



# Town of New Windsor

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**OFFICE OF THE PLANNING BOARD**  
**WEDNESDAY, JULY 26, 2006 — 7:30 PM**  
**TENTATIVE AGENDA**

**CALL TO ORDER**

**ROLL CALL**

**APPROVAL OF MINUTES DATED: JUNE 14, 2006 & JUNE 28, 2006**

**ANNUAL MOBILE HOME PARK REVIEW:**

- a. DA REALTY (ART GLYNN) MOBILE HOME PARK – WALSH RD.
- b. MT. AIRY PARK (RT. 207) MOBILE HOME PARK
- c. SARIS MOBILE HOME PARK – UNION AVENUE

**PUBLIC HEARINGS:**

1. **CRIPPLE CREEK REALTY LLC SITE PLAN (06-14) 2975 ROUTE 9W (SHAW)**  
Conversion of 11,678 s.f. Food Service Establishment into Office Space with parking.

**REGULAR ITEMS:**

2. **NEW WINDSOR REALTY GROUP – SITE PLAN (06-18) WINDSOR HIGHWAY (SHAW)**  
Proposed new construction of 21,000 s.f. retail/office building
3. **SILVER, FORRESTER, SCHISANO, LESSER & DREYER, P.C. (06-12) RT. 9W (COPPOLA)** Proposed increase in parking.
4. **BENEDICT POND SENIOR PROJECT (02-30) MT. AIRY ROAD (DI NARDO)**  
Proposed 120-Unit Senior Housing Project.
5. **WALLKILL ASSOC. SUBDIVISION (06-25) BEATTIE ROAD (ADDE)** Proposed 31-lot residential subdivision.

**DISCUSSION**

6. **PATRIOT PLAZA – BUILDING 2** – Proposed modification to retail building #2.

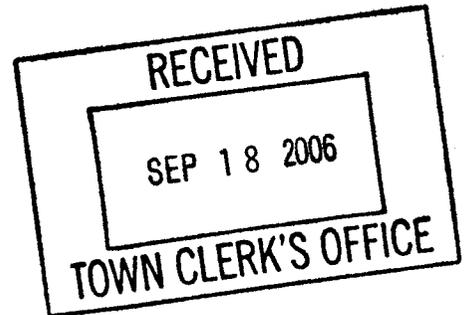
**ADJOURNMENT**

**(NEXT MEETING – AUGUST 9, 2006)**

TOWN OF NEW WINDSOR

PLANNING BOARD

July 26, 2006



BOARD MEMBERS: JERRY ARGENIO, Chairman  
NEIL SCHLESINGER  
JOSEPH J. MINUTA  
HENRY VanLEEUVEN  
DANIEL GALLAGHER

ALTERNATE: HENRY SCHEIBLE

ALSO PRESENT: ANDREW KRIEGER, ESQ.  
Attorney for Planning Board

MARK J. EDSALL, P.E.  
PLANNING BOARD ENGINEER

MICHAEL BABCOCK,  
BUILDING INSPECTOR

ABSENT: HOWARD BROWN

REGULAR MEETING

MR. ARGENIO: I'd like to call the July 26th New Windsor Planning Board meeting to order. If everybody would please stand for the pledge of allegiance.

(The pledge of allegiance was said by all.)

MR. ARGENIO: With us our regular members, Joe Minuta, Hank VanLeeuwan, Neil Schlesinger, myself, Mike Babcock is with us, Roberta is with us doing the steno and the Planning Board engineer is here, Mr. Edsall. I have not heard from Howard Brown and nobody from Mike's office has heard from him, so I'm going to call Danny up as an alternate.

MR. SCHLESINGER: He's not coming here, he told me he wasn't going.

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MR. ARGENIO: I'm going to call up Danny as alternate. Henry Scheible, will you remind me next time that we have an alternate, that we are missing a member, I would like to alternate between you and Danny. Remind me, I'll certainly forget.

MR. SCHEIBLE: No problem.

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PUBLIC HEARING - DA REALTY

MR. ARGENIO: The first thing we have is DA Realty Mobile Home Park on Walsh Road seeking a one year extension of the special use permit. Somebody here to represent this? Please come state your name.

MR. GLYNN: My name is Arthur Glynn. Home address?

MR. ARGENIO: Sure, home address.

MR. GLYNN: 307 River Road North, Wappingers Falls.

MR. ARGENIO: Mike, has somebody from your office been to visit this park?

MR. BABCOCK: Yes, we have.

MR. ARGENIO: What do you find?

MR. BABCOCK: Everything is fine there.

MR. ARGENIO: Everything is fine. Did you bring the check for \$100?

MR. GLYNN: No. Can I give you cash?

MR. BABCOCK: Can you stop next week and give me a check?

MR. ARGENIO: My fault.

MR. BABCOCK: Stop up next week and give Myra a check.

MR. ARGENIO: We normally don't close it out so quick. I would like to have the check here when we renew it. But we're going to make the motion subject to you getting that check to Mike in the next few days.

MR. GLYNN: Drop it off tomorrow.

MR. ARGENIO: I will accept a motion to extend the special use permit.

MR. VanLEEuwEN: I will make that motion.

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MR. SCHLESINGER: Seconded.

MR. ARGENIO: A motion has been made and seconded by the Town of New Windsor Planning Board to renew the DA Realty special use permit Mobile Home Park for one year. If there's no further discussion from the Board members I'll have roll call.  
ROLL CALL

MR. GALLAGHER: Aye.  
MR. SCHLESINGER: Aye.  
MR. MINUTA: Aye.  
MR. VanLEEUWEN: Aye.  
MR. ARGENIO: Aye.

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MT. AIRY PARK - MOBILE HOME PARK

MR. ARGENIO: Next is Mt. Airy Mobile Home Park. Is somebody here to represent this?

MR. PALTRIDGE: Yes.

MR. ARGENIO: Would you please come forward and state your name?

MR. PALTRIDGE: Rich Paltridge, Wavy Willow Lane, Montgomery.

MR. ARGENIO: Mike, what can you tell me about the Mount Airy Park?

MR. BABCOCK: Everything is fine there, also, Mr. Chairman.

MR. ARGENIO: Do you have a check?

MR. PALTRIDGE: I have a check in the amount of 100.

MR. ARGENIO: As such I will accept a motion that we extend the special use permit.

MR. VanLEEUEWEN: I'll make the motion.

MR. SCHLESINGER: Second.

MR. ARGENIO: Motion made and seconded by the Town of New Windsor Planning Board to extend the special use permit for the Mount Airy Park on Route 207. If there is no further discussion with the Board members I will have a roll call.

ROLL CALL

MR. GALLAGHER: Aye.

MR. SCHLESINGER: Aye.

MR. MINUTA: Aye.

MR. VanLEEUEWEN: Aye.

MR. ARGENIO: Aye.

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SARIS MOBILE HOME PARK - UNION AVENUE

MR. ARGENIO: Next is a Saris Mobile Home Park on Union Avenue. What's your name, sir?

MR. SARIS: Craig Saris.

MR. ARGENIO: Where do you live?

MR. SARIS: I'm going to be moving in there. Rockland County I live now.

MR. ARGENIO: You're moving in there?

MR. SARIS: Yes.

MR. ARGENIO: In the mobile home park?

MR. SARIS: Yes.

MR. ARGENIO: Let me ask you a question, there was a problem with the mobile home park on Union Avenue where the owner was nonresponsive. Is this the owner?

MR. SARIS: Yes.

MR. ARGENIO: Okay.

MR. BABCOCK: He's been responsive tonight. I've talked to him and he's promised me that he's going to take care of the problems that exist. He's taken care of them, which he told me, and he's telling me that from today on he's going to be responsive, if he gets this approval tonight.

MR. ARGENIO: That's nice.

MR. BABCOCK: I believe he will.

MR. SARIS: Within the last two months I've talked to Ken, the violations were taken care of, but the one violation was left. One that's left is the trailer that's in the middle of the property. That was supposed to be set on a pad.

MR. ARGENIO: Let me interrupt you for one second.

MR. SARIS: Yes.

MR. ARGENIO: If Mike is good with it, I'm good with it, but I'm going to tell you this, I want to ask you a question, why were you nonresponsive?

MR. BABCOCK: You were nonresponsive to the extent that you got a letter from, I think, a judge.

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MR. SARIS: Yes.

MR. ARGENIO: What was the deal?

MR. SARIS: They put a stop work order on the property and everything. I took care of all of that. But I had a business that I was running in Rockland and I sold it. That's why I got rid of that and I just want to take care of this property now.

MR. ARGENIO: Not a great reason, but I'll tell you this, Mr. Saris, Mike's very reasonable and flexible. And we try to work with everybody. And if you can't come to the meeting or there are some issues certainly we understand that, but you need to respond.

MR. SARIS: Okay.

MR. ARGENIO: You need to do that.

MR. SARIS: Yes, sir.

MR. ARGENIO: And Mike is extending you a courtesy tonight and I want you to know that the next time we go through this typically this is a very easy, simple thing. But if you don't respond it will become very, very difficult.

MR. SARIS: Okay.

MR. ARGENIO: Okay?

MR. SARIS: You got it.

MR. ARGENIO: You're all set, Mike? Unless anybody has any issues I'll accept a motion for a one year extension.

MR. VanLEEuwEN: So moved.

MR. MINUTA: Second.

MR. ARGENIO: Motion made and seconded by the Town of New Windsor Planning Board to grant a one year extension to the Saris Mobile Home Park, Union Avenue. If there is no further discussion with the Board members roll call.

ROLL CALL

MR. GALLAGHER: Aye.

MR. SCHLESINGER: Aye.

MR. MINUTA: Aye.

MR. VanLEEuwEN: Aye.

MR. ARGENIO: Aye.

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PUBLIC HEARING - CRIPPLE CREEK REALTY LLC SITE PLAN

MR. ARGENIO: Next on the agenda is Cripple Creek Realty LLC site plan, 2975 Route 9W, conversion of an 11,678 square foot food service establishment into office space with parking. Mr. Shaw, I think, is here to represent this. And he's already got his plans posted. For the benefit of the Board members this is the Plum Point project. And for the benefit of the public what we're going to do is Mr. Shaw is going to explain to us briefly how he's come along with the project first. He'll explain it to the Board first and then when he's complete we'll open up to the public for comment or discussion or whatever input anybody has and then the Board will look at it again. Greg, would you bring us up-to-date, please?

MR. SHAW: Sure. The plans haven't changed since the initial submission, so with that let me begin.

MR. ARGENIO: Could you turn that, Greg?

MR. SHAW: I turned it for the public. It's a 1.4 acre parcel in an NC Zone. I'm sure most of the Board members know it as the former Plum Point catering facility which was a food service establishment. The last time we were before you for this Board with this project was a lot line change. A portion of the land was incorporated from the lands of JJ & H Walden into this parcel in order to support the parking that's required for it. As I said, it's in an NC Zone. We were required to provide a minimum of 10,000 square feet far in excess of that about, 64,600 square feet. We were obligated to provide 78 spaces, we have provided 82 spaces. I'd like to point the Board's attention to the southerly curb cut which is proposed. That will also be the entrance to the lands of JJ & H of Walden, which is to the west of our property. And if you notice there's four parking spaces that presently exist in that right-of-way. Upon utilization of this right-of-way those spaces will be extinguished and we will be complying with zoning as we have four in excess now. And when those four get extinguished for the utilization and access of JJ & H of Walden's property we'll still be in compliance. There are no new additions to the building. We are proposing a 30-foot high radio tower which is consistent with your zoning. And on the west side of the building along with a concrete pad for a generator which will be used in conjunction with the radio tower. The building is presently hooked up to the Town water and sewer system. Those connections will remain and will not

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be any new connections. With respect to storm drainage, again, this site having been used as a food service establishment the majority of the site is paved. Certainly in need of repair, but it does have macadam surface on it. The drawing you'll notice on the left-hand side existing conditions plan which shows the limits of the macadam pavement. We're going to put an overlay on that and also going to extend the pavement to the south. So the entire parking lot will receive new macadam pavement. There will be new lighting in the parking lot and there'll also be new landscaping which will light the parking lot also. With respect to the front of the building right now it's a sea of blacktop. That's going to be removed and you're going to have some concrete walks going into the front doors and there will be landscaping in the front of the building also.

Finally, with respect to the highway entrances, the existing entrance which is used to access this property, we're proposing to go to the DOT and have it relocated to the south. You'll see on the plan the existing entrance. We plan on pulling it down to the south. And also with respect to the southerly portion of the property we're proposing a brand new entrance right turn in and right turn out only. Again, that's going to be required by review by the DOT and a permit from the D.O.T. for those. Mr. Chairman, that's it, a brief overview.

MR. ARGENIO: A couple of things I just want to go through here procedurally or otherwise, and then we'll talk about this.

MR. VanLEEUEWEN: Is this the old building he is fixing up?

MR. ARGENIO: Right. Are the lots complying? Is that done?

MR. SHAW: The what?

MR. ARGENIO: The lots complying?

MR. SHAW: No, they are not. That will be a function of this approval. What normally happens, if the Board feels that this project is where they have approval they will make it subject to, and then the deed will have to be filed in Goshen showing the combined lots, and a copy of that deed presented to this Board before the submitting of the plan.

MR. ARGENIO: Mark, isn't that something that's usually done on the front end?

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MR. EDSALL: No, I think Greg is correct, because unless they have some type of an understanding that they are going to get approval why would they want to combine the lots. It will be a condition and before you can stamp the plan you'll have to provide proof to Andy that it's been properly combined.

MR. ARGENIO: What is a, what is a critical silencer for the genset, tell me what that is?

MR. SHAW: Well, I think that's Mark's comment. Maybe you can ask him.

MR. ARGENIO: Mark, what is that?

MR. EDSALL: Critical silencer is also known a lot of times as a residential silencer. It is just a higher grade silencer to reduce the annoying --

MR. ARGENIO: Muffler or a box around it?

MR. EDSALL: It's the actual muffler silencer that decreases the noise from the generator.

MR. ARGENIO: They work quite well, I know that to be a fact. Greg, can you tell us about the ramp, the access ramp on the side a bit, how does that work?

MR. SHAW: Well, that is going to be used for, that's going to be the entrance into the communications center and will also be an access for any employee who may be utilizing the facility at night. This is going to be the main entry, the entry to the north. The next entry to the south is going to be an emergency access. And, again, this is what you just brought up is going to be used for the communications center and night entry into the building.

MR. ARGENIO: Okay, that answers that. We've seen this a couple of times, we had to make some changes, quite a bit of discussion. Anybody else of the Board?

MR. SCHLESINGER: Greg, maybe for the benefit of the public, whoever is here, we discussed it at the last meeting, there was a concern maybe whether this was going to be an active ambulance in and out, sounds, for the benefit of the public.

MR. SHAW: That's a very good point. It's going to be combined offices and an educational center, that's it. There may be an ambulance or two which stops by maybe for a meeting if a person will have to go inside. But this is not going to be an

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ambulance center. You're not going to ride by and see 10 ambulances stacked right outside the building waiting for, you know, instruction.

MR. SCHLESINGER: In the morning is there going to be a siren going off, ambulances leaving and coming in?

MR. SHAW: No, that's not the case.

MR. SCHLESINGER: This is not a depot for the ambulances to respond?

MR. SHAW: An office and a communications center and a training center.

MR. ARGENIO: Danny or Joe?

MR. MINUTA: That 35-foot high radio tower, does that have a, is that within the fall zone radius of the lot and also the propane tank?

MR. SHAW: The fall zone?

MR. MINUTA: Let's say it collapses and falls, it's a tower. It looks pretty close. I just wanted to clarify.

MR. SHAW: It looks like it's away from the existing propane tank.

MR. ARGENIO: Dan?

MR. VanLEEuwEN: Is this still owned by Bonora?

MR. SHAW: Yes, owned by Mr. Bonora. As far as JJ & H Walden, that's also Mr. Bonora.

MR. ARGENIO: Okay, folks, on the 10th day of June 2006 109 addressed envelopes went out containing the notice of public hearing for this project. If there's anybody here that would like to speak for or against or just have a comment on this, would you please raise your hand and be recognized? Come forward and state your name and address and we'd like to hear what you have to say. In so much as I see no hands I'll accept a motion we close the public hearing.

MR. VanLEEuwEN: So moved.

MR. MINUTA: Second.

MR. ARGENIO: Motion made and seconded by the New Windsor Planning Board to close the public hearing on New Windsor Realty Group LLC on 9W. If there is

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no further discussion from the Board members I will have a roll call.

ROLL CALL

MR. GALLAGHER: Aye.  
MR. SCHLESINGER: Aye.  
MR. MINUTA: Aye.  
MR. VanLEEuwEN: Aye.  
MR. ARGENIO: Aye.

MR. ARGENIO: I don't see a lot going on here. We did a pretty thorough review of this. I'm going to tell you something, and I don't think that anybody is going to like to hear this, but in my opinion I don't think that we should approve this until you have D.O.T. approval. And the reason I say that, Greg, is you know how I feel about your plans, they're always very thorough and all encompassing. But depending if there's a problem with that it could have a substantial impact on the site plan. It could have an impact on the front entrance. It could have an impact on the sidewalk. It could have an impact on the parking. It could have a lot of impacts. So, I'm one member but that's how I feel.

MR. SCHLESINGER: Can I address that also? Let's take the worse scenario possible, for some, obviously the new design I think deserves a lot of merit because 9W is a tough one and you're making it a lot more accessible and everything. For whatever reason they deny it, what happens now, we go back to stage one where the entrance was really in front of the building? Or do you have to make significant changes?

MR. SHAW: I don't know. I have to assume this is certainly approved by the DOT. I would ask the Board very simply, grant the approval subject to the DOT permit, that the plans are not going to be stamped until we put the permit on Myra's desk and if it turns out that we cannot, okay, then we haven't met the condition of approval, we will have to generate something else and come back to the Board. But it's nice to at least have this behind us as we move forward with the DOT.

MR. ARGENIO: Greg, I think that most of the people

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up here are looking favorably upon this. Mark, let me ask you a question, relative to the DOT we're all aware of the problems that we've, I should not say we, some of the applicants have been having with DOT of late. If the DOT says no, you can't do this, would they say but you can do that and if they would say that what would that be? I mean I'm looking at the plan and I'm not seeing any other way to do this really. What do you think about that?

MR. EDSALL: I can't find fault in the design of the plan.

MR. ARGENIO: I'm looking for fault and I can't find it either.

MR. EDSALL: I think we'd have to get a reading from Andy whether or not procedurally we can make it subject to DOT. If we can't, I would certainly make an effort to try to extract an answer from them as quickly as possible. It seems to be very straightforward. We're improving the situation.

MR. ARGENIO: We're not going to extract the answer, the applicant is.

MR. EDSALL: Well, we have a number of applications we've referred over that we just seem to be spinning our wheels. So it's, I think it would be in our best interest to help get an answer on a bunch of them.

MR. ARGENIO: Andy, you can think about your response to that for one second and unless anybody has a problem with this I'll accept a motion we declare a neg dec on Cripple Creek.

MR. VanLEEuwEN: So moved.

MR. SCHLESINGER: Second.

MR. ARGENIO: Motion made and seconded by the Town of New Windsor Planning Board to declare a neg dec on Cripple Creek site plan. If there's no further discussion from the Board members I will have a roll call.

ROLL CALL

MR. GALLAGHER: Aye.

MR. SCHLESINGER: Aye.

MR. MINUTA: Aye.

MR. VanLEEuwEN: Aye.

MR. ARGENIO: Aye.

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MR. ARGENIO: Now Andy to you, what about Mark's comment on the DOT? Is it proper and prudent for us to give them approval subject to the DOT with the, with these changes, with them not having approval for these changes?

MR. KRIEGER: Yes, you can do it. The danger the applicant runs, however, is if DOT does not come in with an approval the condition fails and the entire site plan fails. So his approval is --

MR. ARGENIO: At the applicant's risk? And Greg, I don't really have a problem with it. I think it's a good project. Joe has not said anything about the architecture which means he's giving us tacit approval, which is a good start. So I mean I think it's good. Okay, Andy, you think it's okay?

MR. KRIEGER: Yes.

MR. ARGENIO: Mark, I agree that there is no really other viable solution. Even if the DOT came back and said you can't do it, but Greg the risk is yours, if they come back with a response and they make substantial changes to the plans that are going to impact what you have here, I mean impact your ingress, your egress.

MR. KRIEGER: Don't forget, it's not only substantial, they can make any criticism no matter how small the approval is void.

MR. ARGENIO: When I say a criticism, I mean a change in the plan that we're looking at now other than --

MR. VanLEEuwEN: We are approving this plan.

MR. ARGENIO: -- minor, like the distance of a bull nose or something like that. I don't want to beat it to death. I think it's clear, Mark. Also, I'd like to read into the minutes that this application was referred to the Orange County Planning on the 10th. We did hear back from them. They made some landscaping suggestions, Greg. And we've always been kind of pro landscaping. Do you have a copy of that response?

MR. SHAW: No, I don't.

MR. ARGENIO: Mark?

MR. EDSALL: I think it's in Myra's file. Maybe you can make it subject to inclusion of whatever landscaping could be added as recommended by the county that would fit on this plan.

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MR. ARGENIO: We certainly want to try to accommodate big brothers, as best we can.

MR. VanLEEuwEN: Any spot out here for a flag pole?

MR. SHAW: We're going to find one, I'm sure.

MR. ARGENIO: I just want to read this, in reviewing the site plan, the proposed 82 space parking lot is fairly void of any vegetation. The Department would like to suggest the possibly of reducing the number of spaces to the required 72 and add some landscaping to the parking lot itself. I'm not panned about the spaces, but I like the landscaping. The project will have no major impact upon State or County facilities, et cetera, et cetera.

MR. EDSALL: Mr. Chairman, they said reduce it to 72?

MR. ARGENIO: Yes.

MR. EDSALL: The required number of spaces is 78. We know that when the four spaces are removed from the easement area they have no extra spaces.

MR. ARGENIO: We're staying with the 82, Mark.

MR. EDSALL: The bottom line you can only add landscaping to any islands that currently don't have landscaping. That's about all you can do. The math apparently didn't work.

MR. SHAW: We have landscaping in every aisle.

MR. EDSALL: I think that's about all you can do.

MR. ARGENIO: Is there landscaping between the walk and the building? I don't have a landscape plan.

MR. SHAW: You will have it in just one second.

MR. ARGENIO: Great. Joe, I cut you off there, go ahead.

MR. MINUTA: Two questions. And while we are taking a look at the light pole design it has a large concrete base to it?

MR. SHAW: Correct.

MR. MINUTA: Okay. That takes care of that. I was just concerned about the ingress and egress with that pole. With regard to the exterior is anything being done to the exterior as far as treatment to --

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MR. SHAW: Let me introduce Marshal Rosenbloom who is the architect for the project. He can give you a little better handle on that than myself.

MR. ROSENBLUM: The thing is going to be modest. We are changing all of the entrances to a single 3-foot 8-inch door so that they can have the kind of door controls and 24 hour access that they need. So we are changing out the three entrance doors that are on the building, leading up to the building, replacing the old steps on the side. The ramp here, we have an accessible ramp. It is functional right now, but that's all washed away over the last several years.

MR. VanLEEUEWEN: The building hasn't had a tenant in at least 15 years that I know of.

MR. ROSENBLUM: People have been using this site, you know.

MR. SCHEIBLE: It's only been closed for how long now, only about two years now.

MR. VanLEEUEWEN: It's been closed for two years? I thought it was longer than that.

MR. SCHEIBLE: That's all.

MR. VanLEEUEWEN: I have no problems.

MR. ROSENBLUM: The awnings refinished or retrimmed.

MR. ARGENIO: It looks good, Joe.

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MR. MINUTA: The building is fine.

MR. SCHEIBLE: What's happening in the filled area to the rear of the building? Is there anything going to happen behind there?

MR. BABCOCK: That's actually to the side.

MR. SCHEIBLE: Just curious. Any kind of action going on behind the building?

MR. SHAW: In here?

MR. SCHEIBLE: No, no, down. Go towards the back where all the fill came in.

MR. SHAW: You're talking to the east?

MR. SCHEIBLE: That's right, you got it, right there.

MR. SHAW: Our property line ends about 150 feet from the right-of-way line. That's it. 150-foot strip along the highway. The fill you were talking about that was placed in the years past, that's another three, four, 500 feet now at least to the east. I mentioned to you access through this entrance, it's to access that piece you're referring to.

MR. SCHEIBLE: That was going to be my next question. Is that access going back there?

MR. SHAW: Correct. That's why he has reserved that right-of-way to access through that property some day. He said not necessarily by him, but maybe by his sons.

MR. ARGENIO: Okay. Let's tighten it up here. Mark, did I miss anything? I think I covered everything here.

MR. EDSALL: I believe so. We've got a couple of the bullets. You want to make sure you add the combination of the lots.

MR. ARGENIO: I'm going to, unless anybody has no problem, I will accept a motion for final approval for Cripple Creek --

MR. VanLEEuwEN: I make the motion.

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MR. ARGENIO: -- so subject. I will read the subject to's in.

MR. GALLAGHER: Second.

MR. ARGENIO: Motion made and seconded. The Town of New Windsor Planning Board grants final approval for the Cripple Creek Realty Group LLC site plan 2957 Route 9W. If there's no further discussion from the Board I will have a roll call.

ROLL CALL

MR. GALLAGHER: Aye.

MR. SCHLESINGER: Aye.

MR. MINUTA: Aye.

MR. VanLEEUEWEN: Aye.

MR. ARGENIO: Aye.

MR. ARGENIO: This is subject to the combining of the lots, it's subject to DOT approval which is at the sole risk of the --

MR. EDSALL: I'm just clarifying one condition.

MR. SHAW: I want to clarify something I said earlier.

MR. ARGENIO: I said the DOT. And subject to Mark's bullets in number five. I don't think I missed anything Mark, did I?

MR. EDSALL: No. I just want to make sure we revisit this combination of lots, whether it's actual combination of lots or creation of an easement.

MR. SHAW: Let me back up. I don't think what the Board needs to see is a filing of the deed. I think what the Board needs is the filing of the lot line change plan that you approved a couple of months ago where a portion of this property is now going to that lot. And that subdivision plan which has notes on it, the lot lines to be extinguished once that gets filed in Goshen, then I think the Board has the evidence that it needs in order to stamp the site plan.

MR. EDSALL: And that plan also includes the creation of the easement.

MR. SHAW: Correct.

MR. EDSALL: It should actually not be subject to the combination of lots but filing of the other

application.

MR. ARGENIO: And the record should reflect that, Roberta, and that legalese with the delivery of that is subject to Andy and not so much Mark, but more Andy. Could we have a vote on it?

MR. EDSALL: That's in the bullets.

MR. ARGENIO: Greg, you're done, that's it. Roll call.

ROLL CALL

MR. GALLAGHER: Aye.

MR. SCHLESINGER: Aye.

MR. MINUTA: Aye.

MR. VanLEEuwEN: Aye.

MR. ARGENIO: Aye.

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MR. EDSALL: Yes.

MR. ARGENIO: Who reviewed it?

MR. EDSALL: Brendon from our office. There were some revisions along the way, but Greg and Brendon worked them out. It's all set.

MR. ARGENIO: I'm going to read this note for the benefit of the members, this project was referred to the Orange County Planning Department on May 24th. We received a response letter dated June 23rd. And the comment regarding access management to the state highway. The Board may wish to further discuss this comment from the OCDP. Review and consideration should be given to issues of transportation access management regarding the entrance onto State Route 32. A function of access management is to provide access to land development while preserving the flow of traffic on the surrounding road network in terms of safety, capacity and speed. The benefits of access management can promote improved safety, increased capacity, shorter travel times and pedestrian/bicycle/transit friendly communities. Methods to achieving this would be to avoid numerous and uncoordinated curb cuts, require interlot connections and circulation, promote shared access. Which we're not big fans of in New Windsor, that was me, that's not out of the letter, Roberta. The site plan indicates that there will only be a single access point to the office retail complex, yet adjacent to the parcel is an already existing highway entrance with an already existing curb cut. The Board should try to incorporate some access management design principles into this application.

I'm going to tell you how I feel about that.

It's somebody else's driveway. This is a lot, it's a sizeable lot on Route 32. And you're entitled to access on the property. That's how I feel about that. You guys can disagree with me or not, that's how I feel about it.

MR. VanLEEuwEN: You happen to be right.

MR. ARGENIO: Now, it's different if we're in an area like Vails Gate where the lots are on top of each other and history has left us with a bit of a mess to contend with, as we all know, on every application that we get. But I think this is different. I think this is different and that's how I feel about that. Lead agency coordination letter was issued on June 8th. I'll accept a motion --

MR. VanLEEuwEN: So moved.

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MR. ARGENIO: -- that we be lead agency.

MR. GALLAGHER: Second.

MR. ARGENIO: Motion made and seconded that Town of New Windsor Planning Board declare itself lead agency for the New Windsor Realty Group LLC site plan. If there's no further discussion from the Board members I'll have a roll call.

ROLL CALL

MR. GALLAGHER: Aye.

MR. SCHLESINGER: Aye.

MR. MINUTA: Aye.

MR. VanLEEuwEN: Aye.

MR. ARGENIO: Aye.

MR. ARGENIO: I'd like to hear from my contemporaries on the issues. I just discussed the access. Neil?

MR. SCHLESINGER: I agree.

MR. ARGENIO: Danny, how do you feel about that?

MR. GALLAGHER: Absolutely yes.

MR. ARGENIO: Joe?

MR. MINUTA: With regard to the access?

MR. ARGENIO: What I just said.

MR. MINUTA: I concur.

MR. ARGENIO: Hank, how do you feel?

MR. SCHEIBLE: I go over to you, yes.

MR. VanLEEuwEN: What he says is good enough for me.

MR. ARGENIO: Both Henrys agree.

MR. EDSALL: Mr. Chairman, it might be worthwhile also to have the record reflect that even if this Board felt that the plan should have common access you have no jurisdiction to approve or disapprove access to a state highway.

MR. ARGENIO: Correct.

MR. EDSALL: In all fairness, the County Planning Department should contact the DOT and make their suggestions directly.

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MR. ARGENIO: That's correct.

MR. VanLEEUEWEN: I said that before, I won't say it again, who actually owns this?

MR. SHAW: A gentleman by the name of Samire Patel (phonetic) who has a business on Taft Avenue in the Town of Newburgh. A very thriving business, SK Enterprises.

MR. VanLEEUEWEN: What does he do?

MR. SHAW: Marshal, maybe you could inject a little bit.

MR. ROSENBLOOM: They import and distribute products through QVC and Home Shopping Channel.

MR. ARGENIO: Does anybody else have any issues with this application that they want to --

MR. SCHLESINGER: I have a question. Could you just take the elevation plan out? Do you see in the front parking lot where you have two, two lights on a concrete?

MR. SHAW: It's on an island. Grass island.

MR. SCHLESINGER: In your professional opinion what is the advantages of having that island?

MR. SHAW: One, it provides an opportunity to put some landscaping in. Two, it provides a source of protection for the light. And on the negative side it's a pain in the neck to snowplow.

MR. SCHLESINGER: The first two reasons I understand what you're saying but we don't, I don't think we

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have any, any plants there. And number two, protection for the light. It could work both ways.

MR. ARGENIO: Where are you, Neil, on the plan?

MR. SHAW: Right here I believe you're referring to, aren't you, Neil?

MR. SCHLESINGER: Exactly right there. And also it could deter water flow?

MR. SHAW: Determine what?

MR. SCHLESINGER: Could deter water flow as well?

MR. SHAW: I understand.

MR. SCHLESINGER: Drainage. It takes away two parking spaces, maybe two parking spaces also. From a redesign point of view, I mean it's a significant difference.

MR. SHAW: Some planning boards that I deal with in the towns, they want a certain percentage of the parking lot to have islands for landscaping just to break it up. And in honesty that's why I put them there. They could hopefully plant something and hopefully I'm not speaking out of turn.

MR. EDSALL: You have two ornamental trees.

MR. SHAW: Just brings up the front elevation a little bit.

MR. MINUTA: A couple of things with the islands. With regard to what you're saying yes, there's pros and cons to that. What it does allow, as he said, is additional landscaping within the area. We have the light poles at those locations that's going to provide some buffer from the cars. So from that perspective I think they're, and he's got catch basins already located, I think that's probably appropriate.

MR. SHAW: There won't be a problem with grading or drainage.

MR. MINUTA: With regard to site accessibility this is a brand new building?

MR. SHAW: Yes.

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MR. MINUTA: We're going to have an elevator?

MR. ROSENBLOOM: Noncommunicating levels. The levels are noncommunicating.

MR. MINUTA: So if someone who is entering from the upper level needs to go to the back gets there how, they have to drive around the site?

MR. ROSENBLOOM: They drive around or walk down the stairs.

MR. MINUTA: A wheelchair is going to go down the stairs?

MR. ROSENBLOOM: No, not be going, it would be a separate tenancy. They would probably drive around or --

MR. BABCOCK: Basically what he's saying, everybody goes outside and goes around. There's no stairs, interior stairs.

MR. ROSENBLOOM: Accept for a secondary exit.

MR. ARGENIO: No intermingling of the businesses top to bottom at all. Two one level buildings on top of each other.

MR. MINUTA: If a disabled person parks up top, they have to drive all the way around or if they come out, if they're in the building on the upper level they have to get back in their car, drive all the way around, get back out of their car and come to the second level?

MR. VanLEEUEWEN: They have to read the signs where they have to be. They have to read the sign where they have to be, either lower level or upper level.

MR. MINUTA: Typically in a situation like this I would see a ramp scenario and/or a lift for the exterior. But I'll leave that to you guys with regard to the code issues and how that's going to be applicable.

MR. ARGENIO: Mike Babcock, can you give us some --

MR. BABCOCK: Well, I haven't really reviewed it but my understanding if everybody goes outside and gets in their car and drives around there's no issue.

MR. ARGENIO: There is no requirement.

MR. BABCOCK: If I can get down there without

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driving in a handicapped person would have to then.

MR. MINUTA: We have steps there so it does become an issue.

MR. BABCOCK: I don't know if that step is a secondary, that's what he's saying. It's a secondary. I'd have to look at it.

MR. MINUTA: Okay. Let's just look into that a little further. The second item that I have here the, I think the buildings are nice design, you know, I think it flows with the existing Guardian building that's there. I think that's a real good setup for the rest of the, for the rest of the neighborhood there. What I do have concern with is the view shed on that area. There's really nice views from that location and the Guardian Self Storage, I wasn't part of this Board when that was approved, but the two story building there does remove the view from the Valley and the river at that location. I'd like that to be at least somewhat addressed, however we deem that permissible.

MR. SHAW: Joe, just on that thought, I mean when I ride by the site it's wooded, okay. And as I look to the east I really don't see anything about trees. It's not excessively high, but there are trees there. I don't see the view that you see.

With respect to the two story building there's only going to be one story exposed from Windsor Highway, okay? When you get to the lower level you will be looking at both the upper and the lower story. You'll see two stories exposed. It's not like we're going 40 feet in the air. As you're riding up Windsor Highway one story with a roof.

MR. VanLEEuwEN: No view to the river from that point. I pass it every day.

MR. SHAW: Especially with the site being wooded.

MR. VanLEEuwEN: No view from the river there.

MR. SCHLESINGER: I don't think it's relevant. It's one story. You can't put up a one story building?

MR. ARGENIO: The other thing here --

MR. VanLEEuwEN: It's not 60, 70 feet high.

MR. ARGENIO: The other thing is across the street the elevation of the lot is substantially higher.

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MR. SHAW: You have the long driveway.

MR. ARGENIO: Substantially higher than what the road is. Joe, I think you have a very good point and it's a good thought for the Guardian building, but I think that the lot across the street is a lot higher. I don't think that this is going to obstruct, that that's something that we should keep in mind because it became a very germane issue with the RPA folks up on the Union Avenue hill.

MR. MINUTA: Absolutely. Can you orient me to the building that's directly across the street from this site?

MR. VanLEEuwEN: I will tell what you it is, it's the rental place.

MR. ARGENIO: St. Joseph's School.

MR. SHAW: I believe you come up the driveway and then you bear to the right a little bit which will be to the north and that's where the building would be. On the northerly part of the property.

MR. VanLEEuwEN: This building sets down. The land runs like this down, downward.

MR. MINUTA: I drive by it every day, I can't get it in my head. This evening I will take a ride by and take a look at it myself.

MR. ARGENIO: It also should be noted it's at 35 feet and 40 is what's required. But that's a point that we need to keep in mind along that corridor. I don't think it's, I don't think it should be, I don't think it should be dismissed. Does anybody have anything else?

MR. VanLEEuwEN: No.

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MR. ARGENIO: I'd like to move this forward. And it seems to me that we can take the same position with this even to a lesser extent than we did with the DOT on the other project because this is a single lot and the applicant should be well advised that he's going to need to get a DOT permit, Greg, to work in the right-of-way. Obviously I'm sure you're aware of that. Let me just say it for the benefit of the minutes though. And you're going to be subject to their requirements in the right-of-way. Andy, do you have anything to add to that?

MR. KRIEGE: No, you make it subject to the same as did you the last.

MR. ARGENIO: Okay, if nobody has anything further I'd accept a motion that we grant them final.

MR. VanLEEUWEN: So moved.

MR. GALLAGHER: Second.

MR. EDSALL: Did you, Mr. Chairman, take care of some of the procedural stuff?

MR. BABCOCK: Let me just ask you, have you identified the location of the hydrant and fire department connection?

MR. SHAW: Yes, yes.

MR. BABCOCK: You have?

MR. SHAW: That was some of the changes.

MR. EDSALL: They are on the plans.

MR. BABCOCK: They are?

MR. EDSALL: Yes.

MR. BABCOCK: Okay. So this sheet hasn't --

MR. ARGENIO: It's just for the benefit of the public. Sometimes the letter from the fire inspector doesn't come out of his office in a timely fashion as I would like and we don't have the benefit of that. Greg, you're telling me you have spoken to him, addressed these issues. This approval is obviously subject to.

MR. SHAW: Absolutely, I have no problems with that.

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problem. Number 4, Planning Board should determine, for the record, if a public hearing will be required for this site plan, per its discretionary judgement in the Town Zoning Local Law. I'd like to hear from the members on that.

MR. MINUTA: Yes.

MR. ARGENIO: Yes, you feel it should have a public hearing?

MR. MINUTA: Yes.

MR. ARGENIO: Neil?

MR. SCHLESINGER: Not sure. I've got to think.

MR. ARGENIO: Danny, how do you feel about it?

MR. GALLAGHER: I'm up in the air, also. I'd like to hear Joe's, why Joe.

MR. MINUTA: Well, for projects of this size we normally have a public hearing and I think it's fitting, it would be fitting to do it.

MR. SHAW: I would ask the Board just to look at who your neighbors are. I mean you have Guardian Self Storage. You've got the driving range. You have the school across the street. You have the apple farms and then if you go further to the north you have the United Tool Rental. I don't even think they would be on the notice list.

MR. ARGENIO: Well, I'm always, I lean towards, I lean towards having them, but in this instance just because of what you said.

MR. VanLEEuwEN: I don't think it's necessary.

MR. ARGENIO: I don't think it's something we should get jerked up about. I think the Guardian people, I think, would be a welcomed improvement to the neighborhood. I don't know the man from Duffer's. And I don't think you would get any response from St. Joseph's. Or the apple orchards behind you. That's how I feel. But I'm only one guy. So, I'm going to go around the room and I'm going to say Neil, how do you feel about a public hearing for this site plan?

MR. SCHLESINGER: What do we got Duffer's and Guardian and the school across the street and nothing in the back?

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MR. ARGENIO: United Rental.

MR. VanLEEuwEN: The railroad track in the back.

MR. SCHLESINGER: I think we may be able to let it ride.

MR. ARGENIO: Dan, you how do you feel?

MR. GALLAGHER: I think we can leave it.

MR. ARGENIO: Henry, how do you feel about it?

MR. VanLEEuwEN: I don't think a public hearing is necessary.

MR. ARGENIO: I don't think it's necessary either. That being said I'll accept a motion we waive the public hearing on New Windsor Realty Group site plan.

MR. VanLEEuwEN: So moved.

MR. SCHLESINGER: Second.

MR. ARGENIO: A motion has been made and seconded by the Town of New Windsor Planning Board to waive the public hearing on New Windsor Realty Group LLC site plan. If there's no further discussion from the Board members I'll have a roll call.

ROLL CALL

MR. GALLAGHER: Aye.

MR. SCHLESINGER: Aye.

MR. MINUTA: Aye.

MR. VanLEEuwEN: Aye.

MR. ARGENIO: Aye.

MR. EDSALL: You are all done with SEQR. The only

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issue that I'll bring your attention to you should probably have the record be clear why you're not reacting to the DOT's comment or rather County Planning Department regarding access management. I think we indicated we feel it's a DOT approval.

MR. ARGENIO: I think I made that clear, Mark.

MR. EDSALL: I want to make sure it's a requirement in the statute.

MR. ARGENIO: I think that's clear.

MR. EDSALL: And we'll send back a response.

MR. ARGENIO: Andy, do you see any problem? I think it's very clear in the record.

MR. KRIEGE: No, I do not see any problem with that.

MR. ARGENIO: Now that I am back on track, I was off track a bit, Mark, we have subject to of DOT. Greg, you're going to put a flag pole on that site one way or the other, is that right?

MR. SHAW: Yes, we are.

MR. ARGENIO: Anything I missed, Mark?

MR. EDSALL: Fire inspector and site bond estimate and fee. Five items.

MR. ARGENIO: Okay, I'll accept a motion for final approval.

MR. VanLEEuwEN: So moved.

MR. SCHLESINGER: Second.

MR. ARGENIO: Motion made and seconded by the Town of New Windsor Planning Board to grant final approval to New Windsor Realty Group LLC site plan. Subject to what I will read in after we have a vote. If there's any further discussion from the Board members I will have a roll call.

ROLL CALL

MR. GALLAGHER: Aye.

MR. SCHLESINGER: Aye.

MR. MINUTA: Aye.

MR. VanLEEuwEN: Aye.

MR. ARGENIO: Aye.

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MR. ARGENIO: This is subject to approval by the DOT which Greg at your applicant's risk you will include a flag pole on this site with a proper flag and you will, you are subject to the requirements of the fire inspector, which you told us you have already met, so that shouldn't be an issue. And the bond estimate and the payment of the fees.

MR. SHAW: Thank you and good evening.

MR. ARGENIO: Thank you.

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SILVER FORRESTER et al SITE PLAN AMENDMENT

MR. ARGENIO: Silver Forrester, Schisano, Lesser and Dreyer, Route 9W. This application proposes a two-story 619 square foot addition on the front, which would be the west side of the building. The application was previously reviewed at the 26 April 2006 Planning Board meeting. Mr. Coppola is here to represent this. And we'd like to hear from you, Mr. Coppola.

MR. COPPOLA: Thank you, Mr. Chairman. Briefly this is a very small addition to the existing law offices of Silver, Forrester and Schisano. Since the last Planning Board we were at, today, a workshop with Mark, there's been very little changes to the parking lot. The parking for the total square footage of the, total square footage, which I think is calculated at one space per 150 square feet. We are only adding slightly over 600 square feet of the two-story addition. That's kind of in the nook of the space that's currently vacant right now in the front yard. And really one of the large items last time was the --

MR. ARGENIO: Looks of the building.

MR. COPPOLA: Exactly, the architectural review. I think we've given you plans for that and basically what we're doing is a full front facade and a side facade restoration. We're going to introduce -- right here is the new addition. There's going to be a new covered entrance here which is really in about the same spot as the existing entrance. We're going to introduce a tower which basically can be used as like a vertical element here because you've got basically this existing, what used to be an existing house and then this box next to it. So we're introducing the tower where the stairs are with a large mental window, a double window and basically a cultured stone base that goes all the way on the bottom of the existing building. On this side of the existing building there's this angled soffit right, they built this thing out years ago, that's going to be removed. We're going to put cultured stone there. Reroof that area. That roof will match the new roof. And then basically use stow or some type of exterior finishing system over the existing texture.

MR. ARGENIO: Is this that rat building that has the T 111 on the sides of it?

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MR. COPPOLA: Yes. Sorry, we're replacing that texture.

MR. ARGENIO: Go ahead, I interrupted, I'm sorry.

MR. COPPOLA: That texture is going to be removed so you won't see that at all.

MR. MINUTA: What I am seeing, this is the full breath of the building because the plans that I have are different than what you're showing. I have a partial elevation?

MR. COPPOLA: Yes, we finished that, that's correct. So, yeah, they asked us to finish the drawings. There's not really that much difference. We just took a second look at everything, kind of fine-tuned it. Showed the rest of this here and they wanted -- actually now that I looked at that we had a shed roof before I changed it to a gable. So it's the same intention, but we just kind of improved it, I think.

MR. ARGENIO: Anthony, did you say the stone was cultured?

MR. COPPOLA: Cultured stone.

MR. ARGENIO: What about an access, anything to that nature?

MR. COPPOLA: You're fine with that. The building is accessible right now and it will be accessible. There's going to be, they have a striped loading area. We're going to rearrange that handicapped area. There's no ramp. You're at grade. It's a slab on grade so you're at grade.

MR. MINUTA: The second floor is less 2,000.

MR. COPPOLA: The entire building is less than 5,000. So we're under the sprinkler ordinance. That was an issue. And the second floor is less than 2,500.

MR. SCHLESINGER: Which means you do not need an elevator.

MR. COPPOLA: Less than 3,000 square feet, correct?

MR. ARGENIO: Yes. We've heard from the fire department, or the fire inspector, he's good with it. I just want to read this into the minutes, the project will have no, this is from the Orange County

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Planning Department, the project will have no major impact upon State or county facilities. It's consistent with the county comprehensive plan and they recommend local determination. I think it's nice, Anthony, I'm going to tell you something.

MR. VanLEEuwEN: Big improvement.

MR. ARGENIO: You have no coverage issues, obviously it's a huge lot. Is he giving you what you're looking for there?

MR. MINUTA: It's a great improvement to what's there. Really ties in, you know. We can start seeing a lot of Route 9W, we should be seeing with the advent of the other property right down the road, that's being cleaned up. They are providing new doors and awnings and so forth on that project. I think this is in keeping with that.

MR. SCHLESINGER: Did we have a dumpster on the plan? Dumpster?

MR. COPPOLA: I think they store everything in the back of the building right now and that won't change.

MR. SCHLESINGER: Accessible to garbage removal?

MR. COPPOLA: Yeah. I don't know how they do it. I didn't actually address that with them. It's not out in front, I can tell you that.

MR. SCHLESINGER: You need to go --

MR. VanLEEuwEN: It should be addressed. They have a lot of papers, the wind comes along and blows them all over the place and then we've got a messy problem.

MR. MINUTA: Is there a flag pole on this?

MR. VanLEEuwEN: There will be.

MR. ARGENIO: Anthony, I'm going to just give you a little commentary on how I feel about that. I think that's a very good point, Neil. I think you should, and I don't to turn this into brain surgery but, Mark, I think has a good flavor for the spirit of what we look for with refuse. You should address it and I really kind of wish that you had it on your plan tonight, but you don't. But I don't think it's something that we should get, I don't think it's something that we should stop the whole works for.

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MR. MINUTA: Maybe make that a subject to.

MR. ARGENIO: I think so. I think I will leave it in Mark's hands and Mike. Are you guys okay?

MR. EDSALL: With, yes, we will deal it. It's a facility, we will find out what they are doing, if we can enhance it.

MR. ARGENIO: They may be using their refuse in three garbage cans right now. It could be that simple. I'm trying to get direction. The left-hand side is?

MR. COPPOLA: This is north.

MR. ARGENIO: What's on the north side of the building?

MR. COPPOLA: They are very close to the lot line there. That's a used car lot.

MR. ARGENIO: Rich Gaylord (phonetic), the car dealership.

MR. SCHLESINGER: I mean if they have their refuse there now there's no access to get to it, I guess.

MR. COPPOLA: Correct. That's correct.

MR. SCHLESINGER: I hate to hold you up for something like that, but it's something that --

MR. COPPOLA: That's correct. We feel comfortable between Mark and Mike to address it, then I'm fine with it as long as it's addressed.

MR. ARGENIO: Make a note to yourself, Anthony, when you come in front of us, that's something that you need to be on top of because certainly this doesn't appear to hold you up this time, but certainly next time it might. We'll leave that in the competent

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hands of Mark and Mike.

MR. MINUTA: Just that the dump enclosure be in,  
The dumpster enclosure would be in kind  
complimentary to the new proposal.

MR. COPPOLA: That's what we do.

MR. ARGENIO: Mark, is there anything else here?  
This is pretty simple. I'm glad Neil brought that  
up, that was good. Mark?

MR. EDSALL: The only correction other than the  
conditions, the Board has brought up, is I had asked  
for a change to the handicapped detail. We did get  
the change, but we ended up now with two sets of  
details that don't match. So I will just work with  
Anthony to eliminate the ones we don't want.

MR. ARGENIO: Send the bad set back to him.

MR. EDSALL: We'll work with him.

MR. ARGENIO: Okay, you will.

MR. VanLEEuwEN: I'll make a motion, Mr. Chairman,  
to approve it subject to Mark's conditions, the flag  
pole and the garbage enclosure.

MR. GALLAGHER: Second.

MR. ARGENIO: A motion has been made and seconded by  
the Town of New Windsor granting final approval to  
Silver, Forrester et al. site plan amendment on 9W  
subject to what Mr. VanLeeuwen just read into the  
minutes and we're going to need a bond estimate for  
this. Mark, payment of fees?

MR. EDSALL: Fees, DOT and handicapped correction.

MR. ARGENIO: DOT and handicapped correction. If  
there's no further discussion from the Board I will  
have a roll call.

ROLL CALL

MR. GALLAGHER: Aye.

MR. SCHLESINGER: Aye.

MR. MINUTA: Aye.

MR. VanLEEuwEN: Aye.

MR. ARGENIO: Aye.

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WALLKILL ASSOCIATION SUBDIVISION - BEATTIE ROAD

MR. ARGENIO: Next is Beattie Road. This application proposes a subdivision of 31 single family residential lots. We're reviewing on a constant basis only. This is the first time we're seeing this, right?

MR. SCHUTZMAN: Second time.

MR. ARGENIO: What is your name?

MR. SCHUTZMAN: Stanley Schutzman. I'm a local attorney. This is the second presentation requesting sketch plan approval tonight for the favorable determination by the Board. We, on behalf of HDR Engineering, are here to present the sketch plan application.

MR. ARGENIO: Go ahead.

MR. SCHUTZMAN: We have a project that complies with all code requirements. We just note, no variances are required for what is proposed.

MR. VanLEEuwEN: It's right next to me.

MR. ARGENIO: What is your name again, sir?

MR. ADDE: Lee Adde, A-D-D-E. I work for HDR LMS Engineering. The existing parcel consists of approximately 93-acres located on both sides of Beattie Road approximately 1,500 feet east of the intersection of McLean Drive with Beattie Road. The existing parcel is proposed to be subdivided into 31 residential lots with the largest lot having 5.27 and the smallest 1.84-acre. Road access --

MR. ARGENIO: 1.84, does that meet code, Mark?  
1.84, does that meet code?

MR. EDSALL: I believe that's the 80,000.

MR. ARGENIO: How many of the lots are in that range of size?

MR. ADDE: It's 80,000 square feet.

MR. ARGENIO: Okay. How many lots are, how many lots are about 80,000 feet, 80,000 feet?

MR. ADDE: One lot.

MR. ARGENIO: One lot, okay.

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MR. ADDE: Road access, the proposed lots located to the southern portion of the property is 24 lots which have access to Beattie Road. Beattie Road is a Town road, having an approximate width of 20 feet, via a proposed network of roads including two cul-de-sacs. The first cul-de-sac will be separating three lots and extends 550 feet. The second lot, the second cul-de-sac will be serving 10 lots and extend to 1,050, which is the maximum allowable to the cul-de-sac. The northern portion is seven lots. There's a proposed road which will be servicing four lots and extend 542 to the cul-de-sac. We took some photographs of that area for the sight distance, but we will do the, during the engineering, we will do a measurement for the sight distance.

Water and sewer, each lot will be served by an individual septic system and wells. The septic will be designed according with the requirements of the Orange County Department of Health and the New York State Department of Health. Based on the soil testing we did indicated that overall site location, on site are acceptable for use.

MR. ARGENIO: Let me interrupt you with that. Mark, I want your guys to go out there and witness these tests.

MR. EDSALL: This will be an application for the Department of Health, they'll check it all out.

MR. ARGENIO: Even better.

MR. ADDE: And also we will, during the engineering, we will do the testing, leach field and we also will call the Town engineer to witness and after that we will go to the health department.

MR. ARGENIO: You've got to deal with the health department. The west end of Town is very difficult for perk. I interrupted, go ahead.

MR. ADDE: The zoning, the parcel is currently zoned R1. It's a rural residential which allows for the development of residential lots having a minimum lot area 1.837. It's approximate 1.84 acres, approximate 80,000 square feet. The proposed project does not require any variances. Fire district is a Washingtonville fire. The school district is Washingtonville School District. Wetlands, there's a federal wetland located through the middle of the property on both sides of Beattie Road, totalling approximately 11.63 acres. There will be only one disturbance of the federal wetland and in total will be 4,000 -- no, 3,479 square feet.

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US Corps. allows up to 4,000. Anything over that you have to get a permit. At this time we didn't do any grading yet, but based on an approximate 3,479. If we go over that, if we go over the 4,000 we will apply to the US Army Corps.

MR. ARGENIO: Under the national permit is that what I'm hearing?

MR. EDSALL: Yes, but I don't know that we've gotten certified wetland delineations.

MR. ARGENIO: And my next question was going to be who delineated the wetlands? How was that determined?

MR. ADDE: We hired a wetland to delineate and then he will, according with the Army Corps. basically the permission I have it was this before and I don't have any information that, telling me that it was delineated. So what I requested from the client is to hire wetland. We have a wetland biologist who will coordinate with the U.S. Army Corps. and get all the final information they have for this parcel.

MR. ARGENIO: You will make a wetland map of this?

MR. ADDE: Exactly. We will be doing that through the engineer.

MR. VanLEEUEWEN: Do you know what should be done with this project? It should make smaller lots, leave a lot of big area. And I would suggest you go talk to the supervisor and see if you can't do that.

MR. ADDE: Cluster.

MR. SCHLESINGER: It's got several lots that are just making it. He's going to have to --

MR. VanLEEUEWEN: What would be nice, I know it's right next door to me, I know the lay of the land. I know the sewer problems, okay, and eventually we're going to have to get sewer out there. If we can kind of condense it and make smaller lots, leave bigger areas that the people can afford the sewer when it comes in the future.

MR. SCHLESINGER: What he's saying, he's very familiar with the property.

MR. VanLEEUEWEN: I live right next door.

MR. SCHLESINGER: He's trying to think ahead.

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MR. SCHUTZMAN: Are you saying you would consider variances on behalf of the ZBA for lot size?

MR. VanLEEuwEN: I would talk to the Town supervisor and he has something in mind for future zoning, okay? And talk to him. I will be glad to sit in on it with you, it's no problem. This is a beautiful piece of property, okay? And there's a lot going into single lots, which is poor zoning, poor planning in my book.

MR. EDSALL: Hank, you're talking about clustering?

MR. VanLEEuwEN: Clustering.

MR. EDSALL: Not variances, clustering.

MR. VanLEEuwEN: Clustering.

MR. ADDE: Yeah, okay.

MR. VanLEEuwEN: Smaller roads, less to maintain, less sidewalks, all this stuff is less. And in the future it's going to be better for our Town.

MR. ADDE: The cluster will be better because the cost of the roads, everything will be less. But that's something that I see in other jobs that we had done. If it's possible to do that way to make it cluster but we will.

MR. VanLEEuwEN: I would talk to the Town supervisor before you go any further with this.

MR. MINUTA: What's the intent on cluster with regard to the remaining open space, where would that be designated?

MR. VanLEEuwEN: Leave a lot of open space, smaller lots, less roads, less sidewalks, if you put them in and everything else.

MR. MINUTA: The open space would be dedicated as open space.

MR. VanLEEuwEN: Remain that.

MR. MINUTA: I am in agreement with that.

MR. VanLEEuwEN: I think the property is perfect for that because you're going to have problems on this part right here, it's all shale.

MR. SCHLESINGER: By following your suggestion you're opening yourself up to something else down

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the road also. Open land, what happens when zoning changes, what happens to the open land?

MR. VanLEEuwEN: The open lands stay forever.

MR. SCHLESINGER: Who says it stays forever?

MR. ARGENIO: I don't want to go too far off on a tangent here.

MR. EDSALL: You can deed restrict.

MR. ARGENIO: What the suggestion was was that you should look at it through those lights, through those eyes and you should do that. I don't want to get into a debate at this point in time over the merits of clustering.

MR. SCHUTZMAN: Does the Board appreciate, if I may interject, this is just a sketch plan. We know we have a lot of engineering. We know we have a lot of expense ahead of us and a sketch plan is more of an informal kind of thing. Certainly we're interested in what you say but, again, we're asking for the Board's favorable consideration tonight.

MR. ARGENIO: I'm going to warn you, too, I want you to finish your presentation. I don't want to spend all night here with this because as you just pointed out this is very, very early on this. I asked how many lots you have just over 80,000 feet, you said one. Mike just counted them, there's nine. I need accurate information. What I asked was how many lots are close to the 80,000-foot and you said one. It's actually nine. Now, the only reason I mention that is if you don't understand what I ask you tell me and I'll ask it in a different fashion. Please continue your presentation.

MR. ADDE: A stream running through the property to the south of Beattie Road.

MR. VanLEEuwEN: Correct.

MR. ADDE: This side. We contacted to New York DEC, this stream is classified type C. And it's to protect the stream, we can't disturb. There's no permit required disturbing the stream.

MR. MINUTA: You have contacted the Army Corps of Engineers? Did I hear that earlier?

MR. ADDE: Yeah, we have wetland delineation and he's doing the contact.

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MR. ARGENIO: They hired a firm, Joe.

MR. MINUTA: I really just have two questions on this. One is siting. Number one, what size homes are we looking at roughly square footage, how many bedroom?

MR. ADDE: Four bedroom.

MR. SCHUTZMAN: Three to four bedroom homes.

MR. MINUTA: What's always an item with me is siting of the homes and where they are located on the lot. I see a lot of these which I'm sort of a little baffled by having a side entrance to the main entrance road, in other words, take a look at the lot number 4 down in the lower right-hand corner they got a gigantic front yard which is going completely downhill. Everything is set to the back. They have no rear yard depending on how everything is situated or the front yard is facing their neighbors. The other item that I have that I take issue on is that we always ultimately have people expanding their homes. This goes to zoning. These lots are probably big enough, but when you start designing and putting everything close to the lot line you limit them to be able to expand upon that home.

MR. ARGENIO: You want to put the house further away from the setback?

MR. MINUTA: Further away, give them room to be able to put a decent addition on.  
Were sidewalks proposed in this?

MR. SCHUTZMAN: We are not proposing it as part of the --

MR. EDSALL: At this point the code requires that you have to put them in but it may change.

MR. ARGENIO: Unless you seek a waiver from the Town Board.

MR. SCHLESINGER: Also, decide what you do as far as lighting is concerned.

MR. SCHUTZMAN: Sure.

MR. MINUTA: Basically your sketch plan we're looking for zero cutoff, if you're providing them, if any.

MR. EDSALL: Joe, the light fixtures are fixed by

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the Town code.

MR. ARGENIO: They have a standard and it's for maintenance issues.

MR. MINUTA: Residential, thank you. Go ahead sir, continue.

MR. ADDE: I finish.

MR. ARGENIO: This is all good input. I'd like to, no reason we shouldn't circulate a lead agency coordination letter at this point. If somebody agrees with me I will accept a motion.

MR. VanLEEuwEN: So moved.

MR. MINUTA: Second.

MR. ARGENIO: A motion has been made and seconded by the Town of New Windsor Planning Board to circulate a lead agency coordination letter for the Beattie Road subdivision. No further discussion from the Board roll call.

ROLL CALL

MR. GALLAGHER: Aye.

MR. SCHLESINGER: Aye.

MR. MINUTA: Aye.

MR. VanLEEuwEN: Aye.

MR. ARGENIO: Aye.

MR. ARGENIO: I have one thing, a couple of things quick. Do you think it's wise that the end of that cul-de-sac to the left we should have a right-of-way continuing to the property adjacent to you? So that some day possibly we can connect that road as a loop road maybe if that fellow wants to develop his property one day?

MR. ADDE: Yeah.

MR. ARGENIO: I think you should look at it. Mark, let me ask you a question.

MR. EDSALL: Sure.

MR. ARGENIO: It says this is a resubdivision of a lot of a prior agreed road, Beattie Road subdivision. Do they have a problem with any thresholds here, timing?

MR. EDSALL: I have to check those.

MR. ARGENIO: There may be some when they go to the

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County Health Department, there may be some retroactive review because of the timing. You said you're going to check it, Mark.

MR. EDSALL: I will check that.

MR. ARGENIO: Yes, that's important because this name in this location has been banging around here for quite sometime and we need to, certainly we need to get our arms around this thing. I don't want to kill this thing tonight. This is very early. You've received a little bit of input here. Were you looking for anything else?

MR. SCHUTZMAN: We are looking for favorable consideration of sketch plan approval so we can go forward and really look to do the engineering and to absorbed the Boards comments and to --

MR. ARGENIO: I don't think I can give you favorable indication of sketch plan approval. Joe, let me just finish.

MR. ARGENIO: There's a couple of things here that are spinning out there. You received the input from Mr. Minuta about the homes and the setbacks. Location of the homes on the lots. That seemed pretty clear to me. The thing that I mentioned about the right-of-way is very minor. I have a problem with these lots, the amount of lots you have that are so close to the threshold. Now, you can certainly continue on the path you're on as you have the legal right to do. I'd like you to look at that. I would like you to look at that. And with that I would like you to look at two other things, one that right-of-way I asked you about. And two, some type of method to connect those two cul-de-sacs, the two on the top. I'd like you to look at that.

MR. SCHUTZMAN: This one and this one.

MR. ARGENIO: I don't know if it's possible or not.

MR. SCHUTZMAN: We will be crossing wetlands there so we have considered that prior to the presentation, but in looking at the layout and what we believe from the DEC it would not be possible. The issue of reserving, what you said before from this upper cul-de-sac to this property subject to a road waiver potentially from the Town Board because we're at the maximum length there, certainly is something we can digest and put in.

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MR. ARGENIO: I think if we make a favorable recommendation, I think they would look at both of those cul-de-sacs.

MR. SCHUTZMAN: With respect to setbacks we have provided this early on in the process of sketch plan with lot sizes that are within the code. Certainly your comment about the number of lots being close to the minimum is important to us and we will address that. But in terms of setbacks, again, respectfully that's part of the process that goes forward from the sketch plan approval forward. We know we can fit in well within setbacks because we're not suggesting or proposing at this point that any variances are required.

MR. ARGENIO: I think that's reasonable. What you're saying is you can move the houses around.

MR. SCHUTZMAN: Move around and we can play with the number of lots. We can play with the lot sizes from sketch plan forward. But, again, respectfully we have a lot of engineering expense to undertake and we would like to get passed this process. We believe that --

MR. ARGENIO: I think what you said is reasonable. Let's leave it at that.

MR. ADDE: I'm sorry about the 80,000, I misunderstood, I thought that exactly 80,000.

MR. ARGENIO: You understand what I mean now?

MR. ADDE: Yes. I didn't understand. And the other thing what control the septic and well, so that's why a lot of time they like the zone to be one, over one and a half acre because of the area, otherwise it will be difficult.

MR. SCHUTZMAN: It's quite possible in the process of the engineering certainly we may lose some lots before we get back to the request for preliminary.

MR. VanLEEUEWEN: This land has very, very little perc.

MR. SCHUTZMAN: That may be.

MR. ARGENIO: I don't want to go, I don't want to kill this thing, but prior to your arrival to the Board we had a few issues and yours too, Joe, I think Neil was here, issues in the west end of the Town where developers had built things and the

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buyers of the homes ended up here because the septic field didn't work. So you can get perc in the west end of the Town but it's spotty. It's spotty, so that's, as Mark said, it goes to the Department of Health.

MR. VanLEEuwEN: What I just want to say, before you cut me off, is what's going to give them the accountable lots is the perc. I tell you they're going to lose 10 or 15 lots.

MR. SCHUTZMAN: That may be.

MR. ADDE: When we go to the engineer we might lose some lots because of the soil.

MR. ARGENIO: Mark, do you have anything else on this?

MR. EDSALL: My only comment is that number one they may not be familiar with the fact that this Board generally doesn't take a formal concept or sketch plan approval step, they generally just provide comments and move on to the preliminary. Very rarely have I ever heard of a sketch approval. And number two, it would be worthwhile to hear from the highway superintendent about the road configuration and pass that onto the applicant as soon as possible.

MR. SCHUTZMAN: That would be wonderful, get the green light to do our engineering and to have our meetings and to coordinate that, we appreciate that.

MR. ARGENIO: You have your input from us. And I think everybody here -- go ahead Joe.

MR. MINUTA: I do have actually one item with regard to the siting of the houses, you know, we're not doing row homes. The site of a house, the way it's sited, I would hope that you would consider the design aspect of this in that you have a row type subdivision that you can't really do anything with it if you wanted to do something else with the property. It just makes it very difficult. Setbacks, yes, you've met your side yard setbacks. So perhaps those should be a little more contiguous, a little rounded out, if you will.

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MR. SCHUTZMAN: Sure.

MR. ARGENIO: So you have your input.

MR. SCHUTZMAN: Thank you.

MR. ARGENIO: You have your input. I think everybody made some suggestions.

MR. KRIEGE: General comment, when you're considering house locations, also, please bear in mind that most of these houses will want, if you don't already, supply decks on the back. And you don't want to make it so small to the rear line that it results in --

MR. ARGENIO: I think the applicant is sensitive to that, Andy, and I think that to a large extent is the genesis of Joe Minuta's comment. Thank you very much.

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BENEDICT POND SENIOR PROJECT - MT. AIRY ROAD

MR. ARGENIO: The last item Benedict Pond Subdivision at New Windsor site plan 120 unit senior housing off Dean Hill Road and Mount Airy Road. We've seen this a few times, to say the least. The application involves a development of the 52.5-acre parcel into 120 unit age restricted multifamily development. Total of 30 quad plex buildings. The plan was previously reviewed at the 9 October 2002, 14 May 2003, 23rd July 2003, 8 October 2003, 8 December 2004, and 27 April 2005 Planning Board meetings. And I understand that the applicant is here seeking conditional final approval at this meeting. He's gone through quite a bit of work and you've been at the Department of Health. I'd like to hear, Mr. DiNardo, what you have to offer us here.

MR. DiNARDO: Thank you. As you recall in '04 we received a special use permit which was required. We posted that on the Board here. And to a large extent since then we've been working on the detailed engineering. The longest delay we experienced was while it was with the health department. It required two approvals from the health department, both of which we've obtained recently. I don't know if you want me to give you an overview of the project for the benefit of some of the newer members, Mr. Chairman?

MR. ARGENIO: Yes, please.

MR. DiNARDO: Essentially it's age restricted housing. The chairman has indicated the location. There are 30 units, 30 buildings, four units each building. These are typical floor plans here in the lower left-hand corner. Obviously serviced by water, central water and sewer. The form of ownership is condominium. The roads are private. There's an amenity package here in the lower right-hand corner. What else can I tell you. There are two sections at the top of Mt. Airy, Dean Hill, I'm sorry, and Mount Airy Road. And there's another emergency access onto 94. Essentially that's it. The size of the homes are fairly generous. They're in the 1,800 to 2,400 square foot range. Active adult community. I think that's it.

MR. VanLEEuwEN: Any garages?

MR. DiNARDO: Yes.

MR. VanLEEuwEN: One car or two car?

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MR. DiNARDO: Two.

MR. VanLEEuwEN: Each unit?

MR. DiNARDO: Yes.

MR. ARGENIO: I want to read a couple of things for the benefit of the Board members. This thing has been around a long time. It's been quite sometime since I've seen it. I just want to bring everybody up to speed a little bit. We do have highway approval on this from the highway super. We have sewer approval. We have fire approval. 911 has been submitted. They have to get their street names worked out. For the record, it should be noted that this application has been around for so long it pre-exists the referred requirements for the Orange County Department of Planning and they don't have to be, we don't have to submit the plans to the Orange County Department of Planning. For the benefit of the members comment number 5 in the bullet associated with it is information for us folks just to kind of bring us up to speed, the phasing plan for the job has been prepared at the request of this Board so the construction doesn't occur in a wholesale uncoordinated fashion. We requested them to phase this thing in a well throughout fashion. They have submitted that and Mark has reviewed that. It's consistent with the SWPPP, which I assume Brendon looked at or Hines, somebody.

MR. EDSALL: Brendon looked at it, yes.

MR. ARGENIO: Brendon went through that. He looked at that and agrees with it, I hope, Mark.

MR. EDSALL: He does. Everything has been coordinated.

MR. ARGENIO: This is another issue second bullet number five, a note has been added to the plans that require the clubhouse and adjacent amenities to be complete and operational upon the issuance of the 60th CO.

Joe, Henry and Joe, you might be keyed into this, Danny you might be too, Henry for your benefit, both Henrys, there is an issue in these condos in the Town where they don't develop the common facilities until the end because it's a nonrevenue item and from a business point of view you want to establish a cash flow. So what one of the things the former chairman insisted upon was some sort of language to eliminate that from happening. We were getting calls, Hank, from the residents in these facilities

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and said, perspective calls for X, Y and Z we don't have it. Specifically I'm referring to RPA, and I'm not afraid to say that because it was a problem and Mike and Mark both worked very hard to motivate them to get the, Greg's client, he's still here, that's all right, to get them to get their amenities done and they did. That's a genesis of that note. They do have Department of Health.

MR. VanLEEUEWEN: Is this all going to be tied into sewer and water?

MR. EDSALL: Yes.

MR. SCHLESINGER: What was the hold up here?

MR. EDSALL: Health department.

MR. ARGENIO: Department of Health. Department of Health. You remember this, Neil, this has been --

MR. SCHLESINGER: It's been awhile and I'm getting older so you forget.

MR. SCHEIBLE: What was their main concern, I'm just -- concern by the Department of Health.

MR. ARGENIO: You know, Hank, I don't know specifically.

MR. SCHEIBLE: I was just curious what held it up so long.

MR. ARGENIO: I think it could be the magnitude. Mr. DiNardo will address that.

MR. DiNARDO: Central issue was the sprinkler system for the buildings, that took several resubmissions.

MR. SCHLESINGER: I have a question. In this section right here, I'm looking at my plan, can you show me on your plan what the location of the dumpster areas are?

MR. DiNARDO: Mr. Zepponi.

MR. ZEPPONI: This was brought up as part of just as an Exhibit. Typically I see one here which is proposed recycling enclosure.

MR. DiNARDO: There are several dispersed throughout.

MR. SCHLESINGER: Looking at my plan I see one in

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that section. Here we have a community for the elderly and you're getting people 75 or 80 years old, where are they going with the garbage? I see one in that two section.

MR. DiNARDO: I recall this was a comment Mr. Edsall had.

MR. SCHLESINGER: It was something I'm sure was addressed, I just don't see how it was addressed.

MR. DiNARDO: We'll get to it.

MR. GALLAGHER: One down by the clubhouse pool.

MR. ARGENIO: What page are you on, sir?

MR. ZEPPONI: Page two of 33. One down by the clubhouse, which is the lower central portion of that loop. And then also there's one in the upper left-hand corner.

MR. SCHLESINGER: Two.

MR. ZEPPONI: Three mail drops and there are two enclosures.

MR. SCHLESINGER: In this section here we have two, four, six, eight, 10, 12, 14, 18 residences, is that correct?

MR. ZEPPONI: That's correct.

MR. SCHLESINGER: 18 residences and two dumpster stations.

MR. ZEPPONI: That's correct.

MR. SCHLESINGER: Are we happy with that?

MR. MINUTA: It seems like there's two and mailbox 23, 24, 29 is the end of a parking space?

MR. ZEPPONI: Which was that?

MR. MINUTA: Top left of the lower section. Mailbox 23, 24, 25 and 29 is being shown again in a parking space.

MR. ZEPPONI: Along the sidewalk, yes.

MR. MINUTA: Along the sidewalk?

MR. ZEPPONI: Right.

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MR. MINUTA: Is the mail carrier going to come through and across here?

MR. ZEPPONI: There is an overabundance of parking. I would expect they would generally have enough other than perhaps a holiday.

MR. ARGENIO: Joe asked him about the mailboxes, I want to get -- Joe, go ahead.

MR. MINUTA: With the mailboxes, just looking at this, the other one seems pretty well distributed. The mail carrier can come up, drop everything off, looks fairly simple. We have one which is 23, 24, 25 and 29 located at the upper left-hand portion of that which is at the end of a parking space. That parking space is technically the closest one to the end. So that's always going to be filled up. I'm just wondering what the intent of the carrier on this route, are they dropping them off, are they walking the route? How is this being handled? It would appear to me that they would just stop and walk. This one looks like it's going to be a little more difficult to get to.

MR. EDSALL: Generally what happens, Joe, is the ultimate, the same as when we send something to the DOT or they make the final determination, in the field a lot of times these will shift slightly based on the directive of the post master.

MR. MINUTA: Okay, that's fine by me.

MR. ARGENIO: I think ultimately what he's going to say, the postmaster, do this or you don't get your mail. So I think that's kind of simple.

MR. EDSALL: That's the reality.

MR. ARGENIO: Henry VanLeeuwen, please?

MR. VanLEEUVEN: Every four units you should have a dumpster. These are going to be older people living here. You can't have a dumpster here, dumpster there where they got to walk several hundred feet. Let's say number one and number two have to walk all the way up here to get rid of their garbage.

MR. DiNARDO: What is the size of the dumpster?

MR. ZEPPONI: The dumpster area I have to get.

MR. SCHLESINGER: You have one by the clubhouse. The clubhouse needs one by itself.

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MR. ARGENIO: I don't want to beat the applicant up. I think it's not a bad point and I'd like to hear Mr. DiNardo's response to it, to the comment.

MR. DiNARDO: I guess it's more of a technical point, but what I would be concerned about is tempering the number which Mr. VanLeeuwen raised which is obviously important, which is the size and the appearance. I think you have to strike a balance between those two and we may not have enough, but I also want to be sensitive to the size and the appearance.

MR. ZEPPONI: They're 25 by 15, each one of the structures.

MR. BABCOCK: In today's world with recycling they get bigger because the dumpsters all have to be separate dumpsters. I can tell you that the people that live here do not want extra dumpsters. Nobody wants them by their unit. Washington Green has 240 units with three dumpster locations. Never had a problem.

MR. DiNARDO: Any issues you know of?

MR. BABCOCK: Not that I know. I'm just using as far as numbers when we're saying we want a dumpster unit for every --

MR. VanLEEuwEN: Four to five units.

MR. BABCOCK: Four or five units is a lot. These dumpster units are huge.

MR. ZEPPONI: They are 25 by 15.

MR. VanLEEuwEN: Senior citizens, they have a heck of a distance to walk, that's what I'm looking at.

MR. DiNARDO: May I ask this, are there smaller units available? I think if you're going to have to have more of them you should go to smaller.

MR. BABCOCK: Each unit you need three dumpsters.

MR. ARGENIO: I want tell you how I feel about this and whatever you guys want to do we'll do, we'll vote and whatever you guys, whatever it comes out it comes out. I think Mike has a good point. I think they are unsightly. I think they stink and I don't

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think anybody wants them near their place. I think Henry and Neil make a good point, it would be nice if there were more. I think if I lived there I wouldn't want to look at them. And I think they get bigger as Mike said because you have recycling for plastic, you have recycling for paper. It goes on and on and on. I also think that most of the seniors that are going to live here are going to drive. Most of them are going to drive.

MR. DiNARDO: Remember the size of the units, yes.

MR. ARGENIO: It would be pretty typical for them to throw the bag in the trunk, leave the trunk open, drive down the road and throw it in the dumpster. Mark, I'd like to hear from you on it, what are your thoughts?

MR. EDSALL: I tend to agree with you. Given the style of this development, more of an active community with, geared toward multiple cars and size of the units as the applicant has said, I think that there is a likelihood just what the Chairman said, that they'll transport bags to the stations. I can see the benefit of providing more in some cases where you have smaller units and more pedestrian traffic. I think in this case it may be the style of the project where you'll have the mobile driving people.

MR. ARGENIO: Dan, you live in Washington Green?

MR. GALLAGHER: Used to.

MR. ARGENIO: What do you think about it, you used to live in Washington Green?

MR. GALLAGHER: I'm seeing one issue down here by the clubhouse. I don't know if that will be full. All the time, being it's right next to the pool and the clubhouse, I do not want to leave one more enclosure for all of these, for everything down there on the right-hand side.

MR. DiNARDO: May I ask this to Mr. Edsall, and Mr. Zepponi, if experience proves that more are needed are there other locations where they can be located?

MR. EDSALL: Obviously there's areas. But Mike has pointed out one of the critical problems, if they're

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not shown on the plans now the problem we get when you add them later, and it's not on the approved plan, is the homeowner next to where you put it screams pretty loud because they really don't want it next to them, they want it some place else.

MR. DiNARDO: Is it an alternative to provide for some more, don't install them until you know you need them?

MR. EDSALL: That's the problem, when you put them in when they are not on the plan.

MR. GALLAGHER: We had three in Washington Green. One of them was always filled because out of 20 buildings 11 of the buildings used that one recycling center right there for everybody. I might see that problem on the very, very top recycling center. What is that Sara Lee Road. I'm seeing 1, 2, 3, 4, 5, 6, 7, 8, maybe 9 possible units that are going to use that one.

MR. ARGENIO: Here is what I want to do, I'm going to make a suggestion, here is what I want you to do, I think you should add a dumpster enclosure up, somewhere between unit four and five. And I think you should make the dumpster enclosure down at the clubhouse a bit larger so they can have a larger dumpster in there for parties and things of that nature. That's what I would like to do.

MR. EDSALL: Mr. Argenio, what do you want me to do? What we've done on some other applications, kind of a radius distribution, and make sure they're spaced so that they cover a fairly equal number of units.

MR. ARGENIO: And that's the logic, that's why I picked that spot because I don't want to litter this thing with six more dumpsters. If you do the radius distribution, Mark, if it requires one or two more, I'm fine with that. But I think it's a mistake to litter this thing with silly little buildings that stink. That's how I feel. Anybody disagree with me?

MR. SCHLESINGER: I disagree with you a little bit. I agree with what you're saying, they stink and they don't look nice, but we're dealing with elderly people, that's my issue.

MR. ARGENIO: Here is my suggestion, and I'm going to poll the room, I want Mark to do a radius distribution with the intent to add a couple of more

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dumpsters and to increase the size of the one at the clubhouse. Neil, do you agree or disagree with that?

MR. SCHLESINGER: I will agree with that.

MR. ARGENIO: Dan, do you agree or disagree?

MR. GALLAGHER: Agree.

MR. ARGENIO: Joe, agree or disagree?

MR. MINUTA: I agree with one caveat.

MR. ARGENIO: Go ahead with the caveat.

MR. MINUTA: Consider walking distance rather than radius.

MR. ARGENIO: Mark, Joe says we should consider walking distance instead of purely radius.

MR. EDSALL: I look along the sidewalk.

MR. ARGENIO: Do you agree or disagree?

MR. VanLEEUVEN: I agree with exception of one thing, why don't we have them have a glass and plastic recycling place near the clubhouse.

MR. ARGENIO: It will be there instead of all over the place?

MR. VanLEEUVEN: Instead of all over the place because that's much easier.

MR. ARGENIO: I don't think so, Henry. How often do they get rid of the glass, every two weeks? Let's leave it at each one. Mark, you have your direction.

MR. EDSALL: Thank you. The dumpster is over. Let's go through this thing here. I'm going to look at number 7. Mr. DiNardo, unfortunately you're stuck in the unenviable position where your plan has spanned a major personnel change in this Planning Board. So that's why you're getting, and it's okay, because it's good, it's a lot of good review.

MR. DiNARDO: Comments are constructive.

MR. ARGENIO: I don't have anything else. Certainly if you guys have something.

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MR. SCHEIBLE: Just curiosity, how wide are the sidewalks? How wide? I'm a new member here.

MR. ZEPPONI: Three to four feet, my recollection. But I specifically don't recall.

MR. EDSALL: They have to be at least four.

MR. ARGENIO: Mark, do you remember?

MR. EDSALL: They're supposed to be at least four.

MR. ZEPPONI: Sidewalk detail four.

MR. ARGENIO: 48 inches typically is what we look for, Henry. Never anything less than that regardless of what ADA is.

MR. SCHEIBLE: That's fine.

MR. MINUTA: Question, regarding the clubhouse, how many occupants do we project for this complex?

MR. DiNARDO: I don't know if an analysis has been done. I think a range, I would suggest to you is a conservatively, I would think would be, you know, given the age limitations, would be two to three.

MR. MINUTA: Two to three what?

MR. EDSALL: Occupants per unit.

MR. MINUTA: How many units?

MR. EDSALL: 120.

MR. MINUTA: So we're looking at 240 to 260 people. Is the clubhouse large enough to accommodate the community, per square foot, per New York State code of occupancy for that building?

MR. DiNARDO: Well, of course understanding it relates to a number of any given time as opposed to the population in the community. I think a better way of giving you information on that is to tell you what the capacity is.

MR. ZEPPONI: Actually it's an architectural determination that neither one of us were involved in in terms of the sizing of the layout.

MR. VanLEEuwEN: I think that's something calculated.

MR. MINUTA: Seven to 15 square feet per person. So work the numbers out that way.

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MR. EDSALL: What's the square footage of the building if we take the average of 10?

MR. MINUTA: Normally seven to 10. Base it on worse case scenario. Take your number of occupants base it on that if you have a community gathering and they have a public meeting there they should be able to accommodate that.

MR. DiNARDO: I wonder if we could perhaps draw the Washington Green experience, if that's any help.

MR. ARGENIO: One second.

MR. BABCOCK: Bob, you know, when you're saying two to three people it's really got to be rare to have three people.

MR. DiNARDO: I was trying to be conservative.

MR. EDSALL: Realistically probably have between the single person and the three unit should balance. You may end with that average of only two.

MR. MINUTA: Let's take two for an example, just for an example.

MR. EDSALL: 240.

MR. SCHUTZMAN: 50 by 35.

MR. MINUTA: That's 3,600. Just 3,600 square feet just in usable space. That doesn't include your kitchen, your bathroom, et cetera.

MR. DiNARDO: Assuming everyone is there at the same time.

MR. MINUTA: It's a community clubhouse. Everybody has a community thing let's say. Can it be accommodated in the clubhouse?

MR. DiNARDO: Why don't we calculate how many people the building can accommodate divided by 11 or --

MR. ZEPPONI: 60 per square assuming it's one floor.

MR. MINUTA: I'm sorry?

MR. ZEPPONI: Just take the total square footage divided by 11 comes out to 160 people per floor.

MR. MINUTA: Per floor.

MR. ARGENIO: Let me just say this, I think we're on a little bit of a tangent here. And, Mark, correct

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me, I want you to if you think I'm misspeaking tell me because this is my first senior housing review project. I mean I don't know that it's, I think that the size of the community center is driven by the developer and he's going to want his community center, he's going to want to represent his community center in the prospectus that's something that's attractive to the buyers.

MR. EDSALL: I'll tell you right now that --

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MR. ARGENIO: Do we have a code that drives the size of the community center?

MR. EDSALL: Yes, we do. Possibly if the Town Board adopts the new code when this --

MR. ARGENIO: Predates that.

MR. EDSALL: The current code as it exists right now, and as this application was made and progressed over all these years, there is no requirement whatsoever for a specific size clubhouse for any multifamily or senior housing project. I will tell you that the new law very well may include a specific requirement. The law as it exists right now, and as this project has been viewed over all these years there is no requirement. They have proposed it, the Board has reviewed it, they are here for final approval and this is what it's been all along. But there's nothing in the law that requires anything.

MR. ARGENIO: The owner has put a clubhouse there that is most likely the size of what he feels this type of community is going to require.

MR. DiNARDO: Correct. Allowing for the fact that it is designed to be a more active community. I asked about Washington Green because I've been there. I think it compares favorably. I think it's actually larger.

MR. GALLAGHER: Washington Green or on this?

MR. DiNARDO: This is larger than Washington Green.

MR. GALLAGHER: Washington Green doesn't have a big clubhouse at all.

MR. DiNARDO: Is that an issue?

MR. GALLAGHER: No. Usually it's used for private

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functions. They rent it out. They don't have a gym there. I've been to a function there. It's more tied into just the pool.

MR. ARGENIO: I'd like to get passed this. Certainly any other issues I would certainly. We are going, as I said, a lot longer on this than we normally would, but it's for the benefit of the new members.

MR. SCHLESINGER: Are there any codes related to senior housing strictly?

MR. EDSALL: Yes, there is a current regulation for senior housing.

MR. SCHLESINGER: Sidewalks?

MR. EDSALL: They are sidewalks in here.

MR. SCHLESINGER: On one side?

MR. EDSALL: Yes. As a matter of fact, I don't even think the current code says you have to have sidewalks at all. The point being is that the current senior housing regulation is minimal. That's the reason why Mr. Babcock and I suggested the Town rewrite it and that's right where we are right now. The new one is extremely more detailed than what we have now.

MR. SCHLESINGER: Okay.

MR. EDSALL: It doesn't exist as law now. It may happen in two months, it may happen in a year, we don't know.

MR. MINUTA: Do we have any slopes greater than 20 percent on this site for sidewalks, do we know?

MR. EDSALL: I don't believe there are any slopes to that magnitude.

MR. ARGENIO: Okay.

MR. VanLEEUEWEN: There are quite a few things that still have to be addressed here.

MR. ARGENIO: Tell me what they are, Henry? I want to address them. We're going to send these people home or we're going to vote on this. Tell me what you need to address and we'll send them home.

MR. VanLEEUEWEN: They got to put the dumpsters in.

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We got to find out how big the clubhouse is going to be.

MR. ARGENIO: There's no code on the clubhouse. There's no code on the clubhouse.

MR. VanLEEuwEN: So that means we don't look at it? I think we do have to look at that clubhouse. The size of the clubhouse, I think it's important.

MR. SCHEIBLE: I go along with that.

MR. ARGENIO: How big is the clubhouse?

MR. ZEPPONI: 35 by 50 is the footprint. Again, neither one of us are the architect that were involved.

MR. ARGENIO: 35 by 50.

MR. GALLAGHER: That's small.

MR. SCHEIBLE: We are going to be having seniors here. Seniors have been noted, because they don't, they're not going to work, they're retired people and they really don't have anything else to do but when there's a meeting they all do show up. They like to show up for these type of things and if you don't have, if you only have room for half the number of people that are in there, right?

MR. ARGENIO: 35 by 50 it is. Henry, what is your, what do you think on the clubhouse?

MR. VanLEEuwEN: It should be at least 40,000 square feet.

MR. SCHLESINGER: How much?

MR. VanLEEuwEN: 40,000.

MR. SCHLESINGER: 40,000 is a warehouse.

MR. MINUTA: More along the lines of 4,000. That could accommodate the individuals. I mean we are talking about seniors. They are going to have some who will have walkers, some will have wheelchairs. You know, I think that is a --

MR. ARGENIO: How do you feel about 40,000 square feet?

MR. VanLEEuwEN: 4,000.

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MR. DiNARDO: I confess to you, I don't know. I think it deserves study. I'm not the person to do that. But if it's a concern for the Board we will address it.

MR. ZEPPONI: Am I hearing 4,000 is on one floor?

MR. MINUTA: Here is what you're hearing, with your professionals figure out what it should be, reasonable test, okay, of accommodating the community in the clubhouse based on what they will be doing, their ages, their capacities. Can they congregate in this clubhouse at one time for one meeting.

MR. DiNARDO: What I will do is, what I suggest we do is draw on comparable communities in other areas and see if we can find out demographically what their experience has been.

MR. VanLEEuwEN: If they are too small that's still not going to answer, it's not going to answer my question of too small.

MR. DiNARDO: We hadn't planned on studying communities that have had too small ones. We want to look at communities that had appropriate sized ones.

MR. BABCOCK: How about we do this, at 4,000 square feet if you built a building 4,000 square feet at 15 square foot per person which is the code, comes up to 266 people that can go in that building.

MR. DiNARDO: If I do the math that's 1,750 square feet.

MR. ARGENIO: 1,750, I have that.

MR. EDSALL: Talking about something more than twice that size.

MR. ARGENIO: Mr. DiNardo, here is where I want to get to tonight, here is where I want to get to, here is where I want to get to, unfortunately, as I said you're in the unenviable position of standing the changing of the plan in this Planning Board. It doesn't mean you do not have to meet the requirements. You do. But what I do want to do, this is not going to go all the way tonight. What I do want to do is, I want you to leave here tonight with specific direction on what to do. I don't want to leave it nebulous. Don't put you on the spot,

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that's why I am kind of questioniong you a little bit. I'm okay with the clubhouse thing and I'm okay with the dumpster thing and --

MR. VanLEEuwEN: I want to see them on the map.

MR. ARGENIO: That's what I said, we're going to add the dumpsters and it's going to be we're not going to litter the facility with dumpsters. We're talking about a couple, three more dumpsters and Mark is going to work with the applicant and use the foot path radius to locate those dumpsters. That's what I was referring to specifically. But I want Mr. DiNardo to leave here with direction. So you have direction on that.

MR. DiNARDO: Can I ask, the mail box issue is revolved?

MR. ARGENIO: I think that's a postmaster general issue. Hank Scheible, do you have something?

MR. SCHEIBLE: Correct me if I'm wrong, did I hear you say a two story clubhouse? I hate to beat a dead horse.

MR. DiNARDO: I don't think. My instinct you mentioned a two story, it doesn't make any sense if it's senior.

MR. SCHLESINGER: You're right, that was mentioned. Our suggestion is you may be opening up Pandora's box with two stories.

MR. ARGENIO: If it can be done in one story I'd like to see it done in one story.

MR. MINUTA: I agree.

MR. ARGENIO: Mark Edsall.

MR. EDSALL: I was just keying in on the two story because --

MR. VanLEEuwEN: I think what everybody picked up was Mike said, are these houses two stories or one story right, Mike?

MR. SCHLESINGER: Whatever, I think we are all on the same page that we should address it primarily as being a one story facility.

MR. ARGENIO: Mr. DiNardo, you need to address these issues we discussed here tonight.

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MR. DiNARDO: I understand.

MR. ARGENIO: This is what it is, we're getting some good comment, good feedback from everybody and does anybody have anything else? You'll address this stuff, Mr. DiNardo?

MR. DiNARDO: Absolutely. We have the two issues we'll work with Mr. Edsall. I assume that perhaps we'll take some direction from him what he thinks it involves sufficiently for you to see it again. We'll be back to see you.

MR. ARGENIO: Yes, yes. And I don't think you're talking about a lot here. But certainly it's been good commentary from the other members and I'd like you to address the issues.

MR. DiNARDO: We have it, it's focused and we appreciate it.

MR. ARGENIO: Mark, was there anything else there, did I miss anything?

MR. EDSALL: No. As a matter of fact, if there are any items that were on the lists of conditions I'll try to get them resolved so we can shorten the list.

MR. DiNARDO: I think we have. We understand it was meant to be an all inclusive list. I think we have addressed some of them. We'll try and narrow the list down between now and when we see you next.

MR. ARGENIO: Okay, thank you.

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PATRIOT PLAZA - BUILDING 2

MR. ARGENIO: Patriot Plaza Building 2, proposed modification to retail building 2.

MR. EDSALL: Mr. Shaw is here.

MR. ARGENIO: Let me read this, Chairman Argenio, it's my understanding that our proposed field modification for retail building two will be presented to the Planning Board at the July 26th meeting. This modification deals with the elimination of the building drive-thru lane. It will increase the size of the building about 9,300 square feet to 10,100 square feet. Please note that while the size of the building will increase there will be more than sufficient parking to accommodate this increase. Also with this field modification the lanes adjacent to the building increased from 25 to 30 feet to comply with the Town's fire safety regulations because this field modification increases the size of the building by 750 square feet. We realize that building three will also have to be reduced by this amount. The reduction will be addressed in the future when we prepare a field modification of drawing number three.  
Go ahead, Greg.

MR. SHAW: Very simply, the project is a retail building number 2. It was 9,375 square feet. It had two levels to it. Had a step and a slab and it had a drive-thru on the Windsor Highway side. And Mark has a copy of it with him tonight, if you wish to see that. What we would like to do is come in for a field modification to change the building configuration. The size is now going to go to 10,125. So 700 square feet, 800 square foot increase in size. But we are getting rid of the drive-thru. Additionally with this configuration we are going to get rid of a string of parking which allowed us to increase the aisle width to 30 feet wide which is what the fire inspectors want now which is in conformance with the Town code. So, what we've done is eliminate a few spaces. We realize full well that when a site plan for this final piece is prepared that that will have to make up for the parking spaces we've lost. But in any case we have way more enough parking for this to support this building. So very simple we're asking to approve this plan, or actually approve the field modification to allow us to get rid of the drive-thru, to increase it from 9,375 to 10,125, all right? And to have the increased dimension of the building.

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MR. ARGENIO: I'm thrilled about the 30 feet. I think that's great. Mark, is there anything, anything hidden here that we don't know about?

MR. EDSALL: No, I think the reason I've sent it over to the Board as a discussion item as a field adjustment the retail market is a moving target. You never know who's going to want to rent what space. So for them to predict how the buildings are going to evolve it's tough. We are moving with their market.

MR. VanLEEUEWEN: Still going to be a bank building?

MR. SHAW: You know, we've given up on the bank. They've tried very hard to market that piece of property with tenants. They have a beautiful building. If you ride by and take a look at the tenants that are in it you'd like to think we can have more upscale tenants for our building.

MR. SCHLESINGER: They originally thought that they probably would have a bank, they couldn't land a bank whatever it is so they said let's forget the bank and get some more square footage.

MR. SHAW: I want to correct myself, I said the drive-thru was on the Windsor Highway. It's on the opposite side. I just saw the plan.

MR. ARGENIO: Quite honestly I think we have enough banks in that area. My goodness, they're everywhere. I don't have a problem with this. What do you guys think, Joe?

MR. VanLEEUEWEN: I do not see a problem.

MR. MINUTA: Let me ask this question, is the parking the way it's configured sufficient so that if you want to put in a drive-thru later on there's enough blacktop area that could be restriped so that you can put a drive-thru?

MR. SHAW: I make that statement by the fact that we are only obligated to provide 10,000 by 150. So whatever that number comes in, probably half this parking. So we have so much parking, okay, yes, you can say that we're going, we can take out the island, restripe it and put it in.

MR. MINUTA: And this is going to be a better looking building than the one that's up there currently.

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MR. SHAW: I don't know that. I would figure it would be similar in architecture.

MR. MINUTA: The drawings that you brought in this evening for the other project were very good. I'll leave it at that.

MR. EDSALL: Mr. Chairman, just be aware, I did ask the fire inspector to review it and not only was he supportive, but he said it was closer to complying with --

MR. ARGENIO: The 30-foot aisles are the deal for me.

MR. EDSALL: Here is his letter of approval.

MR. ARGENIO: Do you have anything?

MR. GALLAGHER: Nothing.

MR. ARGENIO: Do we need a vote?

MR. EDSALL: I think we should do it as accept the field change. But do it subject to them having to modify the square footage of the other building once they fully develop that plan.

MR. SHAW: We have that in the letter.

MR. ARGENIO: It will be subject to what Mark just read. Neil, do you take exception to this?

MR. SCHLESINGER: No, I think it's fine.

MR. GALLAGHER: It's fine.

MR. MINUTA: No issues.

MR. ARGENIO: Henry, do you take any issue?

MR. VanLEEUVEN: No.

MR. ARGENIO: I take none either.

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GENERAL DISCUSSION.

MR. SCHLESINGER: Hold it, I got three things. Number one, what was your basis, Jerry, on the Wallkill Associates Subdivision Beattie Road from questioning on the size of the lots?

MR. ARGENIO: Because I think that number one when they go to the health department they're going to lose quite a few lots anyway.

MR. SCHLESINGER: For what reason?

MR. ARGENIO: For perc. And they should have something, when they come to us they should have something that closely reflects what is going to be the final package. And number two, I think that I'd like to see bigger lots anyway wherever we can get them. But as I said I think they're going to lose quite a few lots anyway. And I think if they dispose of them now they'll get something that more closely resembles what the final version is going to be.

MR. SCHLESINGER: I think it should have been explained to them because if I was the applicant and turned around and said what size are your lots and they're all above 80,000 square feet and I'm in conformity, then what's the problem.

MR. ARGENIO: I did say to them, Neil, I did say to them that you're going to lose quite a few lots because of the perc. I specifically went into -- I'm not going to justify myself. I specifically went --

MR. SCHLESINGER: I'm not asking you to justify, just communication.

MR. ARGENIO: Mark, I asked them about the perc, verifying the perc because it's a big problem out in that west end of the Town.

MR. SCHLESINGER: Okay, if I was the applicant I wouldn't have perceived it that way. That's all. The point is valid and if they're going to, when push comes to shove sooner or later, fine, I have no problem with that.

MR. VanLEEuwEN: The south side of Beattie Road is all rock and shale.

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MR. ARGENIO: The whole west end.

MR. MINUTA: Hold on, on that same issue, part of what they might have considered is going out there take a look and see what does perc.

MR. SCHLESINGER: That's their job. That's their job. If they have an engineer then they should do it.

MR. VanLEEUWEN: Neil, they haven't done it.

MR. SCHLESINGER: The other thing is this is the first time I hear that the Town Board is considering changing the code for senior citizen homes or something like that.

MR. BABCOCK: It's done.

MR. ARGENIO: Wait a second, it's not done. You guys, as far as I understand you're working on it and you're very close to bringing --

MR. EDSALL: It's been submitted to the Town Board for consideration.

MR. SCHLESINGER: I'd just like to put some feedback into it. Hank turned and said the senior citizens are going to come to the clubhouse and they're going to walk with their walkers and wheelchairs and everything and most of the people attend these meetings. How could they walk if they don't have a sidewalk?

MR. EDSALL: There is a requirement in the code for sidewalk.

MR. SCHLESINGER: Both sides?

MR. BABCOCK: You can cross the road.

MR. SCHLESINGER: My personal opinion, I'm giving input, that's all. I mean talk about senior citizens, you talk about people that are healthy when they're 55. When they're 65 and 75 God bless them, I hope they're healthy too, but it's life. Just my input.

MR. BABCOCK: The thoughts of that quite honestly when you add cost to the project you add cost to the housing. This keeps on going.

MR. SCHLESINGER: I'm all in favor of senior housing

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and I know that you're trying to make it within a reasonable financial thing, also. I understand that, too. The last thing that I have to say is in regards to this letter that was in our folder it's a two part thing. What's the disposition of this, of shadow faxing?

MR. ARGENIO: I don't know what letter you have.

MR. SCHLESINGER: Shadow faxing, we didn't vote on it.

MR. ARGENIO: I don't have this letter in my file.

MR. SCHLESINGER: You can have mine. What's the disposition of shadow faxing? I happen to agree with the letter.

MR. ARGENIO: You weren't at the meeting.

MR. SCHLESINGER: We have to table it to vote on it, is that right?

MR. ARGENIO: Shadow faxing, Mark, they got final, didn't they, Shadow Fax? Subject to their road maps, the roads matching the plans in the --

MR. EDSALL: I don't recall the resolution, I would have to check.

MR. ARGENIO: Jackson Avenue. I'm going from memory, Neil. Subject to losing lot one because it was too close to the power lines, your comment.

MR. EDSALL: I don't think they got, they didn't get a final approval, no, no.

MR. SCHLESINGER: That's what I heard, it wasn't voted on, what's the hold up?

MR. BABCOCK: We want their plan to match the engineering plan that we have to redesign Jackson Avenue.

MR. ARGENIO: That's what it was, that's right, that's what it was because there's going to be a reconstruction of Jackson Avenue in the near future.

MR. VanLEEUEWEN: They have to get together with the Town.

MR. SCHLESINGER: In other words, there was a lot of opposition to the redesigning of Jackson Avenue. We are taking the stance that we agree with the

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filing requirements from the County Clerk's office. So hopefully they will get them right. I think it's a terrific burden to have somebody who's that --

MR. ARGENIO: As long as the Board agrees.

MR. SCHLESINGER: Who changed that?

MR. EDSALL: The County Clerk's Office.

MR. SCHLESINGER: Did that have to be approved by the Town Board?

MR. EDSALL: The Town has no authority to change, the County Clerk's Office.

MR. MINUTA: Is that sufficient for the county that they refer to us?

MR. EDSALL: The county will only file what you give them. So the way other communities have handled this or other counties in the transition, file the front sheet, refer to the rest.

MR. ARGENIO: I have no problem with that. Neil, do you have a problem with that?

MR. SCHLESINGER: No.

MR. ARGENIO: Dan?

MR. GALLAGHER: No.

MR. ARGENIO: Joe?

MR. MINUTA: No.

MR. VanLEEuwEN: No.

MR. ARGENIO: Joe, do you have anything else?

MR. MINUTA: Unfortunately I do. Per your direction from the Nextel Communications that came in last meeting they have wrote me a letter stating that they have addressed an issue with regard to the siting and they are now looking at the Vails Gate School now. They are in correspondence with the school district to potentially rebuild an existing tower to accommodate their facility.

MR. ARGENIO: Did you wrestle them around a little bit?

MR. MINUTA: Didn't need to. It was really very simple.

MR. VanLEEuwEN: Where is the existing tower now?

MR. MINUTA: At the Vails Gate School. And the

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suggestion, recommendation was they basically stated they would be willing to reconstruct at no expense to the district the existing tower and relocate everything that's on there and support the new systems.

MR. ARGENIO: That's good, Joe.

MR. MINUTA: I think that might be a win/win for everybody.

MR. SCHLESINGER: So what's their application for, the new tower is, what's the status?

MR. MINUTA: I don't know where we are. There was a suggestion made last time, we discussed it with them, Vails Gate was a viable site for them from an RF stand point.

MR. ARGENIO: Again, this is a meeting that you had missed, Neil. They came here and talked about the, they came here and presented to us and we deemed their application incomplete and referred them to the Zoning Board. But there are certainly concerns on the site in that it's small. It's a very small site and I asked Joe, because he had some cell tower experience prior to the Planning Board, to get with them and work on some camera angles so they can get their rendering so it closely represents what they want to build. And instead of doing that talked them into a different spot.

MR. MINUTA: They are considering it, it all depends on the district. However, I think it's a win/win for everybody. And hopefully that goes through.

MR. ARGENIO: Motion to adjourn.

MR. VanLEEuwEN: So moved.

MR. MINUTA: Second.

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C E R T I F I C A T I O N

THE FOREGOING IS CERTIFIED

to be a true and correct transcription of the  
original stenographic minutes to the best of my  
ability.

Roberta O'Rourke

Prepared August 13, 2006