



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

WEDNESDAY — JUNE 22, 2005 - 7:30 PM
TENTATIVE AGENDA

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES DATED: MAY 11, 2005

DISCUSSION:

- a. RPA ASSOCIATES SITE PLAN – CORNER UNION AVE. & WINDSOR HIGHWAY – LANDSCAPE DISCUSSION

ZBA REFERRALS:

1. MC&B PARTNERSHIP (05-19) WINDSOR HIGHWAY (SHAW)
Demolition of three buildings and construction of 12,900 s.f. commercial building.
2. LUPINOCCI SUBDIVISION (05-20) LAKE ROAD (HILDRETH)
Proposed 2-lot residential subdivision.

PUBLIC HEARINGS:

3. NEW WINDSOR BUSINESS PARK SITE PLAN (05-14) RT. 300 (DEWKETT)
Proposed new construction of 25,600 s.f. office building
4. BEATTIE R. ASSOCIATES SUBDIVISION (05-11) BEATTIE ROAD (MERKEL)
Proposed 5-lot residential subdivision
5. RAKOWIECKI SUBDIVISION (01-26) STATION ROAD (TECTONIC)
Proposed 36-lot residential subdivision

REGULAR ITEMS:

6. SCHOONMAKER HOMES SUBDIVISION (04-20) RT. 207 & KINGS ROAD (AFR ENGINEERING) Proposed 4-lot residential subdivision
7. PLUM POINT CONDOMINIUMS (04-24) RT. 9W (HALBERTHAL)
Proposed parking revisions.

ADJOURNMENT

(NEXT MEETING –JULY 27, 2005)

June 22, 2005

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TOWN OF NEW WINDSOR

PLANNING BOARD

JUNE 22, 2005

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

ALTERNATE: JOSEPH MINUTA

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

MICHAEL BABCOCK
BUILDING INSPECTOR

MYRA MASON
PLANNING BOARD SECRETARY

ABSENT: DANIEL GALLAGHER

REGULAR MEETNG

MR. PETRO: I'd like to call the June 22, 2005 meeting
of the New Windsor Planning Board to order. Please
stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was
recited.)

APPROVAL OF MINUTES DATED MAY 11, 2005

MR. PETRO: We have minutes dated May 11, 2005, accept those minutes as written?

MR. ARGENIO: I'd like to make a motion we accept the May 11 minutes as written.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board accept the minutes as written. Any further changes or additions? If not, roll call.

ROLL CALL

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

DISCUSSION

RPA ASSOCIATES SITE PLAN

MR. PETRO: RPA Associates site plan corner of Union Avenue and landscape discussion.

Mr. Greg Shaw of Shaw Engineering appeared before the board for this proposal.

MR. PETRO: I asked Mr. Shaw to come in and go over the landscaping on the corner. As it stands now, you know, it's a very focal point of the town and frankly we're not overly enthused at the way it looks. I know you've been working on it and I don't want to be too critical till it's done but the, I know I've talked to you privately, I'm kind of talking to the rest of the people in the room, just needs to be addressed and I know that you've showed me a plan we're trying to address it but something needs to be done so that's why he's here at our request.

MR. SHAW: Thank you. Let me tell you what you're looking at at that intersection, it's a work in progress, what they're doing now is bringing in fill and raising the grade around that retail building that's under construction. Right now you have a steep embankment because they're grading the fill as they're bringing it in so they had fill passed the curb line and Mr. Petro when he rode by, I flagged him down and I showed him what I was talking about but it is a steep bank.

MR. PETRO: You flagged me down or I flagged you down?

MR. SHAW: Well, thank you. It is a steep bank, probably one-on-one slope as it exists today but it will be cut back, the drawings that were approved by this board show a one-on-three slope on Windsor Highway, you'll get a one-on-three slope. The drawings

also show a one-on-two slope on Union Avenue approved, you'll get that one-on-two slope, there's nothing changed from the drawings that was reviewed by the board but it is imposing, it's at a 45 degree angle but again they're bringing in the fill and it will be cut back to those slopes. The point that the chairman made is that he wanted that embellished right now. We have a planter area with some trees which this board approved that were installed in accordance to the approved plan, the developer has taken no short cuts whatsoever, the board is getting what they wanted. The position of the chairman and I'm assuming this board is that they'd like to have some more of what they've done and on very short notice cause I only was informed Monday about coming before this board was to come up with a rough sketch as to how we would expand the walls. If you take a look at this drawing, you'll see the boxes that are called, that's the existing retaining wall, they're the ones that are not shaded, they presently exist, there was a third tier there originally but that was removed when the shaded boxes are an extension of the wall so what you have is a lower tier of your wall with a 6 foot wide planting area which is consistent with what presently exists. Then you'll have another three foot high wall with a five foot planting area behind that and finally on top the third tier will be a three foot high wall also we think this is quite an extra expense my client's going to incur while it doesn't look like much at \$25 per square foot of base and considering if it's 3 feet high it's about \$100 a running foot just for the wall is 25 grand, we haven't talked landscaping yet.

MR. PETRO: You know how we feel about money. Want to share the profit on the condos with us?

MR. SHAW: My point is what my client has provided is what the board approved, you're asking for more, he's giving you more, but it's not a cheap number.

MR. PETRO: I understand it looks like hell, it's a focal point of New Windsor and it's just better for everybody you don't have landscaping shown here so you're going to continue with this plan.

MR. SHAW: We're going to develop that plan and present a landscaping plan similar to the plan we prepared for the original walls and the landscaping for this board to review.

MR. PETRO: Mark, the code one-on-two, one-on-three, what's it, I mean, we approved one-on-two on 32 side and one-on-three on Union Avenue side.

MR. EDSALL: Code restriction applies to areas adjoining town roads so this is adjoining a state road and a county road so but it's under your purview as part of the site plan review so I think you're moving in the right direction.

MR. PETRO: We're not going to hold you up obviously you're working on it, you have to show us the landscaping, we talked a little bit the trees, talking finalize this plan and come to the next meeting.

MR. SHAW: I will not be finalizing the landscaping, that's done by the landscape consultant and I have not talked to him yet and the next meeting is four weeks away.

MR. PETRO: Yes.

MR. SHAW: That's reasonable.

MR. PETRO: Number 2, Mr. Schlesinger asked me today I didn't know the answer you want to ask him, go ahead.

MR. SCHLESINGER: I was just curious how we're doing on the clubhouse.

MR. SHAW: I mentioned it to the super two days ago when I was in the field and the chairman stopped by, he told me the latter part of this week, the telephone for the elevator should be complete, the telephone system with the elevator being finalized the first part of next week, it's now been two weeks since I've been before this board and I told them very clearly that the board said four weeks and I told him that the clock is ticking and he fully understands that and does not think there will be a problem.

MR. SCHLESINGER: He's going to have a gift of another two weeks because we're not going to have another meeting.

MR. SHAW: But you do have a building inspector.

MR. SCHLESINGER: That's correct, you can come back in four weeks and tell us it's done and we'll all be very happy.

MR. PETRO: Let the minutes show that I did a site visit yesterday also that's why I'm privy to what's going on down there, plus you just have to ride by and take a look anyway. The height of the building in the front is 35 feet?

MR. SHAW: I don't know what it is but it's below 35 feet.

MR. EDSALL: We haven't done any measurements, no.

MR. PETRO: That's the code there, correct?

MR. EDSALL: I believe it is.

MR. PETRO: It's every bit of that so you're going to to take a look, may or may not need a variance.

MR. BABCOCK: Jim, that's part of the PUD so that may

not be the truth, we have to find out.

MR. EDSALL: May not be set by the zoning.

MR. PETRO: I may be wrong, let's look tonight it looks high, I don't know that it's correct, I want to know that it's right and that will be the end.

MR. SHAW: I'm sure it's under 20 feet, it's only one story.

MR. PETRO: What's under 20 feet?

MR. SHAW: The height of the building, it's a one story retail, what do you have, maybe ten feet?

MR. PETRO: I think the roof is 20 feet to the peak, they added the trusses are 20 foot to the peak plus 14 foot probably whatever it is, it is, find out and get back, I'm not trying to cause problems but if it's got to be right, it's got to be right. Okay? Anything else on the landscaping gentlemen? He's going to prepare a plan.

MR. SCHLESINGER: Just make a note that I had driven by that today, they have been working on it for the last couple of days.

MR. SHAW: Yeah, it's almost to grade and when they do them they'll put in the curb then they'll know where the embankment is and shave it back to those slopes.

MR. PETRO: Before he leaves one other thing on the emergency access up on the top where you put the pavers in I rode by again today noticed there's not a pipe underneath that kind of goes down into a swale that goes down under, where is the water collecting to the west side, is there a pipe?

MR. BABCOCK: There is a pipe.

MR. EDSALL: Should be drainage.

MR. PETRO: My second question is take the pavers themselves or the driveway access does not have a negative slope to it and I don't know if that's something you need to look at.

MR. BABCOCK: We actually we just actually had them down there last week to look at that and I didn't get anything back saying that there was a problem but I'll talk to the guys from Mark's office.

MR. EDSALL: That's grass pavers as I remember?

MR. ARGENIO: Yes.

MR. PETRO: Well, would it have a different criteria than a normal drive being it's only a gated access for emergency purpose?

MR. BABCOCK: It may have.

MR. PETRO: We don't want the county going by or somebody from DOT saying why no negative slope.

MR. EDSALL: County's going to have to write off.

MR. PETRO: It goes right into it with a flair and that's the end of it so look into that.

MR. EDSALL: Will do.

MR. BABCOCK: Yes.

MR. PETRO: Greg, I guess you're done.

MR. SHAW: Thank you.

ZBA REFERRALS

M.C & B.PARTNERSHIP (05-19)

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. PETRO: Referrals M.C. & B. Partnership demolition of three buildings and construction of 12,900 square feet commercial building. Greg, is that you?

MR. SHAW: It's the site which has Blockbusters in it, Jiffy Lube, here's the Five Corners in this particular location and it's situated, has frontage both on New York State 32 and Temple Hill Road. Again Blockbusters, the car wash, Jiffy Lube all existing, you have three outparcels, used to be Cavallo's, Primavera's and another structure,

MR. PETRO: Cavallo's building is coming down?

MR. SHAW: Yes, so are the two other structures.

MR. PETRO: Primavera's?

MR. SHAW: Correct and what we're proposing is to install a new 12,900 square foot building. What's unique about the plan, why do we need a referral to the planning board, zoning board is immediately to the north you have DOT parking which was built when they did the improvements to 32 for those structures and businesses which are being demolished. So our proposal is to the DOT we have had preliminary talks to utilize that for a parking for the new retail building, we have sufficient parking on our site to meet zoning, it would just from a practical point of view be more feasible to use that as a drive-thru to enter the property and also the, to park there if you so choose to go into the new retail building.

MR. PETRO: You're not using the state parking obviously to calculate your parking for your own site so that would just be overflow and for the convenience of the customers have the flow-thru, correct?

MR. SHAW: Correct, so we're proposing to take the new building, its canopy and nestle it up to that property line with a zero side yard setback and for that reason we need a referral, actually a rejection to allow us to go to the zoning board and resolve that.

MR. PETRO: Just for the north side that's it?

MR. SHAW: That's it. Excuse me, and also total both side yards, we're required to provide 70 and going to be providing only 54.

MR. PETRO: Why is there a loading dock in the back of the property?

MR. SHAW: Because if there's going to be retail store very well may be that you're going to be bringing tractor trailers and we wanted to demonstrate to the board that it could fit on the site and not affect the flow of traffic.

MR. SCHLESINGER: The area where you say there's going to be a zero setback canopy there's no access or anything there, just that you, you're just going to have a zero setback?

MR. SHAW: Zero setback, this would be the front door on this beveled 45 degree angle.

MR. MINUTA: Mr. Chairman, two questions, if the lot owned by the state is going to be utilized, who will be maintaining that. And number 2, since the building is visible from all four sides, what will we look at as far as the facade on that building having loading docks to the rear of that it would be visible from Route 300.

MR. PETRO: Okay, I want to come back, when they come back to the planning board we'll address that. Right now, he's looking for a ZBA referral. Does anybody have a problem with the concept of the plan as far as having a retail building in that area? It's a permitted use in the zone, correct?

MR. SHAW: Correct, it's NC zone.

MR. EDSALL: Two things just to verify Greg you said that the 30 spaces in the DOT parking lot are definitely not counted?

MR. SHAW: Correct.

MR. EDSALL: You're going to need a height variance because the permissible height for that building you're proposing is based on setback and that portion of the bulk table is left blank.

MR. SHAW: Thank you, you're correct.

MR. EDSALL: So that's one more that and that's purely a function again that line.

MR. PETRO: Again, when you're going to the zoning board get all the variances need so you'll catch up on your oversight, right?

MR. SHAW: Yes, okay.

MR. PETRO: Motion for final approval.

MR. ARGENIO: I'll make that motion we determine this application incomplete.

MR. PETRO: Is that what you want to do?

MR. EDSALL: That's the preferable way since you cannot

act on this application without the necessary variances so it's incomplete.

MR. PETRO: Okay, motion then this is incomplete.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board deem that this application is incomplete because you need variances from the New Windsor Zoning Board. If you're successful and receive those variances, implement them on your plan, you can once again appear before this board so we can look at your site plan. Good luck to you.

MR. SHAW: Was there a vote, Mr. Chairman?

MR. PETRO: Roll call.

ROLL CALL

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

LUPINOCCI SUBDIVISION (05-20)

Mr. William Hildreth appeared before the board for this proposal.

MR. PETRO: Proposed 2 lot residential subdivision.

MR. HILDRETH: Mr. Chairman, if you don't know whether to vote yes or no you can always say I shouldn't but I will.

MR. PETRO: Thank, Mr. Van Leeuwen.

MR. HILDRETH: This is a 2 lot subdivision of five acres in an R-1 zone on the west side of Lake Road north of Beaver Dam but just north of the railroad, you'll look at the location plan, you can see the railroad to the south, this is the old Gina Napola subdivision, if anybody remembers that back in the '70s, this particular lot has frontage on Lakeside Road as well as the private road at the cul-de-sac area. As I said, what we're proposing is two lots, it's basically a square lot, it's an even division down the middle. What's going to be required for this configuration is a variance from the zoning board for lot width due to the recent, most recent zoning changes. Other than that, it's more than substantial. With the board's indulgence, I have another plan that wasn't submitted what will show you a lot configuration that could be achieved for a 2 lot subdivision that would not require a variance based on the fact that we have frontage.

MR. PETRO: You're going for this?

MR. HILDRETH: We're going for this, if you care, I can show you, we can do it without the variance.

MR. PETRO: Not now, if this is what you're going to do, I don't want to take time and look at that, you

want to submit this plan, this is what we're looking at.

MR. HILDRETH: I just felt it important that you know that it could be done without the variance.

MR. ARGENIO: What are the variances quickly?

MR. HILDRETH: Lot width, period, and it's 147 versus 175.

MR. PETRO: What's the down side of doing it without the variances?

MR. HILDRETH: It creates a tortured lot line. Very quickly, this is the engineer's plan for the subdivisions, the difference is the line and what it really does is create two dissimilar and unequal lots whereas here you'd have two lots of similar building envelope and development potential, you're eliminating it by doing it this way although this would comply with zoning, this was the applicant's preference.

MR. PETRO: We'll send you to the zoning board, go with this one, show them what you showed us. If they don't think it's necessary, come back and we'll look at that. Motion that the application is incomplete.

MR. ARGENIO: I'll make a motion that the Lupinocci subdivision application be deemed incomplete by the board.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion's been made and seconded that the New Windsor Planning Board deem this application to be incomplete, therefore, you will be sent to the New Windsor Zoning Board for your necessary variances. If you are successful and receive those variances, you can then appear before this board again to further your

site plan.

MR. HILDRETH: Will there be any kind of a recommendation to go with that?

MR. PETRO: I think I just said it all, it's whatever they think, I don't like the irregular lot line either, I like nice clean lots.

MR. HILDRETH: My personal feeling is way down the road that causes more problems than a straight line.

MR. PETRO: I don't disagree so I would say a positive recommendation. Does anybody disagree?

MR. ARGENIO: I agree.

MR. PETRO: There you go.

MR. HILDRETH: Thank you.

MR. PETRO: Roll call.

ROLL CALL

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

PUBLIC HEARINGS:

NEW WINDSOR BUSINESS PARK SITE PLAN (05-14)

Ms. Kathy Dewkett appeared before the board for this proposal,

MR. PETRO: New Windsor Business Park site plan. We have a public hearing, New Windsor Business Park site plan, this is proposed new construction of 25,600 square foot office building and it's right down here behind the Town Hall next to across from the IRS building, is that correct?

MS. DEWKETT: Yes.

MR. PETRO: For anybody who's here for a public hearing looks like there's some people tonight the board reviews it first and at some time during the review, I will open it up to the public for their comment so while the board is reviewing it, please hold your comments and we'll get to you.

MS. DEWKETT: We were here I think on May 11 with this plan, we have addressed some of the planning board engineer's comments, well, we have addressed all the planning board engineer's comments at this point also developed a storm water management plan for the project, this is going to be a one story office building multi-tenant Building, 25,600 square feet. It meets all of the zoning requirements, the storm water management plan that was designed is actually going to, we're going to design a storm water wet pond and it's going to be on the parcels, the two undeveloped parcels that are owned by the same New Windsor Business Park Associates that are to the south of this lot here so the storm water management plan was actually designed not only for this lot but the other two lots that are yet to be developed. It's a standard storm water, we have the plan with standard pipe and an overflow for

the hundred year storm and it all leads out to the 60 inch culvert which is existing under Route 300.

MR. PETRO: You gave yourself an easement across the other two lots, how are you doing that for the legal easement to run the water across those lots?

MS. DEWKETT: We haven't addressed that issue, we're still waiting for additional survey information to design the actual, the pond has been sized, we know what our overflow elevations and everything are, because we really we're bordered, you know, we have fixed inverts here from the drainage that's coming onto our site from the Town parcel from this parcel here and also from the IRS parcel and we have a fixed invert down at the Route 300 culvert so we know what the inverts need to be so we're still waiting for some survey information just to be able to blend our new pond in with the existing topo.

MR. ARGENIO: Mark, do they need a drainage district for that?

MR. EDSALL: No, commercial properties are done with easements to the involved parcels then maintenance agreements.

MR. ARGENIO: So it's cross-easements and who owns the parcel with the pond on it?

MR. EDSALL: It would be owned probably by the lot in the middle with easements to the benefit of the other.

MR. ARGENIO: Just geography at that point?

MR. EDSALL: Yeah, the drainage districts apply only to residential subdivisions.

MR. ARGENIO: Okay.

MR. PETRO: I know we sent this to Orange County, Mark, did you get anything back? Myra?

MS. MASON: Local determination.

MR. PETRO: It did come back for local determination?

MS. MASON: Yes.

MR. PETRO: Some minor corrections are needed to the handicapped parking detail, all other items have been addressed, I think we have gone over this a couple times, all right, this is a public hearing on the 8th day of June, 6 addressed envelopes containing the public hearing notice were mailed out. If someone is here who'd like to speak for or against this application, make a comment, be recognized by the Chair, come forward, state your name and address and your concerns.

MR. LOCKWOOD: My name is Paul Lockwood, I'm the owner of the New Windsor Country Inn which abuts this project, I just had some questions regarding grade where my property line ends, we drop down about 6 feet to where this building's going to go on the east side there and I was curious as to how you were going to address the difference in height level?

MR. ARGENIO: Can you point to where your lot is relative to that drawing?

MR. LOCKWOOD: I'm going to be right along on this side here.

MS. DEWKETT: I have a grading plan that I can show you.

MR. PETRO: He's asking basically how are they going to grade from their parking area down to your lot.

MR. LOCKWOOD: Actually up to my lot.

MS. DEWKETT: Do you want me to post this up?

MR. PETRO: Yeah, put it up, he can look at it, we'll all look at it. Sir, if you're higher--

MR. ARGENIO: If you're at a higher elevation specifically what are your concerns?

MR. LOCKWOOD: A dropoff, I have 60 odd frail residents there who--

MR. ARGENIO: Safety essentially?

MR. LOCKWOOD: Correct, not that they wander out there frequently but we do have people that go look at the trees and what have you back there so--

MS. DEWKETT: Well, here's the property line here in question, all right, and it does definitely go up into your area, we're going to basically leave a buffer of about 30 feet or so untouched and we're actually cutting into this corner a little bit but we're well within our property lines so this will only be about a three foot drop.

MR. ARGENIO: It seems as though the area adjacent to your property they're not interrupting at all and to the greatest extent looks to me that's possible based on the way those contours tie in at the top right-hand side of the drawing, they're leaving as large an undisturbed area between their parking lot and your property as is physically possible it appears to me at least would you agree with that, Miss Dewkett?

MS. DEWKETT: Yes, yes.

MR. LOCKWOOD: Now drainage pond would be where behind the New York Life building or is it over to the other

side?

MS. DEWKETT: Drainage pond is going to be down here so it's going to be along Commerce Drive. What we're hoping is to, you know, turn it into a feature, actually, you know, with possibly using there's a lot of big boulders on this site, use some of those, maybe put in a fountain or pump and make it an anesthetic feature to the site.

MR. PETRO: It should be known these drainage retention ponds these are mandated by the state, correct, Mark?

MR. EDSALL: Yes.

MS. DEWKETT: Actually mandated by the federal government.

MR. EDSALL: Passed through the state.

MR. PETRO: This board is not for them unless it's absolutely necessary in certain areas where they can treat water they don't want the water running directly from parking lots into untreated, into the drainage systems. So it has to either go into a retention pond or be treated underground. I personally don't believe the underground systems are that functional because over a period of winters they get sand and salt in there and it's kind of like that at home you have a return for your furnace, you clean it every couple weeks? I kind of doubt that. I don't think you do. Does anybody do it every two weeks? I doubt it. And the same theory would be there so therefore it would clog up and not work, I've never really liked them, I'm letting you and everybody else know that these are mandated by the federal government, not state government and we're complying with it, period.

MR. SCHLESINGER: Where is the New York Life building relative to this?

MS. DEWKETT: New York Life building is right along Route 300.

MR. SCHLESINGER: So your property extends behind the New York Life building as well?

MR. LOCKWOOD: My line goes parallel if you're facing New York Life his right-hand line is my left-hand line and it tends to drop off, we have a lot of problems with water coming off of the school which comes down between the property and the doctor's office in front of us and New York Life actually had quite a flood in their parking lot this last spring.

MR. ARGENIO: They're quite a bit higher in elevation aren't they the school?

MR. LOCKWOOD: Yes, during snow melt we had an issue, part of the drainage system is that going to run from that point behind New York Life and is that the area that you're discussing with floods, drainage?

MS. DEWKETT: Well, right now that area all comes down and then there's a couple of culverts that dump onto the New York Life system and then also run along Route 300. Now our report talks about those because that was all part of the original drainage design for this whole subdivision back in '88, '87 so we talk about that but there's really that's sort of out of the purview of this project.

MR. PETRO: You're too far off to be affected, this is going to take this property into consideration next door and is going to pick up this water coming down from here and take it out through their system.

MR. LOCKWOOD: My concern is that this is the last piece is going to be the piece behind New York Life and at some point that's going to become inundated.

MS. DEWKETT: Well, the storm storm water pond as designed will take care of the drainage from the parcel next to New York Life where the construction trailer is now and the parcel in between that one and this one here this parcel here that's why we sized it that way.

MR. PETRO: And the other pipes coming in off the other properties you already took them into consideration, you have other pipes coming onto this property?

MS. DEWKETT: We have other pipes coming onto it from this parcel here and from the IRS building.

MR. LOCKWOOD: There's going to be a low point right in here I believe.

MS. DEWKETT: There will be a low point in here which we're hoping to use as our pond.

MR. PETRO: Any other subjects?

MR. LOCKWOOD: Thank you, thank you for your time.

MR. PETRO: Anyone else on this application? Okay, Fran, let the minutes reflect there's no other hands up so we're going to--

MR. ARGENIO: Motion to close.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the New Windsor Business Park site plan on Temple Hill Road. Any further discussion from the board members? If not, roll call.

ROLL CALL

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

MR. PETRO: At this time, I will open it back up to the board to ask the applicant any further questions? Mark, is there any other outstanding, I know we're going to take, well, how about a motion for negative dec?

MR. ARGENIO: I'll make a motion that we declare negative dec.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion's been made and seconded that the New Windsor Planning Board declare negative dec for the New Windsor Business Park site plan on Temple Hill Road. Any further discussion from the board members? If not, roll call.

ROLL CALL

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

MR. PETRO: What do you have left on that? You've seen it.

MR. EDSALL: You're absolutely correct relative to the easements that's something that needs to be addressed just as a preventative measure in case any of the other lots were sold independently, I've got that as an open issue. We've got bond estimate for the site plan improvements, one open question that the Town attorney

asked me in general interest was if there was a schedule as to when Commerce Drive was going to have its finished course of pavement put in just so that we might find that information out I was asked that.

MR. ARGENIO: That's a private road, Mark?

MR. EDSALL: It's a privately owned road of a commercial lot, it's not a private road by residential definitions so yeah, it's privately owned so he was wondering if there was a schedule for that. I doubt Kathy's aware of it, I haven't raised that issue yet but there are not any outstanding technical issues, Kathy's addressed all those other than the handicapped easements and the procedural issue with the bond estimate.

MR. BABCOCK: We're going to have to pull that out because there's an agreement between New Windsor Business Park and the Town of New Windsor, we use this access coming up through the Town of New Windsor and there's an agreement somewhere, I pulled part of it out and sent it to John for this where the easement is where our cross-easement our parking lot right in out for our building is the piece that's already paved on this site plan and with that we had an agreement we actually maintain that so I'm not sure who's supposed to blacktop it but we'll find out.

MR. PETRO: Okay, well, the bond estimate I'm looking for final approval but the bond estimate is not a problem, I think the easement is, obviously, the plan will never be signed until the easements were in place and agreed upon by Town of New Windsor.

MS. DEWKETT: Okay.

MR. PETRO: Then the road is another issue, in other words, he's tying it into this planning board process, I think we need more information though, Mark.

MR. EDSALL: Yeah.

MR. PETRO: To really go further.

MR. EDSALL: I don't know that it necessarily has to be a part of this application, just a point of information he had asked so if it's the Town's obligation, it's not an issue.

MR. BABCOCK: I didn't say it was, I've got to pull that agreement out.

MR. PETRO: I'm sure Mr. Miller who owns the property wants to get the top coat on the road at some point, I remember that he did not want to do it immediately cause he was going to be building on these three lots, didn't want to wreck the road that was the original purpose, but as we get done here at some point you're going to have to put the top coat on the road. I don't think the road is offensive to drive on, just that I think you have, it's to have your culverts work properly. So Mark I think I'm going to do a final so they don't have to come back again but subject to the bond estimate, the cross-easements for the retention pond and any other information that you may want to impose about the road.

MR. EDSALL: I would say the final detail corrections, the bond estimate, the easements are the three that I have.

MR. PETRO: Detail?

MR. EDSALL: Handicapped parking detail needs to be corrected.

MR. PETRO: And I said already we got back word from Orange County Board of Health or Planning that it is local determination. Okay, motion for the final

approval for the New Windsor Business Park.

MR. ARGENIO: I'll make that motion subject to the items that Mark just read into the minutes.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the New Windsor Business Park site plan. Is there any other comments? We have the subject-to's once again the handicapped detail has to be corrected, the board estimate in place which is procedural, the cross-easements for the other two remaining lots have to be in place.

MR. ARGENIO: Jim, I have one comment relative to the dumpster enclosure, it's shown as an inch concrete block, probably should be made out of some type of decorative split face block, not just a normal 8 inch building block.

MR. PETRO: Normally request the same material that the building is built.

MR. ARGENIO: If it's colored block it should be the same.

MS. DEWKETT: Okay.

MR. PETRO: I don't think block is a good idea to start with, it should be some sort of a webbed fence, privacy slots, the block gets banged up and that's the way it looks for 20 years, somebody backs into it, even if you put bollards, I've never seen one made out of block that looks good after two years.

MS. DEWKETT: We had a wood fence on a previous submission.

MR. PETRO: Not wood, the privacy slots on the chain link I think work the best with the swinging gates because if a section gets banged up, they can easily replace it. Why don't you just add that as a note to the plan?

MS. DEWKETT: Okay.

MR. PETRO: We have a motion. Is there any further comment? If not, roll call.

ROLL CALL

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

MR. PETRO: Cross-easements are very important because if Mr. Miller sells one of the other lots and you're not completed we're going to have a serious problem.

MS. DEWKETT: Yes, okay, thank you.

BEATTIE R. ASSOCIATES SUBDIVISION (05-11)

MR. PETRO: Proposed five lot residential subdivision. This is a public hearing, you know the drill. This application proposes the subdivision of 103 acre parcel into five single family residential lots. The application was previously reviewed at the 11 May, 2005 planning board meeting and is before the board for a public hearing at this meeting. We've seen this a lot of times more than what this says.

MR. EDSALL: That was under the old application.

MR. PETRO: But it was an old application and I think they filed deeds improperly and is that correct?

MR. EDSALL: Correct.

MR. PETRO: So we had a new application made and that's why we've seen this probably about ten times, but we have this is only reflecting the one time that you were here because you're brand new, correct?

MR. YOUNGBLOOD: Correct.

MR. PETRO: R-1 zoning district, bulk information shown on the plan is correct for the zone and use, this application received extensive reviews as part of previous application, and I guess that's where we're going to go. Why don't you tell us why just real briefly what you're doing there like we don't know and then we'll move on.

MR. YOUNGBLOOD: My name is William Youngblood, Youngblood Land Surveying, 2 Church Street, Harriman, New York. Our engineer is Mr. Robert Nickelson, this is again this is the same plan you folks have seen a number of times. Basically there's no, virtually no change to the plan.

MR. PETRO: Hold it up one second, I'm sorry for the interruption.

MR. YOUNGBLOOD: Again, this is basically there's no change to the plan, we did have some new application and some other paperwork, so on and so forth, again, this is 5 lot subdivision of a hundred some odd acres, there's 4 lots which are in an R-1 zone in excess of two acres, the balance would be into what we're calling lot 5, lot 5 is on both sides of Beattie Road, combined area somewhere in the area of 105 acres between both sides, lots 2 and 3 share a, they utilize an easement ingress egress easement to access the property, it was my understanding that the reason being is that if lot 5 in the rear was ever developed those easements would be abandoned and a public road would be installed, that was the thinking initially for that, I think there has been some correspondence either from the fire inspector or the Highway Department.

MR. PETRO: Fire inspector doesn't want it that way, I haven't talked to Mark yet, the feeling is if it's never built having those roads come out in the easement or it could be problem later, why not bring the driveways out to Beattie Road, and unless you can get an easement over that, Mark, how can we handle this?

MR. EDSALL: It's set up properly that the, the problem is that when they drafted the two easements, they appear as if they're property lines, they should be a dashed lines and called out as those two rectangular areas being easements through the large parcel.

MR. PETRO: Is that why John got confused?

MR. EDSALL: John is confused and the purpose, and why Mr. Kroll and I specifically asked for it this way is that we didn't want to in the future have a private road and two more driveways, we wanted to have either two paired driveways which if that ever happens they'll

end up as two paired driveways if there are further lots created these two will come off of the future private road.

MR. PETRO: What about the driveways exiting onto the private road?

MR. EDSALL: There's no private road at this point.

MR. PETRO: If there is--

MR. EDSALL: Correct.

MR. PETRO: Later the two driveways would exit into the private road are very very close to the main road and not have any room for stacking there.

MR. EDSALL: It's not that close and again, look, normally why you have a setback is because you have a cuing for a volume of traffic on a private road, the maximum number of lots is 6, so you really don't need the same length of spacing between a driveway and an intersection.

MR. PETRO: Sized for a town road at some point, is that 50 foot that easement going through?

MR. EDSALL: It's--

MR. YOUNGBLOOD: It's 25 foot, combined 50 feet.

MR. PETRO: Well, it could be a town road going back to the balance of the property.

MR. YOUNGBLOOD: Right, 50 foot wide right-of-way.

MR. PETRO: Let's assume it's going to be a Town road at some point, how far back are those driveways?

MR. EDSALL: These driveways are back 70 feet.

MR. PETRO: Okay, let's forget what I'm saying, I didn't realize it was that far back. Okay, what I want to do is--

MR. YOUNGBLOOD: Excuse me, I'll change the line type to a dashed line and I'll just make--

MR. PETRO: If it's just a matter of a typo, get it straight so the fire inspector can read it and evidently he read it and didn't know what you were trying to convey to him.

MR. YOUNGBLOOD: We'll show this as a dashed line rather than a solid so he's not confused and think that maybe that this parcel is owned in fee, in actuality this is an easement across lot 5 or lots 2 and 3.

MR. EDSALL: And the provisions in the easement are going to indicate that it's a permanent easement but that it would be extinguished if the private road was created and they'd have to access.

MR. PETRO: Should read private or Town road use that terminology cause I've had somebody in the office and they're already talking about buying the balance of the property, whatever that means and whatever is going on I don't know.

MR. YOUNGBLOOD: So private or Town road?

MR. PETRO: Yeah, why limit it to an easement. It could be a Town road if it's 50 foot. Okay, Myra, on the 8th day of June, 2005, 21 addressed envelopes went out carrying the notice of public hearing. If someone is here, would like to speak for or against this, be recognized by the Chair or just make a comment, come forward, state your name and address, keep in mind folks this is the second time we're having a public hearing for this exact same application. The reason

being again there's an old application, everything I said before that was we just couldn't continue with it so these gentlemen made a new application and we decided to have a second public hearing, that's why you may have gotten another notice and you already reviewed this once before. Is someone here who'd like to speak? Yes, sir?

MR. CULLEN: My name is Mike Cullen, I live at 454 Beattie Road adjacent to I think lot 4 proposed.

MR. PETRO: You were here at the other public hearing.

MR. CULLEN: Yes, I wanted to ask you is all of your board's decisions on this thing applicable to this? Will they hold true like we talked about preserving existing screening and that's between my lot and the proposed lot you said you'd have them put it in?

MR. PETRO: Whatever is on the plan will definitely hold true, they can't change the plan once they get in the field, we have the engineers are constantly reviewing it, the building inspectors and fire inspectors, if we say something here at the planning board level and it's not implemented on the plan, such as a note saying remaining vegetation to remain or existing that's what you're talking about the buffer that's up by the road going in I believe is that what I remember?

MR. CULLEN: Over here.

MR. PETRO: Is there a note?

MR. CULLEN: There's nothing there right now but I think in your last minutes you said okay, let's make sure that it's there.

MR. PETRO: That's another way if you're sharp enough to remember that and you come in and say well, let's

pull the plan out or pull the minutes out and say look, this is what's reflected in the minutes, that's ammunition, it's better to have it on the plan that they'd have one of those when they're building and they know instantly that's what we have to do, I do remember talking about that there was some natural growth there that we're going to maintain.

MR. CULLEN: Existing vegetation if you can preserve something like 25 foot vegetative.

MR. PETRO: They did that as a note.

MR. NICKELSON: Is that the vegetation?

MR. CULLEN: No, it's existing.

MR. YOUNGBLOOD: Okay, right now, we have a 40 foot side yard so clearly we couldn't put the building any closer than 40 feet but in addition to you'd like to have 20 foot or 25 foot vegetative buffer along the division line?

MR. PETRO: Twenty foot is fine, want to leave the people some yard.

MR. ARGENIO: Each side of lot 4.

MR. YOUNGBLOOD: Any problem, is that okay?

MR. CULLEN: Yes, can we call it undisturbed buffer?

MR. YOUNGBLOOD: You can call it a buffer, an easement.

MR. PETRO: Well, the people that are building it will be glad to leave it alone.

MR. YOUNGBLOOD: We're showing the clearing line here.

MR. PETRO: Just add a note just make it note number 6.

MR. CULLEN: Same thing with similar to street trees, there's a decent tree right near our shared boundary, I don't know if it will fall within the right-of-way of the road or on that person's property but it's a decent nice tree.

MR. PETRO: You have it in the 20 foot so it would be covered by the 20 foot.

MR. CULLEN: Good.

MR. PETRO: You agree it's in the 20 foot?

MR. YOUNGBLOOD: Yes.

MR. PETRO: I'm sure it's going to stay, they wouldn't cut it down unless they had to there anyway.

MR. YOUNGBLOOD: We're proposing the driveway over on this side and we performed a number of sight distance studies so we're happy with where the driveway position is, so I don't think we're going to put the driveway over here so I mean run the risk of disturbing that tree so we have gone through the site, everybody is comfortable with this, so I think where you see the proposed driveway entrances is where we're going to live with it.

MR. CULLEN: Can I feel the same comfort level of where the house is proposed?

MR. YOUNGBLOOD: Basically this house is what we'd call the building envelope, we can put the building based on the current zoning code anywhere within there, my guess just talking with the owner if anything we'd like to center it maybe move it a little bit closer to the road, give the owner a little more of a back yard if they wanted to put a pool.

MR. PETRO: It won't ever be closer than that line by your house.

MR. YOUNGBLOOD: I would believe that we'd probably center it if anything move it a little closer to the road, reduce the length of the highway and open up the back yard for recreation for the children.

MR. CULLEN: You're keeping the screening between us?

MR. YOUNGBLOOD: We won't get any closer than 40 and we'll add that buffer.

MR. CULLEN: I wasn't clear on the plans if you delineated both federal and state wetlands.

MR. YOUNGBLOOD: These wetlands are federal wetlands and those have been delineated to my knowledge there are no DEC wetlands on this property.

MR. CULLEN: Okay cause I had maps that showed otherwise but maybe not, I'm sorry, maybe not on this parcel, maybe on the whole.

MR. YOUNGBLOOD: Could have been further off if there was a DEC wetlands then we'd also have that as well as a hundred foot buffer and as far as our environmental review showed that there was federal wetlands on here.

MR. CULLEN: So you had your staff go out there and map it?

MR. YOUNGBLOOD: I have somebody on staff that's certified to delineate wetlands and there's a whole process they go through, they look at vegetation, they take borings and they check the modeling of the soil and they look at USGS maps to see whether or not if there's any streams, is it a tributary to a brook.

MR. CULLEN: I was just checking the erosion control I

didn't see any silt fences, will you use those?

MR. YOUNGBLOOD: Absolutely, generally what we do is if this plan is approved we'll prepare an individual plot plan or site plan for the individual site because these houses are just shown as being proposed generic homes and obviously might want something different, walk-out basement, garage under, whatever the case may be and at that time we'll do a site plan which will put the exact house that will be built, we'll show proposed grading based on the configuration of the house and at that time we'll show any silt fencing and erosion control and that would be on the plot plan or site plan that would be submitted to the building inspector for his review and approval.

MR. CULLEN: I just didn't see any erosion control.

MR. PETRO: When the building department gets involved you'll see that when they physically start that will be part of the process.

MR. CULLEN: That's good. Then can I see the first sheet this application is this separate from what's happening, no, it's not, I think there's, there was an existing barn here that's being demolished.

MR. YOUNGBLOOD: Right, what was indicated to me was that some concern from the adjoiners and the neighbors that the barns are in disrepair, there's some concern about children getting in there and getting themselves hurt and so on and so forth and that was indicated to the owner, the owner took it upon themselves and agreed that they needed to come down, they're in disrepair.

MR. PETRO: Put a note on the plan to be removed.

MR. YOUNGBLOOD: They're in the process and pulled a demolition permit from the town to do so, so they're in the process of being--

MR. PETRO: Just add a note to be removed.

MR. CULLEN: I think that's a good idea perhaps eliminate.

MR. PETRO: To be removed, we have a course to take if it's not on the plan, we don't.

MR. CULLEN: My concern only is I hoped that it doesn't get buried because there's like a lot of metal in there, there's T.V.s, there's a soda machine, there's computers, there are propane tanks in there.

MR. PETRO: It's not going to get buried.

MR. CULLEN: I want to make sure it doesn't get buried.

MR. PETRO: Not anymore, years ago maybe.

MR. CULLEN: We're concerned about our water quality issues, okay, so that's on record, that stuff definitely won't be buried.

MR. PETRO: Cannot be buried.

MR. CULLEN: Thank you.

MR. PETRO: Anybody else on this application? Okay, let the minutes reflect there's no one else that wanted to speak.

MR. ARGENIO: Motion to close the public hearing.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Beattie Road Associates major subdivision. Any further discussion from the board members? If not,

roll call.

ROLL CALL

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

MR. PETRO: At this time, I'd like to open it back up to the board for further comment. Mark, what do you have left on this?

MR. EDSALL: They've got a complete plan as far as I'm concerned, we have the two notes that you've discussed tonight and payment of fees, that's about it, there's no private roadwork to be done cause they're not creating that or a Town road now.

MR. PETRO: Motion for negative dec.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec under the SEQRA process for the Beattie Road Associates major subdivision on Beattie Road. Is that why you named it Beattie Road?

MR. YOUNGBLOOD: It's actually Beattie R.

MR. PETRO: Just curious. Roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. MASON AYE

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

MR. PETRO: Looks like we're at the end of this one so what we're going to do is give you a final with the subject to, one will be to be removed on the barn that this gentleman was concerned about, you can't bury the debris, obviously, I know you know that and the other note which will be note number 6 stating that a 20 foot buffer line will be made on the east side of the entire property line for lot 4. So Mark, what else did you have?

MR. EDSALL: That's it.

MR. ARGENIO: Make a motion for final approval for Beattie R. Associates LLC major subdivision subject to the two items that the chairman just read into the minutes.

MR. SCHLESINGER: Second it.

MR. PETRO: Does R mean road?

MR. YOUNGBLOOD: I'm not sure, I assumed it was road.

MR. PETRO: Just kind of sounds like it, right? Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Beattie R. Associates major subdivision on Beattie Road with the subject-tos again that I put in. Any further comment from the board members? If not, roll call.

ROLL CALL

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

MR. PETRO AYE

MR. CULLEN: I forgot one little thing, how long like that large lot is there a time period before they can subdivide that now like two year window or something?

MR. EDSALL: If within three years they create a fifth lot that's less than five acres it becomes subject to review of the Orange County Health Department.

MR. CULLEN: Fifth lot that's major?

MR. BABCOCK: They can start tomorrow.

MR. CULLEN: They can start that subdivision process now?

MR. EDSALL: Yes, may mean they need health department approval for sanitararies but they can start tomorrow.

MR. CULLEN: Thank you.

RAKOWIECKI SUBDIVISION (01-26)

Mr. Don Schmalzle, P.E. appeared before the board for this proposal.

MR. PETRO: This application involves subdivision of the 34.4 acre parcel into 36 single family residential lots, the plan was previously reviewed at the 14 March, 2001 and 11 June, 2003, 22 September, 2004, 9 March 2005 planning board meetings. And it's before the board for a public hearing at this meeting. Property is located in a R-3 zone district of the Town, bulk table has one major misinterpretation regarding lot area, the 60 percent factor for the net area is a provision of the new code, does not apply to the prior bulk tables. So probably just have to remove that, is that correct?

MR. EDSALL: Well, I have spoken with Don, he's going to look if the lines can be shifted or lose a couple lots but one way or another he can make it work with this being clearly the maximum number of lots.

MR. PETRO: So it's going to be this or less?

MR. EDSALL: Absolutely.

MR. PETRO: I'm going to let that go, you can work it out with the applicant, no sense of me trying to engineer it.

MR. EDSALL: No, just want the board to be aware of it.

MR. PETRO: Applicant is before the board for a public hearing, if concerns are identified by the public, I will be pleased to review the same as deemed appropriate by the board. The application will be required to attain New York State DEC approval for the sanitary sewer extension, must obtain executed allocation for the sewer service, copies of all

submittal information to the DEC must be approved by our office before the Town Supervisor will sign the required application. Okay, why don't you bring us up to date, we've seen this so many times, I'm going to send it a Christmas card.

MR. SCHMALZLE: The biggest change is that basically lot layout hasn't changed minimally, the only thing is we lost a lot here in order to pull this pond out of the DEC.

MR. PETRO: How many lots right now?

MR. SCHMALZLE: Right now we have 34 lots with, and then three that are going to be deeded over for the Town for the drainage for the ponds and the drainage easements and so on.

MR. PETRO: What's your net number of lots right now?

MR. SCHMALZLE: 34.

MR. PETRO: Plus 3 so it's 37.

MR. SCHMALZLE: 37 total.

MR. PETRO: Not going on what Mark just said that we may have the reconfiguration, might lose one or two.

MR. SCHMALZLE: Correct.

MR. PETRO: All right, before we get really started and Mr. Biagini you're the owner, I see you're here, I asked a couple times on this application to show us what's going to happen with the drainage water off the site, in other words, down by Mecca Road where the water goes down, I know when I first came to the planning board years ago there's a big swale down there, a rip-rap swale, it's huge, goes underneath Mecca Drive in Beaver Dam is where it winds up is where

it goes and there was a problem then with the water and I know that you made it huge, right, you know, it was pretty good size, this water is eventually going to wind up there.

MR. SCHMALZLE: Correct, about a quarter of this will end up in that area.

MR. PETRO: And is one of the retention ponds going to have outflow that's going to go into that swale?

MR. SCHMALZLE: Yes, it is.

MR. PETRO: So you're going to tell me that you're going to let it out the same pace it's going out there or slower because of the retention pond and you're going to have the invert and the whole bit, right?

MR. SCHMALZLE: Right and we're making many improvements to the existing.

MR. PETRO: Off-site?

MR. SCHMALZLE: Off-site.

MR. PETRO: Tell me what they are.

MR. SCHMALZLE: Okay, from the, from Ashley Court and down Park Road and through the drainage easement between the two existing houses where it discharges to that creek are a drainage ditch whichever it is and they'll be, the pipes will be enlarged and raised slightly so that we get it out of raised a little bit so it doesn't get submerged down there in the creek so it will be an improvement for that whole area down through there.

MR. PETRO: Mark, have you seen the technicals on this enlarging of the pipes and drainage, is there something that we're going to review?

MR. EDSALL: No, as a matter of fact--

MR. PETRO: Off-site this is down on the other.

MR. EDSALL: That's one of the issues that the highway superintendent wants to verify with me following you concluding the public hearing.

MR. PETRO: So it's under review.

MR. EDSALL: It's under review.

MR. PETRO: The other 75 percent of the site the water's going into the other retention pond the other side?

MR. SCHMALZLE: Retention pond here and dry swale here that will empty out into the wetlands area here and this one will empty into the wetlands area down here.

MR. PETRO: The dry swale's not going to retain any water at all, rains go there and basically just a swale to take the water out.

MR. SCHMALZLE: Right and there will be a small period of time when it fills up before it drains down through but--

MR. ARGENIO: That drainage to the west, to the west of this property Station Road is several hundred yards to the west.

MR. SCHMALZLE: Yes, yes, that's that huge wetlands in that whole area in there.

MR. PETRO: Isn't any of the swale or the other retention pond going to take any of the water that's presently going down towards Mecca Drive?

MR. SCHMALZLE: Yes.

MR. PETRO: Are you diverting any of it away from there that's going there now you said 25 percent still going there, was it greater than that or are you getting a rim and it's going there naturally, that's the way it is.

MR. SCHMALZLE: It's basically the rim.

MR. PETRO: Basically what it is it's you're only going to slow the flow of it because of the retention pond?

MR. SCHMALZLE: Correct, correct, and some of this is flowing down now through some of these properties being cut off and being directed around.

MR. PETRO: Okay, let me do this, anybody else before I open it to the public, we've seen it so many times, just get going here. On the 8th day of June, 2005, 17 addressed envelopes containing the public hearing notice were mailed. Someone is here who'd like to speak for or against or just make comment for this application, be recognized by the Chair, come forward, state your name and address and your comment.

MR. SANGRETTI: My name is Steve Sangretti, I live at 7 Forest Lane, the concerns I have are the ponds that are being created, firstly, ponds naturally increase the amount of insect population now they're saying that this is going to be turned over to the County or to the Town of New Windsor?

MR. PETRO: Town. Mark?

MR. EDSALL: Yes.

MR. SANGRETTI: Who's going to be responsible for keeping the inspect population under control? We're all, well, excuse me, we're well aware of West Nile

virus and mosquitoes and the diseases that they carry, naturally, anyone that lives in the vicinity of that pond are now going to have an increased amount of insects. Will the pond be treated and who will it be guaranteed by, what about the quality of life even if--

MR. PETRO: You can go on again but Mike cause I know that you're involved with some of this.

MR. BABCOCK: Actually, Mr. Chairman, it's required we're not asking the applicant for this, this is required by the Federal Law that they do this, just like the last applicant.

MR. EDSALL: The Phase 2 storm water regulations were promulgated out of Washington D.C. They're merely complying with the federal standards, that's something out of our control.

MR. PETRO: Let's agree with that. Now let's get to his question and it's a how are we going to maintain, is it a water district and how does the Town actually maintain?

MR. EDSALL: It's a drainage district and I don't believe that at this point the Town has identified any treatment they're going to give storm water basins relative to insects or control of insects, there's nothing in the DEC regulations I'm aware that has guidance in this direction.

MR. PETRO: Have there been major complaints about that?

MR. EDSALL: I probably hear it at least twice a month that you've got the health department concerned about West Nile and the federal government and DEC writing regulations that make you create ponds, doesn't make a lot of sense unfortunately we didn't write the regulations but it's something that obviously is being

pursued not just as a result of your comment to see what guidance DEC has for us.

MR. PETRO: Because there will be standing water in it.

MR. EDSALL: There will, it used to be that storm water basins were for water quantity and drained after the storm event, now they're more geared toward both quantity and quality, the water quality ponds and it does have standing water which creates just this gentleman's concern.

MR. PETRO: I know you heard exactly what I heard and we're required by law to have the ponds, they can't just run the water down because then you have the other problem it runs down into the rip-rap and it's a major problem. So they make them put the ponds in, now they're doing it on commercial properties which I think is you don't want to know what I think but anyway.

MR. SANGRETTI: At least go to commercial property like the woman said earlier you can have a motorized pump and make an anesthetic creation and the moving water would keep the bug population down. This is just going to be standing water and there's no way you're going to police that amount of water, there will be tremendous amounts of insects. Now anyone in any of these lots are now going to have a quality of life of crap, you can't go out in your back yard anymore, there's no way could you enjoy your property with a pond like that right next to your home. Now they may be required to use these ponds to solve their drainage problem but they're going to make a ton of money selling, you know, every time we've been here they've been reducing it, it still says 36 lots, how is 36 is right here so it's been reducing what last time was 37 now it's 36.

MR. PETRO: Why is it 34 and says 36 on the plan?

MR. SCHMALZLE: We didn't change the lot numbers.

MR. BABCOCK: It's lot number 36 but it's not count number 36.

MR. EDSALL: Lot number 8 is not on the plan anymore.

MR. PETRO: You understand?

MR. SANGRETTI: Yes. Now this property belongs to a Stone Ridge, I mean a Station Road frontage, now if right the Rakowiecki residence was from Station Road now I don't see how they can develop this property with so many homes, make millions of dollars, then dump the poor quality of life to the rest of the community, don't see how the board can allow them to just say tough luck to all the people that live around there.

MR. PETRO: Before I lose my train of thought, is there another location that the retention pond can be put in to serve the same function?

MR. SCHMALZLE: No.

MR. PETRO: That's the lowest point of the property?

MR. SCHMALZLE: Of that portion of the property, yes, that's where we have located them.

MR. PETRO: Even flip-flopping it to the other side of the road?

MR. SCHMALZLE: No cause that's the low spot where there'd be no way to get it up there.

MR. SANGRETTI: This property isn't being developed.

MR. SCHMALZLE: Not to my knowledge.

MR. SANGRETTI: And this isn't being developed.

MR. PETRO: Only the green area.

MR. SANGRETTI: So water sitting over there would not affect existing homes.

MR. PETRO: It's not on that property.

MR. SANGRETTI: Well, there's engineering techniques of moving water, they could create a low spot, have it pumped there or something, there are ways of doing it, it may cost money, it may cut down on their profit margin, but it would satisfy the community worrying about their, the quality of life. We don't buy a home to have to stay inside of it like a prison. That point aside, I'm also concerned with storm water, storm water we're well aware is washing pollutants off our roads into our areas which is why the federal government passed these laws, now all the storm water is going to be running into this and being absorbed into the ground, it's going to be oils dripping out of the cars, the gasoline spilled out of our lawn mowers, that's all going to be now absorbed by the ground which is 30 feet from my well head, how do you know what's going to happen to my water quality, it's a given fact that people's wells have been tested positive for insecticides next to farms that have been treating their fields for years, how do I know in five years how do I know in two years my well quality may not be drinkable, my water quality, you know, I'm going to have to test it every six months every year, I don't see why I should have to incur that cost because they're making a fortune and they're going to disappear. I also wanted to bring up one other point which was several people were not able to come here tonight due to the conflict of scheduling, the Washingtonville Middle School graduation is tonight and I would propose that this be brought for business at your next meeting also so that everyone that wanted to speak could speak. I don't know if you have the power to do that. I can't help but think there's got to be a

better solution, people shouldn't have to get hurt by a development, it should all, everyone should benefit, if there's a downside, why should the people making the money get the edge and the people that are stuck there after it's all gone, why should they suffer?

MR. PETRO: Your main concern is the pond, obviously.

MR. SANGRETTI: Yes, I have been here for most of the hearings, everyone's talked about traffic and easements and developments are going up everywhere, there's no way of stopping, you couldn't stop them from developing the land but it should be developed in a responsible way that no one suffers. My concern is I don't want to lose the ability to use my property. If there are so many insects in the back yard the kids don't want to go out, I don't want to go out, what's the point of having a house there.

MR. PETRO: Okay, I'll take it into consideration.

MR. LOCKWOOD: Thank you very much.

MR. FEUERBACH: My name is Bill Feuerbach, I live at 8 Finley Drive, I abut this subdivision on the north side of Finely, I assume it's the planning board granted this subdivision the ability to access the property in order to get test wells. One of those accesses was adjacent to my property, it was not cut directly through the center of Fineley but on a diagonal, I'm not even sure that that road isn't partially on my property but be that as it may, it has created what the stone wall that runs along that property line and wonderful little dam so when we have a nice rain now I have a wonderful puddle at the end of that lot, I'm assuming that when that road is cut through that the temporary road will be eliminated and put back to its original state?

MR. PETRO: Here's the owner right there, can you go

look at puddle and take care of it, make it disappear?

MR. BIAGINI: Yes.

MR. PETRO: He can fix it, maybe the grading is not proper.

MR. REUERBACH: Now the first public hearing I was to goes back years for this property, one of the questions raised at that meeting was relative to the well water that all these homes and all our homes in the adjacent properties use and what guarantee did we have that these additional 34 houses now drawing on this same reservoir of water whether we we're going to all go dry at a cost of several thousand dollars to redrill new wells? Is anything being, I know there was a study to be made, I don't know what the results of that study were as to how much water's available and is it conceivable that we would run out in a drought?

MR. PETRO: Mark, why don't you field that question?

MR. EDSALL: I don't know that there's a good answer as far as how we can ensure that someone's well doesn't go dry, how we have always handled it we have noted the concern and when it gets forwarded over to the Orange County Health Department for realty subdivision review we have noted the concern, the county does on occasion have specific provisions for doing some test wells out on the site but again it's the well installations and potential impacts are something that the Health Department looks at. But I don't know there's any way we can guarantee someone's well is not going to go dry, just something beyond our control.

MR. PETRO: Again, you can have two sources of water and we get this question all the time so it's not as if we're not familiar with it, you can have one 50 feet away from the other, my father years ago when the golf course had a well he had one that was 50 feet deep, he

had one 100 and something gallons a minute, we had another one I don't know maybe 80 feet away, it was always running dry, it was 300 feet deep. So the reason I tell you that different aquifers, it's difficult to say, I don't know the answer to your question, I do know that a person has the right to drill a well on their building lot the same way they drilled one for your house and everybody else's house, that's not the answer you want to hear but you have to be fair with that. In other words, everybody has a right to drill the well for their house. I don't know what else to tell you other than that. If your son or daughter or friend of yours gets married, wants to have a house and they want to drill a well, you'd be pretty darn mad if somebody told you you couldn't drill a well because it may affect somebody's well down the road and it may, I don't know that it won't, I wouldn't like it if it affected my well either, but we as a planning board don't have the right to tell somebody they don't have the right to drill wells on their own property. It's just would not right and we're an advisory board, we cannot make a law and tell somebody they can't drill a well.

MR. FEUERBACH: Maybe that was something that should have been said at the last meeting because it was led to believe that this study that would be undertaken, would give some answers.

MR. PETRO: Well, I don't know what kind of study they can physically do, I guess they can go out and drill test wells and see but again it would really be fruitless because you can be ten feet away from another source that's completely dry or another source that has 200 gallons a minute, it's very difficult, I'd rather you ask me a different question on something I can help you with.

MR. FEUERBACH: Now I also see on the plan I just had a few seconds to look at it before that you're going to

run a sidewalk through that whole community and up along my house.

MR. PETRO: Well, it won't go off the site, it will probably end at the property lines of the site.

MR. FEUERBACH: Not from what I saw.

MR. EDSALL: As far as I understand it's only within the proposed subdivision at this point, they're not proposing any off-site.

MR. BABCOCK: Starts right at the stone wall fence.

MR. EDSALL: Lines you're seeing sir were the property lines for the right-of-way.

MR. FEUERBACH: This is what I thought.

MR. EDSALL: That's just the new road alignment.

MR. FEUERBACH: So what is this?

MR. EDSALL: That's the new road line and I think you're absolutely correct that the old cul-de-sac would be removed.

MR. FEUERBACH: Cul-de-sac would be removed?

MR. EDSALL: That's the new road line.

MR. FEUERBACH: I misread that, sorry.

MR. EDSALL: No problem.

MR. FEUERBACH: That's it. Thank you.

MR. PETRO: Before I go to the next person, you can sit down, we brought up something I'm just curious because you talk about sidewalks and a lot of people, the Town

has implemented that we'd like to see sidewalks on it was two sides of the road so children don't have to walk down to the corner to get in the school bus in the road. You follow me? Then we felt that maybe both sides of the road was a little much so if you had sidewalks on one side of the road, very similar to paying the toll going only one way cause you're going to come back anyway so anybody can use the sidewalk and go down one side, there's a lot of people that live in developments, correct, would you like sidewalks or not like sidewalks cause we're getting complaints, people don't want sidewalks. You don't want them? This is informal, folks, I'm just trying, I figured being you were here I'd do a little survey because it's driving us crazy. We're finally implementing sidewalks and we had a petition to remove the sidewalks and the builder doesn't want to build them, it's a 150,000 to put the sidewalk in, so I guess that people don't like sidewalks. I know Mr. Steidle you don't want anything, no sidewalks, do you want to come up now?

MR. STEIDLE: In some instances sidewalks are appropriate in certain developments but in rural areas in your R-1 zone, sidewalks and street lights are not appropriate, they're appropriate in areas that have a higher density development.

MR. PETRO: Okay, that was informal, I'm sorry for butting in with that, this public hearing is still on. Is there anyone else? Yes, sir?

MR. RETCHO: Joseph Retcho, Salisbury Mills Fire District, I'm a representative of the district, concern with us you're saying sidewalks or no sidewalks but is there going to be on the street parking, what's the accessibility for fire apparatus into this development?

MR. PETRO: Well, Town road is probably a 30 foot width of pavement curb to curb.

MR. EDSALL: Parking on the street is permitted, that's part of the reason why the road width was bumped up to 30 foot because we had some problems with 28 and 27 foot.

MR. PETRO: Does this fall in your zone?

MR. RETCHO: Yes.

MR. PETRO: You want a lot there?

MR. RETCHO: Not far enough out, thank you.

MR. PETRO: He's with the Salisbury Mills Fire Department, they're looking for another station so we're keeping our eyes open on subdivisions who might want to give up a lot for their station. Anybody else? Motion to close the public hearing.

MR. ARGENIO: Motion to close the public hearing on the Rakowiecki subdivision.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Rakowiecki major subdivision off Ashley Road. any further discussion from the board members? If not, roll call.

ROLL CALL

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

MR. PETRO: I'll open it back up to the board for further comment. First comment I'm going to make back

to this gentleman here you said that we should keep the public hearing open, I have on occasion tabled the public hearing which is a little unusual which meant I didn't close it and kept it open, I don't think we have to do that here because I have a feeling that your other people that aren't here their comments are going to be somewhat similar but they're not getting approval tonight, they're going to be back again and if they want to speak, I let somebody talk as long as they're not redundant, so you don't need the public hearing if you're here and you want to say something, I'm going to call you up.

MR. EDSALL: They have the option if they have particular concerns they can write a short letter to the board and they'll be considered.

MR. PETRO: If you put it in letter form, I'll still address it and I didn't forget about your question, I don't know how to answer you so I find that somewhat frustrating with the mosquitoes and bugs, I don't know what to tell you but I'm going to look into it further, I'd like to see the Town implement something, I don't know what, I don't think we've had many problems yet but this is somewhat new over the last five years or so.

MR. EDSALL: It is and there's different viewpoints, one being that if you look at all the ponds and all the streams and all the areas that exist naturally and then look at the square footage or acreage of ponds that are being created this is really insignificant but when it's right next to you obviously it's very significant.

MR. PETRO: He's got a house next to it.

MR. PETRO: Sometimes the pond's in a location it doesn't matter they're so far away but this, this particular corner which is the lowest part it has to go there, the water's not going to flow up to it, I don't

know about pumping up to a retention pond, I don't know if that's ever been done, it would be unusual.

MR. EDSALL: It would be quite expensive to operate.

MR. PETRO: We'll look into it. Also so we can review it at the Town counsel meeting that might help and I will get to you, the other fella with the question with the wells, you know, it's hard to answer a question where there's no answer, it's like what are you going to do with the traffic in Vails Gate? What are we going to do about school taxes? Nobody wants to talk to me when I ask that question cause there's no answer. And the same thing with your wells, sometimes we get where are the deer going to go, we used to, there's not a real clear cut answer so that's why I'm not trying to evade your question, I just don't know how to answer it a hundred percent.

MR. SANGRETTI: The other point I made about the ground absorbing the pollutants that the water runoff is creating is there some type of filtration system that it's going through before it enters the ground?

MR. PETRO: Mark?

MR. EDSALL: The pond is intended to be the collection point and there's as part of the pond's maintenance as the materials build up that area's got to be dug out and then re-established so effectively that becomes the filter.

MR. PETRO: As the silt builds up, do you know how a retention pond works, the water goes into the pond and the outlet goes higher than the base of the pond, the outlet is not at the bottom, the outflow is on the top, it leaks the water in a heavy storm and as the water comes up, it will go out slowly through the top pipe so you're actually downstream going to receive less water in a heavy storm because it's going to have to fill the

pond up first then it goes out slowly, the outlet is high but also let's the pond collect all the silt which can easily be picked up at some point especially in a dry season. Okay? Thank you. Mark, do you have anything you want to add?

MR. EDSALL: No, we've got a couple of new issues and we've got the ongoing review as well as the issues with the highway superintendent so we'll continue.

MR. PETRO: Do you want to add anything for tonight? You're going to get the right lot count on the next map that we see?

MR. SCHMALZLE: Correct.

MR. PETRO: You're working out the sewer with the Town, correct?

MR. BIAGINI: Yes.

MR. PETRO: What else, was there something else that was important?

MR. EDSALL: Off-site drainage.

MR. SCHMALZLE: Which is part of the highway.

MR. EDSALL: Yes.

MR. PETRO: The sewer, tell me about that one more time, how are you collecting it one time all individual pumps?

MR. SCHMALZLE: Now we're gravity collection to two small--

MR. PETRO: That makes one makes much more sense, all the individual pumps seemed like 34 headaches after they're done. Okay, thank you. Is there any phases to

this?

MR. SCHMALZLE: Yes, basically that's for the construction.

MR. PETRO: Not for the whole construction.

MR. SCHMALZLE: For the construction of the roads so that there's less than five acres of disturbance without being stabilized at any one time for the soil erosion control plan.

MR. PETRO: You're going to do the roads in what stages?

MR. SCHMALZLE: In three different stages and because I'm sure we're going to have to have the roads in place before we can allow to sell lots.

MR. PETRO: Mark, you reviewed that?

MR. EDSALL: Yeah, it's not phasing as the planning board looks at it for phasing of approval or phasing of bonding.

MR. PETRO: Why don't I know about it?

MR. EDSALL: It's sequencing because the DEC regulations don't allow you to have more than five acres disturbed in order to address that in the storm water pollution prevention plan I couldn't even call it phases, the sequence of construction is pre-designed.

MR. PETRO: That lady picked up on it, you need a job with the planning board.

MR. EDSALL: Which is, that's part of the storm water, we'll look at it again.

MR. PETRO: Thank you.

REGULAR ITEMS:

SCHOONMAKER HOMES SUBDIVISION (04-20)

Mr. Matt Sheffield appeared before the board for this proposal.

MR PETRO: Regular items, Schoonmaker Homes subdivision, proposed 4 lot residential subdivision, it's a regular item. Application proposes subdivision of the 38 acre parcel into four single family residential lots. The plan was previously reviewed at the 9 February, 2005 planning board meeting. It was split by the OLI zone district and the R-1 zoning district of the Town. It's my understanding on the 3 of July, 2002, this specific parcel is all R-1 as per notation on the zoning map. Let me just go over this briefly then we'll start. Sight distance at the project road intersection of Kings Drive is in question. All right so you'll have to straighten that out with Mr. Kroll, Highway Superintendent, sight distance should be measured and shown on the plans for the access to the Town road, it says the proposed grading some of which is in the Town's right-of-way has not developed a sight triangle which is desired at the intersection. Further evaluation should be required. So that's one thing you're going to have to get to. Then you have some technicals, why don't you tell us briefly what you're doing there again.

MR. SHEFFIELD: We have a proposed private road. The septic systems are shallow trench systems, one system in the ground, we have done the perc tests, the deep tests one of the comments that Mark had made about the tests failing at 24 inches on lot number 1 we had gone back out there and done 12 inch perc tests and I faxed that over to his office today, we went out and witnessed that a few months ago so we did get 12 inch perc tests to pass on that lot and designed the shallow

trench system accordingly. All the systems are going to have curtain drains to drain any water that might be coming up from the ground. The one system that's going to be in the ground with no fill is going to have a swale and curtain drain around it both carrying surface water coming down this hill up here. We did erosion sediment control plan showing silt fences and temporary conversion swales and we also did the preliminary drainage design with catch basins and piping eventually discharging down to the existing stream that runs through the wetlands on the property.

MR. PETRO: Mark, you have seven or eight bullets here? I guess you're going to have to discuss some of them with the applicant.

MR. EDSALL: Well, we did have the opportunity to follow up on the issue of the additional testing I knew it had been done, I had no record of it but now we have that so they have addressed some of the sanitary systems by going with shallow systems, they're confirming that they'll put in the curtain drains for all systems. The grade is definitely an issue, I don't know if Henry's had an opportunity to comment on that but they really need to pull that grading back so that they don't create a tunnel effect where the grading curves right out to the road, got to pull the hills back away from the road at the intersection to create a vision triangle. Other than that, it sounds to me like they made some progress.

MR. SHEFFIELD: In regards to the contours will we be able to curve those into the right-of-way more to make it so it's not a straight wall?

MR. EDSALL: Well, you're already grading in the right-of-way as it is and I'm sure the highway superintendent won't approve it this way, I think he'd prefer you having to do some more work in his right-of-way.

MR. SHEFFIELD: Can we set up a meeting with him?

MR. PETRO: Definitely.

MR. EDSALL: I'd come up with an alternate plan, get it in.

MR. ARGENIO: Mark, what's he talking about that's all I see just curling those contours is a little smoother, something beyond that.

MR. EDSALL: No, just want to pull that hill back.

MR. ARGENIO: I agree with the comment.

MR. EDSALL: Good thing it's in a curve so you've got some advantage from that.

MR. ARGENIO: Plenty of sight distance there.

MR. PETRO: Does this site interest you at all, something around here? Here's the man you have to talk to and that's the Salisbury Mills Fire Department, again, and you're the owner of the property obviously not in this section but you have other properties there maybe you can do something, they're looking for a substation in that area. Okay, we're not going to go much further, should determine if a public hearing would be necessary, I would say yes for a 4 lot subdivision, we'll schedule it, it won't hold you up because we'll schedule it as a regular meeting tonight before as long as there's no major issues, you won't lose any time but may get some input from the public. So when they're ready, can you do that? Motion to have a public hearing.

MR. SCHLESINGER: Make a motion we have a public hearing for the Schoonmaker Homes.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board schedule and have a public hearing for the Schoonmaker Homes minor subdivision on New York State Route 207. Any further discussion? If not, roll call.

ROLL CALL

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

PLUM POINT CONDOMINIUMS (04-24)

MR. PETRO: Application proposes construction of the additional parking to serve the mansion building units, the application was previously reviewed at the 8 September, 2004 planning board meeting. I think it was here after that, wasn't it? All right, who wrote this up?

MS. MASON: Mark.

MR. PETRO: Okay, the building mansion includes total of 12 units by code a minimum of 24 parking spaces are required, the plan is intended to develop the necessary parking spaces which will meet the requirements of the fire inspector's office, it's my understanding that the latest plan has been found acceptable by the fire inspector's office. The plan is generally acceptable, although I have the following comments, some further information that should be added to the final plan. With regard to the cleanouts along the west side of the building, the contractor must verify proper cover on the existing piping, provide insulation if needed, that's not a problem.

Mr. Dennis Walden and Mr. Izzie Halberthal appeared before the board for this proposal.

MR. PETRO: Additional details are necessary for proposed mailboxes now shown between spaces 9 and 10 as previously requested to provide additional detail for the area for the parking spaces. Board should discuss the manner in which the existing handicapped planter walls are being modified along Sand Piper reportedly in disrepair, I went down at, looked at it myself, there's some, the 6 x 6s that are beginning to rot if you want to use that word but it's not falling down either so it's somewhere in between I guess disrepair is a moderate word I believe the plans do not adequately address this issue. The board should discuss the

aspect and advise an acceptable note required for this item, that's note number 2 on the plan, the extended planter in front of spaces 18 and 19 encroaches into Sand Piper Lane, the pavement edge on the opposite side must be adjusted. Do you have that?

MR. WALDEN: Yes.

MR. PETRO: There's insufficient detail with regard to proposed paving. The planning board has taken lead agency under SEQRA, the planning board may wish to make a determination, we'll do that later, okay. This goes back and forth, we've seen this on so many times, I happened to be at two workshops with this plan, I just happened to be walking through I guess and I don't know what happened, it's been difficult because I know all you people are here who are very unhappy with the proposed layouts 1, 2 and 3, I don't know how many you've done, this one has come back to where it's somewhat acceptable as long as the landscaping is put into their hands and I guess Mr. Walden.

MR. WALDEN: That's what we agreed to.

MR. HALBERTHAL: What's that the note says?

MR. PETRO: That you agreed to do that. I'm bringing all the members up to par too because Mark and I have been back and forth with this quite a bit, I know that you've been at the meetings and who wants to speak on behalf of the people? Keep in mind this is not a public hearing but we need to resolve this tonight. I don't want to see this again, this has been here so many times and think, I think that we can hopefully--

MR. KELSON: I think so, Mr. Chairman. The board members have before them and Mr. Halberthal--I'm Todd Kelson.

MR. PETRO: Are you the chairman?

MR. KELSON: I'm the attorney for the board of managers. The board and its advisors have before it a landscape plan prepared by Karen Arent who's a landscape architect.

MR. BABCOCK: Can you give the Chairman--

MR. KELSON: Yes, everybody has one.

MR. BABCOCK: Excuse me, I'm sorry.

MR. KELSON: And this plan I think this plan addresses many of the issues that the, that I think Mark discussed in his comments. There are one or two things that are first of all let me just state for the record here the property owners acknowledge this is a very difficult plan, there are site limitations which none of us, if we all had our way would have done differently, I know Mr. Halberthal and we would have also but there's, so we're faced with this plan from a purely technical standpoint of the layout, the unit owners are agreeable that this is the best layout we're going to get. There are one or two things that are shown on this plan that I just want to point out that are slightly different, there's really only one substantive thing that I want to point out, it's a good suggestion, if you turn your attention to the upper right-hand corner of the map where the planter ends on Sand Piper Lane we're proposing to, we're suggesting that it might be--

MR. PETRO: What number?

MR. KELSON: Number 6 in red on the plan to move the planter back to cut the planter back a little bit to allow the road to remain 24 feet also, provide perhaps an emergency egress and ingress over there even though there's parking spaces it still could be used in an emergency, the grade is I believe level over there.

The other thing even though we'd like to have the road widened on the other side, it's a question as to whether that can be done because we have to deal again with condo 3 who has--

MR. PETRO: Mark, I want to go over each of these points if we can do them, I don't think we can do some of them but if we can, I want to mark them so no matter what we made progress like number 6 cutting back the planter, is that going to affect anything in the parking spots?

MR. EDSALL: I don't necessarily agree with it, only because it becomes an attractive nuisance. We're trying to say it's a parking space but we're leaving an option so it's going to become an access point, you're going to end up with conflicts between the proposed parking and the width is really not the full width that the fire department wanted if it was a drive-thru access.

MR. KELSON: Maybe just a curb would be fine.

MR. EDSALL: The indication was that it would be an emergency access, the point is it can't because they need it much wider.

MR. KELSON: Twenty-four feet is wide enough.

MR. EDSALL: No, 30 is needed for emergency.

MR. KELSON: We can use it, it's going to be difficult, it's a practical problem.

MR. PETRO: How about bumpers?

MR. EDSALL: But the concrete bumpers stop the plowing as well so the point being we've had this discussion, it's a dead-end parking lot, it's not the only one in the northeast, I think it's better to create this if

it's going to be a dead-end parking lot, establish it as a dead-end parking lot as the fire inspector had indicated he preferred. As far as road width goes, you can see on the opposite side of the road there's a for some reason an irregular jog in the pavement line, all you need to do is straighten that line out and the problem goes away.

MR. KELSON: Some of it's on his, some of it's on condo 3.

MR. EDSALL: I hope condo 3 won't have a problem with it.

MR. KELSON: I'm only pointing out condo 3 didn't want to allow the other plan.

MR. EDSALL: That would probably be the first alternative I would suggest.

MR. KELSON: That's really the only substantive but let me just that's really the only substantive.

MR. PETRO: We're going to go right down the list, number 6 we can't do so you're going to have to go along with some of the stuff and we'll try to work with some of it.

MR. EDSALL: Jim, I had taken, had an opportunity to talk to Karen today on some of her minor adjustments, if you want me to share with you one is really just I believe a landscaping feature enlarging that to line up with the building face and I believe that's not an issue, we can make sure that that alignment isn't a problem with the fire inspector.

MR. PETRO: One second, also as we do them if you have an objection say it now if I don't hear from you you have no objection.

MR. HALBERTHAL: I have, I'm seeing it for the first time.

MR. PETRO: So am I, so we're both going to read it at the same time.

MR. EDSALL: So one is a slight angle in the front wall so we would just need to verify with the fire inspector they have no objection, I don't believe it's a problem but I can verify that with John. Two I think is a great suggestion, it turns the stair access from that one unit runs it parallel to the back face of the mansion building and turns it to a set of stairs, parking space number one is then shifted over, I think that's a great improvement, it looks much more appropriate and allows the corner to be fully landscaped so I think that's a great suggestion.

MR. PETRO: Any problem?

MR. HALBERTHAL: I don't know if there's room to make a turn and go inside there, see number 4.

MR. PETRO: Number 2.

MR. HALBERTHAL: Yeah but there's a little 4 there where the walk is there, it's only a few feet, you have to make a turn and go like this, there's a unit right here, there's not much room here to make the turn here, there's only a few feet here, he wants him to go like this.

MR. WALDEN: If they agree to it.

MR. EDSALL: There's plenty of room for the landing, the plan appears and it appears to be as equally as accurate is the base plan and it has five or six feet that's plenty to meet code so there's not a problem there.

MR. PETRO: Okay.

MR. EDSALL: Ready team? Number 3 was another very good suggestion that was made as part of the landscape plan rather than have that difficult grading in the corner of the end of the truncated planter, now there's a triangular planter put in, doesn't obstruct access but it gives you the opportunity to not have the parking spaces end at the transition point for the paving, you know, grading out to the road so I think 3 is a good improvement as well.

MR. PETRO: You don't object?

MR. WALDEN: No.

MR. HALBERTHAL: I don't.

MR. EDSALL: Item number 4 they're calling that as a new planter, you should open that up, they're proposing a masonry wall unit.

MR. KELSON: It's in disrepair, it was constructed without the approval of this planning board without an approved site plan.

MR. WALDEN: No.

MR. HALBERTHAL: There was a planter there on the original site plan, there was also a planter there we're not building a house over there, there's nothing wrong, we paid money for it, there's nothing, I will check it again, there's nothing rotten over there, I'm sorry, there's a few pieces, cars hit it and it got shifted.

MR. KELSON: Then it's starting to deteriorate.

MR. HALBERTHAL: No, it's a few timbers have to be nailed back to the wall, nothing in disrepair.

MR. PETRO: Let's skip over 4 for a moment, go to 5.

MR. EDSALL: Five is one of the areas I asked if there could be something to dress that up, that's where they're proposing mailboxes and they're proposing a small planter I assume still with the--

MR. HALBERTHAL: Not much room there, why do I need a planter? There's nothing to plant.

MR. PETRO: We can't do 5 if we don't do 4, that's the same one.

MR. HALBERTHAL: I want to go back to number 3, the planter, there's no, okay number 3 is just a planter without any--

MR. EDSALL: Five I asked for more detail because they're proposing to put up mailboxes, I wasn't sure physically how they'd fit, I wouldn't want them projecting out.

MR. HALBERTHAL: Number 5, it's, can I just ask a question, go back, what's number 3, the planter with grass around it, number 3?

MR. KELSON: Belgian block.

MR. HALBERTHAL: There's no reason.

MR. KELSON: Sure it is, it's for aesthetics.

MR. HALBERTHAL: Fine, you'll like a lot of things, just you can't--

MR. PETRO: What would you build it out of?

MR. HALBERTHAL: Don't build anything, number 3 and number 5 it's right flush, it's level with the ground,

I will put a planter like any planter and plant anything you want there, planter doesn't need blocks around it, I mean, I have no problem to plant anything there and make it--

MR. PETRO: Aren't we putting something new along the mansion that's going to be Belgian block?

MR. HALBERTHAL: Yes, a retaining wall, something different.

MR. PETRO: So keep the same.

MR. HALBERTHAL: Something that's flush with the ground, there's no reason. Number 3 and number 5 level to the ground.

MR. EDSALL: Number 3 is to the surface but it's not a level area.

MR. HALBERTHAL: There's no reason for planter.

MR. EDSALL: Number 3 is approximately 9 to 10 percent slope so this is an appropriate area to put something in so you're not at the corner of a parking space.

MR. HALBERTHAL: Could be an asphalt curb.

MR. KELSON: Asphalt curbs in the complex have all failed because of the way they were constructed.

MR. PETRO: Go to 7.

MR. EDSALL: I guess 7 is proposing just to upgrade what's there, I think is there not a sidewalk in that area now?

MR. KELSON: There's a sidewalk through there but what Karen pointed out she made a good point if you look at the plan and I don't think, it's a very, very narrow

area, I don't know, maybe it's a foot or two feet between the concrete walk, there's a little bit of grassy area then a parking spot and people are going to walk over it and stamp all over it so we're suggesting bring the concrete just out another couple feet.

MR. ARGENIO: That's petty and subjective just that item.

MR. KELSON: Just a suggestion, it's not a, I don't think it's a major item of work anyway.

MR. ARGENIO: I agree, that's why I said what I said.

MR. KELSON: But it would just be a more practical thing, people are going to walk all over it.

MR. PETRO: Yes or no?

MR. HALBERTHAL: But extend concrete, concrete, concrete is fine.

MR. PETRO: Number 7 you're putting concrete?

MR. HALBERTHAL: Concrete.

MR. PETRO: Okay, let's finish this up before I run out of--number 8, paver entrance to building pavers should be flush with asphalt.

MR. HALBERTHAL: We don't have pavers in the whole development where the concrete walk is there it's there to stay.

MR. PETRO: It's concrete now?

MR. HALBERTHAL: There's concrete now, it says concrete walk, walk is right there.

MR. PETRO: All right, forget that number 8 then.

MR. EDSALL: Just let me ask a question. The concrete walk out in front is that flush with the existing pavement or is that stepped up?

MR. HALBERTHAL: No, it's flush.

MR. WALDEN: And it will remain.

MR. EDSALL: Because you're paving on both sides.

MR. HALBERTHAL: No, somebody broke the paving, it was the final coat is not there, once the final paving is there it's going to be flush.

MR. WALDEN: Right now there's grass.

MR. EDSALL: Right but when you go to pave--

MR. HALBERTHAL: There's a railing.

MR. EDSALL: Can't be railings if it's in the middle of a paved area.

MR. HALBERTHAL: Concrete has a railing on the side and where it comes to the paving somebody hit the paving there.

MR. PETRO: Hold on, is it flush or not?

MR. KELSON: No.

MR. WALDEN: It's a ramp up to the building so you have handicapped accessibility.

MR. KELSON: It's an 8 inch step.

MR. HALBERTHAL: This was paved and knocked off when it's finished, the paving will be flush with the concrete.

MR. MINUTA: Is it an ADA compliant ramp or not?

MR. KELSON: No.

MR. MINUTA: It's not a ramp, it's a step?

MR. ARGENIO: Please don't say that again, you said it three times, we're not deaf, it's not ADA compliant and it's in its current state, that's it. Next.

MR. PETRO: So you need to make it flush then is what we're doing.

MR. HALBERTHAL: Yes but no pavers.

MR. PETRO: Number 9 new planting area outlined with Belgian block, that goes along with number 3 and also goes along with 4 and 5.

MR. PETRO: Number 9 and number 5.

MR. HALBERTHAL: Number 10.

MR. PETRO: Belgian block curve along edge of pavement that you're doing?

MR. HALBERTHAL: No, I'm not doing it.

MR. PETRO: You have to match it up, you can't have one side Belgian block--

MR. HALBERTHAL: Number 1 is a retaining wall, number 10 there's no retaining wall, just landscaped area.

MR. PETRO: But you have to put Belgian block to match it up, aren't you doing number 1 with the retaining wall with blocks?

MR. HALBERTHAL: Yes.

MR. PETRO: How are you building the retaining wall?

MR. HALBERTHAL: With Belgian blocks.

MR. PETRO: You should do the blocks there, number 10 with the Belgian 3, 4 and 5 and match it up with number 7 and you'll be all done, that's what they want there. Number 4 you're not going to do and number 6 you can't do but all the other things I think are fine.

MR. HALBERTHAL: Let me go through quickly again number 1, what shifts the space 3 feet, move it over here.

MR. PETRO: It's very unusual, we can close the meeting or sit here and finish it.

MR. HALBERTHAL: I'm here to finish it. You want it shifted to the right, okay.

MR. WALDEN: You still get the spaces.

MR. HALBERTHAL: Okay.

MR. WALDEN: You're going to build a wall here with steps over here, these steps are going to come out.

MR. HALBERTHAL: Right. This is 6 foot wide.

MR. KELSON: Yes.

MR. KELSON: According to the plan that you have.

MR. HALBERTHAL: Fine, that's okay if it's there, it's there, okay, fine.

MR. PETRO: Number 2.

MR. HALBERTHAL: Number 2 goes together with 1.

MR. BABCOCK: Mr. Chairman, looking at the plan myself and Mark we like this plan, the whole thing except for number 6.

MR. MINUTA: I'm in agreement with that.

MR. BABCOCK: The discussion they're having there I don't know what's going on anymore.

MR. PETRO: Well, he's trying to convince himself. I'm going to do it in about three minutes, you've got about three minutes to finish up, then I'm going to tell you what it's going to be and we're going to hit the gavel.

MR. BABCOCK: The agreement, Mr. Chairman, was is that we get this company to design this landscaping plan.

MR. EDSALL: The only discussion Mike and I agree with that we have to make sure we comply with the fire department, such as the number 6 where we can't open that open and the other one would be the new planter outside, I think it's number 4, I think it's just taking it one step too far but everything else I think they have good points.

MR. HALBERTHAL: One is fine, I'm going fast, 1 is fine, 2 is fine, 3 is fine, 4 we took out, 5 is fine, 6 we took out.

MR. PETRO: Seven we just said concrete.

MR. HALBERTHAL: Exactly, 8, what's 8?

MR. PETRO: It's got to be flush.

MR. HALBERTHAL: Stays concrete, not pavers.

MR. PETRO: Concrete but it's got to be flush either change to concrete bring up the blacktop.

MR. HALBERTHAL: Yes, yes but not paver.

MR. ARGENIO: Not pavers.

MR. HALBERTHAL: Correct.

MR. WALDEN: Designation is for pavers we'd rather put concrete.

MR. EDSALL: Fine.

MR. PETRO: Nine the new planting outline with Belgian block curb and Belgian block curb along the other edge, that's it.

MR. HALBERTHAL: Yes.

MR. PETRO: I have my copy.

MR. KELSON: Mr. Chairman, I just want to be heard just on this one item I think everything else we're where we're going to be. I'm just going to urge to the board again the wall that's there is not there that long showing I'm talking I'm going back to number 4, it's a real sticking point for the homeowners, that wall is not a good wall, it never was a good wall, it's an unattractive wall, had this board had an opportunity to pass on that wall before it was built it never would have approved that wall, I'm confident the owners built something that just is, I don't want to say an eyesore because that's too strong but it's not a whole lot too strong and given the compromises that are being made I don't think it's out of line.

MR. HALBERTHAL: I compromised everything, everything we took out.

MR. KELSON: May I finish speaking, sir?

MR. HALBERTHAL: I think it's my, I'm on the agenda, I

don't see your name on the agenda.

MR. KELSON: I'll wait for the chairman to recognize me please.

MR. PETRO: Please, go ahead.

MR. KELSON: Thank you, Mr. Petro. The aesthetics you know we're trying to take something that's not, that's just not attractive and try to bring something just sort of bring this to a conclusion, the requests that are made are not inconsistent with whatever the original plan called for, the property was, this mansion was supposed to be landscaped on a par equal to the balance of the project, landscaping was supposed to be provided proportionate, it has not been, this makes it we believe makes it proportionate to the balance of the project, for that reason we believe that it is appropriate to do it and we ask you that you just give that some consideration.

MR. HALBERTHAL: May I just say something?

MR. PETRO: No, listen, I don't disagree with what you're saying, I really don't, I think it's a fine line here what we're doing with the planning board and what you should be doing in a court, frankly, I think it's, we're right on the edge here of what's going on with this application, you know, he has a right for certain things and obviously the people here have rights also. So we're trying to get this solved here and tonight in my opinion and probably the board's I think to finalize this that you're building the upper wall out of the concrete blocks. Correct?

MR. HALBERTHAL: Yes.

MR. PETRO: You're now going to put Belgian block on the other side because you're matching up, it's going to look nice.

MR. HALBERTHAL: Yes.

MR. PETRO: I was never for one thing he said that absolutely makes sense if you had ever come in here and putting a plan saying you're putting pressure treated 6 x 6s in the front of the mansion I would have just had you escorted out of here because you belong somewhere. So why don't you just agree to whatever you're building the upper wall with the upper wall, it's not a big wall that you're building on the bottom, just take it down, build it and match the upper wall. You're doing Belgian block, you're doing everything else a hundred percent for them, I know.

MR. HALBERTHAL: It's up, I spoke, I just want to say the offering plan says clearly the landscaping is done to the discretion of the sponsor.

MR. PETRO: It's immaterial, just look at the mansion and look at the pressure treated wall, I wouldn't have that around one of my apartment buildings, I would put something better than that.

MR. HALBERTHAL: It's part of the road.

MR. PETRO: I recognize it's there and if it was something that had nothing to do with anything I would say the heck with it, it's there, it's not, I did go down and look at it, it's not falling down but it's not conducive to the beauty of that mansion, it really isn't, I mean, I'm not sticking up for them because there's 20 of them and you're by yourself with your daughter.

MR. HALBERTHAL: There's only three people that live in the mansion which are here, all the rest are people in other phases.

MR. PETRO: If they live in New Windsor I listen to

what they say, all you have to do is go down and look at it, they're not wrong, if I'm doing the block up on the top, you heard me say that we usually make garbage enclosures out of the same material because it matches the building, so that should be the same material as you're doing in front of the mansion, it should be the block. What are you putting in the front, block stackers?

MR. HALBERTHAL: Modular blocks.

MR. PETRO: How high is the wall by the road, 3 feet?

MR. EDSALL: Yeah, it's not that high.

MR. PETRO: You wouldn't need to have any geogrid, it would be a very simple wall, it would not be a big deal, I think you should just agree to it, get it done, you get the C.O.s for them, these people are happy forever and you're all done and number 1 and number 6 is still out, we can't do that anyway, Izzy, just agree it's a few thousand bucks you're making everybody happy.

MR. HALBERTHAL: What do they want?

MR. PETRO: I'm going to pay for it myself so I can go home and see my boys.

MR. HALBERTHAL: Still a concrete wall, what is it made of what?

MR. PETRO: Just do it out of the same blocks you're doing the upper wall.

MR. HALBERTHAL: She wants on one side she wants the blocks and the other side she wants the blocks, correct?

MR. WALDEN: Correct.

MR. HALBERTHAL: She wants a concrete wall.

MR. PETRO: I'm reading it myself, it's already a planter, correct?

MR. WALDEN: Yes.

MR. PETRO: So you want to put a planter back made out of the blocks for a retaining wall then you're looking for a planter, is that correct?

MR. BABCOCK: Well, it's a retaining wall, planter.

MR. ARGENIO: Are you Karen?

MS. ARENT: Yes.

MR. PETRO: Why don't you tell us?

MS. ARENT: The front of the wall should be the wall units and because the width is so narrow that the units are one foot wide, if we put them on the back as well it would make the planter very thick and I don't think that the planter needs to be as wide as it was built out there, I think it should just be flush with the height of the pavement or a little lower so that you could put curbing in on the other side.

MR. ARGENIO: So you're recommending Belgian block on the other side?

MS. ARENT: On other side the only spot you might see it is on the corner this way the planter's a little wider and it's then you also don't have that type of material next to where the cars are parking like there's no need to have the wall on the upper end.

MR. EDSALL: It's good design.

MR. ARGENIO: She just saved you some money.

MR. HALBERTHAL: On one side, how can you do that because of the parking spaces?

MR. KELSON: He's raising a point on number 4, just take a look at little triangles, does the board have a problem with those?

MR. BABCOCK: Jim, they're designed to be low enough.

MR. EDSALL: They're a curb elevation.

MR. ARGENIO: The tire will hit it.

MR. EDSALL: That's not a problem.

MS. ARENT: Not where it's located it's right at the stripe of the parking, a lot of towns are allowing that in order to get--

MR. KELSON: It gives it a little more room.

MR. HALBERTHAL: The planter is much wider than what I have here you're proposing a much narrower planter, the bed will be the same size.

MS. ARENT: I took this right off the plan you provided.

MR. WALDEN: It's the same width of the planter that we have.

MS. ARENT: If your plan is not correct, I can't speak about that.

MR. HALBERTHAL: I understand. Why does this have to be done now, I mean, this is something that's in already?

MR. PETRO: We're asking you to do it.

MR. HALBERTHAL: You're asking everything, I'm giving some way, that is compromise.

MR. PETRO: It's what we agreed to, if we want to go forward, if not, I'm going to hit the gavel and you can go to court and do what you want to do.

MR. HALBERTHAL: No, I understand.

MR. PETRO: You have number 4, 6, 6 we took out, the next we made some concrete flush.

MR. ARGENIO: Took the pavers out.

MR. PETRO: This other one is indicating it's a beautiful mansion, it's a nice place and it should match the other side, okay.

MR. HALBERTHAL: I didn't look at the actual landscaping itself, you took care of the air conditioning units, it won't run into the plants that go in there, I don't want something after six months the air conditioner or the heat will ruin it.

MS. ARENT: There's two spots that it's very tight so put plants that tolerate that abuse.

MR. PETRO: I'm sure you can work that out.

MR. KELSON: The board will be flexible on something like that.

MR. WALDEN: We can work it out.

MS. ARENT: I thought it would be better to try to use plants rather than screen fencing that would be off the--

MR. PETRO: Listen, this is the way it is, you have 1 through 10, we're going to eliminate number 6, number 8 is going to be concrete flush entrance to the building, 7 is going to be concrete not pavers and that's it, everything else is as written, 4 is as written. All right, gentlemen, do you agree?

MR. HALBERTHAL: If we're getting my approval right away probably.

MR. PETRO: You're going to get approval right now if you agree.

MR. HALBERTHAL: Okay, what happens here, we just extend?

MR. EDSALL: Yes, whatever's on this plan you extend it.

MR. HALBERTHAL: As a matter of fact, for the 24 feet maybe we can go back, there's no reason.

MR. EDSALL: We'll work out the alignment with them.

MR. HALBERTHAL: There's no fire things just for those to be able to move in and out.

MR. EDSALL: We can do that as a field change if everybody is agreeable to that.

MR. EDSALL: We'll work that out.

MR. HALBERTHAL: The fire department there's no reason for them to come in the back here so we can just shift this all a little bit to bend it a little bit.

MR. EDSALL: We'll work that out and I do hope that the board of managers can work on just taking that little dogleg out of the pavement on the opposite side, it's probably only a two or three feet.

MR. PETRO: Okay, we want to talk about President Bush or anything else?

MR. HALBERTHAL: No, no, okay, fine. We need more notes attached.

MR. PETRO: No, I have it right here as written except for 3 changes, number 6 eliminated.

MR. EDSALL: What I will do on the plans that are stamped we'll modify note number 2 so that it records your decisions.

MR. PETRO: Okay, let's see this is a regular item, did we take lead agency?

MR. EDSALL: You've taken lead agency, you need to make a negative dec then a conditional approval.

MR. ARGENIO: Motion we take a negative dec for Plum Point.

MR. SCHLESINGER: Second it.

MR. HALBERTHAL: Just took the most expensive shrubs that's available.

MR. PETRO: It's peanuts in the whole scheme of things, get it done so we can give you an approval. You're stopping me from giving you an approval.

MR. ARGENIO: Do you want to do that?

MR. HALBERTHAL: No.

MR. PETRO: Motion.

MR. ARGENIO: I made the motion for negative dec.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded for negative dec for the Plum Point Section 4 site plan amendment. Any further discussion from the board members? If not, roll call.

ROLL CALL

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

MR. PETRO: Motion for conditional final approval.

MR. EDSALL: That will include the normal site improvement, bond estimate.

MR. PETRO: Yes, is there a motion?

MR. SCHLESINGER: I'll make the motion for the approval pending the notice of the mansion at Plum Point with the exception of the changes that are noted on Mr. Petro's sheet.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant conditional final approval to the Plum Point Section 4 site plan amendment with the subject-tos as written in or mentioned by Mr. Schlesinger. And just to make it clear on the 10 page item list it will be eliminating number 6, number 7 will not be pavers, it will be concrete, number 8 it will be a concrete flush entrance to the building and remove the word pavers, concrete shall be flush with the asphalt or as Mr. Minuta said it should be ADA accessible and that's it. Number 9

and 10 stay as they are. Any further discussion from the board members?

MR. SCHLESINGER: I just hope that everybody in the audience has witnessed what we went through and I hope everybody is going to be happy.

MR. PETRO: Yes, this is very unusual. Roll call.

ROLL CALL

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

MR. PETRO: Motion to adjourn?

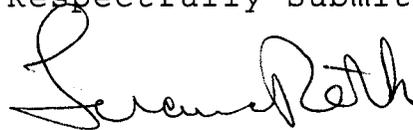
MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

ROLL CALL

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

Respectfully Submitted By:



Frances Roth
Stenographer

7/1/05