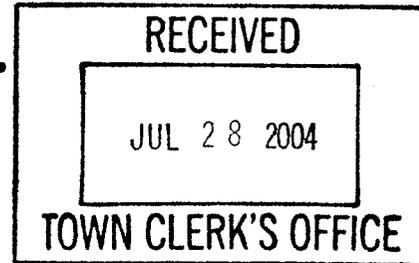




# Town of New Windsor

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**OFFICE OF THE PLANNING BOARD**  
**WEDNESDAY — JULY 28, 2004 - 7:30 PM**  
**TENTATIVE AGENDA**



## CALL TO ORDER

## ROLL CALL

**APPROVAL OF MINUTES DATED: JUNE 9, 2004 & JUNE 23, 2004**

## PUBLIC HEARINGS:

1. **HUDSON VALLEY VETERINARY (04-04) WINDSOR HIGHWAY (MARTINISI)**  
Proposed veterinary clinic in former Foti Florist Bldg. Veterinary now located in Upskate Plaza.

## REGULAR ITEMS:

2. **HARTLEY CATERING (SCHLESINGER DELI) (04-16) RT. 207** Proposed addition for storage and outside seating at existing deli.
3. **JOSEPH FUMAROLA (04-17) RT. 207 (YANOSH)** Proposed 2-lot residential subdivision .
4. **73 WINDSOR HIGHWAY SITE PLAN (04-08) WINDSOR HIGHWAY (SHAW)**  
Proposed 10,500 s.f. building for storage and retail with additional parking.

## CORRESPONDENCE

5. **PATRIOT RIDGE CONDOMINIUMS – BUILDING #13 & BUILDING #20**  
**FIELD CHANGE (SHAW)**
6. **MOORES HILL ESTATES SUBDIVISION (98-4)** Request for 180-day extension of Conditional Final Approval granted 2/11/04

## PRESUBMISSION

7. **JOCOPINO SITE PLAN – WALSH AVEN.**

## ADJOURNMENT

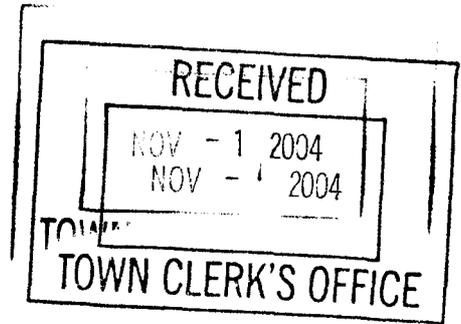
**(NEXT MEETING – AUGUST 11, 2004)**

July 28, 2004

TOWN OF NEW WINDSOR

PLANNING BOARD

JULY 28, 2004



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

ALTERNATE: DANIEL GALLAGHER

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

MICHAEL BABCOCK  
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.  
PLANNING BOARD ATTORNEY

MYRA MASON  
PLANNING BOARD SECRETARY

ABSENT: RON LANDER  
THOMAS KARNAVEZOS (Arrived Late)

REGULAR MEETING

MR. PETRO: I'd like to call to order the July 28, 2004 meeting of the New Windsor Planning Board. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

Also tonight, our stenographer is not here so I'll be talking a little bit more loudly, we have a microphone here and it is being recorded here... tonight your speech is being recorded not by stenographer.

APPROVAL OF MINUTES: JUNE 9, 2004 & JUNE 23, 2004

MR. ARGENIO: I make a motion we approve them as written.

MR. SCHLESINGER: Second it.

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

ROLL CALL

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

PUBLIC HEARINGS:

HUDSON VALLEY VETERINARY (04-04)

Dr. Martinisi appeared before the board for this proposal.

MR. PETRO: Hudson Valley Veterinary on Windsor Highway, Dr. Martinisi, a proposed veterinary clinic in the former Foti Florist building. This application proposes the renovation of the existing building for use as a veterinary facility. This plan has been reviewed at the 11 February 2004 and 23 June 2004 Planning Board Meetings. The application is here tonight for a public hearing because of the Special Permit it is mandatory that we have a public hearing and the Special Permit is because of the caretaker apartment. Mark, you have a few comments, is someone here to represent this. Do you want to come up Miss. I was going so fast, that I forgot that anybody wasn't even out there. Put a plan up there and you can step to the mike right there.

Mark there is a couple of revisions and details that have to be added to the plan. Are they minor in nature?

MR. EDSALL: I'll provide a copy to the applicant, they are very minor.

MR. PETRO: Such as the dumpster enclosure is 12' wide on the plan and 18' on the detail, which one is correct. Those are very minor in nature.

Whereas Thomas Karnavezos arrived late...

MR. PETRO: Thomas Karnavezos, one of our members is joining us. Tom, we are speaking to the mike tonight, this is being recorded because we do not have a stenographer. That is why I'm announcing that you're here, otherwise, we would not know that. OK... and that Danny Gallagher, an alternate member is here at this time, so we have a full house here tonight.

Ma'am what, is your name?

MS. MILLIG: Colleen Millig, I live in New Windsor, Dr. Martinisi is my vet. She is very professional. She needs a new place, the place where her practice is now is professional, but, I think she will do much better in the new location and I know she will make it really great for the animals and will serve the community better, serve the animals...

MR. PETRO: So, you're a positive also... I'll tell you something, don't leave yet. I'm here 13 years, Andy you're with me here right, and I've never had two positives in a row.. I think this is something we should announce in the paper, Jerry, put this in the paper will ya.

MR. ARGENIO: I think we might get three.

MR. PETRO: We might get three? OK, thank you. Yes ma'am.

MS. SCHNEIDER: My name is Nancy Schneider, I'm not only a friend and customer of Dr. Martinisi, but, I'm also her attorney. I can tell you she never gets into any trouble, she keeps a clean place and she's kept my dogs alive for many, many years, so I request that you vote for it. She didn't even need me for representation.

MR. PETRO: Thank you.

MR. MASON: You guys aren't all getting free visits here are ya?

MR. PETRO: OK, is there anyone who would like to speak on behalf of the site plan itself, other than the character of Dr. Martinisi. OK, let the Chair recognize that there's no further hands up, so I'll entertain a motion..

MR. ARGENIO: I'll make a motion that we close the public hearing on the Martinisi Veterinary Hospital.

MR. SCHLESINGER: Second.

MR. PETRO: Motion made and second that we close the public hearing for the Hudson Valley Veterinary Hospital on Rt. 32 (Windsor Highway) any further comments from the Board?

#### ROLL CALL

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

MR. PETRO: At this time, I'd open up to the Board for further comment. Does anybody have any other comments. Mark what do you have to tell us about your couple of comments here.

MR. EDSALL: The comments are very minor. All it appears to be a drafting error, as a matter of fact, both of them are drafting errors. Procedurally, you need to make a determination under SEQRA, I would recommend that you classify it as an Unlisted Action and declare a Neg. Dec.

MR. PETRO: Can we have a motion for a negative dec.

MR. MASON: I make that motion.

MR. SCHLESINGER: I second it.

MR. PETRO: Motion made and seconded that the New Windsor Planning declare a negative dec for the Hudson Valley Veterinary Hospital on Windsor Highway, any further comments from the Board members, if not, roll.

#### ROLL CALL

MR. SCHLESINGER:	AYE
MR. KARNAVESOZ	AYE
MR. MASON	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

Inaudible.....

MR. EDSALL: We need the plans corrected and post the site bond estimate.

MR. PETRO: I'll entertain a motion for a final approval and I'll do the subject to in if somebody wants to make the motion.

MR. ARGENIO: I'll make the motion subject to what Jimmy's about to read in.

MR. SCHLESINGER: I'll second.

MR. PETRO: Motion made and seconded that the Planning Board grant final approval to the Hudson Valley Veterinary Hospital on Windsor Highway subject to the Bond Estimate and Mark's comments.

Inaudible.....

MR. PETRO: OK, the plan has to be corrected. Once your architect or engineer does that and Myra has the plans she will have them signed. OK... any further comment from the Board members.

## ROLL CALL

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

MR. PETRO:                Thank you for coming in and bringing the chorus... the friendly chorus.

HARTLEY CATERING (SCHLESINGER DELI) (04-08)

MR. PETRO:                OK, under regular items, we have Hartley Catering, Schlesinger Deli, proposed addition for storage and outside seating at existing deli. The applicant proposes a storage shed at the rear of the existing building and outside seating is also proposed at the front of the building. At this time, being that I own the property, I'm going to recuse myself and I believe Mr. Schlesinger is also involved with this site so, he, obviously, is going to recuse himself and we will turn it over to Mr. Argenio who will run the meeting.

MR. ARGENIO:            OK. The applicant proposes a storage shed at the rear of the existing building. Outside seating is also proposed at the front of the building. Sir, what is your name.

MR. GALLI:                My name is Alec Galli A-L-E-C G-A-L-L-I, it's on the drawing.

MR. ARGENIO:            Ok, what do you propose Mr. Galli.

MR. GALLI:                We propose a 12 X 26 wood frame storage shed on the rear of the building and four outdoor tables with four chairs each and that's basically it.

MR. ARGENIO:            The wood frame storage shed is permanent in nature and not temporary.

MR. GALLI:                Um... Permanent meaning it doesn't have a full foundation, it's considered a accessory structure, it doesn't have a full foundation so it's a pre-fabricated structure purchased from a company, what's the name of the company Rich? Mr. Shed.

MR. ARGENIO:            Mr. Shed, OK. Mike can you address the first bullet under comment #1, separations between main building and storage building, it could be a building code issue.

MR. BABCOCK:            Yes, I don't have the information with me Mr. Chairman, but, I think it may be six foot for the type of construction which wouldn't bother this plan at all if we

move that one foot as long as it's within the setback and I don't know that five foot is not the answer.

MR. ARGENIO: Yeah, I don't even know that I want to see that bullet on there as I think that is more of a Building Inspector issue.

MR. EDSALL: My reason was bringing it up is it has to shift. If the Board finds it acceptable to shift it, we'll make sure that the final plan that is stamped uses the State Building Code. No sense having a...

MR. GALLI: I thought we covered that with the secretary and the Building Department where we confirmed that that was the acceptable setback.

MR. BABCOCK: They did.

MR. EDSALL: Maybe we will have the flexibility that if you have to shift it we don't have a problem with that.

MR. ARGENIO: Yeah I don't want to get off on that.

MR. GALLI: If it's off a couple of feet it's not going to matter much.

MR. EDSALL: It has no impact on setbacks.

MR. ARGENIO: It's in the back of the building, no impact on setbacks, Mike, it's yours. Adequate room for seating in front, including separation from parking i.e., we don't want incoming vehicles to encroach on seated customers. The applicant depicts ten foot of available space and has verbally indicated that adequate space exists. It would appear that they have just enough room. They should monitor the situation and shift the wheel stops away from the building if needed. Again, I don't, I mean do you think there is adequate space there? Mike, you've been there obviously. I don't think that's something... unless Eric or any of the others would like to disagree with me. If we .... Let me ask you one question though, Mike. I seem to remember quite a few years ago a discussion about a Café License in the Town of New Windsor, it might have been Stop Light Tavern or Gus's Tavern or something. Is there any...

MR. BABCOCK: No there isn't anything.

MR. ARGENIO: Ok, then maybe I'm confusing it with something else. The board may wish to discuss the manner with which they wish to deal with the dining on this retail site so that use classification of parking would require ... what does that mean Mark.

MR. EDSALL: It's more a, uh, not a comment specific to this site but results from a discussion Mike and I had as to how you want us to look at temporary outside seating. We don't believe it's a problem, but, we want it on record that when we consider it that it causes temporary and seasonal ... in parking accessory.

MR. BABCOCK: Typically Jerry, this is a retail business. If you put seating in a retail business, you now become a restaurant. Parking requirements change one for each three seats so, or whatever the calculation is.

MR. ARGENIO: Are you telling me it gets tighter.

MR. BABCOCK: Yes. He's got plenty of parking here and we always allow a few seats. I'm sure the outside seating is for people that smoke. They can't smoke inside so they want to sit outside and eat a sandwich.

MR. ARGENIO: So it is a reasonable application....

MR. BABCOCK: Wintertime I'm sure they are not going to be there, so I don't see any issue with parking at all.

MR. EDSALL: What we're recommending is that to not assess a parking count for temporary seasonal outside seating, however, we do want to show on the plans so that what you may find acceptable at four tables, not on this site but, on other sites, it could turn into thirty.

MR. ARGENIO: I think that's reasonable, on top of which they depicted four tables.

MR. EDSALL: Exactly, what I'm saying is that for this site it is reasonable, um, we'll just kind of say policy in the future.....

MR. MASON: Mr. Chairman, I don't believe that we have to make this conditional that it's seasonal, if they want to leave the chairs out all winter they can right.

MR. EDSALL: Exactly, but, eventually if the weather turned bad, they would bring them inside.

MR. ARGENIO: So, what are you saying, we shouldn't make it seasonal.

MR. MASON: Right

MR. ARGENIO: I agree with you.

MR. MASON: You know if it's nice out in December, I think it would be nice to sit out there.

MR. ARGENIO: I agree with that, I couldn't agree more.

MR. EDSALL: The only reason I call them temporary is because there is no permanent improvements out there that goes with it.

MR. ARGENIO: Why do we have to revisit SEQRA on this, because of the tables Mark.

MR. EDSALL: Any action the Board approves should really have the SEQRA process.

MR. ARGENIO: Motion for Lead Agency?

MR. KARNAVEZOS: I make a motion we take Lead Agency under SEQRA.

MR. SCHLESINGER: Second.

MR. ARGENIO: Motion has been made and seconded that this Board take Lead Agency under the SEQRA process for Hartley's Catering on Rt. 207.

ROLL CALL:

MR.MASON	AYE
MR. KARNAVEZOS	AYE
MR.GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Anyone for a public hearing? What do you guys think.

MR. KARNAVEZOS: Mr. Chairman, I make a motion we waive the public hearing.

MR. MASON: I second it.

MR. ARGENIO: Motion has been made and seconded that we waive the public hearing on the Hartley Catering Site Plan, Rt. 207.

ROLL CALL:

MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I'll take a motion for a negative dec under the SEQRA process.

MR. KARNAVEZOS: I make a motion we declare a negative declaration.

MR. MASON: I second it.

ROLL CALL:

MR. MASON	AYE
MR. KARNAVEZOS	AYE

MR. GALLAGHER            AYE  
MR. ARGENIO             AYE

MR. ARGENIO:            I don't see anything else here. Mike you have a little homework to do here with this setback think. Having gone through the items, I think we've addressed them. Mike's got a little homework to do. Does anybody else see any issues with this, any other members. If not, could I have a motion.

MR. GALLAGHER:        I make that motion for final approval.

MR. MASON:             Second it.

MR. ARGENIO:            Motion has been made and seconded that we give final approval to the Hartley Catering Site Plan on Rt. 207. No more comments from the Board members.

ROLL CALL:

MR. GALLAGHER         AYE  
MR. KARNAVEZOS        AYE  
MR. MASON              AYE  
MR. ARGENIO            AYE

MR. ARGENIO:            That's it Mr. Galli, Thank you.

JOSEPH FUMAROLA (04-17)

MR. PETRO:              Ok, next on tonight's agenda is Fumarola, a proposed two-lot subdivision. Is someone here to represent this? Ok, this application proposes the re-subdivision of Lot #5 of the Quality Homes Subdivision into two single-family residential lots. The property is in the R-1 zoning district of the Town. The required bulk data is correct for the zoning use. Each of the lots easily complies with the bulk requirements. The overall subdivision still has to be subject to the review of the Orange County Department of Health after preliminary approval for this subdivision, this matter will need to be referred to them. Ok. Why don't you go quickly because I just get...

MRS. FUMAROLA:        Yes, my son Joseph bought this property from my husband Lou.

MR. PETRO:              And your name is...

MRS. FUMAROLA:        I'm Bernadette Fumarola and I'm representing my son. He wants to build a house for himself.... which was the fifth lot. It's large enough to subdivide so he would like to subdivide so that my other son could build on the additional lot..... inaudible.

MR. PETRO:              Mark it looks like both houses fit inside the envelope with no problem.

MR. EDSALL: Yes, as a matter of fact, everything is fine on this application. Unfortunately, because of timing it has to go to the Health Department because they created more than five lots under five acres within the time limit.

Inaudible.....

.....

#### 73 WINDSOR HIGHWAY SITE PLAN (04-08)

MR. PETRO: The application proposes a 10,500 square foot addition to the south side of the existing building, associated site improvements. We've seen this before. This plan was previously reviewed at the 14 April 2004 Planning Board meeting. It is in a C zone. The bulk information on the plan is correct for the zone uses. The site in conformance with the zoning with the exception of the preexisting nonconforming conditions regarding the front yard setback and off street parking. Utility plan, lighting plan and landscaping.... You made up a nice site plan for us to look at. We should determine if a public hearing – we will get to that. The plan should confirm the status of the SEQRA lead agency declaration. Have we heard anything back Myra from anybody? We will look that up and then we will move on. You want to give us another shot at what we are doing here Greg.

MR. SHAW: You pretty much covered all the things .. it's in the C, design shopping district, it is 2.1 acre parcel. Presently on the building is a 22,500 square foot structure of which 5,150 square feet is used for retail, 750 is used for office and 16,600 square feet is used for warehouse and display. If you notice on the schedule in the right hand side of the drawing that what we have is a substantial nonconformance with respect to the existing parking. We were obligated to provide fifty-seven spaces and presently on twenty-seven are being provided. So there is an existing deficiency of thirty spaces that's a non-conforming condition. We are going to correct some of that with the construction of the new addition, which is going to be a total of 9,800 square feet, 1,000 square feet retail, 300 square feet office and maybe 500 square feet is going to be warehouse and display. We're going to take that 30 parking space deficiency and reduce it to only an eight parking space deficiency. So we're going to move twenty-two spaces towards the good. We discussed that at the April meeting and the Board felt that that is appropriate and that it would not have to go to the Zoning Board of Appeals.

MR. PETRO: Greg, you want to just go over that one more time so I'm really clear on it and we get it on the record here. It's already a non-conforming use the parking, it's already a deficiency by how many?

MR. SHAW: We are obligated to provide presently fifty-seven spaces and on the site today there are only twenty-seven spaces.

MR. PETRO: So you have a thirty spaces you are short.

MR. SHAW: 30 parking space deficiency. After the new building is constructed and the new parking spaces are constructed, we are going to be obligated to provide seventy-four spaces and we are providing sixty-two. So we're going to be twelve spaces shy so we move eighteen spaces to the good toward correcting the existing deficiency.

MR. PETRO: So it's close to 60% improvement over the non-conforming.

MR. SHAW: Yes. With respect to features that are going to be constructed on the site, presently you have an existing macadam area adjacent to Windsor Highway and Industrial Road. They now have some existing pools which are stored in the front. They're going to be removed, you're going to have a retaining wall put in, a 25foot wide aisle and some parking spaces in the front. The aisle is going to be continued to the south to a twenty-seven parking space area on the southerly border of the property. That, again, will wrap around along the existing macadam drive and tie into Industrial Road. As you mentioned, the site improvements are going to consist of site lighting, a landscaping plan and also a sanitary sewer connection, so that Mr. Chairman is a quick overview.

MR. PETRO: Is the pool place moving out, obviously.

MR. SHAW: Ah, no, just his pools that are on display in the front.

MR. SCHLESINGER: He is taking his pools away from being displayed.

MR. SHAW: Correct.

MR. SCHLESINGER: And you're using that space for.

MR. SHAW: We are going to ...

MR. PETRO: Driveway and parking.

MR. SHAW: Thank You.

MR. SCHLESINGER: So that answers my next question, which was if here you're adding on 10,000 s.f. building, you're adding on more building and coming up with more parking spaces.

MR. SHAW: Correct. We just felt that with having a new parking lot on the southerly side of the property, you should have more than one way in and it would just make sense that this now could be a very nice feature. Plus when there is only one entrance in this area, by extending the parking to the south, you could create another entrance and have a better façade a better look at the building from Windsor Highway.

MR. PETRO: Let's talk about that wall a little bit... what is that wall. What is that the wire mesh and you fill with rocks, is that what that is?

MR. SHAW: No, it's the masonry unit wall, the unilock wall, OK. You just basically stack them on top of one another and there's a detail on the drawing of it.

MR. PETRO: Why does it look like a wire mesh rock wall?

Inaudible.....

MR. ARGENIO: I'm going to say one thing, the reinforcing zone to the wall on the left side, is going to be on the other guy's property. Do you agree with that or...

MR. PETRO: When you bring out the black fabric, it's going to come out about 12' or so..

MR. ARGENIO: Not that far, it's a function of the highway..

MR. SHAW: You may extend into the State right-of-way a little bit as we did with the fabric.

MR. PETRO: How high are you going with that wall.

MR. SHAW: It is obviously going to vary on the north side from zero feet to ...

MR. PETRO: Four feet high it says?

MR. SHAW: No .. are we talking closer to Windsor Highway?

MR. PETRO: No anywhere – what is the highest point of the wall. It says raised wall around refuse enclosure... oh ok.

MR. SHAW: That is going to be about four feet. If you start in this area and if you just bear with me, we are zero feet and probably about two feet here and four feet here and that is strictly to get some cover over the refuse enclosure. There is going to be six feet here, four feet here and coming along the front, probably about eight feet high in this corner.

Inaudible.....

MR. PETRO: Ok, I'm just looking to see if you have a fence on top of the wall anywhere?

MR. SHAW: No I don't.

MR. PETRO: Ok and you said some of it's going to be six feet high. Mark?

MR. EDSALL: Mr. Babcock just pointed that out to me.

MR. PETRO: Ok, Greg you are going to have to look at that. Get together with Mark. I don't know exactly where... a foot and a half high, no, but, six foot, it's just common sense you are going to need a fence.

MR. SHAW: Is there any criteria about....

MR. BABCOCK: I really don't know that and I'll find out.

MR. PETRO: Well, we're not going to decide now... get together with them and whatever the building department and Mike feels is comfortable, put it on the plan. Show what it is and where it is. Again, you know, if it's a foot and a half, ... I don't know where you started. Use some common sense, a six foot wall, you need something on top of it. The parking... you know, you are making it better there is no question about it, than it was. The nonconforming use that was already there, I want to know why you still don't need a variance thought. I understand we are making the non-conforming use better, we decided last time I know, I just want to get it in my mind why you don't need a variance for that, it has it on the plan, because the non-conforming use is becoming better. I understand.

MR. EDSALL: As long as he is providing sufficient amount of parking spaces for the addition, and in fact in this case he has provided more, he is improving the amount of parking.

MR. PETRO: He's got more than he needs for what he's building and he's improving what is already there.

MR. EDSALL: Correct.

MR. ARGENIO: The non-conforming that's already there.

MR. EDSALL: Decreasing the non-conforming.

Inaudible....

MR. PETRO: Greg, we have fire disapproved on 4-13-2004 with no...It says a 30 foot fire range will be designated around the perimeter of the building and appropriately marked with signage in accordance with the town requirements.

MR. SHAW: What date is that Mr. Chairman?

MR. PETRO: 4-22-2004.

MR. SHAW: Yeah, I met with John McDonald following that and I showed him the plan in front of you and he was 100% satisfied.

MR. PETRO: Well, alright, listen that's why we are here, we just ironed it out. It says disapproved and we figured it out, so, I need something in here that says approved.

You have the lane around the building, we've seen it?

MR. SHAW: Yes, the signage is as per his request.

MR. PETRO: Motion for a negative dec.

MR. ARGENIO: Make that motion.

MR. SCHLESINGER: Second.

MR. PETRO: Motion for Lead Agency.

MR. ARGENIO: Make the motion.

MR. MASON Second it.

MR. PETRO: Motion has been made and seconded that the planning declare itself Lead Agency for the 73 Windsor Highway Site Plan Amendment. Any further discussion from the board members, if not.

#### ROLL CALL

MR. SCHLESINGER AYE

MR. KARNAVEZOS AYE

MR. MASON AYE

MR. ARGENIO AYE

MR. PETRO AYE

MR. PETRO: Motion has been made and seconded that the planning board declare a negative dec for 73 Windsor Highway Site Plan Amendment. Any further discussion from the board members, if not:

#### ROLL CALL

MR. SCHLESINGER AYE

MR. KARNAVEZOS AYE

MR. MASON AYE

MR. ARGENIO AYE

MR. PETRO AYE

MR. PETRO: Alright, now what I want to do is discuss the public hearing. Greg this is quite a large building in a commercial zone. Normally we could waive something, but, it's 10,000 square feet 10,500 square feet.

MR. SHAW: It's in an industrial zone, it's not commercial. You have the former Frye Manufacturing on the easterly side on the northerly side you have Occupations, Inc. On the southerly side, you have Devitts operation, I mean they are relatively large parcels, large buildings, not too many neighbors. Not too much of an impact.

MR. PETRO: Well, in my opinion though, it's still a large building a 10,500 square foot building, retaining wall, you're going to have fence on top of the retaining walls, swales and it's right in the middle of New Windsor. I just think that we should have a public hearing and give somebody a chance to talk and that's it. That's my opinion, now if somebody disagrees, tell me. I mean its, he's correct, it's right where it belongs, it's a permitted use, I don't see anything wrong with the plan but, the 30-day time period I'd like to give people a chance to say something. Maybe it's a drainage problem that we don't know about, maybe you don't know about it. Okay, it seems like the board's all of one mind so we are going to have a public hearing for this. You could schedule it with Myra. Let's look at the plan one more time. Mark do you have anything else on the plan before we come up for a public hearing.

MR. EDSALL: No as a matter of fact, there were quite a number of items that Greg and I had gone over at the workshop meetings and come up with a design that included the only items which you reported out that I had seen were missing was the consideration of the fence.

MR. PETRO: And how about the little problem that Jerry brought up, for that type of wall are you going to be going off the property.

MR. EDSALL: Well, what he's going to have to look at is the specific title on that stretch to see if there is a larger lot .... Inaudible.

MR. SHAW: My understanding, and I've worked with that block a little bit, I think ...

MR. PETRO: You may not need it there too.

MR. ARGENIO: One other thing, and maybe I'm getting a little penny-ante. When you show the fence, don't show it on top of the wall.

MR. SHAW: Oh no. I'll put it behind the wall.

MR. ARGENIO: The wall guys that stamp the wall ....

MR. SHAW: You mean putting it actually on top of the wall.

MR. ARGENIO: Yes, I've had engineers and jobs I've built Greg, where they actually show the posts in the wall and these wall guys, you know, they don't go for that. You can't interrupt the structure of the structure.

MR. SHAW: I understand.

MR. PETRO: Talk a little bit about that swale, too before you leave. I just want to know what that is. I know you're picking up a 24" basin across the street and it's going to be an open swale or is that piping?

MR. SHAW: It's going to be a riprap swale, and I really can't tell you how much flow it takes, I can tell you about my conversation with Jack Devitt, who owned this building before they sold it to Central Valley Real Estate and he said for all intensive purposes you don't even need a swale there. There is no water that goes through that culvert piping and if you physically take a look at the site, you'll see that there's very little erosion. It's pretty much just low grass with very little water going through it, not to say that the state can't change it in the future and divert more water to it. That's why we're treating it as an active culvert and we're putting in a riprap swale to convey it around the property. From a tactical point of view, if you take a look at it tomorrow, it's pretty much all grass.

MR. PETRO: Where does that exit onto... where does it go when it leaves the property.

MR. SHAW: It goes on to Adams and ..... property then just flows through an existing drainage course which this whole area flows through in an easterly direction.

MR. PETRO: You know what that reminds me of, it reminds me of my little recon center up the road. There's a little swale on the side of the property between my place and the little houses next door. A very small little swale, maybe three feet and what happened was they built the beer canning plant and they've got a system like this and where do you think it empties? It empties across the street in my little swale that takes a 10" cnp under my driveways from the beer canning plant which takes in half of Stewart Airport. So, when it rains, do you follow my point, do you know what happens? It looks like a river, the Hudson River or the Moodna Creek at least. And then we have no idea where it empties on the end, I mean you tell me it empties on that property but what's there what is it?

MR. SHAW: It's a wooded drainage ditch.

MR. PETRO: Let's get a couple of answers on that. Try to get some idea of flow and where that water goes down there. I mean that's a huge swale, that thing is...

MR. SHAW: It's only three feet wide.

MR. PETRO: Three feet wide?

MR. SHAW: And it has side slopes to it so the riprap is not only showing the three foot wide base, but also the riprap side slopes.

MR. PETRO: Well, you've got  $\frac{3}{4}$  of an inch which means fifteen feet. So, you're telling me it's three feet but it looks like fifteen feet on the plan, but, you're taking in the side slopes. You're telling me the bottom of it is three feet. But, it's fifteen feet wide.

MR. SHAW: No I'm not saying it's fifteen feet wide, it's probably about nine feet wide.

MR. PETRO: Well, according to this scale if one inch is 20 feet...

MR. SHAW: Well – that’s not half an inch.

MR. PETRO: Oh, well, I think it’s more than a half an inch and I’m not wrong, very rare. Ok, needless to say, let’s find something out about the water.

MR. ARGENIO: Well, at the public hearing anybody downstream will have ample opportunity to address this.

MR. PETRO: Well, you see, I happen to be a guy that’s down right there from the exact same thing. Probably much worse. This is only twenty-four inch, the other one is forty-eight... inaudible.

MR. SHAW: I understand your concern about, you just said the words impervious surface. If you take a look at the second drawing, you’ll see that’s existing conditions plan. You’ll see those areas which are macadam...inaudible. The idea of the drainage...but, it’s not like that’s a brush field back there. It’s not, it’s macadam it’s tar and chip and it’s gravel.

MR. PETRO: Okay, anything else from any of the members. Ok well schedule the public hearing, the plans look good and it looks like everything’s in order. Mark, do you have anything else.. other than the fence and we are going to talk about the drainage a little bit.

MR. EDSALL: No...

CORRESPONDENCE:

PATRIOT RIDGE CONDOMINIUMS – BUILDING #13 & BUILDING #20

MR. PETRO: Next we have Patriot Ridge Condominiums, Building #13 and Building #20. This is a field change by Mr. Shaw and just for the minutes I want to say this is Patriot Ridge and not Patriot Estates so I’m going to stay right where I am and run the meeting. This is also represented by Mr. Shaw.

MR. SHAW: What I did was I sent a letter to Mark Edsall as the Planning Board Engineer asking to make two field changes with respect to Patriot Ridge Condominiums. One has to do with Building #20 and you’ll notice that I submitted in this request, two sketches, one of Building #20 as it was approved by this board and with the as-built utilities that were physically built in the field. The second sketch is the proposed relocation of Building #20 and we are asking to relocate it seven feet to the north and the reason we are asking to relocate it is because one of the deposed unit owners wants to substitute a Lincoln Unit from a Hamilton Unit so because he wants to switch unit types it becomes a wider unit, therefore, we now have a conflict with the installed utilities, therefore, we are asking for relief of being allowed to relocate

the building seven feet to the north. And, that's all explained in my letter to Mr. Edsall which you have in your hand.

MR. PETRO: Is it more square footage or not.

MR. SHAW: I think it's about the same.

MR. EDSALL: It's very minor but, we do want to have the record clear so it is now on the record....

MR. PETRO: You are not creating any setback problems with side line or side yard.

MR. SHAW: No.

MR. PETRO: Any other board members have any comment on that.

MR. ARGENIO: Why is he here.. this couldn't be done.

MR. BABCOCK: Just to make sure the plans... so we have something on record so there is no question that we didn't do this as a field change and we did it with the planning board's approval.

MR. EDSALL: These types of minor changes we like to do here so it's on the minutes. We don't ask for an application as long as the Board concurs with it.

MR. PETRO: I'll have a roll call for the approval of the field change.

ROLL CALL:

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

MR. SHAW: The second correspondence which I sent to Mr. Edsall was similar to the first but, it has to do with Building #13. That building is the one that is most west of the project site and which abuts the School District's property. Maybe if I could just, this is Union Avenue and this is the School District property, this is the unit in question. These are not built yet but they are getting close to them. What happened very simply is that RPA Associates paid Central Hudson a lot of money to come in and to put the utilities in that area. Central Hudson missed a little bit and because of that there's a conflict with the building as it's proposed with the utilities that Central Hudson installed. Now Central Hudson will relocate them but, we are talking months and months before they get back there. What we are asking for is a field change to get relief allowing the applicant to take the building and push it back another ten feet from it's location. Again, there is two sketches. The first sketch with that correspondence shows the

building as approved by this board with the 38 foot rear yard setback, okay. The second sketch shows the building relocated back another ten feet, resulting in a twenty-seven foot setback.

MR. PETRO: Well, there is another simple solution you know, eliminate one building. But, aside from that wise-cracking remark, any other setbacks effected by this such as side yard, front yard, height or anything that we need to worry about. In other words, it is wide open there, whether the building is ten feet one way or the other it is immaterial as far as planning.

MR. EDSALL: Correct.

MR. PETRO: And you don't want to give up a building.

MR. SHAW: It's not mine to give up.

MR. SCHLESINGER: And you don't want to wait two years for Central Hudson to come back.

MR. PETRO: Mr. Mason.

MR. MASON: Yes, Mr. Petro.

MR. PETRO: What do you think?

MR. MASON: I think if it's not going to effect the looks of the over all neighborhood and they are not making any changes as far as the property lines, I think we should let them go ahead and do it.

MR. PETRO: Let's have a roll call for the field change.

ROLL CALL:

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

#### MOORES HILL ESTATES SUBDIVISION (98-4)

MR. PETRO: All right, number six is Moores Hill Estates Subdivision request for 180-day extension of the conditional final approval granted 2/11/04. On behalf of my client, Mr. Leimzider, for the Moores Hills Estates Subdivision, we would like to request a 180 day extension of the Conditional Final approval. The approval was granted in February 2004. Mr.

Leimzider is presently constructing the municipal improvements associated with the roadway construction. Thank you. Okay this is for a 180-day extension of Conditional Final Approval. Does anybody have any comments or Mark do you have any comments.

MR. EDSALL: I have just one. This is the maximum amount permitted, this cannot have any extensions beyond this. So when you do advise them the board granted two 90-day extensions, you should tell them that this is it and that the state law doesn't allow them any further extensions and if they don't meet all their conditions in the time period, their approval expires.

MR. PETRO: And that obviously would be unless there is some extenuating circumstance such as a moratorium or something like that out of his control.

MR. EDSALL: No, there is no such thing as extenuating circumstances. State law says 180 days plus two 90-day extensions period.

ROLL CALL:

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

PRESUBMISSION:

JOCOPINO SITE PLAN – WALSH AVENUE

MR. PETRO: Okay under presubmission, Jocopino Site Plan on Walsh Avenue, is someone here to represent this.

Inaudible.....