

TOWN OF NEW WINDSOR

PLANNING BOARD

February 9, 2011

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
HENRY VAN LEEUWEN
DANIEL GALLAGHER
HOWARD BROWN
HARRY FERGUSON

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

JENNIFER GALLAGHER
BUILDING INSPECTOR

DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

NICOLE JULIAN
PLANNING BOARD SECRETARY

ABSENT: HENRY SCHEIBLE
NEIL SCHLESINGER

REGULAR MEETING:

MR. ARGENIO: I'd like to call the February 9, 2011 meeting of the New Windsor Planning Board to order. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: Neil will not be with us tonight so I asked Harry to come up. Leo, you know you chastised me one time for not saying the Pledge of Allegiance, how about that girl on the Super Bowl messing up the words? How about that?

APPROVAL OF MINUTES DATED 1/12/11

MR. ARGENIO: The first item on tonight's agenda is the approval of the minutes dated January 12 sent out via e-mail on the 28 of January. If anybody sees fit, I'll

accept a motion.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded we accept them as written. Roll call.

ROLL CALL

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| MR. FERGUSON | AYE |
| MR. BROWN | AYE |
| MR. GALLAGHER | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. ARGENIO | AYE |

ANNUAL MOBILE HOME PARK REVIEWS:

BRITTANY TERRACE

MR. ARGENIO: Annual mobile home park review. Brittany Terrace. Somebody here from Brittany Terrace? Yes, ma'am, please come forward and clearly state your name for the benefit of the stenographer.

MS. KEAN: Joan Kean, Brittany Terrace.

MR. ARGENIO: Jen, has somebody from your office been out there?

MS. GALLAGHER: Yes.

MR. ARGENIO: And have a look around?

MS. GALLAGHER: Yes.

MR. ARGENIO: What say you?

MS. GALLAGHER: Everything is fine.

MR. ARGENIO: Have you brought a check made out on behalf of the Town of New Windsor in the amount of \$475?

MS. KEAN: 485.

MR. ARGENIO: We'll take the extra ten bucks.

MR. VAN LEEUWEN: Joanie don't give nothing away. I know Joanie better than that.

MR. ARGENIO: I'll accept a motion we offer them one year extension.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

ROLL CALL

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| MR. FERGUSON | AYE |
| MR. BROWN | AYE |
| MR. GALLAGHER | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. ARGENIO | AYE |

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MR. ARGENIO: Thank you for coming in this evening.

MONACO MOBILE HOME PARK

MR. ARGENIO: Next on tonight's agenda Monaco Mobile Home Park. Yes, ma'am, again, in a clear intelligible voice?

MS. LAURIA: Carmela Lauria.

MR. ARGENIO: Jen, has somebody been out there?

MS. GALLAGHER: It's fine also.

MR. ARGENIO: They are in good shape, I applaud you, ma'am. Do you have a check made out on behalf of the Town of New Windsor for 250?

MS. LAURIA: Yes, I do.

MR. ARGENIO: Accept a motion for one year extension.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded by Mr. Ferguson that we offer one year extension. Roll call.

ROLL CALL

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| MR. FERGUSON | AYE |
| MR. BROWN | AYE |
| MR. GALLAGHER | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. ARGENIO | AYE |

MR. ARGENIO: Thank you very much.

MS. LAURIA: Thank you.

REGULAR ITEMS:

BJS AGRICULTURAL SITE PLAN (#11-03)

MR. ARGENIO: First regular item on tonight's agenda is BJS Agricultural site plan. I understand that's a tree farm. This is our first time seeing this application. The application is for a tree farm on the west side of Temple Hill Road, New York State Route 300 just north of Mertes Lane. The plan is reviewed on a concept basis only. Okay, I know who you are but your name for the stenographer.

MR. LYTLE: Ken Lytle representing BJS Holdings.

MR. ARGENIO: Mr. Lytle, can you tell us what you're looking to do here tonight?

MR. LYTLE: My client owns a little over 100 acres, as Jerry noted, along Temple Hill Road and Mertes Lane.

MR. ARGENIO: What does he own, a swamp?

MR. LYTLE: He owns the swamp and back to the good land which borders on the Thruway, it hasn't been developed for years because it's all swamp through all the frontage.

MR. VAN LEEUWEN: There's a road leading into it.

MR. LYTLE: We have a proposed one.

MR. VAN LEEUWEN: I thought there was a road off of 94?

MR. LYTLE: He wishes but no.

MR. ARGENIO: Tell us about this.

MR. LYTLE: Approximately 60 percent of the land is wetlands, all the frontage is wetlands. We have met with the DEC, he came out and did the delineation of the wetlands, located that, put that on the map. The DEC has signed off on its location. We're here before the board because our client would like to put a tree farm. In general, the usable property in the rear of his property along the Thruway borders one neighbor. One of our biggest obstacles will be crossing the wetlands. We have a little over 1,100 foot of access driveway to build to get access to usable land and working with the DEC that will be undertaken.

MR. ARGENIO: That's through the wetlands?

MR. LYTTLE: That's a hundred percent correct.

MR. ARGENIO: And what's this line right here?

MR. LYTTLE: This is actually a proposed road for an access road, you'll see it crosses the property actually through the wetlands and comes up to the usable property halfway up the hill going up to a square where he's proposing the tree farm to be.

MR. VAN LEEUWEN: The little square that's going to be the tree farm?

MR. LYTTLE: That area that's correct.

MR. VAN LEEUWEN: What about the rest of it?

MR. LYTTLE: He is going to alternate between years, he's working on the details with the DEC if they'll allow us to do it, the biggest thing is actually getting the access into the property.

MR. ARGENIO: This here, is this the wetlands?

MR. LYTTLE: That's correct, the upper line or closest to the wetlands is the wetland itself, the next line down is a 100 foot buffer.

MR. ARGENIO: So this is actually the buffer, Ken, the wetland and the buffer?

MR. LYTTLE: That's correct, edge of the wetland and the buffer.

MR. ARGENIO: So what are you doing here, retail? Do I go there with my family Christmastime and buy a tree?

MR. LYTTLE: No, only for wholesale.

MR. VAN LEEUWEN: What's he going to grow, little trees and eventually plant them?

MR. LYTTLE: I believe that he's planning to do Christmas trees, that's the plan.

MR. ARGENIO: Any buildings or structures?

MR. VAN LEEUWEN: On that small of a spot because doesn't seem that he can make a living off of just Christmas trees in that spot, I'd use the rest of land but that's not my business.

MR. ARGENIO: Any buildings or structures?

MR. LYTLE: Small little shed to keep track of what's going in and what's going out, no real structures.

MR. ARGENIO: That shed is it a temporary structure without a footing or foundation?

MR. LYTLE: That's correct.

MR. ARGENIO: Does it have heat or power in it?

MR. LYTLE: There's nothing proposed at this point but that will be on the final plan.

MR. ARGENIO: So you're going to bring power in?

MR. LYTLE: When they get access along the road they'd bring something along the road at the same time.

MR. ARGENIO: I'd think they'd want to bring something in.

MR. GALLAGHER: Paved road?

MR. LYTLE: Actually gravel planned, the DEC would be happy with that.

MR. ARGENIO: Is that impervious surface, Mark, gravel they don't consider that impervious surface?

MR. EDSALL: No, that's pervious surface with gravel.

MR. VAN LEEUWEN: I don't have any other problems with it.

MR. ARGENIO: Mark has some comments, I assume you have a copy of them?

MR. LYTLE: Number one.

MR. ARGENIO: Number one are bullets, some of which I accidentally hit in my question as did Dan and Henry. You're going to have to address some of those areas. We're going to need trip generation because 300 is

always an issue, Route 300 is always an issue, any access up there.

MR. EDSALL: Mr. Chairman, if I might comment five notes about lead agency, counsel advised me that this does require DEC permit which would trigger coordinated review and you can substitute comment five with a suggestion of authorizing a circulation for lead agency.

MR. ARGENIO: I'll accept that motion if anybody sees fit that we circulate for lead agency.

MR. BROWN: So moved.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion made and seconded. Roll call.

ROLL CALL

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| MR. FERGUSON | AYE |
| MR. BROWN | AYE |
| MR. GALLAGHER | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. ARGENIO | AYE |

MR. ARGENIO: I always like to get this out of the way early because it's good to get it out of the way early and I'm glad it's in your comments, Mark, as a reminder. Shall we talk about the public hearing a bit? We have the Thruway bordered on one side. We have discussed the impact, what is to the north, more swamp?

MR. LYTLE: Lots more swamp, that's right, privately owned.

MR. VAN LEEUWEN: It's probably created by the Thruway.

MR. ARGENIO: Seem to me the only concern for the public hearing would be the folks on Mertes Lane.

MR. VAN LEEUWEN: One is a junk yard, the other one's, there's a couple small houses.

MR. ARGENIO: Who's the contractor?

MR. LYTLE: P & J and I think Whispering Pines also couple different companies around there.

MR. ARGENIO: I tend to agree with Henry on the public hearing. My only issue is as we said Route 300 and the folks on Mertes Lane but I think that's a split zone, is it, Jen, a commercial and residential, is that not a split zone there or am I mistaken?

MS. GALLAGHER: I believe it is. He has it all in a PI zone on here.

MR. ARGENIO: You should take a look at that, Ken, I think there's residential there but I have to tell you that.

MS. JULIAN: On the application it says R-1.

MR. ARGENIO: On the application it says R-1.

MR. VAN LEEUWEN: There's some residential on this side and I believe if I am not mistaken there's one house here and I don't know what this is, I have no idea, okay, and then I know this is a trailer.

MR. ARGENIO: I don't think there could be a more innocuous use of the land. Harry and Howard and Danny, it cannot make a lesser impact, do you agree? Mark?

MR. EDSALL: It would seem so.

MR. ARGENIO: I think I tend to agree with Henry but I want to pole the board about the public hearing. Howard or Harry, do you have any thoughts on this?

MR. BROWN: Well, I have a question. It's going to be a wholesale business, correct, I mean tractor trailers coming in to pick up the trees and leave through Mertes?

MR. ARGENIO: Correct but what I did mention earlier was that we're certainly going to need trip generation so we can determine that the load on that Mertes Avenue 300 intersection is not excessive but as I said, I'm only one member. Danny, what are your thoughts?

MR. GALLAGHER: Well, if we waive the public hearing now and we get back a trip generation saying that there's going to be an overabundance of tractor trailers going in there, do we put ourselves in a hole then?

MR. ARGENIO: Could be.

MR. VAN LEEUWEN: Why don't we hold off to make that decision.

MR. GALLAGHER: You have to wait on DEC anyway.

MR. ARGENIO: There's things that we do have to wait on, I mean, Ken's got work to do on the plan, this has to go to county, I'm sure he's within 500 feet of Route 300.

MR. VAN LEEUWEN: He's on Route 300.

MR. ARGENIO: At the end of the day if there's a doubt in anybody's mind we should.

MR. LYTLE: It's not a large lot, we don't anticipate many trip generations, if that's your concern but we'll look into it.

MR. VAN LEEUWEN: Let's hold off on that before we give it a final, we see the final map.

MR. ARGENIO: What I don't like to do, I don't like to hold them up, actually, you know what, Henry, you do have a point in that if we do have a public hearing we should have a plan that's closer to finality so why don't we do that. You guys okay with that? Let's hold off on that for one meeting.

MR. BROWN: Yes.

MR. ARGENIO: If you have to have the public hearing, I mean, it will roll over to one meeting, it's not like it takes months to get it done. Why don't we do that, that's a good idea, let's hold off on that.

MR. VAN LEEUWEN: Nobody can say anything.

MR. ARGENIO: No, I don't dispute that. Mark, let me ask you this question. This is a unique use in that it is a tree farm, the only other guy that's got a tree farm that I know of is Bill in our town. Are we at an appropriate level of fitness to send this to county? I want to say I think probably yes but--

MR. EDSALL: I don't think so only because some of the items that are on my comments further define the scope of their operation. I think they should provide that

information it if's acceptable to the board once they resubmit with that information on it I will do both the lead agency circulation and the referral to the county so that they'll have more complete plans.

MR. ARGENIO: I think that's a good idea. Why don't we do that, let's go down that road. Ken, can you get some of these things on the plan that Mark is requesting?

MR. LYTTLE: Yes, submit them directly over to Mark?

MR. EDSALL: No, send them to Nicole.

MR. ARGENIO: And at that time Mark will get with Nicole and we'll do a referral and the circulation.

MR. LYTTLE: Meantime we can start dealing with the DEC regarding the entrance, we'll be a while.

MR. ARGENIO: Thank you for coming in.

MR. LYTTLE: Have a good evening.

RUTHIE'S SITE PLAN AMENDMENT (11-04)

MR. ARGENIO: Next is Ruthie's. Ruthie's Restaurant and site plan amendment. The application proposes a phased occupancy of the previously approved restaurant site plan. Let me just share with everybody for a minute that Floyd Johnson, Mr. Johnson has a couple partners and I don't want to speak for you, Mr. Johnson, but I'm going to. If I misspeak, correct me. I was at a meeting, couple of meetings, couple of discussions with this, everybody I think knows where this is, this is on Route 32 over near Casey Manns, it's the building that nobody's ever been able to make work. There was an original proposal for 99 seats or some such thing as that and due to market conditions and the availability of financing and things of that nature Mr. Johnson started doing his work on the building, started doing his work on the site and he's determined, his market research has determined that his original plan was a bit aggressive. Banks are very tight nowadays, they are not lending money unless your credit is fantastic. As such, he has a desire to scale back what he had originally proposed and that scaled back version, that scaled back version it was thought by Mark and myself that the best idea and methodology of handling this was to create a pulled back version as Phase I and Phase II can be the original plan, the original application. Is that substantially correct, Mr. Johnson?

MR. JOHNSON: Yes.

MR. ARGENIO: That said, please Mr. Fine, share with us, give us numbers and specifics.

MR. DENDY: Just as the chairman--

MR. ARGENIO: I'm sorry, Dave.

MR. DENDY: As the chairman said, basically we're phasing back the project to encompass, to facilitate so the applicant can basically open the door. And what that consists of just utilizing, his parking just is in the front consisting of total of nine spaces, back that out equivalent to 27 seats which is about a third of the seating capacity that he had proposed. So in doing that he would just basically use the same place which is in place already and facilitate the front section of the building which is roughly about 3,900 square feet. In doing that, he would eliminate the additional

seating capacity and store it and take it out of the building, that way, there's no concern that those seats will be used in. He's created a plan which he can circulate to the board as well that shows how the seating arrangement will be done. And the plan will be submitted to the building department but they'll review and make sure that the seating conforms, I think that was the issue that Mark and the chairman had, how do you police that, how are you going to be able to make sure that he is only using 27 seats. We felt that the only way to do it is show the plan and let the planning board and the building department approve that plan and as the chairman said before about roughly now a year last January we got site plan approval for full phase buildout. So we're coming back for an amendment before this board to take a look at that and ultimately when he comes back in he will build out the balance of the 23 spaces that will support the 99 spaces seating capacity at the time he will come back for approval.

MR. ARGENIO: Now, Mark, relative to that coming back part, I think he can come back.

MR. EDSALL: My opinion is that the, and subject to counsel telling me I'm misdirected here is that the original approval will still stand. So all you're doing is throwing in the wrinkle that is adding a Phase I which just didn't, wasn't in the original application. And effectively as you said Phase II is do what you already have approval for as a full buildout, I don't believe they have to come back, I think they have to deal with the building inspector's office but no further action with the planning board.

MR. DENDY: That would be fine with the applicant.

MR. ARGENIO: I think that's reasonable.

MR. VAN LEEUWEN: It's easier to deal with us than it is the building inspector.

MR. ARGENIO: Let me so say this and I don't want there to be any ambiguity and make sure you get this word for word, this is to you, Mr. Johnson, this Phase I approval is for 27 seats.

MR. JOHNSON: Yes.

MR. ARGENIO: Not 28. Now, the building inspector and the fire inspector who works for the building inspector

go around town and they check commercial establishments, especially ones of public assembly such as yours. So if they come down to see you, it should be 27 seats, not 28 and I want to make it abundantly clear that that number is dictated by the code and it's a life safety health issue. So there's no negotiating with it. We're not going to have the discussion six months from now that your business is getting better and you want to increase the seating to 38 or 48 because it does not meet code. The next step for you is to go from 27 to whatever it was approved last time.

MR. JOHNSON: Ninety-nine.

MR. ARGENIO: Okay, 99 we're all clear on that?

MR. JOHNSON: Yes.

MR. GALLAGHER: I think supporting that in lieu of doing that he would have to construct this back section.

MR. ARGENIO: Whatever was on that approval you need to do.

MR. JOHNSON: Yes.

MR. ARGENIO: Do you guys have any questions?

MR. VAN LEEUWEN: I understand.

MR. ARGENIO: For the benefit of the members, we should just discuss this a little bit cause we need to agree to this. SEQRA planning and public hearing, this impact that they are having is a third of what was proposed and approved by this board at some former date.

MR. VAN LEEUWEN: It was two years ago.

MR. ARGENIO: I don't think it's quite that long.

MR. DENDY: A year ago last January.

MR. ARGENIO: Let me point this at counsel first and then the board can discuss it relative to these items, Dominic, is it fair and lawful for us to take the position that those original determinations still stand?

MR. CORDISCO: Yes.

MR. ARGENIO: We can do that.

MR. CORDISCO: To elaborate the phasing of this approval something that's subsumed within the original approval because they are not seeking to do anything different, just seeking to build it out on a phased basis. Mark has put in his comments a suggestion that the site plan now include two notes in connection to make it clear that this is now a phased approval that they are only going to have 27 seats and anything in addition to that would be a site plan violation and the site improvements that they need in order to go beyond 27 seats would have to be constructed prior to them requesting Certificate of Occupancy. And I would even go further in adding to that note that the town would not issue Certificate of Occupancy until all the site plan improvements were constructed.

MR. ARGENIO: You guys okay with including that note?

MR. DENDY: I believe so.

MR. ARGENIO: Mr. Johnson?

MR. JOHNSON: Well, I'm not quite clear on so we don't get a certificate to operate?

MR. CORDISCO: No, you get a certificate for up to 27 seats.

MR. JOHNSON: Okay. Beyond that--

MR. CORDISCO: Right, anything beyond that, correct, there's two elements to that, so anything beyond that you have to construct what you got approval to construct. And the other aspect is that if someone was to come down and inspect and find 28 or 99 seats there without those improvements being built a town violation.

MR. ARGENIO: There's fines and other stuff associated with that.

MR. CORDISCO: That said, adding those notes now I think this matter could be referred directly by the board to the building inspector for processing with the addition of those notes on the prior approval and given that there are no material changes to the plan I don't

see a need to go through any approval process other than that.

MR. ARGENIO: Okay, what do we need, do you guys have any question? Dan?

MR. GALLAGHER: No.

MR. VAN LEEUWEN: No.

MR. ARGENIO: Pretty straightforward, Dominic, with what do we need to do.

MR. CORDISCO: You need to refer it to the building inspector with the understanding that we're going to make the changes to the plan as outlined by Mr. Edsall, the inclusion of the two notes that we just went over and they can process it from there.

MR. ARGENIO: That's all. I'll accept a motion that we agree that this is substantially less impact than the prior application, the board will look favorably upon it and refer it to the building inspector subject to that note, those notes being put on the plan. Anything else, Mark?

MR. EDSALL: Just note number one is going to have that additional sentence added that Dominic referenced, I will get it to you.

MR. ARGENIO: Motion from Henry.

MS. GALLAGHER: Mr. Chairman, on the last phase that was approved you mentioned about having the house taken down in a certain amount of time, do you want to waive that now?

MR. VAN LEEUWEN: The house is all boarded up.

MR. ARGENIO: I have spoken to Mr. Johnson about that specifically and in this difficult economic time he's represented to me that with this contracted phasing plan it would be a substantial economic hardship on him to take on the burden of removing that structure now. We certainly can talk about it as it relates to Phase II buildout if somebody wants to make a suggestion.

MR. VAN LEEUWEN: I will make a suggestion, if he comes in for a building permit, okay, to finish that then that house should come down. How's that?

MR. GALLAGHER: Start of Phase II house comes down.

MR. VAN LEEUWEN: Yes.

MR. ARGENIO: You agree?

MR. JOHNSON: Yes.

MR. ARGENIO: So when you come in, if you come in for a building permit for Phase II to complete your buildout you're going to take the house down?

MR. JOHNSON: Yes.

MR. ARGENIO: Okay, I have a motion from Mr. Van Leeuwen.

MR. BROWN: Second it.

ROLL CALL

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| MR. FERGUSON | AYE |
| MR. BROWN | AYE |
| MR. GALLAGHER | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. ARGENIO | AYE |

MR. ARGENIO: Thank you guys, good luck.

AMBER GROVE SENIOR SITE PLAN (10-07)

MR. ARGENIO: Next Amber Grove Senior Site Plan on Route 94 and Forge Hill Road. I see Mr. Esposito is here to represent this, Mr. Pfau even came out for tonight's festivities and Mr. Pietrzak. Amber Grove Senior Totally Affordable site plan. Application proposes 84 totally affordable senior citizen housing units on the five acre parcel. Plan was reviewed at the 24 March, 9 June, 20 July, 15 September and 29 September 2010 planning board meetings. So, I see what looks like a pretty confident photographic something, tell me what you have, Mr. Esposito.

MR. ESPOSITO: Well, if you recall, one of the requests at the September 29 meeting was actually there was several requests but let me, there were a couple of key issues that came out of that meeting. If you recall, we received a letter from Office of Historic Preservation. We also received a letter from James Hall from the Palisades Interstate Park Commission regarding this project reviewing the plans that were a subject of that meeting. There was also we believe you closed the public hearing and there was some concerns on comments from the public with regards to potential impacts to Knox Headquarters which is across the street to this. This board asked us to prepare a photosimulation of what the building will look like from Knox's Headquarters. So prior to preparing this what we had done is took the public comment that was received during the two public hearings, we took a look at the Palisades Parkway's letter and in the September 29 letter, there were four or five recommendations made by Mr. Hall and what we did is we looked at the plan and revised it in accordance with those recommendations and recommendations we received or comments we received from the public and this board and I will just go through a couple of really key changes to the plan. The first one was we just took the entire building and moved it back. We moved it back to a point where we can achieve an 80 foot setback from a closest point of the building from Forge Hill Road from the edge of pavement to the edge of that building it's 80 feet and that move is twice the height of the building and that was one of the recommendations of the Palisades Parkway. We also achieved 70 foot setback from the right-of-way line but the right-of-way lines really don't mean anything, it's really more important part is the traveled way. The second thing that we did is we made a change to the parking area, we

reduced the entire parking and area and reduced the island that was proposed within the parking area and what that allowed us to do and it's a key component to this plan is we were able to, this green area here is the existing vegetation, we were able to keep this swath of existing vegetation here and able to keep the existing vegetation along the gable end along Forge Hill Road. There's some grading along the perimeter of the parking so within in that area of grading we had to clear we then supplemented it with additional mixed evergreens and mixed deciduous plantings. We also looked at the entrance area and supplemented that with some additional landscaping. We made those changes and then what we did is we prepared these photosimulations and what this is is basically just real quick this area here, this little spot on the plan is Knox's Headquarters driveway, this is where the photograph, where this photograph was taken. And if the photograph was taken and we also did this purposely we waited till all the leaves were off the trees so this photograph was taken November 11, 2010 at 8:30 in the morning and again this is for the people traveling out of the Knox's Headquarters, this is what they see today. So then what we did we said okay, we know what the building is, we know the size of the building, we know where the building is located so we prepared, this is the, do you want me to move this up?

MR. ARGENIO: No, that's the post construction view?

MR. ESPOSITO: This is post construction with one of the things that we're proposing and always have proposed on the plan is along the perimeter of Forge Hill Road is to build a dry laid stone wall similar to what exists at the corner of Route 94 and Old Forge Hill Road. So this wall approximately four feet you can see that in the foreground then we have the existing vegetation again leave off condition and then in the back you can see where it's supplemented with evergreens and other deciduous plantings.

MR. ARGENIO: I can't see that from here but if you see that, I don't need you to show me, I'm sure they are on the landscaping plan.

MR. ESPOSITO: One of the things and the most prominent piece of this is the gabled end along Old Forge Hill Road. And as you can see here, we have the existing vegetation that's remaining then also the proposed vegetation that would be at the time of planting and

these are I believe eight to ten proposed evergreens and then this is what it would look like.

MR. ARGENIO: Meagan, you getting this? Why don't you come up and look at what he's doing.

MR. ESPOSITO: This is what they'd look like five years after planting based on nursery standards. And then this is the existing vegetation so they'd get halfway up the gable end. We took this information, we took the revised plans and we scheduled a meeting with Jim Hall from Palisades Parkway, Carl Rocher (phonetic) who is the in-house landscape architect for the Palisades Park Commission and Julie Adams from State Office of Historic Preservation, he actually took over for Ken Marcoonis (phonetic) because this is really his turf because it's an existing park, we met right here on January 4, we reviewed this plan.

MR. VAN LEEUWEN: I was there, Mr. Chairman.

MR. ESPOSITO: Mr. Van Leeuwen was there also representing the planning board and we looked at the photosimulations and the revised site plan and one of the things, one of their concerns was well we like what you're doing but is there any way that we can soften this gable end of the building? And as we were standing there and if you can see, take a close look, you'll see there's some existing deciduous trees that actually still have their leaves on those happen to be pin oaks, pin oaks they retain their leaves, they'll turn yellow, they'll turn brown, they'll die but they retain their leaves through most of the winter months. So looking at that Karl and I were talking about it, we said why don't we replace the existing evergreens for some really large pin oaks because Knox's Headquarters is only opened up in the summertime so if we do the pin oaks you're going to get a much quicker screen of the gabled end and then also we talked about well, it's a pretty plan, what can we do to jazz it up a little bit. So if you can see the front of the building is articulated there's ins and outs, there's three levels of windows, there's changes in materials, change in colors. So what we did is we took that same vocabulary and put that into the, this is now that gable end that they were just looking at and again on site we met on site with Mr. Hall and Mr. Adams, we came up with this plan, we sent this back to the architect that morning, that afternoon, Mr. Mechler revised the elevations of the building and this is now the proposed gable end of

that building. We then after that subsequent to after we prepared this plan, revised the landscaped plan to show the proposed and we actually through some again if you look at the angle of how you're looking from Knox's Headquarters we put three very large pin oaks here.

MR. ARGENIO: Let me interrupt you, second time you used the term very large.

MR. ESPOSITO: Five inch caliper trees. And if you look at the nursery stock standards, a five inch caliper shade tree will be the average size will be about 20 feet and they can be depending on the quality of the tree up to about 26 feet. So that puts you well over halfway up on that gable end. So we met with Mr. Rocher the landscape architect and Mr. Hall after these documents were prepared and we reviewed those with them and I know you should have received a copy of his letter basically saying that there's no further action involvement with him. They are happy we have made the changes and it's up to local determination. We then took this information along with revised EAF sent that up to Julia Adams and you received the same letter from Ms. Adams saying we have addressed their concerns and it's now a local matter. And in addition to those changes where there's some technical issues, revisions to the storm water and I know Pietrzak & Pfau worked it out with Mark's office and it's basically just some of the changes in the detention area. And then recently we had I believe our final review from the fire inspector, he had a couple of comments which we received on Friday. We met with him Tuesday morning, yesterday morning, we addressed his concerns and I believe you received a memo from him regarding his satisfaction with the changes that we made to the plans. Having said all that, we're here now to answer any questions the board may have.

MR. ARGENIO: Okay, here's the deal, there was a meeting, I know there was a meeting cause I asked Henry to go to the meeting and I wanted somebody that I know and trust share with me the content of the meeting and it was very favorable and very productive. To remind the members of the board and jar everybody's memory, Town of New Windsor certainly recognizes the need for senior housing, that's why we created this zone, this is meeting a need that we have locally. I do in fact have a copy of both of those letters that Mr. Esposito refers to, one from State Office of Parks Historic Recreation and they say that they are good with the

plans, the issues that they were concerned with have been discussed and they have been addressed. And PIPC has sent us a letter that says that their concerns have been adequately addressed and that the applicant's proposal or applicant's project as proposed should not create any significant impacts on that Knox's Headquarters. And again, just to refresh everybody's memory, and so my memory is clear, I took the time to go through almost 100 pages of minutes which I really didn't want to do but it's certainly something that I felt was necessary as such I did it, comment about traffic which I don't think that can be a big issue, the county whose road it is is okay with the traffic in and out on that project. And we checked with the police and the police don't have any problem with the way that intersection is operating. There were some comments from the public about the Knox's Headquarters and the PIPC which the applicant certainly addressed and I'm amazed at how well it was addressed, amazed. I do however have one question, Mr. Esposito, we spoke of pedestrian access to the sidewalks on 94 cause that was a big concern for me at least.

MR. ESPOSITO: If you see this gray line that represents the proposed sidewalk.

MR. ARGENIO: It's not a sidewalk to nowhere is it?

MR. ESPOSITO: No, it's a sidewalk to the, we have a crossing, we have a sidewalk to the corner and then that would be the northeast corner and then have shown striping and striping to get over to the--

MR. ARGENIO: You'll need DOT to jump on that highway and stripe across 94, you're aware of that?

MR. ESPOSITO: Anything we do within the right-of-way will require a work permit.

MR. ARGENIO: Folks to my right, Howard and Harry, please jump in or Danny, jump in. Henry was very involved in this whole thing from the beginning. I asked him to be at that meeting and he had accommodated me and took time out of his, what we all know to be a busy schedule to be there. And what Mr. Esposito says about the fire folk is correct, I don't have to, I have a note here from Ken Schermerhorn, the fire inspector met with Steve Esposito and Travis Ewald to discuss the former disapproval of the plan, all issues were satisfactorily addressed on the plan and the plan is

approved, obviously pending you making those minor changes. How about highway, Nicole? No, it's county, what am I saying.

MR. VAN LEEUWEN: County road, state road.

MR. ARGENIO: Mark or Dominic, what have I missed? Somebody please tell me.

MR. EDSALL: I think you have covered it all. We can address for the record that the county planning did return it for local determination back in May. Mr. Esposito's comment that the issues with the SWPPP are being revolved is accurate there were a couple iterations in the plan, the latest one was submitted this month and that final version was acceptable. They have a couple plan corrections to make on the final plans, some may be already done because of the reworking.

MR. ARGENIO: I'm reading through your bullets, Mark, and I really don't see anything here of any consequence.

MR. EDSALL: No minor corrections so we can check those on the final and the cost estimate we can work with them on for the key site improvements but it's in good shape. They have done a significant amount of changes and obviously it was driven by the PIPC and the Parks Recreation and Historic Preservation input.

MR. ARGENIO: Handicapped detail correct, overlapping text?

MR. EDSALL: It's clean-ups.

MR. CORDISCO: From a procedural standpoint, the board will recall that we have held our public hearing in connection with the application.

MR. ARGENIO: Yes.

MR. CORDISCO: And at the public hearing as you have already mentioned, the concerns raised were related to impacts on Knox's Headquarters. At this point, it would be appropriate for the board to consider a determination of significance under SEQRA.

MR. ARGENIO: What's there to talk about?

MR. CORDISCO: Correct, correct, but however with the correspondence from Palisades and State Parks this board is still lead agency so it's this board's decision. The input from those agencies is invaluable and obviously it's their facility and so if they're satisfied it should go a long way towards satisfying.

MR. ARGENIO: That was, I'm going to the biggest issues was the only issue was the viewshed from Knox's Headquarters, unless my memory fails me. Anybody remember it different? Mark?

MR. EDSALL: No.

MR. CORDISCO: This board has to make the decision.

MR. ARGENIO: That's fine, so we need to act on a negative dec.

MR. CORDISCO: Correct.

MR. VAN LEEUWEN: So moved.

MR. ARGENIO: I'll accept a motion.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded we declare a negative dec on this Amber Grove Senior Totally Affordable site plan. Roll call.

ROLL CALL

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| MR. FERGUSON | AYE |
| MR. BROWN | AYE |
| MR. GALLAGHER | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. ARGENIO | AYE |

MR. ARGENIO: One thing, Mr. Esposito, on the dumpster business there how does that package work? Oh, let me just point out to you as well one of Mark's comments and please take heed to this, see that it gets included the dumpster enclosure plan calls out both a brick veneer finish and split face block, the finish needs to match the building.

MR. ESPOSITO: Correct.

MR. ARGENIO: What's going on there with that, how do

you, I don't understand how do you dump the bins?

MR. PIETRZAK: It gets rolled out into the truck.

MR. ARGENIO: So that would obviously be a drop curb into the hatched area?

MR. PIETRZAK: Yes, exactly.

MR. ESPOSITO: You'll have a dropped curb and concrete apron to roll them in on.

MR. ARGENIO: I'm good, I just didn't understand quite exactly what you were doing there.

MR. GALLAGHER: Did you lose parking spaces? I know you spoke of shrinking the parking.

MR. ESPOSITO: No.

MR. ARGENIO: So your crosswalks are obviously going to meet DOT standards?

MR. ESPOSITO: Yes.

MR. ARGENIO: They'll probably make up, put poles in but that's between you and them and obviously the sidewalk that begins at the southwest corner that sidewalk continues all the way south to all the facilities in Vails Gate. I don't want to miss anything. We went round and round at the public hearing level. Am I, is this board missing anything?

MR. EDSALL: I don't believe so.

MR. ARGENIO: Everything is covered here.

MR. EDSALL: Separate from the extensive review that PIPC and Parks Recreation Historic Preservation performed we had as well site plan reviews.

MR. ARGENIO: One after the other.

MR. EDSALL: Even if it is not just at this meeting, workshops, reviews, so they have brought the plans up, other than those couple cleanup items they have brought the plans into complete status.

MR. FERGUSON: The clustering of trees that you have by the entranceway, is that blocking any impairment to

coming out of the complex?

MR. ESPOSITO: No, actually, what we, that's, this is pretty much the area that we had to keep it set back from so the stop bar is way up here so we're a good 25 feet and they'll just be the trunks of the trees, there's some low stuff at the bottom around there just for plantings but it won't be at eyesight.

MR. BROWN: Is there going to be a sign to let people know that it's an entranceway into the senior complex Amber Grove?

MR. ESPOSITO: Well, there's a proposed project sign right here.

MR. ARGENIO: Is that a permanent pylon type sign or is it, what is it?

MR. ESPOSITO: There should be a detail of that on there, there's a detailed plan, I don't recall right offhand.

MR. ARGENIO: Do you have a sign?

MR. ESPOSITO: Yeah, project sign conforms to site requirements.

MR. ARGENIO: Dominic, what about the Town Board issue?

MR. CORDISCO: They need to return to the Town Board for consideration and special permit at this point. You have adopted negative declaration that clears the way for the Town Board to consider the special permit. They have done so already on an informal basis and referred it back to this board looking favorably on it. But the Town Board under coordinated review you could not act upon special permit until this board completed SEQRA. Now that you have completed SEQRA, they can act on it but this board can't do anything further until we hear back from the Town Board.

MR. ARGENIO: Okay, you guys are coming back in at some point in time, would you put the sign on there and show us the details please?

MR. PIETRZAK: Yes.

MR. ARGENIO: That's good a question.

MR. ESPOSITO: We have the sign location and setback but we'll show you the detail.

MR. EDSALL: One caution that the town sign regulations say performance as well as specific setbacks, the performance being that it cannot obstruct pedestrian or vehicular sight distance. So you theoretically could meet the positioning requirements of the code but violate the code in blocking sight distance. So just make sure that you look at that as an aspect because we have had people who put them in and had to move them so just be cautious on that.

MR. ARGENIO: Anything else?

MR. VAN LEEUWEN: I have nothing else.

MR. ARGENIO: That's it.

MR. CORDISCO: Mr. Chairman, at this point, what we have done in the past is the board has actually voted on motion to refer them.

MR. ARGENIO: I'll accept a motion that we refer this to the Town Board for its consideration.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

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| MR. FERGUSON | AYE |
| MR. BROWN | AYE |
| MR. GALLAGHER | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. ARGENIO | AYE |

MR. ARGENIO: You have been referred to the Town Board.

MR. ESPOSITO: Thank you.

MEADOWBROOK ESTATES CLUSTER SUBDIVISION (01-42)

MR. ARGENIO: Next is Meadowbrook Estates cluster subdivision. The applicant has submitted an application to amend their final subdivision approval in lieu of a cluster configuration. The submittal was previously reviewed at the 15 September, 2010 planning board meeting. So if somebody would tell us who they are and what they want tonight that would be a great start.

MR. PIETRZAK: I'm Vince Pietrzak.

MR. SEWITT: I'm George Sewitt.

MR. PIETRZAK: One of the things we submitted was project comparison, this was the original approved project which is a conventional layout.

MR. ARGENIO: Can you hold them side by side please so we can see them?

MR. PIETRZAK: The green, each one corresponds to the same area, the original 90 lots encompassed the entire piece of property and what we're proposing is the cluster development which reduces the impacts.

MR. ARGENIO: This is the original, this is the second?

MR. PIETRZAK: Correct.

MR. ARGENIO: This was all proposed to be developed in the original application, correct?

MR. PIETRZAK: Correct.

MR. ARGENIO: In the cluster configuration this is the developed area?

MR. PIETRZAK: Correct, and the green will remain undeveloped as open space. Some of the key points are that the old project disturbed almost 60, 68 acres of land, the new cluster development will only disturb 33 acres which is a reduction of more than 50 percent area. The project that was previously approved disturbed approximately a half acre of wetlands where the cluster we're proposing will disturb less than a 1/10 of an acre of wetlands. That will require no mitigation where the old project required mitigation.

MR. ARGENIO: What's the threshold 1/10 of an acre?

MR. EDSALL: It is now.

MR. PIETRZAK: Correct, yes. Along with all the other impacts that were reduced or left the same the reason we're here tonight--

MR. ARGENIO: Okay, let me repeat that, all the other impacts are reduced or left the same.

MR. PIETRZAK: Correct.

MR. EDSALL: I just want to jump in just to explain what I asked them to do and then let Vince run with the ball on how they were prepared and submitted it. Clearly, this application in its conventional subdivision form has an approval and has a negative dec. They are at this time electing to move forward with the cluster approach so we find ourselves in the position of reviewing from an environmental impact SEQRA basis a project that is the same property, same number of lots. But the question that's risen is are the impacts more or less than their original project and the negative dec that you previously adopted and considered as part of your review of the conventional subdivision. Rather than have them come back and do a discreet and separate review, what I asked them to do was go item by item for the considerations in the full environmental assessment form and do a comparative, tell us are the impacts the same, are they more or are they less item by item, they are amending, they are asking to amend their current approval toward the goal of either saying we've got a SEQRA issue or you can affirm the negative dec that you previously adopted by saying that in fact the impacts are less which is what I suspect. So the task, that's the task.

MR. ARGENIO: Doesn't have to be less, it's equal to or less?

MR. EDSALL: The point being is that I know the punch line already, I asked Vince to take that approach so that because it is an amendment of an existing approval, an existing application that seemed to me to be the most logical approach.

MR. ARGENIO: Okay, one question these lots here what about sewer and water?

MR. PIETRZAK: They still would be hooked up to central sewer and central water facility.

MR. ARGENIO: And you guys again the answer's probably somewhere in the record there is you guys have points from that you have acquired for, you have sewer points you have acquired, it's going into the town system?

MR. EDSALL: Yes.

MR. PIETRZAK: Yes, it's going to go to the same spot that the original approval went into.

MR. ARGENIO: Points were acquired from Majestic at some point in time?

MR. EDSALL: I believe that purchase is still complete, obviously we'll make sure that there's no change.

MR. PIETRZAK: It's going to be the same agreement.

MR. EDSALL: It's the same number of lots, they obviously are going to have to go back to the DEC and health department to revise their water distribution and sewer collection, they also have off-site pump station improvements which will not change because it's the same flow.

MR. PIETRZAK: And the same agreements that were previously set up will also be with the cluster.

MR. ARGENIO: Understood.

MR. VAN LEEUWEN: Two questions I have, is it the same amount of lots as the original one?

MR. PIETRZAK: Exactly the same.

MR. VAN LEEUWEN: What's going to happen to the most of the wet areas and the land that's not going to be used?

MR. PIETRZAK: All the green area is going to be offered to the town.

MR. VAN LEEUWEN: That's going to go to the town?

MR. PIETRZAK: Correct, there is a park over to the northeast, and the possibility exists that they could expand the park and utilize it for recreation purposes.

MR. ARGENIO: Danny, any questions?

MR. GALLAGHER: Size of the houses, are they changing? Was there a proposed size on the original?

MR. PIETRZAK: I do not know what the original size houses are, I would estimate because it would be the same or less.

MR. PIETRZAK: Because of the economic climate the houses would probably end up being smaller than what they originally proposed.

MR. VAN LEEUWEN: How many houses are there total?

MR. PIETRZAK: Ninety.

MR. VAN LEEUWEN: How much land do you have total?

MR. PIETRZAK: It's 169 acres.

MR. BROWN: What's the original lot size, how many acres for each lot?

MR. PIETRZAK: The original one varied greatly.

MR. SEWITT: One and two acres.

MR. PIETRZAK: It's a one and two acre zone and the lot sizes went up from there.

MR. BROWN: New one what would be the lot sizes?

MR. PIETRZAK: On this plan we're looking at 25,000 square foot lot sizes at a minimum.

MR. ARGENIO: So it is half acre or more?

MR. PIETRZAK: Yes.

MR. ARGENIO: What we're here for tonight guys is to again I'm going to reiterate what Mark said is to affirm or not the SEQRA determination from however long ago, we see the original plan and I told Mark to tell them if they want us to consider that you need to show us what you had approved, show us what you want to do so we can look at it and make an intelligent assessment, same sewer count, same lots, same water just substantially lesser footprint. And one of the important components is is this here, we fought here

but it was very important at least important to me and I announced that to the developer or the owner that it's really important that we get a thru road if you don't get one here, I mean, I'd like to see one but if you can't, you can't get one, we want a thru road somewhere. If you guys remember one of the other plans it didn't have a thru road and that's what we directed them to do is to use this plan and they have done it. So whoever has anything else just please chime in.

MR. VAN LEEUWEN: Where is the town, can I ask you a question, where is the Town of New Windsor Park?

MR. PIETRZAK: This is the part right here it butts right up.

MR. VAN LEEUWEN: So that road does not come into the Town of New Windsor Park?

MR. PIETRZAK: Not at all. In fact, we do not have any houses along that section up in here.

MR. ARGENIO: I believe there's houses, they don't show them but there's lots all the way through here.

MR. PIETRZAK: Yes, correct.

MR. SEWITT: That's another development.

MR. ARGENIO: What we're looking for at the end of the day is we're looking to pick up something in here, this is a big hill in here, so you don't have this opportunity every day, you don't have to expand the park tomorrow or next week but five or ten or 20 years from now it would be a good thing to have to do.

MR. VAN LEEUWEN: Got to have the land first.

MR. ARGENIO: I'm not hearing a lot of chatter, what do we need to do from an official position?

MR. CORDISCO: There's an existing valid approval for the 90 home subdivision and they are seeking an amendment at this time, they have made a demonstration that the amendment has no greater or more likely less impact than the previous approval.

MR. ARGENIO: Are you a member of the planning board now?

MR. CORDISCO: No, I'm saying that they have made the--

MR. ARGENIO: They made the pitch.

MR. CORDISCO: If you allow me to finish, what the board needs to determine is that the approved, excuse me, the amended plan is consistent with the prior approval or has no greater impact.

MR. ARGENIO: Or not.

MR. CORDISCO: Correct, or not.

MR. ARGENIO: I think it has less of an impact.

MR. EDSALL: Just so the record is clear I did go through the presentation that Pietrzak & Pfau prepared and in fact it is factual to say that the analysis shows that it is clearly no more impact but in all likelihood less impact as well in support of being able to take action we did circulate for lead agency, we have no one saying that they would want to be lead agency, that's not unusual, it was sent to Orange County again with the cluster. It was returned local determination. And if I recall correctly with some positive statements about having a cluster and the resultant decrease in impacts and it was sent to Cornwall because of the proximity to the town line and we did not receive a response. But they are aware of the request for the amendment. So I believe procedurally everything that would need to be out of the way for you to make this determination is in place.

MR. ARGENIO: If anybody sees fit, I will accept a motion that we determine that it has an equal to or lesser impact than the original plan.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded.

ROLL CALL

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| MR. FERGUSON | AYE |
| MR. BROWN | AYE |
| MR. GALLAGHER | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. ARGENIO | AYE |

MR. CORDISCO: Mr. Chairman, I have a couple procedural items that can take place now.

MR. ARGENIO: I can hardly wait.

MR. CORDISCO: They are seeking cluster approval and under the Town of New Windsor it follows the state law is that the board would have to refer this to the Town Board for authorization to entertain a cluster subdivision. Now that SEQRA is complete, the Town Board could act on that so the referral would be appropriate at this time.

MR. ARGENIO: So if we're--

MR. PFAU: I believe that's been done and they have referred back to this Town Board.

MR. ARGENIO: I think you're wrong, Joe, I don't think that's right, my man.

MR. PFAU: I was at the meeting, Mr. Chairman.

MR. EDSALL: But they can't take action till SEQRA's in place.

MR. ARGENIO: They may have gone there and pitched it and done an introductory thing but they can't do anything until SEQRA is done.

MR. CORDISCO: Speaking with the town attorney, I mean, that's our recollection. If we're wrong and if the Town Board already did grant--

MR. BLYTHE: That's my recollection. We would not normally until SEQRA is signed off by the planning board the Town Board would not have acted but I will doublecheck, I can't imagine.

MR. ARGENIO: I'll accept a motion we refer them.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

MR. FERGUSON AYE
MR. BROWN AYE

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

MR. ARGENIO: Refer this applicant to the Town Board for consideration and cluster authorization for the plan that's in front of us now.

MR. CORDISCO: The other procedural item this is an amendment to a major subdivision plat and it will require public hearing so at some point--

MR. ARGENIO: We're not scheduling a public hearing tonight.

MR. CORDISCO: It's up to the board.

MR. ARGENIO: Dominic, look at what I'm looking at, come on, man.

MR. EDSALL: They do have substantially more plan available, you specifically said bring these two layouts.

MR. ARGENIO: Mark, I'm okay with that.

MR. EDSALL: My point being is that they've got plans, profiles, grading all done so I can let you know that they are.

MR. ARGENIO: Have you seen that plan and is it at an appropriate level, we're not going to have a public hearing with this.

MR. EDSALL: Absolutely not. I'm telling you I had quite a few comments on the grading, intersection, slopes, they have modified the plans based on my comments, they have been to several workshops, I believe that if they've not ready today they'll be ready within weeks to have a full set of preliminary plans ready for consideration just from what I have seen.

MR. ARGENIO: Are you guys okay with that? Danny and Harry? Henry, Howard? I mean, I'm okay if Mark says he's seen the plans, he knows what we look for in a level of fitness for plans for a public hearing.

MR. BROWN: We move the process a little faster.

MR. GALLAGHER: Just taking a chance on the public hearing.

MR. ARGENIO: Correct, if they show up with the plans and the plans are not at a level--

MR. EDSALL: If you want to have them come back one more time, that's fine.

MR. ARGENIO: No, I think we can do it, you've seen them, you feel they are at a level of fitness. Joe, you need to continue work on them and try to get them--

MR. PFAU: They're in real good shape.

MR. ARGENIO: As close as you can so we can -- no comment, okay, I'll accept a motion we schedule a public hearing.

MR. GALLAGHER: So moved.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion has been made and seconded we schedule a public hearing on the Meadowbrook Estates amended plan.

MR. CORDISCO: That's it, sir.

ROLL CALL

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| MR. FERGUSON | AYE |
| MR. BROWN | AYE |
| MR. GALLAGHER | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. ARGENIO | AYE |

MR. ARGENIO: Guys, thank you for coming in.

VERIZON (10-26)

MR. ARGENIO: Verizon site plan, special permit. I don't know why it's a/k/a Washington Lake site, it's not near Washington Lake, it's not in the lake, it's not floating on the lake but the location is 555 Union Avenue, Town Hall property. This application proposes a new 120 foot cell tower on the southern side of Town Hall site. The plan was reviewed on a concept basis only. You blew us off twice.

MR. ROHDE: No, Mother Nature blew us off.

MR. ORCHARD: There was a miscommunication.

MR. ARGENIO: Go ahead.

MR. ROHDE: Thank you, Mr. Chairman, members of the board, sorry to be darkening your doorstep one more time. My name is Cliff Rohde, attorney for Verizon. I'm here with Mike Orchard of Tectonic Engineering. Mr. Chairman, you summed up the project very nicely, we're here on behalf of Verizon Wireless proposing a new tower on town property right here on the Town Hall land, it is a 120 foot monopole that we're proposing with a four foot lightening rod on top bringing total structure height to 124 feet.

MR. ARGENIO: Every cell tower is a lightning rod in this town, right, Mr. Bedetti? Go ahead.

MR. ROHDE: And this particular application is a little bit unusual in that it's compared to the last two that I was here for anyway, as you know, the Town Board has already opined on this application and has determined--

MR. ARGENIO: Please don't elaborate on that too much, I want to have Dominic elaborate.

MR. ROHDE: Just that they have approved part of the tower back in February. For the review to date and after the Town Board went through its process to determine that the need location and height were okay, we submitted a set of application materials to the board which I seem to have misplaced here, they are, and I'm just going to sum them up, but we believe that they were all the application materials that were necessary for the planning board to review this application after the Town Board having made its determinations with respect to zoning and so we

submitted the requisite forms and fees, the project narrative, the Town Board resolutions, we submitted the deed to the property and memorandum of lease with the town, all the relevant SEQRA information, our FCC licenses I should of noted before Verizon Wireless is a FCC licensee treated as a public utility in the State of New York for zoning purposes. Also we submitted to this board radio frequency safety report demonstrating that the project is well below minimum thresholds for radio frequency safety, as well as a non-interference certification, structural capacity verification, our co-location policy indicating that we would be happy to take on any additional carriers that wanted to site on the tower. We'll talk about design but it's designed for additional carriers as well as well as a copy of notifications to neighboring municipalities and antenna cut sheets showing what the antennas themselves would look like. Turning to the project itself, before Verizon Wireless even proposes a project, the reason for it is that there's a need for it. And this was information that's normally discussed at the planning board but was discussed at the Town Board this time demonstrating the need for the project. Just as a very general background, Verizon Wireless operates in three different network frequency bands, this one is a, it will remedy a coverage gap in what is called 1900 megahertz or PCS band, also provided additional coverage in the lower cellular band and coverage in the 4G network that you see all the commercials for these days and so once a need is determined, we send out, well, the RF engineers say this is the general area where we need to site the facility, so the site acquisition term, Mike Orchard and folks like this will go out and look for a site, in this case, we often look to municipal property not just here but in other locations throughout the State of New York because municipalities tend to like to enter into leases with us because it is a guarantee of revenue for the municipality and so we did enter into a lease after approaching the Town Board, the Town Board issued requisite regulations for this proposal. And turning to the details of the proposal itself, you can see on this diagram here this is the 120 foot monopole tower that we're proposing, any carrier that builds a tower always wants to put their antennas on the top because that's the best place to go. So we're proposing our antennas at a center line height of 116 feet. That will bring the top of 12 panel antennas to the top of the tower and of course that lightening rod sits on top. And then also we're proposing two microwave

antennas below that at a center line height of 105 feet which are necessary for communications within the network itself from point to point communications. You can see or it might be even hard to see from where you guys are but these lines here for the spaces where carriers could, potential carriers could co-locate their equipment for the site is designed already for other equipment to go up on the tower itself. Down on the ground, this location sits back, the tower itself sits back roughly about 500 feet from Union Avenue or so. So as the chairman noted, it's on the south side of the property and I guess south in the eastern side right now this area is treed and so you can see this dark area where trees are, the lighter areas is where it would have to be cut out to put the compound in there. We're proposing right now, well, it would come off the parking lot, we'd be paving the first 50 feet of this access drive, convert into the gravel, come to the compound itself. We're proposing to fence in roughly 50 x 50 foot section of it, our equipment shelter would go in there which is a 12 x 30 prefabricated shelter sits on top of a concrete pad, remember that from the last time we were here with the Vails Gate application where we had the equipment shelter on the ground, it sits adjacent to the tower, the cables themselves run down the inside of the tower and then come across what's called a cable bridge over into the equipment shelter itself. There would also be a couple of utility pads here on the outside of the fencing for telephone and electricity. The reason for putting this on the outside is so in the event that other carriers come or even if they don't utilities can come and read the meters and deal with this without having to get physical access to the compound itself. Of course those need to be secured because of the valuable equipment that's on the inside. Mike, what have I missed?

MR. ORCHARD: Pretty general overview.

MR. ARGENIO: Not much.

MR. ORCHARD: We're here to answer any questions.

MR. ARGENIO: Meagan, this is not in the Hudson River viewshed. Mike, did you get that? This is a unique application, I want to cover something here, it was reviewed by the Town Board cause it's on town property. I, myself, have never dealt with an application of this nature in that there's a substantial overlap of the

Town Board and planning board, typically, I'm accustomed to us having to refer certain things to them, make recommendations of sort but this application started at the Town Board level. So Dominic you need to share for the benefit of the board members so they don't have to extract the information what the procedure is, where we're at and what specifically, specifically this board is supposed to be looking at in two sentences or less.

MR. CORDISCO: They'll have to be run-on sentences, a lot of and this and that. The Town Board has taken action, they have conducted an uncoordinated review and the action that they have taken has been to approve the lease amongst other things and the other thing that they have done has been to find that there is a need for the facility and they have also exempted this project from local zoning requirements.

MR. ARGENIO: None of this is cause they don't love us, it's because it's actually on Town Hall property and they are in fact the Town Board.

MR. CORDISCO: Correct, correct, and they have correctly applied what's called the Monroe Process, I want to say Monroe Doctrine but it's a case out of the County of Monroe which elaborates on when a municipality is proposing to do something on municipal property and whether or not such an action has to comply with the municipality's own rules, regulations and zoning and courts have provided a balancing test in regards to that and the Town Board as it's entitled to use its discretion to apply that balancing test here and determined that the proposed telecommunications facility is exempt from zoning requirements to a certain degree. They established what the height of the facility could be, they established that the property could be used for this purpose but they also referred it however to the Town Board for the planning board to do a limited review.

MR. ARGENIO: Which consists of?

MR. CORDISCO: Site plan and special use permit and with a focus on visual impacts with an understanding however that the size and height of the tower and location of the tower has already been agreed upon.

MR. ARGENIO: So that aspect of it is off the table.

MR. CORDISCO: Correct.

MR. ARGENIO: When you say site plan review, what do you mean?

MR. CORDISCO: Site plan review, I mean primarily reviewed by the board and the board's engineer to ensure that there are no public safety issues from the standpoint of any physical issues with the plan, in other words, in the unlikely event if the tower was to fall down would it be impacting anyone literally.

MR. ARGENIO: Other than the guy that it hits.

MR. CORDISCO: Correct, correct. And so it would be structural, safety issues primarily when I'm talking about site plan review because it's not site plan review to determine whether or not they have met the appropriate setbacks.

MR. ARGENIO: It's not site plan review in the traditional sense that we're accustomed to.

MR. CORDISCO: Correct, correct, it's very much a curtailed review but nevertheless, it's the process that the board must go through and so you have to review the application because it has been referred to you for special permit as well a mandatory public hearing will be required.

MR. ARGENIO: One question, what type of tower are you proposing, is it a monopole?

MR. ROHDE: It's what we call a monopole, it is a single pole.

MR. VAN LEEUWEN: How deep is the slab that you put in the ground, the one you bolt to, how big is that?

MR. ORCHARD: The foundation of depth depending upon the geotech runs anywhere from 8 to 12 feet.

MR. VAN LEEUWEN: Just want to make sure it stays there.

MR. ROHDE: They do.

MR. ARGENIO: Our review is very, very limited here.

MR. GALLAGHER: Is it behind Morasco or the Community

Center?

MR. ARGENIO: If you look at the drawing SU1, Danny, what you will do is you'll come passed that I think that's the Morasco.

MR. EDSALL: It's behind Morasco.

MR. ARGENIO: Then a new driveway to the left and it's tucked in the woods rather necessarily out of sight which is a good place for the cell towers to be.

MR. ROHDE: Because of the existing wooded area we're not proposing any particular landscaping down at the base.

MR. ARGENIO: I don't see any need to.

MR. ROHDE: You have a natural landscaping.

MR. ARGENIO: It is.

MR. BROWN: Public hearing?

MR. ARGENIO: It's mandatory.

MR. BROWN: Did the Town Board have a public hearing?

MR. ARGENIO: Town Board likely did not, we would be the ones to do that because of the requisite special permit so if you see fit, I'll accept a motion we schedule that.

MR. BROWN: So moved.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion has been made and seconded.

ROLL CALL

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| MR. FERGUSON | AYE |
| MR. BROWN | AYE |
| MR. GALLAGHER | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. ARGENIO | AYE |

MR. EDSALL: Mr. Chairman, we do need and the applicant in their presentation submittal did indicate that they were looking to do some visual analysis to submit that

information, should be available before you have the public hearing.

MR. ARGENIO: What type of visual analysis?

MR. EDSALL: They proposed under comment four I get into it a little bit that they had proposed to do balloon tests, I'm suggesting that rather than balloon tests you actually ask for photosimulations for the tower from various locations which the board may deem appropriate and consider different finishes and colors as they may impact those visual impacts.

MR. ARGENIO: I think that's a good idea to do the photosims but how do we determine where they should be done from?

MR. EDSALL: Well, that discussion we could meet with the applicant and look at some locations, one might even be over on Route 300 at the Cantonment, I'm assuming that the position is such that you wouldn't even see it from there but that would be a good thing to document. The referral under my comment three the Town Board told you to look at visual impacts as they pertain to color and finish so what better to have than a photosim to show what benefits there might be for different finishes.

MR. EDSALL: You may even want to have some of the simulated tree, if it's visible, you could ask for that type of a photosim, they were terrible when they first started doing those but--

MR. ARGENIO: There's one in Rockland County down off the Palisades Parkway, I mean, if you look at it, you can see it's not a tree, but I'll tell you what, man, it blends in well.

MR. EDSALL: The latest iterations of those are much, much improved from the first attempts, the first attempts were I hate to say laughable but you may want to look at it that way because that's one aspect the Town Board specifically asked you to undertake.

MR. ROHDE: Design is one of the issues that the Town Board talks about. I guess one of the issues with that type of design is that you can imagine if you make this pole, say this pole is effectively the trunk of the artificial tree because these are up at the top to make this look like a pine tree which is generally what

people make them look like you need to add a top to it, a cap so that it can reach a point and then go down so you are talking like an additional 8 to 12 feet usually depending on design for adding a top which we don't have Town Board approval to do. If you're talking about lowering the overall height of the facility to accommodate a cap like that then we're reducing our antennas and we reduce our coverage.

MR. ARGENIO: I don't want to be too presumptuous but it would seem to me that if something more aesthetically appealing in the opinion of this board and that those aesthetics extend up another 10 or 12 feet, I don't think there would be a lot of resistance from the Town Board.

MR. EDSALL: My start of the conversation was more that that information should be available even if you authorize a public hearing tonight we should task the applicant with packaging that information together. Again, one of the things they are going to look to you for if other than Route 300 Cantonment area those facilities similar to what we sought tonight from Knox's Headquarters there's a sensitivity of what impacts you have visually from national historic sites.

MR. ARGENIO: Henry's been holding his breath.

MR. VAN LEEUWEN: There's one in Florida just outside of Tarpon halfway between Tarpon and Tampa with church bells, it's a church tower and they have all kinds of bells and that's where the antennas are.

MR. ARGENIO: So we may ask you to build a church. I also think that that photosim should be from Union Avenue as well.

MR. ROHDE: From right in front?

MR. ARGENIO: Yeah, and I think you should propose when you have do the photosim the tree thing and whatever else you think might be appealing, I'm not an engineer and I don't mean to be illusive with you, sir, but I do know that Tectonic does a lot of this, a lot.

MR. ORCHARD: Tell me about it.

MR. ARGENIO: So I know you know, okay? Does anybody have any questions, Mark or Dominic what else?

MR. EDSALL: Just so that they, are there any other intersection locations?

MR. ROHDE: Yeah, I was going to ask that.

MR. EDSALL: Just make sure they don't have to do it twice.

MR. ARGENIO: Let's get down near the Cantonment.

MR. GALLAGHER: Purple Heart too far?

MR. ARGENIO: Yes, that's way down, let's get up near the traffic light up near Scenic Technologies and get out here on Union Avenue.

MR. EDSALL: So three locations.

MR. ARGENIO: Three locations unless somebody wants to add something I think that covers it.

MR. VAN LEEUWEN: What about the school, Epiphany Collage?

MR. ARGENIO: Oh my God, Henry, that's far away.

MR. VAN LEEUWEN: All right, I'm just making a suggestion.

MR. ARGENIO: That's a long ways.

MR. ROHDE: Scenic Technologies.

MR. EDSALL: Union Avenue and 300.

MR. ARGENIO: Make a left at the light and pick a spot in there somewhere. What else?

MR. CORDISCO: Nothing at this point.

MR. ARGENIO: Authorize the public hearing, you have to get your act together so that stuff can be at Town Hall.

MR. CORDISCO: Prior to the scheduling.

MR. ROHDE: How soon before the public hearing would the board like that information?

MR. EDSALL: What I'd like to have them do is bring

that to the workshop, schedule a workshop, make sure it's complete, as soon as you know we've got the package complete we'll let Nicole know and you can coordinate the date.

MR. CORDISCO: Yeah, the materials and at the time that the notices go out for the public hearing the materials should be in Town Hall available for public review.

MR. ARGENIO: What else?

MR. VAN LEEUWEN: Motion to adjourn.

MR. ARGENIO: Motion for public hearing.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

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| MR. FERGUSON | AYE |
| MR. BROWN | AYE |
| MR. GALLAGHER | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. ARGENIO | AYE |

MR. ARGENIO: That's it, thanks for coming in.

DISCUSSION

327 WINDSOR HIGHWAY (FIDANZA) SITE PLAN

MR. ARGENIO: Discussion item, Mark?

MR. EDSALL: 327 Windsor Highway is the Pork Store, it was I think Viking was the name of the clothing retail business down on the lower floor.

MR. ARGENIO: Route 32 across from Kentucky Fried Chicken.

MR. EDSALL: The owner and his engineer appeared and what they are proposing would be the lower floor of 327 which is where I said the Viking screen printing retail business was and they want to change the use to a dance studio. I believe from a parking calculation standpoint with the Town Code the calculation actually results in less required parking so that doesn't become an issue. I did have some concerns because the traffic flow was such that he owns both buildings or both lots that and what formerly was Planet Wings, they come in on one and go out on the other, I had some concerns about having property easements with two different lots. In reviewing this and bouncing some ideas with Jen, she believes there should be a record plan on file because they are going to re-stripe some of the parking, they are going to more define the traffic flow, they are going to need to create some easements, clean up easements, things that right now some of the parking spaces on Planet Wings cross over onto the adjoining property so I suggested they clean all this up.

MR. ARGENIO: So there's no building, no additions, nothing?

MR. EDSALL: Correct.

MR. ARGENIO: Other than a change of use which is tripping Mark to want to clean up some easement issues. And the question at the end of the day is is it something that we're okay with him handling with Jennifer, yes?

MR. EDSALL: At minimum, at minimum I would suggest that you acknowledge the change in use, acknowledge just what you said but require that they submit a record plan and that that plan and the easements be up

to snuff with Jennifer, myself and Dominic so we clean this up. Applicant's absolutely willing to clean it up.

MR. ARGENIO: At the end of the day, there's only so much space there, end of story, clean it up, work with the applicant and clean it up, in my mind, unless anybody wants to go in a different direction. What's next?

A.J. WASHROOM

MR. EDSALL: Next one was another appearance at the planning board today, in fact, A.J. Washroom right as you indicated down to the traffic signal and just up to the left, they want to build an entryway into the building, I guess somebody said it's been cold lately and when you open the front door, all the secretaries inside the door freeze. So they want to build an entry portico that's going to be off the front of the building.

MR. VAN LEEUWEN: If I remember correctly, they asked for that a long time ago.

MR. EDSALL: Well, they probably had the same problem then. There's not enough--

MR. VAN LEEUWEN: They filled that area up probably.

MR. EDSALL: No, there's a good record plan on file, the problem they have is that there's not 25 foot clear from the face of where this entryway structure would be to the parking spaces. So what they are proposing to do is pull that whole parking row in front of the building about four or five feet out toward the road.

MR. ARGENIO: How do they do that, move the bumpers?

MR. EDSALL: Dig out the grass and extending the pavement edge out four or five feet in the spring and then build this entryway, that's the entire sum and substance of their application.

MR. ARGENIO: Again, this is more parking lots.

MR. EDSALL: As long as the board's okay with that, I will work with Jennifer and she can process the building permit but it will be conditioned on them creating the proper spacing, otherwise when you back out of some spaces you're going to be hitting the entry.

MR. ARGENIO: Anybody have a problem?

MR. VAN LEEUWEN: No.

MR. ARGENIO: Would you handle it with Jennifer, please?

MR. EDSALL: Will do, that's all I got.

MR. ARGENIO: What else? Anybody else? Motion to adjourn?

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

ROLL CALL

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| MR. FERGUSON | AYE |
| MR. BROWN | AYE |
| MR. GALLAGHER | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. ARGENIO | AYE |

Respectfully Submitted By:

Frances Roth
Stenographer