter out, it appears, I don't think there's any question we're going to have a public hearing on this, is it required by statute?

MR. EDSALL: No, it's optional.

MR. O'CONNOR: In light of the challenge to the Zoning Board of Appeals decisions we've requested the public hearing.

MR. ARGENIO: We'll oblige you, how about that?

MR. O'CONNOR: Thank you. No, we want to make sure this happens. We want a good, clean approval. We'll address any concerns in SEQRA and we want to eliminate potential for future challenges by doing this the right way.

MR. VAN LEEUWEN: We might not agree with your idea of the dumpsters either.

MR. O'CONNOR: Okay.

MR. ARGENIO: Say it again.

MR. VAN LEEUWEN: We might not agree with him about the dumpster enclosures that it's enough.

MR. GALLAGHER: No, they have five total, Henry, two locations.

MR. ARGENIO: It's five dumpsters total.

MR. VAN LEEUWEN: Flag pole?

MR. O'CONNOR: There's a flag pole right here in front of the Residence Inn.

MR. ARGENIO: Josh, you did a pretty good job designing this thing, I mean, you have a lot of tricky grades here, you're using ponds that are kind of shoehorned in.

MR. O'CONNOR: There's been a lot of work.

MR. ARGENIO: You've got an underground pond upgrade of the diner looks like, is that right?

MR. O'CONNOR: Yes, that is correct, underground detention for mitigating our peak runoff there.

MR. ARGENIO: Mark, am I missing anything? There's a bit going on, Pal.

MR. EDSALL: It's a very tricky site and we're working our way through the plans. Obviously, there's some changes that need to be made but they've done a good job of making it work, it's a difficult site.

MR. ARGENIO: Do you have one of your boys going through all the calculation on the runoff?

MR. EDSALL: Shawn was going through the SWPPP, there's comments attached to my comments for tonight.

MR. ARGENIO: Did you give them to him Mr. O'Connor?

MR. EDSALL: Yes, he's got them.

MR. O'CONNOR: Yes.

MR. EDSALL: I think at this point contrary to the prior situation where I said there wasn't enough information for referrals and a public hearing, I think at this point these plans are very adequate completion status that you could authorize the public hearing.

MR. ARGENIO: I don't see why we wouldn't, what more would we be asking for other than is there a, I was going to say let's take a look at landscaping, any of the members see a reason not to have the public hearing at this point?

MR. FERGUSON: No.

MR. VAN LEEUWEN: Make a motion we have the public hearing.

MR. ARGENIO: Agree?

MR. VAN LEEUWEN: Absolutely.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded that we schedule

a public hearing for Windsor Hospitality site plan.

ROLL CALL

MR. FERGUSON            AYE  
MR. BROWN                AYE  
MR. GALLAGHER          AYE  
MR. VAN LEEUWEN        AYE  
MR. ARGENIO             AYE

MR. ARGENIO: Mark, what else do we need to be talking about about this thing? Mr. O'Connor's doing a pretty fair job seems to me, I would really like to hear from DOT on this entrance thing.

MR. EDSALL: As soon as we get the traffic analysis we're going to send the three items to DOT that the plans, the traffic study and the SWPPP.

MR. ARGENIO: They may need some stacking lanes as they exit this thing.

MR. O'CONNOR: I think we have, well, we'll address what their concerns may or may not be.

MR. ARGENIO: It's a right and left split is what it is, it's the right split and left split. You don't want somebody in the queue who's making a left backing 13 people up behind who just want to make a right, that's my point, there's certainly plenty of room there.

MR. O'CONNOR: Sure.

MR. EDSALL: That access point we have to remember serves not just three proposed hotels but two restaurants so you've got a complex--

MR. ARGENIO: Howard, somebody is going to open it.

MR. BROWN: One is closed.

MR. VAN LEEUWEN: Somebody will.

MR. ARGENIO: So will the DOT give us guidance on that stacking concept that I just mentioned or is that something that we need to be thinking about?

MR. EDSALL: I would presume that the traffic study is going to analyze that intersection so I'm sure their

traffic consultant will make some recommendations and DOT will comment on them.

MR. ARGENIO: Okay, that makes sense I guess. Henry VanLeeuwen, you got anything else on this?

MR. VAN LEEUWEN: No, sir.

MR. GALLAGHER: No.

MR. ARGENIO: You guys got any other thoughts on this?

MR. BROWN: No.

MR. FERGUSON: No.

MR. ARGENIO: Josh, anything else you're looking for that I can't give you?

MR. O'CONNOR: Looking forward to the public hearing at the soonest, hoping June 8 is the next meeting.

MR. ARGENIO: Get ahold of our secretary here and get squared away. Thank you for coming in.

MR. EDSALL: Josh, do we anticipate that we're going to have the updated plans for the hearing?

MR. O'CONNOR: I expect that we'll have the plans, I don't necessarily think we'll have comments back from everybody.

MR. EDSALL: No, not everybody else, your plans, we should anticipate having them for the submittal deadline for the public hearing with a bunch of my stuff addressed.

MR. O'CONNOR: We'll have significant completion on that.

MR. EDSALL: Okay, thank you.

MR. ARGENIO: Thank you for coming in.

CENTRAL HUDSON GAS & ELECTRIC (16-02)

MR. ARGENIO: Central Hudson. The application proposes a relocation of equipment in the existing electrical substation and relocation of the easterly fence. Plan was previously reviewed at the 23 March 2016 planning board meeting. Your name, folks?

MS. MC MANUS: Margaret McManus with Chazen Companies.

MR. DERBY: Trevor Derby with Central Hudson.

MR. ARGENIO: What do you have for us?

MS. MC MANUS: Well--

MR. ARGENIO: I think this is more of a formality quite frankly, I think this application we talked about some additional trees or bushes.

MS. MC MANUS: Which we added to the plan.

MR. ARGENIO: Go ahead, talk to me.

MS. MC MANUS: So that was really the only change was adding these to the plan. I believe you got a comment from county that it's a local issue and that's about it.

MR. ARGENIO: Mark, anything on this?

MR. EDSALL: No, it probably would have gone through the completion at the last meeting, other than the fact we were waiting to hear back from the county and we have now heard back local determination as indicated so you need to adopt a negative dec.

MR. ARGENIO: Anybody sees fit?

MR. VAN LEEUWEN: Negative dec.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board declare negative dec on the SEQRA process for Central Hudson.

ROLL CALL

MR. FERGUSON                      AYE

MR. BROWN                    AYE  
MR. GALLAGHER                AYE  
MR. VAN LEEUWEN              AYE  
MR. ARGENIO                  AYE

MR. ARGENIO: Public hearing has been waived, county local determination, SEQRA is done.

MR. GALLAGHER: When do you plan on starting the work, how long do you think it will take?

MR. DERBY: Looking to start next spring. We're going to do it in increments, start the first half throughout the spring of 2017, finish it up in the fall of 2017.

MR. GALLAGHER: Do you see it tying up any traffic, anything on the road?

MR. DERBY: No, we'll be doing minimal work during the summer just because of heavy loads electrically.

MR. ARGENIO: Any questions? They put the landscaping we asked.

MR. GALLAGHER: Motion for final approval.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board declare final approval for the Central Hudson on Union Avenue project number 16-02. Roll call.

ROLL CALL

MR. FERGUSON                AYE  
MR. BROWN                    AYE  
MR. GALLAGHER                AYE  
MR. VAN LEEUWEN              AYE  
MR. ARGENIO                  AYE

MR. ARGENIO: Thank you for coming in.

MR. EDSALL: Could you on the final plans just put the project number in on the approval boxes so that's easier for them to file?

MS. MC MANUS: Sure.

MR. EDSALL: Thank you.

DISCUSSION

SPERANZA REALTY

MR. EDSALL: Speranza. I got a call from our Code Enforcement Officer Jennifer who indicated that she's looking to have this tabled since she was unable to attend tonight, she wanted to participate in the discussion.

MR. ARGENIO: Jennifer?

MR. EDSALL: Yes, Jennifer. The long sort of it is Mr. Speranza has uses that have been, are created inside the building that need to have follow-up approvals. The building interior is more than one user, he's looking to make some future improvements and Jen is working with him to clean the place up. So she'll fill us in.

MR. ARGENIO: He's not a bad guy, does she have problems with him?

MR. EDSALL: Good guy, it's a very visible site so that makes it difficult as well.

USAI

MR. ARGENIO: Okay, I see an army here to my left and I see USAI here. Michele, are you in the audience, is that why you're here?

MS. BABCOCK: Yes, sir.

MR. ARGENIO: Somebody want to talk about USAI, Mark or Veronica or somebody? What's your association with this?

MR. BLOOMER: I'm the general contractor on the project.

MR. ARGENIO: Michele, didn't John represent this last?

MS. BABCOCK: Yes, he did, he had a conflict this evening so I'm covering for him.

MR. ARGENIO: Do you want to tell us what we're here to talk about because there is a discussion item and I see plans and all kinds of stuff. What are you doing, Michele?

MS. BABCOCK: Do you want to go ahead?

MR. BLOOMER: We've got some--

MR. ARGENIO: Your name?

MR. BLOOMER: Ron Bloomer. So what we have here currently we have approval to do some site work revisions for this property here. We took some buildings down, we're building some parking lots, we're changing some traffic for trucking and for cars. There's been a challenging project over there for the owners, we hit a little bit more things that we didn't want to hit but we cleaned up the property pretty well. So we're in a little bit of a holding pattern. While we're in the holding pattern we figured we'd remove seven existing loading docks and create four in the front up here. There's three in a hole here, goes down about four feet in elevation so we'd like to clean that up, level that out. We'd like to put a main entrance here, remove the main entrance over from the roadway and develop something here for their corporate entrance which would have a secretary here and would have a conference room. So there's really no employees going in here but we're going to fill that space in, move the

truck traffic over to here. We still would have the fire truck accessibility around the whole building but in order to do this, we have to move a couple thousand yards of material which we're placing over here. We're going to move them from here over to this spot and create more of a little parking. And we're doing a little bit of change-up on our holding area. It's actually going to be wet, it's not going to be a dry swale like originally intended in the beginning because of the tidal waters and stuff. So the engineers redid this, we had made some amendments to our SWPPP and changed some of our drawings. We didn't know if this could be handled as a change to the site so we contacted Mr. Edsall to discuss it and he suggested that we come and discuss.

MR. ARGENIO: I'm going to tell you what I think and members can tell you what they think and we'll like to hear what Mark thinks and then we'll give it some direction. Seems to me, Mark, unless we have a legal issue, Veronica or Mark, that we should probably do this under the other application. What seems to be happening here unless I'm missing it is that the owner's identifying additional needs on the site may be a better use for some of the building which will be Jennifer's issue, a building department issue. And you needed a spot to put your loading dock because you're displacing it with the buildout, I don't know why we're talking about SWPPP and storm water moving thousands of yards of material but I would like Mark to have some details on that and maybe give us some opinion on that.

MR. EDSALL: Yeah, if I might, I mean, there's two ways you can handle this. You could, and you've done it both ways, you've had somebody say well now I've got to close that application, you need to submit a completely new application with a site plan amendment. Or in other cases what you've said is relative to the big picture this is minor in nature, we'd rather reapprove you under your current application with an amended plan in the same application. Given the scope of this site which was really a cleanup, Brownsville cleanup with a lot of DEC and I believe EPA participation.

MR. BLOOMER: Yes, it's still ongoing.

MR. EDSALL: This work is really minor compared to the significant cleanup they're accomplishing. So for them to get a little bit of extra use out of the property with the terrific investment they're making I can see

why they're doing it.

MR. ARGENIO: I think those are, that's the exactly the thought that I annunciated, I used different words.

MR. EDSALL: Unless the planning board has a reason why they'd want to have a wholly new application for this, I'd suggest you just work underneath the current application with the caveat that you really shouldn't grant a new approval and have Veronica prepare a new approval resolution until number one it's got to go back to Orange County Planning because we don't want a run afoul of the GML, DEC is going to have something to say.

MR. BLOOMER: They've seen all the drawings and we've worked with them to create this.

MR. EDSALL: We can't be in a vacuum, we have to get some correspondence from them saying that the revisions and changes you've made are, I'll probably believe they're going to say it's an improvement because it's additional cleanup. We need to have the fire inspector's office confirm that they're okay still with the access and the--

MR. ARGENIO: To that end, Mark, interrupt you for just a second, Ronny, I'm going to ask you a question and if you answer it you can't ever in your life backtrack and say well, I wasn't sure.

MR. BLOOMER: My whole life?

MR. ARGENIO: Your whole life. All this here goes, all of this here per the original plan, all of this stuff here, all of this business here?

MR. BLOOMER: Yes, all this is original, the only thing changing here--

MR. ARGENIO: I don't have a plan in front of me that shows a wider entrance here than what was on the original plan.

MR. BLOOMER: No.

MR. ARGENIO: What about this area here.

MR. BLOOMER: Everything's the same.

MR. ARGENIO: You say that with a level of confidence?

MR. BLOOMER: Yes, definitely. The only reason we're coming back is because once the buildings were down and we created, cleaned this space up, I don't know if somebody has been down that way now, it's a beautiful view of the river, I mean, we have additional cleanup to do but we'd like to get this moving forward so we can start moving some material and get topsoil and get grass planted.

MR. ARGENIO: I say what I say not because of any reflection on any experience with you or not. But I just don't know your degree of involvement with the project. But apparently it's quite substantial.

MR. BLOOMER: I'm very involved with this project, we have the owner's rep sitting back here.

MR. ARGENIO: What's your name?

MS. SULLIVAN: Sue Sullivan.

MR. ARGENIO: Do you want to come up?

MS. SULLIVAN: Sure.

MR. ARGENIO: Okay, so you're very involved in it and when I ask you these questions about the plans you know because you either did the work or oversaw the work?

MR. BLOOMER: Very involved, yes.

MR. VAN LEEUWEN: Is the work completed already?

MR. BLOOMER: Not, remediation is not completed yet.

MR. EDSALL: So Jerry, just to button it up, we've asked that they submit and they have a memo which is really a narrative explaining what they're proposing to change. I did suggest that at the minimum the board members read this two page memo which really gives a good snapshot of what's proposed and then I think we need to have some type of indication on whether or not there's some drawings besides sheet three of this sheet and sheet four of the set that changed because it's a ten drawing set, we should probably get a new one or some indication of these that these are the only two affected and we can stamp these two.

MR. BLOOMER: Well, I have, I actually have 11 sets of revised drawings, full sets for you so I got them prepared anyway.

MR. EDSALL: Full sets of ten?

MR. BLOOMER: Yes.

MR. EDSALL: That answers that, they've already done it. So I think the board just needs to decide if you want to work the change under the current application so they can seek an amended approval.

MR. ARGENIO: I don't know why we wouldn't do that unless you think differently? Henry, are you okay?

MR. VAN LEEUWEN: I'm fine.

MR. ARGENIO: Let's not make work, you heard that fella earlier here, we don't need to butter our egos here, we do our job by keeping things moving in this town and that's how you do it.

MS. SULLIVAN: Thank you.

MR. ARGENIO: What else, what do we need to do?

MS. MC MILLAN: Just they'll have to make their submission and we can take it from there.

MR. ARGENIO: We don't need any formal action other than to tell you it's going to be an amended site plan, get the plans to Mark, Ronny, and we'll move forward.

MR. EDSALL: And whatever revised SWPPP, your correspondence with DEC, get it over to Jen so the fire inspector's office can look at it and write off on it and make sure that Stephanie gets a set, we can refer to county planning, tell them that you're seeking an amendment to your approval.

MR. BLOOMER: Very good, we revised the whole SWPPP plan, I've got that for you.

MS. BABCOCK: Is there any chance that the board would consider granting the amended site plan approval tonight subject to receipt of the county comments, sign off of fire and submission of the DEC correspondence?

MR. ARGENIO: Here's what I think we should do. Get

your ducks in a row, we'll do the approval without you guys even having to come in, okay, get your ducks in a row, get the stuff to Mark, Veronica, Stephanie, whoever and we'll do the approval without you even coming in. We can do that, can't we?

MS. MC MILLAN: Yes.

MR. ARGENIO: That's what we'll do.

MS. MC MILLAN: We'll need the county response and DEC response.

MR. ARGENIO: Thirty days obviously you know that we'll need the thing from DEC, get your ducks in a row, get that stuff to Mark and Stephanie and we'll act without you guys even coming in.

MS. BABCOCK: And the board has no issue at this point with us continuing the work that's happening on the site to move this project along?

MR. ARGENIO: That's a great question, that's a really good question. What's the incentive to get things done on your end?

MS. BABCOCK: The incentive?

MR. ARGENIO: What's the incentive?

MS. BABCOCK: To complete the project.

MR. ARGENIO: What's the incentive for you to get your paperwork squared away so that the appropriate documents are in Mark's hands and Veronica's hands and Stephanie's hands?

MS. BABCOCK: We intend to do that as soon as possible.

MR. ARGENIO: We'll get you the approval as soon as possible.

MR. VAN LEEUWEN: You know how you lawyers work.

MR. ARGENIO: What are we going to do, Mark?

MR. EDSALL: Well, I think the cleanup portion of the project is something that falls under the jurisdiction of DEC and EPA so we shouldn't step into that discussion. But they really, to build that building

they clearly can't do that building until they have this board's approval and any other paving and site improvements that are an amendment shouldn't be done until they have the approval. I don't know how this couldn't be turned around in 30 days.

MR. ARGENIO: Okay.

MR. EDSALL: Clean up, we don't want to stop you on that.

MS. BABCOCK: Okay.

MR. ARGENIO: Good enough.

MR. BLOOMER: Always room for improvement.

MR. ARGENIO: Yes.

MR. BLOOMER: On our end. Thank you very much, we do appreciate your time.

MR. ARGENIO: Thank you. Anybody got anything else? We're going to have a legal discussion so we're going to go off the record just for a minute. Off the record.

(Discussion was held off the record. Whereupon following which, these further proceedings transpired.)

MR. ARGENIO: Motion to adjourn?

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth  
Stenographer