

TOWN OF NEW WINDSOR

PLANNING BOARD

June 22, 2016

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

ALTERNATE: DAVID SHERMAN

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

VERONICA MC MILLAN, ESQ.
PLANNING BOARD ATTORNEY

JENNIFER GALLAGHER
BUILDING INSPECTOR

STEPHANIE RODRIGUEZ
PLANNING BOARD SECRETARY

MEETING AGENDA:

1. Windsor Hospitality Hotel
2. Lanwin Olympia
3. Lands of Westminster
4. Number One Shed
5. Price Chopper
6. USAI
7. Highview Estates

REGULAR MEETING:

MR. ARGENIO: I want to call the regular meeting of the June 22, 2016 Town of New Windsor Planning Board to order. Everybody please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

APPROVAL OF MINUTES DATED 5/11/16 & 5/25/16

MR. ARGENIO: Welcome everybody. First item on tonight's agenda is the approval of the minutes dated 5/11/16 and 5/25/16, I'll accept a roll call or accept a motion.

MR. FERGUSON: So moved.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Roll call.

ROLL CALL

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

REGULAR ITEMS:

WINDSOR HOSPITALITY HOTEL SITE PLAN AMENDMENT (15-09)

MR. ARGENIO: Moving on to the public hearing, Windsor Hospitality site plan. Somebody here to represent this? This application proposes two additional hotel buildings at the site of the existing hotel. The plan was previously reviewed at the 22 July 2016, 13 April 2016 and 25 May 2016 planning board meetings. The application is here tonight for a public hearing. For those of you who are not familiar with our procedure, the applicant will present to the board what changes and updates he's made to the plans, we'll then open it up to the public for comment and then come back to the board. That said, what's your name, sir, as if I don't know for the record?

MR. O'CONNOR: My name is Josh O'Connor with Bohler Engineering, I'm a professional engineer in the State of New York.

MR. ARGENIO: What improvements, what changes have been made, what progress have you made since we've last seen you?

MR. O'CONNOR: Since the last time we were here we've been able to further develop the project. We responded to Mr. Edsall's comment letter, we did a traffic impact study or pardon me, a traffic assessment generated trips and looked at the turning movements in and out of the lot. Hydroflow test was conducted to determine if we had adequate water at the site to support the hotels, that was one of the comments. We've also secured a well. We have an updated building footprint but what we show is hotel B, Mr. Patel has a contract in place there, we're not able to say who it is yet but he does have a contract there. So there are some site changes associated with getting that building, it's not a taller building, it's a smaller building in square footage, it does have a couple additional rooms. We were able to provide--

MR. ARGENIO: Does that mean two?

MR. O'CONNOR: No, it actually means four, we went from 84 to 88, yeah, four.

MR. ARGENIO: Four?

MR. O'CONNOR: Four, yes. The Residence Inn as we last saw it one of the, one of the things we talked about at the last meeting was providing an emergency access to Liner Road, Square Hill Road here in the rear. We have provided that as well. We do have a gate and a design for a gate. Aside from that, our grading and drainage has been sorted out and we're near construction ready pending an approval.

MR. ARGENIO: Mr. O'Connor, when did you bring the plans to the planning board?

MR. O'CONNOR: I brought them last week, Friday.

MR. ARGENIO: When did he bring them?

MS. RODRIGUEZ: I have them stamped as being the 21st so I believe that was, when was that, Monday night.

MR. O'CONNOR: It was Monday, I'm sorry, was on my way to Wappingers, I dropped them off.

MR. ARGENIO: If you bring plans to the planning board again two days before the meeting I'm going to take you off the agenda.

MR. O'CONNOR: Okay.

MR. ARGENIO: Do you understand? That's clear, right?

MR. O'CONNOR: Yes.

MR. ARGENIO: There was some confusion about the plans that were available for the public to view and the plans that we have here. I cannot have that and I will not accept that.

MR. O'CONNOR: Understood.

MR. ARGENIO: Clear?

MR. O'CONNOR: Absolutely, thank you.

MR. ARGENIO: Do you guys have any questions on this?

MR. FERGUSON: I have a question as far as the runoff. A while back we had some heavy storms and rains and the water tends to sheet off that driveway in front of the diner and sometimes it kind of puddles a little bit.

MR. O'CONNOR: It puddles on the road or in front of the diner?

MR. FERGUSON: Where the driveway meets the road.

MR. ARGENIO: Kind of races out to 300.

MR. FERGUSON: Creates an area where you could possibly hydroplane, now that you have all the more impervious surface did you do anything to tie in?

MR. O'CONNOR: Sure, I can address that. Currently, the driveway does run right out to 300, there are no catch basins along the driveway, at this point we're graded to a curb on the edge and we have placed that basin along the entrance drive. So any, so there will be versus the current condition a significant decrease in flow out to the road, most of it recaptured, channelized prior to reaching--

MR. ARGENIO: Mark, it looks like they're grabbing the drainage on the left side of the road, bringing it to a catch basin on the right side of the road, we should just make sure those are sized appropriately. It certainly seems to me that a length of eight inch HDPE crossing that road is probably not quite enough pipe I'm guessing.

MR. O'CONNOR: We can doublecheck all of that. One of the comments in Mr. Edsall's previous letter was to increase the size of the pipes. We did do an analysis using our software to determine if the pipe was adequately sized. We left eight-inch pipes in a couple low casings because we had cover issues, we don't, we can go to a larger pipe but then we're below our ideal cover. But those are I believe they're on end of line, we don't have a lot of flow coming in, it's a structure, a pipe and then it upsizes to 12 but just so you're aware we did go through that hydrodynamic analysis on our software and have sized the pipes appropriately.

MR. ARGENIO: Seems as though eight inch does not seem, it's, I mean, that's like a large underdrain.

MR. EDSALL: Yeah, we generally look to have at least a 12 inch pipe, bare absolute minimum and preferably 15.

MR. O'CONNOR: That can be done, you know, as I said, it's not a shallow condition. But it will be inside

the threshold that we normally avoid.

MR. ARGENIO: You should have plenty of vertical room there with the pitches that you have there. I'm not the engineer, it's a good point, Harry.

MR. O'CONNOR: Sure.

MR. ARGENIO: On the 7th day of June 2016, Stephanie compared seven addressed envelopes containing Notice of Public Hearing for this application. Those notices were sent out in conformance with New York State law with the announcement of the public hearing this evening. So that said, we're going to open the public hearing, if there's somebody here from the public that has a question, would like to comment, please raise your hand, be recognized and you'll be afforded that opportunity. Yes, sir? Please give your name to the stenographer.

MR. KONIG: Frank Konig, K-O-N-I-G, 52 Liner Road.

MR. ARGENIO: You should have a sign-in sheet there, Mr. Konig. What's on your mind, Mr. Konig? Let him speak and you'll have an opportunity.

MR. KONIG: I live at the end of Liner Road and the last public meeting they had about this project here I made a couple proposals and they were agreed to and I just--

MR. ARGENIO: Mr. Konig, with all due respect, this is the first public meeting we've had on this project so I'm really not sure--

MR. KONIG: They had another one.

MRS. GALLAGHER: He means zoning board.

MR. KONIG: Or zoning, whatever it was. And I had a couple concerns that I put forward and they agreed to and I just want to make sure that they're in place and that the magic little gremlins didn't change anything.

MR. ARGENIO: Why don't you share with us what those were?

MR. KONIG: I wanted a fence running along Liner Road, eight foot high and they agreed to that, no access to Liner Road from the hotels because there's no water on

that road, there's nothing, there's no drainage, there's no reason to have access to that, the road is blacktop that is one inch thick, it can't handle any kind of traffic and if there is access, they're going to have all the hotel vehicles going in and out.

MR. ARGENIO: Your point is made, your point it made.

MR. KONIG: Like I said, just want to make sure that they agreed to that, that that's still in place.

MR. ARGENIO: What's your next issue?

MR. KONIG: Well, I did have a beautiful view of Washington Lake from my bedroom window but I guess I'm going to have to look at a hotel wall now. But that was the thing was, you know, the back side it's going to make it into a circus if it's, you know, an access there and they don't need an access.

MR. ARGENIO: Anything else?

MR. KONIG: That's about it.

MR. ARGENIO: Okay, yes, sir? Did you have a comment you'd like to make?

MR. NUNNALLY: Did you want me to sign in?

MR. ARGENIO: Please.

MR. NUNNALLY: Dave Nunnally.

MR. ARGENIO: Did you have a comment?

MR. NUNNALLY: My comments are similar to Frank's. What was agreed to before apparently has been changed. There seems to be an access gate that's been added. And that access gate is being called an emergency access gate. Now, the thing about it is Route 300 is a five lane highway, Liner Road is a really lane and a half deteriorating dead-end. If you're going to, now we all know where the property is situated and we know where the firehouses are and the emergency and the police department, I just clocked it, it adds, if you're going to have let's say a fire emergency what you're going to do is have the fire truck drive right passed the entrance on the five lane access highway, drive an additional half mile to go down a narrow dead-end street to a gate, hopefully they have the key

to the gate. There's no water on Liner Road, so once the gate is opened, the fire truck will gain access, drive back down to 300 and hook up their fire hoses. To me, I thought time is of the essence if your hotel is burning down.

MR. ARGENIO: One would think.

MR. NUNNALLY: One would think. Let's talk about emergency, medical emergency. The ambulance would come down the five lane highway passed the entrance.

MR. ARGENIO: Same scenario.

MR. NUNNALLY: Same scenario, you got the guy screaming out there I'm having a heart attack, the emergency--

MR. ARGENIO: While he's playing monkey games with the lock up on the hill.

MR. NUNNALLY: E.M.S. guy says I'll be right there, hold on.

MR. KONIG: Except the gate is locked.

MR. NUNNALLY: Police department, if they have to come down Liner Road, what's the guy gonna do, he just passed the same thing, the police station's right there, he just passed the entrance on the five lane highway, same scenario, hopefully he has the key, otherwise he has to climb over the gate. There's no water on Liner Road, it is, little history, someone in the New Windsor administration back in the '90s bragged that every highway in the town was paved. Well, that wasn't true, Liner Road is actually part sitting on a wetlands. And it was dirt. Now, if you, I don't know how long you've been here but Jim Fuller was the Superintendent of Highways and what he did is he put what's called a three inch binder which is very sticky stuff on that particular part of the road then he chipped and graveled it, oiled it and chipped it or whatever the process is. The road now is probably 40 percent deteriorated now. The reason for that access gate I can only see would be that you would have all your delivery vehicles instead of coming in the front of the property coming to the back.

MR. ARGENIO: Mr. Nunnally, you know what, no need to go round and round, we understand your point, it's coming home loud and clear. What's your next issue?

MR. NUNNALLY: Well, the thing is this if you're going to start putting heavy garbage trucks on a deteriorating road, the taxpayers of New Windsor--

MR. ARGENIO: Are going to blow up.

MR. NUNNALLY: -- are going to be on the hook for a brand new roadway, alright not only that but if you put that roadway there, you're going to have to put a base, a roadway and top it with something because it goes through wetlands, going to drive heavy equipment there it's just not going to stand up.

MR. ARGENIO: What other thoughts do you have?

MR. NUNNALLY: The other thoughts are if you leave the gate open, it's a residence hotel and I don't want to disparage anybody but if it's a residence hotel, a lot of low income and welfare people are housed in these situations. Frank and I have, it's, ever since Wal-Mart opened we've had stuff stolen from our properties because people drive down the street. If we're going to have this gate and have it open and have people walking up and down the street, it's just like an invitation to trespass. The other thing is Frank's view of Washington Lake which I've sat on his balcony and we both enjoyed the view, that's gone. How much value does that add to his property or if it's taken away how much does it detract from his property?

MR. ARGENIO: What else?

MR. NUNNALLY: Also there's a landfill on the property that was undocumented. I have contacted DEC, there are railroad, creosote railroad ties buried there that I don't know if there's a, if they've addressed the situation, if they've contacted the DEC, if they have, you know, a plan to clean that up, I don't know how much is there. I know Frank remembers it being brought in in the '90s since we couldn't see it, it was, you know, brought in off of 300 and it was actually bulldozed back to a landfill and there are creosote railroad ties sticking up out of the ground. So if there's, and this also happens to be probably in the same place that the 70 foot structure's going to be constructed. Another thing is I don't know if you've contacted the Air National Guard base, that happens to be in the flight pattern of helicopters, private jets, commercial jets, if you're going to put flashing yellow

lights on top of the buildings so that we have to put up with that all day and night. Anything else? Probably, I can't think of anything right now.

MR. ARGENIO: Okay, if you think of something while we're still chatting here during the public hearing raise your hand.

MR. NUNNALLY: That would be great, thank you.

MR. ARGENIO: One second. Anybody else? Yes, sir, there's a gentleman who's not spoken yet?

MR. BAZYDLO: I didn't sign the sign-in sheet but I will.

MR. ARGENIO: What's your name?

MR. BAZYDLO: Charlie Bazydlo, I'm an attorney from Orange County representing Banta Realty Newburgh, one of the adjoining property owners.

MR. ARGENIO: Can you sign the sign-in sheet, Mr. Bazydlo? What's on your mind, counselor?

MR. BAZYDLO: Basically, I think by my basic point here tonight I'm hoping the board will keep the public hearing open so we'd have a chance--

MR. ARGENIO: So you're starting with a premise?

MR. BAZYDLO: I'm starting with a premise and I'll give some support for it.

MR. ARGENIO: Please do.

MR. BAZYDLO: Basically, we didn't have a chance to get a copy of the plans, not the most recent ones that I'm, that I hear tonight came in on a Monday. I think the board would agree, I've heard from your engineer at previous meetings the site's a rather complicated design from a drainage point of view and from a grading point of view. We're looking to put a lot of development on a barely six and a half acre site. Because of that, we've gone out and we've engaged an engineer to look over the plans, look over the Storm Water Pollution Prevention Plan, the Environmental Assessment Form, the traffic analysis that I'll get to in a minute, we could not get that done in time for this meeting. It's a huge amount of information that

now seems to be changing and has changed. The applicant has admitted that here tonight. So I'll ask the board to please keep the public hearing open at least till the next meeting then we'll see how much progress happens from there. But just some of the issues that we're looking at drainage for sure, you know, we're right downhill and right next to this property, we're very concerned about the drainage impact from this site. I think we're all aware of what's going on with the City of Newburgh and the reservoir directly across the highway from here and what affect this project could have on that. I don't know if it's been referred over to the City of Newburgh to have them take a look at it, but I would implore the board that this needs to be done, not just to send it but make sure they have any comments or not. Traffic impacts, I heard the applicant say they did do a traffic assessment last which I looked at the file, there was a two page letter in the file that basically concluded we're only going to generate I think it said 100 new trips in the peak hour. So we don't need to look at it any further. I find that to be impossible. I can't imagine that putting up 84 rooms plus another whatever it is 160 rooms or whatever wouldn't generate the need for a detailed traffic analysis, particularly since they're going to come out at an uncontrolled intersection. That's extremely important to my client blocking up that intersection again.

MR. VAN LEEUWEN: Who's your client?

MR. BAZYDLO: Banta Realty. And, you know, not even just Banta, when it comes to traffic, I'm sure the board's aware there's other enterprises right in this area and without a detailed analysis we're not sure whether traffic from the development could impact all the way back up to 17K, it's a possibility, you know, this is not the only development that's gone in around here, the medical center, you know, previous Wal-Mart, everything else previous to that. So again, I think a lot more needs to be done from a traffic point of view. Along those lines referral to DOT and getting an answer back from DOT prior to closing the public hearing I think DOT will be interested in this project, not only from a traffic impact point of view but also from a drainage point of view. I don't I think from previous meetings they said they're not going to need a highway work permit for altering the intersection, whoever you can see where that ties back into a proper traffic analysis, if you do a proper traffic analysis and shows

you do have to do something to the intersection that's more input from the DOT. I saw when I reviewed the file that there was a referral to County Planning for the 239-M review but that referral seems to have been done late last year back in December, you got a preliminary answer back from County Planning in January, I think the board would hopefully agree that this project has changed dramatically since then or at least a lot more detail has come in since then. The county letter back seems to be they state in the letter it's a preliminary review and because of that, I think it behooves the board to refer it back over to County Planning and particularly in light of some of the events with the city reservoir across the street, potential DOT involvement, which is another reason for the board to keep the public hearing open because we don't know what kind of comments can come back from County Planning also. It was brought up by one of the other gentlemen here but FAA, Port Authority, Stewart Airport, Air National Guard, this project's right in the flight path, right next to the airport. This issue was brought up at zoning board, however, the zoning board gave their variances without ever doing a detailed analysis about that, without ever hearing from FAA, there was no visual assessment done on the project. Frankly, there was no environmental review done on the project with the zoning board and that gets to a point here that the board really needs to keep the public hearing open until you've examined all the potential environmental impacts because the board's potential decision on environmental impacts is something the public has a right to review and comment on. So again, I think that's a key reason for the board to keep the public hearing open. And then finally, I know it was mentioned by the chairman and by the board's attorney at the last meeting there is an active litigation about the ZBA variances that were granted. The board doesn't know what the outcome is going to be of that, those variances could be either taken away, they could be altered, they could stay, they could stay the same, however, if they're changed, the whole design of the project is going to have to change. Again, another reason for the board to keep the public hearing open. So those are my general comments for tonight. I'm hoping that if the board will keep the hearing open we should have more detailed comments, if you keep it open to July we'd probably would have our comments by then and be able provide some more detail to the board.

MR. ARGENIO: Thank you, Mr. Bazydlo. On a different subject, does anybody have anything else they'd like to comment on?

MR. KONIG: Just got a couple questions. When I bought my property I don't know, '90 something on the other side of the Thruway was the New Windsor dump and they were hauling out tractor trailers full of dirt, contaminated dirt and they were bringing in fresh dirt and capping it with the rubber membrane and all that. And now I hear Stewart Field with the POCs or contamination of the firefighting foam is in all the ponds. Now is that just in the ponds or is that contaminated into the ground water and how far does it go?

MR. ARGENIO: I don't know what that has to do with this project. You have to make that link for me.

MR. KONIG: Just wondering if everything's contaminated.

MR. ARGENIO: I have no idea, it's not what we do, especially not tonight with this applicant, you know, this is--

MR. KONIG: Because I was kind of worried about the contamination.

MR. ARGENIO: More of a town board question or some such thing as that.

MR. KONIG: Because we live there and right across the Thruway is the big hangers for the C5As or the new jets and I'm just wondering how far that contamination has gone. Thank you.

MR. ARGENIO: Let's move on. Does anybody else have any questions?

MR. NUNNALLY: I'd like to know how tall is the tallest building in New Windsor?

MR. ARGENIO: I have no idea.

MR. VAN LEEUWEN: Thirty-six feet.

MR. NUNNALLY: Now, we're going to--

MR. ARGENIO: I don't know that, Henry, the tallest

building in the entire town is 36 feet tall?

MR. VAN LEEUWEN: As far as I know, that's the law, could be no higher than 36 feet.

MR. NUNNALLY: Now we're going to put up--

MR. EDSALL: No.

MR. ARGENIO: Let's just stop for a second. Mark?

MR. EDSALL: I don't believe that that is an accurate number. And the code does allow in many zones 12 inches per foot to the nearest lot line which would mean that if you're 50 feet off a property line you could have a 50 foot building. So it's not restricted to 36.

MR. ARGENIO: Jerry's Self Storage is taller than 36 feet.

MR. EDSALL: And I don't have the data to say what--

MR. ARGENIO: I don't know.

MR. NUNNALLY: I don't know how that got built. But this building is 72 feet high, 72 feet with a 60 foot setback. Now that's why they went to the variance, to get a variance on that. But now if you look at this property, basically, you're looking at something from 300 and you're looking at the property that would be the front of their property but actually for us that's Liner Road frontage, the back of their building is Liner Road frontage. So their minimum 60 foot setback with a 72 foot building is just, it's like a behemoth on the street. Not only that but now you're putting two variances for buildings on the same building site so it's, it's like--

MR. ARGENIO: They're big buildings.

MR. NUNNALLY: It's like mega-development on a postage stamp. And this is not Hong Kong where every square millimeter has to be accounted for. This is New Windsor, you know, and I don't, to tell you the truth, the chairman of the variance board almost attacked me saying these people can do whatever they want.

MR. ARGENIO: Nobody's attacking you here tonight, Mr. Nunnally, and you effectively and very articulately

and respectfully voiced your opinion which I appreciate. On a different subject, is there anything else you'd like to offer because we have a lot to get tonight? I want to address the esteemed counsel's comments and the other gentleman's comments.

MR. NUNNALLY: I'll speak faster. If you take a look from the other side of Washington Lake toward Days Inn now it sits at the top of the hill, so basically it's pretty prominent but putting another larger building up there it's just going to ruin--

MR. ARGENIO: Going to be another big building.

MR. NUNNALLY: The skyline, not big, it's three times as big, so thank you.

MR. ARGENIO: Anybody else have anything they want to talk on a different subject relative to this application? I'm going to make a couple comments and I want you guys to think about this for a second. I think and counsel's going to have to help me with this a little bit. My suggestion to the members is that we table this public hearing and we do hold it over for another meeting. And I'm going to tell you why for one reason and only one reason in spite of counsel's respectful and well put forth requests. The fact that you guys didn't do the right thing with the plans, you had one set of plans that were available for the public to review and only one set. The planning board secretary was in possession of only one set, a different set of plans came in a few days ago, that's what we have in front of us. It's not the set that the public was afforded the opportunity to review. Now some may say this is minutia but unfortunately, it's a point of law. What you're going to build has to be on display in the planning board office and that's what the public needs to view. And that's why I think the way I think. Counsel, I want you to weigh in on that what I just said and then I want to poll the members and see what they think about this suggestion I just made.

MS. MC MILLAN: I'd agree with you, Mr. Chairman. I think it's completely appropriate if the board feels that it's prudent to hold open the meeting and allow the public to review the newest set of plans so the public has an opportunity to see exactly what the most current design and information available is.

MR. ARGENIO: Is my logic reasonable and lawful?

MS. MC MILLAN: Yes.

MR. ARGENIO: Agree?

MS. MC MILLAN: Yes.

MR. EDSALL: In addition to having the newest plans available for review between this meeting and the continued public hearing at a subsequent meeting, the public should afford themselves to review all the referrals that have been made, all the traffic information reports.

MR. ARGENIO: When we table the public hearing for the evening I'm going to get to that.

MR. EDSALL: Okay, good.

MR. ARGENIO: Okay, so to my right, Harry and Howard, what are you guys' thoughts on what we just discussed?

MR. BROWN: I agree.

MR. FERGUSON: I agree.

MR. GALLAGHER: I'm fine with that.

MR. ARGENIO: Henry, do you agree?

MR. VAN LEEUWEN: Yes, I do.

MR. ARGENIO: Okay, I do want to get to some of the comments though from Mr. Nunnally and Mr. Konig.

MS. MC MILLAN: When you're done with the discussion, the board might want to consider just an official motion to hold open the public hearing.

MR. ARGENIO: Let's do that right now. I'll accept a motion that we table the public hearing for this evening and hold it open till the next meeting.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

ROLL CALL

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

MR. ARGENIO: So we've closed up the public hearing for this evening but it's been officially held over until the next meeting, the next appearance of this applicant. But I do want to take a moment and address for the benefit of the public and the board some of these things, this thing with the gate, I don't want to go round and round with it. I think Mr. Nunnally's concerns, I don't want to say they're unfounded, but I don't think that, I think he's more concerned about it than he needs to be just so, clear what this gate is, it's a locked gate and our fire department are pretty, we have a pretty good fire department in this town and a real good PD, so that gate is locked all the time. And I don't know if it's a common lock on all these secret gates around town.

MR. EDSALL: It is.

MR. ARGENIO: Or just a special key for this. Mark, you're an ex-firemen.

MR. EDSALL: I still am. It is a key that is standard to emergency services. The key is not available to the property owner. It's meant as an emergency services gate, it is their lock, they have the keys.

MR. ARGENIO: Just like the key in the front of my building, my office building is located in the Town of New Windsor and embedded in the concrete is a metal box and if you have a key, you can open that box and inside that box is a key to my front door. I can't get into that box, I don't have a key to the box, emergency services has a key to the box. The firemen, PD, ambulance, they have a key to the box. If I want to get into that box, I can't get into it. I don't have a key. I think by law I'm not even supposed to have, allowed to have a key but inside that box is the key to my building.

MR. EDSALL: Can I speak to the real use of that access?

MR. ARGENIO: That's what I want to get to, let me just finish my diatribe, if I miss anything, you grab it.

That access is in case first off we have established it's for emergency services, not the garbage trucks, not convenience for the hotel, not it's easier for the garbageman, it's an emergency gate that's locked all the time but for emergencies. The other concern is God forbid there should be a car crash down on 300 at that driveway or a car catches on fire going up the driveway and that driveway nobody can get up that driveway to the hotel. Well, emergency services is not going to use the emergency gate as a matter of course, that's not going to be their normal access, their access is through the front gate through the front door through the front driveway on 300. But I remember years ago when I was a kid, I don't, I mean 8, 9, 10 years old a plane crash between, maybe somebody remembers that, do you remember, Mr. Bedetti, a plane crash between Washington Lake and Route 300. It crashed in the woods there probably 90 feet away from the intersection of this driveway. God forbid something ridiculous like that should happen and block that entrance off, emergency services has a second access to get into help these people. So I think that, I think that should address--Mark, something else you want to add?

MR. EDSALL: The comment was made if there was a fire operation that they would use the main access. And that's absolutely correct. But if they set up tower ladders, if they set up hose lines that would obstruct the main access lines running up and down the road, the pumper's set up in that main access road, now what happens when a fireman gets injured or they need to bring in just support vehicles, rescue vehicles, you can't go up that road with hose lines all over it. So that's what the secondary access is for, for support vehicles, not necessarily the first ladder truck, the first engine, that second access is critical.

MR. ARGENIO: Okay, and Mark, I would like you to look at this fence thing up along that Liner Road. I don't I mean members, I'm sure you guys will have an opinion on it at some point in time as this thing evolves, we should take a look at that, if it should be done or not done, whatever, something we should discuss going forward. Some of the things esteemed counsel brought up, drainage, this has been referred to DOT, the drainage issue, he'll have the opportunity to review and he should review for the benefit of his client. Two things I'd like Mark and I'm sure the other members were thinking about this as well, what about this business about the possibility of contamination on that

site? I mean, what's the planning board have to do with that? I'm sure it's something, this is to Mark or Veronica, something we'd want to know about, make sure it's being addressed, I'm not aware of any issues there.

MR. EDSALL: This is the first I'm hearing about a portion of the site being used for dumping purposes. If during the course of excavation for work it's uncovered by the code enforcement officers that there is contaminated material or other similar problems--

MR. ARGENIO: They could stop the job and require that it all be remediated and DEC would be called in. Mr. O'Connor?

MR. O'CONNOR: Mr. Argenio, thank you. Subsequent to Mr. Nunnally's comment at the Zoning Board of Appeals and in the course of doing a project, we did a more detailed geotechnical analysis of this area, we did significant borings, drillings in part of the design of the foundations for the hotel, the designing of the retaining walls and Mr. Nunnally is correct, there's considerable amounts of organic debris buried there. Our plan--

MR. ARGENIO: Organic, wood?

MR. O'CONNOR: Yes. Our plan is to remediate those soils. There was nothing that was found that was considered contamination, however, it is a fill, this area in particular is a fill site and that is being taken into account in our design and in our plan for executing the project. That said, we also did reach out to DEC to make sure that there wasn't an open call line that we weren't aware of, we checked the remediation database, there's nothing there. But we wanted to call and make sure there wasn't any additional information that wasn't publicly available.

MR. ARGENIO: Is that part of the whole Silver Stream package, the dump that goes across the Thruway to the other side or is it postdated?

MR. EDSALL: I think this is unrelated.

MR. ARGENIO: Somebody's just dumped stuff there.

MR. O'CONNOR: As you pull up the driveway and you look to the right, you can see and it shows up on our,

pardon me, I do have the existing conditions plan with the topo and it really does give evidence to where this area is. You can see there's in the topography, there's a peninsula on the side of the site, this is predominantly fill material and it is not what we'd consider clean constructable fill.

MR. ARGENIO: You're going to have to do something with that.

MR. O'CONNOR: It's going to be remediated on site.

MR. ARGENIO: I'm glad Mr. Nunnally brought it up because I would have had no idea, that's the purpose of the public hearing, that's the purpose.

MR. O'CONNOR: I would if possible like to address Mr. Nunnally's and Mr. Konig's concerns, these are things that we talked about.

MR. ARGENIO: You're not going to have a debate.

MR. O'CONNOR: No, I'd like to provide them with additional information. No, we have every intention and I believe that we have worked well with them, they brought up valid points and we have addressed them, we are still proposing the fence that you requested, it's at the top of the wall. Since we last spoke at the Zoning Board of Appeals additionally we have proposed considerably more screening along the road, as you can see, we have deciduous and coniferous trees all along in front of the fence as well that should relieve your viewshed issues.

MR. KONIG: Is the fence eight feet?

MR. O'CONNOR: It's six feet. We do have an issue with going eight feet with the Residence Inn people, they just have a standard that eight feet goes above their standard. The wall is reduced in height significantly since the zoning also now the building height hasn't changed, our variances were relief from the plan, the height on the plan, not the topo. So since we last spoke, we have been able to reduce the overall height of the wall in part I don't know if you can see this, Mr. Nunnally, we have added wall around the Days Inn which allowed us to step this portion down.

MR. ARGENIO: Did you need mean to say fence or wall?

MR. O'CONNOR: There's a wall, pardon, our initial plan that we presented to the Zoning Board of Appeals had a wall along Liner Road only. By building this wall along the Days Inn it allows us to terrace the site somewhat so the wall was in place up to 20 feet high at that point when we presented to the zoning board. At this point at its highest it's 12 feet, that's at this corner which is across from your parcel and it tapers back and it reduces to nothing. But it goes to Square Hill Road and frankly, we now have to have a wall to hold the Thruway back so we're now excavating below on this end so the site has dropped considerably since then. Now, obviously, the variance as I said is for relief from the property line on a plan, it doesn't take into account topo but it is I believe worth noting that the overall height of the building above sea level has dropped by 12 feet since we last spoke.

MR. NUNNALLY: Because of the terracing?

MR. O'CONNOR: Yes.

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

MR. O'CONNOR: I think that should provide you with a little relief and just so that we're clear, we're very interested in working with the people in the town on this as you know I asked for the public hearing, it wasn't, it's not codified and required but we did request that we want to make sure that everybody has the opportunity to speak and we have the opportunity to address your concerns.

MR. ARGENIO: Mr. O'Connor, quite frankly, I would encourage you to work with your neighbors as best you can cause that always makes it go better. Obviously, at the end of the day, Mr. Patel owns the property and he needs, he can, he has the right to develop the property in accordance with the laws of the town and the state, you know, I mean, that's what those laws are there for. And sometimes people are good with it, sometimes they're not good with it but he does have that right but it's always better to, if your neighbors are, and these folks seem fairly reasonable folks.

MR. O'CONNOR: And they have been.

MR. ARGENIO: They're not looking for a pint of blood, I mean, they just don't want their lifestyle grossly interrupted.

MR. O'CONNOR: And to your other point about the road being wet, this is something that we did address during the ZBA review of the project as well, it was a comment that you brought up, there's off-site flow onto our site, it does come across Liner Road. Now in consideration, construction of a wall we don't want to take that flow through our foundation so we've had to provide an outlet for that. So I believe given our drainage analysis that you will probably see an improvement in the drainage condition along the road because of this.

MR. ARGENIO: I'm going to just step in here for a second. Normally, it's very unusual that an applicant would be addressing the public directly but--

MR. O'CONNOR: I appreciate that.

MR. ARGENIO: We're all on the same sheet of music and you're being very respectful and informative, if in your commentary if you want to make a couple final points, I'd like to move on.

MR. O'CONNOR: I appreciate that, thank you, Mr. Chairman and thank you, gentlemen, I'm done.

MR. ARGENIO: Members, any other thoughts, anything you guys want to hit? We covered some meat here tonight. Henry, any other thoughts?

MR. VAN LEEUWEN: I'd just like to hold off that public hearing for two weeks.

MR. ARGENIO: I want to read into the minutes that lead agency was circulated on 5/24 of '16, Orange County Planning we received on 1/8 of 2016, local determination, we did refer to the Town of Newburgh, we did refer to the Port Authority, the airport that is, as you gentlemen indicated you were concerned about, we certainly did refer to our neighbors, the City of Newburgh, it certainly did go to DOT as well. One question I do have and then I'd like to move passed this because we have a lot to get through tonight. Mark or Veronica, relative to this business with the county, the plan has evolved and what we do as a planning board is, you know, we typically look at a set of plans and when we feel that they've developed a substantial degree of maturity that's when we typically refer things to the town. This plan has evolved, I

said the town, I meant the county, that's when we refer things to the county, this plan has evolved a bit since that referral, are we obliged to refer it again or what is you guys' thoughts on that, counselor in particular or Mark?

MS. MC MILLAN: The initial determination from the county did not indicate that it was a preliminary determination. There is nothing statutorily that absolutely requires it but certainly the status, overall intent is to promote coordination between the planning boards of the towns.

MR. ARGENIO: Concept hasn't changed, it's a hotel.

MS. MC MILLAN: Concept hasn't changed. If the board felt that there was a significant change that the county might want to weigh in on, we could do a courtesy supplemental referral but it's not technically required.

MR. ARGENIO: I don't think there's been a significant change, still two big, giant hotels, one on the left, one on the right. And Mr. O'Connor's working on the details of the drainage and the state highway, et cetera. Members, I just want to poll you guys, Danny, do you have anything else you want to hit?

MR. GALLAGHER: Nothing.

MR. VAN LEEUWEN: I don't.

MR. ARGENIO: You guys to my right?

MR. FERGUSON: No.

MR. ARGENIO: Mr. O'Connor, anything else?

MR. O'CONNOR: I think we're satisfied.

MR. ARGENIO: The public hearing has been tabled until the next meeting, get your ducks in a row and please do take heed to my commentary that I opened with about our having the most current and accurate set of plans.

MR. O'CONNOR: Absolutely, thank you.

MR. ARGENIO: Thank you.

REGULAR ITEMS:

LANWIN OLYMPIA (16-11)

MR. ARGENIO: Regular items, Lanwin Olympia on Riley Road. The application involves three tax parcels which are being merged and revised into two lots oriented per the requirements of the town zoning code. Plan was previously reviewed on a concept basis. What's your name, sir?

MR. SAMUELSON: Jay Samuelson, Engineering & Surveying Properties.

MR. ARGENIO: As if I didn't know that. How you doing?

MR. SAMUELSON: Good, how are you?

MR. ARGENIO: Is your applicant with you?

MR. SAMUELSON: The applicant is with me.

MR. ARGENIO: What's your name, sir?

MR. EVANS: Phillip Evans, I'm a member of the firm Lanwin Olympia.

MR. ARGENIO: What are we doing here?

MR. SAMUELSON: Let's talk about this. We have a very unique layout of three parcels that are vacant parcels at the time. There is one lot which I'm going to highlight with my finger which has frontage on Summit Woods Road and Riley Road, there's a second parcel in the back that's landlocked and there's--

MR. ARGENIO: You've got to show us those lots again.

MR. SAMUELSON: Okay.

MR. ARGENIO: Do it slowly.

MR. SAMUELSON: There's the first lot here which follows this green and the dotted green here which has frontage on Riley and Summit Woods Road. The second lot follows this dotted line and goes into the back here which is a landlocked parcel and then there's this weird 50 foot strip that goes very narrow and comes back up through here. This 50 foot strip was part of and is still part of the aqueduct's access and

right-of-way that they used to have to go through and access the shack that's up here in the rear. This currently is, this parcel is owned by the landowner of these two pieces as well but there are still rights to the DEP to cross over that land and utilize it for utilities. The second distinguishing part we have is what I highlighted here in blue, this is a paved driveway, this paved driveway, the landowner of these lots also owns this lot and this lot as well. This paved driveway benefits the original lot, this lot, the other lot that they own plus a third one for the one as well it's a very weird situation, this easement and rights of use there's no defined limits to it other than the actual paved driveway. So there are several options of what we can do to this in the future and I'll get to that point. But what we're proposing out of all of this, take these three lots, combine them into two for two new residential lots. One would be this green following this orange so this would be lot one which I have highlighted in one which will have frontage on Riley on Summit and lot two would combine everything else into one lot which would meet the required frontage along Summit Woods Road. Both lots would gain access off Summit Wood Road, both would connect to water and sewer.

MR. ARGENIO: So that back lot is currently landlocked?

MR. SAMUELSON: That's correct.

MR. ARGENIO: How did that happen?

MR. SAMUELSON: That lot has been there quite a while.

MR. VAN LEEUWEN: I don't remember that lot and I've been here a long time.

MR. SAMUELSON: I don't know if it ended up becoming landlocked because of the right-of-way that the DEP took at one point in time.

MR. ARGENIO: So you're going to create this, Jay, this lot and then this lot?

MR. SAMUELSON: Correct, that's absolutely correct.

MR. ARGENIO: And those easements, DEP easements will still remain intact?

MR. SAMUELSON: That's correct, they'll remain intact,

we have no proposed improvements within those easements.

MR. ARGENIO: Hey, Mark, what about this mess over here, do we need to be concerned about this?

MR. EDSALL: Well, I think the appropriate thing to do to clean it up would be for them to create an easement for that, it's really a private road, once more than one homeowner uses it, it's a preexisting private road.

MR. ARGENIO: An easement across here.

MR. EDSALL: Just following that little loop, yes.

MR. SAMUELSON: We would do an easement.

MR. EDSALL: I would make it 50 foot wide, although that seems odd but the 50 is required by the current code, if they ever upgraded, they'd have the room if your client is okay with that.

MR. SAMUELSON: We have one other option that we'd like to propose.

MR. ARGENIO: Your client wants to ask a question.

MR. SAMUELSON: I think I'm going to say the same thing, we're going to go back and talk to the landowner and see if we can relocate this on their lot and get it off this lot, that's going to be our next phone call.

MR. EDSALL: One of the two works.

MR. SAMUELSON: One of the two we'll accomplish, I can't guarantee you which one it's going to be but those are the two options we have.

MR. VAN LEEUWEN: That was in my mind too. I don't remember this, I've been here 42 or 43 years so--

MR. ARGENIO: Do you have a copy of Mark's comments?

MR. SAMUELSON: I just was handed them, yes.

MR. ARGENIO: You're going to have to go to county, you're within 500 foot of the Thruway.

MR. SAMUELSON: Correct.

MR. ARGENIO: I'll accept a motion we declare ourselves lead agency.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board declare itself lead agency for the Lanwin Olympia subdivision on Riley Road.

ROLL CALL

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

MR. VAN LEEUWEN: Especially if he takes that loop out of there.

MR. ARGENIO: So this is a lot line change with no building proposed, I mean, do we need to have a public hearing on this, Mark, is there a requirement?

MR. EDSALL: It's a minor subdivision, in fact, you're actually taking three lots and creating two lots, although clearly we understand that the strip is not a legitimate lot in any case so at minimum they're creating no new building lots.

MR. ARGENIO: We're taking this bastard child of a landlocked parcel.

MR. EDSALL: Cleaning things up.

MR. ARGENIO: We have the authority to waive, what do you guys think?

MR. VAN LEEUWEN: I make a motion.

MR. ARGENIO: I'm asking them what they think.

MR. VAN LEEUWEN: You want to ask them too?

MR. ARGENIO: Yeah, Danny, what do you think?

MR. GALLAGHER: No need for a public hearing.

MR. ARGENIO: Henry's made the motion.

MR. GALLAGHER: Second it.

MR. ARGENIO: Roll call to waive the public hearing.

ROLL CALL

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

MR. ARGENIO: We waived the public hearing. I just want to make sure that maybe I'm missing something, you never know, I could miss something. Mark, what else do we need to do with this, Pal?

MR. EDSALL: The referral to the county has been made, they can work on the disposition of the private road so that can be straightened away. They should give us, I made a suggestion about moving the bulk table in one place instead of two but they can also someplace give us net areas just so we have that information.

MR. ARGENIO: Can you do that?

MR. SAMUELSON: Yes.

MR. EDSALL: Other than that, this is a very straightforward application, they're, like I said, they're proposing no new lots, just cleaning things up.

MR. ARGENIO: Jay, what else you looking for?

MR. SAMUELSON: As far as you're willing to go.

MR. ARGENIO: Well, this is as far as I'm willing to go.

MR. SAMUELSON: He asked, I figured I'd ask.

MR. ARGENIO: Second base, that's it.

MR. SAMUELSON: Thank you, sir, enjoy.

MR. ARGENIO: Lands of Westminster Church, Mercurio, Norton, Tarolli & Marshall. The application proposes 3,600 square foot addition to the existing church on Station Road. The plans were reviewed on a concept basis only.

MR. VAN LEEUWEN: What's it going to be used for?

MR. SMITH: It's going to be used for an expansion of the Fellowship Hall, there's going to be some classrooms in there, I believe six classrooms, approximately. Again, my name is Ryan Smith, I'm representing the project.

MR. ARGENIO: Smith, and are you the owner, sir?

MR. MACKAY: Well, I'm representing the church, Gill Mackay, M-A-C-K-A-Y.

MR. ARGENIO: I think I know you from somewhere, not sure where, I live up the road but whatever.

MR. MACKAY: I think we met before.

MR. ARGENIO: Somewhere, right?

MR. MACKAY: By the bank, Walden Savings.

MR. ARGENIO: Yes, there you go, you're right.

MR. MACKAY: I can only assume that's good.

MR. ARGENIO: Yeah, that's good.

MR. VAN LEEUWEN: His father used to sit in my seat and I was sitting there now, it's vice versa.

MR. ARGENIO: What do you have, Ryan?

MR. SMITH: So the addition is approximately 3,600 square feet, like I said, it's going to house a Fellowship Hall, classrooms, music room. In addition, we're going to be restriping the parking lot to allow a little bit better, little bit more ergonomic design for the parking. In addition, we're also going to be implementing a paved loop to allow the dropoff of elderly parishioners so they don't have to walk across the parking lot. We're also redesigning the septic system to accommodate the new demand from the proposed

addition.

MR. ARGENIO: Mark, what of that septic system, big enough?

MR. EDSALL: Yes, in our comments, we had one minor issue relative to the dosing chamber, I'm sure that can be easily adjusted on the plan but everything looks fine otherwise.

MR. ARGENIO: This is very simple, Jen, you got any other thoughts on this? Do you have anything?

MRS. GALLAGHER: No.

MR. ARGENIO: Looks like it's mainly building.

MR. MACKAY: If I can just make one clarification, it's, the footprint is, we haven't finished the final design yet but it's a 3,600 footprint but it's actually going to be two stories so it's going to be anywhere from 65 to 7,200 square foot in total.

MRS. GALLAGHER: The addition itself?

MR. MACKAY: Yeah, if you count--

MRS. GALLAGHER: Do you plan on sprinklering?

MR. MACKAY: We'd like to talk to the building department.

MRS. GALLAGHER: Well, you're talking to her.

MR. MACKAY: Once the plans are at a certain point, we'd like to bring them over and talk.

MR. ARGENIO: You have to sprinkler that building, it's a public gathering, there's no discussion to be had about it. With all due respect, it's not our thing.

MR. VAN LEEUWEN: It's the town board's control.

MR. ARGENIO: It's a public gathering place, classrooms, et cetera, et cetera.

MR. MACKAY: Well, the thought was basically the main population at the building is really only on a Sunday morning for maybe two hours.

MR. ARGENIO: As long as you can assure us you're not going to have a fire during those two hours we're good to go.

MR. VAN LEEUWEN: If you have a fire, we get sued, we can't do that.

MR. ARGENIO: You're going to have to.

MRS. GALLAGHER: Yes, absolutely.

MR. ARGENIO: It's going to be between you and the building inspector but I can't see a scenario under which it's not going to be sprinklered, quite frankly, just based on experience from being here for as many years as I have.

MR. VAN LEEUWEN: It's a tough issue, they have no water out here.

MR. ARGENIO: No public water.

MR. VAN LEEUWEN: No public water, I don't know how deep the well is and how much it is per gallon but that should be checked out, okay, see if you can have a sprinkler system, otherwise, you have to go for a--

MR. ARGENIO: Are you going to be paving the parking lot?

MR. SMITH: At this point, we're just, I don't know if they're going to resurface but the only additional--

MR. ARGENIO: Is the widening?

MR. SMITH: The widening and the little section.

MR. EDSALL: We talked about having them seal the entire parking lot so that the striping would be easily defined but the indication at the workshop was the existing paving was generally in good shape.

MR. ARGENIO: I vote there, it's in fine shape.

MR. EDSALL: They just want to clean it up, re-stripe so if they do seal it there's a better chance you'll be able to follow the striping. So that sealing and as well the fact that that building is proposed as two story should be on the plans, it's the first I'm hearing of the two story.

MR. ARGENIO: There are no other involved agencies it appears so I believe we can take lead agency for purposes of SEQRA.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board declare itself lead agency for the Westminster Presbyterian Church site.

ROLL CALL

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

MR. ARGENIO: Ryan, I believe this to be a fairly simple application but I also believe that you need to get the plans squared away.

MR. SMITH: Okay.

MR. ARGENIO: You need to do that. What about county with this, Mark?

MR. EDSALL: We were able today to drill down on the county's website and get a better plan of the county Ag Districts one and two and in fact, we have determined that this is under the 500 foot spacing so we'll be making a referral to county.

MR. ARGENIO: We need to, Ryan, you need to get the plans tightened up before we refer to county. I mean do any of the members see any site issues? I don't see anything here, it's a loop for senior citizens, they're going to seal coat the place and stripe it and you guys see anything, Harry, Howard?

MR. FERGUSON: No.

MR. BROWN: No.

MR. VAN LEEUWEN: I think it needs a flag pole.

MR. ARGENIO: He's serious.

MR. VAN LEEUWEN: I'm the flag pole guy.

MR. ARGENIO: What about a public hearing, anybody have any thoughts on that?

MR. GALLAGHER: Can we act on it, do we know if we're talking about one story or two story building?

MR. VAN LEEUWEN: Waive the public hearing, it's for a church.

MR. ARGENIO: Mark, is it discretionary?

MR. EDSALL: Site plans are discretionary and even more so site plan amendments, this is an amendment meaning that there's an underlying existing site and they're just looking to amend it.

MR. ARGENIO: Yeah, I mean--

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

MR. ARGENIO: This is up on a hill on Station Road, nobody's going to see it, I mean, it's next to that subdivision Kartiganer did many, many years ago.

MR. EDSALL: Middle Earth.

MR. ARGENIO: Whatever you guys want to do, I'm good with it.

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

MR. GALLAGHER: I'll second it.

MR. ARGENIO: Motion made and seconded we waive the public hearing for Westminster.

ROLL CALL

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

MR. ARGENIO: So is there anything else, Mark, we need

to be talking about here or Veronica?

MR. EDSALL: At this point, we gotta wait for the referral to the county which we just found out.

MR. ARGENIO: Ryan, you should be getting a flavor for where we're at with this, I mean, it's very simple but you do need to follow the law, I mean state law, local law. So I would encourage you to get the plans squared away, get them cleaned up with the size of the building, talk to her about, I mean, you're going to have to sprinkler that, man, I can't imagine not, I know that everybody cringes when they hear that.

MR. MACKAY: No, I heard basically certain at times certain exceptions were made, you know, to waive that but it's up to the discretion of the building department, I guess the fire.

MR. ARGENIO: It's up to the, there's a fire board, it's up to those guys.

MR. VAN LEEUWEN: Town board.

MR. ARGENIO: No, it's the fire board, the Board of Fire Prevention but very seldom do they give a wholesale waiver of that. And sprinklers save lives, they do, especially when you have a public gathering place. I can never, ever, ever remember a waiver on a public gathering place. If you have an office where there's maybe six people that work there and there's egress everywhere sometimes they give a waiver but you deal with it, it's not my issue. Let's move on. Anything else for you guys? Okay, thank you for coming in, good luck to you. We'll see you, call Stephanie when you get squared away and we'll move forward.

NUMBER ONE SHED, INC. (14-01)

MR. ARGENIO: Number One Shed, Suburban Court. Application proposes conversion of the existing retail shed, sales and display area to mixed uses. Application was previously reviewed at the 26 February 2014, 9 September 2015 and 28 October 2015 planning board meetings. Sir, what's your name?

MR. DILLIN: James Dillin, Jr.

MR. ARGENIO: James Dillin. Okay, this has a quite a history to it, this project, so tell us where we're at.

MR. DILLIN: At the last planning board meeting, we attended, we did some, we showed some improvements and that was prior to the last two work sessions we went to which are some minor fencing showing some existing fencing. But the biggest thing is we added this existing use table to identify the uses of each, you know, what Mr. Shed is used for and the service establishment.

MR. ARGENIO: Just again, I got Henry whispering in my ear over here, Mark, can you elicit for the members of the board the uses here you and I spoke about this but just kind of briefly explain where we are and where we are now.

MR. EDSALL: Well, there have been I'll use the word multiple plans in the past, it was difficult to extract from the applicant exactly what they wanted and in many cases, the list of uses not only changed from meeting to meeting but I recall them changing during a meeting.

MR. ARGENIO: During a meeting.

MR. EDSALL: But we have now thanks to hard work by Jim Dillin and his son it's been nailed down to have the uses with Mr. Shed which is the original occupant owner of the site, that use is shown as areas A, C, D and E on the plan, and then they've identified the second one as per our direction not by a business name but by a use classification as a service establishment and they're occupying areas F and G. I think Jim has done a good job to make it clear on the plan who's occupying what portion. The exterior uses are the limited area and the northeast corner outside equipment storage which is only for Mr. Shed's equipment for that business, and then the services establishment has an

area along the westerly ramp coming into the site area G.

MR. ARGENIO: So we're not going to have dump trucks banging their tailgates, people urinating in public?

MR. EDSALL: We would hope not.

MR. ARGENIO: You've been to the workshops?

MR. EDSALL: And I've been to quite a number of meetings on this but at least it's been nailed down so that we know exactly who's where and it's in fact not a contractors' yard, it's a service establishment now it will be controlled by the definition in the code.

MR. ARGENIO: Jennifer, you have anything you want to add to this? You've been fielding all the complaints, you've been with this from day one, do you want to share with the planning board members?

MRS. GALLAGHER: The only thing I have a question Mr. Dillin maybe you can answer this on the old plan there was a gate that connected to the privacy fence that was installed and the gate connected to the back fence, is there a reason that it's left off?

MR. ARGENIO: I went to the site today and the fence is beautiful, I mean your client did a really nice job. But I had the same question, the fence kind of stops out in space. Why is that open like that? It's like you went to do the job and you spent a lot of money to get the job to 95 percent and then just walked away.

MRS. GALLAGHER: That's the neighbors' main concern that they can see through there and see this outside storage area. So me personally, and I think it would help our office field the complaints if there was that gate there that was proposed in the beginning or something to shield them from seeing through to this yard.

MR. DILLIN: I would have to ask the client why, I don't have the answer for that.

MR. VAN LEEUWEN: I thought you were the client?

MR. ARGENIO: No, no.

MR. EDSALL: Surveyor.

MR. VAN LEEUWEN: There was a lady here last time.

MR. ARGENIO: That's a really important question, I mean, really important.

MR. DILLIN: I'm sorry I don't know the answer.

MR. ARGENIO: Do you want to call her? You're laughing, I'm serious.

MR. DILLIN: Could I have the number?

MR. ARGENIO: The board should verify the hours of operation with the applicant. What are the hours of operation? Appears what we're talking about in the past is 8:00 a.m. to 6:00 p.m. weekdays with an occasional Saturday morning, is that the case?

MR. DILLIN: You would have to, we would have to add that to the plan.

MR. ARGENIO: Client's okay with that?

MR. DILLIN: I'm sure.

MR. ARGENIO: You would need to add that to the plan. We never did a negative dec on this, we took lead agency. Anybody sees fit, I'll accept a motion for negative dec.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board declare a negative dec under SEQRA process for Mr. Shed. Roll call.

ROLL CALL

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

MR. ARGENIO: Local determination from county. This fence thing is an issue, what are we going to do with that? Do you want to call the lady and come back? Go

out in the lobby and go do what you gotta do, we'll continue with our meeting, it's important. Anything else? I mean, I drove there today, the fence is gorgeous, tell her I said the fence is gorgeous. Why did she stop 80 percent of the way through? And what is she going to do? And come back in and we'll see if we can close this thing.

PRICE CHOPPER PLAZA (16-13)

MR. ARGENIO: Price Chopper, Maser Consulting. The application proposes joint development of the referenced tax parcels with the amendment to include some revisions to the existing plaza buildings as well as the addition of new retail and office buildings. The plan was reviewed on a concept basis only. Mr. Fetherston?

MR. FETHERSTON: Mr. Chairman.

MR. ARGENIO: How are you?

MR. FETHERSTON: Very good, thank you. So we have the--

MR. ARGENIO: Andy, what do I need this for? Do you need to read this?

MR. FETHERSTON: No, I was going to hit high points on that.

MR. ARGENIO: I'll read that later.

MR. FETHERSTON: So this is the Price Chopper Plaza, Route 94, Five Corners, Vails Gate, Temple Hill Road or Route 300. This is the new Tractor Supply, ProBuild is on the north. We have the railroad on the far west and the Dunkin Donuts of course. The site is composed right now of two lots, 10.7 acre lot is the Price Chopper and a five acre oddly shaped portion is the remaining portion. The site has a total of 120,000 square feet of retail on the Price Chopper Plaza today and the 3,300 square foot bank. The rear parcel is completely vacant but for a stretch from Route 300 back to the rear driveway for Tractor Supply. That's the only portion of this lot that's currently developed. It's in the Highway Commercial zone which permits retail stores, banks, eating-drink places and offices. There's three wetland areas that I highlighted in the rear. This is connected here but actually three total areas on the site. We submitted a jurisdictional determination for those in the beginning of June so we're waiting a while before we hear back. We also did a phase one and phase two environmental analysis on the property, came back clean. The site is also serviced by--

MR. ARGENIO: Who did that?

MR. FETHERSTON: My firm, Maser. All the parcels are, the two parcels are serviced by town water and sewer. What we're proposing is to dissolve the property line, the common property line between these two parcels is this line right here, so we're looking to dissolve that line, make it one lot which will make it one lot.

MR. ARGENIO: You need the benefit of the parking count in the back.

MR. FETHERSTON: We're going to bulk it up. We're proposing a just over 17,000 square foot building in the front for additional retail and fast food that's going to be placed in what we all recognize as being a very underutilized area of that parking lot, every time you drive by it's very vacant on that side. We're talking about removing--

MR. ARGENIO: Mr. Dates, what's the matter, you don't want to participate? Are you here for something else?

MR. DATES: I'll chime in.

MR. FETHERSTON: We're talking about removing 2,400 square foot portion of the building here and creating a one-way drive-thru from the front parking lot to the rear. We're going to replace that 2,400 square feet with another addition in the rear so that building will retain the area that it has today. We're talking about continuing the driveway all the way through another 650 feet to the rear of this parking lot so we'll have, connect it to another access onto 300 joined. We're also going to close off this entrance on Route 94 down on the bottom closest to the bank. That's going to be one way that will be to access the parking in the rear primarily. There's also a 6,800 square foot office proposed for the rear. The rear lot because it's presently undeveloped will require storm water mitigation for that portion of development. The existing plaza is a total of 435 spaces, the code requires 496, so there's a deficit of 61 spaces currently. However, you can see that most of the time when you drive by this area is vacant.

MR. ARGENIO: Right now there's a deficit?

MR. FETHERSTON: Right now between, the code requirement is 496, there's 435.

MR. ARGENIO: How come there's always empty stalls, how is that possible?

MR. FETHERSTON: The code may be a little overaggressive in what they're requiring.

MR. ARGENIO: Continue.

MR. FETHERSTON: So there's a deficit of 61 spaces total. With the addition of the new spaces here, let me make sure I get this right, Jerry, we're going to have a total of 540 spaces.

MR. ARGENIO: And you need?

MR. FETHERSTON: We would need 601 spaces. We're maintaining that deficit, there's a deficit of 61 spaces now on this parcel, we're maintaining, we're adding enough spaces to maintain the deficit.

MR. ARGENIO: I understand.

MR. FETHERSTON: That's what we were doing. Further, the applicant proposes to phase the project. Phase number one would be the 1,760, would also be removal of this 2,400 square foot.

MR. ARGENIO: Andrew, you have 1,760, you've got to build the parking in the back.

MR. FETHERSTON: I'm getting there, getting there. So 2,400 square foot addition, this roadway and all of the spaces back here but for 34, the office only needs 34 spaces so we're talking about building these spaces out here. I was talking about the--

MR. VAN LEEUWEN: That's to add to the deficit?

MR. FETHERSTON: That's to add to the deficit. Now, we were speaking about how many employees are total in the shopping center right now, we were thinking it was between about 100 employees between Price Chopper and these others and asking those employees to park in the rear so that the front spaces are more convenient to the retailing spaces.

MR. ARGENIO: Are you Adrian? We've 100 times but I've never seen you face-to-face.

MR. VAN LEEUWEN: Can I ask a question?

MR. FETHERSTON: Of course.

MR. VAN LEEUWEN: When you're all said and done, let's say everything is here and everything is here, okay, do you still have a deficit of the parking?

MR. FETHERSTON: Sixty-one.

MR. VAN LEEUWEN: You've got to go to the zoning board.

MR. ARGENIO: Henry, what's happening is there's a deficit there now, they're short stalls, okay, they're short stalls. And we've all driven by there, this whole area here is a big, open field that no, never has cars parked in it. So they're short stalls, now they do the development, they're short the same number of stalls, is that right?

MR. FETHERSTON: That's correct.

MR. ARGENIO: You follow?

MR. VAN LEEUWEN: Yes.

MR. ARGENIO: Just think that through and the phasing I don't want to think about right now because I have too much to absorb in front of me. I'm not that bright to begin with so the phasing we'll get to in a little while but continue your pitch here, Andrew.

MR. FETHERSTON: That's really it, Jerry, there's water and sewer to the site.

MR. ARGENIO: I want to ask a dumb question. If you're going to go through the trouble of doing this demo here, why are you going halfway, why wouldn't you make that a proper access and invite people to this area here for all the reasons that you know already?

MR. FETHERSTON: We can look at that.

MR. ARGENIO: I'm asking if there's a reason, maybe there's a reason. Adrian, come up and speak.

MR. GODDARD: There is maybe a reason which is safety in front of the supermarket, you get too much traffic moving around in front of the supermarket entrance it's not ideal.

MR. ARGENIO: Somebody coming through at 40 miles an hour would be an issue.

MR. GODDARD: So I guess we view the back areas as spillover for the front, you know, if the front fills up for some reason you can get access and park in the back.

MR. ARGENIO: Okay, so you're saying the front is full so somebody would park in the back then walk to, hopefully they have Nikes hopefully and not shoes.

MR. FETHERSTON: Continuing the whole theme on the front with the overhang, there would be overhanging walks on this side and this side so you'd be covered, you'd be protected in the elements at least walking through. There's a rather safe accessway this way around the rear of the stores, it's wide enough for two-way, the loading area is here, we were prohibiting everything, any drive-thru from this area, we were signing that for no drive-thru.

MR. ARGENIO: You have a ton of space here and here and all of these stalls are always, always, always available, at least they are when I cut through.

MR. FETHERSTON: The car show uses it, that's about it.

MR. ARGENIO: That's interesting, so who's this Bannon back here in the back?

MR. EDSALL: Yes.

MR. ARGENIO: Bannon, right.

MR. GODDARD: We're buying the real estate from Bannon.

MR. ARGENIO: Did you buy it?

MR. GODDARD: We'll close when we're done here.

MR. ARGENIO: He drives a tough bargain but he's a good guy, he's always done what he promised here and at least with this board, I can't speak for other places.

MR. FETHERSTON: There's one other thing with the wetlands that I'm showing you. Of course near, going across this is a drainage ditch, there's a large culvert that empties out right here, might be a 48 or 60 inch culvert that's dumping out there between that

wetland fill and this minor over here, we think we're only going to be at 800 so we'll be under--

MR. ARGENIO: Is this a box culvert?

MR. FETHERSTON: We'll put something, there's a large CMPA metal pipe there, we'll take a look at it.

MR. ARGENIO: What's that do, Andrew, I'm looking at the contour plan and I'm seeing that ends somewhere over here, what does it do then?

MR. FETHERSTON: It's an open ditch.

MR. ARGENIO: No, no, going the other way.

MR. FETHERSTON: Going the other way, I don't know, there's, you know, we did the survey of this also I don't find--

MR. ARGENIO: Here's where I was going, if you're proposing any pavement on top of a 40 year old corrugated metal pipe in this area, if you're going to have to culvert that installation should go at least to outside the parking or driving area.

MR. FETHERSTON: We can take a look or video that pipe.

MR. ARGENIO: But that's not what I said and you know that.

MR. FETHERSTON: Replace it, I'm going to look at it first.

MR. ARGENIO: Okay, Danny, got any thoughts on this?

MR. GALLAGHER: The property right behind Tractor Supply, is that the property that they were proposing behind Tractor Supply at one point?

MR. ARGENIO: They still have room to develop.

MR. GALLAGHER: This is behind what they were talking about?

MR. FETHERSTON: Tractor Supply building, they have that rear driveway, then they have a large, very shallow storm water pond, then there's another deeper pond here and that's a mound, that's just a mound.

MR. GALLAGHER: This is the property they left? This is what they--

MR. EDSALL: There's nothing left after this.

MR. ARGENIO: So this is storm water.

MR. GALLAGHER: They're buying it from them?

MR. ARGENIO: So this is the development of this.

MR. GALLAGHER: Got it, okay.

MR. ARGENIO: This is a good piece, that's a good idea.

MR. ARGENIO: Howard or Harry, do you have any thoughts, Henry, do you have any other thoughts?

MR. VAN LEEUWEN: No.

MR. ARGENIO: I don't know if I'm on board on this. I've got to think it through, it's the first I'm seeing it. I don't know if I'm entirely on board, Adrian, I understand what you're saying, what you're saying makes a lot of sense but I would think you'd want to tie the whole package together.

MR. FETHERSTON: Jerry, if I had Phil Greeley from my office give an explanation on that or some type of a letter report, minor analysis?

MR. ARGENIO: Andrew, I'm not saying you're going in the wrong direction, I'm just saying I'd just like to think it through a little bit and at the end of the day, it's going to be your project, Adrian, but, you know, we do have the thumbprint on it.

MR. FETHERSTON: There's 2,400 square feet that's being removed.

MR. GALLAGHER: So it's not just a walkway.

MR. FETHERSTON: Right now it's very narrow.

MR. GALLAGHER: Pool hall or whatever is on the end, that's just going to be one way for a vehicle?

MR. FETHERSTON: That's correct.

MR. ARGENIO: But you're removing building structure?

MR. FETHERSTON: Yes, absolutely.

MR. ARGENIO: Danny, my thought was that if you're going to remove building structures, you're going to lose leasable square feet you're replacing that leasable square feet back here, why not make that a proper driveway to go through and maybe to this leasable square feet and occupy this whole corner back here and invite people back here with lighting and appropriate traffic movement? But again, let me think it through, it's a suggestion, it's a thought process, that's all. It's your project, Adrian, not looking to design your project.

MR. GODDARD: It's certainly an idea.

MR. ARGENIO: What do you want from us tonight other than final approval?

MR. FETHERSTON: Looking for an approval of the concept that we have, I mean, I hear your thoughts, we can do it and I would look at the pipe, I'll do an inspection first.

MR. ARGENIO: You have tenants already, you have announced tenants?

MR. GODDARD: I have a couple tenants.

MR. EDSALL: We should probably have that referenced as retail, it's better for you.

MR. GODDARD: Yes, thank you, I think so too.

MR. ARGENIO: I'm glad I didn't read the comments. Parking calculation is not considered fast food restaurant which parking is based on seating. Mark or Veronica, what else do we need to be talking about here with this? This is a good plaza, this is a good plaza, man, this was a good, I don't know what you paid for it and I don't want to know but this is a good spot, real good spot.

MR. GODDARD: It could be a lot better.

MR. ARGENIO: It should be a lot better, quite frankly, and I don't want to tell you what I'm thinking right now, you're not going to want to hear it, but it should be, and it should be a lot better. It's a good spot

and honestly it's going to clean up across the street.

MR. EDSALL: Mr. Chairman, two items. One, this will have to go to Orange County Planning obviously but I don't think that at this point it's got enough information so we'll hold off on that. The other decision you need to make and I think this one we probably should send to DOT because we're connecting through to the state highway, so those two referrals I think we should make after the next generation maybe of drawings.

MR. ARGENIO: I want to, can I take this home with me? I can take this home with me, right?

MS. RODRIGUEZ: Yes.

MR. ARGENIO: Okay, what else, guys?

MR. FETHERSTON: That's it.

MR. ARGENIO: Adrian, nice to see you, Mr. Dates, always a pleasure.

NUMBER ONE SHED, INC. (14-01) - CONTINUED

MR. ARGENIO: Mr. Shed, yes, Mr. Shed, Jim, come on up, what's your person say?

MR. DILLIN: We're not proposing any gate at this time.

MR. ARGENIO: What are you proposing?

MR. DILLIN: Nothing. We think with the eight foot high wood privacy fence clearly blocks out the operation of the site. That house is actually more forward and that opening doesn't block anything from our site, I mean, it doesn't help. The only thing we can put there if you wanted something there would be a six foot high chain link fence gate with maybe green slats, we're already screening.

MR. ARGENIO: I didn't ask you for anything.

MR. DILLIN: Just saying we believe that we're screening the Smith property.

MR. ARGENIO: I think, you guys, it's a beautiful fence, I wouldn't want--

MR. DILLIN: One thing I can say about it is that the gate thing is just too much.

MR. ARGENIO: I mean, Jen, I mean, I'm good, where are you at with this, this is your issue, this is your--

MRS. GALLAGHER: I can only tell you that, you know, my office gets flooded with complaints and it's a very big neighbor dispute here and it was on the plan when they had their public hearing and the neighbor sat here, the plan that was shown showed a gate.

MR. ARGENIO: Now there's no gate?

MRS. GALLAGHER: Corrected.

MR. EDSALL: As in my comments, not as if we're asking for something to be added, in fact, from the prior plans to this plan the gate disappeared.

MR. ARGENIO: From the plans?

MR. EDSALL: From the plans, that's why we're pointing it out.

MR. ARGENIO: You were directed by your client to remove the gate?

MR. DILLIN: We can put the chain link fence gate.

MRS. GALLAGHER: I don't think he's asking them to extend a privacy fence, I know that they use that to drive through there, nobody's asking for that.

MR. DILLIN: It's an awful high fence.

MRS. GALLAGHER: They did propose a rolling gate or an opening gate that they'd have to open when they turned in, that's what was presented.

MR. EDSALL: The prior--

MR. DILLIN: We'll do that.

MR. EDSALL: The prior plan had a chain link gate.

MR. ARGENIO: Can I see that please?

MR. EDSALL: So--

MR. ARGENIO: Yeah, they have it shown there.

MR. DILLIN: No, I know.

MS. MC MILLAN: It's on both prior submissions.

MR. DILLIN: We can certainly add that back on.

MR. ARGENIO: I don't think that has to be a giant, massive--

MR. DILLIN: Six foot high chain link.

MR. EDSALL: With the privacy slats.

MR. ARGENIO: I think that's perfectly reasonable, unless you have some particular insight that we don't have?

MRS. GALLAGHER: Not at all, I think that's, it only caught my eye because it wasn't there.

MR. ARGENIO: Your client many agree to put that up?

MR. DILLIN: Yes.

MR. ARGENIO: You just talked to her?

MR. DILLIN: Yes.

MR. EDSALL: Mr. Chairman, procedurally you've taken care of the public or the negative dec, you've already had the public hearing, I've heard back from the county. The only two open items were that fence and if they're agreeing to have a condition being the six foot high chain link fence with privacy slats with a rolling gate--

MR. ARGENIO: It could be a rolling gate or a swing gate.

MR. EDSALL: Either one and the addition of the hours of operation that were discussed at prior meetings onto the plan, that's the only open items.

MR. ARGENIO: I'm good, fellow members, are you guys okay?

MR. GALLAGHER: Yes.

MR. ARGENIO: I think we have done due diligence and thank your client from me and use my name because she was here and she was upset over a whole bunch of stuff and I get it, she's a small business owner and nobody likes it least of all me when other people spend your money. But we have an obligation to do our due diligence. So that said, if anybody sees fit, I'll accept a motion for final approval for Mr. Shed subject to what Mark just read in.

MR. EDSALL: And the bond estimate.

MR. ARGENIO: And the bond.

MR. EDSALL: Payment of fees which are the normal.

MR. ARGENIO: We're good?

MS. MC MILLAN: Sorry, yes.

MR. VAN LEEUWEN: So moved.

MR. ARGENIO: So that Henry's made that motion subject to what Mark just read into the minutes.

MR. FERGUSON: Second it.

MR. ARGENIO: I'll have a roll call.

ROLL CALL

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

MR. ARGENIO: Tell your client thank you so much for her cooperation and that's a beautiful fence and you know what, if I ever need a fence like that on my house, I'm calling her because it's a beautiful job, okay?

MR. DILLIN: Thank you.

MR. ARGENIO: Thank you.

USAI (15-11)

MR. ARGENIO: USAI. Michele, as I remember what happened to, what do you call it?

MS. BABCOCK: John, his daughter graduated.

MR. ARGENIO: Ronny, what do we have here, USAI, talk to me.

MS. BABCOCK: We were here last month and presented an amended site plan application to the board.

MR. ARGENIO: Just strike that, just hold that thought, I want to read Mark's letter in, Michele, first please. USAI, the application proposes some revisions to the approved plan and are requesting a reapproval in a revised form. The matter was previously discussed at the 25 May 2016 planning board meeting. What's your name?

MR. MC IVER: Jim McIver with C.T. Male.

MR. ARGENIO: Jim McIver, okay, go ahead, Michele.

MS. BABCOCK: So we were here last month and presented an amended site plan application to this board. At that time, the board had no comments or additional questions and referred it to the Orange County Department of Planning for review. Since that time, the county has issued a report with the local determination, that report, letter did contain two comments, the first was that the DEC should be notified of the proposed work on site.

MR. ARGENIO: Have they been?

MS. BABCOCK: Yes, they have.

MR. ARGENIO: Continue.

MS. BABCOCK: I also see here a note from Mark's comments that he's confirmed he has received such communication. The second comment had to do with storm water management on the site and based on the changes we were changing a dry swale to a pocket pond which would provide for greater infiltration.

MR. ARGENIO: Are we good with these, guys?

MS. RODRIGUEZ: Yes.

MR. ARGENIO: Okay, good, go ahead.

MS. BABCOCK: Which I'm sure Jim would be happy to address if the board had any comments.

MR. ARGENIO: Do you guys have any questions? Pocket pond, Mark looked at it, it's okay?

MR. EDSALL: Everything that we've asked the applicant to provide they have. We appreciate them providing the narrative that outlines what they're proposing and I've listed under comment one the bullets that are the general aspects of the change. I did get an e-mail directly from Matt Hobicki (phonetic) of NYS DEC acknowledging he's aware of the proposed change and he will be working with C.T. Male for the final write-off on the project so they've done everything we've asked. This is a reapproval under the original application of 15-11, it was a field change but because of the nature of the field change including a building addition it was brought back in for board action. From a SEQRA standpoint, we previously adopted a negative dec based on all the information that was presented under the original application. It's my belief that there are no changes that warrant that SEQRA be reopened and I believe that the negative dec can be affirmed.

MR. ARGENIO: Agree counsel?

MS. MC MILLAN: Yes.

MR. ARGENIO: Okay, yes, as I remember, it was, county was the main thing, is that right, Michele?

MS. BABCOCK: That's correct.

MR. ARGENIO: Anybody have any questions, guys, on this? Mark, do you want to read any subject-tos?

MR. EDSALL: There are none.

MR. VAN LEEUWEN: I'll make a motion final.

MR. ARGENIO: Motion for final approval for USAI Lighting site plan amendment.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded, roll call.

ROLL CALL

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

MR. ARGENIO: Thank you, guys, for coming in and I'm sorry we had to carry it over for another meeting but thank you. Good to see you, Ronny.

HIGHVIEW ESTATES LOT INE CHANGE (16-14)

MR. ARGENIO: Highview Estates. Eddy and Mr. Yanosh have been patiently waiting in the back of the room. Eddy, how are you? Danny, good to see you.

MR. EDSALL: Mr. Chairman, so we might keep the record very narrow on this.

MR. ARGENIO: Yes, I appreciate that, Mark, thank you.

MR. EDSALL: Counsel and I have been discussing this and this application actually is the Highview Estates lot line change which is a correction map effectively for their subdivision which would realign parcels such that the 50 foot through road strip from Highview can be created which was a condition both of preliminary and final. The applicant agreed when they received final approval for the overall subdivision or the balance of the subdivision that they would be back to correct the map to create the 50 foot strip. To accomplish that internal lot line change, the adjoining applicant, Weikfield, who is going to build the road which is their obligation and has aligned their road to match into Mr. Biagini's project, they have contributed land to offset the 50 foot strip so that both applicants could proceed without the need for either to either lose a lot or land. So the contribution of land by Weikfield, the adjoining major subdivision means that neither application loses any lots nor do either applicant need to go to the zoning board. So this is, even though it's a new file number, this is truly a, effectively a correction map to create the 50 foot strip and as well an action with the adjoining property owner to provide some land to accomplish the thru-road.

MR. ARGENIO: You guys get it?

MR. FERGUSON: Yes.

MR. ARGENIO: As if we've not talked about this enough times.

MR. EDSALL: There are no new lots, again, for the record, there are no new or additional lots being created as part of this application.

MR. ARGENIO: That's very clear, thank you for that, Mark. Dan Yanosh, do you have anything additional to add?

MR. YANOSH: No, Mark covered everything.

MR. ARGENIO: In the simplest of format.

MR. YANOSH: We've been working along with Mercurio Norton with the lot line modifications, we're in agreement, they're working on the road profile for Mark and we've submitted at least the description for the road dedication. There's going to be a small little easement for grading between lots four and five.

MR. ARGENIO: Which you'll work on the verbiage of that easement with Veronica?

MR. YANOSH: No problem, once I get the profile done, everything's taken care of, it's easy.

MR. ARGENIO: Mark, do we need to go through SEQRA on this?

MR. EDSALL: Because it's a new application, I inquired from counsel.

MR. ARGENIO: We're re-upping the other one.

MR. EDSALL: Just for formality since we have a new application, we should probably go through the correct steps.

MR. ARGENIO: Accept a motion we declare ourselves lead agency under the SEQRA process.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded that we declare ourselves, that is the Town of New Windsor Planning Board, lead agency for Highview Estates lot line change.

ROLL CALL

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

MR. ARGENIO: I'll accept a motion for negative dec.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded, I'll have a roll call.

ROLL CALL

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

MR. ARGENIO: I certainly would hope we can waive the public hearing for this for the benefit of all involved.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded.

ROLL CALL

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

MR. ARGENIO: Okay, procedural stuff is done, the important procedural stuff is done. Anything else we need to be considering, counselor or Mr. Edsall?

MR. EDSALL: The two conditions that Veronica and I think need to be applied number one because it's a corrected plan that's going to have to get back to be stamped by the Orange County Department of Health which Dan already knows about.

MR. YANOSH: You think it has to go back to the health department? We didn't move any septic, everything's the same.

MR. EDSALL: Inquire with them, if they have no problem

with it because it doesn't impact any utilities and but of course they approve the realty subdivision.

MR. YANOSH: It's a realty subdivision.

MR. EDSALL: They may not care.

MR. BIAGINI: We have sewer also.

MR. ARGENIO: Well, yeah, what Danny's saying makes sense to me at least but I had a different question.

MR. EDSALL: Number one. Number two was get the easement, the temporary easement should be submitted to counsel for reviewing.

MR. ARGENIO: I get that but when does the map get filed, Eddy or Veronica, somebody help me?

MR. BIAGINI: You tell me I'll do it tomorrow.

MR. ARGENIO: That would be great, seriously.

MR. BIAGINI: Yeah.

MR. ARGENIO: I just want to get this done, you and I have talked about this, you and I have talked about this more times in the past four months than we've spoken in four years.

MR. BIAGINI: Right, but if we have enough copies here to be signed I'll take them up.

MS. MC MILLAN: Mr. Chairman, if the temporary easement is going to be a condition of the approval, I'd just like an opportunity to see that then we could do final approval once it's stamped then the applicant can take it to be filed. I don't know if that's available yet, if that's going to be a condition of the approval.

MR. BIAGINI: Well, we have the temporary easements on the map, Danny gave my attorney the description and I'll have Steve Reineke forward it to you.

MR. ARGENIO: End of the coming week the maps are filed, this thing is behind all of us collectively, you can start getting building permits or whatever it is the next step is, I don't pretend to know.

MR. BIAGINI: Don't ask.

MR. ARGENIO: You good, Danny?

MR. YANOSH: Yes.

MR. ARGENIO: Motion for final approval subject to what Mark has.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded that we offer final approval to Highview Estates lot line change to allow for this link that we created so, so, so many months ago. Roll call.

ROLL CALL

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

MR. ARGENIO: Ed, I thank you for your cooperation through this whole thing. Danny, thank you most of all, Veronica and Mark, thank you for your cooperation and Jennifer. The thru road was important to everybody.

MRS. GALLAGHER: I know it was.

DISCUSSION

SPERANZA REALTY

MR. ARGENIO: What about Speranza? Anything with Speranza?

MRS. GALLAGHER: I don't know if you've driven by there at any time.

MR. ARGENIO: It looks like a mess.

MRS. GALLAGHER: Very much so.

MR. VAN LEEUWEN: Where is this property at?

MR. ARGENIO: Where Central Hudson is to the left.

MRS. GALLAGHER: John Speranza came into a workshop because he had some violations in my department and we made him sit down and talk to Mark. And he basically asked if he could wait to come to the planning board until he purchased the house next to it.

MR. EDSALL: To the left of the site.

MRS. GALLAGHER: Until he purchased the house next to it and that he wants to put a garage, he doesn't know what he's going to do there and--

MR. ARGENIO: What did you tell him?

MRS. GALLAGHER: That we were going to bring it to discussion at the planning board.

MR. ARGENIO: You should probably give him some time to do that.

MR. EDSALL: One of the other requests we had was before the board starts to consider giving him some time to plan his future, plan his purchases and resolve the violations, he should really clean up the site cause it was really looking a little--

MR. ARGENIO: I don't want him to leave New Windsor but--

MRS. GALLAGHER: I don't think he's planning on leaving, he knows that, he knows what he needs to clean up, we told him but now it's gotten even worse from

when he cleaned it up. Can you show those to Jerry real quick?

MR. GALLAGHER: Back yard's going to be above the roof.

MR. ARGENIO: Yeah. Jennifer, Jennifer, Jennifer, what do you think?

MRS. GALLAGHER: I--

MR. ARGENIO: I think we should give him a little bit of time. Did he tell you I need two weeks, two months, two years?

MRS. GALLAGHER: No, he didn't give a timeframe and that's the problem, I don't know when he's going to buy the house.

MR. VAN LEEUWEN: Why didn't you question him?

MR. ARGENIO: Yeah, that's what--

MR. VAN LEEUWEN: I'm sorry.

MR. ARGENIO: What's the matter?

MRS. GALLAGHER: Nothing.

MR. EDSALL: I think we need to urge him to make things get better rather than get worse.

MR. ARGENIO: Okay, urge him to make things get better and ask him when he's expecting to make application to the planning board because the degree of urgency of his cleanup effort depends upon that purpose of that house and when he's going to do something with that whole spot.

MRS. GALLAGHER: Okay.

MR. ARGENIO: I would think that would be reasonable, we don't want to push him out of the town and, you know, I don't need him going to a realtor, looking for property in Montgomery, something like that.

MR. VAN LEEUWEN: Montgomery wouldn't allow this either.

MR. ARGENIO: No, they wouldn't, so let's, do you need something more definitive than that?

MRS. GALLAGHER: No, I'll take care of it.

MR. ARGENIO: Okay, we should encourage him to clean this thing up, he's got boulders out there and quite frankly, if I were him, I wouldn't want to be there if I had like a landscaping yard or small construction yard, I would want to be off the beaten track a little bit, I would think rather than right on the state highway.

MR. EDSALL: Yeah, tough spot.

MR. ARGENIO: Okay, anything else? Motion to adjourn.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth
Stenographer