



# Town of New Windsor

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## OFFICE OF THE PLANNING BOARD

**WEDNESDAY —SEPTEMBER 24, 2003 - 7:30 PM**  
**TENTATIVE AGENDA**

**CALL TO ORDER**

**ROLL CALL**

**APPROVAL OF MINUTES DATED: AUGUST 27, 2003**

### **PUBLIC HEARINGS:**

1. **QUALITY HOMES SUBDIVISION/LOT LINE CHANGE (03-20) RT. 207 (YANOSH)**  
5-Lot residential subdivision.

### **REGULAR ITEMS:**

2. **JACK & CLAUDIA ARANSON LOT LINE CHANGE /SUBDIVISION (03-26) RT. 94 (MARTI)** Proposed 4-lot residential subdivision with lot line change
3. **ECONO-LODGE SITE PLAN (03-27) RT. 32 (WINDSOR HIGHWAY) (COPPOLA)**  
Proposed expansion of hotel rooms.

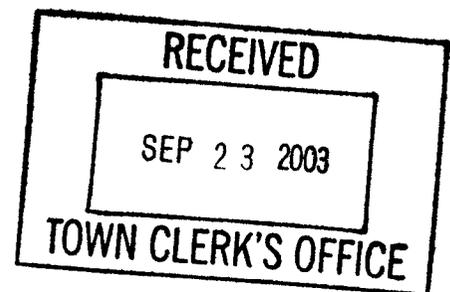
### **CORRESPONDENCE:**

4. **STELLA WAY SUBDIVISION (03-08)** Letter requesting permission to clear trees.
5. **FOX MEADOW ESTATES (01-51)** Request for 180 days extension of preliminary approval.

### **DISCUSSION**

6. **RPA SITE PLAN** – Discussion from Work Shop (Edsall)

### **ADJOURNMENT**



**(NEXT MEETING –OCTOBER 8, 2003)**

September 24, 2003

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TOWN OF NEW WINDSOR

PLANNING BOARD

SEPTEMBER 24, 2003

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN  
JIM BRESNAN  
RON LANDER  
JERRY ARGENIO  
THOMAS KARNAVEZOS

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

MICHAEL BABCOCK  
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.  
PLANNING BOARD ATTORNEY

MYRA MASON  
PLANNING BOARD SECRETARY

ALSO PRESENT: ERIC MASON  
NEIL SCHLESINGER

REGULAR MEETING

MR. PETRO: I'd like to call to order the September 24, 2003 meeting of the New Windsor Planning Board. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

APPROVAL OF MINUTES DATED: AUGUST 27, 2003

MR. PETRO: Has everyone had a chance to read the minutes dated August 27?

MR. ARGENIO: Make a motion we approve as written.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board accept the minutes as written for that date. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

PUBLIC HEARINGS:

QUALITY HOMES SUBDIVISION/LOT LINE CHANGE (03-20)

Mr. Dan Yanosh and Mr. Lou Tedaldi appeared before the board for this proposal.

MR. PETRO: Application proposes subdivision of 18.4 acre parcel into 5 single family residential lots as well as a lot line change with the adjoining lands of Garvey. Plan was previously reviewed at the 23 July 2003, 27 August 2003 planning board meetings. Obviously, he's here for a public hearing, it's an R-1 zone, required bulk requirements are correct. Lead agency coordination letter was mailed out on the 4th of September 2003. We had any responses yet?

MS. MASON: No.

MR. PETRO: They have 30 days so it's obviously not up yet. Mark, we're not able to take lead agency because the 30 days hasn't lapsed?

MR. EDSALL: Unless you've received responses.

MS. MASON: I thought we decided not to send it out.

MR. EDSALL: I think it did go out, I think the time isn't expired.

MR. PETRO: All right, let me know, Mark. Okay, Dan, bring us up to date.

MR. YANOSH: Really after last meeting we really had no changes. We submitted the plans to the DOT for the driveway cuts, we're still waiting for a reply from them. Everything looks satisfactory to the field personnel, we're waiting for the Poughkeepsie to give us a final answer and public hearing states five lots, 2 acres, 3.3, 2.58, 4.17, 6.1 acres and lot line change

with Garvey with a piece of land for lot number 5. Lou told me we do have a permit for lots 3 and 4, they did approve that cut so just a matter of signing before we get the rest of them. Engineering was done by John Dragon, percs and soils testing were okay for single family homes, individual wells and septic.

MR. PETRO: Mark, let me ask you a question. The separation between a well and the septic field, how many feet, 100?

MR. EDSALL: It's 100 unless the well is downgrade, then it would be 200.

MR. PETRO: If you look at lot number 1, it has a proposed pump station looks to me it's coming from the house into a tank, 1,250 gallon tank, then it's going into a container type of manhole of some kind, but that's not considered having a sanitary system too close to the well. I mean, I realize they're going to just pump up to the system but what if there's leaching or something from the tank?

MR. EDSALL: It's a sealed unit, so it's, that's not, it's the disposal field itself that has to be the spacing, not the septic tank or the, it's the pump ejectors that are not part of the separation.

MR. PETRO: I have a similar system in a couple of my spots and mine leaks like a sieve.

MR. EDSALL: You should have those repaired.

MR. PETRO: They were installed that way for 25 grand each.

MR. MASON: What's that address?

MR. PETRO: Not in New Windsor.

MR. EDSALL: It's supposed to be a contained system so there isn't that same separation requirement.

MR. PETRO: On the 9th day of September, 2002, 12 addressed envelopes containing the notice of public hearing were mailed out. This is a public hearing, someone would like to speak, please be recognized by the chair, state your name and address and your concern. Is there anyone here who'd like to speak? All right, let the minutes reflect that no one has raised their hand or come forward. Therefore, I make a motion we close.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Quality Home Builders major subdivision and lot line change with lands of Garvey. Is there any further discussion? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Mark, what are we doing with the lead agency?

MR. EDSALL: Myra's absolutely correct, what had happened was before the lead agency letter went out, DOT had responded and indicated that they had reviewed it and determined that it was an acceptable layout. So it was, it didn't make sense to coordinate with them if they've already responded. So I would say you can

assume the position of lead agency effectively do an uncoordinated review because DOT has done their own separate review and proceed.

MR. PETRO: I'll open it back up to the board for further review. We have fire approved on 9/25/2003 and I'll entertain a motion for lead agency.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Quality Home Builders major subdivision and lot lane change. Any further discussion? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: I think that the SEQRA process is ready to go, Mark, I don't see anything else.

MR. EDSALL: Yes, I'd say that based on everything you have before you and the fact that the DOT has completed their review, I think a negative dec is appropriate.

MR. PETRO: Motion for negative dec.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the

New Windsor Planning Board declare negative dec for Quality Home Builders major subdivision lot line change. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: We already have DOT approval?

MS. MASON: Yes.

MR. PETRO: So looks like you're done. You think you're done?

MR. YANOSH: Yes.

MR. PETRO: Would you like final approval?

MR. YANOSH: Yes, sir.

MR. PETRO: Want to come back one more time, talk about things? Any of the board members have any comment? We've seen this three times. Is there anything that's outstanding? Entertain a motion for final approval.

MR. LANDER: So moved.

MR. BRESNAN: Second it.

MR. PETRO: motion has been made and seconded that the New Windsor Planning Board grant final approval to the Quality Home Builders major subdivision and lot line change with the lands of Garvey. Is there any further discussion? If not, roll call.

September 24, 2003

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ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

REGULAR ITEMS:

JACK & CLAUDIA ARANSON LOT LINE CHANGE/SUBDIVISION  
(03-26)

Mr. Craig Marti appeared before the board for this proposal.

MR. PETRO: Proposed 4 lot residential subdivision with lot line change. Properties are located in the PO/R-4 zone districts of the Town, single family residential uses are use permitted by right in both zones. Bulk requirements require some corrections. Mr. Marti?

MR. MARTI: Yes, I've received the engineer's comments and I'll look into the minor changes that are required in regards to lot widths on a couple of the lots.

MR. PETRO: Five and six have to be brought into compliance, what else do you have, Mark? Why would the cul-de-sac configuration need approval from the planning board?

MR. EDSALL: Instead of having a full paved cul-de-sac they're proposing a center island with a paved loop which--

MR. PETRO: That's nice but where do they push the snow?

MR. EDSALL: They may want to discuss that with you if there's a way they can do it.

MR. ARGENIO: What's the fire inspector have to say?

MR. EDSALL: I haven't seen any response.

MR. PETRO: Fire hydrant needed, cul-de-sac dimensions needed.

MR. MARTI: Yes, basically, the item, two items are at this stage we basically submitted a sketch plan type of presentation to show the general configuration on the language of the lots, proposed alignment of the road, we have spoken to Mark with regards to the sewer, the main focus of tonight's presentation was to present the overall layout, the overall conceptual plan, solicit input from the board members with regards to lot layout, in particular the roadway configuration at the end, the Aranson's intention throughout the project to maintain the, some key vegetative features, there's some rather magnificent maple trees along the stone wall which would be within the right-of-way of the road which is guiding us towards a private road arrangement rather than a dedicated roadway, such that the trees can remain as well as some heavily vegetated areas along Route 94 which would remain as a buffer from the rest of the roadway as much as to benefit the new homes as anything else. And the larger older trees throughout the property would be spotted and maintained through some deed restrictions and the like to maintain vegetative features of the lots. Upon conceptual agreement of the board members or if you have any comments with regards to the layout of the general scheme we will incorporate those concerns into a more detailed plan which would show the intention of serving the lots without municipal water and sewer systems and then we would submit the detailed plan for the Health Department approval and all the agency reviews that we review.

MR. PETRO: First question, Mark or Mr. Marti, the size of the lots, how are we arriving at 15,000 foot lot?

MR. MARTI: PI zone with single family allows the minimum of 15,000 square feet, then the property is basically split along the existing property line. Currently, two lots, the lots in the back portion, larger portion is in an R-4 zone, the lot along, the lots along Route 94 are in a PI zone so--

MR. PETRO: PO zone says for residential lot is 15,000 feet.

MR. BABCOCK: That's correct.

MR. EDSALL: It is now and that's one that's in the current round of zoning changes to be made.

MR. PETRO: But it must say with the planning board approval and/or is it special use permit of any kind? How are we going to arrive at 15,000?

MR. EDSALL: It's a use by right that if you have sewer and water, that's 15,000 right now.

MR. PETRO: But it's still a PO zone, how are we allowing the residential houses in the PO zone?

MR. BABCOCK: It's a permitted use.

MR. EDSALL: It's one of the allowable uses in a PO zone, PO is a mix of residential and professional office.

MR. PETRO: How did that slip in?

MR. BABCOCK: The last changes that were done, that was not part of the changes but it is now today.

MR. PETRO: We don't like 15,000 foot lots, there's nobody on the board that wants a 15,000 foot lot, so I don't know what you're going to do. You can say it's use by right or permitted use in the zone, but it's going to be changed. So you can do one of two things, you can go back to the applicant and change it, combine those lots and make it up to at least an acre, I don't care how you do it.

MR. MARTI: There was some preliminary discussion that

took place, matter of fact, my client questioned one acre zoning in an area where all of this surrounding lots are prior to the last zoning change required neighborhood type of development with small lots with municipal water and sewer.

MR. PETRO: Let me make it real easy for you. We went through great efforts to change the antiquated zoning which was these small lots on October 3 of 2001, that's when the new law went into effect, we did a lot of work, lot of research, we're not, I'm not, unless some of the members feel differently and they want to speak up you can but I'm not going to entertain it and you can do one of two things, you can have this changed voluntarily, obviously, you can do something with your land if you wind up with two lots, God bless you, it was originally one. Everybody is trying to make the lots all these houses that nobody needs. You can do it and do it that way or you can have a judge to tell me to review it again but I'm not going to review it, that's it, I'm not going to put any 15,000 square foot lots, you can go to Arabia, try to do it over there. Does anybody have anything to say?

MR. BRESNAN: I agree.

MR. PETRO: That's it. So you go back to the workshop, come in with a plan that's one acre zoning or better or you can come back and do whatever legal action you want for us to review this. I realize you're sitting there saying it's permitted use in the zone, how that got through, passed me I have no idea. I considered myself a little more astute to know that something in a PO zone got through at 15,000 square feet, I never thought to look at professional office for housing.

MR. BABCOCK: It was missed because it's PO, we all missed it, we never looked at the PO, we looked at all the R-4s, R-2s, R-3s but PO just wasn't something we looked at.

MR. PETRO: This property is the house on the corner of Willow and 94, the old house that's been sitting there for years that has the big nice yard?

MR. MARTI: No, it's a couple pieces down, this is the corner of Willow and 94 here, there's another existing white house which sits back away from the road, then there's a vacant lot, there's the older subdivision, Planned Parenthood is over here, couple attorney's offices are in this area here. I might ask though that since we have been given such a directive made so clear I would ask that if the stenographer is still recording minutes of the meeting from the prior public hearing that we be provided with a copy of that on a continuing basis for this portion of the meeting. I will go back and discuss the options with my client, they'll have to make a choice whether to go with the larger lots or whether they'll look at it as a permitted use.

MR. PETRO: I will do it if somebody tells me to do it, but I'm not going to volunteer to make a 15,000 square foot lot, no way.

MR. MARTI: Okay, well, you made it quite clear.

MR. PETRO: Okay, again, any of the board members disagree or want to say anything?

MR. ARGENIO: I don't disagree.

MR. ARANSON: How big can the lots be?

MR. PETRO: One acre the new zoning is.

MR. ARANSON: Why weren't we told that before?

MR. PETRO: Why weren't you told that before?

MR. ARANSON: Yes, this has been a waste of time, we

have been working on this project for four months.

MR. PETRO: Can you give your name?

MR. ARANSON: I'm the owner and my wife is the other owner.

MR. PETRO: Your name?

MR. ARANSON: Jack Aranson.

MR. PETRO: Evidently, the zoning has slipped through our rezoning, our rewriting of the law, as I stated in October 3 of 2001, everything was reached, was changed because we were trying to get away from the small lots. When your fella came to the workshop prior to this meeting, they only follow the law and it is a permitted use, it's permitted by law in that zone, a PO zone, Professional Office Zone. When we changed the law and I was very much part of that procedure, frankly, I just missed it, I didn't see it stated in that section of the law that said that you're allowed a 15,000 square foot lot. When we changed R-1 through R-4, R-5, we changed every single other zone to accommodate new larger lots which is 80,000 feet, frankly, which is almost two acres. There are some zones that are still allowed one acre and that's why I said at least come up with the one acre that would still meet our more restrictive zoning at this time. I didn't say give me 80,000 feet, I think that would be a little unfair but the one acre in this day and age is certainly the size of houses that are being built is very fair and very desired by all the citizens in New Windsor. Why were you not told it was a mistake and frankly you're within your rights to come in here and ask for the 15,000 foot lot because that's the law as it is on the books, evidently.

MR. ARANSON: 15,000 square foot lot was there to accommodate for the road that has to be put in.

MR. MARTI: Now, with regards to the administrative nature of the Planning Board, is it of your legal opinion or would your counsel concur that such a directive is in order with the administrative nature of the Town Planning Board as they're charged in reviewing plans to assure compliance with the existing zoning codes, is there a background with regards to this where we should feel that are compelled or--

MR. PETRO: I'm going to answer very simply, we're going to find out, okay.

MR. MARTI: Okay, you made it quite clear.

MR. PETRO: Good luck. If you can come up with another plan that's nice and meets the larger zones, we'd be more than happy to review it or you have your other options.

MR. MARTI: That's quite clear, you can be sure of that.

MR. ARANSON: Is this what you call an exercise in futility?

MR. PETRO: Only for tonight. I'm sure you'll be back, we hope to accommodate you in a better light next time.

MR. ARANSON: I look forward to that. Thank you.

MR. PETRO: I don't think there's anybody on the board that disagrees.

MR. BRESNAN: We all agree.

MR. KRIEGER: Before you leave that just one thing you definitely want to put that on the agenda one more time to vote with respect to that because otherwise, the time period default approval, if you just let it sit,

they can get it by default, so you want to take action on the application.

MR. PETRO: I have a feeling we'll hear from them before that happens.

MR. KRIEGER: Well, you may or you may not, but don't, you'd be well advised not to forget about it, if you don't because they may be entitled to default approval by the passage of time, not something that's normally a problem with respect to most applicants because they're working out the details and there is at least an argument to be made with respect to their exceeding any time overage but here you have a very stark dispute and you don't, if they're going to go to court, let them go to court on the 15,000 square foot issue. Don't give them additional time, most of all don't give the help, if they do finally, if they do go on Article 78, don't give the Supreme Court judge an out.

MR. PETRO: All right, Andy, keep an eye on it. How long a period of time do they have?

MR. KRIEGER: I think it's 180. Let me--

ECONOLOGDE SITE PLAN (03-27)

MR. PETRO: EconoLodge site plan, Windsor Highway.

Mr. Anthony Coppola appeared before the board for this proposal.

MR. PETRO: Proposed expansion of hotel rooms. What size are these hotel rooms?

MR. COPPOLA: I think I have a picture in the file, they're a little bit bigger than the ones you've got now.

MR. PETRO: I was only kidding. This application proposes additional ten motel units at the existing 39 unit facility. Plan was reviewed on concept basis only. Property is located in NC and PI and maybe R-5 zones in the Town, it's a use permitted by right, that's all we need to know. How far into the PI zone are we going? Is this going to require zoning board or you got that covered, Mark?

MR. EDSALL: It's existing. I spoke with Mike and what we're looking at is the fact that the, there's an existing building already back into the rear of the property that's in the PI zone and not creating a new use and their setback is, actually, Mike will speak on that, they need to make sure they don't make that non-conformance any worse, we don't think it needs to go to the Zoning Board as long as they fix that setback.

MR. BABCOCK: One thing I'm looking at here is that the corner of the existing building, the small existing building looks like it's 6 foot 7 from the rear yard.

MR. COPPOLA: Correct.

MR. BABCOCK: We have to maintain the 6 foot 7 or stay

with the--

MR. COPPOLA: Yeah, but on the left here I'm showing five foot ten, that's what the survey called out but--

MR. BABCOCK: But you're going beyond that, the new building appears to project closer to the property line than--

MR. COPPOLA: I call it out at five foot ten, you see the PI zone, that's five foot ten pre-existing on the left then the little corner there is five foot ten.

MR. BABCOCK: Looks like there's a step.

MR. PETRO: Way down on the southerly end is five foot ten.

MR. BABCOCK: Okay then he's fine, he's fine, I'm sorry, I misunderstood.

MR. EDSALL: Says the same 5'10" you're holding.

MR. COPPOLA: Yes. The lot line tapers but it's right off the survey, the five foot ten, so it's a little misleading. Essentially, what we're doing pretty straightforward, he has an area back here, there's a photo floating around, it's where the existing pool is and apparently, nobody uses that. So he wants to basically utilize that area, expand this into a two story eight unit chunk here and then there's an existing storage room that would also be converted into another two hotel units, one which is there and one which would be built on the roof of the existing one. And then basically, the intent here is that there's a corridor there that runs down here and exits out the rear here, currently exits out the rear, we'd clean that up cause it's going over the roof of the laundry room, clean that out, introduce another exit somewhere down over here, kind of where we have that no parking

space and basically kind of clean up the rear of that with the exits and the pool area. Then in terms of the site plan, we would, he's got really three areas right now off Route 32 where he can access the property, the one which would be on the northern side, that one stays unchanged. We, basically, the one in the center which is right opposite where the motel is, the entrance to the motel, that one would be closed and then we'd introduce a new one which is kind of there right now but it's undefined, that's the southern most one, introduce a new one and basically so he conforms with the parking, introduce a whole new parking area on the south part of the lot which would be 25 spaces. He needs basically one parking space per motel unit or room and we conform to that. So he's got parking right now over here and we would disallow that, re-stripe this lot on the north side and then like I said introduce a new paved parking area on the south side and rework our drainage forward into the drainage swale down there and that's essentially it. Pretty straightforward, I think.

MR. PETRO: Fire approval on 9/16/2003. There's a few of Mark's comments that you can go over.

MR. BABCOCK: Mr. Coppola, he just received a copy of the notes.

MR. COPPOLA: Want to go through some of the items, some of these we're just going to clean up, but I guess, Mark, number 2, you've got something the planning board wants to do with reference to the PI, is that something we should talk about?

MR. EDSALL: I think the number 2 we have our answer now from the building inspector so that really isn't an issue anymore. I think one issue, Mr. Chairman, under number 3 is it's an existing site, I don't know how far you want us to go with lighting review, if you think lighting plans are required or--

MR. PETRO: I'm not sure, most of it is existing, I'd be more interested that you keep an eye on the parking, make sure that the parking works and the lighting is already there.

MR. EDSALL: We'll take that off the list, the parking layout does work fine. My only suggestion to Anthony was that the new island that's being created in front instead of having a drainage ditch down the middle of it, just run a pipe and fill it in so that it's a true island.

MR. COPPOLA: Okay.

MR. EDSALL: And the State might even allow you to plant grass and even have landscaping on the portion on your property.

MR. LANDER: How wide is the sidewalk on the south side?

MR. COPPOLA: It's 36 inches, yeah, we should make that wider, at least 48.

MR. LANDER: Yeah, it's got to be handicapped accessible.

MR. COPPOLA: Yeah, we'll change that.

MR. EDSALL: You want four or five there?

MR. LANDER: Sixty inches, no? Five feet is probably good with the overhang.

MR. PETRO: The board authorize, refer this plan to the DOT.

MR. LANDER: Tony, new dumpster enclosure, what's that going to be made out of?

MR. COPPOLA: Let's check the detail.

MR. PETRO: Mark, we're going to have to undo the motion that we did earlier cause I read the wrong page, this is not, we don't need lead agency coordination letter.

MR. EDSALL: No.

MR. LANDER: On the bottom left corner of the detail sheet, I talked to Anthony about that at the workshop and he's laid it out per your normal recommendation.

MR. SCHLESINGER: The parking lot on the south side is existing?

MR. PETRO: Entertain a motion that we take lead agency.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the EconoLodge site plan. Any further discussion? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: How can you be here for the application and not know the square footage of the building?

MR. COPPOLA: I probably started this project three years ago.

MR. PETRO: That's like a hot dog vender going to a ball game without hot dogs.

MR. LANDER: There's a restaurant next door, there's a trucking outfit, somebody's behind it.

MR. PETRO: I can't imagine anybody showing up.

MR. KARNAVEZOS: I make a motion that we waive the public hearing.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing for the EconoLodge site plan. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Just clean up some of Mark's comments and we'll see you again.

MR. COPPOLA: We'll do that. Thank you very much.

MR. EDSALL: I'll do a letter then if you can gather a couple sets we'll send this over to DOT.

MS. MASON: Okay.

CORRESPONDENCE:

STELLA WAY SUBDIVISION (03-08)

MR. PETRO: Stella Way subdivision. Letter requesting permission to clear trees. Who has that letter, you Mark?

MR. EDSALL: Actually, Ken Gass is here.

MR. PETRO: With regard to the aforementioned project, we request permission to remove trees located within the proposed right-of-way, build a retaining wall and backfill. Our objective is to stabilize the roadbed while waiting for DOT approval. Where is it?

MR. GASS: On Schivone Road.

MR. PETRO: How many lot subdivision?

MR. GASS: Three lot subdivision.

MR. EDSALL: This is the one where the drainage issue was raised and Henry and I went back out to look at it and we've made some recommendation, Ken has agreed to add some additional rip-rap and slow down the flow of water along the existing Town shoulder. The only thing that's holding him up is the fact that unfortunately, his application to DEC didn't exactly get submitted on a timely basis, so now he's kind of behind the gun.

MR. GASS: We're trying to fight the weather before the winter comes. DEC's probably 120 days away for approval, I don't want to start a project in the middle of the winter, I'd like to get a road base in now and stabilize it before the weather.

MR. LANDER: So you're only going to clear the trees within the right-of-way?

MR. GASS: Just within the right-of-way clear the trees, backfill, build a retaining wall, not going to put any utilities in at this moment, God forbid that DEC doesn't give us an approval, we'll build one house then we'll just do a sewer lateral.

MR. PETRO: Do you have a good pulse on this? Any problem?

MR. EDSALL: I don't have any problem, to be honest with you, if he had a response from DOT, he'd probably be asking for final approval right now.

MR. PETRO: Everybody just say aye.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

FOX MEADOW ESTATES (01-51)

MR. PETRO: Extension of preliminary. Gentlemen: I write this letter to request 180 day preliminary approval for Fox Meadow Estates. Current preliminary status is due to expire December 26, 2003. We'd like an extension of 180 days. This is preliminary approval so Mark, any comments?

MR. EDSALL: Normally, you'd do a 6 month, just 6 months from this meeting to one that would occur 6 months from now.

MR. LANDER: Can't we do 100?

MR. PETRO: Motion for 6 month extension. You'll change the numbers, right, to correspond with--

MR. BRESNAN: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant a 6 month extension to the Fox Meadow Estates preliminary approval. Is there any further discussion? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

DISCUSSION

RPA SITE PLAN

MR. EDSALL: Yes, you might have been aware, I know Mr. Chairman was, but some of the other board members clearly might of heard that there was some problems at RPA with the soil erosion efforts that were being made to avoid erosion and avoid siltation off-site. We've had some very candid discussions with them, I know the Chairman's been out looking at some of the screening work that's been done. As a result of the increased attention, I had Greg Shaw go out and doublecheck everything. He's come up with a plan to enhance the basin, the lower basin on the left as you come in Epiphany Drive. It's a matter of slight modification to the basin size. I believe the structures in the basin have slightly changed and as well he's modified the grading slightly up near the clubhouse. My question to you is do you want Mike and I to handle those as field changes, change those or want to go through the trouble of an amendment application?

MR. PETRO: I'm sure you and Mike are capable. Did you look at the higher basin as I asked? Remember I asked you where the fencing was being put?

MR. EDSALL: Yeah, we've got a meeting out there next Tuesday at which time we're going to check all of this to look at their progress, they've had some staff changes, they've got someone out there now who apparently is paying it a little more attention so Tuesday we're meeting and then we'll report back but we should be in good shape.

MR. ARGENIO: Can I ask a question on that? Argenio Brothers everybody knows is doing some work there, some highway work, don't have a lot to do with the interior, that's about the extent of it, as far as I'm aware, does anybody know and this is Mark and Mike why they

went on a site and disturbed the entire site in a global fashion and why they didn't approach it in maybe a different manner? Maybe I don't know enough about the site.

MR. EDSALL: I think the only way you can answer that question is very bluntly, they screwed up, that's why there's a change in staff there because what they did was it's okay to go in and disturb an entire site if that's what the site plan requires that the whole site be graded, but hand in hand with that, you have to go in and all the soil erosion interim intercepting swale basins, temporary sedimentation basins, you've got to do that and it was on Shaw's plans, they just didn't do it. So they effectively ignored Greg Shaw's design and that unfortunately for one gentleman cost him his job but for us, the benefit is they're at least paying attention.

MR. ARGENIO: That's good to hear.

MR. EDSALL: We have a meeting Tuesday and I understand from talking to Greg and Bill Elgie, who's our field rep, there's a dramatic change in the last week and a half.

MR. PETRO: Have you issued any building permits other than foundation?

MR. BABCOCK: No, not till we're completely satisfied.

MR. EDSALL: The three issues for the permits are number one, they've got to get the soil erosion and the water quality issues straightened out which they're hoping to have done by Tuesday, the fence and the landscaping along the Windsor Crest side which Jim maybe you can let me know between now and Tuesday if you think that's in good enough shape and the last item was paving. So hopefully, Tuesday, if they've got their act together, I can let Mike know it's okay to

issue permits.

MR. PETRO: I was in touch with the homeowner's association, we were on site two or three times, they're very happy with what's there, they're instrumental in getting some of it done and built the way they wanted. I think the trees may be a little sparse, I would take a look at the site plan and see the spread of the trees might be 12 feet, looks like they're 30 feet.

MR. BABCOCK: But they're going to grow.

MR. PETRO: They're going to really grow.

MR. LANDER: I happened to stop there also before they put the fence up, now I was talking to one of the supers there for that fence and the whole project and I asked him about the berm cause I remember Mr. Shaw saying it wouldn't be a substantial berm, they raised the berm three foot from where it says on the plan three foot, there's not much of a berm there if you look from the roadway.

MR. PETRO: The reason the berm is less than what it showed on the plan is what you're saying.

MR. LANDER: Well, no, it's three foot higher, the berm right now is three foot higher, so they tell me.

MR. PETRO: I would question that also but what they tried to do was not feather it into the hill, in Windsor Crest, if you look, there's a ravine, I had suggested they feather that in a little bit so they wouldn't have to make such a steep hill but they wouldn't let them do it, the association, they wanted them to stay off because of drainage so they did the best they could to make the berm.

MR. LANDER: When I was there at the association, I

asked them to fill some of that in because it was so steep up towards where they had a drainage course coming around, it empties into that, but they wanted some of that filled in, so you get two different versions. But the thing is like I voiced concern about the height of the berm and now the fence is supposed to sit on top of the berm, it's not that high, maybe the headlights won't shine in the people's windows, maybe they will, if that was why that berm and the fence was supposed to be put there.

MR. PETRO: We went over that exact thing a number of times and they were very happy.

MR. LANDER: As long as they're happy with it, we're happy with it, that's all.

MR. PETRO: But I do think the trees are sparse.

MR. LANDER: They are sparse.

MR. EDSALL: We'll look at that.

MR. PETRO: Ask them to fill them in a little bit.

VANTAGE CONSTRUCTION (01-55)

MR. BABCOCK: I was in touch with them, there was an addition to the agenda, not everybody got that, they're the subdivision that got approved on Riley Road, conditional approval, I think at the last planning board meeting.

MR. PETRO: One that's going to put the pump station in for the Town?

MR. BABCOCK: Correct, he submitted bond estimates being reviewed by Mark now will be submitted to the Town Board the first of next month and he will pay inspection fees so by the first of next month, he can start everything. What I'd like to do is start clearing the roadway with the trees and I suggested that I just make sure the board's aware.

MR. PETRO: They're through planning board?

MR. BABCOCK: He's conditional final, just not stamped.

MR. LANDER: What's the condition?

MR. BABCOCK: The bond and paying the fees.

MR. PETRO: I don't have any objections. Anybody have an objection?

MR. ARGENIO: No.

MR. BRESNAN: No.

MR. BABCOCK: Thank you.

MR. LANDER: He's going to clear trees, not the road?

MR. BABCOCK: Yes.

ARANSON - CONTINUED

MR. KRIEGER: That time period is 45 days submission for approval, so I suggest you put Aranson back on the next agenda because time is relatively short, notify them that it's on so they can't claim that it's done.

MR. PETRO: And do what?

MR. KRIEGER: Disapprove the application, deny the application, that's what you said you wanted to do but if you don't do that, then it's left hanging.

MR. ARGENIO: So it's no more complex than we need to do it formally.

MR. KRIEGER: That's correct, you need to use the magic words the application is denied.

MR. PETRO: Whether they're here or not.

MR. KRIEGER: No, you need to notify them that it's on.

MR. PETRO: What if they say they weren't notified?

MR. KRIEGER: Then it becomes a question of proof.

MR. PETRO: That's why I said certified letter.

MR. KRIEGER: Certainly that would help in terms of proof.

MR. EDSALL: Let them have a chance to--

MR. PETRO: Tell them that's what we're doing, that's all. Motion to adjourn.

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

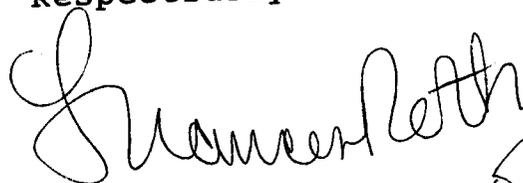
September 24, 2003

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ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

Respectfully Submitted By:



Frances Roth  
Stenographer

10/8/03