

December 9, 2009

1

TOWN OF NEW WINDSOR

PLANNING BOARD

DECEMBER 9, 2009

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

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

JENNIFER GALLAGHER
BUILDING INSPECTOR

NICOLE JULIAN
PLANNING BOARD SECRETARY

ABSENT: DANIEL GALLAGHER

DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

REGULAR_MEETING

MR. ARGENIO: I'd like to call the December 9, 2009 regular meeting of the Town of New Windsor Planning Board to order. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: We're starting just a moment or two early because Danny is not with us tonight so I have asked Mr. Scheible to join us up here, we're starting just a moment or two early insomuch as we have only two items on the agenda, actually three but we'll get to the third one. Everybody seems to be here who we're going to speak about, thank you everybody for coming. The members a reminder please everybody if you're not going to make a meeting to let Nicole know, not the end of the world if you can't make it, it happens but it certainly would be embarrassing if everybody came and we, all the applicants showed up and we don't have a quorum so can't make it, just let Nicole know. That said, we're going to jump right into it. Mr. Cordisco is not here because he has an ear infection and I told him toughen up, fell on deaf ears, ha, ha, ha. If we stumble on something we'll table it until we can get to have a conversation with him.

APPROVAL_OF_MINUTES_DATED_10/28/09

MR. ARGENIO: First item tonight is approval of the minutes dated October 28 and sent out via e-mail on November 11, anybody sees fit, I'll accept a motion we approve.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded we approve the minutes as written. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE

December 9, 2009

3

MR. ARGENIO

AYE

ANNUAL_MOBILE_HOME_PARK_REVIEW:

SILVER_STREAM_MOBILE_HOME_PARK

MR. ARGENIO: Silver Stream Mobile Home park, somebody here to represent this? Please come forward, sir. State your name and address for the benefit of the stenographer.

MR. PUCCIO: Michael Puccio, 9 Bivona Lane, New Windsor.

MR. ARGENIO: Jennifer, has somebody from your office been out there to take a look?

MS. GALLAGHER: Yes, Mr. Chairman.

MR. ARGENIO: How is it?

MS. GALLAGHER: Everything is fine.

MR. ARGENIO: Boy, that's fantastic. Do you have a check tonight in the amount of \$600 plus \$100 for the fire inspector's fee totaling \$700?

MR. PUCCIO: I need a pen but I do have one.

MR. ARGENIO: I can help you with that. Why don't you come up. I'll accept a motion that we offer one year extension.

MR. VAN LEEUWEN: So moved.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion has been made and seconded we offer Silver Stream Mobile Home Park one year extension. Roll call.

ROLL CALL

December 9, 2009

5

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

MR. ARGENIO: Thank you very much, sir.

REGULAR_ITEMS:

MASON'S RIDGE (09-24)

MR. ARGENIO: Masons Ridge and Masonic Lodge, you guys want to come up and start setting up while we're finishing this up? First item on tonight's agenda is Masons Ridge multi-family site plan. This application proposes the development of the 12.6 acre parcel as an 84 unit multi-family work force housing complex. The plan was previously reviewed at the 9 September, 2009, 20 October, 2009 and 18 November, 2009 planning board meeting. We have opened, closed, opened and closed a public hearing on this application. Ma'am, can we have your name for the benefit of the stenographer?

MS. KALISKY: Good evening, my name is Dawn Kalisky, project manager with Lanc & Tully Engineers on the project.

MR. ARGENIO: Please give us some highlights of the changes moving forward that you've arrived at and Mario, would you come up please too cause I'd like you to share, I'm aware of it but share for the benefit of the board the creative way that you did bring this into compliance with the zoning relative to the storage issue? Go ahead, ma'am.

MS. KALISKY: Okay, based on our meeting on the 18th of November, we did make all the revisions to the plans, further comments received from the planning board and from Mr. Edsall. High points, split rail fence--

MR. ARGENIO: If I can interrupt you for a moment, in addition to that, there was a letter that we had received at the public hearing which I had discussed with Mark Edsall and some of that information was also, not all of it, some of it was incorporated into some of the changes that you were compelled to make. Go ahead.

MS. KALISKY: Okay, the split rail fences have been added around both playground areas as the board had requested. The grading we did ensure that it doesn't exceed maximum 1 on 2 slope, all areas of steep slope will have appropriate erosion control measures per DEC guidelines. All the retaining walls include top and bottom wall elevations, our tiered retaining wall behind building 6, building 9, excuse me, we've added a detail for that with the appropriate notes in accordance with the town requirements. The split rail fencing is now provided on all the retaining walls in excess of 30 inches.

MR. ARGENIO: Along with the chain link?

MS. KALISKY: Yes, yes, per the detailing that includes the black chain link.

MR. VAN LEEUWEN: What's the retaining wall made out of?

MS. KALISKY: We have Versa-Loc wall for the landscape wall, the blocked, unreinforced block wall, the large wall once again we have proposed a strong stone.

MR. ARGENIO: The bigger block, Henry, I think we discussed that when you were sick.

MR. VAN LEEUWEN: I wasn't here when that was discussed.

MS. KALISKY: In addition, on that large wall we did include the split rail fence as well as the guiderail. We rerouted our sewer location in this area to get it out over the wetland or water quality basin. The note on the lighting plan we did include the note as was requested that it's subject to modification or replaced fixtures as to the satisfaction of a town representative should it be deemed appropriate or necessary. If there's additional verbiage that needs

to be required, we'd be more than happy.

MR. ARGENIO: No, I don't think so. The spirit of what we're discussing you acknowledged that's the important thing, it's part of the minutes and it becomes an issue which I certainly wouldn't anticipate it becoming an issue but the spirit of what we've agreed to has been memorialized appropriately.

MS. KALISKY: There was a question on the paved width for the shared access and looped road, we have a 25 foot paved width curb to curb which actually provided a 12 1/2 foot travel lane, the code for the work force housing states that the entrances and exits for the interior circulation should be of a width suitable for the location of the site for work force housing. We would ask that the planning board actually deem a 25 foot paved width, there's no parking on the roadways appropriate for this site, travel lanes on 32 are only 11 feet wide so we're providing a little bit more. I can roll that into comments that we received from the fire inspector and we addressed all his concerns although I haven't received an additional memo that he's now satisfied, we do believe that he is and he's satisfied with the 25 foot paved width. And that's what you folks have had since the submission on the 20th of November but since that time, when we were here last I promised you that I'd have an answer how we're going to handle the sewer if the existing manhole here was in fact a town sewer that we'd tie into or if it was private, the plan set that we provided showed an alternative with the run coming all the way down, installation of a doghouse manhole to tie into the existing sewer line here. Since we've been unable to determine that this is a town sewer we would assume that it's a private sewer that we cannot tie into so the final plans that you folks received will not have that proposed tie-in here, it will be the alternative that's reflected and designed on the plan set that you have. Additionally, as I said, we met with the fire

inspector, misplaced hydrant right here, moved it over to a more accessible area that should satisfy all his concerns, submission was, final submission was made last Friday, I would believe late Friday so I believe hopefully Monday he got to take a look. And just to advise we did make our submission to the Department of Health or excuse me the Department of Transportation on the 1st of December in accordance with the requirements spelled out in your SEQRA letter, I did provide a copy of the transmittal for the Planning Board's records so you know where we're going with them and hopefully we'll see if we can get a comment or acknowledgement within the next few weeks, if not, I'll start making my phone calls. One thing we did do additionally another change I had the opportunity to meet with Mr. Edsall regarding the water service for the entire project, originally we had the meter chamber proposed up here, master meter chamber serving the development and the adjoining parcel tying in off that line. Since our meeting that was unfortunately just last week so I can't get the plan set we have relocated the meter chamber down here in the parking area of the shared commercial access.

MR. ARGENIO: Now you have a private service.

MS. KALISKY: All the way from New York State 32 where we're tying in master meter chamber here I believe they did provide draft documents of the water submission to Mr. Edsall and to Mr. Agido for the review and comment before our submission to the DOH, we want to make sure they're satisfied first but it's a private service connection with a wet tap here into the meter chamber and up all the way up through the system. And one other concern or the last concern that I believe we needed to address between last meeting and now was the satisfaction of the storage requirement per unit in accordance with the code and Mario--

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

ma'am. Mr. Van Leeuwen has something I think is site related he'd like to ask you about.

MR. VAN LEEUWEN: Ma'am, I asked you to put a fence around all your whole property so that people down below here and I used to own part of Arkel Motors years ago so they're somewhat protected, there's going to be a lot of kids in here.

MS. KALISKY: Where would you like that fence?

MR. VAN LEEUWEN: On the property line, I'd like to see seven or eight feet high, you said it will be taken care of.

MS. KALISKY: My apologies, the notes I have on fencing was on the--

MR. ARGENIO: I want you to remember that, why don't we take a look at this a little bit and try and--

MR. VAN LEEUWEN: Because there's all kind of trucks.

MR. ARGENIO: Let's just try and logically take a look at this, the back side of the site is certainly there's nobody back there, it's a big mountain. What's on the left side of the site?

MS. KALISKY: Over here actually you have an open field actually grading in this area, the slope existing topo is pretty flat so that would be a really good location for a fence line.

MR. ARGENIO: What's that building I see there?

MS. KALISKY: This is a two story barn residential and a house right here.

MR. ARGENIO: In the spirit of what Henry's saying, we can start here somewhere to protect this, is that

reasonable?

MS. KALISKY: That we could do, like a 6 foot PVC stockade.

MR. ARGENIO: Chain link.

MR. VAN LEEUWEN: Should be chain link, should be at least 7 to 8 feet because, you know, kids are going to jump over 6 feet like it's nothing, deer will do it so will kids.

MS. GALLAGHER: It has to be 6 feet or they'd need a variance.

MR. ARGENIO: Yeah, okay, what's this here?

MS. KALISKY: That's an existing residential dwelling, not part of the--

MR. ARGENIO: Let's talk about this here, this is what vacant land here?

MS. KALISKY: That's vacant land, kind of steep through this area, very steep in this area down to Arkel Motors.

MR. ARGENIO: You want to run this line here?

MR. VAN LEEUWEN: Absolutely.

MR. ARGENIO: Is that fair enough?

MR. VAN LEEUWEN: I think it should go all the way around. What about these people that live down in here?

MR. ARGENIO: Let me just step in here for a second, all the way around back here I just don't see the sense in it, Henry, Snake Hill is back there, we're not

trying to create a pen to keep animals in. I want, I don't want to make a pen, I don't think your request is unreasonable but something like this.

MR. VAN LEEUWEN: Yeah, but the trouble the kids come over this way and this way and this way.

MR. ARGENIO: That would be some committed youth.

MR. VAN LEEUWEN: It could be done.

MR. ARGENIO: Let's do this, here's what I'd like to do with that, let's consider that I want you guys to think about that for a moment or two and we'll talk about that in a few moments and we'll see if we can give everybody a chance to look at the plan and consider it and we'll come back to that in a few minutes. Mario, before we get to you cause I want to hear from you how you resolved that issue, ma'am, I would like to ask you just a couple of things. Relative to the, you addressed this, the walls, any wall taller than five feet there's verbiage that Mark has crafted, Mark and Dominic over the years that just relates to having professional engineer design and stamp that wall so somebody is accountable for the fitness of the wall in the long term. I would ask that Mark share that verbiage with you and you agree to not only include the verbiage on your plans but follow it.

MS. KALISKY: I do believe that it's already included on the detail.

MR. EDSALL: I have to check to see if they are, I thought that got in.

MR. ARGENIO: I'm not thumbing through the details, I'm listening to the presentation, if it's not there I'd like you to have that in there.

MS. KALISKY: I assure you, sir, that it is on there,

it's on the detail and I believe it's the exact verbiage that Mr. Edsall had provided.

MR. ARGENIO: What about your staging and phasing, our requirements are typically that before you get your, when you arrive at 50 percent of your residential build at that point in time you should have that clubhouse not only constructed but you should have acquired a final C.O. or you'll get no further C.O.s on the rest of your units. Are you okay with that?

MS. KALISKY: I guess actually we added a note, revised the notes on the title sheet which once again not for the 20th submission because this was brought to our attention after but the final plan set that you received for signature basically has a note stating that no C.O.s, C.O. must be issued for building called the community building prior to the issuance of C.O.s for units.

MR. EDSALL: The wording we want is included in my comments as one of the recommended conditions for approval.

MS. KALISKY: It will be revised accordingly.

MR. EDSALL: The notes, the typical notes are on the plans they're provided for the stone units, the large block, not for the small landscaping block because that detail specifically states 4 foot maximum height so I think we're covered.

MR. ARGENIO: Mr. Regan, this is to you, if it's possible to get that clubhouse trimmed out before 50 percent that would be fantastic.

MR. REGAN: We can accomplish that.

MR. ARGENIO: You're under no obligation but the earlier you get that done, it's good.

MR. REGAN: We usually use the areas so it's good to have it finished, I don't think that will be a problem.

MR. ARGENIO: Great, my last thing is and Mr. Regan may want to give his input but I'll direct the question to you, ma'am. Do you anticipate any phasing with this project? Are you going to build a portion and then test waters and then build another portion 18 months from now?

MR. REGAN: No, I can answer that, the way that these deals typically run is they're all done in one shot or they're not done so it's either going to get together altogether or it's going to sit until we have the funding and the sources of funding to put it together all in one phase.

MR. ARGENIO: So it's going to get done number 1 and number 2 it's going to get done in one mobilization?

MR. REGAN: Absolutely.

MR. SCHLESINGER: So the funding comes in one shot.

MR. REGAN: The commitments come up front, it's not as if you get part of the commitments for the funding at the start and see how you do later. This isn't a deal where we're putting it in in phasing, we'll tell you that up front, this is a deal that's done in one phase and all the funds are committed up front.

MR. ARGENIO: Understand something, these were committed not to be confused with a staged construction drawing which is none of our business, that's between you and your lender.

MR. REGAN: That allows us the level of comfort to know all the money is there when we break ground.

MR. ARGENIO: I understand that. Mario, I'd like you to please address for the members of the board the storage issue and some of your folks were not here, I'm speaking to my contemporaries, there's an issue with this cause the square footage allotment that they need to achieve for storage and it's not in a closet and it's not underneath the stairs, it's something that it's a quantity of storage per unit and it needs to be in the building so the people can store their stuff there bikes, their grills, whatever it is they didn't achieve that but Mark has worked closely with A. J. Coppola and they have I think resolved this. Tell us how you resolved it.

MR. SALPEPPI: We call it the bulk storage room. Previously each of the four unit types had it inside the unit, three of the units had it under the stairs, the three with stairs but it was accessed from inside. What we have done is we have modified the layouts along these sides where the stairs exist on the first and second floor and gotten on two of the units the storage room is now in the back corner accessed from the rear of the unit outside, on one of the units we actually couldn't fit it in this area any longer so we took out the entrance closet which bumped into the kitchen before and that now became the bulk storage room and we moved the entrance closet under the stairs so that one is now accessed outside. And the handicapped unit which is only one story had an interior bulk storage which we have now added as part of the entrance to the unit so now all four of them are accessed from outside, they all meet the size requirement or larger actually.

MR. ARGENIO: That was mainly for informational purposes for the board because if you remember, I mixed it up with the attorney a little bit but Jen, that meets the code, yes?

MS. GALLAGHER: Yes, it does.

MR. ARGENIO: So that's good. Now, what I'd like to do is anybody, any of the members have any issues, anything they'd like to bring up? We reviewed this quite a few times, I know I've seen it seems like a million times but I know it's not, please ask your questions and then Henry we'll get to the fence thing on the back end.

MR. VAN LEEUWEN: Okay, no problem.

MR. ARGENIO: Henry Scheible?

MR. SCHEIBLE: Well, you know what Henry Scheible stands for, maybe I'm overlooking something, I know I wasn't here, I apologize but for personal reasons I couldn't make the November 18th.

MR. ARGENIO: Go ahead.

MR. SCHEIBLE: You know what I'm talking about and I'm looking.

MR. ARGENIO: On the right side.

MR. SCHEIBLE: On the right side, thank you, I'm looking to the left side, I apologize.

MR. ARGENIO: I think there was a grade issue on the left side, Henry.

MR. SCHEIBLE: So we did settle for the one and so far as the fencing issue is concerned, Henry, I'm not, you know, contradicting your ideas here but we don't want it to look like Fort Apache.

MR. ARGENIO: I don't want it to look like jail.

MR. SCHEIBLE: Maybe there's a certain area where a fence would be used but complete entire project I think after a while it looks like a jail or Fort Apache,

whatever you want to call it.

MR. BROWN: Critical areas I think a fence is appropriate, just to fence the whole entire area it does give the look of a penitentiary.

MR. ARGENIO: Neil, any thoughts on fencing or other questions?

MR. SCHLESINGER: We requested the fencing around the playground area or whatever it was and that was addressed and we're happy with that and everything, purpose of the fence to keep people in, keep people out, you know, I don't know either you fence the whole thing or I don't see the purpose of the fence around any parts of it because I think it's going to be circumvented somewhere.

MR. ARGENIO: I think I disagree with you and I tend to lean towards Mr. Van Leeuwen in that I think something could be appropriate because I have to tell you and here's why I say it, Neil, I'm a business owner as everybody knows, partners in a business right down the road and I'm going to tell you something, the kids will get into everything if you don't take a reasonable precaution. And I think that this thing coming together is a great thing for the town but the folks at Arkel Motors and anybody else they shouldn't have to worry about on a Saturday night somebody's kid for whatever reason gets into some beer or feels mischievous for whatever reason and they have a problem, Neil, I had kids.

MR. SCHLESINGER: Does Arkel have a fence around their property?

MR. ARGENIO: They don't as far as I know.

MR. SCHLESINGER: Maybe they should.

MR. ARGENIO: Why should they be compelled to do it because that guy is putting this facility in there?

MR. SCHLESINGER: Back at square one.

MR. VAN LEEUWEN: When Bobby Rogers was fire inspector, he did not want a fence.

MR. ARGENIO: Why?

MR. VAN LEEUWEN: He didn't want it because nobody can get in there because we'd have to gate it and nobody can get in there in case of a fire so originally when we laid it out, we laid around with a fence, Rogers did not want the fence.

MR. ARGENIO: Really?

MR. VAN LEEUWEN: Yes.

MR. ARGENIO: So we shouldn't put it here then, no, I'm kidding, Henry, I'm kidding.

MR. SCHEIBLE: Are we setting precedent for any future such projects?

MR. ARGENIO: No, we're not, absolutely not.

MR. SCHEIBLE: I know it should be one by one basis but have we ever done this in the past?

MR. ARGENIO: This is brand new.

MR. SCHEIBLE: Have we ever asked for a fence before?

MR. ARGENIO: We have.

MR. VAN LEEUWEN: You can go without the fence but I'm not going to vote for it.

MR. BROWN: Personal preference with fences is if you're within the vicinity of a school where kids can walk as a shortcut that's when you run into a problem with kids coming through, that's what we've ran into coming down from Heritage they cut through our development to get to Windsor Crest.

MR. ARGENIO: But Howard, say that a kid walking down the driveway there is not attracted by what they call an attractive nuisance in the insurance business off to the north and they say oh, this is Saturday night, we used to have kids going in the bodies of the dump trucks smoking marijuana back there and nobody would see them.

MR. VAN LEEUWEN: We've had how many headlights shot out with kids with BB guns. Unbelievable time after time.

MR. ARGENIO: When Mr. Van Leeuwen says we, I'm sure he's referring to his experience when he was a partner in Arkel Motors, correct?

MR. VAN LEEUWEN: Correct, and I don't talk to them so I'm not trying to protect them but the, okay, but I know what it can lead into.

MR. ARGENIO: There's no love loss between Henry and his former partners, just so you know, he's not motivated by trying to protect that organization.

MS. KALISKY: If I may, in our Fishkill project as I said that's just finished up, we do have a 6 foot stockade fence line between an existing residential area, you know, at their request.

MR. ARGENIO: So it's not atypical?

MS. KALISKY: No, whatever the board deems would be appropriate we're more than happy to provide.

MR. REGAN: Agreed, we have no problem with whatever you feel is necessary.

MR. ARGENIO: I'm going to try to mediate this thing, I'm going to try to go down the middle, we're all intelligent people and respectful of the others' opinion, I'm going to suggest the following to my contemporaries that ma'am you consider a fence from somewhere up in here, the corner just down from the corner that goes down, down to here, down to here and also furthermore I'm going to suggest the possibility of doing some fencing from somewhere up in this area down this way around here like this. I think that's reasonable for us to request it and I think while you guys may not agree with it, I don't think, I don't think I disagree with Henry, we don't want, Henry Scheible makes a great point, we don't want the place to look like a jail but these people are here first and we can certainly compel them to do something later on if there's an issue but let's try to avoid that, the only issue are you guys okay with that, Jennifer?

MS. GALLAGHER: If you require 6 foot fence all the way down they'll need a variance.

MR. ARGENIO: Why?

MS. GALLAGHER: Because the 6 foot fence cannot project closer to the road than any building that they have there.

MS. KALISKY: And if I just may point out to the board members you recall this is an existing gravel drive.

MR. ARGENIO: Hold on just one second.

MS. GALLAGHER: The building like Masonic Lodge it cannot go passed Masonic Lodge 6 foot high, it can only be 4 foot high because it's a front yard.

MR. EDSALL: Front yard is 4 foot, 6 foot is not allowed.

MR. ARGENIO: Make them meet the code.

MR. EDSALL: May I pose a question, is there really a need once you get down passed that residence that's on the left side of the shared access?

MR. ARGENIO: This?

MR. EDSALL: Yes, the one up at the top because you've got a condition where you've got the shared commercial accessway immediately adjacent to the private road and we barely fit in a demarcation between the two with a double sided wooden guardrail so there's really no place along there to put a fence.

MR. ARGENIO: I don't think that's unreasonable and there's nothing here.

MR. EDSALL: No, but there's a roadway, private road so maybe you can wrap it around and stop at the top just passed that house.

MR. ARGENIO: But Henry, the natural flow of activity for pedestrians in this project, the sidewalk's on this side on the north side, the natural flow for a pedestrian is in this direction and when a pedestrian gets off here or does whatever they're going to do and they arrive at this point when they're going this way pretty much have a destination pretty much.

MR. EDSALL: There's no good shortcut there.

MR. ARGENIO: That's my point.

MR. EDSALL: More trouble to go another way than to just go right up the road.

MR. ARGENIO: Correct, if it was a shortcut, it would be a different discussion.

MR. EDSALL: But the size I'm concerned about the road because both from a zoning compliance standpoint and fitting it in between that and the private road.

MS. KALISKY: If I just may make one other point to bring it down here now this is not part of the Masons Ridge project, this is the Masonic Lodge separate site plan application, we can include it on that should you so desire or follow the property line to keep the Masons Ridge fencing within the Masons Ridge project.

MR. ARGENIO: What do you think?

MR. VAN LEEUWEN: What have you got around those holding ponds?

MS. KALISKY: Storm water ponds that's a split rail fencing with the chain link fence.

MR. VAN LEEUWEN: Okay.

MR. ARGENIO: Henry, since you're the one that brought this up and you're driving it, do you think it's more wise to have the fence come down and go across here and terminate or come all the way down?

MR. VAN LEEUWEN: All the way down.

MR. ARGENIO: That's what we're requesting.

MR. SCHLESINGER: That's going to have to be on the next one.

MR. ARGENIO: All we're going to do on the next one you're going to acknowledge our discussion from the previous application and that will take care of that.

You guys okay with this? I'm trying to go down the middle here on this.

MR. SCHEIBLE: I don't like a chain link fence going back to the prison look.

MR. EDSALL: Can we go with the same detail as the split rail but 6 foot, you might not even want, you can put the black mesh on the back of it so it's the same detail fence, fences will all match just going to a 6 footer.

MR. VAN LEEUWEN: Color it green.

MR. ARGENIO: Please stand up and tell us your name.

MR. LYBOLT: Yeah, Keith Lybolt, I'm part owner of the project. Just so the board knows if a neighbor comes to us and asks for additional landscaping or fencing, we normally provide it, it's not, we're not looking to sort of be a bad neighbor or if the fencing we install like we do a split rail sometimes we do evergreens, we're going to work with the neighbors to provide at least a development, not cause a difficulty.

MR. ARGENIO: Mr. Lybolt, based on my experience with you folks and what I, my experiences with the young lady and my discussion with Mark, I believe that wholeheartedly in my heart but the more stuff that we can dispose of on this level the better off we are. What you don't want to do is leave a whole bunch of stuff out and say come back and say you have to do this this, this and this.

MR. VAN LEEUWEN: We want to minimize the complaints.

MR. ARGENIO: Correct, and if there are complaints I have every confidence that you will take care of it.

MR. LYBOLT: Come back to us and ask us to accommodate.

MR. ARGENIO: Type of fence what Mark is suggesting I am ambivalent about the split rail with a chain link fabric.

MR. VAN LEEUWEN: As long as it's a chain link fence I don't care what else they do to it.

MR. ARGENIO: Use the same detail split rail with the chain. You guys okay with that?

MR. SCHEIBLE: I'm not in favor of the fence period as much as we're asking to be put in there.

MR. ARGENIO: We are.

MR. EDSALL: For the remote areas, Mr. Chairman, again, looking at the applicant if they're used to the vinyl coated chain link which you've done on a lot of other sites in the perimeter areas they're really not that noticeable, they almost disappear with the landscaping, so I would suggest that on the remote area if they'd rather use that rather than slit rail which gets to be a little bit more of a burden.

MR. ARGENIO: Is that an appropriate accommodation in your mind?

MR. SCHEIBLE: He's getting closer.

MR. EDSALL: I'm trying.

MR. ARGENIO: Why don't we go with this for now what we have just discussed and you madam get with Mark and work out the exact details. I don't disagree with it but as I said or as Henry Scheible said, we don't want the place to look like a jail, that's unfair for you guys, it's unfair for Mr. Regan, let's come up with something reasonable. You understand the spirit of what we're trying to achieve, Mark?

MR. EDSALL: Yes.

MR. ARGENIO: You've been pretty good about walking the line there. We have fire is approved, you have applied to DOT, that's a whole other ball game from the way we've been doing things, the way we were doing things five, six years ago, they tend to be not quite as responsive as they used to be and our stand has been that we have not, we're not fancy about holding up applicants over that. Parks and Recreation no impact. Big thing is fire and they took care of that. Somebody, is there anything else you guys have any other comments on this?

MR. SCHEIBLE: One more comment not to go back to the fence to drill it into the ground, I'm just looking through the map here, somebody can correct me if I'm not looking at it the landscaping plan now does the fencing on when you side of the landscaping plan where is the tree plan?

MR. ARGENIO: I don't know. What's the answer to the question?

MS. KALISKY: The question was?

MR. SCHEIBLE: Well, are we going to have a landscaping plan like if you're going to plant trees around the perimeter of the project?

MS. KALISKY: There's a landscaping plan, I believe it's sheet--

MR. ARGENIO: It would seem to me that that perimeter fence that we're discussing would go as close to the property line as the code would allow.

MS. KALISKY: Sheet 16, 15 of 18.

MR. ARGENIO: Mr. Regan, is that a reasonable statement that I just made?

MR. REGAN: Fine, 15 feet from the property line.

MR. ARGENIO: Whatever the code is, probably for my project I'd want to put it as close to the property line as I can.

MS. GALLAGHER: It can go on the property line.

MR. ARGENIO: So the landscaping will remain inside the property, inside the fence. Anybody else have any other thoughts on this?

MR. EDSALL: There are plantings added along the back of the buildings to the south it looks like but on the north perimeter of the property they're disturbing for their storm water basins but they're leaving the natural areas alone, it's almost a natural buffer so they're not, other than, and we'll work out the location of the fence, but there's a bit of a natural buffer there that's not being disturbed.

MR. ARGENIO: How high are the fences around the--

MS. KALISKY: Four feet.

MR. ARGENIO: Fine, do you have a copy of Mark's comments?

MS. KALISKY: No, sir, I do not. Now I do.

MR. ARGENIO: Mark, you said the notes about the structural walls with the PE stamp is included on their plans already? Did you say that? Neil, any thoughts on this? Mr. Brown, Henry, do you have any thoughts on this, Henry?

MR. SCHEIBLE: I'm thinking.

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

MR. VAN LEEUWEN: No, I'm fine.

MR. ARGENIO: I think so too, I think you guys have done a good job. Okay, insomuch as we certainly have beat this, if anybody sees fit, I'll accept a motion for final approval or to authorize Dominic to craft a final approval resolution subject to Mark's comment number 4 and the bullets contained therein. Anybody sees fit, I'll accept that motion.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. VAN LEEUWEN: Plus the fence.

MR. ARGENIO: Motion has been made and seconded to offer final approval to this applicant subject to Mark's comments number 4 and subject to the applicant modifying the plans to include the perimeter fence as discussed this evening and will be approved by Mark Edsall again based on the parameters discussed this evening. If there's no further discussion, roll call.

ROLL CALL

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

MR. ARGENIO: Thank you very much, Mr. Regan and ma'am, I commend you, you did a good job under a very tight timeframe. You guys aren't aware of it but a few weeks ago to get her plans in on time she worked day and

night.

MS. KALISKY: He gave me two days.

MR. ARGENIO: To get them done and she did get them done and that's good and I commend you and good luck with the project, Mr. Regan.

MR. VAN LEEUWEN: Thank you for working with us.

MS. KALISKY: Thank you.

MR. ARGENIO: Thank you for that too.

MASONIC_LODGE_(09-27)

MR. ARGENIO: Masonic Lodge site plan is next. Application proposes 6,400 square foot membership lodge on the 2.6 acre parcel on the bottom. The plan was previously reviewed at the, parallel with this plan at the 9 September, 2009, 28 October, 2009 and 18 November, 2009 planning board meetings. Ma'am, would you please point out to us the significant changes that you've made since the last time you've been here?

MS. KALISKY: Absolutely, the comments actually on the Masonic Lodge plan were relatively similar, not quite as complex like the Masons Ridge. We did shift our handicapped parking spaces so the signs don't get in the way of the access to the building. Once again, a note on the lighting plan we did include but if there's additional verbiage we'd be more than happy to include that.

MR. ARGENIO: Same concept and spirit as the other application.

MS. KALISKY: That's correct. We did reduce the size of the covered pavilion to show a 50 x 72 covered pavilion which falls within the building setback lines and we still have the asphalt plan.

MR. ARGENIO: Did you put the sidewalk in that that Mr. Scheible requested?

MS. KALISKY: We have the sidewalks in.

MR. ARGENIO: It's made out of grass Henry so you know.

MR. SCHEIBLE: That's fine, it's easy on the feet.

MS. KALISKY: Concrete sidewalk, as I said, it wasn't all that much discussed, however, we did get comments from the fire inspector once again after the meeting.

MR. EDSALL: It was approved with an approval memo today.

MS. KALISKY: Okay, I didn't get that.

MR. ARGENIO: Mark, the note says fire inspector's office, we've been advised an updated report is pending, that report is the one you have in your hand.

MR. EDSALL: The new sheet that I issued today the updated set of comments the ones that all the board members have and the new one I gave you was based on me holding my final comments until Nicole let me know about that they have issued an approval memo today.

MR. ARGENIO: Based on these plans?

MS. KALISKY: No, based on these.

MR. EDSALL: There's some revisions that are going to be in the final set.

MS. KALISKY: What the fire inspector was looking for to conform to code requirements was actually a fire apparatus turnaround within the parking area because this extends further than 150 feet.

MR. ARGENIO: Draw it with your pen.

MS. KALISKY: We have a turnaround proposed here now instead of covering the world in asphalt because the DEC doesn't like that either, we're proposing grass pavers, we have included that detail as well for the fire to stabilize the area, it will be strong enough of course to support the fire apparatus grass paver detail concrete pavers with grass growing out in between so it is clearly visible.

MR. LYBOLT: I spoke to the masons.

MR. ARGENIO: Is that the extent of the changes?

MS. KALISKY: That was the extent of the changes on the fire apparatus. Now once again in further discussion with Mr. Edsall on the water and sewer services, I'm realizing that we can't tie into the Masonic Lodge or excuse me the Masons Ridge water line or sewer line without having transportation corporations and all kinds of crazy stuff. Once again, our water submission for the Department of Health and our new plan submission will show, actually shows a separate sanitary sewer six inch line coming down, manholes tying in the existing main, also shows 10 x 6 wet tap on the existing water main going through a shared meter chamber as we discussed with the Masons Ridge project because there's cross-easements throughout the shared commercial access and utility easement area so once again, six inch water line will come through this meter chamber here and run up and we have a hydrant proposed right here and then six inch line into the building for fire suppression and 3/4 inch service for domestic use off that.

MR. ARGENIO: Mark, you okay with the way it's laid out?

MR. EDSALL: Yes, and the reason why we worked in this direction with the concept as Dawn has indicated all utilities on both sites will be private, there will be no need for town applications, so they can move forward expeditiously.

MR. ARGENIO: Go ahead, what else, is that it?

MS. KALISKY: That was it.

MR. ARGENIO: The record should reflect that the concept of a fence as outlined in the previous application applies to this application. SEQRA lead

agency taken 10/28/09, negative December 18, '09, public hearing closed 11/18, Orange County Planning local determination. Same DOT status as the prior applicants insomuch as it's a shared driveway. Mark's comment number one all comments have been addressed on these latest plans, with the exception of some minor corrections as listed in the comments. I don't know what that means.

MR. EDSALL: The updated comment references to comment 4.

MR. ARGENIO: I do that too, I put an X in so it reminds me.

MR. EDSALL: When I get to the last comment I know what number to put in.

MR. ARGENIO: I have nothing here so whoever has a comment or question please ask because now would be the time to do it. Any discussion about a flag, Henry Scheible, did we talk about that?

MR. SCHEIBLE: I didn't but I was thinking about it.

MS. KALISKY: Oh, it's been in there, sir.

MR. ARGENIO: No problem. What about Mason Ridge?

MS. KALISKY: Yes, that's on the detail for the landscaping plan.

MR. ARGENIO: Henry Van Leeuwen doesn't do details broad stroke.

MS. KALISKY: On the landscaping plan it says flag pole that's up by the community building.

MR. SCHLESINGER: Is there any signage?

MR. BROWN: Is there going to be a sign on 32 to let people know?

MS. KALISKY: The Masonic Lodge?

MR. BROWN: The other one.

MS. KALISKY: Mason Ridge, yes, the detail was on the landscaping plan, the location was shown on the landscaping plan because being down here at the entrance of the shared commercial access the plan showed the sign location there.

MR. ARGENIO: Howard, just so you know, I don't think you were here at the meeting but I asked that their traffic consultant come up because 32 is a busy state highway and we always talk about Phil Greeley, John Collins Engineering, Phil Greeley, John Collins Engineer, John Collins came up from John Collins Engineering and he came up and we talked a little bit, I think it was Danny, myself and Neil, three of us and he's got it covered, they did the studies and the counts and so that's been addressed as well if that was in the back of your mind.

MR. SCHEIBLE: If we're on the case, where is the fence going on this one?

MR. ARGENIO: Same place as the last one, Henry, along the property line down to the bottom of the property.

MR. SCHEIBLE: To the right?

MR. ARGENIO: To the right.

MR. EDSALL: To the bottom side of the Masonic Lodge property.

MR. SCHEIBLE: The north side.

MR. EDSALL: North side of the property, correct, we'll be checking that out, Jen and I.

MR. ARGENIO: Mark, am I missing anything?

MR. EDSALL: No, they're in good shape, again, I did request subject to comment 4 plus the fence requirement as you indicated.

MR. ARGENIO: If anybody sees fit, I'll accept a motion for final approval subject to Mark's comment number 4 and the fence comment.

MR. VAN LEEUWEN: What about negative dec?

MR. ARGENIO: It was done 11/18/09.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded we offer final approval to Masonic Lodge site plan on Route 32 subject to what I just read in. Roll call.

ROLL CALL

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

MS. KALISKY: Thank you.

MR. ARGENIO: Good luck, Mr. Regan.

MR. REGAN: Thank you all, it's been a pleasure and it's very enjoyable working with the board and the professionals.

MR. ARGENIO: We're very excited, it's our first work force housing project and we trust that you will do a fine job.

MR. REGAN: We won't let you all down.

MR. ARGENIO: Thank you, Dawn did a great job, better than most I'll say and that's not to leave out Anthony and Mario, they did a fantastic job as well.

MS. KALISKY: But I did do more.

MR. ARGENIO: Thank you.

BEAVER_DAM_LAKE_(07-04)

MR. ARGENIO: The last item that does not show up here because it's a very, very, could not be more innocuous item, it's the Beaver Dam Lake deal, the water system and recognizing that it's important that our citizens have water in this town, these folks have been working very hard on design and more importantly of late approval from the Orange County Department of Health. We reviewed this plan many times and we brought it to fruition. The reason we did not take it over the wire was because they did not have OCDH approval and as a matter of policy, we followed that standard for many years even before me my predecessor, Jim Petro, and whoever the predecessor of his was that's been followed. So they have been tabled for quite some time because they did not have Health Department approval. This board has done a very thorough review, I'm sure you guys remember this application. There's a couple gentlemen here tonight, one of--you guys look like brothers, are you brothers?

MR. MC GUINNESS: I'm Jim McGuinness, Vice President of the Beaver Dam Lake Water Corporation.

MR. ROTH: I'm Bob Roth, Plant Superintendent.

MR. VAN LEEUWEN: That's Franny's father.

MR. ARGENIO: One of you guys please come up, stand and come forward.

MR. ARGENIO: So Mark, please add to what I discussed here and explain to everybody.

MR. EDSALL: I'll try to get all the pertinent facts in the record. This is I believe application 07-04, it is 07-04, you last reviewed it on October 24, 2007. Previous to that, it was 14 February, 2007. You had a public hearing at the October 24, '07 meeting, you

adopted a negative dec executed on October 31 '07, filed with the Town Clerk on November 18 '07. As you indicated, it's been in holding for the Health Department review, this actually came from the New York State Health Department up in Albany. Also just for the record, we did send it on the 239 NN to the Town of Cornwall since they're immediately adjoining and under 239 it did go to the County Planning so all the referrals have been done. You have adopted a negative dec and we promised the applicant as soon as they had their approval from the Health Department we would rush them in the door and true to your word, they're here tonight, they do have a letter from the Health Department dated December 1st this year granting final approval.

MR. ARGENIO: Understand guys? Mark called me a day or so ago and told me that they just got this and he just received the letter and asked me if they need to assemble their entourage and bring them in. I said it's not necessary. We reviewed this thing to the enth degree, we talked about the tower, the noise, the site, et cetera, et cetera, and the record from that day reflects the fact that as soon as you get OCDH approval we'd approve you as Mark said true to our word, here we are. The only thing I would add to this whole discussion is County Department of Orange County, the County recommends that extra consideration be given to the impacts on the dense residential areas, they're referring to the tank, the noise emanating and the view from the aboveground water storage tank should be considered. And we did consider that, I think we may have even talked about the color of the tank and I'm going through my memory.

MR. MC GUINNESS: It's going to be blue.

MR. EDSALL: A note of interest, if this was a Town of New Windsor project rather than a project being undertaken by a water works corporation, they would be

exempt from all zoning, they wouldn't be here but because they're effectively a private water works utility corporation, they had to go through this process.

MR. ARGENIO: So these folks are important to your town, they need water out there and more importantly, they need drinkable water. So I said to Mark tell them to come in. My estimation this approval is no more than a formality. I hope everybody agrees with me. Maybe not. So that's where we're at. So what we're going to do is I'd like to do is have a, if we need to have a discussion about final approval, if anybody has any questions now would be the time to ask them. I'd like to see this thing move forward.

MR. MC GUINNESS: If I can just make a few remarks as you can see from Mark's chronology, this project has taken quite some time to pull together. However, we have been fortunate to obtain funding, the American Reinvestment Recovery Act funding that would forgive half of the amount of about a \$2,000,000 loan. That project as you're aware under other requirements has to be awarded during the month of December before January 1st and we certainly appreciate the expeditious action as part of this.

MR. ROTH: We're under the gun.

MR. ARGENIO: Thank you, sir, for that. You guys have any questions on it?

MR. VAN LEEUWEN: I make a motion for final approval.

MR. SCHEIBLE: Second it.

MR. EDSALL: Included in the motion that you acknowledge that for this unique case because it's a water works corporation that really can't turn the key, turn on the water until the Health Department says

they're done there is no need for us to impose any bonding or inspection, it's inspected by the County Health Department.

MR. ARGENIO: Actually noted for the record. Motion has been made by Mr. Van Leeuwen, seconded by Mr. Scheible.

ROLL CALL

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

MR. MC GUINNESS: Thank you very much.

MR. ROTH: Thank you very much. Mr. Chairman, Bob Roth, we have just one more question that came in on a late e-mail to me this afternoon was Mr. Adam Peterson from the DEC is now asking for a negative declaration under SEQRA from the planning board.

MR. EDSALL: It's been long done, it was circulated they probably DEC here got it and DEC here didn't, Nicole's going to scan that document to me tomorrow, I'll e-mail it to your engineer and she can send it to whoever is missing it.

MR. ROTH: Thank you.

MR. ARGENIO: Make sure you do that, it's an important component and I asked Mark to doublecheck that to make sure that's been disposed of, he verified that.

Okay, motion to go home.

MR. VAN LEEUWEN: So moved.

MR. SCHEIBLE: Second it.

December 9, 2009

40

ROLL CALL

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

Respectfully Submitted By:

Frances Roth
Stenographer

