



Town of New Windsor

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OFFICE OF THE PLANNING BOARD
WEDNESDAY — JUNE 9, 2004 - 7:30 PM
TENTATIVE AGENDA

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES DATED: APRIL 28, 2004 & MAY 12, 2004

ANNUAL MOBILE HOME PARK REVIEW:

- a. Paradise Mobile Home Park – Rt. 9W
- b. Hudson View Mobile Home Park – Rt. 9W

PUBLIC HEARINGS:

1. **YWCA SPECIAL PERMIT (04-12) TEMPORARY TRAILER (DWEK)**
Proposed temporary trailer for summer camp use.
2. **MOSHHIL, INC. (04-09) RT. 94 (OSTRER)** Proposed replacement of existing retail with apartment.
3. **WOODLAWN MANOR (03-17) FORREST HILL DR. & HUDSON DR. (SAMUELSON)**
Proposed 115 Unit Condominium project.

REGULAR ITEMS:

4. **KEILLY ESTATES (COLEMAN) (03-01) LAKE ROAD (DILLIN)** Proposed 10-Lot Residential subdivision for single-family homes
5. **BUILDERS ASSOCIATION OF THE HUDSON VALLEY (04-13) RT. 207** Proposed construction of second story on existing building for office use.

CORRESPONDENCE:

6. **CORNWALL COMMONS LLC (00-06)** Request for extension of preliminary approval.

DISCUSSION:

7. **DAVID PLOTKIN – RAILROAD TIES**

ADJOURNMENT

(NEXT MEETING –JUNE 23, 2004)

June 9, 2004

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TOWN OF NEW WINDSOR

PLANNING BOARD

JUNE 9, 2004

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN
JERRY ARGENIO
THOMAS KARNAVEZOS
NEIL SCHLESINGER
ERIC MASON

ALTERNATE: DANIEL GALLAGHER

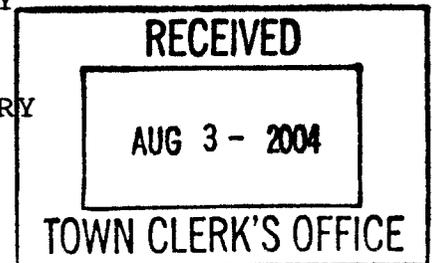
ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
PLANNING BOARD ATTORNEY

MYRA MASON
PLANNING BOARD SECRETARY

ABSENT: JIM BRESNAN
RON LANDER



REGULAR MEETING

MR. PETRO: I'd like to call to order the June 9, 2004 meeting of the New Windsor Planning Board. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was

recited.)

APPROVAL OF MINUTES: APRIL 28, 2004 & MAY 12, 2004

MR. PETRO: Has everyone had a chance to read the minutes dated April 28, 2004 and May 12, 2004?

MR. ARGENIO: Make a motion we accept them as written.

MR. SCHLESINGER: Second it.

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

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

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MR. ARGENIO AYE
MR. KARNAVEZOS AYE
MR. PETRO AYE

MR. PETRO: Thank you for coming in. We'll see you in
one year.

HUDSON VIEW MOBILE HOME PARK

Ms. June Cornell appeared before the board for this proposal.

MR. PETRO: Mr. Babcock, someone from your department been to the Hudson View Mobile Home Park? Do you have any outstanding comments?

MR. BABCOCK: Yes, there's some unregistered vehicles there that I have talked to the applicant about, lot 13 and 14 there's also some tall grass on lot 23, she's going to give this information to the owner of the park and they have always taken care of what they have, what we have notified them to do.

MR. PETRO: What's your name, ma'am?

MS. CORNELL: June Cornell.

MR. PETRO: How are you related to the park?

MS. CORNELL: I'm not related.

MR. PETRO: You're here on their behalf?

MS. CORNELL: Yes.

MR. PETRO: Does she have a proxy to represent the park? We have a check made out to the Town of New Windsor. Reason I ask one day we had this going on and we went through the whole scenario here and then I said well, ma'am, who are you and she says oh, nothing, I just was walking by and she just came in and decided she was going to represent the mobile home park who happened not to show up. I just thought that was--

MR. ARGENIO: A bit odd.

MR. PETRO: \$135 check made out to the Town of New

Windsor. Motion for approval for one year.

MR. ARGENIO: One year extension.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant one year extension to the Hudson View Mobile Home Park on 9W. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

PUBLIC HEARINGS:

YWCA SPECIAL PERMIT (04-12)

Mr. Steve Dwek appeared before the board for this proposal.

MR. PETRO: YWCA special permit temporary trailer, proposed temporary trailer for summer camp use. I see there's a lot of people here tonight, what we do for public hearings gentlemen and ladies is the board reviews each applicant first, at some time during that review, it will be opened up for a public comment at which time you would come forward, state your name and address and your concern. This applicant is requesting approval for a temporary trailer on the Union Avenue site for use in connection with their summer camp application. Application was previously reviewed at the 26 May, 2004 planning board meeting, is before the board for a public hearing at this meeting. Let me ask you this before we get going, again, this is only temporary for six months?

MR. DWEK: Correct.

MR. PETRO: The trailer is 64 x 14 in size, is that what we're reviewing cause I know there was some commotion today with the fire inspector, it was the wrong trailer, you had the wrong information. Mike, has that been cleared up? What are we reviewing?

MR. BABCOCK: I think that's been cleared up.

MR. DWEK: It's going to be no bigger and it might end up being slightly smaller.

MR. PETRO: Classroom trailer going to be designated as such and not a construction trailer?

MR. DWEK: Correct and it has to adhere to the fire

department codes, so two means of egress which that particular one didn't have which is why I need to change it.

MR. PETRO: Proposed location in the rear of the site will not be visible from Union Avenue and is tucked into the corner of the existing rear building line, we had asked at the last meeting that you were going to show us some sidewalks and some lighting and some of the parking.

MR. DWEK: Yeah, I spoke to the fire inspector and he did not like the trailer being at the back of the building just because he said if there was an incident it would just be really--

MR. PETRO: Turn it this way, address the board first, please.

MR. DWEK: I'm sorry, originally, we thought the trailer would be right here behind the building and that was just trying to make it hidden, fire inspector said in case there was a problem, the access was not as convenient as he wanted it to be so we reworked it and decided another option just to put it in the corner of the parking lot and therefore, if there were an incident, the fire trucks could get right there. Of course, we have a ramp for handicapped accessible but we thought that actually would suit the fire department a little bit better.

MR. PETRO: What do we hear from fire, anything back today?

MS. MASON: Says the same thing.

MR. PETRO: We still have a disapproval from the fire so obviously, did you show him this plan today or is this from the old plan, did you come here and talk to the fire department?

MR. DWEK: He gave me this new information based on the information decided to--

MR. ARGENIO: So the plan that we're looking at right now on the dais is the old plan?

MR. DWEK: Correct.

MR. PETRO: That's the new plan there. So you still need the fire approval to go any further?

MR. DWEK: Correct.

MR. PETRO: This is a special use permit, that's why we're having the public hearing, it's mandatory by law that you have this public hearing by special use permit, again, this is just a temporary trailer to get you through the summer for the classrooms, you need space for the summer camp, the summer camp kids whatever you're going to put in there?

MR. DWEK: Yes.

MR. PETRO: How many children go in the trailer?

MR. DWEK: Thirty.

MR. PETRO: One trailer?

MR. DWEK: Yes.

MR. PETRO: What we'll do we'll open it up to the public, do you have that, Myra?

MS. MASON: I sent them out registered.

MR. PETRO: Someone is here, would like to speak for or against or just make comment on this application, please be recognized by the Chair, come forward, state

your name, address and your concern. Does anyone want to speak on this application? All right, the Chair doesn't see anybody so I'll entertain a motion to close the public hearing.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the YWCA temporary site plan. At this time, we'll open it back up to the board. I don't think there's much more to look at, I did ask for lighting, I don't see any lighting.

MR. DWEK: There's a light right here.

MR. PETRO: Just one light? Are you telling us what it does or what it's going to light? Mark, can you look at that?

MR. EDSALL: No, I haven't seen this revised plan but my impression is you want additional lighting.

MR. PETRO: Time must be of the essence for you people, this is a summer camp coming up, I know school gets out around the 20th.

MR. DWEK: We start the 28th. On this corner there's a 200 watt lamp that lights up the entire parking lot.

MR. PETRO: We keep looking at this, we're trying to work with you just to get this thing going, we'll give you final approval subject to you getting this straightened out with the fire department, when the fire department gives us the okay here, gives us a letter in our file, I'll sign the plan. If we don't get it from the fire department, that's the only outstanding issue then you can't proceed. Okay?

MR. DWEK: Sounds good.

MR. PETRO: Anybody have an objection to that, Andy, any objection?

MR. ARGENIO: No.

MR. PETRO: Motion for final approval.

MR. ARGENIO: Make the motion.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the YWCA special permit and temporary trailer, you realize six months you have to come back again from whenever the date we sign the plan for six months only?

MR. DWEK: Correct.

MR. BABCOCK: Jim, we notify him six months it's over, they don't need to come back, it's over.

MR. DWEK: Take it down and it just goes back.

MR. PETRO: Any other comments? Anyone?

MR. SCHLESINGER: I'm sure Mike's going to check the septic cause they moved it and there was a concern about it then.

MR. PETRO: Any building department procedure naturally would go along with the approval, I'm talking about just planning board approval.

MR. DWEK: Right.

MR. PETRO: Satisfy the fire department then I'll sign

but the building department you have to do what he says to do.

MR. BABCOCK: Six months would go from the day they get a C.O. so they can use it for six months.

MR. PETRO: I believe that's fair.

MR. MASON: I wasn't here at the last meeting but you're talking about putting 30 kids in the trailer that size, is that safe?

MR. DWEK: That's what they recommended for us.

MR. MASON: Just a question.

MR. DWEK: We said we wanted it for 30 kids, that's what we came back with.

MR. BABCOCK: That's one of the issues when we met today is that the construction type trailer wouldn't have enough egress doors for the amount of children that's going to be in this thing, so they called the modular company and they're getting a different style that's going to have two exits from each classroom.

MR. PETRO: I feel confident between the fire and your department that it will be checked and this was for special permit so I'll do a roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: Have a good night.

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MR. DWEK: Thanks a lot.

MOSHIL, INC. (04-09)

Mr. Moshe Friedman appeared before the board for this proposal.

MR. PETRO: Application proposes change in use from the site for development of retail and/or office on the first floor with the single caretaker apartment on the second floor. This plan was previously reviewed at the 28 April, 2004 planning board meeting. The application is before the board tonight for a public hearing, it's in an NC zone, I believe the caretaker apartment is triggering the special use permit, is that correct?

MR. EDSALL: Yes.

MR. PETRO: Use indicated permitted in the zone, the required bulk information is correct for the zone and uses, variances have been obtained relative to the site. Bring us up to date on the variances, what were they, what variances did you receive for the site?

MR. FRIEDMAN: From the ZBA approved all the variances what is needed, the parking and the road frontage and the back.

MR. PETRO: Are they on the plan?

MR. FRIEDMAN: Yes, everything's on the plan.

MR. PETRO: Do you have a plan to put up there? Everybody has a plan here, just want to make sure, Mark, you checked it, I assume they're all on the plan the variances?

MR. EDSALL: I haven't seen the ZBA's decision but they do indicate a variety of variances.

MR. PETRO: Plan is reviewed by New York State DOT, they requested additional detail. Do we have anything

here from DOT at all?

MS. MASON: Yes.

MR. PETRO: Mark, since you prepared this letter in our telephone conversation it would be necessary for you to obtain a highway work permit in connection with the proposed development site plan which was presented to me on Friday does not accurately describe the existing site conditions nor provide any level of detail on how proposed development will affect the site in the State right-of-way, should show the existing site conditions and how the proposed development will change. I suggest that you contact your engineering firm and contact them immediately, all right, so you're not close to getting a permit from the DOT, you've got work to do here.

MR. FRIEDMAN: I know, I called my engineer last week and I told him, I send them over this letter and they are now in the middle of the processing to do whatever they need.

MR. PETRO: Well, I'm just letting you know that until this is fulfilled, we cannot do a final approval. You understand that?

MR. FRIEDMAN: Yes.

MR. PETRO: Planning board may wish to make a determination regarding the type of action, we can do that later. This is a public hearing. On the 7th day of March, 2004, 32 addressed envelopes were mailed out. Someone here who'd like to speak for or against or make any comments on this application, be recognized by the Chair, come forward, state your name and address and your concern.

MR. EBERT: Jerry Ebert from The Sentinel newspaper, just a quick question, sir, where is the site of the

change?

MR. PETRO: Where is the site? It's on Route 94 about one mile outside of Vails Gate across from, you know where the tracks used to cross, approximately right there, there was a house on the right-hand side that was, it burnt down, fell down or removed, I think it was condemned.

MR. FRIEDMAN: It was removed by the Town in the court.

MR. PETRO: I think basically you wanted it, it was condemned, you wanted it rebuilt in this fashion. The Town had said no, you took--

MR. FRIEDMAN: They didn't say no, never said no.

MR. PETRO: Whatever it was, you wound up in court and the court is correcting us directing us to look at the plan and move forward so that's what we're doing. Anyone else?

MR. ARGENIO: I'll make a motion we close the public hearing for Moshil on Route 94.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Moshil, Inc. site plan on Route 94. Is there any further comment? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: At this time, I will open it back up to the board for any further comment. I think you need to get DOT cleared up.

MR. FRIEDMAN: I would ask if it's a possibility to make the approval conditional on the DOT approval?

MR. BABCOCK: Just one comment, the zoning board did not give the variances based on this entire plan, there's a little section that's 4 foot by 7 foot that projects out towards 94, they told the applicant that the condition of the variance is that section has to be removed, it's too close to Route 94. So the plan needs to be corrected as far as the front yard setback and that needs to be removed.

MR. ARGENIO: Where is that on the plan?

MR. BABCOCK: It's says 4 foot by 7 foot, it's a little tiny square box and it's 4.4 feet off of the right-of-way line and the ZBA did not grant him a variance for that.

MR. PETRO: He's saying that he knows that your plan needs to be corrected.

MR. FRIEDMAN: We agreed to that.

MR. PETRO: Really you know the plan should be fixed before you have a public hearing, you're putting up a plan that's not showing what it is should be showing but it's not a major item either but it needs to be addressed. Motion for negative dec.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare a negative dec under

the SEQRA process for the Moshil, Inc. site plan on Route 94. Is there any further comment from any of the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: Planning board should require that a bond estimate be submitted in accordance with Chapter 19 of the Town Code, that's procedural, I do not personally have a problem with giving you a subject to final approval, you need the approval, you need the plan being corrected, that being removed and you need a change of setback, you need to change the setback on the plan because it's going to change after you remove the little--

MR. FRIEDMAN: No problem, we have to change the plan for the DOT, we'll do this also.

MR. PETRO: You understand there's going to be three subject-to's, DOT approval, and the two that you, that I just mentioned, the correct setback being shown and the removal of the little alcove sticking out there. Mark, do you have any objection to that? I don't think there's a problem, the only thing I would note is that if the DOT in their review comments makes a change of great magnitude I feel it needs to come back here, I will advise you.

MR. ARGENIO: Any quirks in the plan, Mark, where they'd have a major problem with it?

MR. EDSALL: I don't believe so, I don't really anticipate a problem, just letting you know that I have

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MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

WOODLAWN MANOR (03-17)

Mr. Ross Winglovitz, Ms. Jane Samuelson and John Cappello, Esq. appeared before the board for this proposal.

MR. PETRO: Project involves development of 71.8 acre parcel which is four tax lots into 115 unit townhouse complex. The application was previously reviewed at the 9 July, 2003, 22 October, 2003, 14 January, 2004, 28 April, 2004 planning board meetings. The application is here tonight for a public hearing. The SEQRA documents are currently under review by our office, we have no additional comments. At this time what we're going to do tonight is obviously have a public hearing. We will hear from these gentlemen first then from the public when I open it up to you. I can't see the back of it, I think everybody in the room knows this is a public hearing so you've got an idea how we do it.

MR. WINGLOVITZ: Good evening, I'm Ross Winglovitz, engineer on behalf of the applicant, Meadow Creek Development for development of the project called Woodlawn Manor. This project was originally proposed to the board last year, that original plan has an as of right density of 151 units and showed proposed 130 units. As part of the process working with the board working with the site, the project has been revised from 130 units that was originally proposed to its current configuration of 115 units. In addition to the reduction in density, one of the things we worked on with the board was to provide a buffer strip between the properties at the top of Forest Hill Road buffering the units from the existing residences with 50 feet of undisturbed vegetation and that 50 feet of vegetation to be protected by 6 foot high wood fence and then from that wood fence there's an additional 25 feet to the back of the units so we provided a significant buffer as requested by the board. In addition, the site is

naturally buffered around three sides of the project, there's a large wetland area that surrounds the entire project. This wetland has been delineated by the DEC and the Army Corps of Engineers and it has been depicted on the site plans.

MR. PETRO: Are you disturbing any of the wetlands?

MR. WINGLOVITZ: We're disturbing wetlands at the entry location off Forest Hill Road, there will be a permit required for that disturbance and there's adequate mitigation on site for us to do that. In addition to that, part of the concern of the Planning Board's been the emergency access to the site. What we have done is provided a boulevard entrance off Forest Hills Drive to where the road configuration splits into a loop, this boulevard is 18 feet wide. In addition to that, we provide emergency access road out to Cherry Lane, that road will be controlled by a gate at Cherry Lane entrance that will be a crash gate so only emergency vehicles can get through if they need to get access to the site. Parking is, all units are three bedroom units, they all have two car garages with two spaces in front plus additional parking areas provided between units of three, typically three in a configuration guest parking spots.

MR. PETRO: No access onto either Hudson, Erie or 94, correct?

MR. WINGLOVITZ: No units proposed on the Hudson side of the project, on that side that area will remain as in its existing condition.

MR. ARGENIO: What's the distance from the back of the units to Hudson?

MR. WINGLOVITZ: Probably over 500 feet. The current plan conforms to all the zoning requirements of the Town, it is proposed as a private project with private

roads, will not be Town roads, sidewalks have been shown throughout the projects for circulation. In addition as part of the analysis that the board has conducted and information we have provided, there's been two studies, a drainage study that's been done analyzing the pre-development and post-development impacts of the project and three detention ponds proposed. In addition to that, the board was concerned about traffic so we did an extensive traffic study, there were five intersections analyzed, there were no significant degradations in any of the delays at intersections due to this project. What was discussed in the study and with the board was a reconfiguration of the Forest Hill Road entrance onto 94 and that has been incorporated into the project. It's going to require the widening of Forest Hills Drive as it intersects 94 approximately four feet to provide--

MR. PETRO: Tell you what, start from the beginning, turn it around cause I already know what you're doing. I'm sure a lot of the people are interested in that.

MR. WINGLOVITZ: Forest Hill as it intersects 94 the widening improvement is about four feet widening of the road and what we're going to be doing is restriping Forest Hill to provide a right and left turn out of Forest Hill to help facilitate traffic exiting Forest Hill onto 94 after the project is constructed. As again as I said the study didn't indicate any other improvements were required, I think delays increased insignificantly over pre-existing conditions. We have with us John Cappello, our attorney, Jane Samuelson, our lead engineer on the project and Tom Johnson from Creighton Manning, if the board has any questions they are available.

MR. PETRO: I have a question first before we get to the public hearing part of it, this site is 71 acres, is that what it is, 71.8 acres, what's the allowable that you can by law put on this?

MR. WINGLOVITZ: Under the current plan, it's 135 units I believe and we're proposing 115.

MR. PETRO: So you're 20 units less than what's allowed?

MR. WINGLOVITZ: Correct.

MR. PETRO: We have seen this a number of times, four or five that I know of plus a number of plans that have been on this property over the 14 years that I have been here, I think it's probably the second or third trip.

MR. ARGENIO: For the representative of Creighton Manning, the egress on Forest Hills Road as it is, as it exists today, what's the level of service now?

MR. JOHNSON: On Forest Hill to 94 level of service A?

MR. ARGENIO: Subsequent to the build, what's the level of service?

MR. JOHNSON: Well, I didn't finish level service A to turn left onto Forest Hill, level service B from Forest Hill to 94, those level of services do not change for the conditions adding traffic at that intersection, they'll still be and A and B.

MR. PETRO: Whereas Vails Gate is an F, I think it's below, they don't even count it.

MR. ARGENIO: They rate it on A to F, for the benefit of the public, F is a disaster and we have intersections in the Town that are F and F plus but that's another issue.

MR. PETRO: Before I open it up, any of the other members want to say anything? I'd rather get the

comments and come back to the board. On the 17th day of March, 2004, 65 addressed envelopes containing the public hearing notice were mailed. Once again, if someone would like to speak for or against, just make a comment on this application, be recognized by the Chair, come forward, state your name and address and please sign your name on this sign-in sheet here. Thank you. Who wants to go first?

MS. GROVE: My name is Robin Grove, I live on Forest Hill Road. I'm one of 19 homeowners on our block, our block is a circle block with only one entrance and exit via Route 94. Currently, despite its classification as A or B, which I'm not sure who makes that classification, it can be difficult to turn left onto 94 due to very limited sight distance. There's a significant curve about 600 feet to the right exiting at Route 94 as well as another curve 500 feet to the left. Many cars on Route 94 come whizzing by exceeding the posted speed limit contributing to the problems entering and exiting our road. The proposal for Woodlawn Manor is using Forest Hill Road as the only entrance and exit to the 115 townhouses, all vehicles, cars, school buses, construction vehicles, emergency vehicles would enter and exit Forest Hills Road from Route 94. A single entrance and exit to Woodlawn Manor from our road would have a severe impact. Traffic on our road alone would increase six fold with the addition of Woodlawn Manor, from 19 households and about 40 cars today to some 135 residences and 270 cars not counting visitors to Woodlawn Manor. Traffic entering and exiting Woodlawn Manor would cause havoc to residents of Forest Hills Road who try to enter or leave our block. The two homes which directly border the proposed Woodlawn Manor entrance and exit have driveways which would be almost inaccessible during high traffic times, the homeowners' cars would be either unable to exit their driveways or unable to enter their driveways. Additionally, the driveway of the house on the corner of Forest Hills Road and Route

94 would be blocked if only two cars were waiting to exit onto Route 94 heading right. If the homeowner was trying to enter his driveway from Route 94, he would turn and have to stop and wait thereby backing up other cars trying to enter Forest Hills Road. Cars on Route 94 would then be stopped leading potentially to a dangerous situation when cars approaching the intersection round the curve not expecting to see stopped traffic. Moreover, increased traffic of this magnitude would cause a ripple affect not only at our intersection with Route 94 but also on the other side roads nearby, such as Schoonmaker Drive the Blooming Grove access road to Route 94, Lois Drive (phonetic), Cherry Lane, to name a few, which also exit onto Route 94 in our immediate area. A heavy lineup of cars trying to exit out of our road could lead to increased frustration and impatience for drivers who might well shoot out and take chances when they finally reach 94. It is frankly unreasonable for a development of this magnitude to utilize a single entrance and exit onto a small road like ours. In 1993 when Foxwood Associates presented its final Environmental Impact Statement regarding the proposed development of the same general site, the proposal called for two entrances and exits, neither of which utilized Forest Hills Road. Traffic has only multiplied in the last 11 years with Windshire Village and Destinta Theater nearby adding to Route 94's traffic. We're concerned about the safety of the children and adults on our road as well as those in our neighboring community. Undoubtedly, many of the families who might move into that townhouse development would have children or plan to have children, as you know, our school district's 9 elementary schools are all schools of choice which means that up to 9 elementary school buses could also be entering and exiting through Forest Hills Road to Route 94 as well as to potential junior high and high school buses. In terms of traffic and safety alone this proposal seems wrong for our neighborhood. It has been 11 years since an Environmental Impact Statement has been completed

regarding this site. You mentioned SEQRA, does that mean a new one is coming? I wasn't sure.

MR. PETRO: It's under review.

MS. GROVE: It seems appropriate for a new study to be undertaken. In the 1993, Final Environmental Impact Statement the report reviewed other potential environmental impacts in addition to traffic which are still pertinent today.

MR. PETRO: What are you doing for the, are you doing a long form?

MR. WINGLOVITZ: We did an expanded EAF long form, lead agency was declared back in January of this year, we have done additional studies on such things as traffic that have been identified by the board, drainage.

MR. PETRO: That's what's under review, just wanted to make sure, sorry for interrupting.

MS. GROVE: In the Final Environmental Impact Statement in '94 some of the areas that they reviewed were the project impact on the Town of New Windsor sanitary sewer system and waste water treatment plant, the impact on the Town of New Windsor water system on storm drainage, the status of the project under the New York State Department of environmental Conservation, Fresh Water Wetlands Act, the management of common lands within the project, demographics and impact on community services, including assessment of fiscal impact and just to mention when that report was filed, we had some considerable time to come in to the planning board, review the report and see how it addressed all those areas. As concerned residents, we ask our Town Board to be aware of and address these concerns, we trust that the safety of our residents will be paramount in your consideration of the proposal. Thank you.

MR. PETRO: Nice letter. Where do we want to start here, your traffic, who's doing the traffic?

MR. JOHNSON: I am.

MR. PETRO: You have some specific comments on the flow of the traffic? Can you address a couple of those just to clarify cause I think you may have written that letter obviously before you have seen this new plan here so I think some of them may or may not hold true with this plan that's why I want to see if you can correct it now.

MS. GROVE: I know that the plan does not address the two curves in the road, I'd like to see how that's--

MR. PETRO: You mentioned the one 600 feet away that may be a little far down, has 450 foot is the sight distance that you reviewed for state DOT?

MR. JOHNSON: For 40 miles an hour intersection sight distance would be about 450 feet, there's also a stopping sight distance which would be less than that, that's the amount of room that a car would need to stop actually now the intersection sight distance that you try to maintain allows the vehicle on Route 94 to slow down slightly, see a vehicle pull out in front of him, he doesn't have to come to a complete stop, that's correct, at 45 miles an hour the sight distance would be about 500 feet.

MR. PETRO: Let me finish with the lady, you can come up and talk as much as you want.

MS. GROVE: The cars do come around and we do have what we consider very limited sight distance, even though it seems to fall under the 450 that you mentioned.

MR. PETRO: You had mentioned I think in '93 the other

application was and I was here then so I would know what you're talking about. There was one that was going out on Hudson and there was one that was going over to Erie.

MS. GROVE: Back when they did the Final Environmental Impact Statement which I brought with me, I seem to still have that copy, they had changed it to going out on Erie and the parcel of land that they bought on Route 94.

MR. PETRO: They bought a house there and since then it's changed hands, they sold the house, it's no longer available the one on Erie, a lot of the wetlands laws have changed so drastically that that was almost impossible to remediate the impact, it would have to cross and get to there.

MS. GROVE: Isn't it true that you can build a bridge over wetlands?

MR. PETRO: Can they build a bridge over it?

MR. STEPHEN GROVE: I had spoken to DEC, they said that they have approved bridges over wetlands before and they also said the wetlands legislation that's been changed for many years, what may change though is the area of the wetlands that could vary of over time so periodic reviews for the boundaries of the wetlands need to be made.

MR. PETRO: I'm trying to get to a point that was under review by the applicant, they decided not to go that route, it was very, I'm sure it was costly, probably a lot of disturbance to the wetlands, the Hudson Drive exit I don't think anybody wanted to do that including the applicant and obviously, the people you're here because of your Hudson Drive and that entire development was pretty wound up with that. Cherry Lane as you know exits in a very bad spot down by the curve

on 94, so we couldn't utilize that as our main entrance but it did provide us a chance to put an emergency gate, crash gate they call it to at least allow the ambulance in and out in case something was blocked. We also went with the boulevard road entering which really gives you two ways in and out until you get to the main loop, so if there's a car fire or something, say a problem with one of the lanes, you still have the second lane again for emergency vehicles. That was the reason for that and that was by request to the planning board. So we have given it quite a bit of thought and ways for them to come up with access to the site. Of course, you have 19 houses that live there 19 is a lot lower than 19 plus 115 but that's the way it is in the entire Town, I mean, it's just constantly more and more, it's the way it is. There's going to be more and more all the time. It's a permitted use in the zone and as hard as that is to understand and I always relay this to people if you owned that piece of property and wanted to develop it you're paying all your taxes and, the law says that's what you can put there, it's very difficult, if not impossible you can say no but I don't know how a planning board really says no, we're here to say how. Then you can see what happened with the applicant prior, the judge just tells them what to do, they come in and dictate to us. But I'm getting off the beaten path, I want to continue with other questions, we'll pull the whole thing together. This lady here was next.

MS. SWEENEY: Suzanne Sweeney, 72 Hudson Drive. Couple of questions with regards to the project. First of all, I know originally at least at one point this was proposed as senior citizen development.

MR. PETRO: Many more units, too, a lot more units. How many units was that, 170 or something like that?

MS. SWEENEY: They could do more.

MR. WINGLOVITZ: Yes, we never got a final plan on that.

MS. SWEENEY: Only because on a project of this size you're looking at at least two adults plus you're going to have children and that's going to I think impact more on our services, especially in the schools and we're already tight on that, so I guess what I'm getting at why did it kind of phase away from the seniors?

MR. PETRO: Actually came from the request of the planning board and some of the Town Board because it was so many more units, was a lot of units, we were trying to lessen the impact on the entire site and no matter what how you cut it if it was 200 units approximately down to 115, we felt 115 was better for everybody no matter what.

MS. SWEENEY: And are you doing this in phases, I mean, how is this going to be open up the first 30 townhomes or how is that going to be?

MR. WINGLOVITZ: Yeah, it will be done in phases, the phasing plan hasn't been dictated yet, as we move towards final approval, we go, we'll figure out what the phasing plan is, it will be worked out with the engineer. We're going to have to have certain utilities in at certain times, certain loops of traffic we're going to have to maintain so my guess is probably two phases.

MS. SWEENEY: How long do you expect this to take for a buildout?

MR. WINGLOVITZ: All depends on the market conditions, we don't know at this point.

MS. SWEENEY: Do you have an idea of what you're talking in terms of prices? You've got two car

garages, that's pretty upscale.

MR. WINGLOVITZ: Yes, all three bedrooms, two car garages.

MS. SWEENEY: You mentioned about a fence, I know the wetlands and obviously, you're going to replace the wetlands that you're taking over, could you explain what fence you're proposing, where it's going to be and how it's going to look?

MR. WINGLOVITZ: What's been required by the board and agreed to by the applicant is because the site is so well buffered on all three sides, the only properties we're near were the properties on Forest Hills Road. The board asked that we preserve a 50 foot natural buffer along those properties on Forest Hills and that at the end of that 50 foot buffer there was a physical barrier so people didn't go in there later on and say let's cut down some trees, a wood, solid wood fence will be installed along the back of these units.

MS. SWEENEY: So against the units on that green space?

MR. WINGLOVITZ: Correct, so it will divide the green space and the wooded area from the usable open space.

MS. SWEENEY: That's the only fence you're talking about?

MR. WINGLOVITZ: Correct.

MS. SWEENEY: And the line that you have, this dotted line that you have all the way around these are the wetlands?

MR. WINGLOVITZ: Correct, these are the wetlands, green is the wetlands, the dashed line is the wetland buffer.

MS. SWEENEY: So then basically these are the only two,

Cherry and Forest. Now, is there any possibility on the exit and the entrance to Forest that a flashing yellow light because I know that curve is 40 is ideal but that curve coming around it's, you can't see really that much, is there any way you can put a flashing light?

MR. PETRO: Take it right to the expert.

MR. JOHNSON: Any sort of request would have to go directly to the New York State DOT, they control the intersection.

MS. SWEENEY: It took years to get the other one.

MR. JOHNSON: We did look at a possibility of a three color traffic signal, there are many warrants you have to meet at least one before you can put one in there and there's not enough traffic volume on Forest Hills Road or Route 94 that would warrant the installation of a three color light.

MS. SWEENEY: Any way that they could put perhaps on the curve some sort of a warning light that there's an entrance coming up or something that would at least alert drivers that there's going to be traffic coming out?

MR. JOHNSON: That's something that would be coming out of if there was a bad accident problem DOT would probably would have addressed that if that were deemed necessary, that type of thing.

MR. PETRO: You were talking a little bit about timing, there's one thing everybody should listen to this because it's very important, right now in New Windsor there's a water moratorium, all right, which this would affect so if they had approval tonight and had a building permit in the morning, they cannot build this and there's no end in sight at this time for the water

moratorium. So this may or may not happen and it could be, I don't want to mislead anybody, it could be six months, it could be three years, so until that moratorium is lifted and that's why the Town Board and the Supervisor, doesn't seem to be any time soon, I can tell you that, that this is only just a dry application. In other words, what we're doing is allowing people not only this applicant but in the Town to come to the planning board with applications, present it, we'll move forward like they had water but once they get to that point they're all done and I only bring that up because you asked for timing along with the pricing and everything else. So this could be really off in the future at this time.

MS. SWEENEY: I know Patriot Ridge is now moving steadily ahead.

MR. PETRO: Again, only to that point, whatever that point is when they're done and they're ready to start to get a building permit, it's just going to sit there until the water moratorium is lifted. Sewer points could be bought from Majestic Weaving, that's how that would be, I think you asked me about that in your letter, but that's how that would be resolved but the water issue that's ongoing and there's nothing in sight right now.

MS. SWEENEY: One last question, if you don't mind about the wetlands, now that this proposed subdivision is coming on this end all the wetlands are going to be left in the back which are going to go up towards Erie Avenue, would there be any chance that could change, would they be able to apply if something changed, maybe a bridge go in, would that somehow--

MR. WINGLOVITZ: Environmental Impact perspective, that would be very significant and in my opinion it would never be permitted by the DEC when we have a safe entrance on Forest Hills Road, it meets all the

requirements and has a minimum wetland impact.

MR. PETRO: I'll give you another answer, forget about DEC and all the other baloney, nobody could afford to do that, if you could sell a unit and get four million dollars for it, somebody might do it. Other than that--

MR. CAPPELLO: This is not only DEC wetlands, it's United States Army Corps of Engineers wetlands, which is Federal wetland which has changed four times since 1993 to go from a nationwide disturbance, used to be able to do one acre without any mitigation, then down to a half acre without any mitigation, now it's 1/10 of an acre.

MR. PETRO: So the bottom line somebody developing that parcel has to be one in a million?

MR. CAPPELLO: Yes.

MS. QUINTYN: My name is Olivia Quintyn, I live a 11 Forest Hills Road right almost in front of the road that they're thinking about putting there somewhere near that area. I wanted to talk about the drainage. When they first, the other people came in they said that it would not, well, to make a long story short, they came in, they put a bridge, they put a culvert so the water could move through and after, before that water was flowing slowly, now the water stands right in back of my home and in back of the other home on 94. What's happening is they tell us not to leave water in containers but we have a whole river full of standing water. And I just went to the dermatologist today, I have bites from going out just to go in my flower garden and you can't sit out on the patio the smell is so bad. Now I have a grandson who's nine years old and I have other kids coming, some of the neighbors' kids that are smaller, if there's going to be traffic coming out there and I'm retired, I stood, it took me 20

minutes to get out of my driveway because the people that were surveying were back in the snow, I don't want to pick up the equipment and move it because I didn't want to violate any rules but I was at the point where I was almost ready to just throw it right in the water but I didn't. Now, the school buses come, they come around the curve, cars come, my neighbors across the street their mailbox was knocked down several times, nobody's going to be, well, a few people but you're not going to count on 85 percent of the people driving 30 miles an hour through there because there's traffic.

MR. PETRO: Before you go on, I want to address the water, we can do that in two ways. One, I want to hear what you're doing with your water on and off-site and then Mark, I know that we have done some work down there recently.

MR. EDSALL: Is this between Forest and 94 in the big curve where there's the channeling that you're speaking where the water is?

MS. QUINTYN: If you come off 94, after you go over the little bridge that they built, I'm the very first house on the left.

MR. EDSALL: Just for your understanding, the Town as part of the Town line drainage improvements had gone to the Army Corps of Engineers to seek approval to a provide improvements throughout the Town and also provide channels in areas where there was not adequate clear area for storm water flow. The Army Corps. were subject to the same, meaning the Town is subject to the same regulations that anyone is relative to disturbance of wetlands. The Army Corps would not permit us to channel that area. We asked several times. We're very upset that they wouldn't. We intend to ask again soon, that's something that we were prohibited from doing and it was one of those silly things where you put a wonderful drainage improvement and they said you have

to stop here and you can start again down here, told us there's one stretch we couldn't touch, made no sense but that's what they did.

MS. QUINTYN: It made a mess.

MR. EDSALL: I can't disagree, it's the federal government telling us we're not permitted and we're intending on going back, saying we're having problems.

MR. PETRO: Just to keep it moving, in the meantime, what are you doing on your site with the drainage?

MS. SAMUELSON: What we have intended to do is keep the same drainage patterns that are currently on the site so that the runoff will be essentially the same as it is existing and proposed.

MS. QUINTYN: There's no runoff.

MS. SAMUELSON: What we're doing we have added three ponds that would attenuate the site flow and let out the same rate that it would.

MR. PETRO: Making retention ponds?

MS. SAMUELSON: Three retention ponds.

MS. QUINTYN: If you're keeping the same runoff there is none, it's standing, I invite and I pray that you guys will come down and take a look at it and just spend, I'll be happy to even have a cookout for you and you'll see, I kid you not, you can't sit out there.

MR. PETRO: What are you doing tomorrow night? Let me, cause this is a serious thing, and I know what Mark's telling you is the truth because we know there was a water problem we're trying to get it straightened out. Now keep in mind there's two things to think about, one, is this application is concerned with their site,

I think you're across the street and the standing water problem is across the street. Now they're going to take care of their problem by these three ponds so they're not going to create anymore of a problem, your problem is the same one that Mark is talking about that needs to be attended to regardless even if they left tonight and never came back that's still a problem there and that's the one you have been trying to work on.

MR. EDSALL: Exactly.

MS. QUINTYN: I just don't want it to become bigger.

MR. PETRO: It won't become bigger because the outflow works, the ponds fill up and the pipe is on the top so it lets the water out at the same time it collects a lot of water before you would have any further outflow and it just doesn't happen that way, he needs to get down there and Mark there was somebody else in talking about the same problem I think when we did the house in the front.

MR. EDSALL: We've heard this complaint before, we weren't happy when we bid the project that they wouldn't permit it to be completed, we're with you.

MR. PETRO: He's working on it.

MS. QUINTYN: I made tons of calls and then when they came in to do that bridge, you know, that bridge they brought this heavy equipment it just sunk our whole lawn down. As a matter of fact, I spoke with everybody down at the Town Hall about it, I showed them all my beautiful plants, flowers, they're all gone, they've cut down trees.

MR. PETRO: Let's keep, try to stay on this application. Call the highway department number.

MS. QUINTYN: No, I have it but--

MR. BABCOCK: Mr. Chairman, this will, this area that she's talking about will be an easement to the Town of New Windsor, I mean, if we're going to go in there and work at it, they're definitely going to be cutting down trees. Typically, we return it, this is the first I'm hearing it, if we run bulldozers onto the property, we would be fixing it so if--

MS. QUINTYN: Well, they didn't.

MR. ARGENIO: This is relevant to a construction project that happened two years ago.

MR. PETRO: I know, we're getting away from the application, let's try to stick with it.

MS. QUINTYN: I'm giving you an example of what happened and just like with the equipment it was my yard, I had a doctor's appointment that I had to miss, I couldn't go back in the snow, they parked it right in my driveway without my permission. All they had to do is ring my bell, they didn't do it.

MR. PETRO: Anything else with this application?

MS. QUINTYN: Well, the only other thing I would suggest that you find another spot that it can go out because with the house here and the house here people gonna crash right into us. We'll never leave home, never.

MS. WILLIAMS: My name is Maxine Williams, I'm the person that's on the corner of Forest Hills Road and 94, I'm the person that my neighbor alluded to, I'm the person that my other person alluded to about the water drainage. I heard the gentleman say something about the widening of the road on Forest Hills Road and 94, that's where my property is so I'm concerned. I heard

you say 4 feet and you hear it in my voice because I don't have all the technical information that my neighbor has but certainly I'm concerned because my house is on that corner.

MR. PETRO: Why don't you show her where the widening is and I'm sure they're within the right-of-way of the road.

MS. WILLIAMS: My driveway, please tell me.

MR. WINGLOVITZ: Here is the right-of-way line that establishes the Town's property, the widening is 4 feet on the north side of Forest Hills Road.

MS. WILLIAMS: That's my property.

MR. WINGLOVITZ: You're on the south side so actually on the south side of the street from you is where the proposed widening is going to be, it's approximately 4 feet and within the Town's property line.

MS. WILLIAMS: Another thing you said about the curve on 94 and you said that was 600 feet away and something about no traffic flow, I've had four accidents in my front yard from the traffic coming around 94 and people trying to get on Forest Hill and I've called the police there, they said again I'm back at your house and that's one of the conditions to try and get onto 94. I'm really concerned about, I'm a teacher in the school district, I understand the need to build housing for families and young children but we're really concerned in that community about what this traffic flow is going to do for us and I need you to hear that concern in my voice.

MR. PETRO: Go over the traffic flow.

MS. WILLIAMS: The drainage, traffic flow, all of that.

MR. PETRO: How is that going to be better than what's there now? Explain that to me, too.

MR. JOHNSON: What it will allow you is instead of taking one lane out Forest Hills Road has a widening so people who want to turn left and right which will be about equal distribution based on current traffic volumes that they'll be able to split the difference in two lanes and reduce the delay which is minimal out there now based on our results.

MS. WILLIAMS: How am I going to get out of my driveway?

MR. ARGENIO: Can I interrupt for one second? When the first lady was speaking, I wrote a note here for myself just so we don't have to get into a lot of business here and the note says driveway right side as you exit Forest Hills Road will be a problem. You guys have got to look at that traffic, got to look at that, you know what I can see happening, when you were speaking, the first young lady was speaking, I grew up at 21 Forest Hills Road and I know some of the faces in the audience here, you know what the problem's going to be, if Williams turns into Forest Hills Road and then she wants to go into her driveway and then somebody wants to turn into Forest Hills Road from 94 the traffic's going to stack into 94. You guys should look at that. That's all and I didn't mean to cut you off but a lot of people want to speak and I don't want to kill that so you guys go.

MS. WILLIAMS: Thank you for adding that.

MR. PETRO: So how would you address that?

MR. JOHNSON: The extra lane allows vehicles to stack in two lanes versus one lane.

MS. WILLIAMS: Talking about going in and going out?

MR. JOHNSON: Allowing people to stack this way allows less stacking distance, less vehicles in one lane so you have an opening to get into here. Also with the amount of traffic that will be generated by this project, it will not be a lot of vehicles coming out of here when you're coming in.

MS. WILLIAMS: How can you tell that?

MR. JOHNSON: Based on our traffic study.

MR. PETRO: Okay, hold up.

MS. WILLIAMS: Thank you very much.

MR. SAGER: My name is Steve Sager, 67 Forest Hills Road. First what you said bothered me about the light or whatever when something happened then eventually DOT would come in, I think we're all here trying to make sure that that doesn't happen before what these people are telling you is from experience, not from a study. He was gone 13 years or how long you have been gone, you know, the same thing is there all the time.

MR. PETRO: Usually DOT doesn't act until there's a problem.

MR. SAGER: We're trying to say there's going to be a problem from experience. The other thing you said there was originally 150, 130 units did you have?

MR. PETRO: Yeah, there was 135, I believe and you brought it down to 115.

MR. SAGER: Do you have a plan for that presented to you?

MR. WINGLOVITZ: In the original plan.

MR. SAGER: Where did you put them, the wetlands is all the way around?

MR. WINGLOVITZ: They were more tightly packed on site.

MR. SAGER: Can we flip this over to the other plan?

MR. WINGLOVITZ: That's just one.

MR. SAGER: The original plan I saw today shows the wetlands which this does too all the way around, I can never figure out where were they going to put the other ones?

MR. PETRO: Just tightly packed, the zoning requires 6 units per acre there so they were just more tightly packed.

MR. SAGER: I'm right behind, my house is one of the ones behind the 50 foot, I really don't have any objection now that I found out how high the fence is but my problem here is I just can't understand if you're going to be 500 feet away from Hudson and 50 feet or 75 feet, in other words, and you've shown where the wetlands was going to be, is that something that they propose right along all the way around you decided to?

MR. WINGLOVITZ: We try to use the natural features of the site to develop the site, that's part of it.

MR. ARGENIO: Steve, I think there's a lot more water between Hudson, a lot more, from a kid, I'm remembering back there's a lot more water between Hudson and the project than there is between your back yard and the proposed project.

MR. SAGER: There's no reason why, I'm just asking the question why it couldn't be tucked over that far, especially when you say that originally there was more

units proposed and I couldn't figure out where they were going to go but you're saying they were more packed. I can't ask anymore, other than reiterate what they have all said about this, I mean, you have to live there, I know your plan did bother me when you said come down and look at it, when you start to have a problem, an accident, well, that's what you did say, you said DOT will come look at it when it becomes a problem, that means I would think, you know, an accident, we're trying to save you, the people aren't going to be able to, we're not trying to say this shouldn't be built, just trying to figure out a way of doing this. That's about it.

MR. PETRO: This man's been very, trying to get up here for 15 minutes here.

MR. ESTILA: I'm Carlos Estila, I live at 24 Forest Hills Road. I'm a truck driver and it takes the length of a football field to stop a truck going at 40 miles an hour, okay, and going around those turns there I have watched plenty of the neighbors almost get rear ended with people coming around those blind turns. There's trucks, I travel 94 back and forth every day, there's trucks running back and forth 94 every day. Once that traffic backs up around that bend, there's no way a truck is going to stop, it would go over top of three or four cars. How are they going to fix that? Now this thing here, this driveway, this widening of the road, the traffic is going to back up both lanes all the way down to my house which sits right here at this bend where they're going to put the road, the road is going to go right alongside of my house. Now, that's all wetlands, if they can't fix the water problem in her yard, why can they build over the wetlands or through the wetlands?

MR. PETRO: Well, why don't you answer that?

MR. ESTILA: This is questions we all need to know.

MR. CAPPELLO: As part of this, this doesn't stop here, I mean, this has to be submitted to the New York State first, the entrance has to be submitted to the DOT, they're going to look at our traffic patterns, that's when, talk about when there's going to be a problem they have standards, that's what they use, that's how they regulate it because this entrance exists now in this problem exists now we're going to see more cars there, we're fixing it but that we'll look at the traffic and when the traffic warrants the number of cars coming there, they'll reduce the speed limit if, it needs to be reduced then they'll reduce it or require but that's how they regulate it, that's how you address it. And the other issue on the wetlands is we're disturbing what, a quarter of an acre, so to disturb a quarter of an acre, the Army Corps will require you to mitigate two to one so we'll have to do a acre of creation of wetlands out of how many acres on the site?

MR. WINGLOVITZ: We've got plenty of areas.

MR. CAPPELLO: We've got plenty of areas to mitigate the quarter of an acre but we're staying away from 99% of the--

MR. PETRO: What he's saying very simply is a quarter of acre he's going to give back a half acre on the site.

MR. ESTILA: You're going to multiply the traffic by ten, once somebody gets killed DOT will address the issue, is that what I'm hearing now basically?

MR. CAPPELLO: We're saying we're going to give all the warrants to DOT, the studies to the DOT so they can determine before something happens.

MR. PETRO: This line of questioning isn't proper

either. What happened I think when you spoke before I keep saying you, Tom Johnson said that before I don't think it was a good choice of words, I think what he's trying to say is not necessarily untrue, at this time, the DOT says there's no further mitigation needed on the roadway for what they're proposing. Later on if something happens that's when he's coming and saying then they'd look at it, same as Forge Hill Road. I went to school in Cornwall that was bad in 1970, it was bad in 1980 and it's taken all this time to get a blinking light, whatever they put there on 9W and Forge Hill Road because there's B13 deaths there. I think your choice of words was not correct and you got three or four people wound up. I think at this time they're saying nothing else is needed such as a blinking light, signage, three-way light to mitigate their impact.

MR. JOHNSON: I did not say that something has to happen before you look at it. They would be in charge of maintaining any traffic flow, light, any flashing light, there's maintenance costs, electricity costs that they'd have to be in charge of paying for and maintaining. There has to be a clear need to install the signal for them to incur the costs with the sight distances out there that meets the speed limit and above the speed limit criteria, there would be no, probably no need in their mind to incur those costs.

MR. WINGLOVITZ: They'll review the project fully.

MR. JOHNSON: There are other issues.

MR. ESTILA: You guys said you made some studies, what time of day did you do the studies, at 9 o'clock when everybody's at work or, you know, because four or five o'clock in the afternoon from 3:30 in the afternoon you've got to wait a half hour, 45 minutes to make a right or left-hand turn.

MR. JOHNSON: Our traffic counts are done during the

morning and afternoon peak periods, commuter periods, our traffic volumes are based on collected data.

MR. PETRO: We're going over and over the same thing. I think we need to also understand that the traffic study is not complete or done yet either, this is going to go to DOT and they're going to give further recommendations so it's not out of the question yet that they may come up with some further mitigation on the site. Is that correct?

MR. WINGLOVITZ: Correct.

MR. PETRO: I.e., a signage and/or a light, you don't know what they're going to come up with yet, this is your proposal to them, they're now going to come back to you and say this is what they need or you feel that this is pretty much that they look--

MR. JOHNSON: What the DOT will be looking at will be a widening of the intersection. We don't have direct access to their highway, they'll be looking at the numbers in relation to the improvements at Forest Hill Road with Route 94, they have to sign off on any highway plans or any improvements.

MR. PETRO: So you feel it's going to stay the way it is or you think there's going to be other improvements?

MR. WINGLOVITZ: I mean based on Tom's experience with the DOT, we don't think there's going to be anything else required, that's part of the study, that's why we do the study, what they're going to require so we can propose it ahead of time.

MR. PETRO: The planning board can make a recommendation to the DOT such as signage down the road, they're not aware just how trucks come around that turn down where you're talking, down by the doctors' officers coming the other way.

MR. ESTILA: The new doctor's office.

MR. PETRO: Mark, why don't we take a look at that ourselves?

MR. EDSALL: I'm making a note.

MR. PETRO: Let's make a recommendation, let's get a recommendation also from our own engineer's traffic study?

MR. EDSALL: We'll look at it and we'll coordinate with DOT.

MR. PETRO: The planning board can put additional information to the DOT, we don't own the road so obviously, we just can't go do it, but I think what you're saying the other people are saying is true that that is a spot that unless you're really local you don't really know quite how bad that can be there and you know if you're sitting there in Albany and looking at this, well, 600 feet away, they don't need anything so we'll look at it.

MR. ESTILA: The truck will slide 600 feet within a matter of seconds.

MR. PETRO: We're going to address it and I'd like to get on a different subject with somebody else because I really think we've got a good handle on the traffic. Once we get a real good idea of what we can do, we can only go so far. Remember it's a state road, so we can only suggest to DOT but once we do that we're also kind of putting them on notice so that's a good idea that we make that recommendation.

MR. ESTILA: But you still have the problem of getting out of our driveway and the other lady getting out of her driveway.

MR. PETRO: Well, keep in mind they've done a lot of work here, I think that they're trying to do the best we can there.

MR. ESTILA: But look at this though, I mean, really, the corner's right here, her driveway is right at the corner so you've got one, two cars, her driveway's blocked.

MR. PETRO: He's trying to say that you do have the double lanes so you have--

MR. ESTILA: But even so.

MR. EDSALL: Jim, I think the purpose of the public hearing is to listen to comment and then there has to be answers determined, it's not going to be answered tonight.

MR. PETRO: We're not going to be making a determination tonight, we're going to talk about the drainage.

MR. ESTILA: Like I said, my house is right here on the corner so that road is going to come down like this, what happens when somebody comes down the hill in the wintertime and slides through like they've done plenty of times, whoever is sitting in the corner is done.

MR. PETRO: You made your point, we're going to look into it. Thank you.

MS. HARRISON: I'm Jean Harrison at 60 Forest Hill Road, when you come locally, look, can I just point something out to you, you maybe perhaps this is not just this, it's this driveway anyway making a left into here and this is a culvert right here, this is a ditch about four or five feet deep, so when you go over there that side of 94 directly across from Forest Hills Road

so any car coming that doesn't know there's people going to be making a left turn they think they can go around the right, they just grind right out on the bottom of the car cause there's a culvert right here.

MR. PETRO: Let's look at that, too, that's a good point, we'll bring Mr. Kroll with us.

MS. HARRISON: You said there was 65 envelopes mailed?

MR. PETRO: Yes.

MS. HARRISON: Wouldn't we all have been one of them?

MR. PETRO: I think it's within how many feet of adjoining property owners?

MS. HARRISON: We all got them for the other proposed development.

MR. PETRO: Adjoining property owners.

MS. MASON: Yes.

MS. HARRISON: That's changed since Foxwoods?

MR. PETRO: What's your address?

MS. HARRISON: 60 Forest Hills Road, I'm directly across.

MR. BABCOCK: She must be on the south side. Keep in mind the Town makes the list, the applicant doesn't so the Town Assessor's office is the one so it's not the applicant to be able to pick and choose who would come, so they get the list from us, we verify the list.

MR. PETRO: We verify they were mailed.

MS. HARRISON: I was just curious.

MR. FINKLE: Al Finkle, 79 Forest Hills Road, I signed in. Okay, you've got one road coming in here, got 115 units conservatively saying half of the people work between in the mornings between working hours say between 6:30 and 8:30, you'll have 75 cars coming out here at one time, end of program, just doesn't make any lane turns, you have, you need a tunnel there. How are these people on Forest Hills Road going to get out? Are you going to put a stop sign on the road coming here or going to put another stop sign to Forest Hills Road?

MR. PETRO: Why don't you answer that?

MR. JOHNSON: There would be a stop sign on the access road to the new development.

MR. FINKLE: So coming out of the new development they would have the stop sign?

MR. JOHNSON: That's correct.

MR. FINKLE: Okay, I'll go back to my original thing, conservatively speaking, if half of the people are working and most families two people are working, during the rush hour it's just impossible to work, I mean, you don't have to be a genius, you don't need to be DOT, just take the numbers, look at the road and somebody explain to me how this is going to work, it's not going to work. That's all I got to say.

MR. PETRO: Anything other than traffic or drainage or anything you'd like to talk about? Just want to get a different subject because we've got a pretty good handle at what we're talking about, I think they're all valid points, I just want it on a different subject.

MR. SAGER: Can I ask one question? Did they ever look at another exit onto 94?

MR. CAPPELLO: Several.

MR. SAGER: Onto 94, in other words, at one time you had a house that they were--

MR. WINGLOVITZ: There's no property that we own or are in control of, I should say, between 94 and the site, A, one issue and B, is that this is a huge wetland and any crossings would have significant, especially onto 94 would have significant wetland impacts.

MR. SAGER: Aren't you crossing it to bring the boulevard entrance out?

MR. WINGLOVITZ: Correct, yes, we were doing it, very minor wetland impact as opposed to a crossing of 300 foot wetlands in a location over here so it's a lot less impact.

MR. SAGER: It's impact on the wetlands but it's more of an impact on traffic.

MR. WINGLOVITZ: It will be the same number of vehicles whether it's here or here.

MR. SAGER: But not trying to all get out of one exit.

MR. PETRO: You know what happened is this is I think the fifth time they've been here and one of the first times when they came in I think the board had requested that they look at 94 and either obtain a piece of property but they don't have any property there, they don't have control anymore, we as a board cannot tell them to go buy a piece of property.

MR. SAGER: The question was I just wanted to know if they even entertained.

MR. PETRO: Everything you're thinking about we've done

three times, believe me, we tried every entrance.

MR. QUINTYN: I think the point should be made. My name is Shawn Quintyn, I live at 11 Forest Hills Road.

MR. PETRO: The old application that house was purchased for that reason to be torn down and that was the exit on 94 to alleviate some of the other, at that time, it was going to Hudson and Erie at the same time and I think the owner who had the property decided he wasn't, he threw the hat in the ring first thing he did, he sold that house and that was, there's the exit that he had, but we tried to get him to go there.

MR. QUINTON: I just wanted to ask about what about all the wildlife that lives in the 72 acres of land, where they're going to go?

MR. PETRO: Do you want my standard answer or want a more polite answer? My standard answer to that question because we do about 115 applications a year, we do about 40 public hearings and I hear that usually 40 times. I'm not going to give you the standard answer, it's going to be displaced and it will go where there are places to go. It's not really a planning board issue, in other words, I can't say where is the rabbits going to go and I asked that question years ago when I built Orange Boat Sales which I own on 9W and the old fella that sat over there said to me where did they go when they built your house. And that was his answer. But that's not the answer you want to hear, they'll be displaced, they'll find another place to go as they do, I mean, it's not like we're New York City, there's 75 acres.

MR. WINGLOVITZ: Fifty acres are not going to be touched.

MR. PETRO: This is a 75 acre site and you're disturbing 25 acres, 30 percent of the site so on this

particular application, they certainly have room to go.

MR. QUINTON: And I know you don't want to hear about parking but I know these guys are professionals, right, they use their studies and everything, let's just use common sense, you're adding an extra 200 cars to a small 100 meter strip of road, how is that not going to create a lot of traffic?

MR. PETRO: On that subject, let me ask you this, too, cause I'm sure we looked at it before, did you ever look at moving that back and why is the entrance to your development not further back on Forest Hills Road? Why did it come out on that particular spot? I'm sure I've asked that before but I don't remember the answer.

MR. WINGLOVITZ: That's where we have access to Forest Hills Road, any further back would be in that gentleman's house.

MR. BABCOCK: Forest Hills Road goes in and makes a sharp left so they're right just before you turn.

MR. ARGENIO: The reason the road makes the sharp left is because there's a huge steep hill behind that first house.

MR. PETRO: Just alleviate a lot of the problems if it was further back, you wouldn't have the staging in the top part of it.

MR. WINGLOVITZ: Always the perception you have 15 cars, the threshold is up here and there's 15 cars, we're going to add a certain amount of cars to that, yeah, we're going to double the traffic, triple the existing traffic but we're still way below the threshold for that, that road has the capacity to take, it's always a perception, yeah, there's a lot more cars than are there now, obviously nobody's saying there isn't but the capacity of the intersection based on all

standards is much higher than it will be with your existing residents and our proposed residents, it's, the perception is there's so many more.

MR. PETRO: We've heard a lot of information, is that it for now?

MR. QUINTON: I just see a picture halfway up the hill.

MR. PETRO: We can't go any further up, you heard me asking and we tried to do that before too so is there anything different?

MS. ESTILA: Have you considered your snow removal because my house is right there right next to the woods, the snow removal in your Town brings the snow down the street and they have nowhere to remove the snow so they push it through the side of my yard where this road is going to come out and every spring they have to come and do my yard over in the front because the plow takes up the whole yard. Then you also put a little drain like near my driveway, the water comes all the way down the hill, of course, and it runs into the drain but it's bringing everybody's leaves, everybody's trees and it fills up this drain there and then all the water goes into these ditches that you have alongside the road there and even making this road bigger, ask my mailbox how, you know, how much more this traffic is going to do with the traffic that's on this street now, my mailbox has been knocked down over ten times, I've had a girl come down the street, misjudge the road when another car was coming up, she went straight through my yard and into the woods where you're planning on building this.

MR. PETRO: The snow all you really need to do you need to call the highway department if you have snow built up, it's blocking sight distance or you can't see, they've got to remove it.

MS. ESTILA: I'm not saying that they push the snow from the road.

MR. PETRO: Into where they're going to build the new road where is it going to go now? They'll have to move it further in or remove it, they'll have to remove it.

MR. EBERT: Jerry Ebert again from The Sentinel, again, if you just quickly explain where are we at with the SEQRA process on this thing?

MR. PETRO: Mark, field that, please?

MR. EDSALL: At this point, they have submitted a full EAF with two attachments, one being a traffic study, the other being storm water management report, it's under review. Planning board has not made any determinations at this time.

MR. EBERT: Can you explain who owns the land?

MR. WINGLOVITZ: Balco Enterprises, Balco Enterprises.

MR. EBERT: B-A-L-C-O and sir, they're from?

MR. WINGLOVITZ: New Windsor.

MR. EBERT: Do you have any names of principles on that?

MR. WINGLOVITZ: I do not.

MR. CAPPELLO: We're contract vendees.

MR. WINGLOVITZ: Current contract vendee is Meadow Creek Development.

MR. EBERT: They're from?

MR. WINGLOVITZ: They're from New Jersey.

MR. EBERT: What town?

MR. WINGLOVITZ: Westfield.

MR. EBERT: And does anybody know the names of any of the principle owners?

MR. PETRO: Jerry, if you want to do a report, do it after the public hearing. All right? I mean, I don't mind sitting here.

MR. WINGLOVITZ: All this information is available with the plans.

MS. QUINTYN: What about the lighting in the area?

MR. PETRO: That's a good question, why doesn't somebody field the lighting? Are you that far yet?

MR. WINGLOVITZ: Yeah, nobody has requested lighting, we would probably propose lighting along the street, especially along the walkways similar to what we have on other developments in the Town.

MR. PETRO: The right answer is we don't know yet but we're going to find out. Mark, write that down also.

MR. EDSALL: I wrote it down already.

MS. GROVE: Very quick, what happens after this, are we invited to another public hearing? How do we know the follow-up to what--

MR. PETRO: No, there will not be another public hearing but you're certainly welcome to come to any of the, well, planning board meetings are always open to the public, you can contact Myra any time to get an agenda and any time this application comes back again and they'll be back a number of times, I'm sure you're

certainly welcome to sit in and listen. On occasion, even though it's not a public hearing, if I see somebody really squirming out there, I will field a question and that's out of normal procedure but we do do that at the New Windsor Planning Board. Okay?

MS. GROVE: And the Environmental Impact Statement that you say is being updated?

MR. EDSALL: I did not say that there's an Environmental Statement being prepared, it's an environmental assessment form, it's the long form EAF with two studies, there's not an EIS submitted on this project. The board made no determinations as to the significance nor have they determined if any additional information is required.

MR. PETRO: Okay.

MS. MC GRATY: Mary McGraty (phonetic), I live on Hudson Drive, I live on the other side of the wetlands. I understood that you could build a road on wetlands, a road you could build on wetlands, why couldn't they build a road from there to Erie Avenue not on the curve but on Erie avenue?

MR. PETRO: I'll let you field that, go ahead, John.

MR. CAPPELLO: Well, disturbance of wetlands there's no exclusion to allow roads under Federal wetlands you're limited to .10 acres, 1/10 of an acre disturbance without doing mitigation, if you go over an acre, you're in a whole new level of ball game.

MR. PETRO: I think you had misinformation there. Motion to close the public hearing.

MR. SCHLESINGER: Motion to close the public hearing for Woodlawn Manor.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Woodlawn Manor multi-family project on Forest Hills Drive. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: I'm going to open it back up to the board for further review or any questions back by the board, you can bring those back around, all right, you've heard everything that we heard tonight so there's going to be a few things that we do want to look at, one would be certainly the lighting at that intersection, come up with something there, Mark, for you to look at, the biggest one though I think is we need to look at the traffic ourselves, maybe get, I really would like to get an independent to augment what they have done as far as the curve and off-site.

MR. EDSALL: If acceptable to the board, I will contact John Collins Engineers, Phil Greeley, who we work with on many occasions in many cases, he's a special consultant to this board and I will have him look at the off-site conditions and as well look at some of the issues that were raised tonight.

MR. ARGENIO: Mark, asterisk next to Williams' driveway cause I think that's going to be a problem.

MR. EDSALL: It already has an asterisk, as a matter of fact.

MR. PETRO: The other one that was a good thing was the point was that ditch on the east side of 94 because if there's some stacking on 94 making a left going in, I mean, if there's nobody, I cannot imagine anybody in the room never going around the car on the right-hand side. If they said no, they'd be lying.

MR. EDSALL: Only if there's two cars stacked.

MR. PETRO: Maybe Henry should take a look at that.

MR. EDSALL: I would think that the appropriate procedure would be take a look at all the concerns and if there are recommendations we can share them with the applicant but as well share them with DOT so when DOT receives the information they can get back to us.

MR. PETRO: Okay, any of the board members other than what the public has mentioned have any other comment at this time?

MR. KARNAVEZOS: The only comment I would have, Mr. Chairman, is I do also know this road too and I have spent plenty of time sitting there waiting for the traffic and they really need to look, I know they have tried before but they really need to look again, find another at least a second egress ingress, either Hudson Drive or Erie along the side but they need to find a second entrance and exit.

MR. PETRO: Why don't you explore one more time up on 94, I know this is a little late in the game, we started it this way and we had asked and we didn't get too far but on 94, why don't you see if there's another home that either is for sale or a way to get to it your wetlands there is not so bad that you can't cross it, it was going to be done at one time, look back at that, see what's available.

MR. WINGLOVITZ: That project didn't come back, that's probably why.

MR. PETRO: Okay but--

MR. WINGLOVITZ: We'll take a look at that.

MR. PETRO: And I know that we can't do anything with Cherry only because the access point on 94 is so bad that that's not going to help us so look at that again and we have enough comment. Neil, do you have anything?

MR. SCHLESINGER: No, I think we covered all the bases.

MR. MASON: I'm good.

MR. ARGENIO: No, Mr. Chairman.

MR. PETRO: Thank you for coming in. I would get together with Mark.

MR. WINGLOVITZ: We'll schedule a work session.

MR. PETRO: Get going on everything that was talked about tonight.

REGULAR ITEMS:

KEILLY ESTATES (COLEMAN) (03-01)

Mr. James Dillin appeared before the board for this proposal.

MR. PETRO: This project proposes subdivision of 24.1 acre parcel into 10 single family residential lots. Plan was previously reviewed at the 22 January, 2003, 24 March, 2004 planning board meetings. Located in R-1 zoning district of the Town, required bulk information on the plan is correct and you can go from there. We made minor changes, I think the board did, the lead agency mailing, we added a few things the engineer wanted. Any response for the lead agency mailing?

MS. MASON: No.

MR. PETRO: Motion for lead agency.

MR. ARGENIO: So moved.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Keilly Estates major subdivision. Is there any further discussion? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: We had a public hearing. I will entertain a motion for negative dec.

MR. ARGENIO: So moved.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare a negative dec under the SEQRA process for the Keilly subdivision on Lake Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: Mark, go over those two bullets that you have on number 2, please.

MR. EDSALL: Yeah, Jim did a good job, we had a number of issues to get fixed and he took care of those. What he did was he added the net area on sheet 3 but didn't add it on sheet 2 and there's one lot on sheet 2 that's affected by the subtraction. So on the final plans just show net area for all the lots and I'm just, the second bullet just advising you that we do have additional information and we're looking at it, if we need anything additional while Jim's at the health department we'll ask for it.

MR. DILLIN: Okay.

MR. EDSALL: It's in good shape.

MR. PETRO: Any of the members have anything you want to review? Entertain a motion for preliminary.

MR. ARGENIO: Motion for preliminary approval.

MR. MASON: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant preliminary approval to Keilly Estates major subdivision on Lake Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

BUILDERS ASSOCIATION OF THE HUDSON VALLEY (04-13)

Mr. Mark Day appeared before the board for this proposal.

MR. PETRO: Proposes reconstruction of the rear portion of the building into two stories. The plan was reviewed on concept basis only, NC zone, proposed use is use by right in the zone, bulk information shown on the plan is correct for the zone and directions are needed for the proposed values. There's quite a few of them, get a copy of Mark's comments and fix those. You don't need to go over them. Why don't you give us a general idea of what you want to do? Where is this located?

MR. DAY: It's on Little Britain Road, it's 1161 Little Britain Road, some of you may have known it as the Volpe Insurance.

MR. BABCOCK: By Little Britain School across the street from Little Britain school.

MR. PETRO: There's an empty lot on the corner.

MR. DAY: This is Jackson Avenue and this is the empty lot, this is a small ranch with a masonry addition.

MR. PETRO: It has lot of bottom space that can't be used because the ceilings are too low.

MR. DAY: Basically what we're here tonight to present is if any of you remember what that building looked like these are the proposed front elevations, this would be the proposed west elevation which would be looking this way towards Jackson, this would be the easterly elevation looking this direction. One of the proposals we're here tonight to discuss is we're going to basically remodel the existing house, take the roof off, we're going to add a second story to the existing

masonry portion of this building. Right now, it's a single story, it comes up about halfway through the second story of the house, we're going to add a legal floor onto that and then revamp the roof to kind of bring this altogether as one structure to make it look more uniform. We're also coming behind the building with a pavement and we're going to pave around this so that we meet our paving requirements.

MR. PETRO: Going to do anything on the other lot? There's a sub size lot on the corner.

MR. DAY: This is not part of it.

MR. PETRO: Secondly, there's no sewer, are you going to have a septic system for commercial property like this?

MR. DAY: Right, there's an existing sewage system here, we're proposing to revamp that, we've made the proposal as part of this application to do that over.

MR. SCHLESINGER: That's the building, the sprinkler system people were in?

MR. PETRO: Yes. You're going to be over 5,000 feet when it's complete?

MR. DAY: It will be this area down here is going to be storage so when you say 5,000, it's not 5,000 habitable, we're asking that we're going to be utilizing the lower floor, that's not as you mentioned, we're not using that, that's only for storage for the Builders Association.

MR. PETRO: Mike, that lower section where you mentioned storage, I think if it's a tenant in the building it was okay to have the storage, wasn't there a problem with storage?

MR. BABCOCK: Actually, what the last tenant did is moved out the storage and moved in desks, actually made office areas in there, we asked them to move out. Storage we don't, we have no objection to.

MR. PETRO: In the 5,000 foot calculation you're going to calculate that in for the sprinkler system?

MR. BABCOCK: I don't know that that's the case, it's not an additional 5,000 square foot so I don't know the fire--

MR. PETRO: It will bring the entire structure over 5,000.

MR. BABCOCK: I don't think that that does that.

MR. PETRO: Okay then--

MR. BABCOCK: I think that the sprinkler system will come into now the use of the building and if there's an assembly use that goes over a hundred people then they'd be looking at a sprinkler system. I'm sure they have talked to John McDonald, there's something here.

MR. ARGENIO: It doesn't meet the requirement because it doesn't reach the threshold of the use, is that it?

MR. BABCOCK: I don't know that yet as far as the State Code, I don't know that.

MR. PETRO: Tell you what, it's not a planning board issue, I'm just making you aware of it.

MR. ARGENIO: Jim, I was curious for myself.

MR. PETRO: Fire says here 25 foot access from the side lot to the back lot shall be 30 feet wide to allow emergency vehicle access to the rear. Should cars be parked on either or both sides, I guess you're showing

25, he wants 30?

MR. DAY: Okay.

MR. EDSALL: He wants to open up the aisle width to 30 instead of 25.

MR. DAY: That's fine, we can do that.

MR. PETRO: What do you want to do tonight because you have so many--

MR. EDSALL: This is the first appearance, I did go through it and tried to get as many issues listed as possible so they can get the plan cleaned up for the next appearance, I would think you, number one, we can ask as I noted comment 3 the curb cut is not changing, correct?

MR. DAY: That's right, everything is going to remain.

MR. EDSALL: Does the board want to refer this to DOT or do you want to keep it in-house?

MR. PETRO: If the curb is not being touched, let's not refer it, why stir it up for no reason? Probably going through a lot not to disturb it for that reason.

MR. EDSALL: Just confirming that if that's the case and they're not changing the curb cut entrance I'm not aware of any other agencies that would be involved. I believe looking at the flow you're less than 750 gallons per day average flow so I believe you can take lead agency tonight.

MR. PETRO: Entertain a motion.

MR. ARGENIO: I'll make that motion.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Builders Association of Hudson Valley site plan on 207. Is there any further discussion? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: I'd like to see the plan moved along one more meeting before we schedule a public hearing though because there's so many comments here that Mark has general layout, let me read some of these things.

MR. EDSALL: Jim, there's nothing on here of great significance that's going to change the layout of the plan. If you want to save one item on the agenda you could authorize a public hearing, I'll make sure that the plan is cleaned up.

MR. PETRO: I don't want to see all these items.

MR. EDSALL: That is if you want to have one.

MR. PETRO: I think we better if you feel he can get these all cleaned up that's fine, we'll schedule a public hearing so save them a trip back.

MR. ARGENIO: I'll make a motion we schedule a public hearing for Builders Association.

MR. KARNAVEZOS: Second it.

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

New Windsor Planning Board schedule a public hearing for the Builders Association of Hudson Valley site plan on 207. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: I'll tell you I think overall I don't see any problem, get back together with Mark, just go over these bullet items and you're not going to be bothering the DOT, lead agency we're going to have a public hearing, I think you're well on your way.

MR. DAY: Thank you very much.

CORRESPONDENCE

CORNWALL COMMONS LLC (00-06)

MR. EDSALL: As I understand it, they have a letter in to the board requesting an extension OF their preliminary approval. It may in fact be expiring either in late July or August. What they're requesting is six months from that date forward. I reviewed the new code under 257-13 paragraph H, it does allow extensions for six months. Just so the board's aware of it, the new code limits it to four extensions unless you can prove a specific hardship or cause why you should get more than four extensions, you're not going to get it so there's a limit now on the new version of the code so I would recommend that you grant the six months.

MR. PETRO: Motion for a 6 month extension.

MR. ARGENIO: So moved.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant 6 month extension to the Cornwall Commons. Any further discussion from the board members? If not, Myra, you'll check the dates, make sure they run together?

MS. MASON: Yes.

MR. PETRO: Roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE

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MR. PETRO

AYE

DISCUSSION

DAVID PLOTKIN

Mr. David Plotkin appeared before the board for this review.

MR. PETRO: Give us a, very briefly now, I don't want to get into a big deal, just very briefly what you have there, what you want to do. I know you have a letter and you have comment from the DEC, you have railroad ties, I'll let you say it.

MR. PLOTKIN: Yeah we're here in response to the Town received a complaint and we got a copy of the complaint through--

MR. PETRO: Complaint that you were storing railroad ties on a piece of property?

MR. PLOTKIN: Complaint that we didn't have a SPDES permit for discharge of water and didn't have a detention pond.

MR. ARGENIO: Walsh's Road or down by the river.

MR. PLOTKIN: Walsh's Road. We do have a detention pond and we do have a SPDES permit which we obtained 1997 and it's currently renewed each year.

MR. PETRO: Can we have a copy for the records? Fax her a copy, tomorrow is fine. Do you have a copy or you can fax her a copy?

MR. PLOTKIN: We have one for you right here.

MR. PETRO: That ends that problem for the SPDES permit. Thank you. Now the storage of the ties itself which is what you want to continue doing, they're not emitting any type of product that would be harmful or

you would have a problem with the DEC?

MR. PLOTKIN: I'll let Ray talk about that and in researching this, you're going to find something amusing.

MR. STACKHOUSE: We wholesale the railroad materials, Ray's Transportation, Raymond Stackhouse from Ray's Transportation, we wholesale the railroad materials, they do not, I guess leach would be the word into the ground, there's been many, many studies done on this subject particularly from all the railroads, that's the reason why the railroads are allowed to use railroad ties.

MR. PETRO: I was going to ask you a question if that were the problem, wouldn't the entire east and west coast have a problem?

MR. STACKHOUSE: Exactly.

MR. PETRO: Because they're underneath the tracks.

MR. STACKHOUSE: The actual ties that we handle are used so if anything they're going to be less likely to leach than new railroad ties. But in doing some research, I did find out like Dave mentioned that wood creosol has been used as a disinfectant, a laxative and a cough treatment but has since been replaced by better medicines. I didn't even know that.

MR. PETRO: Well, Jerry's been using the laxative part for years.

MR. ARGENIO: That's why I am the way I am.

MR. STACKHOUSE: Basically, a wood preservative that's natural, it's not a hazardous material like the green material, the arsenic that's in pressure treated wood

and basically that's it in a nutshell.

MR. MASON: Is this in a residential area?

MR. ARGENIO: Going down Walsh's Road on the right side you get to the bottom of the hill.

MR. SCHLESINGER: Do they emit an odor?

MR. STACKHOUSE: No, the new ones do but maybe from me to you.

MR. SCHLESINGER: What's the complaint?

MR. PLOTKIN: I think the complaint was visual complaint or just looking at this but--

MR. STACKHOUSE: You can't see it from the road.

MR. PLOTKIN: Prior to obtaining a lease, I spoke to Mike and what the zoning was and the zoning on that property is garage and wholesale lumber and that's exactly what's there.

MR. PETRO: I think he's got a letter from DEC if they don't have a problem, they're not bothering anybody, it's been there for years. Anybody who has an objection to it?

MR. ARGENIO: No.

MR. KARNAVEZOS: No.

MR. PETRO: So I think the board is unanimous, there's no problem. You have a letter, you have a copy of the letter, Myra?

MS. MASON: Yes.

MR. PETRO: The TSDF permit, SPDES permit.

MR. PLOTKIN: SPDES you have that, I think that's the only one we need.

MR. PETRO: Is this a disposal site?

MR. PLOTKIN: No and they're talking about metal fasteners, that's the plates that are removed from the railroad ties.

MR. PETRO: What's the the TSDf permit?

MR. EDSALL: I've not heard of one.

MR. PETRO: Just look into that, please, if it's substantial, we'll get back in touch with you. In the meantime, nobody has a problem with your continuing the operation and we appreciate you coming in.

MR. PLOTKIN: Thank you.

HIGHVIEW ESTATES

MR. KRIEGER: I contacted by Steve Reineke, who is the attorney for Biagini on the Highview Estates thing, he wants to get back on the agenda.

MR. PETRO: Who contacted you?

MR. KRIEGER: The attorney for Highview Estates.

MR. PETRO: Have they been in contact with Romeo's attorney and is there any progress?

MR. KRIEGER: He said he got a phone call apparently they're playing telephone tag.

MR. PETRO: But I want to settle it between the attorneys and you, no sense coming back to us, we're not going to mitigate anything, come up with any brainstorm, they've got to get together and come up with a plan, the attorneys have got to start talking. What good is coming back here, let me ask you that, what would that do?

MR. KRIEGER: I'm just relaying the request. It's not--

MR. PETRO: Relay the request back unless progress has been made, some movement forward, until that time comes, they can tell you what's happened that there's been progress.

MR. KRIEGER: And specifically you're looking for an agreement between them and the Romeos?

MR. BABCOCK: For Romeo to sign the application, right now, basically, Romeo is the owner of the property.

MR. PETRO: We need a proxy or signed application which Mike is saying we need something, there's no sense

coming back here if we're right back to where we started from.

MR. KARNAVEZOS: Was that the one that they were here?

MR. PETRO: They didn't get along, the two people, Biagini and Romeo, they said they were going to try and work on it.

MR. BABCOCK: Biagini had a 3 lot subdivision, he built the house on one of the lots, sold it to Romeo to sell and close, he had to close and sell them the whole parcel because it wasn't a final subdivision, when he had an agreement between them and that once the subdivision was done, those two lots would revert back to him, simple terms, they now own all three lots so they have to sign the application. They're refusing because they didn't have a good working relationship with Biagini so his problem is he needs them to sign this application. That's basically what it is.

MR. PETRO: And there's no sense coming back here staring at it and there's nothing signed.

MR. KRIEGER: Just so that you're aware in the conversations I had with him, he was beginning to make mitigation noises, litigation noises.

MR. PETRO: Against the Town? Under what grounds?

MR. KRIEGER: Wasn't that sharply defined but--

MR. PETRO: You know what, that's not the worst thing that can happen, let them make litigation, let the judge tell us to review it.

MR. KRIEGER: It didn't rise to the level of threat, that's why I phrased it the way I did.

MR. ARGENIO: That's coming from Biagini?

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MR. KRIEGER: His attorney.

MR. PETRO: Good. I like that course of action, too.
Tom, anything else?

MR. KARNAVEZOS: No.

MR. ARGENIO: No.

MR. PETRO: Motion to adjourn.

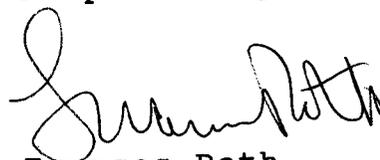
MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

Respectfully Submitted By:



Frances Roth
Stenographer

9/6/04