Town of New Windsor

555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#291-2009

05/12/2009

Moloney, Peter

Received $ 460.00 for Planning Board Fees, on 05/12/2009. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

PB# 07-83
application fee

TOWN OF NEW WINDSOR
PLANNING BOARD

RECEIPT OF MONEY RECEIVED:

DATE RECEIVED: 05/12/09 FOR: PB#**07-23 ESCROW**

TO BE CLOSED OUT

FROM: **MOLONEY SUBDIVISION**

4 SHO GEE COURT

ROCK TAVERN, NY 12575

CHECK NUMBER: **3494**

AMOUNT: **2059.78**

RECEIVED AT COMPTROLLER'S OFFICE BY:

J Fennega

NAME DATE

P.B. 07-23 497-1127

PETER A. MOLONEY
IRENE MOLONEY

1-8/210 74
23456959

3494

DATE 4/30/09

PAY TO THE ORDER OF Town of New Windsor $ 2,059-78/100

Two Thousand Fifty Nine 78/100 DOLLARS

Security Features Included Details on Back.

citibank
CITIBANK, N.A. RR #74
51-10 METROPOLITAN AVENUE
RIDGEWOOD, NY 11385

MEMO over run cost of Escrow Peter Moloney

⑆021000089⑆ 23456959⑈ 3494

DELUXE WALLET OR DUPLICATE SAFETY PAPER

TOWN OF NEW WINDSOR
PLANNING BOARD

RECEIPT OF MONEY RECEIVED:

DATE RECEIVED: 05/12/09 FOR: PB#07-23 RECREATION FEES

FROM: MOLONEY SUBDIVISION

4 SHO GEE COURT

ROCK TAVERN, NY 12575

not escrow
rec fee.

CHECK NUMBER: 3495

AMOUNT: 3000.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME DATE

P.B 0723 497-1127 1-8/210 74 3495

PETER A. MOLONEY
IRENE MOLONEY

23456959

DATE 4/30/09

PAY TO THE ORDER OF Town of New Windsor $3,000

Three Thousand DOLLARS

citibank

CITIBANK, N.A. BR. #74
51-10 METROPOLITAN AVENUE
MASPETH, NY 11385

MEMO Recreation Fees

Peter Moloney

⑆021000089⑆ 23456959⑈ 3495

PLANNING BOARD

TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Appl No: 7-23 **File Date:** 09/05/2007

SEC-BLK-LOT: 51-1-55-3

Project Name: MOLONEY SUBDIVISION PA2006-1023 **Type:** 1

Location: SHO GEE CT.

Owner's Name: MOLONEY, PETER/IRENE **Phone:** (845) 497-1127
Address: 4 SHO GEE CT - ROCK TAVERN, NY

Applicant's Name: MOLONEY, PETER/IRENE **Phone:** (845) 497-1127
Address: 4 SHO GEE CT - ROCK TAVERN, NY

Preparer's Name: LANC & TULLY **Phone:**
Address: P.O. BOX 687 - GOSHEN, NY

Proxy/Attny's Name: KEVIN BRENNAN **Phone:**
Address: CORNWALL NY

Notify: KEVIN BRENNAN FAX 534-4150 **Phone:** (845) 534-7545

Size:

Acreage	Zoned	Prop-Class	Stage	[redacted]
3.109	R-1	0		

Printed-on	Schl-Dist	Sewr-Dist	Fire-Dist	Light-Dist
05/12/2009	WASH			

Appl for: PROPOSED 2-LOT SUBDIVISION

Addl Municipal Services:
Streets:
Water:
Sewer:
Garbage:

TOWN OF NEW WINDSOR
PLANNING BOARD

RECEIPT OF MONEY RECEIVED:

DATE RECEIVED: 05/12/09 FOR: PB#**07-23 ESCROW**
TO BE CLOSED OUT

FROM: **MOLONEY SUBDIVISION**

4 SHO GEE COURT

ROCK TAVERN, NY 12575

CHECK NUMBER: **3494**

AMOUNT: **2059.78**

RECEIVED AT COMPTROLLER'S OFFICE BY:

_____

NAME DATE

PLEASE RETURN SIGNED COPY TO NICOLE FOR FILING

THANK YOU

Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

OFFICE OF THE PLANNING BOARD

07-23 MOLONEY SUBDIVISON

ATTN: PETER MOLONEY

SUBJECT: SHO GEE COURT (SUBDIVISION)

Dear MR. MOLONEY:

Please find attached printouts of fees due for subject project. There is a balance remaining in the escrow account that will be returned to the applicant.

Please contact your client, the applicant, and ask that payment be submitted in separate checks, payable to the Town of New Windsor, as follows:

Check #1 – Approval Fee.....	$	460.00
Check #2 – ESCROW OVER DEPOSIT.....	$	2059.78
Check #3- Recreation Fees.....	$	3000.00

Upon receipt of these checks and ten (10) sets of plans (maximum 12) with mylar, I will have them stamped and signed approved. Please note that we will be retaining 6 copies.

If you have any questions in this regard, please contact my office.

Very truly yours,

Nicole T. Julian, Secretary To The
NEW WINDSOR PLANNING BOARD

NTJ

spoke to Jon Queenie over phone. 5/9/09

Sent out 5/8/09

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 05/07/2009 PAGE: 1

PLANNING BOARD FINANCIAL DETAIL REPORT

PROJECT NO: 07-23
PROJECT NAME: MOLONEY SUBDIVISION PA2006-1023
OWNER NAME: MOLONEY, PETER/IRENE

TYPE	--DATE--	DESCRIPTION---------	--AMT-CHG	-AMT-PAID	--BAL-DUE
A	08/01/07	SUB. APPLIC FEE	75.00		
A	08/01/07	REC. CK. #1853		75.00	
APPLICATION TOTAL:					0.00
E	08/01/07	REC. CK. #1854		400.00	
E	09/12/07	P.B. MINUTES	14.00		
E	06/25/08	P.B. MINUTES	70.00		
E	09/10/08	P.B. MINUTES	105.00		
E	10/29/08	P.B. MINUTES	49.00		
E	05/06/09	ATTY. FEES	700.00		
E	05/06/09	ENGINEER FEES	1508.70		
E	05/06/09	LEGAL NOTICE	13.08		
ESCROW TOTAL:					2059.78
R	05/07/09	RECREATION FEES	6000.00		
RECREATION TOTAL:					6000.00
Z	05/07/09	PRE-PRELIMINARY PLAT APPROVAL	100.00		
Z	05/07/09	PRELIMINARY PLAT APPROVAL	150.00		
Z	05/07/09	FINAL PLAT APPROVAL FEE	110.00		
Z	05/07/09	FINAL PLAT SECTION FEE	100.00		
APPROVAL TOTAL:					460.00
		GRAND TOTAL:			8519.78

TOWN OF NEW WINDSOR

MAJOR SUBDIVISION FEE SCHEDULE

APPLICATION FEE: $ ~~[illegible]~~ 75.00 ✓

ESCROW:
RESIDENTIAL:
2 LOTS @ $200.00 EACH LOT (FIRST FOUR LOTS) $ 400.00 ✓
_____ LOTS @ $100.00 EACH LOT OVER FOUR LOTS $_____

COMMERCIAL:
_____ LOTS @ $500.00 EACH LOT (FIRST FOUR LOTS) $_____
_____ LOTS @ $200.00 EACH LOT OVER FOUR LOTS $_____

TOTAL ESCROW DUE: $_____

APPROVAL FEES:

PRE-PRELIMINARY PLAT APPROVAL $ ~~[illegible]~~ 100.00
PRELIMINARY PLAT APPROVAL (200.00 OR 20.00/LOT) $ 150.00
FINAL PLAT APPROVAL FEE ($100.00 + $5.00/LOT) $ 110.00
FINAL PLAT SECTION FEE $ 100.00

TOTAL APPROVAL FEES: $ 460.00

RECREATION FEES:
1 LOTS @ ~~$3,000~~ 3,000.00 / LOT $ 3,000.00

TO BE DEDUCTED FROM ESCROW: ESCROW POSTED: $ 400.00 ✓

P.B. ENGINEER FEE $ 1508.70 ✓
P.B. ATTY. FEE $ 700.00 ✓
MINUTES OF MEETING $ 238.00 ✓
OTHER legal notice $ 13.08 ✓
TOTAL DEDUCTION: $ 2459.78

REFUND: $_____
AMOUNT DUE: $ 2,059.78

PERFORMANCE BOND AMOUNT $_____

INSPECTION FEE:
2% PRIVATE IMPROVEMENTS $_____
4% PUBLIC IMPROVEMENTS $_____

Nicole Julian

From: Mark Edsall [mje@mhepc.com]
Sent: Tuesday, May 05, 2009 10:38 AM
To: Nicole Julian
Subject: FW: Moloney-New Windsor Project #07-23

Can you check on your end if you have this pending I will check status here as well

-----Original Message-----
From: John Queenan [mailto:jq@lanctully.com]
Sent: Tuesday, May 05, 2009 8:31 AM
To: Mark Edsall
Subject: RE: Moloney-New Windsor Project #07-23

Mark,
Just following up on this project with you for the chairman's signature.

Thanks,
John Queenan

-----Original Message-----
From: John Queenan [mailto:jq@lanctully.com]
Sent: Tuesday, April 21, 2009 11:39 AM
To: Mark Edsall
Subject: Moloney-New Windsor Project #07-23

Mark,
I submitted plans for the Moloney 2 lot subdivision to Myra on April 6. I know that she has since retired (good for her) I was just checking up that you got the plans and were conducting your final review. It is a two lot subdivision on Sho Gee Court that was approved in October 2008. The approval expires on the 29th of this month. I am going on vacation next week and if needed I would send a letter in for an extension if necessary.

Thanks,
John Queenan, CPESC
Project Manager
Lanc & Tully Engineering and Surveying, P.C.
P.O.Box 687
Goshen, NY 10924
(845)294-3700 * FAX (845)294-8609
www.lanctully.com

PUBLIC_HEARINGS:

MALONEY,_PETER_(07-23)

MR. ARGENIO: First on tonight's agenda is Maloney, Peter, Sho Gee Court subdivision, it's a public hearing. This application proposes the subdivision of the 3.1 plus acre parcel into two single family residential lots. The plan was previously reviewed at the 12 September, 2007 and 25 June, 2008 planning board meetings. This application is before the board tonight for a public hearing. Is somebody here to represent this? Sir, I don't know if you're familiar with the way we do this but come on up, I'd like you to do is address the board, first tell us the changes you've made since last we've seen you, highlight them for us, turn the easel as well and at that point in time we will as a board we will ask whatever questions we see fit then we'll open it up to the public and we'll receive comment from the public. Can I have your name and the firm you're with for the benefit of the stenographer?

MR. QUEENAN: John Queenan from Lanc & Tully Engineering.

MR. ARGENIO: Tell us where you've come from here.

MR. QUEENAN: We were before you in June. There were very few engineering comments, I think they have all been addressed. What had come up was a letter from adjacent property owners regarding the buffer location of the proposed dwelling as shown on the subdivision map. At that meeting, the board obviously decided to have a public hearing in order to hear those comments and we're here tonight hopefully to hear them and resolve whatever issues that they may have.

MR. VAN LEEUWEN: Sir, my suggestion was and I see you moved the house.

MR. QUEENAN: Yes, we, actually, this is the original plan and I have a secondary plan that we did move the house.

MR. ARGENIO: You did move the house?

MR. QUEENAN: Yes.

MR. VAN LEEUWEN: Sitting back there why don't you come up and look at the maps?

MR. ARGENIO: Folks, just a second please.

MR. VAN LEEUWEN: I'm sorry.

MR. ARGENIO: Do you guys have anything? This is pretty simple, I'll refresh your memory. This whole thing was there was a complaint on behalf of the neighbor and we wanted to reserve that neighbor's right to be heard here in this forum so that's pretty much the reason why we had this meeting tonight.

MR. SCHLESINGER: This plan we have in front of us we have accurate or has it changed?

MR. QUEENAN: No, I have not submitted new plans, this is the original plan from June.

MR. SCHLESINGER: Without the house being moved?

MR. QUEENAN: Correct, we didn't change the plan because we wanted to hear exactly what the concern was and how we would work that out. We do have an alternate plan here that hopefully addresses that.

MR. ARGENIO: Which is the new location of the house?

MR. QUEENAN: Right.

MR. ARGENIO: Do you have a notice on this, Myra please? On the 25th of August, Myra sent out 10 addressed envelopes containing a notice of public hearing pertinent to this application. She got the information from a list provided to her by the assessor's office. At this point in time if there's anybody in the audience that would like to speak for or against or comment on the application please raise your hand and be recognized. Sir, please come forward, give Franny your name and your address and we certainly would like to hear what you have to say tonight. This meeting is for you, you know how they say this Bud's for you? This meeting's for you.

MR. MOORE: I'm Brian Moore, 1797 Little Britain Road, Rock Tavern, New York.

MR. ARGENIO: Tell us what your concerns are, sir, and we can see if we can arrive at some middle ground here that works for everybody.

MR. MOORE: Okay, the whole driveway on the contour lines the property the landing pad for the house that's proposed is about 10 feet above my house so every time that these people when they build the house when they drive into the yard I'm going to have lights beaming in my bedroom windows, my dining room, living room and kitchen windows, privacy issue here.

MR. VAN LEEUWEN: Show us where your house is.

MR. MOORE: My house is here but this is reflected as it's the old school house on Little Britain Road that was built in 1867.

MR. ARGENIO: Is that your home?

MR. MOORE: It is and I built an extension, if you just give me one second I'll get the drawing.

MR. SCHLESINGER: Why don't we refer to the plan that they're going to use, that may clear up the comments being made now if you move the house and if he's not going to have a problem then let's hit the nail on the head.

MR. BROWN: Right.

MR. QUEENAN: That's what I wasn't sure exactly what his concern was, is it elevation, is it proximity?

MR. SCHLESINGER: Well, what are we talking about, which house?

MR. ARGENIO: I'm going to save a lot of work for everybody, sir, follow me for a second please. The last time this gentleman was here for this application Mr. Van Leeuwen recommended that they consider relocating the house on the lot at a different location, hopefully, that will allay the problems that you may have with the house as it was. They tell us they did that, this is not that plan, Neil, you're correct, sir, let's go to the videotape as they say.

MR. QUEENAN: This is what we came up with.

MR. ARGENIO: Mr. Moore, is that more to your liking? It doesn't look like the headlights are going to shine into your house now.

MR. MOORE: But when they drive in this way here.

MR. ARGENIO: This distance from here to your home is probably 300 feet through woods it looks like.

MR. QUEENAN: Just going to say that this vegetation here will be retained.

MR. ARGENIO: Mr. Moore, let me share this thought with you, we as a planning board, understand this, we do not

have the right to tell the applicant they cannot build on their lot, we can't do that. But if they do it in accordance with the law, we can make suggestions to try to make sure that the development that he's proposing is as user friendly for the neighbors around them as possible. That's our goal, Mr. Moore, tonight.

MR. MOORE: Absolutely but then if he was to bring the driveway and come in here to this side and take the proposed four bedroom dwelling and spin it this way so that, flip it so that the gable end of his house would face the gable end of mine and then back off and run off this way there would be more of a buffer zone.

MR. QUEENAN: That's where our septic field is and that's--

MR. MOORE: But the septic that's on the house that's here is 200 feet from the septic system so you could put the septic system here.

MR. QUEENAN: This was the only, we checked the lots, that's the only location we got acceptable location for.

MR. ARGENIO: Mr. Moore--

MR. MOORE: I think that you could move, I spoke to an engineer architect and he said you could move the septic system over here and the well gets moved back over here.

MR. QUEENAN: We could do that but we didn't have any acceptable results on the rest of the lot.

MR. ARGENIO: Doesn't have a good perc, typically in this end of the town we have a problem.

MR. QUEENAN: That's why we kept the septic on the highest portion of the lot which is right here.

MR. ARGENIO: Let me point this out to you as well that septic being at the highest point of the lot far away from you is good for you, make no mistake about that.

MR. MOORE: I understand. I also understand the location of the well here and well here but the problem again is when you have a nighttime, when you have cars coming and there's no buffer, in the wintertime there will be no, I can see Mr. Maloney's house from here in the wintertime, I can see all the way back to Mr. Maloney's house.

MR. QUEENAN: It's 250 feet.

MR. ARGENIO: It's 250 feet. What's the, Dominic or Erik, and I know Erik you don't do these meetings every week, but can one of you guys spit out for me about what, Mr. Moore, this is important, what's the setback requirements, the building line setback requirement, 50 feet?

MR. DENEGA: Forty yard setback.

MR. ARGENIO: Forty feet.

MR. DENEGA: Forty feet side yard setback.

MR. ARGENIO: By rights, he can place the house within 40 feet of that property line and this is still a lawful subdivision and development of this piece of property. He has the right to do that.

MR. MOORE: What I'm saying is it won't affect the location of the septic if he takes the house that's now going to be in this location and flip it this way.

MR. QUEENAN: I have to be 20 feet from this. If I rotate the house I'm hitting the setback line here and hitting the setback line here.

MR. ARGENIO: I don't want to reduce this to--

MR. MOORE: It's Mr. Maloney's property that he's selling here so Mr. Maloney's--

MRS. MOORE: The cousin on the other side wants privacy.

MR. MOORE: My point is that if he wants to get a variance from himself I'm sure he could grant himself a variance to be within 20 to flip the house.

MR. ARGENIO: He can't grant himself a variance, no, he cannot do that.

MR. MOORE: But the 40 feet that's here and 40 feet that's here if the house was flipped over here he's still within the 40 feet.

MR. QUEENAN: Sir, I have to be 20 feet from the, so that pushes me 20 feet farther down.

MR. MOORE: But why can't this be moved 20 feet forward?

MR. QUEENAN: Because this is the location that we had the soil tests.

MR. MOORE: Can you go back and do a soil test to see if 20 feet forward will work?

MR. QUEENAN: You want our application to go back and do more soil testing?

MR. ARGENIO: Stop. Ma'am, you were going to make a point?

MRS. MOORE: No, I wasn't, he's doing fine.

MR. ARGENIO: I think everybody is getting the gist of where we are here. I'm not going to throw my 2 cents in, I have a very definite opinion of this thing. Neil, you have any thoughts?

MR. SCHLESINGER: No, I think we'll save it for the right time.

MR. ARGENIO: That's a good thought. Danny, anything further?

MR. GALLAGHER: Not at this time.

MR. ARGENIO: Do you want to hold it until we close the public hearing?

MR. VAN LEEUWEN: We can hold it until we close.

MRS. MOORE: Can I say something? We were not here the day that he applied for the variance, I just want to show you some pictures, he said that it was a dumping ground, by no means is it a dumping ground. His kids play paint ball, this is what they do.

MR. ARGENIO: We have no issue with your property.

MRS. MOORE: It's not mine, it's his.

MR. ARGENIO: Nobody here things it's a dumping ground.

MRS. MOORE: No, he said he wanted to build because people were coming up and dumping on his property but that's not the case.

MR. ARGENIO: That has happened on different lots around town, it has or hasn't happened here, but it's got to go.

MRS. MOORE: I feel if I was there I could have said excuse me, I don't believe that's the issue.

MR. ARGENIO: That dumping that has no bearing on what we're deciding here tonight.

MRS. MOORE: Because it was in the minutes of the meeting.

MR. VAN LEEUWEN: I've been to the site, I've looked at the site, he's doing a lot of remodeling there, he's doing a lot of work there, okay, and it's not a dumping ground by any means.

MRS. MOORE: Really the quality of our life is going to change with that.

MR. MOORE: We preserved the 1867 school house.

MR. ARGENIO: Mr. Moore, I think it's fantastic.

MR. MOORE: It's just that when we were building the house we specifically dealt with the area and angling the house and now just not to belabor the point but that was to preserve the privacy for the other person in this subdivision, we're not part of the subdivision, but the other person that was in the subdivision and also the people that are over here so that everybody would have some sort of privacy. Now when I look, come out of my deck at the back of my house I want to be looking at something that because of the elevation that he's got 10 feet, he's entitled to build a two story, it can be up to 35 feet, I'm going to be looking at something that's 45 feet high.

MR. ARGENIO: Sir, what's the ground elevation approximately from Mr. Maloney's house to your house approximately without having to get into a lot of looking at contours? Erik, do you have plans over there?

MR. MOORE: It's 546 to 558.

MR. QUEENAN: We have our garage at 553 and looks like Mr. Moore's house will be about 543.

MR. ARGENIO: About 10 feet, could be a little more.

MR. MOORE: If he moves the house back then the lines will go up.

MR. ARGENIO: Right, point well made. Okay, do you, Mr. Moore, do you have any anything else you'd like to talk to us about this?

MR. MOORE: No.

MR. ARGENIO: I don't want to see that, sir, I don't want to see that. This is the second one? I'm sorry, I got confused, I'm sorry.

MR. QUEENAN: This is the new one.

MR. ARGENIO: You're going to have to submit plans and such, we're reviewing this location. Mr. Moore, do you have anything else to offer us?

MR. MOORE: Is there any way I can get a copy of this and go back and see if it is in fact feasible to move? I understand that you have done your tests here but is it feasible to move the house over to here?

MR. ARGENIO: Mr. Moore, that's the third time you said it, it's the third time you said that. This board will discuss that possibility when we're done with the public hearing. We certainly got your message to move, turn the house and move it. Do you have anything else you'd like to offer additionally?

MR. MOORE: Not at this time.

MR. ARGENIO: Are you sure?

MR. MOORE: Thank you very much.

MR. ARGENIO: You're very polite and your points that you brought up are very good points and they are very well presented, quite frankly, as well, ma'am, I'm not, I don't want to seem patronizing but I certainly do mean it. Mr. Moore, as far as and again once we close the public hearing it's closed, we're not going to talk about this anymore. Do you have any thoughts? We see the problem is the driveway here. The question I was going to ask is if we were to require the applicant to do some type of screening of some sort is there something possibly a fence or some bushes or something that would work for you? But I'm trying to answer my own question in that the screening is irrelevant because he's 13 foot higher than you so you don't need that screening, I'm answering my own question.

MR. MOORE: Even if you get the--

MR. VAN LEEUWEN: Twenty years before it gets there.

MR. ARGENIO: Do you have anything else?

MR. MOORE: I mean--

MR. ARGENIO: You have been very concise.

MR. MOORE: If I was given the option on hindsight being 20/20 I would seriously consider purchasing the site to build the house because I did work with the architects and we built our dream home that's ours, it's a very unique house.

MR. ARGENIO: You can still purchase it probably.

MR. MOORE: If it's agreed tonight that that's the location and I'm stuck, if we can actually figure it out as the process moves along and I can do something

like that then I could work, that's what I'm trying to get to if you could.

MR. ARGENIO: Ma'am, do you have anything else?

MRS. MOORE: No. Thank you very much for hearing us, we really appreciate it. Thank you so much.

MR. ARGENIO: Anybody else have a commentary on this?

MR. VAN LEEUWEN: Make a motion to close the public hearing.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board close the public hearing on the Maloney Sho Gee Court 2 lot subdivision. Roll call.

ROLL CALL

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

MR. ARGENIO: You folks can sit down. Thank you very much. Public hearing is closed. Okay, I want to throw a couple thoughts, I certainly want to hear from everybody on this. Certainly we cannot have a neighbor dictate what another neighbor does, to some extent they can but there's a subjective line there that this board has to draw. I didn't know, Mr. Maloney till tonight, I don't know the applicant either but Mr. Van Leeuwen wisely had insight that there was an issue with the house being so close to Mr. Maloney, Mr. Moore's property, and the Maloney folks, the Maloney application, architects and engineers they moved the

house so I'm going to go around, I'll start with this side of the room to my right. Neil and Howard, what are your thoughts?

MR. SCHLESINGER: Well, to Mr. and Mrs. Moore I could relate to your thoughts very, very well. My house is 150 years old and when I moved up here 25 years ago maybe there was 10 houses on my block, now there's probably 40 or 50.

MR. ARGENIO: And I went and moved in.

MR. SCHLESINGER: Yeah, killed the neighborhood. I used to sit on my front porch and look at the mountains. I sit on the front porch now and I look at another house and unfortunately that's the nature of the animal. As far as the board's concerned, there's certain things that we can help you with and there's certain things that we can't. And I think that the applicant made somewhat of a concerted effort after our previous meeting to move the house. Hopefully, that has cured some of your discontents or whatever it may be and I'm sure by or hopefully maybe by the end of the meeting if there's something else we can come up with we're going to try to do as best as we can but we can't do the impossible, we can't change growth.

MR. ARGENIO: Howard?

MR. BROWN: I agree with what Neil just said.

MR. ARGENIO: He's very eloquent tonight, is he not?

MR. BROWN: There was some compromise on the builder's part.

MR. ARGENIO: Danny?

MR. GALLAGHER: Well spoken, Neil.

MR. ARGENIO: Mr. Van Leeuwen, do you have any thoughts?

MR. VAN LEEUWEN: You all know my feelings before, I said it before, I'll say it again. I'd like to see the house twisted a little bit.

MR. ARGENIO: Here's my final note on this issue for the benefit of the members insomuch as we do not have a final plan that we can approve seems to me this applicant is ready to go over the wire but we don't have a plan to approve because they don't have a final plan. Here's what I'm going to suggest to you. And it's a suggestion. I'm going to suggest that you do compose that final plan and you have a flavor of the board now, I hope you do, and what I think you should try to do in composing that final plan in the interest of trying to do what's right here for all parties involved is if you can move that house a little bit more without re-engineering the entire lot because that's unfair for us to compel you to do that in my opinion. Now I'm one guy, you guys agree with that for the most part? We're not asking you to re-engineer the entire lot. If you can slip the house a little bit further towards Beattie Lane, Butler Lane and towards the other lot sliding down the page if you can do that that would certainly be good and that's your direction.

MR. VAN LEEUWEN: Look where the septic system is, it's here.

MR. ARGENIO: Remember, Henry, that house is not here, that house is now up here, okay, so what I'm asking him to do is to take a look if he can move it a little bit more that would be great. If he can't, well, it is what it is. I don't think it's fair for us to force him to re-engineer the entire lot, that's my thoughts.

MR. VAN LEEUWEN: Well, Mr. Moore didn't suggest that either, he suggested it this way, that's all.

MR. QUEENAN: That's the one with the septic.

MR. ARGENIO: What's this line here?

MR. QUEENAN: Those are the wells, separation wells.

MR. ARGENIO: So he is dancing there, Henry. See what you can do. You have your direction, okay, get your stuff together, it would be great if everybody got along. We'll get you on the next agenda if you can get your act together, get into the workshop. Did I miss anything?

MR. DENEGA: No, just three minor items that Mark mentioned, he can take a copy.

MR. CORDISCO: I would just add because you've closed the public hearing, we would ask the applicant to waive the 62 day default approval because they're going to be supplying a new set of plans.

MR. ARGENIO: Do you agree to that?

MR. QUEENAN: Yes.

MR. ARGENIO: All right, any other clean-up issues? We'll let them roll until next time. Mr. Moore, madam, thank you very much.

Client Ledger
ALL DATES

Date / Entry #	Received From/Paid To / Explanation	Che# / Rec#	Rcpts	General Disbs	Fees	Bld Inv#	Trust Activity Acc	Rcpts	Disbs	Balance
12132 TOWN OF NEW WINDSOR										
6085936	MOLONEY SUBDIVISION, PB#07-23									Resp Lawyer: JRL
Sep 12/2007	Lawyer: DRC 0.20 Hrs X 175.00				35.00	5007				
93754	REVIEW M EDSALL'S COMMENTS PB# 07-23									
Sep 12/2007	Lawyer: DRC 0.30 Hrs X 175.00				52.50	5007				
93755	REVIEW FILE PB# 07-23									
Sep 12/2007	Lawyer: DRC 0.20 Hrs X 175.00				35.00	5007				
93756	ATTEND PLANNING BOARD MEETING PB# 07-23									
Oct 16/2007	Billing on Invoice 5007			0.00		5007				
99207	FEES 122.50									
Oct 26/2007	TOWN OF NEW WINDSOR	011734	122.50							
101689	PMT - PAYMENT ON ACCOUNT									
May 20/2008	Lawyer: DRC 0.30 Hrs X 175.00				52.50	7844				
146593	REVIEW LETTER FROM D BRODSKY PB# 07-23									
May 20/2008	Lawyer: DRC 0.10 Hrs X 175.00				17.50	7844				
146594	RESEARCH PUBLIC HEARING REQUIREMENTS FOR MINOR SUBDIVISIONS PB# 07-23									
Jun 9/2008	Billing on Invoice 7844			0.00		7844				
151574	FEES 70.00									
Jun 20/2008	TOWN OF NEW WINDSOR	013801	70.00							
154953	PMT - PAYMENT ON ACCOUNT									
Jun 23/2008	Lawyer: DRC 0.20 Hrs X 175.00				35.00	8292				
157387	REVIEW REVISED PLANS PB# 07-23									
Jun 23/2008	Lawyer: DRC 0.10 Hrs X 175.00				17.50	8292				
157388	REVIEW M EDSALL'S COMMENTS PB# 07-23									
Jun 25/2008	Lawyer: DRC 0.30 Hrs X 175.00				52.50	8292				
156466	ATTEND PLANNING BOARD MEETING PB# 07-23									
Jun 26/2008	Lawyer: DRC 0.10 Hrs X 175.00				17.50	8292				
157039	REVIEW OCDP'S GML 239 REPORT PB# 07-23									
Jul 16/2008	Billing on Invoice 8292			0.00		8292				
161377	FEES 122.50									
Jul 25/2008	TOWN OF NEW WINDSOR	014219	122.50							
164629	PMT - PAYMENT ON ACCOUNT									
Sep 8/2008	Lawyer: DRC 0.40 Hrs X 175.00				70.00	9429				
174738	REVIEW REVISED PLANS PB# 07-23									
Sep 8/2008	Lawyer: DRC 0.10 Hrs X 175.00				17.50	9429				
174739	REVIEW M EDSALL'S COMMENTS PB# 07-23									
Sep 10/2008	Lawyer: DRC 0.40 Hrs X 175.00				70.00	9429				
176025	ATTEND PLANNING BOARD MEETING PB # 07-23									
Oct 15/2008	Billing on Invoice 9429			0.00		9429				
184017	FEES 157.50									
Oct 22/2008	Lawyer: DRC 0.10 Hrs X 175.00				17.50	9730				
186477	REVIEW M EDSALL'S COMMENTS PB# 07-23									
Oct 28/2008	Lawyer: DRC 0.20 Hrs X 175.00				35.00	9730				
187847	REVIEW M EDSALL'S COMMENTS PB# 07-23									
Oct 29/2008	Lawyer: ALR 0.20 Hrs X 175.00				35.00	9730				
188380	REVIEW MATERIALS ON MALONEY SUBDIVISION APPLICATION IN PREPARATION FOR PLANNING BOARD MEETING									
Oct 29/2008	Lawyer: ALR 0.30 Hrs X 175.00				52.50	9730				
188387	ATTEND AT TOWN OF NEW WINDSOR PLANNING BOARD FOR APPEARANCE ON MALONEY SUBDIVISION									
Oct 29/2008	Lawyer: ALR 0.10 Hrs X 175.00				17.50	9730				
188388	PREPARE MEMO SUMMARIZING PLANNING BOARD APPEARANCE ON MALONEY SUBDIVISION									
Oct 29/2008	Lawyer: DRC 0.40 Hrs X 175.00				70.00	9730				
188572	AGGREGATE TIME SPENT TO REVIEW AND REVISE DRAFT RESOLUTIONS ADOPTING THE NEG DEC AND GRANTING APPROVAL									
Oct 31/2008	TOWN OF NEW WINDSOR	015064	157.50							
189443	PMT - PAYMENT ON ACCOUNT									
Nov 11/2008	Billing on Invoice 9730			0.00		9730				
190727	FEES 227.50									
Dec 1/2008	TOWN OF NEW WINDSOR	015288	105.00							
195352	PMT - PAYMENT ON ACCOUNT									
Dec 1/2008	TOWN OF NEW WINDSOR	015288	122.50							
195353	PMT - PAYMENT ON ACCOUNT									

	UNBILLED				BILLED				BALANCES	
	CHE	+ RECOV	+ FEES	= TOTAL	DISBS	+ FEES	+ TAX	- RECEIPTS	= A/R	TRUST
TOTALS PERIOD	0.00	0.00	0.00	0.00	0.00	700.00	0.00	700.00	0.00	0.00

REPORT SELECTIONS - Client Ledger
Layout Template Default
Requested by Rose Thoma

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56
NEW WINDSOR PLANNING BOARD (Chargeable to Applicant) CLIENT: NEWWIN - TOWN OF NEW WINDSO
TASK: 7- 23
FOR ALL WORK ON FILE:

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT	DESCRIPTION---------	RATE	HRS.	TIME	EXP.	DOLLARS BILLED	DOLLARS BALANCE
7-23	319129	05/07/07	TIME	MJE	MC	QUEENAN L&T:MALONEY	119.00	0.30	35.70			
7-23	329497	08/06/07	TIME	MJE	MC	MALONEY SUB EMC NWBI	119.00	0.30	35.70			
7-23	333130	09/10/07	TIME	MJE	MR	MALONEY	119.00	0.60	71.40			
7-23	333135	09/11/07	TIME	MJE	MR	MALONEY	119.00	0.10	11.90			
7-23	333139	09/11/07	TIME	MJE	PM	MALONEY W/GA	119.00	0.20	23.80			
7-23	332846	09/12/07	TIME	MJE	MM	Maloney >> ZBA	119.00	0.10	11.90			
7-23	333122	09/12/07	TIME	MJE	MM	MALONEY	119.00	0.30	35.70			
									226.10			
7-23	334431	09/27/07				BILL 07-2516					-154.70	
											-154.70	
7-23	420337					PD/CR 07-2516 PD 10/11/07		154.70				
7-23	335651	10/03/07	TIME	MJE	MC	MOLONEY ZBA REFERRAL	119.00	0.50	59.50			
7-23	340341	11/06/07	TIME	MJE	MC	QUEENAN:PERC SCHED	119.00	0.30	35.70			
7-23	340856	11/14/07	TIME	MJE	MC	COORD MOLONEY PERC	119.00	0.20	23.80			
7-23	340870	11/15/07	TIME	MJE	MC	QUEENAN:MOLONEY PERC	119.00	0.20	23.80			
7-23	340871	11/16/07	TIME	MJE	MC	COORD MOLONEY PERC	119.00	0.20	23.80			
7-23	341661	11/20/07	TIME	MJE	FI	MALONEY SUB-PERCS	62.00	2.00	124.00			
									290.60			
7-23	340926	11/19/07				BILL 07-3081					-166.60	
											-166.60	
7-23	420951					PD/CR 07-3081 PD 12/05/07		166.60				
7-23	344530	12/18/07				BILL 07-3386					-195.40	
											-195.40	
7-23	421136					PD/CR 07-3386 PD 01/03/08		195.40				
7-23	367071	05/21/08	TIME	MJE	WS	MOLONEY SUB	124.00	0.40	49.60			
7-23	367033	05/22/08	TIME	MJE	MC	GA:MOLONEY	124.00	0.20	24.80			
7-23	367037	05/22/08	TIME	MJE	MC	GA COPY MOLONEY LTR	124.00	0.30	37.20			
7-23	372340	06/22/08	TIME	MJE	MR	MOLONEY SUB FILE RVW	124.00	0.30	37.20			
7-23	372343	06/22/08	TIME	MJE	MC	MM:MOLONEY	124.00	0.20	24.80			
7-23	374451	06/23/08	TIME	MJE	MC	EMC MM:ISSUES	124.00	0.20	24.80			
7-23	374459	06/23/08	TIME	MJE	MR	MALONEY SUB	124.00	0.40	49.60			
7-23	374441	06/24/08	TIME	MJE	MC	RVW APP/COMM W/PB CH	124.00	0.20	24.80			
7-23	374464	06/24/08	TIME	MJE	MR	MALONEY SUB	124.00	0.40	49.60			
7-23	374467	06/24/08	TIME	MJE	MC	DC:MOLONEY APP	124.00	0.20	24.80			
7-23	374446	06/25/08	TIME	MJE	MM	MALONEY SUB	124.00	0.30	37.20			
									384.40			
7-23	373169	06/25/08				BILL 08-1702					-173.60	
											-173.60	
7-23	423439					PD/CR 08-1702 PD 07/11/08		173.60				
7-23	375220	07/02/08	TIME	MJE	WS	MOLONEY	124.00	0.40	49.60			
									49.60			
7-23	377908	07/23/08				BILL 08-1971					-260.40	
											-260.40	
7-23	423809					PD/CR 08-1971 PD 08/07/08		260.40				

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56
NEW WINDSOR PLANNING BOARD (Chargeable to Applicant) CLIENT: NEWWIN - TOWN OF NEW WINDSO
TASK: 7- 23
FOR ALL WORK ON FILE:

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT	DESCRIPTION---------	RATE	HRS.	TIME	EXP.	DOLLARS BILLED	BALANCE
7-23	385547	09/02/08	TIME	MJE	MR	MALONEY SUB	124.00	0.60	74.40			
7-23	385551	09/02/08	TIME	MJE	MC	MM:MALONEY ISSUES	124.00	0.20	24.80			
7-23	385558	09/03/08	TIME	MJE	MC	RVW MALONEY W/HWY SU	124.00	0.20	24.80			
7-23	385544	09/04/08	TIME	MJE	PM	MTG GA RVW MALONEY	124.00	0.20	24.80			
7-23	385570	09/04/08	TIME	MJE	MR	MALONEY SUB	124.00	0.20	24.80			
7-23	387780	09/10/08	TIME	EAD	MM	MALONEY S/D	124.00	0.50	62.00			
7-23	388658	09/17/08	TIME	MJE	WS	MOLONEYS S/D	124.00	0.40	49.60			
									285.20			
7-23	389890	09/30/08				BILL 08-2567					-285.20	
											-285.20	
7-23	424467					PD/CR 08-2567 PD 10/16/08			285.20			
7-23	394945	10/22/08	TIME	MJE	MR	MOLONEY SUB	124.00	0.50	62.00			
7-23	394950	10/22/08	TIME	MJE	MC	MM:MOLONEY	124.00	0.20	24.80			
7-23	394956	10/23/08	TIME	MJE	MC	MM:MOLONEY	124.00	0.20	24.80			
7-23	395909	10/27/08	TIME	MJE	MR	MALONEY SUB	124.00	0.40	49.60			
7-23	395916	10/28/08	TIME	MJE	MC	GA RVW MOLONEY ISSUE	124.00	0.30	37.20			
7-23	395504	10/29/08	TIME	MJE	MM	Maloney Cond SUB APP	124.00	0.10	12.40			
7-23	395921	10/29/08	TIME	MJE	MM	REG MTG-MOLONEY SUB	124.00	0.50	62.00			
									272.80			
7-23	399567	11/21/08				BILL 08-3058					-272.80	
											-272.80	
7-23	425419					PD/CR 08-3058 PD 12/04/08			272.80			
						TASK TOTAL			1508.70	0.00	-1508.70	0.00
						GRAND TOTAL			1508.70	0.00	-1508.70	0.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 05/05/2009 PAGE: 1

PLANNING BOARD FINANCIAL DETAIL REPORT

PROJECT NO: 07-23
PROJECT NAME: MOLONEY SUBDIVISION PA2006-1023
OWNER NAME: MOLONEY, PETER/IRENE

TYPE	--DATE--	DESCRIPTION---------	--AMT-CHG	-AMT-PAID	--BAL-DUE
A	08/01/07	SUB. APPLIC FEE	75.00		
A	08/01/07	REC. CK. #1853		75.00	
APPLICATION TOTAL:					0.00
E	08/01/07	REC. CK. #1854		400.00	
E	09/12/07	P.B. MINUTES	0.00		
E	06/25/08	P.B. MINUTES	0.00		
ESCROW TOTAL:					-400.00
		GRAND TOTAL:			-400.00

Photo #1 - Side Property line

Photo #2 - property corner

Photo #3- House location looking towards property line

Photo #4- Front House location towards property line.

Photo #5 - Rear property line

Photo #6- Center of site property Line-

PHOTO DIRECTION & PHOTO NUMBER

#1

LEGEND:

- PROPERTY LINE
- EXISTING CONTOUR MAJOR
- EXISTING CONTOUR MINOR
- PROPOSED BUILDING
- BUILDING SETBACKS
- PROPOSED PROPERTY LINE

PHOTO LOCATION PLAN

1 INCH = 100 FEET

REGULAR_ITEMS:

MALONEY,_PETER_(07-23)

MR. ARGENIO: Peter Maloney, minor subdivision on Sho Gee Court. This application proposes subdivision of 3.1 acre parcel into two single family residential lots. The plan was previously reviewed at the 12 September, 2007, 25 June, 2008 and 10 September, 2008 planning board meetings. For the benefit of the members, this is the one where there was a view issue with the neighbors and we asked them to reconfigure the home, et cetera. While you guys take a moment to review Mark's comments, I see the engineer here and looks like the attorney.

MR. BRENNAN: Yes.

MR. ARGENIO: Can you tell us probably the engineer what improvements you've made on this subdivision per our recommendation since our last meeting, update the drawings for us verbally?

MR. QUEENAN: John Queenan from Lanc & Tully Engineering representing the applicant. Since our last meeting, what we have done is the lot was originally designed to have a driveway come along here into a house that was situated this way. What we have done based on the comments at the public hearing and the recommendations of the board was to completely rotate the house so that it's parallel to Butler Lane so the rear yard faces the back and not into the neighbor's house which is approximately right here and shift the driveway and turn it so that the headlights would miss the dwelling as well as maintaining the vegetation for about 20 feet at its minimum point along the property lines so that will break up the headlights which I think was the neighbor's main concern. The other item that we added to the plan was a foundation box so that limited where the house can be placed on the lot so

that if somebody applies for a building permit they could move the house back to where we wanted the house to be in the first place so the house would have to stay within that foundation box, anything outside of that would have to come back to this board for additional review and approval. That foundation box will accommodate a house about 6,000 square feet footprint. Those were basically the majority of the changes made since then.

MR. SCHLESINGER: Plans we're looking at don't show that change.

MR. QUEENAN: They should.

MR. EDSALL: September 18 revision on the plans.

MR. QUEENAN: We had submitted those.

MR. ARGENIO: We reviewed this quite of few times. I want to read some of Mark's comments. Comment number 2 based upon review of the plan it would appear that all issues have been addressed. The applicant has made good faith effort to address the concerns of the neighbor as requested by the planning board, notwithstanding the fact that the adjustments are voluntary and would exceed the requirements of the zoning code. So they certainly have gone way out of their way to accommodate the neighbor.

MR. VAN LEEUWEN: They did a nice job.

MR. ARGENIO: I would like to note a couple of procedural things while you folks continue to look at the plan. Mark, what about SEQRA, we have not done SEQRA.

MR. EDSALL: My record wasn't clear and I just wanted to have Myra doublecheck her notes to see if we're, if at this point we have pending a negative dec. I'm not

sure if it was.

MR. ARGENIO: Disapproved by fire, approved by highway.

MR. VAN LEEUWEN: I make a notion that we approve negative dec.

MR. EDSALL: Well, as Mr. Loeb had told me years ago, it's like chicken soup, a little extra wouldn't hurt. I suggest you go through the lead agency negative dec just so the record is clear.

MR. ARGENIO: I will accept a motion that the Town of New Windsor Planning Board declare itself lead agency.

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 itself lead agency on the Maloney subdivision.

ROLL CALL

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

MR. ARGENIO: If somebody sees fit, I will accept a motion that we declare a negative dec under the SEQRA process.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion's been made and seconded that the

Town of New Windsor Planning Board declare a negative dec under the SEQRA process for the Maloney minor subdivision. Roll call.

ROLL CALL

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

MR. ARGENIO: Henry, Danny or Neil, you guys see anything else here? They've gone way out of their way with this and as you recall, we had quite a lengthy discussion that evening.

MR. SCHEIBLE: Just out of curiosity.

MR. ARGENIO: They've gone quite a ways to try and accommodate the neighbor and the neighbor was pretty boisterous and specific about what he was looking for. Mark, you had something?

MR. EDSALL: Yeah, I just want the record to be clear that the applicant in an effort of memorializing their offer to locate the house in a particular way has added note 10 to the general notes which obligates the positioning of the house and I've had Mike Babcock review the note to see if it appears acceptable to him and he's indicated it's fine.

MR. ARGENIO: That positioning is within the envelope?

MR. EDSALL: They have added it on a map not exactly what he expressed so it gives Mike some authority when there might be a new owner to enforce it.

MR. ARGENIO: What did you have there?

MR. SCHEIBLE: On the, where it says Rozinski is the owner of the one parcel to the side here you've got like a cul-de-sac so is there a maintenance agreement on this section of the road there?

MR. VAN LEEUWEN: Should be because it's been there.

MR. QUEENAN: I will defer to the project's attorney, Mr. Kevin Brennan.

MR. ARGENIO: Counselor?

MR. BRENNAN: I have letters from the other homeowners including the Rozinskis consenting to the use of Sho Gee Court including an additional lot access, this is a letter from Mrs. and Mrs. Rozinski and Mr. and Mrs. Malanan (phonetic) and of course my clients have consented and I will be glad to submit copies to members of the board.

MR. ARGENIO: I don't think we need to see them but they should be part of the file I would imagine, submit them to Myra.

MR. VAN LEEUWEN: Should be checked out.

MR. ARGENIO: Okay.

MR. VAN LEEUWEN: I have no reason to doubt, don't get me wrong, but I think it's something that should be checked out.

MR. ARGENIO: An attorney standing in front of us assuring us that that's the case for the record on the record but we certainly will check it. You'll get those to Myra?

MR. BRENNAN: Yes, sir.

MR. ARGENIO: Great.

MR. BABCOCK: Mr. Chairman, there will be a new maintenance agreement that will include the new lot.

MR. ARGENIO: Correct.

MR. VAN LEEUWEN: Got to be.

MR. BRENNAN: That's in preparation and I will certainly be glad to submit that.

MR. VAN LEEUWEN: If you say that that's good enough for me.

MR. ARGENIO: Danny or Henry, do you have anything else?

MR. GALLAGHER: No, they listened to the applicant, they did everything that we asked them.

MR. ARGENIO: Great job. Somebody want to--have I covered everything?

MR. EDSALL: I would just add my items under number 4 as conditions of approval.

MR. ARGENIO: Understood. Anybody want to take this over the top?

MR. VAN LEEUWEN: I make a motion.

MR. SCHLESINGER: Conditional final approval.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion has been made and seconded we offer conditional final approval to the Maloney minor subdivision on Sho Gee Court subject to the update of that road maintenance agreement and the attorney supplying Myra with the documents indicating the

consent of the owners there. The final plan including 911 address numbering and payment of the appropriate fees I'll have a roll call.

ROLL CALL

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

MR. ARGENIO: You guys have been very accommodating, we certainly appreciate that and that's what we strive for because we don't want any neighbors stepping on another neighbor, it's not right and it's not necessary so thank you for your accommodations.

MR. VAN LEEUWEN: We want everybody happy.

MR. BRENNAN: Thank you.

ZBA_REFERRAL:

MALONEY,_PETER_(07-23)

MR. ARGENIO: ZBA referrals we have three of them this evening. First one is Maloney minor subdivision. Is anyone here to represent this? Please come up, tell us what you'd like to do here.

MR. BRENNAN: Ladies and gentlemen, my name is Kevin Brennan, the attorney for Mr. Maloney. They are seeking to create a 2 lot subdivision on a single, from a single lot and we have met some months passed with Mr. Edsall and he has delivered to me this evening a statement of his review comments and has raised some issues that need to be addressed by the applicant before we return to this board.

MR. ARGENIO: I don't see any heavy lifting on this application. Are both lots conforming after the subdivision, Mark?

MR. EDSALL: Well, it's the lot area that needs some relief, they do need to go to the ZBA.

MR. ARGENIO: Mark has a note here the applicant should verify compliance of street frontage values for each proposed lot. Do you have that comment?

MR. BRENNAN: I do.

MR. EDSALL: We'll want to make sure if they need a variance for that as well that we include that in the referral so we'll wait to hear back from the surveyor.

MR. BRENNAN: Thank you, yes.

MR. VAN LEEUWEN: In other words, you need a referral to the ZBA?

MR. BRENNAN: Yes.

MR. ARGENIO: Then he will be back to see us again.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare the Maloney minor subdivision incomplete at this time, thus referring them to the zoning board. If there's no further discussion, roll call.

ROLL CALL

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

MR. ARGENIO: Again, you have been referred to the zoning board, contact Myra and she'll get that squared away, get you on the agenda.

RESULTS OF P.B. MEETING OF: October 29, 2008

PROJECT: Moloney Subdivision P.B. # 07-23

LEAD AGENCY:

AUTHORIZE COORD. LETTER: Y✓ N____
TAKE LEAD AGENCY: Y✓ N____

M)___S)___VOTE: A___N___
CARRIED: Y____N____

NEGATIVE DEC:

M)___S)___VOTE: A___N___
CARRIED: Y____N____

PUBLIC HEARING: WAIVED:_____ CLOSED:_____ FINAL:_____

M) _____ S)_____ VOTE: A___N___ SCHEDULE P.H.: Y____N____

SEND TO O.C. PLANNING: Y___ RETURN TO WORK SHOP: Y___N___

SEND TO DEPT. OF TRANS: Y___ REFER TO Z.B.A.: M)___ S)___ VOTE: A___N___

APPROVAL:

CONCEPTUAL: _____ PRELIMINARY:_____ COND. FINAL:_____ FINAL_____

M)___S)___ VOTE: A___N___ APPROVED: _____

NEED NEW PLANS: Y____N____

CONDITIONS – NOTES:

Roadway Agreement in place

Address Mark's comments

MEETING DATE:

RESOLUTION ADOPTING A NEGATIVE DECLARATION FOR A SUBDIVISION APPLICATION

Moloney Minor Subdivision
PB # 07-23

WHEREAS, an application was made to the Planning Board of the Town of New Windsor for approval of a subdivision plat by Peter Moloney (the "applicant") for a project described as the "Moloney Minor Subdivision";

WHEREAS, the subject site consists of 3.109 acres of land, located on the southwest side of Sho Gee Court and comprised of one tax map parcel in the Town of New Windsor, and designated on the tax map as Section 51, Block 1, and Lot 55.3; and

WHEREAS, the action involves a request for a two (2) lot subdivision approval, which is a minor subdivision in the Town of New Windsor; and

WHEREAS, the applicant has submitted a fully executed short form Environmental Assessment Form ("EAF") pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Planning Board conducted an uncoordinated SEQRA review for this project; and

WHEREAS, during the course of the Planning Board's review of the Applicant's proposed subdivision plat, the Planning Board received and considered correspondence from the public as well as the Town's consultants; and

WHEREAS, a duly advertised public hearing on the application for subdivision approval was held on September 10, 2008 at which time all those wishing to be heard were given the opportunity to heard; and

WHEREAS, on September 10, 2008 the public hearing on the application for subdivision approval was closed; and

WHEREAS, the application and related materials were referred to the Orange County Planning Department ("OCDP") for its review pursuant to the requirements of the General Municipal Law § 239-m, and OCDP responded recommending local determination; and

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public, the Board's consultants, and other interested agencies, organizations and officials, including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

WHEREAS, the applicant has submitted a proposed subdivision plat prepared by Lanc & Tully Engineering and Surveying, P.C., consisting of 4 sheets, dated March 15, 2006, last revised September 18, 2008; and

WHEREAS, the Planning Board has determined that the Proposed Action minimizes or avoids significant environmental impacts and, therefore, the accompanying Negative Declaration is hereby adopted as part of the preliminary and conditional final approval of the subdivision.

NOW, THEREFORE, be it resolved as follows:

1. The Planning Board is lead agency for an uncoordinated review of this action;

2. This is an Unlisted Action for SEQRA purposes;

3. The EAF submitted by the applicant has been fully reviewed and considered by the Planning Board;

4. Having reviewed with due care and diligence the EAF submitted by the applicant, the application herein and all pertinent documentation and testimony received at the public hearing, it is determined that the proposed action will not have, nor does it include, the potential for significant adverse environmental impacts;

5. The Planning Board hereby adopts the SEQRA "Negative Declaration" annexed hereto.

Upon motion made by Member Van Leuven, seconded by Member Schles, the foregoing resolution was adopted as follows:

Member, Daniel Gallagher	(Aye)	Nay	Abstain	Absent
Member, Howard Brown	Aye	Nay	Abstain	(Absent)

- - -

Alternate, Henry Schieble (Aye) Nay Abstain Absent

Dated: October 29, 2008
New Windsor, New York

Genaro Argenio, Chairman

Filed in the Office of the Town Clerk on this 4th day of November, 2008.

Deborah Green
Town Clerk

TOWN OF NEW WINDSOR PLANNING BOARD
COUNTY OF ORANGE

NEGATIVE DECLARATION

Moloney Minor Subdivision
PB #07-23
(SBL 51-1-55.3)

PLEASE TAKE NOTICE that, according to the provisions of Article 8 of the Environmental Conservation Law and the New York Code of Rules and Regulations Part 617, the Town of New Windsor Planning Board has adopted a Negative Declaration for the project named below. The Planning Board is serving as Lead Agency for this Unlisted Action, for an uncoordinated review of this Unlisted Action.

Name of Project: Moloney Minor Subdivision
Action Type: Unlisted Action; Uncoordinated Review
Location: Town of New Windsor, County of Orange
Location: Sho Gee Court
Zoning District: R-1
Tax Map Parcel: 51-1-55.3

Summary of Action:

The action involves a request for a subdivision of 3.109 acres, resulting in the addition of one lot for two parcels located in the R-1 District in the Town of New Windsor.

Reasons Supporting the Negative Declaration:

Based on its consideration of the available information, the Planning Board finds there would be no significant adverse environmental effects associated with granting the minor subdivision approval.

The proposed subdivision is considered to comply with all existing zoning requirements and municipal plans for the Town of New Windsor, and is consistent with the community character. Neither solid waste generation, energy consumption, nor public service demands would be significant or excessive for the two lots within this subdivision. The project sponsor has developed a stormwater pollution plan that will address all new stormwater impacts and will also alleviate existing conditions. No other potentially significant harmful environmental impacts are identified.

Date of Adoption of Negative Declaration: October 29, 2008
Agency Address: Town of New Windsor Planning Board
Town Hall – 555 Union Avenue
New Windsor, New York 12553
Tel. (845) 563-4615
Contact Person: Genaro Argenio, Planning Board Chairman

RESOLUTION GRANTING PRELIMINARY AND CONDITIONAL FINAL SUBDIVISION APPROVAL

Moloney Minor Subdivision
PB # 07-23

WHEREAS, an application was made to the Planning Board of the Town of New Windsor for approval of a subdivision plat by Peter Moloney (the "applicant") for a project described as the "Moloney Minor Subdivision";

WHEREAS, the subject site consists of 3.109 acres of land, located on the southwest side of Sho Gee Court and comprised of one tax map parcel in the Town of New Windsor, and designated on the tax map as Section 51, Block 1, and Lot 55.3; and

WHEREAS, the action involves a request for a two (2) lot subdivision approval, which is a minor subdivision in the Town of New Windsor; and

WHEREAS, the applicant has submitted a fully executed short form Environmental Assessment Form ("EAF") pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Planning Board conducted an uncoordinated SEQRA review for this project; and

WHEREAS, during the course of the Planning Board's review of the Applicant's proposed subdivision layout, the Planning Board received and considered correspondence from the public as well as the Town's consultants; and

WHEREAS, a duly advertised public hearing on the application for subdivision approval was held on September 10, 2008 at which time all those wishing to be heard were given the opportunity to heard; and

WHEREAS, on September 10, 2008 the public hearing on the application for subdivision approval was closed; and

WHEREAS, the application and related materials were referred to the Orange County Planning Department ("OCDP") for its review pursuant to the requirements of the General Municipal Law § 239-m, and OCDP responded recommending local determination; and

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public and other interested agencies,

organizations and officials, including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

WHEREAS, the Planning Board, acting as Lead Agency, has previously determined that the Proposed Action minimizes or avoids significant environmental impacts and has previously adopted a negative declaration; and

WHEREAS, the applicant has submitted a proposed subdivision plat prepared by Lanc & Tully Engineering and Surveying, P.C., consisting of 4 sheets, dated March 15, 2006, last revised September 18, 2008; and

NOW, THEREFORE, the Planning Board hereby grants preliminary and conditional final subdivision approval to the Applicant. The Final subdivision plat shall not be signed by the Chairman until the Applicant has complied with the following conditions:

1. The applicant shall pay all outstanding fees due the Town in connection with this application;

2. The applicant shall make any required revisions to the subdivision plat to the satisfaction of the Planning Board Engineer and Planning Board Attorney, including indicating the 911 address numbering on the final subdivision plat;

3. The applicant shall secure all necessary permits, approvals and authorizations required from any other agency, if required;

4. The applicant shall file an Updated Private Road Maintenance Agreement, in a form acceptable to the Attorney for the Planning Board; and

5. The applicant shall submit proof of satisfaction of the foregoing conditions and submit a plat for signature within 360 days of the date of this resolution. The Planning Board hereby grants the two (2) ninety (90) day extensions as authorized by Town Law § 276(7)(c). This approval will expire on October 23, 2009, and no further extensions can be granted.

Upon motion made by Member Hon Schlesinger, seconded by Member Van Leeuwen, the foregoing resolution was adopted as follows:

Member, Daniel Gallagher	(Aye)	Nay	Abstain	Absent
Member, Howard Brown	Aye	Nay	Abstain	(Absent)
Member, Neil Schlesinger	(Aye)	Nay	Abstain	Absent
Member, Henry Vanleeuwen	(Aye)	Nay	Abstain	Absent
Chairman, Genaro Argenio	(Aye)	Nay	Abstain	Absent

- - -

Alternate, Henry Schieble	(Aye)	Nay	Abstain	Absent

Dated: October 29, 2008
New Windsor, New York

Genaro Argenio, Chairman

Filed in the Office of the Town Clerk on this 4th day of November, 2008.

Deborah Green
Town Clerk

1/13/09

DOMINIC;

MORONEY SUBDIVISION (07-23) LAST APPEARED BEFORE THE BOARD ON 10/29/08. THEY WERE GRANTED CONDITIONAL APPROVAL. ONE OF THE CONDITIONS WAS THAT THEY ADDRESS MARK'S COMMENTS AND ALSO TO HAVE A ROADWAY MAINTENANCE AGREEMENT IN PLACE. CAN YOU TELL ME IF THIS IS SUFFICIENT AND IF SO I NEED YOUR FEES FOR THIS PROJECT TO CLOSE IT OUT.

THANK YOU,
MYRA

KEVIN V. BRENNAN
ATTORNEY AT LAW
284 MAIN STREET
CORNWALL, NEW YORK 12518
(845) 534-7545

FAX (845) 534-4150

October 30, 2008

MYRA MASON, SECRETARY
OFFICE OF THE PLANNING BOARD
TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, New York 12553

RE: Moloney Subdivision
Sho Gee Court

Dear Myra:

Pursuant to yesterday evening's Planning Board Meeting, enclosed are copies of my letter dated July 9, 2008 which have been signed by Mr. & Mrs. Mitchell Rudzinski and Mr. & Mrs. Edmond Moloney, who thereby consent to the increase from four (4) to five (5) lots of the number of lots which shall have the right to use and the responsibility to maintain Sho Gee Court.

Thank you.

Very truly yours,

KEVIN V. BRENNAN

KVB:kmc
cc: Mr. & Mrs. Peter Moloney

KEVIN V. BRENNAN
ATTORNEY AT LAW
284 MAIN STREET
CORNWALL, NEW YORK 12518
(845) 534-7545

FAX (845) 534-4150

July 9, 2008

MR. & MRS. EDMOND C. MOLONEY
2 Sho Gee Court
Rock Tavern, New York 12575

Re: Moloney Subdivision
Sho Gee Court, Rock Tavern, New York

Dear Mr. & Mrs. Moloney:

As you may know, I represent Peter Moloney and Irene Moloney. Mr. & Mrs. Moloney have applied to the Town of New Windsor Planning Board and the Town of New Windsor Zoning Board of Appeals for approval of a proposed residential subdivision of their property, located at 4 Sho Gee Court, into two (2) separate lots.

Approval will increase from four (4) to five (5) the number of lots which shall have the right to use, and the responsibility to maintain, Sho Gee Court for ingress and egress to and from N.Y.S. Route 207.

Please indicate your consent to the above by signing the enclosed copy of this letter at the foot thereof.

Thank you.

Very truly yours,

KEVIN V. BRENNAN

KVB:kmc

Edmond C Moloney
EDMOND C. MOLONEY

WINIFRED MARY MOLONEY

KEVIN V. BRENNAN
ATTORNEY AT LAW
284 MAIN STREET
CORNWALL, NEW YORK 12518
(845) 534-7545
FAX (845) 534-4150

July 9, 2008

MR. & MRS. MITCHELL J. RUDZINSKI
3 Sho Gee Court
Rock Tavern, New York 12575

Re: Moloney Subdivision
Sho Gee Court, Rock Tavern, New York

Dear Mr. & Mrs. Rudzinski:

As you may know, I represent Peter Moloney and Irene Moloney. Mr. & Mrs. Moloney have applied to the Town of New Windsor Planning Board and the Town of New Windsor Zoning Board of Appeals for approval of a proposed residential subdivision of their property, located at 4 Sho Gee Court, into two (2) separate lots.

Approval will increase from four (4) to five (5) the number of lots which shall have the right to use, and the responsibility to maintain, Sho Gee Court for ingress and egress to and from N.Y.S. Route 207.

Please indicate your consent to the above by signing the enclosed copy of this letter at the foot thereof.

Thank you.

Very truly yours,

KEVIN V. BRENNAN

KVB:kmc

Mitchell J. Rudzinski
MITCHELL J. RUDZINSKI

Jennifer M. Rudzinski
JENNIFER M. RUDZINSKI

Town of New Windsor

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

OFFICE OF THE PLANNING BOARD

PROJECT REVIEW SHEET

TO: 911

P.B. FILE #**07-23** DATE RECEIVED: **09-17-08**

PLEASE RETURN COMPLETED FORM TO MYRA
BY: A.S.A.P. TO BE ON AGENDA FOR THE --- PLANNING BOARD MEETING.

THE MAPS AND/OR PLANS FOR:

MOLONEY SUBDIVISION
Applicant or Project Name

SITE PLAN ____, SUBDIVISION **XXX**, LOT LINE CHANGE ____,
SPECIAL PERMIT ____

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

☐ APPROVED:

Notes: _____

☒ DISAPPROVED:

Notes: (1) MUST Change ASSigned E-911 Numbers — Proposed 4-Bedroom Dwelling identified AS LOT 2 will now be 4 Sho Gee Court and Existing 2 STORY Dwelling identified AS LOT 1 Will Change to 6 Sho Gee Court

Signature: _____ Reviewed by 9/18/08 date

All ASSigned E-911 Numbers Shall Appear On All plans

LEGAL NOTICE
NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on SEPTEMBER 10, 2008 at 7:30 P.M. on the approval of the proposed for MALONEY, PETER (07-23) - Proposed 2-lot residential subdivision
Located at SHO GEE COURT (off Rt. 207) (Tax Map #Section 51 , Block 1 , Lot 55.3) . Map of the proposed project is on file and may be inspected at the Planning Board Office, Town Hall, 555 Union Avenue, New Windsor, NY prior to the Public Hearing.
Date:JULY 29, 2008

By Order of
TOWN OF NEW WINDSOR PLANNING BOARD

STATE OF NEW YORK

COUNTY OF ORANGE, ss:

Kathleen O'Brien, being duly sworn, disposes and says that she is the Supervisor of the Legal Department of the E.W. Smith Publishing Company, Inc., Publisher of The Sentinel, a weekly newspaper published and of general circulation in the Town of New Windsor, Town of Newburgh and City of Newburgh and that the notice of which is annexed is a true copy was published in said newspaper 1 time(s) commencing on the 26th day of August, A.D., 2008 and ending on the 26th day of August, A.D., 2008.

Kathleen O'Brien

Subscribed and shown to before me this 22nd day of Sept, 2008.

Deborah Green

Notary Public of the State of New York
County of Orange
My commission expires

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
#4984065
Commission Expires July 15, 2011

13.08

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/29/2008 PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 7-23
NAME: MOLONEY SUBDIVISION PA2006-1023
APPLICANT: MOLONEY, PETER/IRENE

	DATE-SENT	AGENCY----------	DATE-RECD	RESPONSE----------
REV1	10/29/2008	MUNICIPAL FIRE	10/29/2008	APPROVED
		. BECAUSE ROAD WIDTHS ON THE PRIVATE ROAD ARE EXISTING, IT IS		
		. NOT AN ISSUE FOR APPROVAL OF THIS SUBDIVISION.		
REV1	06/09/2008	MUNICIPAL HIGHWAY	09/03/2008	APPROVED
REV1	06/09/2008	MUNICIPAL WATER	/ /	
REV1	06/09/2008	MUNICIPAL SEWER	/ /	
REV1	06/09/2008	MUNICIPAL FIRE	08/27/2008	DISAPPROVED
		. ROAD WIDTH OF 18-20 FEET IS INSUFFICIENT		
REV1	06/09/2008	NYSDOT	/ /	
REV1	06/09/2008	E911	/ /	
REV1	06/09/2008	O.C. PLANNING	/ /	
REV1	06/09/2008	O.C. HEALTH DEPT.	/ /	
REV1	06/09/2008	INFRASTRUCTURE COMM	/ /	
ORIG	09/06/2007	MUNICIPAL HIGHWAY	06/09/2008	SUPERSEDED BY REV1
ORIG	09/06/2007	MUNICIPAL WATER	06/09/2008	SUPERSEDED BY REV1
ORIG	09/06/2007	MUNICIPAL SEWER	06/09/2008	SUPERSEDED BY REV1
ORIG	09/06/2007	MUNICIPAL FIRE	06/09/2008	SUPERSEDED BY REV1
ORIG	09/06/2007	NYSDOT	06/09/2008	SUPERSEDED BY REV1

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/29/2008 PAGE: 1

LISTING OF PLANNING BOARD **ACTIONS**

STAGE: STATUS [Open, Withd]
O [Disap, Appr]

FOR PROJECT NUMBER: 7-23
NAME: MOLONEY SUBDIVISION PA2006-1023
APPLICANT: MOLONEY, PETER/IRENE

--DATE--	MEETING-PURPOSE	ACTION-TAKEN
09/10/2008	P.B. APPEARANCE	CL PH;WAIVE APP DEAD
	. NEED REVISED PLANS - WAIVED APPROVAL DEADLINE - CLOSED PH	
06/25/2008	P.B. APPEARANCE	SCHED PH
09/12/2007	P.B. APPEARANCE	REFER TO ZBA
10/18/2006	WORK SHOP	SUBMIT

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/29/2008 PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 7-23
NAME: MOLONEY SUBDIVISION PA2006-1023
APPLICANT: MOLONEY, PETER/IRENE

	DATE-SENT	ACTION----------	DATE-RECD	RESPONSE----------
ORIG	08/01/2007	EAF SUBMITTED	08/01/2007	WITH APPLIC
ORIG	08/01/2007	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG	08/01/2007	LEAD AGENCY DECLARED	/ /	
ORIG	08/01/2007	DECLARATION (POS/NEG)	/ /	
ORIG	08/01/2007	SCHEDULE PUBLIC HEARING	06/25/2008	SCHED PH
ORIG	08/01/2007	PUBLIC HEARING HELD	09/13/2008	CLOSED PH
ORIG	08/01/2007	WAIVE PUBLIC HEARING	/ /	
ORIG	08/01/2007	FINAL PUBLIC HEARING	/ /	
ORIG	08/01/2007	PRELIMINARY APPROVAL	/ /	
ORIG	08/01/2007	LEAD AGENCY LETTER SENT	/ /	

FIRE INSPECTOR'S
INTER-OFFICE CORRESPONDENCE

TO: Genaro Argenio, Planning Board Chairman

FROM: Kenneth Schermerhorn, Asst. Fire Inspector

SUBJECT: Peter Moloney Subdivision
PB-07-23
SBL: 51-1-55.3

DATE: October 29, 2008

Fire Prevention Reference Number: FPS-08-047

A review of the above referenced subdivision plan has been conducted and is approved with the following being noted:

Note: Because road widths on the private road are existing, it is not an issue for approval of this subdivision.

McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

MAIN OFFICE
33 AIRPORT CENTER DRIVE
SUITE 202
NEW WINDSOR, NEW YORK 12553

(845) 567-3100
FAX: (845) 567-3232
E-MAIL: MHENY@MHEPC.COM

WRITER'S E-MAIL ADDRESS:
MJE@MHEPC.COM

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME:	MOLONEY MINOR SUBDIVISION
PROJECT LOCATION:	SHO GEE COURT SECTION 51 – BLOCK 1 – LOT 55.3
PROJECT NUMBER:	07-23
DATE:	29 OCTOBER 2008
DESCRIPTION:	THE APPLICATION PROPOSES THE SUBDIVISON OF THE 3.1+ ACRE PARCEL INTO TWO (2) SINGLE FAMILY RESIDENTIAL LOTS. THE PLAN WAS PREVIOUSLY REVIEWED AT THE 12 SEPTEMBER 2007, 25 JUNE 2008 AND 10 SEPTEMBER 2008 PLANNING BOARD MEETINGS.

1. The application proposes the subdivision of the existing single family lot into two lots. The application was referred to the ZBA on 10-3-07 and it is our understanding the required variances have been obtained. A copy of the ZBA decision should be on file with the Planning Board.

2. Based on my review of the plan, it would appear that all issues have been addressed, and the applicant has made a good faith effort to address the concerns of the neighbor, as requested by the Board, notwithstanding the fact that the adjustments are voluntary and would exceed the requirements of the zoning code.

3. Prior to taking final action, the Board should waive the final public hearing and verify SEQRA is complete.

4. If the Planning Board considers conditional approval, the following should be included in the conditions:

   - ***Requirement to file Updated Private Road Maintenance Agreement, in form acceptable to the Attorney for the Planning Board.***
   - ***Final plan should include 911 Address Numbering***
   - ***Payment of Fees***

Respectfully Submitted,

Mark J. Edsall, P.E., P.P.
Engineer for the Planning Board

MJE/st NW07-23-29Oct08.doc

RESULTS OF P.B. MEETING OF: September 10, 2008

PROJECT: Peter Moloney - Public Hearing P.B. # 07-23

LEAD AGENCY:

AUTHORIZE COORD. LETTER: Y_____N____
TAKE LEAD AGENCY: Y____N____

M)___S)____VOTE: A____N____
CARRIED: Y_____N____

NEGATIVE DEC:

M)____S)____VOTE: A____N____
CARRIED: Y_____N____

PUBLIC HEARING: WAIVED:_____ CLOSED: ✓ FINAL:_____

M) V S) Schl. VOTE: A 5 N 0 SCHEDULE P.H.: Y_____N____

SEND TO O.C. PLANNING: Y____ RETURN TO WORK SHOP: Y___N____

SEND TO DEPT. OF TRANS: Y___ REFER TO Z.B.A.: M)___ S)____ VOTE: A____N____

APPROVAL:

CONCEPTUAL: _____ **PRELIMINARY:**_____ **COND. FINAL:**_____ **FINAL**_____

M)___S)____ VOTE:A____N____ APPROVED: _____

NEED NEW PLANS: Y____N____

CONDITIONS – NOTES:

Brian Moore - Spoke re: Location of the house relative to their house
Must submit revised plans
Send F.I. Comment to John Queenan
Waive approval ~~date~~ deadline

MEETING DATE: September 10, 2008

McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

MAIN OFFICE
33 AIRPORT CENTER DRIVE
SUITE 202
NEW WINDSOR, NEW YORK 12553

(845) 567-3100
FAX: (845) 567-3232
E-MAIL: MHENY@MHEPC.COM

WRITER'S E-MAIL ADDRESS:
MJE@MHEPC.COM

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME:	MOLONEY MINOR SUBDIVISION
PROJECT LOCATION:	SHO GEE COURT SECTION 51 – BLOCK 1 – LOT 55.3
PROJECT NUMBER:	07-23
DATE:	10 SEPTEMBER 2008
DESCRIPTION:	THE APPLICATION PROPOSES THE SUBDIVISON OF THE 3.1+ ACRE PARCEL INTO TWO (2) SINGLE FAMILY RESIDENTIAL LOTS. THE PLAN WAS PREVIOUSLY REVIEWED AT THE 12 SEPTEMBER 2007 AND 25 JUNE 2008 PLANNING BOARD MEETINGS. ***THE APPLICATION IS BEFORE THE BOARD FOR A PUBLIC HEARING AT THIS MEETING.***

1. The application proposes the subdivision of the existing single family lot into two lots. The application was referred to the ZBA on 10-3-07 and it is our understanding the required variances have been obtained. A copy of the ZBA decision should be on file with the Planning Board.

2. The Board should ask the applicant's engineers the status of the following open items regarding the application:

   - ***Authorization to Expand Use on Private Road & Revision to P/R Maintenance Agreement*** – the applicant previously indicated this was in progress.

   - ***Orange County Planning Referral*** – sent on 5-21-08. Response "Local Determination".

   - ***911 Address Numbering*** – required at Preliminary approval stage of the subdivision review. Should be added

3. The Planning Board may wish to assume the Lead Agency position and classify this action as an "unlisted action" under SEQRA, and consider a "negative declaration" of environmental significance, based on the information presented and reviewed.

Respectfully Submitted,

Mark J. Edsall, P.E., P.P.
Engineer for the Planning Board

MJE/st
NW07-23-10Sept08.doc

LANC & TULLY
ENGINEERING AND SURVEYING, P.C.

John J. Lanc, P.E., L.S., P.P.
David E. Higgins, P.E.
Rodney C. Knowlton, L.S.

Arthur R. Tully, P.E.
John J. O'Rourke, P.E.
John D. Russo, P.E.

September 22, 2008

Mr. Genaro Argenio, Chairman
Town of New Windsor Planning Board
555 Union Avenue
New Windsor, NY 12553

RE: Subdivision for Moloney
2 Lot Subdivision – Sho Gee Court
Tax Map No. 51-1-55.3
Town of New Windsor Project No. 07-23

Dear Chairman Argenio and Planning Board Members,

Enclosed please find the following materials for your review:

- Ten (10) copies of the subdivision plan entitled, "Subdivision Plan Prepared For Moloney" dated March 15, 2006 and last revised on September 18, 2008.

This submission is being made for placement on the October 15th, 2008 Planning Board Agenda. The plan was previously before the Planning Board on September 10, 2008 for public hearing and at that meeting the Board closed the public hearing. Based upon the comments received at the public hearing from both the Planning Board and public the plan has been revised in the following manner:

1. The location of the proposed dwelling has been revised to incorporate the concerns raised by the adjacent property owner during the public hearing. The dwelling has been shifted south, closer to the proposed property boundary and rotated so that a majority of the dwelling rear yard faces Butler Lane. A foundation box has been depicted on the plan to ensure that the proposed dwelling shall be constructed within this area. Note 10 on Sheet 1 has been added to the plan that indicates any deviation outside of the foundation box will require a new application for the review and approval of the Planning Board. Second, the location of the driveway has been shifted to alleviate concerns of headlights shining into the adjacent property to the greatest extent possible. The revised location in combination with the existing vegetation to be retained along the property boundary should be adequate to reduce light from the driveway.

2. As proposed, the dwelling should not be any closer then 60 ft to the property line well and based upon the current grading plan approximately 20 ft. of existing vegetation shall remain and serve as a vegetated buffer to the adjacent parcel.

(845) 294-3700 • P.O. Box 687, Route 207, Goshen, N.Y. 10924 • FAX (845) 294-8609
www.lanctully.com

07-23

3. The following responses correspond to the Planning Board Engineer's comment letter dated September 10, 2008:

    1. The applicant's attorney, Mr. Kevin Brennan, is currently working on preparing a road maintenance agreement. To date all of the existing homeowner's that utilize Sho Gee Court have signed a letter indicating no objection to the proposed subdivision with the exception of the front parcel owner whom the applicant has been unable to speak with. However, this owner does not utilize Sho Gee Court as primary access to their lot because of a second driveway directly off of Route 207 located to the east of the site.
    2. The Orange County Planning Department has responded with a 'local determination' decision.
    3. Three plan sets have been forwarded to the Building Department for the 911 address numbering on September 17, 2008. Once our office receives the 911 addressing, it shall be added to the subdivision plan prior to signature.

The applicant would respectfully request that the application be placed on the October 15th agenda to discuss these revisions with the Board. If the revisions included within the subdivision plan are found to be satisfactory, the applicant would request that the Planning Board consider granting conditional final approval of the subdivision. If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,
LANC & TULLY, P.C.

John Queenan, E.I.T.
Project Manager

JQ/jvq
cc: Peter Moloney
Kevin Brennan, Esq.

LANC & TULLY
ENGINEERING AND SURVEYING, P.C.

John J. Lanc, P.E., L.S., P.P.
David E. Higgins, P.E.
Rodney C. Knowlton, L.S.

Arthur R. Tully, P.E.
John J. O'Rourke, P.E.
John D. Russo, P.E.

June 9, 2008

Mr. Genaro Argenio, Chairman
Town of New Windsor Planning Board
555 Union Avenue
New Windsor, NY 12553

RE: Subdivision for Moloney
2 Lot Subdivision – Sho Gee Court
Tax Map No. 51-1-55.3
Town of New Windsor Project No. 07-23

Dear Chairman Argenio and Planning Board Members,

Enclosed please find the following materials for your review:

- Ten (10) copies of a subdivision plan entitled, "Preliminary Subdivision Plan Prepared For Moloney" dated March 15, 2006 and last revised on June 9, 2008.

This submission is being made for placement on the June 25th Planning Board Agenda. The plan was previously before the Planning Board some time ago, where the subdivision was referred to the Zoning Board of Appeals for gross lot area variances. The variances were granted by the Zoning Board of Appeals on April 28, 2008. Also at the Planning Board meeting, the Planning Board Engineer prepared a review comment letter dated September 12, 2007 that included technical comments on the plan. The subdivision plan has been revised in the following manner as per the Planning Board Engineer's comments:

1a. The zoning compliance for each lot has now been resolved with the ZBA granting variances for both lots 1 & 2 for gross lot area. The street frontage values for each lot have been confirmed and appear to be substantially greater than the minimal required.

1b. As the Planning Board Engineer stated there is a total of 4 lots that front Sho Gee Court along State Route 207 and 2 are on the interior of Sho Gee Court. An additional lot is permitted and will not exceed the number of lots for a private road.

1c. The applicant is currently preparing a revised private road maintenance agreement to include the proposed lot. Also the applicant is pursuing each of the individual home owner's consent to incorporate the additional lot onto Sho Gee Court. Once these documents are completed and signed they will be forwarded to the Board for review.

2. So noted.

3a. The as-built sanitary disposal system for Lot No. 1 has been depicted on the plan.

3c. All appropriate sanitary disposal details have been included on Sheet 4 of the subdivision plan set.

4. The project was forwarded to the Orange County Department of Planning on May 21, 2008.

5. An Erosion and Sediment Control Plan has been prepared for the subdivision plan and is included on Sheet 3 of the plan set.

6. So noted.

If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,
LANC & TULLY, P.C.

John Queenan
Project Manager

JQ/jvq
cc: Peter Moloney
Kevin Brennan, Esq.

shogeecourtnewwindsor.jq

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John Queenan
Project Manager

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cc: Peter Moloney
Kevin Brennan, Esq.

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LANC & TULLY, P.C.

John Queenan
Project Manager

JQ/jvq
cc: Peter Moloney
Kevin Brennan, Esq.

Photo #1 - Side Property line

Photo #2 - property corner

Photo #3- House location looking towards property line

Photo #4- Front House location towards property line.

Photo #5 - Rear property line

Photo #6- Center of site property Line-

PHOTO DIRECTION & PHOTO NUMBER

#1

LEGEND:

- PROPERTY LINE
- EXISTING CONTOUR MAJOR
- EXISTING CONTOUR MINOR
- PROPOSED BUILDING
- BUILDING SETBACKS
- PROPOSED PROPERTY LINE

PHOTO LOCATION PLAN

1 INCH = 100 FEET

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 09/10/2008

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 7-23
NAME: MOLONEY SUBDIVISION PA2006-1023
APPLICANT: MOLONEY, PETER/IRENE

	DATE-SENT	AGENCY----------	DATE-RECD	RESPONSE----------
REV1	06/09/2008	MUNICIPAL HIGHWAY	09/03/2008	APPROVED
REV1	06/09/2008	MUNICIPAL WATER	/ /	
REV1	06/09/2008	MUNICIPAL SEWER	/ /	
REV1	06/09/2008	MUNICIPAL FIRE . ROAD WIDTH OF 18-20 FEET IS INSUFFICIENT	08/27/2008	DISAPPROVED
REV1	06/09/2008	NYSDOT	/ /	
REV1	06/09/2008	E911	/ /	
REV1	06/09/2008	O.C. PLANNING	/ /	
REV1	06/09/2008	O.C. HEALTH DEPT.	/ /	
REV1	06/09/2008	INFRASTRUCTURE COMM	/ /	
ORIG	09/06/2007	MUNICIPAL HIGHWAY	06/09/2008	SUPERSEDED BY REV1
ORIG	09/06/2007	MUNICIPAL WATER	06/09/2008	SUPERSEDED BY REV1
ORIG	09/06/2007	MUNICIPAL SEWER	06/09/2008	SUPERSEDED BY REV1
ORIG	09/06/2007	MUNICIPAL FIRE	06/09/2008	SUPERSEDED BY REV1
ORIG	09/06/2007	NYSDOT	06/09/2008	SUPERSEDED BY REV1

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 09/10/2008 PAGE: 1

LISTING OF PLANNING BOARD **ACTIONS**

STAGE: STATUS [Open, Withd]
O [Disap, Appr]

FOR PROJECT NUMBER: 7-23
NAME: MOLONEY SUBDIVISION PA2006-1023
APPLICANT: MOLONEY, PETER/IRENE

--DATE--	MEETING-PURPOSE	ACTION-TAKEN
06/25/2008	P.B. APPEARANCE	SCHED PH
09/12/2007	P.B. APPEARANCE	REFER TO ZBA
10/18/2006	WORK SHOP	SUBMIT

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 09/10/2008

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 7-23
NAME: MOLONEY SUBDIVISION PA2006-1023
APPLICANT: MOLONEY, PETER/IRENE

	DATE-SENT	ACTION	DATE-RECD	RESPONSE
ORIG	08/01/2007	EAF SUBMITTED	08/01/2007	WITH APPLIC
ORIG	08/01/2007	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG	08/01/2007	LEAD AGENCY DECLARED	/ /	
ORIG	08/01/2007	DECLARATION (POS/NEG)	/ /	
ORIG	08/01/2007	SCHEDULE PUBLIC HEARING	06/25/2008	SCHED PH
ORIG	08/01/2007	PUBLIC HEARING HELD	/ /	
ORIG	08/01/2007	WAIVE PUBLIC HEARING	/ /	
ORIG	08/01/2007	FINAL PUBLIC HEARING	/ /	
ORIG	08/01/2007	PRELIMINARY APPROVAL	/ /	
ORIG	08/01/2007	LEAD AGENCY LETTER SENT	/ /	

FIRE INSPECTOR'S
INTER-OFFICE CORRESPONDENCE

TO: Genaro Argenio, Planning Board Chairman

FROM: Kenneth Schermerhorn, Asst. Fire Inspector

SUBJECT: PB-07-23
Moloney Subdivison
SBL: 51-1-55.3

DATE: August 27,2008

Fire Prevention Reference Number: FPS-08-040

A review of the above referenced plan was conducted and the road width of 18-20 feet is insufficient

Town of New Windsor

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

OFFICE OF THE PLANNING BOARD

RECEIVED
AUG 29 200
N.W. HIGHWAY DEPT

PROJECT REVIEW SHEET

TO: HIGHWAY DEPARTMENT

P.B. FILE #**07-23** DATE RECEIVED: ____ TAX MAP #**51-1-55.3**

PLEASE RETURN COMPLETED FORM TO MYRA BY: 09-08-08 TO BE ON AGENDA FOR THE 09-10-08 PLANNING BOARD MEETING.

THE MAPS AND/OR PLANS FOR:

MOLONEY SUB
Applicant or Project Name

SITE PLAN ____, SUBDIVISION **XXX**, LOT LINE CHANGE ____, SPECIAL PERMIT ____

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

☑ APPROVED:

Notes: _____

☐ DISAPPROVED:

Notes: _____

Signature: _____ 9/3/08
Reviewed by date

PLANNING BOARD: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK

----------X

In the Matter of the Application for Subdivision for:

PETER MOLONEY P. B. #07-23

Applicant

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the **25TH** day of AUGUST, 2008, I compared the 10 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for site plan/subdivision/special permit/lot line change approval and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

10th day of September, 2008

Notary Public

JENNIFER GALLAGHER
Notary Public, State of New York
No. 01GA6050024
Qualified in Orange County
Commission Expires 10/30/10

Mailed 8/25

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on **SEPTEMBER 3, 2008** at 7:30 P.M. on the approval of the proposed Subdivision for **MALONEY, PETER (07-23) - Proposed 2-lot residential subdivision**

Located at **SHO GEE COURT (off Rt. 207)** (Tax Map #Section **51** , Block **1** , Lot **55.3**) . Map of the proposed project is on file and may be inspected at the **Planning Board Office**, Town Hall, 555 Union Avenue, New Windsor, NY prior to the Public Hearing.

Date: JULY 29, 2008

By Order of

TOWN OF NEW WINDSOR PLANNING BOARD

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessor's Office

Assessor J. Todd Wiley, IAO

July 8, 2008

Lanc & Tully Engineers (John Queenan)
P.O. 687
Goshen, NY 10924

Re: Tax Map Parcel: 51-1-55.3 ZBA: 07-23

Dr Mr. John Queenan

According to our records, the attached list of property owners are abutting and across The street of the above referenced property.

The charge for this service is $25.00, minus your deposit of $25.00.

You have no balance due.

Sincerely,

J. Todd Wiley

J. Todd Wiley, IAO
Sole Assessor

JTW/LK

CC: Myra mason, ZBA

STAPLES
label size 1" x 2 5/8" compatible with Avery ®5160/8160
Étiquette de format 25 mm x 67 mm compatible avec Avery®5160/8160

51-1-56
Brian & Elizabeth Moore
1797 Little Britain Rd.
Rock Tavern, NY 12575

51-1-55.4
Edmond Moloney & Mary Winfield
2 Sho Gee Ct.
Rock Tavern, NY 12575

51-1-55.2
Mitchell& Jennifer Rudzinski
3 Sho Gee Ct.
Rock Tavern, NY 12575

51-1-106.3
James & Kimberly Sqandurra
46 Hampton Ct.
Rock Tavern, NY 12575

51-1-106.4
Andrew & Kim Ogonowski
42 Hampton Ct.
Rock Tavern, NY 12575

51-1-55.1
Thomas Marks
106 Sarah Wells Trail
Campbell Hall, NY 10916

52-1-99.1
Dennis Butler
21 Butler Ln.
Rock Tavern, NY 12575

52-1-99..2
Charles & Brenda Wright
11 Butler Ln.
Rock Tavern, NY 12575

52-1-99.3
James & Staci Hanlon
19 Butler Ln.
Rock Tavern, NY 12575

52-1-99.4
Dennis Butler
21 Butler Ln.
Rock Tavern, NY 12575

STAPLES
label size 1" x 2 5/8" compatible with Avery ®5160/8160
Étiquette de format 25 mm x 67 mm compatible avec Avery®5160/8160

TOWN OF NEW WINDSOR
REQUEST FOR NOTIFICATION LIST

CHECKED BY MYRA: **07-01-08 mm**

DATE: **07-01-08** PROJECT NUMBER: ZBA# ____ P.B. # **07-23**

APPLICANT NAME: **MOLONEY SUBDIVISION**

PERSON TO NOTIFY TO PICK UP LIST:

LANC & TULLY ENGINEERS (JOHN QUEENAN)
P.O. 687
GOSHEN, NY 10924

TELEPHONE: **294-3700**

TAX MAP NUMBER: SEC. **51** BLOCK **1** LOT **55.3**
SEC. ____ BLOCK ____ LOT ____

PROPERTY LOCATION: **SHO GEE COURT**
ROCK TAVERN

LIST OF PROPERTY OWNERS WITHIN 500 FT. FOR SITE PLANS/SUBDIVISION ____
(IS NOT PREPARED ON LABELS)

❖ ❖

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: **XXX**

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET **XXX**

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) ____

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT) ____

❖ ❖

NEW WINDSOR ZONING BOARD ____

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT ____

❖ ❖

AMOUNT OF DEPOSIT: **25.00** CHECK NUMBER: **42124**

TOTAL CHARGES: _____

MALONEY,_PETER_(07-23)

MR. ARGENIO: Maloney minor subdivision. This application proposes subdivision of the 3.1 plus acre parcel into two single family residential lots. The plan was previously reviewed at the 12 September, 2007 planning board meeting.

Kevin Brennan, Esq. appeared before the board for this proposal.

MR. ARGENIO: Can I have your names for the benefit of the stenographer?

MR. BRENNAN: Kevin Brennan for Mr. and Mrs. Maloney.

MR. QUEENAN: John Queenan from Lanc & Tully Engineering.

MR. ARGENIO: Thank you. Go ahead, sir, tell us what you're doing here, what you want to do.

MR. QUEENAN: Basically, we were before the board last September. What we're doing proposed 2 lot subdivision in the existing 3 acre parcel located along Sho Gee Court which is a private road, it's about 500 feet west of Beattie Road along 207. And the proposal, the application is to divide the property into two lots, lot 1 has the existing house, well and septic as it is today and lot number 2 we would propose a typical lot, house, well and septic field.

MR. ARGENIO: Has that lower cul-de-sac, is that Liberty Drive the lower would be in the--

MR. QUEENAN: I believe it's Hampton Court.

MR. ARGENIO: What variances did this application require?

MR. QUEENAN: It required two area variances for both lots, we were under the 80,000 square foot minimum, we obtained those variances I believe in April of this year for both lots.

MR. ARGENIO: We're through, Mike, for that?

MR. BABCOCK: Yes.

MR. ARGENIO: Was there a riot, how did it go?

MR. BABCOCK: No.

MR. BRENNAN: No objections, no comment.

MR. BABCOCK: There was nothing, I don't think so.

MR. VAN LEEUWEN: Well, the fella in the school house has a problem, I know that, this should require, we should require a public hearing.

MR. ARGENIO: Just give me a minute here.

MR. BABCOCK: Do we have a copy of the minutes from the zoning board?

MR. SCHLESINGER: Can you just show us what's in the surrounding area over here?

MR. QUEENAN: This is Mr. Maloney's existing house and lot.

MR. SCHLESINGER: It's hard for me to see from here, in the middle you have a cul-de-sac, this is a proposed cul-de-sac?

MR. QUEENAN: That's existing private road.

MR. SCHLESINGER: Okay, so that one house is on the private road but we want to subdivide it so we can get

another house on it?

MR. QUEENAN: There's three houses served by the private road.

MR. SCHLESINGER: There's going to be four?

MR. QUEENAN: Correct.

MR. SCHLESINGER: Okay, I'm just overhearing what was said up here. What's the story with the school house?

MR. QUEENAN: I guess there was a letter written to both the planning board and the ZBA after the ZBA's meeting, public hearing and everything and I believe it's this lot here which is an old school house, they had a concern about the proximity of the proposed house and grading to their property line.

MR. SCHLESINGER: And their access is off 207 or off of--

MR. QUEENAN: Off 207.

MR. SCHLESINGER: Okay, and what's this right up here?

MR. QUEENAN: That's an existing house.

MR. SCHLESINGER: So there's 1, 2, 3 and the other one, the new one?

MR. QUEENAN: And the new one, 4.

MR. VAN LEEUWEN: How many years ago was this done the first 3 lot subdivision?

MR. BRENNAN: I think the filed map is 1998, 10 years ago.

MR. VAN LEEUWEN: Got to be three years or more.

MR. BRENNAN: Yes.

MR. VAN LEEUWEN: Now who is the party that lives in the old school house?

MR. BRENNAN: Mr. and Mrs. Moore, Brian and Elizabeth Moore.

MR. VAN LEEUWEN: Isn't there any way you can put the proposed 4 bedroom dwelling and move it over a little bit?

MR. ARGENIO: Away from the school house?

MR. VAN LEEUWEN: Yeah, because they're going to be looking right in his back yard.

MR. QUEENAN: If I may, I did take some photos today, I don't know if the board would like to see them, the old school house was approximately--

MR. VAN LEEUWEN: Cause he had to move his addition to that.

MR. QUEENAN: Here's some photos here.

MR. ARGENIO: What are they of?

MR. QUEENAN: Of the existing school house and our property, the stone wall in the photos is the Maloney property line.

MR. ARGENIO: What's photo 5 of please?

MR. QUEENAN: Photo 5 is the last page, if you pull the paper clip, has a location, photo 5 is a photo right in this corner looking this way.

MR. VAN LEEUWEN: He's redoing his whole house.

MR. QUEENAN: Well, it looks very nice, I just want to point out the proximity of the clearing that has occurred on the Moore lot all the way up to the stone wall, our proposed drainage plan right now we leave about 15, 20 feet of a buffer.

MR. VAN LEEUWEN: What about taking this whole thing and moving it down this way?

MR. QUEENAN: I can only move so far cause our septic field is right here so it would be a shift.

MR. VAN LEEUWEN: Well, you don't show the septic field here.

MR. QUEENAN: It's on sheet 2.

MR. ARGENIO: Listen, I want to speak for just a second and then Dominic I want to briefly hear from you on this cause I think I know where this should go. I have a letter from an attorney, Greenwald Law Office, I'm not going to read the whole letter cause it's very fairly voluminous, just going to touch on a couple hot points. This office has been retained by Brian and Elizabeth Moore in connection with the above matter. The above-referenced application for the Zoning Board of Appeals sought an area variance reducing the minimum size so the applicants could proceed with their subdivision. My clients' concern is that the area variance on lot 2 subdivision proposed by applicants would detrimentally affect the neighborhood and in particular my clients. And then they go on, they give us distances of this to that and that to this kind of thing which certainly is difficult to get your arms around if you're looking at a letter, looking at five photos. I'm going to read in sum, the applicant's plan would maximize the impact to my clients' property and would minimize the impact to their own property well. I would probably do the same thing, quite frankly, but

that's not what we're here to talk about. We're here to try to come up with something that goes down the middle in some way, shape or form. I understand that the board voted at its April 28 meeting, that is the zoning board, 2008 meeting to approve the variance without any conditions but that neither the minutes of that meeting or the former results of the vote have been filed to date, that's technical stuff. They also go on to say here that--

MR. VAN LEEUWEN: It's a very easy thing for them to do, move it down further.

MR. BABCOCK: The issue is enforcement, the problem that we have is that there's a buildable area on every lot, if these people were to sell that lot to somebody else, the only requirement is that they stay within that buildable area, they're in that with this house location.

MR. ARGENIO: Hold that thought. I just want to finish this thought that I have, Franny, I want to read this. Unfortunately, my clients were out of town when the ZBA notice came and held a hearing with respect to applicants' area variance. As a result, my clients were not afforded prior notice. That's not true, they were given notice but they weren't there to get it or of an opportunity to address the foregoing issues at the ZBA hearing. Okay, I read enough. Dominic, do you have any input on that?

MR. CORDISCO: Well, actually, I have a lot of input because I think it's a very interesting letter from a number of points of view, not the least of which is what you touched upon the fact that he claims his clients didn't have notice. I think you're absolutely correct, they were given notice, the requirement is that you give notice. The issues that he raises by and large in his letter really relate to the zoning board's balancing test. The zoning board, unlike the planning

board, the zoning board has to engage in a balancing test where they weigh what happens with the variance as opposed to how that affect is going to have on the character of the neighborhood, including the surrounding residences. These kinds of issues would have been totally germane and appropriately raised at the zoning board but unfortunately they weren't for whatever reason they weren't there and this comes in after the fact. These people of course are always free to challenge in court the zoning board's decision but to my knowledge they have not and it's a 30 day timeframe to do so, so that may very well have run but now I do not know. As Mike pointed out just briefly the planning board has to ensure that the subdivision and the proposed new residence meet all the bulk area requirements, including showing a building within the building envelope that's what they have done and the planning board, it's not part of your analysis nor is it part of a balancing test that this board just doesn't do where you evaluate on neighboring impacts, neighboring properties. So I think I can go on on this but you probably--

MR. ARGENIO: I'm going to tell you I disagree with you on one thing and it's the following that yes, we do look at the way certain projects impact neighbors, be them residential or commercial. Now I don't know if the letter of the law certainly that's why you're here, but we have do that so there's no drainage channels dumping into somebody's property or things of that nature.

MR. CORDISCO: Of course but I'm saying once a proposed project meets all the permitting requirements, it's done.

MR. ARGENIO: An extension of my next comment, my predecessor, I'm going to quote him directly as he used to say, it's the planning board, we can't tell you whether we can or cannot, but we certainly can tell you

how. And that might mean shifting the house left or right inside a building envelope, it could mean a litany of things. I quite frankly and I want to hear from the other members if anybody disagrees with me. I don't have a lot of sympathy for somebody who tells me they were out of town and didn't get the letter because have somebody pick up your mail and let me give you a call, that's not my issue. But I think by virtue of the fact that we're in possession of the letter I think we'd be foolish not to have a public hearing quite frankly and I don't mean this to impune your applications but we need to gather the information so we can make the best decision.

MR. VAN LEEUWEN: The man is an Irish immigrant, he's only been here a couple years and the reason I know so much about it is I was walking out the door and he stopped me and he asked me what he could do, okay, and now that I see the map as far as I'm concerned if this house cannot be twisted around then I'm not voting for it, I'm not going to do that. I'm not going to go against the man because he will be looking right in the man's back yard. Now what's the matter with they have a back yard facing here?

MR. SCHLESINGER: That's not the issue, I don't think that's the issue right now.

MR. ARGENIO: Henry has some information that the rest of us don't have because he knows the person or bumped into the applicant but I think the issue very much is that I'm on top of right now is item number 4, which is the planning board should determine if a public hearing will be necessary for this minor subdivision or if same can be waived per Section 257 of the regulations. My position is and again I'm only one member here is that just because of this letter and this discussion I think we should have a public hearing and send the notices out and hear from the person. That's what I think the right thing to do is.

MR. BRENNAN: Mr. Chairman, was Mr. and Mrs. Moore addressed, was a letter sent to them inviting them to this meeting?

MR. ARGENIO: This is not open to the public.

MR. BRENNAN: My understanding was there was some discussion about that perhaps.

MR. VAN LEEUWEN: I don't know if he's talked to you people or not, I have no idea. All I know is I met him in the hallway here and he's an Irish immigrant and I'm also an immigrant myself, okay, I came here many years ago but he doesn't understand all the laws and he was visiting his parents and his family in Ireland when this happened.

MR. BRENNAN: That wasn't tonight that you met him?

MR. VAN LEEUWEN: No, it was two weeks ago.

MR. BRENNAN: I see.

MR. ARGENIO: I'm strongly advised by counsel I think I'm reprimanded to not speak when it's not a public hearing forum, I don't do it but sometimes I do.

MR. SCHLESINGER: I think we should have a public hearing relative to the issues relative to this board.

MR. ARGENIO: And make a decision.

MR. C. BROWN: Absolutely.

MR. GALLAGHER: I'd like to hear from that person.

MR. ARGENIO: I think so too.

MR. VAN LEEUWEN: Motion we have a public hearing.

MR. SCHLESINGER: Yes.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board schedule a public hearing for the Maloney subdivision. Roll call.

ROLL CALL

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

MR. ARGENIO: And understand something, I don't have to explain this to you, the hurdle was the variances, that's done, there's nothing this board can do about that, can't change, it can't take it back, but as I said, we certainly do have in our purview we can tell you how to do it as long as it's lawful. I'm sure you know that and the goal here is to try to find something that works for everybody. I promise you that I don't know, I never met you, sir, but the goal is to to try to find something that works for everybody because we're all in the same town. Can't we just get along?

McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

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E-MAIL: MHENY@MHEPC.COM

WRITER'S E-MAIL ADDRESS:
MJE@MHEPC.COM

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: MOLONEY MINOR SUBDIVISION
PROJECT LOCATION: SHO GEE COURT
SECTION 51 – BLOCK 1 – LOT 55.3
PROJECT NUMBER: 07-23
DATE: 25 JUNE 2008
DESCRIPTION: THE APPLICATION PROPOSES THE SUBDIVISON OF THE 3.1+ ACRE PARCEL INTO TWO (2) SINGLE FAMILY RESIDENTIAL LOTS. THE PLAN WAS PREVIOUSLY REVIEWED AT THE 12 SEPTEMBER 2007 PLANNING BOARD MEETING.

1. The application proposes the subdivision of the existing single family lot into two lots. The application was referred to the ZBA on 10-3-07 and it is our understanding the required variances have been obtained.

2. The applicant's engineers have revised the plans in response to our previous comments. Note the following status regarding specific items and outstanding items to be resolved:

   - ***Authorization to Expand Use on Private Road & Revision to P/R Maintenance Agreement*** – the applicant indicates this is in progress.

   - ***Sanitary Disposal System for Proposed Lot*** – has been added to plan and details provided. System design appears to comply with State Standards.

   - ***Orange County Planning Referral*** – sent on 5-21-08. Not aware of any response.

3. The Planning Board may wish to classify this action as an "unlisted action" under SEQRA, and consider a "negative declaration" of environmental significance, based on the information presented and reviewed.

4. The Planning Board should determine if a Public Hearing will be necessary for this minor subdivision, or if same can be waived per Section 257-13 (A) of the Subdivision Regulations.

5. As per the 911 Policy of the Town, this project will require the assignment of a street name and 911 address numbering at the Preliminary approval stage of the subdivision review.

Respectfully Submitted,

Mark J. Edsall, P.E., P.P.
Engineer for the Planning Board

MJE/st
NW07-23-25June08.doc

RESULTS OF P.B. MEETING OF: June 25, 2008

PROJECT: Moloney Subdivision P.B. # 07-33

LEAD AGENCY:

AUTHORIZE COORD. LETTER: Y____ N____
TAKE LEAD AGENCY: Y____ N____

M)___ S)____ VOTE: A____ N____
CARRIED: Y_____ N____

NEGATIVE DEC:

M)____ S)____ VOTE: A____ N____
CARRIED: Y_____ N____

PUBLIC HEARING: WAIVED:_____ CLOSED:_____ FINAL:_____

M) V S) Schiller VOTE: A 5 N 0 SCHEDULE P.H.: Y ✓ N____

SEND TO O.C. PLANNING: Y____ RETURN TO WORK SHOP: Y___ N____

SEND TO DEPT. OF TRANS: Y___ REFER TO Z.B.A.: M)___ S)___ VOTE: A____ N____

APPROVAL:

CONCEPTUAL: ____ **PRELIMINARY:**_____ **COND. FINAL:**_____ **FINAL**_____

M)___ S)____ VOTE: A____ N____ APPROVED: _____

NEED NEW PLANS: Y____ N____

CONDITIONS – NOTES:

51-1-55.3

MEETING DATE: June 25, 2008

TOWN OF NEW WINDSOR

TOWN CLERK'S OFFICE
555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4611
Fax: (845) 563-4670

RECEIVED
AUG 27 2008
TOWN CLERK'S OFFICE

REQUEST FOR PUBLIC RECORDS

Date: 8 - 2008

Name: BRIAN MOORE

Address: 1797 LITTLE BRITAIN RD.

ROCK TAVERN NY 12575

Phone: (212) 996 1907

Representing: BRIAN MOORE

Please specify:

- **Property location (street address or section, block and lot number)**
- **Department you are requesting records from**
- **Describe information requested as fully as possible**

SHO GEE COURT SECTION 51, BLOCK 1, LOT 55.3

PLANNING BOARD office

Documents <u>may not</u> be taken from office

McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.
RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

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e-mail: mhenry@mhepc.com

☐ Regional Office
507 Broad Street
Milford, Pennsylvania 18337
(570) 296-2765
e-mail: mhepa@mhepc.com

Writer's E-mail Address:
mje@mhepc.com

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN / VILLAGE OF: New Windsor **P/B APP. NO.:** 100-3 07-23

WORK SESSION DATE: 2 JULY 08 **PROJECT:** NEW _____ OLD _____

REAPPEARANCE AT W/S REQUESTED: No **RESUB. REQ'D:** _____

PROJECT NAME: Maloney Subdivision

REPRESENTATIVES PRESENT: John Greenan / Kevin Brennan

MUNICIPAL REPS PRESENT:
BLDG INSP. _____ PB ATTY. _____
FIRE INSP. _____ PLANNER _____
MHE REP (MJE) / Other) _____ P/B CHMN _____ OTHER _____

ITEMS DISCUSSED:

- show Moore res.
- letters to P/K people.
- Poss 40' deed restriction for prop along Moore

P/H Aug ?

STND CHECKLIST:
DRAINAGE _____
DUMPSTER _____
SCREENING _____
LIGHTING _____ (Streetlights)
LANDSCAPING _____
BLACKTOP _____
ROADWAYS _____
APPROVAL BOX _____

PROJECT TYPE
SITE PLAN
SPEC PERMIT
L L CHG.
SUBDIVISION
OTHER

PROJECT STATUS:
ZBA Referral: ___Y ___N
Ready For Meeting ___Y ___N
Recommended Mtg Date _____

6/25/08
cc: D.C.
M.E.
K. Brennan

Edward A. Diana
County Executive

ORANGE COUNTY DEPARTMENT OF PLANNING

DAVID CHURCH, AICP
COMMISSIONER

www.orangecountygov.com/planning
planning@orangecountygov.com

124 MAIN STREET
GOSHEN, NEW YORK 10924-2124
TEL: (845) 615-3840
FAX: (845) 291-2533

County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l, m, &n

Local Referring Board: Town of New Windsor ZBA
Applicant: Peter & Irene Moloney
Project Name: Moloney subdivision
Proposed Action: Area Variance
Reason for County Review: Within 500 feet of NYS Route 207
Date of Full Statement: May 23, 2008

Referral ID #: NWT 14-08N
Tax Map #: **S:** 51 **B:** 1 ~~L:~~ 55.3
Local File #: 08-05 & 07-23
P.B. #

Comments:
The Planning Department has reviewed the submitted materials regarding the appeal for an area variance. While the Zoning Board of Appeals must weigh the local issues in balancing the needs of the appellant with the potential impacts on the surrounding area, it does not appear that intermunicipal or countywide impacts would result if the board finds that granting relief is warranted in this matter.

County Recommendation: **Local Determination**

Date: June 9, 2008
Prepared by: Todd Cohen

David Church, AICP
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at www.orangecountygov.com/planning.

MHE PC

McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.
RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

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Writer's E-mail Address:
mje@mhepc.com

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN / VILLAGE OF: New Windsor **P/B APP. NO.:** 100-3 07 - 23

WORK SESSION DATE: 21 May 2008 **PROJECT:** NEW ____ OLD X

REAPPEARANCE AT W/S REQUESTED: No **RESUB. REQ'D:** new plans

PROJECT NAME: Moloney

REPRESENTATIVES PRESENT: John Queenan.

MUNICIPAL REPS PRESENT: BLDG INSP. ____ PB ATTY. ____
FIRE INSP. ____ PLANNER ____
MHE REP (MJE) (Other) ____ P/B CHMN ____ OTHER ____

ITEMS DISCUSSED:

- Variances obtained
- letter all portion of P/R agree to add'l lot
- letter new mant agt

MYRA did this go to OCDP as ZBA + P/B?

P/H?

MJE letter for GA to Brodsky write to 6/25

STND CHECKLIST:

DRAINAGE ____
DUMPSTER ____
SCREENING ____
LIGHTING (Streetlights) ____
LANDSCAPING ____
BLACKTOP ____
ROADWAYS ____
APPROVAL BOX ____

PROJECT TYPE

SITE PLAN
SPEC PERMIT
L L CHG.
SUBDIVISION
OTHER

PROJECT STATUS: DONE
ZBA Referral: ____ Y ____ N
Ready For Meeting X Y ____ N
Recommended Mtg Date 6/25 mtg.

Worksessionform.doc 01-07 MJE

RESULTS OF P.B. MEETING OF: Sept. 12, 2007

PROJECT: Moloney Subdivision P.B. # 07-23

LEAD AGENCY:

AUTHORIZE COORD. LETTER: Y_____N____
TAKE LEAD AGENCY: Y____N____

M)___S)____VOTE: A____N____
CARRIED: Y_____N____

NEGATIVE DEC:

M)___S)____VOTE: A____N____
CARRIED: Y_____N____

PUBLIC HEARING: WAIVED:_____ CLOSED:_____

M) _____ S)_____ VOTE: A____N____ SCHEDULE P.H.: Y_____N____

SEND TO O.C. PLANNING: Y____
SEND TO DEPT. OF TRANSPORTATION: Y____

REFER TO Z.B.A.: M) V S) G VOTE: A 3 N 0 Need New Plans

RETURN TO WORK SHOP: Y___N____

APPROVAL:

M)___S)____ VOTE:A____N____ APPROVED: _____

NEED NEW PLANS: Y____N____

CONDITIONS – NOTES:

Need Lot Area Variance

Sept. 12, 2007 Agenda

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 09/06/2007

LISTING OF PLANNING BOARD **FEES**
ESCROW

FOR PROJECT NUMBER: 7-23
NAME: MOLONEY SUBDIVISION PA2006-1023
APPLICANT: MOLONEY, PETER/IRENE

--DATE--	DESCRIPTION---------	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
08/01/2007	REC. CK. #1854	PAID		400.00	
		TOTAL:	0.00	400.00	-400.00

J Lunniga
rec. 7/6-07

P.B. #07-23 ESCROW

KEVIN V. BRENNAN, ESQ.
284 MAIN ST.
CORNWALL, NY 12518-1516 534-7545

1-2/210 3360
6801970271

1854

DATE August 1, 2007

PAY TO THE ORDER OF Town of New Windsor $ 400.00

Four hundred and 00/100 DOLLARS

CHASE
JPMorgan Chase Bank, N.A.
New York, New York 10017
www.Chase.com

MEMO

⑆021000021⑆ 6801970271⑈1854

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#675-2007

09/06/2007

Kevin Brennan Esq.
284 Main St.
Cornwall, NY 12518

Received $ 75.00 for Planning Board Fees, on 09/06/2007. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

PB# 07-73 application fee

OFFICE OF THE PLANNING BOARD
TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION

PLANNING BOARD FILE NUMBER: **07-23** DATE: **10-3-07**

#2 ZBA 4-28-08
APPROVED

APPLICANT:

Peter & Irene Moloney
4 Sho Gee Court
Rock Tavern, NY 12575

PLEASE TAKE NOTICE THAT YOUR APPLICATION:

DATED: **5-11-07**

FOR: SUBDIVISION

LOCATED AT: **Sho Gee Court**

ZONE: **R-1**

DESCRIPTION OF EXISTING SITE: SEC: **51** BLOCK: **1** LOT: **55.3**

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

Area Variance required for both lots for Gross Lot Area.

TOWN OF NEW WINDSOR CODE: **Bulk Tables – Section 300-8**

Mark J. Edsall, P.E., P.P.
Mark J. Edsall, P.E., P.P.
Engineer for the Planning Board

NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION - Continued

REQUIREMENTS

P.B. # _____ ZONE: **R-1** USE: **S.F.R.**

	REQUIRED	PROPOSED Lot 1 / Lot 2	VARIANCE REQUESTED Lot 1 / Lot 2
MIN. LOT AREA (Gross)	80,000 s.f.	64811 / 70603	15189 / 9397
MIN. LOT AREA (Net)	48,000 s.f.	62062 / 64115	-
MIN. LOT WIDTH	175 ft.	184 / 202	-
REQUIRED FRONT YARD	45 ft.	102 / 129	-
REQUIRED SIDE YARD	40 ft.	66.6 / 52	-
REQUIRED TOTAL SIDE YARD	80 ft.	161.6 / 170	-
REQUIRED REAR YARD	50 ft.	127 / 101	-
REQUIRED FRONTAGE	70 ft.	90 / 185	-
MAX. BLDG. HT.	35 ft.	Both <35	-
FLOOR AREA RATIO	n/a	-	-
MIN. LIVABLE AREA	1200 s.f.	Both > 1200	-
DEVELOPMENTAL COVERAGE	20 %	12% / 12%	-
O/S PARKING SPACES	2 per res.	2 per res.	-

PLEASE COMPLETE THE ENCLOSED ZONING BOARD APPLICATION AND RETURN TO THE ZONING BOARD SECRETARY AS INSTRUCTED IN THE APPLICATION PACKAGE. YOU WILL THEN BE PLACED ON THE NEXT AVAILABLE AGENDA FOR THE ZONING BOARD OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

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WRITER'S E-MAIL ADDRESS:
MJE@MHEPC.COM

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME:	MOLONEY MINOR SUBDIVISION
PROJECT LOCATION:	SHO GEE COURT SECTION 51 – BLOCK 1 – LOT 55.3
PROJECT NUMBER:	07-23
DATE:	12 SEPTEMBER 2007
DESCRIPTION:	THE APPLICATION PROPOSES THE SUBDIVISON OF THE 3.1+ ACRE PARCEL INTO TWO (2) SINGLE FAMILY RESIDENTIAL LOTS. THE PLAN WAS REVIEWED ON A CONCEPT BASIS ONLY.

1. The application proposes the subdivision of the existing single family lot into two lots. There are three areas of concern for this application:

   - ***Zoning Compliance for each lot*** – Both Lots require a variance for Gross Lot area. Prior to the referral being made to the ZBA, the applicant should verify compliance of street frontage values for each proposed lot.

   - ***Lot Count on Private Road*** – Currently there appears to be a total of four lots, two along the state highway and two interior. The additional lot is permitted and does not exceed the permitted number of lots for a private road.

   - ***Authorization to Expand Use on Private Road*** – the applicant should submit information as needed to demonstrate that the Deeds and Private Road agreement permit expanded use. In any case a new Maintenance Agreement will be needed to include the additional lot, should the subdivision be approved.

2. A referral to the Zoning Board of Appeals is necessary at this time. ***It is my recommendation that the Board deem the application "incomplete"***, since the Board can take no action on this application until such time that all necessary variances are obtained.

\

- The applicant is reminded that soil tests (minimum two percolation and two deep tests), in support of the sanitary disposal system design, must be witnessed by a representative of our office. Applicants are advised that the design professional preparing the sanitary disposal system designs (or a qualified/authorized representative) must be present to oversee the testing and record all results.

- All appropriate details should be added to the plans for the proposed sanitary disposal system, including the effluent pump station.

4. This project is within a 500-foot distance from NYS Route 207 and, as such, must be referred to the Orange County Planning Department as per New York State General Municipal Law (GML 239).

5. The application involves single-family development with disturbance less than a total of five acres; as such a full SWPPP is not required. The plans should include soil erosion and sedimentation prevention measures. A plan view of the provisions, and appropriate details should be provided as part of the subdivision plan submittal.

6. The Planning Board should defer any SEQRA activity until such time that the applicant returns from the Zoning Board of Appeals.

Respectfully Submitted,

Mark J. Edsall, P.E., P.P.
Engineer for the Planning Board

MJE/st
NW07-23-12Sept07.doc

LANC & TULLY
ENGINEERING AND SURVEYING, P.C.

John J. Lanc, P.E., L.S., P.P.
David E. Higgins, P.E.
Rodney C. Knowlton, L.S.

Arthur R. Tully, P.E.
John J. O'Rourke, P.E.
John D. Russo, P.E.

June 9, 2008

Mr. Genaro Argenio, Chairman
Town of New Windsor Planning Board
555 Union Avenue
New Windsor, NY 12553

RE: Subdivision for Moloney
2 Lot Subdivision – Sho Gee Court
Tax Map No. 51-1-55.3
Town of New Windsor Project No. 07-23

Dear Chairman Argenio and Planning Board Members,

Enclosed please find the following materials for your review:

- Ten (10) copies of a subdivision plan entitled, "Preliminary Subdivision Plan Prepared For Moloney" dated March 15, 2006 and last revised on June 9, 2008.

This submission is being made for placement on the June 25th Planning Board Agenda. The plan was previously before the Planning Board some time ago, where the subdivision was referred to the Zoning Board of Appeals for gross lot area variances. The variances were granted by the Zoning Board of Appeals on April 28, 2008. Also at the Planning Board meeting, the Planning Board Engineer prepared a review comment letter dated September 12, 2007 that included technical comments on the plan. The subdivision plan has been revised in the following manner as per the Planning Board Engineer's comments:

1a. The zoning compliance for each lot has now been resolved with the ZBA granting variances for both lots 1 & 2 for gross lot area. The street frontage values for each lot have been confirmed and appear to be substantially greater than the minimal required.

1b. As the Planning Board Engineer stated there is a total of 4 lots that front Sho Gee Court along State Route 207 and 2 are on the interior of Sho Gee Court. An additional lot is permitted and will not exceed the number of lots for a private road.

1c. The applicant is currently preparing a revised private road maintenance agreement to include the proposed lot. Also the applicant is pursuing each of the individual home owner's consent to incorporate the additional lot onto Sho Gee Court. Once these documents are completed and signed they will be forwarded to the Board for review.

2. So noted.

3a. The as-built sanitary disposal system for Lot No. 1 has been depicted on the plan.

3b. The applicant has conducted a minimum of 2 percolation and 2 deep tests in support of the sanitary disposal system design that were witnessed by the Town Planning Board Engineer's office.

3c. All appropriate sanitary disposal details have been included on Sheet 4 of the subdivision plan set.

4. The project was forwarded to the Orange County Department of Planning on May 21, 2008.

5. An Erosion and Sediment Control Plan has been prepared for the subdivision plan and is included on Sheet 3 of the plan set.

6. So noted.

If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,
LANC & TULLY, P.C.

John Queenan
Project Manager

JQ/jvq
cc: Peter Moloney
Kevin Brennan, Esq.

Robert L. Noe
Karen M. Alt ◊
Gary H. Forman **
Judith A. Waye
Elizabeth C. Tomson

David A. Brodsky, *Of Counsel*

Also Admitted To Practice In
*MA **NJ ◊CT

Please Reply to Chester Office

PNC Bank Building
1 Garret Mountain Plaza - 6th Fl.
West Paterson, NJ 07424
(973) 754-0031
Fax: (973) 754-1331

James M. Neylon, *Paralegal*
(1934-1998)
Spencer M. McLaughlin, Esq.
(1945-2007)

May 15, 2008

P.B. #07-23
cc: M.E.
J. Argenio
D.C.
M. Kane

by certified mail
Michael S. Kane, Chairman
Town of New Windsor Zoning Board of Appeals
555 Union Avenue
New Windsor, New York 12553

by certified mail
Jerry Argenio, Chairman
Town of New Windsor Planning Board
555 Union Avenue
New Windsor, New York 12553

Re: Brian/Elizabeth Moore with Applications of
Peter/Irene Moloney
Planning Board File #07-23 (2 lot subdivision)
ZBA File #08-05 (area variance)
Tax Map Sec. 51 Blk 1 Lot 55.3

Dear Honorable Chairmen:

Please be advised that this office has been retained by Brian Moore and Elizabeth Moore in connection with the above referenced matters. Our clients own a home in the Town of New Windsor at Tax Map Sec. 51 Blk. 1 Lot 56 abutting property owned by Peter and Irene Moloney (hereinafter "Applicants") at Tax Map Sec. 51 Blk 1 Lot 55.3 (hereinafter "Applicant's Property"), which is the subject of the above referenced applications.

The above referenced application before the Zoning Board of Appeals sought an area variance reducing the minimum lot size so that the Applicants could proceed with a 2 lot sub-division of that property before the Planning Board.

My clients' concern is that the area variance and 2 lot subdivision proposed by Applicants would detrimentally affect the neighborhood and, in particular, my clients.

The Applicants' plan, which has been submitted to the Planning Board and Zoning Board of Appeals, clearly would result in a substantial and undesirable change in the character of the neighborhood and would allow Applicants to construct a home within approximately 80 feet of my clients' home, which is inconsistent with the existing character and density of the neighborhood.

In fact, Applicants propose constructing a new home on the proposed subdivided lot in such a manner as to maximize the distance from Applicants' residence and to minimize the distance from my clients' residence. While Applicants' proposed new home would be approximately 80 feet from my clients' residence (and the proposed driveway would be even less), Applicants' proposed new home would be over 300 feet from Applicants' residence.

Applicants' proposed new home has been sited nearly as close as possible to the property line adjacent to my clients' residence and nearly as far as possible from the property line adjacent to Applicants' residence, notwithstanding that the proposed lot contains sufficient room to move the proposed new home at least 120 feet farther from my clients' residence and 120 feet closer to Applicants' own residence, while still complying with applicable set-backs.

In sum, Applicants' plan would maximize the impact to my clients' property and would minimize the impact to their own property.

My clients are in the process of making a substantial investment in their property and Applicants' plan would severely impinge upon their privacy and the value of that investment. Since Applicants' property is at a higher grade than my clients' property, the impact of any improvements on Applicants' property will be even more visible and have even more impact on my clients' property.

Zoning Board of Appeals Application

Unfortunately, my clients were out of town when the Zoning Board of Appeals noticed and held a hearing with respect to Applicants' area variance. As a result, my clients were not afforded prior notice of or an opportunity to address the foregoing issues at the Zoning Board hearing on April 28, 2008. Moreover, I understand that none of the other adjacent property owners appeared at that hearing, so that the application was unopposed.

I also understand that the Board voted at its April 28, 2008 meeting to approve the variance without conditions, but that neither the minutes of that meeting or the formal results of the vote have been filed to date.

Clearly, the variance should not have been granted and, at minimum, should have imposed conditions for screening and set-backs to mitigate the impact upon my clients' property in any event.

In light of the foregoing, my clients respectfully request that the Zoning Board of Appeals schedule a re-hearing of Applicant's variance application, pursuant to Town Law §267-a(12). My clients also respectfully request copies of the minutes of the April 28, 2008 meeting and the formal results of the vote on Applicant's variance application after they are filed.

Planning Board Application

I understand that the Planning Board has not voted on Applicants' 2 lot subdivision application and that the application has not been placed on any of the Planning Board agendas through and including May 28, 2008 either. However, my clients would like an opportunity to appear and be heard at the next Planning Board meeting at which the application is placed on the agenda.

In addition, in light of the foregoing, my clients request that the Planning Board schedule Applicants' 2 lot subdivision application for a public hearing.

Thank you for your courtesies herein.

Very truly yours,

David A. Brodsky, of counsel

cc: Brian/Elizabeth Moore, 1797 Little Britain Road, New Windsor, New York 12575
McGoey, Hauser and Edsall, P.C., 33 Airport Center Drive, Suite 202, New Windsor, N.Y. 12553
Kevin Brennan, Esq., 284 Main Street, Cornwall, New York 12518

Brennan is asking the PB about the referral, but without an application or plan..... no can do.

Did you ever have an application # for the PB ?

From: John Queenan [mailto:jq@lanctully.com]
Sent: Monday, August 06, 2007 1:04 PM
To: Mark Edsall
Subject: RE: Maloney - New Windsor

Mark,

You may have mistaken me being there for Lester Clark Site Plan. I have been working for Maloney but he has been handling the application with his attorney Kevin Brennan. I am not sure where they are either. I will call Maloney.

John

-----Original Message-----
From: Mark Edsall [mailto:mje@mhepc.com]
Sent: Monday, August 06, 2007 11:49 AM
To: jq@lanctully.com
Subject: Maloney - New Windsor

John

On 5-7-07 you were at the PB worksession for Maloney. Did you ever make an app on this ? Are we waiting for you? Somebody called NW asking about the status of the ZBA app.

Mark

Mark J. Edsall, P.E.

Principal

McGoey Hauser & Edsall
Consulting Engineers, P.C.
33 Airport Center Drive - Suite #202
New Windsor, New York 12553
(845) 567-3100

Jennifer Gallagher

From: Mark Edsall [mje@mhepc.com]
Sent: Monday, August 06, 2007 5:42 PM
To: Jennifer Gallagher
Subject: RE: Maloney - New Windsor

no..... I assigned 07-21 and 07-22 already (see agenda)
use 07-23

From: Jennifer Gallagher [mailto:jgallagher@town.new-windsor.ny.us]
Sent: Mon 8/6/2007 2:48 PM
To: Mark Edsall
Subject: RE: Maloney - New Windsor

Ok...I gave him a PB # 07-21

From: Mark Edsall [mailto:mje@mhepc.com]
Sent: Monday, August 06, 2007 2:27 PM
To: Jennifer Gallagher
Subject: RE: Maloney - New Windsor

We need plans. Have someone call Brennan

From: Jennifer Gallagher [mailto:jgallagher@town.new-windsor.ny.us]
Sent: Monday, August 06, 2007 2:05 PM
To: Mark Edsall
Subject: RE: Maloney - New Windsor

Mark,

Mike called you about Kevin Brennan (Moloney)....he turned in an application on Friday but no plans.....

From: Mark Edsall [mailto:mje@mhepc.com]
Sent: Monday, August 06, 2007 1:23 PM
To: Jennifer Gallagher
Subject: FW: Maloney - New Windsor

Jen

I don't know who I talked to about this, you or Myra, but apparently Kevin Brennan is trying to go forward, but without an application, he will go nowhere.

Mark

From: Mark Edsall
Sent: Monday, August 06, 2007 1:22 PM
To: John Queenan
Subject: RE: Maloney - New Windsor

OK, I looked and I can not find any application made to the PB for Maloney.

It looks like it was to the Worksession only.(I have record of 10-18-06 appearance with Kevin Brennan and Mr. Maloney, at which time they were told to make an application).

There also appears to be a record that he needed to have perc tests witnessed, but without an application, we will not go out into the field.

Apparently Brennan thinks we have an app and is asking why we have not referred it to the ZBA.

I think he needs to coordinate a plan, perc tests, deep tests with your office AFTER he makes an application to the PB and pays the fees.

Mark

From: John Queenan [mailto:jq@lanctully.com]
Sent: Monday, August 06, 2007 1:10 PM
To: Mark Edsall
Subject: RE: Maloney - New Windsor

I did a two lot subdivision plan last year but I never prepared a PB application or formal submission. I don't know, about the number, Brennan may have it. I pulled my file on it and I completed a subdivision checklist and sent it back to Brennan in June 07.

-----Original Message-----
From: Mark Edsall [mailto:mje@mhepc.com]
Sent: Monday, August 06, 2007 1:10 PM
To: John Queenan
Subject: RE: Maloney - New Windsor

MHE PC

McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.
RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

☐ Main Office
33 Airport Center Drive
Suite #202
New Windsor, New York 12553
(845) 567-3100
e-mail: mheny@mhepc.com

☐ Regional Office
507 Broad Street
Milford, Pennsylvania 18337
(570) 296-2765
e-mail: mhepa@mhepc.com

Writer's E-mail Address:
mje@mhepc.com

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

100-3

TOWN / VILLAGE OF: New Windsor **P/B APP. NO.:** 07-23

WORK SESSION DATE: 18 Oct 06 **PROJECT:** NEW X OLD ____

REAPPEARANCE AT W/S REQUESTED: No **RESUB. REQ'D:** Full App

PROJECT NAME: Maloney Minor Sub.

REPRESENTATIVES PRESENT: Kevin Breman / Pete Maloney

MUNICIPAL REPS PRESENT:
BLDG INSP. ____ FIRE INSP. ____
ENGINEER X PLANNER ____
P/B CHMN ____ OTHER ____

ITEMS DISCUSSED: 4 - Sho Gee Ct
207 P/R
2 lot resub.
Tom Marks Sub
Gross and net area.
- witness SDS.
bal of bulk OK

Lot

STND CHECKLIST: appl stamp 1-30-98

DRAINAGE ____
DUMPSTER ____
SCREENING ____
LIGHTING ____
(Streetlights)
LANDSCAPING ____
BLACKTOP ____
ROADWAYS ____
APPROVAL BOX ____

PROJ ECT TYPE
SITE PLAN
SPEC PERMIT
L L CHG.
SUBDIVISION
OTHER

PROJECT STATUS:
ZBA Referral: X Y ____ N AREA
Ready For Meeting ____ Y ____ N
Recommended Mtg Date ____

WorksessionForm.doc 9-02 MJE

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

PLANNING BOARD APPLICATION

TYPE OF APPLICATION (check appropriate item):

Subdivision x Lot Line Change____ Site Plan____ Special Permit____

Tax Map Designation: Sec. 51 Block 1 Lot 55.3

BUILDING DEPARTMENT PERMIT NUMBER: PA 2006 - 1023
MUST FILL IN THIS NUMBER

1. Name of Project Moloney Subdivision

2. Owner of Record Moloney, Peter/Irene Phone 845-497-1127

   Address: 4 Sho Gee Court Rock Tavern New York 12575
   (Street Name & Number) (Post Office) (State) (Zip)

3. Name of Applicant Peter Moloney Phone 845-497-1127

   Address: 4 Sho Gee Court Rock Tavern New York 12575
   (Street Name & Number) (Post Office) (State) (Zip)

4. Person Preparing Plan John Queenan Lanc & Tully Engineering Phone 845-294-3700

   Address: P.O. Box 687, Goshen, New York 10924
   (Street Name & Number) (Post Office) (State) (Zip)

5. Attorney Kevin V. Brennan, Esq. Phone 845-534-7545

   Address 284 Main Street Cornwall New York 12518
   (Street Name & Number) (Post Office) (State) (Zip)

6. Person to be notified to appear at Planning Board meeting:

   Kevin V. Brennan, Esq. 845-534-7545 845-534-4150
   (Name) (Phone) (fax)

7. Project Location: On the southwest side of Sho Gee Court
   (Direction) (Street)

8. Project Data: Acreage 3.109 +/- Zone R-1 School Dist. Washingtonville

(PLEASE DO NOT COPY 1 & 2 AS ONE PAGE TWO-SIDED)

07-23

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes_____ No X

***This information can be verified in the Assessor's Office.**
***If you answer yes to question 9, please complete the attached AAgricultural Data Statement.**

10. Detailed description of Project: (Use, Size, Number of Lots, etc.) proposed two (2) lot subdivision, residential use, total area 3.109± acres

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes____ no X
12. Has a Special Permit previously been granted for this property? yes____ no X

IF THIS APPLICATION IS SIGNED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.

STATE OF NEW YORK)
SS.:
COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

Peter Moloney
PETER MOLONEY

SWORN BEFORE ME THIS:

Irene Moloney
(OWNER'S SIGNATURE)
IRENE MOLONEY

11th DAY OF ~~January~~ May 2007

(AGENT'S SIGNATURE)

KEVIN V. BRENNAN
Notary Public, State of New York
No. 4637828
Qualified in Orange County
Commission Expires August 31, 2010

Please Print Agent's Name as Signed

NOTARY PUBLIC

****

TOWN USE ONLY:

07-23

DATE APPLICATION RECEIVED

APPLICATION NUMBER

14-16-4 (2/87)—Text 12

PROJECT I.D. NUMBER

617.21
Appendix C
State Environmental Quality Review

SEQR

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR: Moloney, Peter/Irene

2. PROJECT NAME: Moloney Subdivision

3. PROJECT LOCATION:
Municipality: New Windsor County: Orange

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)
Southwest side of Sho Gee Court
3.109 ± acres

5. IS PROPOSED ACTION:
☒ New ☐ Expansion ☐ Modification/alteration

6. DESCRIBE PROJECT BRIEFLY:
Proposed two (2) lot subdivision

7. AMOUNT OF LAND AFFECTED:
Initially 3.109 acres Ultimately 3.109 acres

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?
☐ Yes ☒ No If No, describe briefly
Lot area less then mininum required

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?
☒ Residential ☐ Industrial ☐ Commercial ☐ Agriculture ☐ Park/Forest/Open space ☐ Other
Describe:

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?
☒ Yes ☐ No If yes, list agency(s) and permit/approvals
Town of New Windsor Zoning Board of Appeals

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
☐ Yes ☒ No If yes, list agency name and permit/approval

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?
☒ Yes ☐ No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: PETER MOLONEY Date: 05/11/07

Signature: Peter Moloney

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

07-23

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly.

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
☐ Yes ☐ No If Yes, explain briefly

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

Date

07-23

AGENT OWNER PROXY STATEMENT
(for professional representation)

07-23

for submittal to the:
TOWN OF NEW WINDSOR PLANNING BOARD

RECEIVED AUG 0 3 2007

lft a message for Kevin 8/7/07

Peter Moloney and Irene Moloney, deposes and says that he resides
(OWNER)

at 4 Sho Gee Court, Rock Tavern, NY 12575 in the County of Orange
(OWNER'S ADDRESS)

and State of New York and that he is the owner of property tax map

(Sec. 51 Block 1 Lot 55.3)
designation number(Sec. Block Lot) which is the premises described in the foregoing application and that he designates:

Kevin V. Brennan, Esq., 284 Main Street, Cornwall, New York 12518
(Agent Name & Address)

Lanc & Tully, Engineering & Surveying, P.C.
P.O. Box 687, Route 207, Goshen, New York 10924
(Name & Address of Professional Representative of Owner and/or Agent)

as his agent to make the attached application.

THIS DESIGNATION SHALL BE EFFECTIVE UNTIL WITHDRAWN BY THE OWNER OR UNTIL TWO (2) YEARS FROM THE DATE AGREED TO, WHICH EVER IS SOONER.

Peter Moloney
PETER MOLONEY

SWORN BEFORE ME THIS:

** Irene Moloney
Owner's Signature (MUST BE NOTARIZED
IRENE MOLONEY

5th DAY OF ~~May~~ June 2007)

Agent's Signature (If Applicable)
KEVIN V. BRENNAN, ESQ.

Lois A. Delarose
NOTARY PUBLIC

LOIS A. DELAROSE
Notary Public, State of New York
Qualified in Orange County
Registration # 01DE6101687
Commission Expires November 17, 2007

John Queeon (Lanc + Tully, P.C.)
Professional Representative's Signature

** *PLEASE NOTE:* ***ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.***

THIS PROXY SHALL BE VOID TWO (2) YEARS AFTER AGREED TO BY THE OWNER

07-23

TOWN OF NEW WINDSOR PLANNING BOARD
SUBDIVISION/LOT LINE CHANGE CHECKLIST

The following checklist items shall be incorporated on the Subdivision Plan prior to consideration for being placed on the Planning Board Agenda:

1. X — Name and address of Applicant.

* 2. X — Name and address of Owner.

3. X — Subdivision name and location

4. TBP — **Provide 4" wide X 2" high box (IN THE LOWEST RIGHT CORNER OF THE PLAN) for use by Planning Board in affixing Stamp of Approval. (ON ALL PAGES OF SUBDIVISION PLAN)**

SAMPLE:

5. X — Tax Map Data (Section, Block & Lot).

6. X — Location Map at a scale of 1" = 2,000 ft.

7. X — Zoning table showing what is required in the particular zone and what applicant is proposing.

8. X — Show zoning boundary if any portion of proposed subdivision is within or adjacent to a different zone.

9. X — Date of plat preparation and/or date of any plat revisions

10. X — Scale the plat is drawn to and North arrow.

11. X — Designation (in title) if submitted as sketch plan, preliminary plan or final plan.

12. TBP — Surveyor's certificate.

13. TBP — Surveyor' s seal and signature.

14. X — Name of adjoining owners.

15. N/A — Wetlands and 100 foot buffer zone with an appropriate note regarding DEC requirements.

* 16 N/A — Flood land boundaries.

17. TBP — A note stating that the septic system for each lot is to be designed by a licensed professional before a building permit can be issued.

T.B.P. = To Be Provided

07-28

18. X — Final metes and bounds.

19. X — Name and width of adjacent streets; the road boundary is to be a minimum of 25 ft. from the physical center line of the street.

20. X — Include existing or proposed easements.

21. X — Right-of-way widths.

22. N/A — Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 16 ft. wide).

23. X — Lot area (in square feet for each lot less than 2 acres).

24. X — Number the lots including residual lot.

25. N/A — Show any existing waterways.

*26. TBP — A note stating a road (or any other type) maintenance agreement is to be filed in the Town Clerk's Office and County Clerk□s Office.

27. TBP — Applicable note pertaining to owner's review and concurrence with plat together with owner's signature.

28. X — Show any existing or proposed improvements, i.e., drainage systems, water lines, sewer lines, etc. (including location, size and depths).

29. TBP — Show all existing houses, accessory structures, existing wells and septic systems within 200 ft. of the parcel to be subdivided.

30. TBP — Show all and proposed on-site A septic system and well locations; with percolation and deep test locations and information, including date of test and name of professional who performed test.

31. TBP — Provide A septic system design notes as required by the Town of New Windsor.

32. X — Show existing grade by contour (2 ft. interval preferred) and indicate source of contour data.

33. X — Indicate percentage and direction of grade.

34. X — Indicate any reference to previous, i.e., file map date, file map number and previous lot number.

35. N/A — Indicate location of street or area lighting (if required).

07-23

REFERRING TO QUESTION 9 ON THE APPLICATION FORM, IS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

36. N/A — Referral to Orange County Planning Dept. is required for all applicants filing AD Statement.

37. N/A — A disclosure Statement, in the form set below, must be inscribed on all subdivision maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

Prior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasor shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGMENT:

THE PLAT FOR THE PROPOSED SUBDIVISION HAS BEEN PREPARED IN ACCORDANCE WITH THIS CHECKLIST AND THE TOWN OF NEW WINDSOR ORDINANCES, TO THE BEST OF MY KNOWLEDGE.

BY: Lane + Tully P.C. 6/25/07
Licensed Professional Date

⌘ ⌘ ⌘ ⌘ ⌘ ⌘ **PLEASE NOTE:** ⌘ ⌘ ⌘ ⌘ ⌘ ⌘

THE APPLICANT OR THEIR REPRESENTATIVE IS RESPONSIBLE TO KEEP TRACK OF ALL EXPIRATION DATES FOR ANY AND ALL APPROVALS GRANTED TO A PROJECT. EXTENSIONS MUST BE APPLIED FOR PRIOR TO EXPIRATION DATE.

07-23