

July 9, 2008

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TOWN OF NEW WINDSOR

PLANNING BOARD

JULY 9, 2008

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
NEIL SCHLESINGER
HENRY VAN LEEUWEN
HOWARD BROWN
DANIEL GALLAGHER

ALTERNATE: HENRY SCHEIBLE

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

MYRA MASON
PLANNING BOARD SECRETARY

DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

ABSENT: MICHAEL BABCOCK
BUILDING INSPECTOR

REGULAR_MEETING

MR. ARGENIO: I'd like to call to order the July 9,
2008 meeting of the New Windsor Planning Board. Please
stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was
recited.)

APPROVAL_OF_MINUTES_DATED_MAY_28,_2008

MR. ARGENIO: We're going to start with tonight's agenda. The first item on tonight's agenda is the approval of the minutes dated May 28, 2008. Somebody sees fit, I will accept a motion.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

ANNUAL_MOBILE_HOME_PARK_REVIEW:

DA_REALTY_MOBILE_HOME_PARK

MR. ARGENIO: Mark, have you heard from Mr. Babcock on these two mobile home parks? Is this something that we have any file information on or have you heard from him on this?

MR. EDSALL: Well the DA Realty Mobile Home Park I will remind the board that you just approved a site plan amendment, they are in the process of quite an improvement to that site reorienting the buildings, putting new access drives, in fact, last meeting you granted the extension so they can get the final plans in and get it approved.

MR. ARGENIO: On Walsh Road?

MR. EDSALL: Yes, so given the fact it's in reconstruction I think it would be appropriate to extend the permit.

MR. CORDISCO: And there were no violations noted as part of that approval.

MR. ARGENIO: Accept a motion we offer them one year extension.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it subject to the fees.

MR. ARGENIO: Do you have a check with you made out in favor of the Town of New Windsor for \$100? Roll call.

ROLL CALL

MR. SCHLESINGER AYE

MR. BROWN AYE

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MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MT._AIRY_MOBILE_HOME_PARK

MR. ARGENIO: Mark, I have no comment here from Mike, do you know anything about this park?

MR. EDSALL: I'm not aware of any violation nor any history of violations.

MR. ARGENIO: You're not aware of any violations?

MR. EDSALL: Nor any history so--

MR. ARGENIO: I don't have anything from the fire inspector indicating a problem. Do you have a check for \$100 made out to the Town of New Windsor?

MR. VAN LEEUWEN: Make a motion subject to the highway superintendent if there's any comments subject to Mike Babcock.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we offer Mt. Airy Mobile Home Park one year extension for the permit to operate subject to Mike Babcock giving us a favorable report on the Mt. Airy Mobile Home Park which I certainly expect, I don't have any negative comments. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

PUBLIC_HEARINGS:

WVR_REAL_ESTATE_II,_LLC_-_SITE_PLAN_AMENDMENT_AND_
SPECIAL_PERMIT_(08-03)

MR. ARGENIO: WVR Real Estate, LLC. This application proposes conversion of a former video store at the southerly corner of the site to an auto repair facility. Prior application number 98-15. This application was reviewed at the 27 February, 2008 planning board and 28 May, 2008 planning board. This application is here for a public hearing at this time. This is the mandatory public hearing. I see Mr. Rosenberg is here to represent this.

MR. ROSENBERG: Yes.

MR. ARGENIO: Can you tell us about this, Jeff, and give us a brief overview? We're certainly familiar.

MR. ROSENBERG: I'm with WVR Real Estate, we own the Big V Town Center and this is Mavis Tire, used to be, the building was Hollywood Video. There's no changes to the entrance or the site except that the building will be reconfigured for a discount tire shop. We also have David Sabarro from Mavis here to answer any questions that anybody might have.

MR. ARGENIO: I'm going to open this up to the public because the board is I think we're fairly familiar with this package that Mr. Rosenberg is proposing. On the 27th day of June, 122 envelopes went out containing the notice of public hearing for this application. If there's anybody here in the audience that would like to speak for or against or comment on this application, please raise your hand and be recognized and you'll be afforded the opportunity to speak. Yes, sir, come forward please and give Franny your name for the record.

MR. BRAUN: Leo Braun. I know Jeff cause I used to work in his store.

MR. VAN LEEUWEN: Can you speak a little louder so we can hear you?

MR. BRAUN: I apologize. My main concern is the parking, in the Big V complex when you come off of the road down the ramp you have to turn to the left and it's no problem at all coming in, when you turn to the right to the front again no problem but when you get farther back in that area it's concrete, you can't park any further beyond one lane. What's going to be resolved with this?

MR. ROSENBERG: I guess I'm confused.

MR. ARGENIO: Where are you on the project, Mr. Braun?

MR. ROSENBERG: Let's look at the project, okay, so here's the site plan of the site.

MR. ARGENIO: Jeff, put it on the board so we can see what you're going to do, point on the drawing to where you're referring to.

MR. BRAUN: If I'm not mistaken this is the area.

MR. ROSENBERG: Right here?

MR. ARGENIO: No, that's the wrong end of the site.

MR. BRAUN: This is the area here, right, and then there's only room for one parking here. Is there any way to extend it?

MR. ROSENBERG: This actually underneath here is a water quality basin so actually underneath was required by the DEC for us to put a system of pipes and drainage to allow some of the water coming off of this property

to go into there then it gets filtered before it gets dispersed into the water system. So there's no way for us to extend the parking lot.

MR. ARGENIO: There's an underground pond and those underground ponds are subject to DEC review and design and requires that they not be, they not be impervious surface, you can't pave on top of them but I do want to go to Mark for a second. Mark, can you speak to the parking calculations for this use in this area?

MR. EDSALL: Obviously, this is a very large site and I believe the original application was back in the late '90s.

MR. ROSENBERG: Yes.

MR. EDSALL: And this application does not create any non-conformance, it's consistent with your prior approval. So if there's no problem with the parking relative to all the prior approvals and I will agree with you that the storm water facilities can't be disturbed, they are mandated by the DEC.

MR. ARGENIO: Correct, I will say this to you to, I shop there at Shop Rite as I do Hannafords and Price Chopper. This area right here, see that area that's never full so I don't know that I entirely agree with you about the parking issue. This is never full, there's always space in this area here, this fills up because it's the main entrance, second entrance is here, this area there's always space, I don't know that I entirely agree with the issue but it meets code.

MR. BRAUN: I'll have to admit there's parking here, no problem but the thing is is that with that I would call it a barrier, it can't go beyond this.

MR. ROSENBERG: Right, we can't and that was designed by the DEC because of the underground water retention

basin that's there, actually there are, there's one here, there's one over here on the site and then there are two more, there's one here and then there's one back here so there are four other, three other areas on the site that are underground that you don't know it's there cleaning the water before it gets dispersed into the ground water.

MR. ARGENIO: Typically on those sites those water quality facilities are above ground, there's one in front of that condo complex just south of the 32-Union Avenue intersection and they try to shield it with bushes but quite frankly it looks pretty crummy and I happen to know that Mr. Rosenberg spent a lot of money to put these facilities underground so he would meet the parking requirements and have the necessary overflow parking.

MR. BRAUN: I was aware of the fact because I used to work in the store.

MR. ROSENBERG: When, when it was over here?

MR. ARGENIO: You worked in the liquor store?

MR. BRAUN: Yes.

MR. ARGENIO: Did you have anything else?

MR. BRAUN: That's it.

MR. ARGENIO: Thank you. Anybody else like to speak? I will accept a motion we close the public hearing.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board close the public

hearing for WVR site plan. I'll have a roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. BROWN AYE
MR. GALLAGHER AYE
MR. VAN LEEUWEN AYE
MR. ARGENIO AYE

MR. ARGENIO: I'm going to let you guys speak if anybody has anything.

MR. SCHLESINGER: Who's familiar with the actual day-to-day operations?

MR. SABARRO: I am.

MR. ROSENBERG: Mr. Sabarro from Mavis Tire.

MR. SCHLESINGER: What do you do with the tires that are taken off the cars and that have no use?

MR. SABARRO: There's a company that takes them away and recycles them, some get burned in cement factories.

MR. SCHLESINGER: Where do you keep those tires?

MR. SABARRO: All inside, they're taken out a couple times a week.

MR. SCHLESINGER: We're not going to see a tractor trailer parked on the side of the building that you put your tires in and then once a month or whatever it is they come and take them away?

MR. SABARRO: Correct.

MR. SCHLESINGER: All of your tires that are taken off the cars are kept in your facility?

MR. SABARRO: Correct, there's a section of the building here that's designed for that.

MR. ARGENIO: That's a very good point.

MR. SCHLESINGER: My other point is I'm assuming that if we go to the site plan again I'm sorry guys dumpster's in the lower left-hand corner?

MR. ROSENBERG: Right here and there's an enclosure around it.

MR. SCHLESINGER: Top left of the building what does that show the road bump?

MR. ROSENBERG: It's a walkway, that's a stripe.

MR. SCHLESINGER: So there's access actually you can drive around the building?

MR. ROSENBERG: Yes.

MR. SCHLESINGER: That's it.

MR. BROWN: Nothing.

MR. ARGENIO: I also had mentioned that there was a broken catch basin in the rear of the building that has been fixed, I don't know when it was fixed but it's fixed, it was a pedestrian hazard. Does anybody else have anything?

MR. VAN LEEUWEN: If he didn't fix it his grandfather would get out of the grave and fix it himself cause I knew his grandfather quite well.

MR. ARGENIO: We've heard from county and they have said local determination, highway's approved, fire is approved.

MR. VAN LEEUWEN: Make a motion.

MR. ARGENIO: If anybody sees fit, I'll accept a motion we declare negative dec under the SEQRA process.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that we declare negative dec under the SEQRA process for WVR Real Estate site plan.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. VAN LEEUWEN: Make a motion for final approval.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer final approval for WVR site plan for the Mavis Tire building formally Hollywood Video. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: One last thing, Mr. Rosenberg, don't

forget about our discussion about the crosswalk, when that thing begins across the street we'll give you a buzz on that.

MR. ROSENBERG: Just so you guys know, I don't know if you guys are aware, there's another development going in across the street that's a senior housing and we have agreed to share in the cost of providing a crosswalk across to our shopping center. I think the Town of New Windsor was also going to look into the possibility of putting some pedestrian light if we can get that done.

MR. ARGENIO: That's going to be a herculean task with the DOT but certainly something that we spoke about.

MR. ROSENBERG: I would certainly support that.

MR. EDSALL: I just want to remind the board that the board asked that note number 1 be expanded to be more clear and Jeff and I were working on that subject to Dom's review of what we work out so that will be on the final plan.

MR. ARGENIO: Are you okay with that, Jeff?

MR. ROSENBERG: Yeah.

MR. ARGENIO: Thank you for coming in.

REGULAR_ITEMS:

K.W.G._REALTY_(08-08)

MR. ARGENIO: This application proposes 3,648 square feet vehicle wash bay and gravel parking area, some additional paved parking and drive are also proposed. The application was previously reviewed at the 25 June, 2008 planning board meeting.

(Whereupon, a man from the audience approached the board.)

MR. CORDISCO: We're not authorized to accept any kind of documents at the meeting. If you want to file a formal petition, you're entitled to do that.

MR. ARGENIO: Believe me, the time for the public hearing was open, Mr. Braun certainly found a place to park, the police officer, I watched the police officer move the cone for him with his wife's assistance, I think, I won't be interrupted, he told the police officer he was here for the meeting, he found his way in, Mr. Bedetti found his way in. All the other engineers and professionals all found their way in so thank you very much. You can take this and there's, I'm sure there's a vehicle, a legal vehicle that you can follow to file whatever you need to file and I certainly appreciate you coming in and I'm sorry you didn't have the opportunity to speak, sir.

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

MR. ARGENIO: I see Mr. Shaw is here to represent K.W.G. Realty, what do you have tonight, Mr. Shaw?

MR. SHAW: Thank you. I was before the board last month on this application which is for the construction of a 3,600 square foot wash bay to the existing bus

repair center of the Leprechaun Companies which is located on the Gallagher Transportation parcel which is on the northerly boundary of the City of Newburgh. I'm sure the board's familiar with this parcel. Very simply this is where the existing building is located and we present, it's an 8,550 square foot structure a half of which is used for office, the other half is used for the repair of the buses, the Leprechaun Companies and with that the Gallaghers wish to construct a new wash bay with the dimensions of 32 feet wide by 114 feet long. With respect to your zoning ordinance, we comply with all aspects, the parking we have had to generate an additional 5 parking spaces over in this area, presently surrounding this site is just a dirt surface, our intention is to pave it and reshape it for storm water purposes. This balance of the area to the north that's where the Coach is, Coach presently park both school buses and the Coach buses, no site improvements are contemplated, no grading is contemplated, just strictly spreading some Item 4 to get a better surface for the vehicles to ride on and the final improvement is going to be the expansion of the water main into the building, excuse me, the water main presently goes to the building, the extension of that into the wash bay addition and the installation of an oil water separator again for the wash bay of the buses before it ties into the town sanitary sewer system. It's a simple application, you referred it out to the county after last month's meeting, I believe you have a response to that.

MR. ARGENIO: Local determination is their response.

MR. SHAW: Correct, so I think we have tied down all the loose ends on this application. We meet the zoning and again it's just an addition to construct a wash bay.

MR. ARGENIO: I have couple of things briefly, we do have an approval from fire, Greg, one question maybe

I'll put this towards Mark on the oil water separator/steaming it, I assume it's a steaming device, they steam clean buses and things of that nature, the discharge of that is into the town sewer, is that right?

MR. EDSALL: Correct.

MR. ARGENIO: No additional permitting is required?

MR. EDSALL: When they apply for the permit the building department will coordinate with John Agido, the town has a pre-treatment plan and they'll review the oil water separator for compliance with the town's plan and we move on.

MR. ARGENIO: So we're looking at site amendments basically and that type of thing is handled by the building department and Mr. Agido?

MR. EDSALL: Yes, exactly.

MR. VAN LEEUWEN: Is the water being recycled?

MR. SHAW: With me is Mr. Gallagher, maybe he can answer that question.

MR. F. GALLAGHER: No.

MR. VAN LEEUWEN: Fresh water all the time?

MR. F. GALLAGHER: Yes.

MR. VAN LEEUWEN: That's going to be expensive but you can afford it, Frank.

MR. ARGENIO: Henry, you bring up a good point and not, I don't think for this application but cause we don't typically have a lot of applications that have this type of recycling water, recycling package, I know the

car washes do do the water recycling but we don't have a lot of people applying to put separators in but that's something we might want to consider for the future if the frequency increases.

MR. VAN LEEUWEN: I asked last time.

MR. ARGENIO: The car washes do do it. Before you were here on the board under your current, under the current package we approved Foam and Wash and they do do recycling with their water. Does anybody have anything on this?

MR. SCHLESINGER: The only thing is with the, I'm sure you said the building department will take care of it, but washing a bus entails washing the engine and grease and gunk and things like that, just hope that it's addressed properly.

MR. ARGENIO: I will share this with you, we have the similar thing the United Rentals, I have a similar package at my facility and that separator will be monitored by the DEC, I believe, I'm not positive of this but you have to get a number for it and it's filed with the DEC. I don't know what their frequency of inspection is but I know they have inspected our facility right across the street from Mr. Gallagher's to determine if our separator was working or not, so I don't know if that helps answer your question.

MR. VAN LEEUWEN: My old business we had a separator and I will tell you something we have never been checked never.

MR. ARGENIO: They checked us, Henry, probably twice in the past five years.

MR. VAN LEEUWEN: They have never checked us, we've had it 20 years already.

MR. ARGENIO: It's a new DEC, is it not, Mr. Cordisco?

MR. CORDISCO: It certainly is.

MR. ARGENIO: Howard, do you have anything?

MR. BROWN: No.

MR. GALLAGHER: No.

MR. ARGENIO: If anybody sees fit, I'll accept a motion we declare a negative dec under SEQRA.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare a negative dec under the SEQRA process. I'll have a roll call on that.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: If anybody has anything else, I will accept a motion.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that we offer final approval for the K.W.G. Realty Corporation site plan amendment on New York State Route 32. Roll

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call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

WOODLAWN_MANOR_(08-09)

MR. ARGENIO: Woodlawn Manor on Forest Hill Road and Hudson Drive. This application proposes development of the four tax parcels indicated as 75 plus acres with 115 unit multi-family residential complex. The plan was reviewed on a concept basis only. That's a lot of units. Can you guys please introduce yourselves for the benefit of the board members and tell us what your client desires to do here?

MR. TORRO: Good evening, Larry Torro, I'm with JL Consulting, the engineers for the project and with me today also John Capella, the attorney from Jacobowitz and Gubits' office.

MR. ARGENIO: Tell us about your project.

MR. TORRO: The project as you said it's on about 70 1/2 acres looking at 115 townhouse units on the site plan, this is the overall property somewhat of an island type piece of land surrounded by wetlands that has been flagged and identified by the DEC and signed off back in 2003.

MR. ARGENIO: Let me just address that for a second, 2003, 2002, 1999, I don't care we're going to look at this as a new application. Mark, is there any issue with that or Dominic? This app should stand on its own today on July 9, 2008 because as we said before just to mention one item it's a new DEC, I mean, laws have changed, regulations have changed.

MR. CORDISCO: That's correct.

MR. ARGENIO: How is my footing with that, Dominic?

MR. CORDISCO: As I understanding it it's a new applicant and there was a prior application.

MR. ARGENIO: Is it a new owner?

MR. CAPELLA: It's a new owner, I can speak to that. John Capella. It's a new owner, the application was pending before this board, it was never removed but when we talk about 2002 we're giving you historical context, you know, we need the DEC approval before we can build this, we're not looking, we're not claiming we're grandfathered, we still meet the zoning, the only, my cover letter submitting it we reference to the board because a lot of the information, topo in 1999 is the same as topo in 2000, traffic obviously there's going to be some issues that are different and some issues that we'll have to update and refresh the board on so for purposes of going through it we understand we are going to have to go through a public hearing and go through the process because we didn't receive any approvals on this. So we're not claiming grandfathering but as far as an application fee it is still an application, you want to call it by a new name we're proceeding, we know we'll have to pay our consultants fees.

MR. ARGENIO: I'm okay with what you're saying but I feel the need to avoid any ambiguity, we have a new board here, I think a lot of these members I was here when the project was presented last time but I don't think most of these people were, I just don't want there to be any ambiguity in that venue but I certainly agree with most of what you just said. Go ahead.

MR. VAN LEEUWEN: I have been here when this has been presented twice, it's just too many units here, you're too close to the wetlands, there's a number of spots here 1, 2, 3.

MR. ARGENIO: Let him give his presentation, let's see what you're doing here and tell us about it.

MR. TORRO: So when I said about the 2003 obviously one

of the points where this project stopped after the public hearing back was it obviously needed sign-off by the DEC, that's the process, Parks Department had an issue as far as some historical artifacts that may be on site, so what happened is the applicant has done an undertaking overseen by the Parks Department and the DEC to mitigate any impact that may be on artifacts in here, there's been some considerable work completed to identify any items that may be on site.

MR. ARGENIO: What did they find, just curious?

MR. TORRO: Still in the process of doing the digging, the final reports I haven't seen. From what they said this was one of the more richer sites that they have come across in the area.

MR. ARGENIO: That really surprises me.

MR. TORRO: They're doing extensive hand digging about \$150,000 in here digging, obviously it's pretty labor intensive.

MR. ARGENIO: You don't know what they've found?

MR. TORRO: No, I haven't spoken with them, I can get an update for the board. So that's what held up and obviously when I referenced that was when the initial flag and one of the things that Mark had brought up is as we're proceeding once again with the DEC they're starting to look at this application again so that they verify that this is still a valid delineation and that would be incorporated in their final approval which we'll have in '08, we'll have an 08-09 date whatever the case may be. Back to what was originally still the main access off Forest Hill Road as Mr. Capella pointed out there's been a traffic study was updated in '06, we can again update it at that point, there was no improvements we required on 94, from my understanding there was a request and thought from the board at that

time for the eastbound of Forest Hill Road out onto 94 that they provide a left and right turning lane and that's been shown on the plan with some lighting within the town right-of-way. There was issue or questions about I guess a Cherry Hill Lane on the other end of the property what's shown here is an emergency access that I assume as we go forward with the board if it maintains this configuration however you handle these by gate or whatever the issue may be the only use that it may be utilized for would be for maintenance of a storm water detention facility.

MR. ARGENIO: Paved access?

MR. TORRO: At this point it could be paved stone.

MR. ARGENIO: It's early.

MR. TORRO: With the new board to review it we'll go over that, it's in the concept stages. And obviously it's a general configuration and layout so the main or the access would be off Forest Hill Road.

MR. VAN LEEUWEN: Can I ask you a question? Whatever happened to the house that you folks bought originally to come out on 94? Because we have a problem and I have been on this board good many years and I was off for a couple years but this has been in front of that, I've seen this at least two or three times and what we had suggested to you is find another way out besides using Cherry Hill which you can't use and Forest Hill Road and also they were going to have a crash gate where the cemetery is.

MR. TORRO: Well, as far as purchase of a property in here I'll have to research that because quite honestly--

MR. VAN LEEUWEN: Because one time you folks or whoever owned it at the time, okay, bought John Lahey's house.

MR. EDSALL: Hank, I think the applicant was ECTS Banking Group out of Albany.

MR. VAN LEEUWEN: This is about the third or fourth time I've seen this.

MR. EDSALL: It's had at least three prior owners and the original owner that I recall did purchase that single family residence so they'd have that second access.

MR. ARGENIO: The issue is Mr. Capella this is the second time I've seen this so I can only speak for the last time and this time that Forest Hills Road ingress egress is a nasty package, it's a couple of turns there and may or may not meet sight distance, I really don't know. And the thought was this is going back a bit that it, the access could be shifted further to the north I guess it is and get out to 94 further to the north it would be safer than utilizing Forest Hill Road.

MR. VAN LEEUWEN: That's why we were against it.

MR. ARGENIO: Forest Hill Road's entrance and I will tell you I'm only one board member and I think you're getting flavor from Henry, I think we're going to want the traffic data updated because this is a bad spot.

MR. VAN LEEUWEN: Forest Hill Road is a bad spot, Cherry Street there or whatever it is that's another bad spot really you've got to come out between the houses someplace.

MR. CAPELLA: Cherry would be just emergency but I do recall the last time it was submitted there was fairly extensive discussions about the improvements to the lane there, there was a woman who asked us to extend the turning lane.

MR. VAN LEEUWEN: You've got a curve right there, Forest Hills is too dangerous.

MR. CAPELLA: That was addressed in fair detail but we'll resubmit it.

MR. R. AGENIO: Mr. Torro, do you have any other high points that you want to share with us before we have a discussion first time?

MR. SCHLESINGER: The driveway's encroaching on the wetlands too, isn't it?

MR. VAN LEEUWEN: Some of the buildings are encroaching too.

MR. TORRO: The buildings aren't encroaching this portion of the access road that would be part of the permit from the DEC for access. As far as the wetland--

MR. VAN LEEUWEN: How many units?

MR. TORRO: It's 115. As far as the wetland limits, the DEC wetlands it's flagged in all three, it's back in here, what you have from here to edge of the light green is 100 foot buffer, that's your buffer and then so obviously your grading and your buildings have to stay out of that hundred foot buffer so from the edge of the actual wetland that was flagged and have been verified with the DEC we're a minimum of 100 feet away.

MR. AGENIO: I'm showing something different on my map unless I'm reading it wrong, look at the site development map.

MR. TORRO: Yes, with the exception right over in this area and that's--

MR. ARGENIO: That's what Mr. Torro just said at the entrance there's an incursion on the wetlands.

MR. TORRO: No, we jumped it I guess the buildings' construction are a minimum 100 feet from the wetlands. This is definitely in buffering wetland and that will be part of the permit that's presently being or the application I should say application for permit that's being reviewed by the DEC.

MR. ARGENIO: I think what happened Neil is Henry and I were looking at this and we got confused between the hundred foot buffer line and the actual wetland line and Henry was very concerned that the building construction is inordinately close to the wetland line but that line is actually the hundred foot buffer what is, which is what Mr. Torro just pointed out. What's the area of the wetland incursion that you're going to be requesting?

MR. TORRO: The wetland buffer in this area was 20,000 square feet.

MR. ARGENIO: About a half an acre. I want to read one of Mark's comments. Mark, I want to hear from you on this. Additional details should be provided regarding facilities to be provided at the clubhouse, we're definitely going to need that Mr. Torro note that the handicapped parking and access note that handicapped parking and access are required, also additional parking would seem warranted. Mark, what's the genesis of that comment that you made there?

MR. EDSALL: It's more the fact that the board has always felt that with a larger site that some people will drive to the clubhouse for different meetings or activities.

MR. ARGENIO: You mean parking for the clubhouse, not parking per unit?

MR. EDSALL: I have not looked at the overall yet until we get further along but I'm just giving them a heads-up that we think that they're going to need more at the clubhouse itself.

MR. ARGENIO: I tend to agree with you. It certainly is a lot of units, Mark, how does, how are they going to get sewer capacity? Mr. Torro, how are you going to get sewer capacity here?

MR. TORRO: They're under contract initially for the capacity required for these units. There's an issue as far as at the plant there was at the infrastructure committee one of the comments came up and I believe it's their line that had some I & I problems with Mr. McGoey six or eight months back that will have to be upgraded and repaired as far as to handle capacity out of this project.

MR. ARGENIO: May have to be replaced.

MR. TORRO: When you say repaired, probably slip line construction would be the only way to do that.

MR. ARGENIO: Mark, when they slip line that I don't have a lot of familiarity in that area, how effective is that?

MR. EDSALL: It's actually very good, it's very good and creates a very high end factor which would actually enhance capacity, you lose the diameter, slight diameter value of the thickness but you increase the conditions for flow capacity.

MR. ARGENIO: Unless you're on Renwick Street and you can't slip. You need to address your refuse disposal and the frequency of the refuse disposal areas and the material they're going to be made of and such. We're also going to need square footage on your

clubhouse and I certainly agree with Mark on the parking for the clubhouse now that I'm seeing what you have here. As I said, if you guys have anything just jump in. We also have a rule of thumb, Mark has some information he can share with you about the sizing of the clubhouse typically what we look for per unit. Mark, we do have a code on this but we found that the code is not enough.

MR. EDSALL: No, the senior regulations have a very specific number per square foot per unit, the multi-family currently does not but obviously the board has quite a history on what projects you have received complaints on and what ones you haven't so--

MR. ARGENIO: We can give you guidance on that. Do you have any walls on the site, retaining walls?

MR. TORRO: No.

MR. VAN LEEUWEN: Fairly flat in there, I've been there four or five times.

MR. ARGENIO: What about lighting, do you have any thoughts on that?

MR. TORRO: At this point we'll obviously incorporate some type of lighting plan through the streets.

MR. ARGENIO: Neil, you mentioned that.

MR. SCHLESINGER: Solar lighting we talked about that.

MR. ARGENIO: What are your thoughts?

MR. TORRO: We can definitely look at that, sure.

MR. ARGENIO: We have a package in the town and we have a few pilot projects out there where we're using solar lighting and Mark can certainly give you some guidance.

MR. EDSALL: Yes.

MR. ARGENIO: My gut feeling is that the amenities look a little scant quite frankly I think you should--

MR. VAN LEEUWEN: To me it's a little bit too much on the piece of property.

MR. ARGENIO: And you could very well be right about that.

MR. VAN LEEUWEN: Last time I looked at it they were planning to put in 75 units.

MR. ARGENIO: What about the density, Mark, can you speak to that please?

MR. EDSALL: Not yet because the density calculation is premised on the verified wetlands.

MR. VAN LEEUWEN: Correct, that was my next question.

MR. ARGENIO: The density calculation is premised on the verified wetlands.

MR. VAN LEEUWEN: Wetlands have to be--

MR. EDSALL: Wetlands area is subtracted so once we have the verified area then you can verify the density.

MR. CORDISCO: Mr. Chairman, I have a question in regards to the wetlands, did I hear before that you're talking about disturbance of 20,000 square foot of wetlands or wetland buffer?

MR. SCHLESINGER: Wetlands.

MR. TORRO: It's a combination.

MR. CORDISCO: Because I just as a point of reference and just for your information I mean and you probably know this already but if you're more than a half acre disturbance not only are you going to need DEC permit of course but you're also now within the realm of an individual permit from the Army Corps and those are extremely--

MR. ARGENIO: Is that relegated to specific wetlands or just generic?

MR. CORDISCO: Well, Army Corps regulated wetlands and typically most DEC wetlands, in fact all DEC wetlands are also Army Corps wetlands and for disturbances that are less than a half acre there's a joint application that gets filed and then they both process those applications but for less than half an acre you fall under a general permit, so as long as you meet their criteria you can go ahead as far as the Army Corps is concerned and do your activity. But if you're more than half an acre then you trigger an individual permit review process and the Army Corps takes a very long time to review those.

MR. ARGENIO: Neil, do you have something?

MR. SCHLESINGER: Sidewalks.

MR. ARGENIO: Yeah, all that's got to be addressed, well, the sidewalks if you look on drawing number 4 of 12 and 5 of 12 the sidewalks are illustrated on there. They're right alongside the roadway.

MR. VAN LEEUWEN: How wide are the sidewalks?

MR. TORRO: Four feet.

MR. VAN LEEUWEN: Pretty much standard.

MR. ARGENIO: This would be under an HOA, is that

right?

MR. TORRO: Yes.

MR. VAN LEEUWEN: Did you folks delineate the wetlands and then come up with a figure of 115 units?

MR. TORRO: That's again based on 2003 so what I'm hearing from Mark is that he can get from the DEC at a minimum that they still accept or this is still valid.

MR. ARGENIO: I think that would be wise.

MR. TORRO: Fine.

MR. VAN LEEUWEN: I think you ought to cut down on the units personally, I'm only one member.

MR. ARGENIO: Let me go around the room, Henry has mentioned that four times in the past 15 minutes that's obviously important to him.

MR. BROWN: Do they have any plans for a swimming pool?

MR. VAN LEEUWEN: Yeah, there's a pool, Howard.

MR. ARGENIO: What are you guys thoughts about the density?

MR. SCHLESINGER: Well, I'd like to see what the DEC has to say about it first.

MR. ARGENIO: Howard, do you have any thoughts about the density?

MR. BROWN: Yeah, it's congested from what I can see based upon my experience living in one.

MR. ARGENIO: Danny?

MR. GALLAGHER: I don't think it would hurt to lose a few buildings, I think the biggest hurdle might be the Forest Hill Road entrance, I can't imagine another 150 cars a day coming out of there.

MR. ARGENIO: And I'm not going to ask you not out of disrespect but I certainly got the message.

MR. VAN LEEUWEN: I agree with Danny, Forest Hill and the density.

MR. ARGENIO: So we don't have a standard right now that we can share with the board members and say it's this many units per acre and that many units per acre so the board members can think about other projects that we have improved so we can have a standard in our mind.

MR. CORDISCO: The zoning density and that compliance issue it hasn't been established yet, it needs further review, the guidelines that the board is giving the applicant are all very well, it's just that at this point like it's the application has to unfold and see where they go in terms of zoning compliance.

MR. CAPELLA: What I would ask from the board though and I have been through this too dense, too dense, too dense but as we go through this we'll comply with the law but what I would say to the board a lot of the wish list that the board has about improvements and what constitutes a community and who is going to be able to live here relates to density and every time people just say just remove units, remove units, that's the least the developer can do in design and improving the infrastructure amenities that you want, so you really need to balance to see, you know, what do you go with. Because if you look at most of the traditional development and most of the trend that's going back it's put the density where you can put it and it can be supported because that's going to preserve areas going

down even the Sierra Club has a growth calculator on its website if you look at it showing how much lower the footprint is for carbon emissions, for disturbance, for what people use for vehicle trips from denser developments versus your traditional what you see here and your sprawl. So there's the magic word is just make it less dense but you lose a lot when you make it less. We need to balance it, we understand when we go through the whole procedure we'll have to demonstrate we can put the number of units here but I just want the board to say, you know, when you say you want improvements at an intersection or you want something the money to do those improvements and to make the situation better comes from the sale of units. So if you're taking away units and just losing buildings on the other end it's going to be more difficult to meet those standards.

MR. ARGENIO: Mr. Capella, I agree with everything you said and I think it was a very lucid and well thought-out statement you just made, I agree with you and it makes sense to me. That's precisely why I asked Mark and Dominic the question I asked them about a unit count per acre so we as a board can have a better understanding of what it is because there are different projects around this town that have certain unit counts and we know what they are and for us to have a better understanding I would like to see the numbers.

MR. CAPELLA: And we'll need to present and prove it to you also that we can design this because I think one of the other things you'll ultimately find you'll see some that you think are really nice that you go wow, those are higher density and some of them are going to look like, you know, look bad or look bad because the design and the land so we're going to have to demonstrate that we can do that in a manner that's going to be attractive and useful.

MR. VAN LEEUWEN: You might be a hundred percent right

but look where I'm seeing it from and this board we're responsible to make sure that this is correct for the Town of New Windsor, we see Forest Hills Drive, we know that's a very bad, bad, bad corner, okay, we didn't want to see anybody get killed out there because we look at ourselves and say hey, you had something to do with that and when I say less units, one of the reasons is Forest Hills Road that's a dangerous, dangerous, dangerous point to come out. Now another question what are your plans to do with Hudson Drive? I see you have two open connections which I knew about, I've looked for them on Hudson Drive.

MR. TORRO: It's up in here because of the grades you have wetland buffer to cross over here.

MR. VAN LEEUWEN: So you're not going to use those. I would appreciate if you put a note on the map that you will not use those on each one, we have to look at the Hudson or not the Hudson, Forest Hills Road exit and that's where my contention is, there's too many units to come out on that road. You have to figure each apartment will have two automobiles, okay, that's 215, that means or 115, that means 230 units cars coming out of there every single day. Now what if somebody gets killed out there then what? I can't see it, I'm sorry.

MR. ARGENIO: I don't want to get too far ahead of ourselves. I certainly appreciate Mr. Van Leeuwen's commentary but as we all know we're an administrative body and I think you're getting some feedback. The initial feel is that it's a little bit dense, I think, Mr. Capella, you have a very good handle better than most on what you need do here and I say that in the global sense and we'll look at this thing. What do you want from us tonight? Is there something you're looking for from us?

MR. CAPELLA: Really what we'd like is the opportunity to maybe start meeting with the consultants, hash out

because the next step would be--

MR. TORRO: Some of the infrastructure issues.

MR. CAPELLA: --get some more information and begin processing exactly what you want to see updated, you know, the reports that you would need and that what you have might still be useful that way you can rely on--

MR. ARGENIO: Can we give them water, Mark?

MR. EDSALL: Did we give them water?

MR. ARGENIO: Can we give them water?

MR. EDSALL: Well, there's comments from the Water Superintendent already about certain, about supply but I suggest that what you do is take care of comment 3, get the ball rolling with lead agency.

MR. ARGENIO: Can we take care of comment 3? Do we have a substantial set of plans?

MR. EDSALL: For circulating for lead agency I believe so.

MR. CORDISCO: They submitted a long form EAF so they did provide that information.

MR. EDSALL: I would avoid at this time the referral to the County Planning knowing the detail in which County Planning wants to see it.

MR. ARGENIO: No question about it.

MR. EDSALL: But there's no reason why we can't get lead agency resolved.

MR. ARGENIO: If somebody sees fit, I'll accept a motion that we circulate lead agency coordination

letter.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board circulate lead agency coordination letter for the Woodlawn Manor project on Forest Hills Drive and Hudson Drive. Roll call.

ROLL CALL

MR. SCHLESINGER AYE

MR. BROWN AYE

MR. GALLAGHER AYE

MR. VAN LEEUWEN AYE

MR. ARGENIO AYE

MR. ARGENIO: Larry, take a look at it, I think you've got some good feedback here today. Mr. Capella, certainly you have been down this road quite a few times and I can certainly tell by your responses you know what you need do here, that intersection is problematic but as I said earlier we're an administrative body as all planning boards are and we know what we have to do.

MR. VAN LEEUWEN: Look into coming out another street, they don't talk.

MR. ARGENIO: It's a cemetery, thank you very much.

(Whereupon, Mr. Van Leeuwen left the room.)

LOUIE'S_AUTO_DRIVING_SCHOOL_(08-10)

MR. ARGENIO: Louie's Auto Driving School proposes conversion of the existing residential structure into offices occupancies personal service and rental offices. The plan was reviewed on a concept basis only. Sir, can you please introduce yourself for the benefit of the board members both of you gentlemen?

MR. BUCCO: My name is Joseph Bucco, I prepared the plans along with Jay Klein and Lou Mercado.

MR. ARGENIO: Tell us what you want to do here.

MR. BUCCO: Right now there's an existing residence in the commercial zone, property is between the transmission, Mr. Transmission I believe it's called and a dentist office.

MR. ARGENIO: Why do we have this?

MR. BUCCO: I just submitted this.

MR. ARGENIO: Go ahead.

MR. BUCCO: What Mr. Mercado plans to do, he knows has an office up on 345 Windsor Highway and he has now purchased this residence hoping to turn it into an office for himself as well as a rental somewhere down the road. We have proposed to put on an addition of 541 square feet bringing a total building to 2,038 square feet.

MR. ARGENIO: So what, say that again?

MR. BUCCO: It's 2,038 square feet, the existing house is 1,097 square feet. In addition to that plans on

putting a 20 x 20 garage in the top left corner of the property that would house his two automobiles that he does his driving lessons in.

MR. ARGENIO: Do you have a setback problem there?

(Whereupon, Mr. Van Leeuwen entered the room.)

MR. BUCCO: No, the front yard the minimum is 60 feet, we provide 61 that's existing. The lot width minimum is 200, the existing lot is 75 x 200 so it's a pre-existing non-conforming. The rear yard the 30 feet we're providing 180 feet plus or minus 20 feet behind, 12 feet behind the garage in the one area. Minimum lot size like I said is minimum is 40,000, the pre-existing non-conforming is 15,000. We met the parking requirements, we have one per 150 office, 13.58 required, we provided 15 parking spaces including the garage.

MR. ARGENIO: This is very, very--

MR. VAN LEEUWEN: This is Joe Primavera's old house.

MR. ARGENIO: --very difficult to read. You're proposing a dumpster enclosure?

MR. BUCCO: Yes, if you look, the site plan it's right next to parking spot 11.

MR. ARGENIO: What is it made of?

MR. BUCCO: It's going to have a fence around it and the dumpster is enclosed. The house is remaining, I'm going to renovate the house and add on to the house, spaces can be available.

MR. SCHLESINGER: The house is not going to be used for residential?

MR. BUCCO: No.

MR. ARGENIO: This is permitted in the zone, Mark?

MR. EDSALL: Yes.

MR. ARGENIO: What's this here? It's north of the transmission store. How wide is the rear sidewalk where it says proposed deck?

MR. BUCCO: It's going to vary, the minimum will be 10 feet.

MR. ARGENIO: So the minimum width is 5 feet?

MR. BUCCO: From the deck to the curb.

MR. ARGENIO: Indicate that in the plans for me, please.

MR. VAN LEEUWEN: Can I talk for a moment?

MR. ARGENIO: Yeah, go ahead.

MR. VAN LEEUWEN: Many years ago or not many years ago, maybe 8, 9 years ago when I was on this board we approved that transmission place and the neighbors behind here because I believe this back here is residential, it's not commercial.

MR. BUCCO: Yes, it's an R-4.

MR. VAN LEEUWEN: Remember Hank you were on the board.

MR. SCHEIBLE: More than eight or nine years ago.

MR. ARGENIO: Some of those lots in this corridor are split by the C zone and the R-4 zone, this is not one of those lots. Behind this lot is the R-4 zone but the

lot is not bisected by the zone line, some of the lots in this area are but this is not one of them but the R-4 zone is directly behind this lot.

MR. VAN LEEUWEN: Charlie Catanzaro was in that boat, the transmission place was in that boat, why wouldn't this be in that boat? We have to check that out.

MR. EDSALL: The zone line as adopted by the Town Board was 200 foot back from the right-of-way and it just so happens that this specific lot is 200 foot deep so the zone line is right on the property line and they're all different depths, that's why some--

MR. VAN LEEUWEN: I brought it up because I remembered years ago and I don't want all those people on Lannis Avenue coming in there and screaming which they have done that this is residential land and there shouldn't be any parking there.

MR. ARGENIO: Let's use that comment as a segway into the thoughts on public hearing on this application, Neil, do you have any thoughts on necessity of a public hearing?

MR. SCHLESINGER: Absolutely.

MR. BROWN: Yes, you need one.

MR. GALLAGHER: Yes.

MR. ARGENIO: I'm going to skip my esteemed colleague because I think I know how he feels. I unquestionably feel that I agree that we should have one, we have had some noise from the folks on Lannis Avenue on some different applications, quite frankly they're entitled to comment because I think some of the drainage channels on some of these lots go back into the back of that so that resolves that. What's this note here says remove somewhere over in here.

MR. BUCCO: Remove garage, there's an existing garage.

MR. ARGENIO: You're going to have a driveway that goes to the rear?

MR. BUCCO: Yes.

MR. ARGENIO: And you're going to install six inch RCP pipe, is that right?

MR. BUCCO: Right.

MR. ARGENIO: What's that?

MR. BUCCO: Reinforced concrete pipe.

MR. ARGENIO: Six inch diameter RCP?

MR. EDSALL: I've got to admit that I wasn't able to or I didn't see that it's there but six inches is way less than what the town, it's too small, that's significantly less than--

MR. ARGENIO: That's an underdrain, that's nothing, it doesn't handle surface water. Let me make a suggestion, possibly you could check the inlet that's not numbered that should be numbered over on 32, see what size those pipes are over there and might be a good spot to start to give you some guidance on the sizing of that pipe. Slope of the parking lot seems to be I don't understand that, you know, I don't want to get into this, Mark, review the plans please, what I was going to say was your slope arrow indication in the rear of the parking lot and I don't want to review the plans cause Mark does that this slope indication the arrow is parallel with the contours, if the contours go this way the slope has got to be that way perpendicular with the line that's indicated, I don't want to review this, Mark, you've got to get on this, there's, I don't

want to get into this minutia, you need to do this, remove a tree, tree's got to be removed. If anybody else has something they want to comment, please comment. The plans are conceptual.

MR. VAN LEEUWEN: They have to get together with Mark, I'd like to see this blown up bigger, there's an awful lot you can't see here.

MR. ARGENIO: I agree and let me give you some guidance, there's extraneous information here that really it's not really for us, for planning board, get with Mark try to get the dimensions on the plan that need to be on the plan, he typically knows what we want to see, give you some guidance. I don't think this was done in, not that we require it, we certainly don't but get with him with the level of detail that you're sharing with us, the drawing is a little small, I think Henry's right but like I said, I didn't want to review, please clarify if you would the sidewalk configuration in the front of the site. Mark, we're talking about 9 x 19 stalls or 9 x 18?

MR. EDSALL: It's 9 x 19 is what the code requires with 25 foot aisle between the 90 degree spaces.

MR. ARGENIO: I want to read this to you, sir, one of Mark's comments, please clarify material types for pavement and sub-base for Section A sub-base should probably be New York State DOT item 304.12 Type II. Mark, let me ask you this, you have a note here about lead agency coordination letter, can we do that with this document?

MR. EDSALL: I'd prefer really the only involved agency is DOT but I would prefer having the plan cleaned up a bit before we send it over.

MR. ARGENIO: I think that would be wise to do. Anybody take exception to that?

MR. ARGENIO: Also I think you have gotten guidance on the public hearing, you know where we're going to go about that but I don't want to schedule a public hearing until the plan is fit to be displayed by the public, so I don't want to schedule that tonight, I don't want to schedule that tonight.

MR. VAN LEEUWEN: The plan is just too busy, it's very confusing to us board members, you guys drew it, I understand but that's got to be, you've got to enlarge it.

MR. ARGENIO: Here's what I'd like you to do, if you would take the direction you've been given, take Mark's comments, he's got some good comments on there and see if you can get us some clarity on the plan. I think if you blew it up a bit it would be helpful and get with Mark, grab those comments right there and there's probably some data on there that we really don't need and kind of streamline it a little bit and at that point in time when you do that we'll circulate for lead agency, we'll get you scheduled for a public hearing, we'll get those people from Lannis Avenue, get them to come in and get some feedback from them, doesn't mean that your project's not going to go, just means we want feedback from everybody, when in doubt we should have the public hearing.

MR. VAN LEEUWEN: Are they the same people on Route 207?

MR. MERCADO: No, we're on 32, sir.

MR. ARGENIO: Anything else I can do for you tonight?

MR. BUCCO: No.

COVINGTON_ESTATES_SUBDIVISION_(08-11)

MR. ARGENIO: Covington Estates subdivision represented by Ross Winglovitz. This application proposes a 2 lot subdivision of a parcel. Neil, do you remember this?

MR. SCHLESINGER: Yes, vaguely.

MR. ARGENIO: Just to refresh everybody's memory, this is the one where Mr. Schlesinger led the charge on the aesthetics of the buildings. Danny, do you remember this cleaned up the aesthetics?

MR. GALLAGHER: Yes.

MR. ARGENIO: Mr. Winglovitz, can you tell us what you're looking to do here? Mark, can you just share with the board where this application is at as far as the town is concerned please?

MR. EDSALL: It's a brand new application, the planning board since 2001 has had before it a site plan application for the multi-family project and Dominic can speak to the reason why they need to have certain percentage of sales I believe before they can form the condominium association but what they're looking to do is effectively split it into two phases on individual tax lots. So that would be a subdivision. What we have suggested is that any deeds that are created be, have a restrictive covenant which makes the lots subject to the site plan approval so it's clear that they're subject to common site plan approval and secondly that they're joined so that they must be under the same umbrella condo association.

MR. CORDISCO: Correct.

MR. EDSALL: I'll leave the explanation of the AG's percentage requirements to Dom.

MR. CORDISCO: Well, in regards to the specific percentages I'm unaware exactly what they are but my understanding is that as Mr. Edsall had said was that they're looking to phase the project so that they could start selling units now by creating essentially two condominium associations and that would enable them to do that and satisfy the AG's requirements, in order to do that, they're looking actually for subdivision approval and that's what this current application's for. The board has previously granted site plan approval so that has been done as far as what the prior site plan was and whether this matches up against it I'll let Mark speak to that.

MR. VAN LEEUWEN: I've never seen anything like this before, this is a first.

MR. EDSALL: Well, I think we'll deal, if you want to deal with subdivision first then you can, they also have as a discussion item a discussion of a tot lot, more or less an amendment, revision, whatever you want to call it to the site plan so if you want we can speak first on the subdivision.

MR. ARGENIO: So this project has site plan approval, we talked about this, we reviewed it, this was approved shortly after this current board came together a few years back, it was one of the first projects that was approved. Mr. Winglovitz, I'm going to get right to the point from where I'm sitting the other plans that we looked at the site plans were different than what I see here in front of me, as I remember, if my memory serves me correctly.

MR. WINGLOVITZ: The only difference should be is the footprints are a lot more detailed because we actually have a real footprint but they're all in the same location, what we're proposing is a privacy fence along the rear of these units here and along--

MR. ARGENIO: I don't have that here.

MR. WINGLOVITZ: That's, they talked about the subdivision plan, this is the site plan amendment, we can talk about that first and the privacy fence, 6 foot high privacy fence along the rear of these ones here and the addition this was basically there was a fence here, open grass area, what we're proposing is a tot lot within that open grass area, that wasn't part of the original but we want to add a tot lot to that so that's the only amendments that we're looking for as far as the site plan amendments go. Everything else is virtually the same.

MR. VAN LEEUWEN: Is that for children the tot lot?

MR. WINGLOVITZ: Yes, that's 300, this is basically part of the site plan, it's going to be a green area for open space recreation, the builder who's looking to build the project wanted to add a tot lot to the project so we thought that was a good thing.

MR. ARGENIO: What happened to the clubhouse and pool?

MR. WINGLOVITZ: There has not been a clubhouse or pool since the first year, that was removed from the plan a long time ago.

MR. ARGENIO: I have a drawing with a clubhouse and a pool.

MR. WINGLOVITZ: Have to be a long time ago.

MR. VAN LEEUWEN: I think what we should do is get out the approved plans.

MR. EDSALL: There are no stamped approved plans.

MR. VAN LEEUWEN: There are none?

MR. ARGENIO: But there's a site plan that has conditional approval.

MR. EDSALL: The question is what is that plan.

MR. ARGENIO: Do we have that?

MR. EDSALL: That's what we're attempting to find out what changes occurred.

MR. ARGENIO: What's the answer to that question, Myra?

MR. VAN LEEUWEN: What we should do before we get into this too deep before we do anything is let's get the maps to see what's conditionally approved, whatever it is find out if everything matches.

MR. ARGENIO: I think you're right.

MR. VAN LEEUWEN: I'm not saying the man is wrong or not telling the truth, I can't say that because I don't know but let's see what the original plan is now we're already questioning where is the clubhouse is, where did it go.

MR. WINGLOVITZ: Hasn't been on it since 2003, it was removed early on in the process, we talked about it with the board part of a long discussion.

MR. VAN LEEUWEN: I wasn't here when that was approved but if somebody says and all of a sudden it disappears I'm sure something like this is approved with a clubhouse and pool or clubhouse only.

MR. ARGENIO: Mr. Winglovitz, let me, I want to read from Mark's comment number 2, the bulk table is unusable and incomplete, please provide properly completed bulk table where actual provided values for each proposed lot, at minimum it is noted that proposed lot 2 has no road frontage, as such, this would appear

to be a noncompliance with the R-5 Use A-7 requirements. And in the current layout form this application would require a ZBA referral. Can you speak to that?

MR. WINGLOVITZ: Yes, I could, I just spoke to Dominic briefly about it, we looked at the code requirement, street frontage and unfortunately there's no definition of street frontage, there is a definition of street that indicates a lot must have frontage on a road that's substantially approved in accordance with the planning board's requirements, that's on a filed map which this would be so we believe that these two locations here would give us street frontage we need in accordance with the definition of your zone.

MR. ARGENIO: I'd like to comment but I don't want to insult you so I'm going to look over to Dominic and Mark.

MR. EDSALL: I will cut to the chase rather quickly, you read the law wrong, it says public road or private road, if you read a definition in the Town of New Windsor of a private road it is a lot or a road that serves single-family houses with a maximum of 6 which clearly is not this case, the law requires 15 foot of frontage since you don't have--

MR. WINGLOVITZ: Under subdivision regulations, I was looking under the zoning regulations.

MR. EDSALL: Unfortunately, you're asking for a subdivision I believe so obviously every law's a little different so it's difficult sometimes but the point being is that the exemption you're trying to apply with private road would only apply if you had 6 single-family houses and that would be frontage on the private road.

MR. ARGENIO: I cannot quote the law but I can tell you

that what you're saying to me doesn't make sense, that's why I looked to folks at the table next to me, it can be fixed, I'm okay with that.

MR. CORDISCO: I did review it after Mr. Winglovitz gave me a call and I reviewed the definitions in the subdivision law and it is as Mr. Edsall said referring to either public road or private road and a private road is defined as one that serves single family residences.

MR. EDSALL: My suggestion is that you take the main access road that has the boulevard approach, split it, create a 50 foot whatever you want to create, split it half way and have each of the condo associations own half the road and the only thing we have to be careful of is then becoming afoul of the lot width requirement so we have to next tackle that one.

MR. ARGENIO: Now understand something for the benefit of the members you're shaking your head, don't shake your head, for the benefit of the members preliminary approval the and Dominic correct me if I misspeak is to create two different lots, so the quantity of units on each lot is less because the Attorney General's office has a certain threshold of quantity of units that need to be sold before they can inform the association, is that correct?

MR. CORDISCO: That's correct, they want to split the condo in two.

MR. VAN LEEUWEN: What he's trying to do is avoid the law.

MR. ARGENIO: That's not what's going on here, we had the same thing at The Grove, I've seen this before, am I correct?

MR. CORDISCO: That's absolutely correct.

MR. ARGENIO: So here's the deal, Henry VanLeeuwen is 100 percent correct, what we don't want to back ourselves into is a situation where we quickly go scampering down the path and there's other things on this plan that are not correct. I want to make sure we do our due diligence, I don't see any major hurdles here but we need to do our due diligence. Henry's exactly correct about that issue, I want to read comment 2 to you, Mr. Winglovitz.

MR. VAN LEEUWEN: Not going to open the town for a lawsuit.

MR. ARGENIO: Correct. The temporary turnaround for lot number 1 is within lot number 2 as such a temporary easement should be created.

MR. WINGLOVITZ: No problem.

MR. EDSALL: Mr. Chairman, I will meet with Mr. Winglovitz and I'm sure we can come up with a way of having this meet the subdivision regulations and my level of comfort increases because their attorney has indicated to me they have no problem with the deed restrictions, restrictive covenants that would make each lot subject to whatever plan you ultimately stamp for the site plan and also make them subject to the restriction that even though they have two condo associations they have to be under the same umbrella condo association, same as Plum Point has multiple phases, condo associations, they have one overall so--

MR. WINGLOVITZ: Exactly what's proposed.

MR. EDSALL: It's a mechanism to work with the AG's office so they can sell units.

MR. ARGENIO: That's the deal, that's what's going on here and not them circumventing the law, certainly not,

so the one thing that I don't want to fall into is I just want to make sure Mark that somebody, Myra, Mark, somebody, Ross, I want to get my hands on that plan that was reviewed and been given preliminary approval, I want to make sure A matches B.

MR. EDSALL: Conditional site plan you mean?

MR. ARGENIO: Correct.

MR. EDSALL: Just an aside, no matter what plan we ultimately find out I will remind the board of your very long and detailed discussions that this is within the historic corridor and you were very concerned about the appearance, very concerned and the applicant agreed by a note on the final plan, I do recall this much to restrict the colors of the houses to be earth tone.

MR. ARGENIO: That was Mr. Schlesinger.

MR. WINGLOVITZ: We met with the building department and provided elevations a year ago.

MR. EDSALL: I'm somewhat concerned that they'd want to take in the triangular area to the west which was set up to my recollection on the plans as having an almost like a historical park with a monument and which would appear to be very consistent with the historic overlay zone and turn that into a tot lot with gymnastic equipment, just seems like probably one of the worst places you can propose it. Again, that's the board's decision but just reminding you of some of the old discussions.

MR. ARGENIO: What's the genesis of that, Mr. Winglovitz?

MR. WINGLOVITZ: The builder thought he needed some recreation here.

MR. ARGENIO: Why there?

MR. WINGLOVITZ: Probably the best location to do it, probably one of the few locations he'd be able to do it on this site.

MR. ARGENIO: What about this spot right here?

MR. WINGLOVITZ: That's a knob in the middle of the site, it's pretty high here.

MR. SCHLESINGER: I'm sorry?

MR. WINGLOVITZ: This was set up as an open recreation area, there was a basically a flag in the center with three benches around it. What we have done--

MR. ARGENIO: Here's a picture.

MR. EDSALL: More than a flag.

MR. ARGENIO: Lot more than a flag, it was a walkway, a decorative marker.

MR. WINGLOVITZ: What we talked about doing was putting a historical marker because we're keeping this right in the stone wall.

MR. ARGENIO: You must of washed it in cold water cause it shrunk.

MR. WINGLOVITZ: Basically, the roadway was right here so we wanted to put that historical marker in the stone wall, have the seating area so the parents could watch the kids in what we envisioned as an open space recreation area.

MR. SCHLESINGER: I'm still shaking my head, the picture I get here is that we have a conditional site plan approval and obviously won't be a, we agreed we

want to take a look at that to see that it is a copy of what we have here. But I'm also getting a picture that you guys don't agree with me and I'm off base that still proposing changes to a conditional site plan so where does that put us, number 1? Number 2, I'm far from a real estate attorney and I'm sure you guys are covering the bases but we want to have two condo associations on one project, that's confusing me also I understand the theory behind it but I am not sure I understand the legality behind it.

MR. VAN LEEUWEN: I think the first thing we have to do here we have to get the other map out and see what the conditional approval looks like and make sure everything is the same and then I suggest we go on from there.

MR. ARGENIO: I think that's a foregone conclusion.

MR. VAN LEEUWEN: The building disappeared, couple other things disappeared.

MR. WINGLOVITZ: No buildings have disappeared, Hank, I think you're characterizing things incorrectly here, no buildings disappeared, that clubhouse was gone many, many years ago.

MR. ARGENIO: My memory tells me at some point in time we looked at the project and it had a clubhouse, I don't specifically have the plans that received conditional approval committed to memory, I just happened to remember a clubhouse on this project at some point in time.

MR. SCHLESINGER: Talking about adding a fence that wasn't in the original site plan. I'd like to see what kind of fence you're going to put up and I think that it has to be reviewed.

MR. WINGLOVITZ: That's what we're proposing, that's

why we're here.

MR. SCHLESINGER: Eight foot stone fence that may work very nicely but this is opening up a whole new thing.

MR. WINGLOVITZ: This recreation area and that fence is really all we're talking about as far as changes to the plan.

MR. ARGENIO: Yeah, I think even--

MR. WINGLOVITZ: Absolutely, go back to the February plan, make yourself comfortable that there's no significant differences.

MR. ARGENIO: Here's what I don't want to do, what's going to open the town up for a problem and--

MR. WINGLOVITZ: We'd be glad to go back to the February plan if this is a problem, we thought this was an improvement over this.

MR. ARGENIO: Let me finish, what could be a potential problem is taking this project back to square one or square two, that's not what we're here to do. But having said that, I think you're right, I think and I think Henry's right too that we just we need to conduct a review on the changes you want to make, Mr. Winglovitz, and we need to effectively compare this plan to the one that's received preliminary approval. Howard or Danny, do you have any other thoughts on this?

MR. BROWN: No, I agree with Neil.

MR. ARGENIO: What else can we do for you?

MR. WINGLOVITZ: That's it. I would like to schedule a meeting with Mark to go through the subdivision just to see how we can comply. My whole intent was exactly as

you said so if we can make this comply, if we can that's what we want to do. I'll schedule a work session with Mark.

MR. VAN LEEUWEN: Mark has some good points, sit down with him and work it out because I'll tell you something the way you've got it planned now I'm not going to approve it cause if they sell it to two different people which they could do, okay, and all of sudden somebody walks in and says well, you didn't give me any site access then we're in trouble.

MR. EDSALL: Mr. Chairman, maybe I can put some light on the whole issue of multiple condo associations, very briefly it's not something new, Plum Point although Plum Point in many cases is not a good example of how you should do things has seven condo associations in one umbrella, Windsor Crest which has been around a long time I think has three or four with one umbrella. Years ago it was just done but now the AG's office and the county tax map department are requiring separate tax lots for the individual associations so it's been happening for years but they have created another hurdle for these poor folks that want to get something approved asking for a subdivision so it's nothing new. But the subdivision requirement's new and it's not by our making, it's by--

MR. ARGENIO: It's not a big deal and they're not attempting to circumvent the law.

MR. CORDISCO: By umbrella, umbrella means master so there will be a master association responsible for all the site amenities between the two condo associations.

MR. EDSALL: We'll work with him.

MR. ARGENIO: Thank you.

MR. WINGLOVITZ: Thank you.

SENIOR_CITIZEN_CODE_REVISIONS_-_REPORT_TO_TOWN_BOARD

MR. ARGENIO: Senior citizen code revisions.

SUPERVISOR GREEN: Last month, the Town Board referred to the Planning Board a design and a--

MR. CORDISCO: It was a revisions to the senior housing zoning law.

SUPERVISOR GREEN: Section 300 of the zoning and we have a public hearing scheduled and I notice that it is not on the agenda for action tonight, we must have action tonight.

MR. CORDISCO: The public hearing as I understand it is scheduled for the beginning of August and the next planning board meeting for us will be August 13 at which time the public hearing will have passed.

MR. ARGENIO: Well, why don't we do this.

MR. VAN LEEUWEN: Act on it now.

MR. ARGENIO: Well, I'd like Dominic to share the law has been crafted, the voluminous document that we all went through 18 months ago I know I went through it, I'm sure you guys looked at it, the body of that has been adopted and it's my understanding now that attempts are being made to refine it to fit appropriately. Dominic, if you could share with us some of the high points of those revision we can certainly endeavor to discuss it.

MR. CORDISCO: Yeah, no, I'd be happy to and we were intimately involved in making those revisions but you have to understand that the genesis for the revisions really was the procedure that we had adopted after the senior housing law went into effect because it had a number of provisions where it was very duplicative and

was vague as to when certain things would happen as particularly in regards to SEQRA. And the planning board as lead agency was required to of course evaluate the environmental impacts on a project but the Town Board as the law was written the Town Board was supposed to grant special permit approval at the very beginning of the process but SEQRA requires that all of these approvals be considered and you can't actually issue any approvals until after SEQRA's completed. So there was a disconnect there and we, you cured that disconnect by the process that we were following but the process wasn't laid out exactly in the law but we were following state law rather than the local law as far as that was concerned.

MR. ARGENIO: So the change basically involves cleaning up, clarifying and tightening the timing issues for Town Board approval, planning board approval tying that all in with SEQRA so the time thresholds and the sequential items they work.

MR. CORDISCO: That's exactly correct and it's the process that you have been following on all the applications that have been before you.

MR. EDSALL: The basic shift is that the laws written had the special permit consideration by the Town Board up front, that's been shifted now until after the Planning Board's done with SEQRA, not done but when you're done with SEQRA.

SUPERVISOR GREEN: As it should be, Mr. Chairman.

MR. ARGENIO: As it should be, I agree, Mr. Supervisor.

MR. VAN LEEUWEN: Everybody's coming in here, senior citizen, how many senior citizens we got in this town? We do have a lot but we don't have as many as we do applications.

MR. ARGENIO: But what we're talking about here is not relative to how many senior citizens.

SUPERVISOR GREEN: That's the second phase of the revision and we're going to put a map up to show you.

MR. CORDISCO: There's two things that the local law is being proposed to do, one is the procedural items and clean those up and there's no surprises there. The second thing is is that the Town Board is now considering creating essentially an overlay district. Right now as written the senior housing law anyone can apply to place a senior housing project anywhere within the boundaries of the town. This would create, the local law would create an overlay district which is shown in the areas on blue on that map that's being shown and it's to be the areas where senior housing projects could be located.

MR. ARGENIO: I can share with you a little bit, I was, I participated in establishing this line, essentially, we tried to follow the guidance that we were looking at was trying to take the senior projects and locate them in the east end of the town cause Neil certainly you wouldn't want somebody setting up next to your house with this huge senior project and on top of which it wouldn't make sense to do that because the facilities that are required to support a senior facility they're not there on Willis Lane or Station Road or Sesame Street so what it does it takes--

MR. VAN LEEUWEN: Or Beattie Road.

MR. ARGENIO: Correct, it takes this senior district and locates it in the east end of the town that essentially is correct, Mr. Supervisor?

SUPERVISOR GREEN: It's essentially correct, Mr. Chairman. When we established this new overlay zone what we looked at is what I like to refer to as areas

that are predetermined and obviously anything on this side of the Thruway is fairly well predetermined, you know, the eastern and northern portion of the town this is predetermined for development, for dense development. Then we looked into areas that might fit the bill for senior housing that were not rural but not overly developed and we looked at The Reserve and the development now off Riley Road and those areas and we came up with a small, a much smaller footprint for the overlay zone that includes Riley Road up to, I'm sorry, Mt. Airy Road from 207 up to the intersection of Jackson Avenue then a couple properties down on, down along Mt. Airy Road and to be very truthful, I have to put my glasses on to tell you exactly where these parcels are. If you're familiar with the area, it takes in Moores Hill Road, Elizabeth Lane area where the Silver Stream Trailer Park is now that area in there and along Moores Hill Road, continues on up Riley Road up to the intersection of Bethlehem Road and makes a left and includes some parcels that are down along Mt. Airy Road.

MR. SCHLESINGER: That's where the dome was.

SUPERVISOR GREEN: That's the very, that application is gone by the way.

MR. SCHLESINGER: I just said that's included in that.

SUPERVISOR GREEN: That's the last parcel on Mt. Airy Road going up the hill then it makes a left and includes both sides of Mt. Airy Road, the old Fayo farm and where the trailer park is and few other areas in there, actually, a couple are moot because there's already single-family housing and new development going in there, but that's basically the area. And in coming up with this new overlay zone, we looked at the proposed new master plan and one of the suggestions and it was a well-taken suggestion is that what's wrong, you know, rural now should not be subject to this

overlay zone, this dense development.

MR. ARGENIO: As he said on top of which the service, the support in the form of services is not there, the supermarkets, the pharmacies and et cetera.

MR. VAN LEEUWEN: Water and sewer, common, that's the most important thing.

MR. ARGENIO: That's two points. With reference to the senior regulations, is there another facet to that?

MR. CORDISCO: No, there's not.

SUPERVISOR GREEN: That's it, it's just cleaning up the law and pulling that zone back from the western end of the town where we agree with the master plan committee in the proposal of the new comprehensive plan and we figure that this is a good time to do it, let's clean it up.

MR. ARGENIO: So what we'd be doing, Dominic, is making a recommendation to the Town Board?

MR. CORDISCO: Correct.

MR. ARGENIO: Neil or Howard, do you have any questions?

MR. SCHLESINGER: North, south, what's that, the Thruway?

MR. EDSALL: Yeah, that line.

SUPERVISOR GREEN: Yes, this is Interstate 87 is the dividing line except for this parcel here.

MR. BROWN: Good idea.

SUPERVISOR GREEN: Just to pull that back from the west

end, you know.

MR. ARGENIO: People were sniffing around in the west end for these senior projects and it just doesn't fit.

SUPERVISOR GREEN: You know, the amenities aren't there when you look at a senior project, our senior project in Vails Gate is approved, when we look at that senior project as having banks, dry cleaners, doctor's offices, shopping and that's what, that's truly what we're looking at for senior projects. Some of this is accessible to shopping, it isn't that far away.

MR. ARGENIO: Danny, do you have any thoughts or questions?

MR. GALLAGHER: It all makes sense.

MR. VAN LEEUWEN: Makes sense to me, I love it. Gets it out of my area, I'll be frank.

MR. ARGENIO: Again, so, Dominic, what do we need to do?

MR. CORDISCO: If you would make a motion to make a positive recommendation and you would authorize me and I would do it by letter to the Town Board and I would make sure they get it before their public hearing.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we look favorably to the Town Board on the senior overlay district and on the revisions as Dominic described them with the timing of the execution of the new law. I'll have a roll call.

ROLL CALL

July 9, 2008

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MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Thank you. Motion to adjourn.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer