

TOWN OF NEW WINDSOR

PLANNING BOARD

August 10, 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 MAC MILLAN, ESQ.
PLANNING BOARD ATTORNEY

JENNIFER GALLAGHER
BUILDING INSPECTOR

STEPHANIE RODRIGUEZ
PLANNING BOARD SECRETARY

MEETING AGENDA:

1. Mt. Airy MHP
2. Creek View MHP
3. Hudson View MHP
4. New Windsor II MHP
5. Windsor Hospitality
6. Mans Brothers Realty
7. Lanwin Olympia
8. Dahlin & Pushman
9. Chapala Grill
10. Patriot Bluff
11. Meadowbrook Estates
12. Stonegate
13. Warriner Plumbing
14. Highview LLC
15. TB zoning referral

REGULAR MEETING:

MR. ARGENIO: I want to call to order the regular meeting of the Town of New Windsor Planning Board for

Wednesday, August 10, 2016. Would everybody please stand for the Pledge?

(Whereupon, the Pledge of Allegiance was recited.)

APPROVAL OF MINUTES DATED 6/8 AND 6/22/16

MR. ARGENIO: First item on tonight's agenda is approval of the minutes dated 6/8 of '16 and 6/22 sent out on the 28th of June and the 20th of July.

MR. VAN LEEUWEN: So moved.

MR. ARGENIO: I'll accept a motion we approve them as written

MR. FERGUSON: Second it.

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

ROLL CALL

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

ANNUAL MOBILE HOME PARK REVIEWS:

MT. AIRY MOBILE HOME PARK

MR. ARGENIO: Moving right along to the mobile home park reviews. Somebody here from Mt. Airy Mobile Home Park? Come on up. What's your name, sir.

MR. HELMESET: Paul Helmeset.

MR. ARGENIO: How many units do you have?

MR. HELMESET: I don't own it, I was just dropping it off. I think there's three.

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

MRS. GALLAGHER: Yes.

MR. ARGENIO: What say you?

MRS. GALLAGHER: There's no problems.

MR. ARGENIO: I'll accept a motion for one year extension.

MR. GALLAGHER: So moved.

MR. VAN LEEUWEN: Second it.

ROLL CALL

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

MR. ARGENIO: Do you have a check for the benefit of the Town of New Windsor in the amount of \$250?

MR. HELMESET: Yes.

MR. ARGENIO: Give that to Stephanie, I'll sign this and you're good for a year, you're good to go. That's it.

MR. HELMESET: Thank you.

CREEK VIEW MOBILE HOME PARK

MR. ARGENIO: Creek View Mobile Home Park. Familiar face, what's your name, sir?

MR. GLENN: Arthur Glenn.

MR. ARGENIO: How many units?

MR. GLENN: Three.

MR. ARGENIO: Cleaned up neat the way it should be?

MRS. GALLAGHER: Yes.

MR. VAN LEEUWEN: Motion.

MR. GALLAGHER: Seconded.

MR. ARGENIO: Motion made and seconded that we offer one year extension to Creek View Mobile Home Park. Do you have a check for the benefit of the Town of New Windsor in the amount of \$250?

MR. GLENN: Yes, I do.

ROLL CALL

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

MR. ARGENIO: Thank you Mr. Glenn for coming in.

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HUDSON VIEW MOBILE HOME PARK

MR. ARGENIO: Hudson View Mobile Home Park. Going
once, going twice.

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NEW WINDSOR II MOBILE HOME PARK

MR. ARGENIO: New Windsor II Mobile Home Park.

MRS. GALLAGHER: They called to cancel.

MR. ARGENIO: They're going to have to reschedule.
Jen, how are they, do you have a report on them?

MRS. GALLAGHER: Hudson View is believe it or not okay.

PUBLIC HEARINGS - CONTINUATION

WINDSOR HOSPITALITY HOTEL SITE PLAN AMENDMENT (15-09)

MR. ARGENIO: First regular item is continuation of the public hearing for Windsor Hospitality, somebody here to represent this? The 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, 25 May 2016 and 22 June 2016 planning board meetings. The applicant is here tonight as a continuation of the public hearing which we held open which we'll get into in a moment. Sir, your name?

MR. O'CONNOR: Joshua O'Connor with Bohler Engineering

MR. ARGENIO: Joshua O'Connor, the meat of your application here this evening is to continue the public hearing and hopefully close the public hearing. But before we get to that, is there anything you would like to highlight on the plans and submit any changes you've made, anything you'd like to bring to our attention?

MR. O'CONNOR: We've not made any additional changes to the plan. We're hoping to get a final collection of comments from the public, close the public hearing and prepare a final submission based upon those comments for our client through your board. I'd like to let you know we have reviewed the comments we have received to date, in particular addressing those from DOT and the City of Newburgh. We have conducted a workshop of the City of Newburgh in the interest of addressing their concerns about protection of the watershed and we do have a good plan for moving forward. And as I said, we'd like to close out the public hearing so we can get a collection of all those comments and resubmit a comprehensive plan addressing all of those.

MR. ARGENIO: We'll get to that in a moment. In the meantime, just to remind everybody we opened the public hearing on this and we had some discussion. We received some feedback from the public, a lot of very productive feedback if my memory serves me and we kept the public hearing open. And the reason we kept the public hearing open as a reminder to everybody is because the plans that were on view for the benefit of the public in the planning board office did not match the plans that were displayed that evening or that night for review. So that said, on the 7th day of June 2016, Stephanie compared seven addressed envelopes

containing the notice of public hearing that she received from Mr. Wiley, our assessor, mailed out, the public hearing was opened two meetings ago. We had the public hearing, we had quite a bit of discussion. We tabled it and now the continuation of that public hearing is this evening. That said, anybody in the public that would like to comment, please raise your hand, be recognized and you'll be afforded the opportunity to comment. Yes, sir, come forward. Your name for the stenographer, please?

MR. BAZYDLO: My name is Charlie Bazydlo, I'm counsel for Banta Realty Newburgh LLC, the abutting property owner project. I have a comment letter prepared on the project, I think I have enough copies of it but this is an original.

MR. ARGENIO: Can I see one copy?

MR. BAZYDLO: Yes, you can see the original.

MR. ARGENIO: Here's what we're going to do with your comment letter, I would like you to give, how many copies do you have?

MR. BAZYDLO: I have six.

MR. ARGENIO: Why don't you give one copy to each member, we're not going to get into this letter this evening because there seems to be quite a bit of meat to it. But we certainly will review it, consider it and move forward. But that said, Mr. Bazydlo, you have the floor, so let's hear what's on your mind, what additional items do you want to bring to our attention that we need to be considering?

MR. BAZYDLO: Basically, as the chairman just pointed out, the plans were not available for us to review back for the meeting that was held in June. Since that time, we've gone in, we've gotten a copy of the plans. I've had them reviewed by our engaged consulting engineering, TRC Engineers down in Hawthorne, they've come up with two sets of comment letters that I won't go into detail about. One has to do with the plans themselves, the Storm Water Pollution Prevention Plan, the EAF, the need for coordinating the project with DOT and the Thruway Authority. And then there's a second separate letter that deals just for traffic. And I think as the board members have pointed out before traffic's a concern with this project. I won't go into

details about it but we do think there are some significant deficiencies in the application that require the attention of the applicant. We would ask that the board, I'm sure the board will direct their consultants to look over our comments and give an opinion about that. All that said, my basic point here is that the plans, we believe the plans need to be modified, that there needs to be an additional study done on the property certainly around traffic.

MR. ARGENIO: An additional study relative to what other than traffic?

(Whereupon, Mr. VanLeeuwen left the room.)

MR. BAZYDLO: Without going into too much detail with the EAF itself, it seems to not indicate some of the hits that show up on the DEC map, the environmental map, as I'm sure the chairman knows about, identifies certainly environmental resources that are around this project site. That map shows potential wetlands maybe not on the property itself but adjacent to the site. The site does show up for the certain endangered species. And I realize the site is pretty much paved at this point but there are some open natural areas on the site too. And these are all issues that they may be minor but they require further input from the applicant so we can tell whether they're really going to be an impact or not. Then there's some detailed comments in these letters about drainage, that's a big concern to my client being the abutting property owner directly downhill from this project. So my basic position to the board is that because there's new information or revised information that needs to come from the applicant, I'm going to request that the board keep the public hearing open. I hear the applicant's point, they'd like to get all the public comments in and turn in a revised set of plans in total agreement with that, but I think it's also applicable that the public needs to be able to have the right to review those revised plans and provide any comments to the board. Then the last thing I'll say I did do a FOIL review on the project, I believe it was at the end of July, July 29, something like that, I didn't see anything in the file about a response back from DOT or from the Thruway Authority. So if that has been gained by the applicant or obtained by the town, I'd like to have a chance to take a look at that. I did notice that there was a fairly detailed comment letter from Orange County Planning Department and the gist of that

comment letter seemed to say they have a concern about the density on the site, not so much density, lot coverage on the site and they're seeking a reduction in lot coverage. So again, that's something else that maybe the applicant needs to look at and respond to. And last but not least, again, I will remind the board, I'm sure the chairman's aware there's an active litigation regarding the Zoning Board of Appeals variance granted to the project and depending on how that turns out there may need to be significant modifications to the project.

MR. ARGENIO: Thank you, Mr. Bazydlo.

MR. BAZYDLO: Thank you.

MR. ARGENIO: Anything else that you would like to make a comment on? I'll accept a motion to close the public hearing.

MR. GALLAGHER: I'll make the motion to close the public hearing.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that we close the public hearing. I made that suggestion, Danny suggested, Danny made the motion that we close the public hearing and it was seconded by Howard Brown to my right. Now, we're certainly not under any obligation to justify why we do the lawful things that we do here but to keep this open in the form of a debate, an ongoing debate in my estimation would be folly. There's nobody else here this evening that presented any other significant points that this board needs to consider. Mr. Bazydlo has seemingly done a nice job in crafting a comprehensive memo, I'm sure it addresses a host of issues and this board will consider each and every issue. If you would please, Stephanie, to make a copy of that and distribute that to counsel and distribute that to our engineer. And we'll be considering each and every item. And as a reminder, the sole reason he left, the planning board left public hearing open at the last meeting was because of the clerical error in the version of the plans on display to the public being a different version than the applicant showed up with that evening for the public hearing. Shouldn't happen but it did. But in order to afford appropriate opportunity, we took the extraordinary measure that we typically don't take in

leaving the public hearing open. Do any of the other members have anything to add to that thought process that I just announced? Danny, you made the motion, Howard you seconded it, do you guys have any other thoughts?

MR. BROWN: I mean, how long can we keep it open? It could go on forever.

MR. ARGENIO: To have a debate is certainly not a productive road to go down. Danny, do you have any other thoughts on it? As I said, you made the motion.

MR. GALLAGHER: Yeah, no, I'd like to, like you said we'll definitely need to look into all the points that were given to us here, some of them I think we've discussed in the past and we'll definitely look at what was given.

MR. ARGENIO: Counselor or Mark Edsall, do you folks have any additional notes to add relative to the public hearing discourse that I just announced?

MS. MAC MILLAN: I'd only add, Mr. Chairman, now that they, assuming that the motion passes and the public hearing closes, there's still, the written record is still open and the public can continue to submit written comment, there's nothing barring that.

MR. ARGENIO: I'm sorry, I'm not hearing you.

MS. MAC MILLAN: I'd only add that assuming the motion passes and the public hearing closes, the written record is still open and if someone sees fit to supplement what's happened here with a written comment they're certainly free to do that. That's the only thing I'd add.

MR. ARGENIO: Mark, any additional thoughts?

MR. EDSALL: No, I think the board's desire to leave the public hearing open so that the public had an opportunity to review the latest version of plans proved to have benefit in that the applicant that seems to have the greatest interest had that opportunity and has presented a, from what I'm hearing, a very thorough evaluation. So your extension of the public hearing served its purpose.

(Whereupon, Mr. Van Leeuwen entered the

room.)

MR. ARGENIO: Correct, correct. And I believe that's at least my thought process. And it seems as though Danny and Howard in making the motion, motion and seconded have the same thought process and that some of the things Mr. Bazydlo brought up, Mark, you and I have already talked about and they're certainly points of concern. So I believe we have a motion, a second, we did not conduct a roll call, is that correct?

MR. BAZYDLO: Can I ask one comment? I heard the board's counsel say that we'd be able to turn in additional written comment.

MS. MAC MILLAN: As long as the application is still pending, there's nothing prohibiting anyone from submitting a written comment.

MR. BAZYDLO: Okay, that's fine, thank you.

MS. MAC MILLAN: Until such time as the board makes a decision on the overall application. That's not any different than it is for any other application.

MR. ARGENIO: Off the record.

(Discussion was held off the record. Whereupon, following which, these further proceedings transpired.)

MR. ARGENIO: Roll call.

ROLL CALL

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

MR. ARGENIO: Motion to close the public hearing. Thank you everybody and Mr. Bazydlo, thank you for your commentary, some of the things that you spoke of we're already on and we're thinking about and need to be considered and certainly your client being kind of low

guy, I mean low physically, like he's vertically lower, I get the concern.

MR. BAZYDLO: Thank you.

MR. ARGENIO: Okay, to be continued. So now we're back open here, so if the members have any commentary, they can jump in at any point in time. But I just would like to for the record remind everybody lead agency circulation 5/24 of 2016, response received from DEC on 5/27, Orange County Planning we received the response along with a second response of 6/24, those letters are on file. We received nothing from the Town of Newburgh, nothing from Port Authority, City of Newburgh I'm glad to hear that the engineering, speaking to the City of Newburgh, that's good. And New York State DOT, a response is pending. I believe that it would be appropriate this evening for us to assume a position of lead agency under the SEQRA process, is that correct, Mark?

MR. EDSALL: Yes, my review of the file indicates you have not assumed that formally yet.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Henry's made the motion that we assume lead agency and Danny has seconded it. 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 don't know how much discussion we can have on this application tonight insomuch as we have not heard from DOT, there have been some discussions with the city and just the general fact that there are a lot of balls still in the air on this application, not the least of which is the Article 78 or I should say pending Article 78. So Mark, I'm going to ask you if you would just to kind of update the board on some of these critical issues that are spinning out there.

MR. EDSALL: Yeah, very quickly because as you indicated many of them haven't changed since I prepared this review, comments on storm water are a very critical issue. We have reviewed the submitted SWPPP, we have comments that review with our office is ongoing but I hear as of today the applicant's engineer has made good progress in meeting with the city toward having their concerns addressed. So that's moving forward. Traffic, obviously we received the supplemental information we asked for from the applicant that's been forwarded to the DOT. We continue to wait for DOT's response. Water and sewer utilities have been referred within the town to the operators of the respective systems and we're waiting for some feedback on that. And the fire inspector review has made great progress and there's some minor tweaking of hydrant locations and the like but that's made good progress. So a lot of the various aspects of the review have made good progress. But as you indicate, there's a lot of balls in the air and things are changing rapidly as it may be and we'll continue our review.

MR. ARGENIO: To Veronica, how far do we go as a planning board while this Article 78 is spinning, what is the status of the Article 78 and how does it affect what we do here?

MS. MAC MILLAN: The Article 78 I recently communicated to the applicant's attorney, it's been fully submitted since the beginning of June, a decision is expected in the next several weeks. But the exact timing of that decision is always dependent on the heftiness of the court's docket. So still could be some time. As we discussed with the applicant at their first appearance here before this board after the Article 78 was filed that the applicant proceeds at their own risk before this board until such time as the Article 78 is determined by the court.

MR. ARGENIO: Oh, so we can continue to review this? I don't know how far we're going to go because depending on where the Article 78 goes, I don't want to spend time that is wasted, dare I say that. Yes, Henry?

MR. VAN LEEUWEN: I don't think we should go any further until the Article 78 is resolved.

MR. ARGENIO: Well, that's certainly a thought process.

MR. VAN LEEUWEN: Because we didn't start the Article 78, they did because we weren't moving fast enough.

MS. MAC MILLAN: No, the Article 78 relates to the variances that the applicant received before the Zoning Board of Appeals.

MR. VAN LEEUWEN: Okay.

MS. MAC MILLAN: It was the applicant's election at the first appearance before this board after that action was filed to proceed at his own risk during the pendency of the litigation.

MR. VAN LEEUWEN: Dumb move.

MR. ARGENIO: It would seem as though the significant issue is traffic in the City of Newburgh.

MR. EDSALL: Yeah, to be honest with you, given the timeframes that I'm hearing from Veronica, I suspect that there's enough engineering work remaining that they'll be busy. And as long as the board doesn't object to them maintaining the escrow account such that we can work with them on review of the details they spend their own time.

MR. ARGENIO: They're paying the freight.

MR. EDSALL: They spend their own time and effort resolving agency issues, they really don't need to come back to the board at that point until they've resolved those issues, by then the Article 78 may have been decided.

MR. ARGENIO: To my right, Harry and Howard, do you have any other questions or commentary you'd like to offer?

MR. FERGUSON: No.

MR. BROWN: No.

MR. ARGENIO: Danny or Henry, do you guys have any other thoughts?

MR. VAN LEEUWEN: Well, I mentioned it before, I don't think we should go any further with this thing or have them come before us until the Article 78 completed.

MR. ARGENIO: Henry, let me ask you this question. Why wouldn't we have Mark continue to perform reviews if the applicant is paying for those reviews?

MR. VAN LEEUWEN: That's no problem with me.

MR. ARGENIO: That's my point.

MR. VAN LEEUWEN: My point was I said this board should not look at it, that's all.

MR. ARGENIO: What Mark was saying is that there's enough engineering stuff for this gentleman to work on where likely they probably won't be back until this thing is decided.

MR. VAN LEEUWEN: Probably take a year, that's why it's a dumb move to start an Article 78. I've been here a long time, 40 years, and I'll tell you every time an Article 78 was started trying to force things down your throat, that's not going to work.

MR. GALLAGHER: Mark answered my questions, I'm fine.

MR. ARGENIO: Do you have any other questions?

MR. O'CONNOR: No, I don't. We anticipate that the next re-submission will address comments from the public and interested agencies and we don't intend to submit an incomplete application as you surmised is going to take us some time to prepare that.

MR. ARGENIO: We should give them a copy of that letter.

MR. O'CONNOR: I'd very much appreciate that, thank you.

MR. ARGENIO: Thank you for coming in tonight.

MR. O'CONNOR: Thank you.

REGULAR ITEMS:

MANS BROTHERS REALTY SITE PLAN (16-15)

MR. ARGENIO: Moving on, regular items Mans Brothers Realty. I see Gary in the audience here. Do you have a plan? You don't have to come up here.

MR. BROOKS: I gave them all to the boss right there.

MRS. GALLAGHER: What?

MR. BROOKS: I gave them all to her.

MR. ARGENIO: Hang that up on the easel here. Applicant is requesting the change in use for the site from retail to office and service establishment. The plan was reviewed on a concept basis only. So Gary I know you but would you introduce yourself to the board please?

MR. BROOKS: My name is Gary Brooks, I've worked for Mans Brothers Realty for quite a while.

MR. ARGENIO: So Gary, would you tell us what you want to do here, what your intent is here?

MR. BROOKS: Yes, this building in the front is the old Kawasaki Honda Motorcycle.

MR. ARGENIO: Tell us where we are.

MR. BROOKS: We're on Route 28, Windsor Highway, down by Leprechaun Lines.

MR. ARGENIO: Across from the car wash.

MR. BROOKS: Right across from that big facility that chops up all the railroad ties.

MR. FERGUSON: The old motorcycle place.

MR. ARGENIO: This is the Kawasaki dealership. What are you looking to do here?

MR. BROOKS: There's three portions of the building, the first portion I'd like to, the first and second portion I'd like to redo and rent it to the bottle depot company, the back portion I'm looking to make my office and that big concrete building in the back we're

going to use that as an accessory for storage and et cetera.

MR. VAN LEEUWEN: Instead of having a sales office there in the repair shop there?

MR. BROOKS: Right, you know, in the back of the Kawasaki where there was the repair shop, I'm going to make an office there and then in the front it's going to be the bottle depot.

MR. VAN LEEUWEN: Who's that?

MR. ARGENIO: He said bottle depot, the guy who exchanges the bottles over near the entrance to the airport. What do they do, Gary, what is that, people bring bottles and get nickels?

MR. BROOKS: Everybody brings their bottles, they get a nickel a bottle, they have a thing going with the State of New York where they get a full nickel.

MR. VAN LEEUWEN: I go there all the time, I know what the story is.

MR. ARGENIO: Gary, you have Mark's comments, I believe you have Mark's comments in your hand?

MRS. GALLAGHER: Yes, that's what I just gave him.

MR. ARGENIO: Okay, Gary, so, you know, over here, Mark reviewed the plans and he has these comments. Now, it seems to me this is a change of use, Jen, do we have any steps with the change of use?

MRS. GALLAGHER: No.

MS. VAN LEEUWEN: It's a lesser use.

MR. ARGENIO: But we do need to maintain consistency as we have always tried to do. So Gary, I'm going to point out to you number three of Mark's comments then you'll see there's like six or seven bullets after that.

MR. BROOKS: Yup.

MR. ARGENIO: Okay, read these and it seems to me this is all miscellaneous cleanup on the plans, there's no heavy lifting here, okay. So if you can get those

comments to your engineer and say Mr. Engineer, here's the things you need to fix so we have a competent plan that the planning board can put in the file, I think you'll be in a good place. You with me so far?

MR. BROOKS: I'll get it done right away.

MR. ARGENIO: Okay, that said--

MR. BROOKS: Get it done tomorrow, I will.

MR. ARGENIO: Mark, is this as simple as I'm seeing or is there more to it?

MR. EDSALL: It is as Henry indicated this is what might be considered a lesser use, less intense use, it's a permitted use that he's proposing that they're both by right, neither are special permit. It does have to go to Orange County Planning because it's on the state highway.

MR. ARGENIO: There's the hangup.

MR. EDSALL: I suggest we don't send it until the plans are complete, otherwise, we'll hear back that we sent them a defective or deficient plan. So that's a procedural step, that's the law. And we could if you believe the uses are less intense and not really of significant concern you could waive the public hearing. That's about the only step you could take.

MR. ARGENIO: To my left, Danny, do you have any questions? Do you have any issue with this at all?

MR. GALLAGHER: No issue. My only question is there going to be any cleanup on the front? I believe there's a six, seven, eight foot chain link fence overgrown, that's all going to disappear?

MR. BROOKS: No gate, open lot.

MR. ARGENIO: You've done a lot of cleanup there already, haven't you?

MR. BROOKS: Yeah, I took all the awnings off anything.

MR. ARGENIO: I drive passed all the time, my office is right there.

MR. GALLAGHER: I have nothing other than that.

MR. ARGENIO: Henry, you chimed in to my right, Harry and Howard, you guys have any thoughts?

MR. BROWN: Just want to see a little more detail.

MR. ARGENIO: Yeah, okay, so Gary, here's where this is going to go. It seems you, well, let's take care of some procedural things first. Mark is noting in his comments there are no other involved agencies. If anybody sees fit, I'll accept a motion that the Town of New Windsor Planning Board declares itself lead agency for this application.

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion had been made and seconded that the Town of New Windsor Planning Board declare itself lead agency for the Mans Brothers Realty site plan. Roll call.

ROLL CALL

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

MR. ARGENIO: Gary, here's the deal. By law this has to go to Orange County Planning, okay. Now they review the plan, if they review this plan they're going to kick it back and they're going to say redo it, come up with something that makes sense so we can understand it and then we'll look at it. So here's what I'd like you to do, get ahold of Mark's comments, tell him to get them on the plan cleaned up for Mark's bullets, get that plan to Stephanie here at Town Hall, she'll send it to the county for review. Okay, they have 30 days to flip it. We'll put you on the next agenda. I don't see any heavy lifting here, you get a flavor from the board. It certainly would seem to me as long as the county doesn't come up with something crazy, you'll get approval right away, post haste, any questions, Gary?

MR. BROOKS: No, and I'll get it stamped this time too.

MR. ARGENIO: Get it stamped, that will be a great

addition. Okay, hold on one second.

MR. GALLAGHER: I'm in favor of waiving the public hearing.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Danny has made a motion that we waive the public hearing on this change of use. Henry VanLeeuwen has seconded it. Where you are guys with that?

MR. BROWN: I agree.

MR. FERGUSON: Yes.

MR. GALLAGHER: No residential in the area.

MR. ARGENIO: I agree, Gallagher Bus is on one side and you got that little, little stone house there and it's a change of use with a lesser impact. I think it's an appropriate thing. Roll call.

ROLL CALL

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

MR. ARGENIO: Public hearing's been waived. Gary, get the plans cleaned up and then get them to Stephanie cause she'll send them out and we'll keep you moving.

MR. BROOKS: I'll do it tomorrow. Have a good evening you all.

HUDSON VIEW MOBILE HOME PARK (CONTINUED)

MRS. GALLAGHER: Mr. Chairman, Dorothy Toback just came in for the mobile home park.

MR. ARGENIO: Mrs. Toback, so nice to see you.

MRS. TOBACK: My car broke down and I had somebody with a truck drove me over here, I'm so sorry.

MR. ARGENIO: I'm glad you could make it. You're Hudson View, right.

MR. TOBACK: I'm sorry?

MR. ARGENIO: You're Hudson View?

MR. TOBACK: Yes.

MR. ARGENIO: Come on up.

MR. VAN LEEUWEN: Bring the check with you?

MR. ARGENIO: Franny, this is Mrs. Toback. How many units do you have?

MR. TOBACK: Twenty-six.

MR. ARGENIO: Before you came this evening, your name was on here and I said to Jennifer, Jennifer, back up a little bit as I do with all the mobile home parks, we asked Jennifer what kind of shape is the mobile home park and you weren't here, I asked her what kind of shape is this park in cause I know there's a little bit of history and she said it's in good shape.

MR. TOBACK: Oh, thank you, thank you.

MR. ARGENIO: So that said, did you bring a check with you?

MR. TOBACK: Yes, I did.

MR. ARGENIO: In the amount of \$250?

MR. TOBACK: Yes, I did.

MR. ARGENIO: Jen, it's okay?

MRS. GALLAGHER: Yes.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that we offer one year extension to Hudson View Mobile Home Park.

ROLL CALL

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

MR. ARGENIO: You can give Stephanie that check, Mrs. Toback, thank you for coming in tonight.

MRS. TOBACK: I really appreciate this.

MR. ARGENIO: Thank you, Mrs. Toback.

MR. VAN LEEUWEN: Good luck with your car.

MR. TOBACK: He's got the truck out there, he's going to give me a jump.

LANWIN OLYMPIA (16-11)

MR. ARGENIO: Lanwin Olympia. The application involves three tax parcels which are being merged and revised into two lots oriented per the requirements of the town zoning code. The plan was previously reviewed at the 22 June 2016 planning board meeting. I see Mr. Samuelson here to represent this, the infamous and the illusive.

MR. SAMUELSON: Good evening.

MR. VAN LEEUWEN: I guess somebody must know you.

MR. ARGENIO: This was a pretty simple package, if I remember right, Jay, can you refresh us please?

MR. SAMUELSON: Quick refresher. We're at the intersection of Riley Road and Summit Woods Road. There are currently three existing lots which I have outlined in pink. We're proposing to consolidate and subdivide and create two residential lots, both would gain access off Summit Woods Road. The first lot would be about one and a half acres, second lot roughly five acres. All conform with zoning, all get public water and sewer out on Summit Road. The one interesting thing we have is the driveway to the neighbors did cross over the property and as discussed last month we have granted an easement over that driveway 25 foot off the center line of that drive all the way up to the property line. There's probably more than 25 on the north side but we just went all the way up the property line with that easement. Very simple application.

MR. ARGENIO: We have assumed lead agency, I'll accept a motion for negative dec.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

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

ROLL CALL

MR. FERGUSON AYE
MR. BROWN AYE

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

MR. ARGENIO: Mark, this seems like a no-brainer, Mark, am I missing anything here?

MR. EDSALL: No, it's a--

MR. ARGENIO: Anything we need to know about any specters hiding behind the curtain that Mr. Samuelson has hidden?

MR. EDSALL: No, it's very straightforward. As Jay has indicated, they're going from three lots down to two and each of the lots as their configured it was a difficult property to work with, they've made them meet the zoning requirements.

MR. ARGENIO: What are we waiting for?

MR. EDSALL: County Planning made a comment regarding access which we have considered and they made a comment regarding Catskill aqueduct right-of-way which no right-of-ways are being extinguished, whatever rights they have are being continued.

MR. ARGENIO: I'm aware of both those issues, you guys have any questions?

MR. FERGUSON: No.

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

MS. MAC MILLAN: Mr. Chairman, I would, I just ask if the applicant can submit and perhaps if the board is inclined to approve the application tonight if a condition of the approval is that the easement be submitted for review.

MR. SAMUELSON: Sure.

MS. MAC MILLAN: Just so we can make sure that that--

MR. ARGENIO: That will be a condition of any approval. Henry, public hearing has been waived already and lead agency and the reason we obviously waived the public hearing is cause it's a lot line change, that's it.

MR. VAN LEEUWEN: Make a motion to approve.

MR. FERGUSON: Second it.

MR. ARGENIO: Harry Ferguson seconded Henry VanLeeuwen's motion to approve subject to what Veronica just read in. Roll call.

ROLL CALL

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

MR. ARGENIO: Jay, thank you for coming in tonight.

MR. SAMUELSON: Thank you, good night.

DAHLIN & PUSHMAN LOT LINE CHANGE (16-03)

MR. ARGENIO: Pushman Dahlin application proposes a lot line change, this is another lot line change as 6900 feet are being conveyed from lot 22, I'm sorry, from lot 23 to lot 22. The plan was previously reviewed at the 23 March 2016 planning board meeting. I believe we have a similar situation here as we had with the prior application. So that said, what's your name?

MR. WEEDEN: My name is Howard Weeden, I'm a surveyor. This was, at the last planning board meeting it was sent to the Zoning Board of Appeals for a variance. Mr. Pushman is obtaining a 30 foot strip from the Dahlin property, they went to the zoning board for a variance, for an area variance.

MR. ARGENIO: Did you receive it?

MR. WEEDEN: Yes, and I put a note onto the maps as such and we're here to get our approval.

MR. ARGENIO: Mark, county, we advised, suggest, whatever words you'd like to use, the town to ensure that the northerly parcel retains the rights of access either to Route 32 or to an alternate road, what's the genesis of that?

MR. EDSALL: Unless they believe that the driveway that goes to Pushman currently serves as an access to Dahlin I have no idea what they're talking about. But the point remains that Dahlin has frontage on 32, it's not being obstructed, I'm not sure what they're asking.

MR. ARGENIO: Let's get passed it. I'll accept a motion we declare ourselves lead agency.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board declare itself lead agency for Pushman/Dahlin lot line change. Roll call.

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 that the Town of New Windsor Planning Board declare a negative dec under the SEQRA process for Pushman/Dahlin lot line change. Roll call.

ROLL CALL

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

MR. ARGENIO: Yeah, I mean, we have the same thing here with the public hearing, I mean, it's a lot line change, no structures, no nothing, the only guys these guys are impacting is each other.

MR. VAN LEEUWEN: Waive public hearing.

MR. GALLAGHER: Second it.

MR. ARGENIO: Roll call.

ROLL CALL

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

MR. ARGENIO: Mark, what else on this, Veronica, anything else?

MR. EDSALL: It's very easy.

MR. ARGENIO: I wish they were all this simple.

MR. VAN LEEUWEN: Make a motion to approve.

MR. BROWN: Second it.

MR. ARGENIO: Motion made to approve, seconded by Mr. Brown. Roll call.

ROLL CALL

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

MR. ARGENIO: Mr. Weeden, thank you very much.

CHAPALA GRILL (16-16)

MR. ARGENIO: Next on tonight's agenda Chapala Grill site plan amendment. Application proposes changes to the outdoor temporary seating of the existing restaurant. The plan was reviewed on a concept basis only. I see Mrs. Zwart is here, how are you, Linda?

MS. ZWART: Basically, what the new owner, Ignacio Chavez, would like to do is add an outdoor seating area.

MR. ARGENIO: Are you Mr. Chavez?

MS. ZWART: No, unfortunately, he's in Mexico, he's coming back tonight so I was hoping he'd be here but his flight was too late. He's purchased the property and is hoping--

MR. ARGENIO: Linda, what happened with the old site plan, somebody came in, spent a lot of money, got approvals for all stuff?

MS. ZWART: I got a copy of that and it's signed February of this year so it's fairly recent but that owner sold it.

MR. ARGENIO: Now you and your applicant can apply to do whatever you want, it's a shame that guy spent all that money on planning board fees, et cetera, and he walked. Jen, do you know anything about that?

MRS. GALLAGHER: Yes, he wanted to sell it and Ignacio has wanted to buy it for some time now so Ignacio wants to expand I think in the future.

MS. ZWART: So at this point, all he'd like to do he'd like to do a facelift on the building which doesn't affect you. He wants to clean it out, he wants to put some money into the building. In addition to that, what he'd like to do is add the seating area, outdoor seating area to the side so he--

MR. GALLAGHER: He has that presently.

MS. ZWART: If you've been by it, you know that he was a little bit--

MR. GALLAGHER: Ahead of himself.

MS. ZWART: Good way to put it. Had a contractor come in, put up the awning, start to contract a roof over a bar area. At that point in time, someone contacted him and basically I think it was actually another contractor said basically did you get all of your approvals and he said I didn't know I was supposed to get approvals. At that point in time he stopped voluntarily and started the process to get approvals.

MR. ARGENIO: Do we have anything from fire on this, has it been referred?

MS. RODRIGUEZ: No.

MR. EDSALL: Mr. Chairman, just so that the record's complete, as far as the outdoor seating goes, the board previously considered temporary outdoor seasonal seating cafe style and approved that for the applicant but it did not include any permanent improvements. The reason they're here for a site plan tonight is that they're going one step beyond the normal chairs, tables and umbrella also actually making some minor as they may be permanent improvements. So it now--

MR. ARGENIO: What about the awning, was that awning on that?

MR. EDSALL: That's why--

MRS. GALLAGHER: No.

MR. EDSALL: That's why it's becoming a site plan amendment because it involves construction of improvements.

MR. ARGENIO: Jen, you look like you have a face on, what's the matter?

MRS. GALLAGHER: Not only the awning, if you see in the pictures the back building that he was building.

MR. ARGENIO: Looks like a roof of some sort.

MRS. GALLAGHER: That's why he was stopped.

MR. VAN LEEUWEN: On the old foundation, what used to be the stores before they burnt down.

MRS. GALLAGHER: No, that's over here, Hank, if you look at the picture that has nothing to do with it,

it's completely behind the awning area.

MS. ZWART: Right, the existing concrete slab is to the side of that.

MR. VAN LEEUWEN: To the right side of the building.

MR. ARGENIO: The roof is in the back back here.

MR. VAN LEEUWEN: Okay.

MS. ZWART: If you see on the plan here where it says outdoor bar with permanent restructure that's what we're looking at, it's a very small area, you know, it's the width that he'd like to go with the seating which is the 31 feet and then it comes out just to where the edge of the awning is which is about 10 feet.

MR. ARGENIO: Linda, why is there like a little narrow opening there?

MS. ZWART: On the side here, is that what you're referring to?

MR. ARGENIO: No, that's not what I'm referring to, I'm referring to right there, what is that?

MS. ZWART: Basically, what they do when they stated that process, they built the wall that you can see here and basically when he built the wall, he didn't actually connect it to the existing structure, there's a very narrow opening there, simply for--

MR. ARGENIO: Skinny customers.

MS. ZWART: You couldn't slip through there but there's, right behind the wall there's a landscaped area and I'm sure just a little bit of drainage he didn't want to touch the existing structure.

MR. ARGENIO: What else do you have to say? It's a permanent roof in the back, it's the canopy, it's some seating, what other changes are there?

MS. ZWART: Simply for exiting for, I talked to Lou over in the building department and he definitely meets some of the codes, we needed an exit out the side so we're going to be just cleaning up the concrete slab there and making an exit to the side. We're going to be installing a ramp so that any handicapped patron

will be able to access this area and then also access the main.

MR. ARGENIO: You have a guardrail shown in the plan view, it's not shown in the elevation.

MS. ZWART: It's not shown in the elevation but it is, you can see it in the picture.

MR. ARGENIO: Is it existing?

MS. ZWART: It's existing.

MR. ARGENIO: It looks like hell.

MS. ZWART: It absolutely does.

MR. VAN LEEUWEN: Why don't we get it cleaned up?

MR. ARGENIO: Can he put up a wood rail, is that possible to do? It really looks bad, I have to tell you.

MS. ZWART: Okay, well, I agree with you, I mean, basically--

MR. ARGENIO: You're not going over the wire tonight, please talk to your applicant about that, it would be very helpful and the planning board would look very favorably upon it if you'd consider putting a wood rail on there.

MS. ZWART: What they have currently if you can see they have the parking stops here, I'm sure it's put there just so nobody came in and knock the wall down, you know, we could, you know, going with what we're going with, you know, we could do maybe some short bollards.

MR. ARGENIO: What about a wood railing, did I say that, what about a wood railing, wooden guardrail? Get that that piece of metal out of there, looks like hell, don't you agree, Mark?

MS. ZWART: We can definitely--

MR. EDSALL: Yeah, it could be stained dark and it would fit into the atmosphere.

MR. ARGENIO: Painted.

MR. EDSALL: Stained, painted.

MS. ZWART: I was looking for something a little bit smaller but we can go with something dark.

MR. ARGENIO: Something other than what's there or something, I don't know, something, do something, get creative, we've worked together before, you know what to do.

MS. ZWART: Absolutely.

MR. ARGENIO: Members?

MR. VAN LEEUWEN: Otherwise, I've got no problem with it.

MR. ARGENIO: I don't either.

MR. GALLAGHER: Can I ask a question? Once this is up and running, is there going to be any live music? Because I know we held a public hearing--

MR. ARGENIO: The people in the back are going to raise hell.

MR. VAN LEEUWEN: They always do over the years.

MR. ARGENIO: Your guy expands, he puts seating out on a Saturday night at 10:00, is there going to be a band out on that patio?

MS. ZWART: If you tell him no, there won't be.

MR. ARGENIO: Well, I don't, I have to tell you, Linda, I don't want to tell him no, I want him to be free to do what he needs to do to run his business and make a living as an entrepreneur. But if Jennifer is getting phone calls at the building department, it will stop real fast.

MR. GALLAGHER: If I recall, we had quite a few people in for Anthony's Deli just for the air conditioning noise so--

MR. VAN LEEUWEN: Can I say something to you?

MS. ZWART: There's no, my understanding and you can't speak a hundred percent my understanding at this point

he's not mentioned live music to me, he just said this is simply because he would like to give his patrons an opportunity in the summer to go outside.

MR. VAN LEEUWEN: There's a lot of senior citizens back there, I've been sitting here for over 40 years and every time we approve something back there, it's been hell.

MS. ZWART: Okay.

MR. ARGENIO: If anybody sees fit, I'll accept a motion that we declare ourselves lead agency.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare itself lead agency for Chapala Grill. Roll call.

ROLL CALL

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

MR. ARGENIO: Here's the big question. Do we do the public hearing, what are guys thinking here? We're getting close to Vails Gate, there's people in the back, I don't know, I'm way on the fence on this, I have to tell you guys.

MR. VAN LEEUWEN: Can I say something? It's not a big deal.

MR. ARGENIO: Jennifer, do you ever get any complaints in this location from folks?

MRS. GALLAGHER: The only complaints that we received about the disrepair of the fence in the back.

MR. ARGENIO: But that doesn't have anything to do with this application.

MRS. GALLAGHER: No.

MR. ARGENIO: You guys, I could go either way on this, I have to tell you guys, so what are we thinking, let me put you on the spot, Harry and Howard?

MR. FERGUSON: I can go either way also.

MR. BROWN: As long as there's private homes in the back, I would go for a public hearing.

MR. GALLAGHER: I say we stay consistent, we've been doing public hearings for everything along that stretch.

MR. ARGENIO: Typically, we do that.

MR. GALLAGHER: I'm all for a public hearing.

MR. VAN LEEUWEN: I'll second that motion.

MR. ARGENIO: Well, let's schedule and do it then.

MR. VAN LEEUWEN: It's safer for you, Linda.

MR. ARGENIO: And Linda, we still have to hear from county so probably not going to cost you any time but do it, we've had it and then speak now or forever hold your peace to the public, you know what I'm saying?

MS. ZWART: Yes.

MR. ARGENIO: Accept a motion that we schedule that.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion 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: Howard, I think that was a good thought so it's got to go to planning. Mark, is there any other technical issue that's got to be done on these plans? She's pretty much good.

MR. EDSALL: No, we're dealing with the sole issue of the seasonal seating. I anticipate that as the owner looks to improve the project which is the indication I've heard is he may be back for some other site improvements. But for now, just dealing with just the outside seating.

MR. ARGENIO: Do something with the guardrail. We're very flexible, not looking to have this guy spend one more dollar than he needs to but it does really look like hell and it's right in the main corridor in the town.

MS. ZWART: He's looking to improve, he's a new owner, as a new owner, what do you do, you want to make it look nice. So he's wanting to make it look nice.

MR. ARGENIO: Put something halfway decent, you have the bumpers so it's protected, so we don't need a giant structural element, I think we should have something.

MS. ZWART: Okay, alright, absolutely.

MR. ARGENIO: Anything else?

MS. ZWART: No, we're good.

MR. ARGENIO: Let's get this moving forward. Thank you, Linda, for coming in tonight.

MS. ZWART: Notifications for public hearing?

MR. ARGENIO: Call her.

MS. ZWART: Thank you.

PATRIOT BLUFF SITE PLAN AMENDMENT (16-08)

MR. ARGENIO: Next on tonight's agenda is Patriot Bluff site plan amendment. Revision of the 314 luxury apartments. The application proposes revision of the prior approved site plan from 178 townhouse units with zero lot line subdivision to 314 rental apartments on the 55 plus acre parcel of property, that's the word that's here. The application was previously reviewed at the 25 May 2016 planning board meeting. Greg, are these just market rate?

MR. SHAW: Yes, market rate.

MR. ARGENIO: No subsidies, no nothing?

MR. SHAW: Nothing.

MR. ARGENIO: Thousand bucks a month, here's your space?

MR. SHAW: Hopefully more. You can ask Mr. Perna direct if you wish?

MR. ARGENIO: What's market rate for a two bedroom?

MR. PERNA: Close to 18 to 2000.

MR. ARGENIO: Really? Wow. Well, appearing before this board tonight is the illustrious Mr. Show who we have not seen in quite some time. Greg, what do you have to say tonight?

MR. SHAW: Well, before I begin, I'd like to pass something out and I'm sure it will shake Mr. Van Leeuwen's memory cause we start with first photograph of what was approved back in 1990.

MR. ARGENIO: Let's just keep one thing in mind, Greg, tonight I think one of the main purposes that we're here is to talk about this scope issue.

MR. SHAW: So you'd rather not?

MR. ARGENIO: I'd like to see it but go through it briefly.

MR. SHAW: It will not take long at all, it's more for the refreshing the board's memory as to what was approved.

MR. ARGENIO: Keep in mind, Greg, Dan Simone did a fine job of walking us through that last time but certainly we'd like to see what you have here.

MR. SHAW: How about if I keep it under 90 seconds? The first page you're looking at is what was approved for Sky-Lom New Windsor back in 1990. And that laid out the number of units with respect to the findings statement after an exhausting draft and final environmental statement. If you flip the plan over, you'll see that which was approved by the Town of New Windsor currently, that is Patriot Ridge condominiums, Patriot Plaza, both with their respective square feet and the number of units. You'll also see the Patriot Bluff development which is 178 townhouse units that is the area which we're proposing to change to apartments. And finally on the last sheet you'll take a look up into the apartment area and then you'll see what we're replacing the townhouses that is 178 with 314 apartments.

MR. VAN LEEUWEN: Isn't this where the old grave site was, isn't it on this property?

MR. SHAW: I don't know.

MR. VAN LEEUWEN: It's been removed and it was done legally, I know that.

MR. SHAW: But that's how we rolled from 1990 forward with respect to what the original approvals were with respect to the environmental review to what we're proposing today. Now with that being said, we're here before you tonight as you just mentioned to talk about the Draft Supplemental Environmental Impact Statement.

MR. ARGENIO: Can I ask you one question, yes or no, will you be building the thru-road back to George Green Drive?

MR. SHAW: Yes.

MR. ARGENIO: Okay, continue.

MR. SHAW: Okay, so we're here before you tonight to talk about the Draft Supplemental Environmental Impact Statement. From what I understand, it's been reviewed more than once by your consultants and we're asking the board tonight to adopt it and to circulate it among the

required agencies. Also to incorporate into it any comments which the board may have. Alright, we're hoping that your board does not lean towards a public hearing for the document, basically incorporate any feedback that you or your consultants may have into basically adopted--

MR. ARGENIO: The DSEIS scope has been circulated to the members, the planning board members, they've had that for a bit. This project has been around and around obviously as you pointed out and the scope has been similar every time, I'm not going to say identical but very similar from the beginning to where we are now. Now, I spoke about this with Mark a bit, I read through the document and the primary things that we talked about and I'm going to toss it to the members in a minute. Primary things that I felt and Mark felt and Veronica quite frankly she was part of that discussion needed to be looked at were traffic certainly because there's certainly more trips based on what you're proposing now, water, sewer, and storm water. And we even went to the point where we looked out at intersections, we went north, south, east and west and kind of identified how far we felt subjectively the traffic analysis should happen. So that said, I'm going to go to the members individually and I'm sure you guys have read the document, is there any other items that you guys think that the impact statement should be looking at, any other subjects? And I'm going to go to Danny first and ask him if there's anything else he thinks we should begin with?

MR. GALLAGHER: My main concern would be traffic and the water shed and you hit on those, Jerry.

MR. ARGENIO: Henry VanLeeuwen, is there anything else we should be hitting?

MR. VAN LEEUWEN: Maybe we should not let any of the traffic come down on 32 but force it all down on 300.

MR. ARGENIO: We're not here to solve it tonight. We're here to identify issues that we need to look at. So you're agreeing with the traffic thing?

MR. VAN LEEUWEN: That's a big change.

MR. ARGENIO: You're agreeing with the traffic?

MR. VAN LEEUWEN: Yup.

MR. ARGENIO: Harry and Howard Brown, is there anything else other than what I've described and what's contained in the proposed statement that you guys think we should be reviewing as a board?

MR. FERGUSON: No.

MR. ARGENIO: And I say we should be reviewing, a better statement would be that the environmental impact should be looking at an impact statement should be looking at, is that more proper, Mark?

MR. EDSALL: Yes.

MR. ARGENIO: Anything else you guys?

MR. BROWN: Just what you said.

MR. FERGUSON: No.

MR. ARGENIO: Okay, I'm going to poll the board again and relative to the public hearing, you guys follow me on this, relative to the public hearing to determine the scope of the Draft Environmental Impact Statement relative to that subject, I spoke on that a few moments ago in that we've looked at multiple Environmental Impact Statements for this project as it evolved over the years. Every Environmental Impact Statement has looked to address almost the same issues, I'm not going to say identical, I'm going to say almost the same issues, so we have to determine if we need a public hearing to determine what the scope of subjects we should be looking at should be. Now, again, we're a board of five, I gave you my thought process, I think we have it covered and I don't think we need the public hearing. But if somebody feels differently, we certainly can discuss it. I mean, we've got traffic, Mark, what other items are there that we talked about?

MR. EDSALL: Obviously, there was version of the scope that was circulated about a month ago. It went to all the board members. Recently Veronica, the chairman and myself looked at it, we added to make sure that there are references to sewer, water, storm water was covered but we enhanced it a little bit and for traffic we added a couple more intersections we thought it would be worthwhile evaluating. Other than that, it's the same scope that was circulated. I tend to agree with the chairman that we've walked this road several times,

we certainly know the project and we, I think we have a good feel for what should be looked at and I think this scope does a good job addressing it.

MR. ARGENIO: The biggest thing in my mind as Mark said we've walked in these footprints multiple, multiple times.

MR. EDSALL: Procedurally and I'll will do it very briefly because Veronica will speak much better but this will get circulated to any agency that has approval authority so they have the opportunity to get information back to you and there will be a public hearing on the project eventually. This is just purely for discussing the scope.

MR. ARGENIO: That's all, just so we're clear, that's what I want to be clear on. Veronica?

MS. MAC MILLAN: Only that in addition to the various agencies, well, it will be public, the proposed scope, the notice of intent to file and to do the draft supplemental will be filed with the Department of Environmental Conservation and the notice will be published in a newspaper, so the public does have the opportunity to submit a written comment as opposed to a public hearing.

MR. ARGENIO: Danny, do you have any questions on that, any comments?

MR. GALLAGHER: No, I'm all for waiving the public hearing.

MR. ARGENIO: Henry, do you have any, I know you chime in without me asking you, sometimes I don't ask you, do you have any other thoughts?

MR. VAN LEEUWEN: I'd like to see a public hearing, that's a lot of changes.

MR. ARGENIO: Do you understand what the public hearing is for, you're sure?

MR. VAN LEEUWEN: Yes.

MR. ARGENIO: Okay, so the question is does somebody want to make a motion or not that we waive the public hearing on the scoping session for the Draft Supplemental Environmental Impact Statement? That's

the question.

MR. BROWN: So moved on your motion.

MR. GALLAGHER: Second it.

MR. ARGENIO: Danny has seconded, it was clear enough, Veronica?

MS. MAC MILLAN: Yes, that was fine.

MR. ARGENIO: Roll call.

ROLL CALL

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

MR. ARGENIO: No, for a public hearing on the scoping session only, we'll have a public hearing on the project, Henry, that's not what we're talking about.

MR. VAN LEEUWEN: Okay, yes.

MR. ARGENIO: So that's on the scope for the Draft Supplemental DSEIS, again, I keep thinking I'm not being clear enough and I'm asking you, Veronica, I can't hear myself, am I clear enough?

MS. MAC MILLAN: I think you've been amply clear with regard to the public hearing. And I would just take it one step further, if and when the board is ready to consider it a motion to require the filing of the SDEIS and the circulation of the notice of intent with regard to that, it would be the next step when you're ready.

MR. ARGENIO: Henry, we'll have a public hearing on this project, there's no question about it.

MR. VAN LEEUWEN: Okay.

MR. ARGENIO: I just can't imagine it and I'm trying to be clear because it's, it can be muddy and I talk with Veronica and Mark and I talk with people and I do a lot of work of just outside this room here. So that said--

MR. VAN LEEUWEN: Mr. Chairman?

MR. ARGENIO: Mark or Veronica, what else do we need to talk about with this application this evening?

MS. MAC MILLAN: We need a motion to require the submission of an SDEIS and circulation of the notice of intent to do so, such that we can get the comments from the involved agencies on the proposed scope.

MR. ARGENIO: For circulation?

MS. MAC MILLAN: Yes.

MR. ARGENIO: Anybody want to make that motion?

MR. GALLAGHER: So moved.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Danny's made it that we circulate that.

MS. MAC MILLAN: The proposed scope.

MR. ARGENIO: The scope for the SDEIS. Roll call.

ROLL CALL

MR. FERGUSON AYE

MR. BROWN AYE

MR. GALLAGHER AYE

MR. VAN LEEUWEN AYE

MR. ARGENIO AYE

MR. ARGENIO: Counsel, anything else?

MS. MAC MILLAN: That's it.

MR. ARGENIO: Mr. Shaw, do you have any other questions, commentary or requests?

MR. SHAW: Just three points of interest that you mentioned you had concerns with respect to water and sewer on this project.

MR. ARGENIO: We do.

MR. SHAW: We're going to be using less than what was allocated for the 178 unit townhouses.

MR. ARGENIO: Demonstrate that to our engineer, I'm

good with it, I'm not going to argue.

MR. EDSALL: And part of SEQRA isn't to just look at what your demand is in 2016 versus what was anticipated in 1990, it's to say in 2016 is that is capacity still there and that's, but we should have it documented so it will be documented.

MR. ARGENIO: That's the same with sewer?

MR. SHAW: The final point if you just take a look at the footprints of the two projects the land disturbance is substantially less.

MR. ARGENIO: Yes.

MR. SHAW: So--

MR. ARGENIO: But Greg, it's a lot more people, it's a bigger load on our community.

MR. SHAW: Just saying land disturbance period.

MR. ARGENIO: Agreed.

MR. SHAW: And I do have one final request as I always do.

MR. ARGENIO: As you always do.

MR. SHAW: If I could get final approval, I would. Mr. Perna has a long way back to Westchester County, is there any way we can bring up the extension of Patriot Bluff development now so he can get an early--

MR. ARGENIO: At this moment?

MR. SHAW: Yeah, cause I think that's--

MR. ARGENIO: No reason we can't do that, Mark, you want to just elaborate?

MR. EDSALL: They want to maintain the approval status.

DISCUSSION

PATRIOT BLUFF (01-66)

MR. ARGENIO: One second, so we're done with our regular items, meeting's over, we're on to discussion items and Patriot Bluff is the second item but we're going to make it the first and Mark or Veronica please speak to that.

MR. EDSALL: The applicant has a current conditional approval on the original site plan version which as Mr. Shaw pointed out was the second sheet I believe of the displays. They want to maintain that approval status while they seek this alternate approval.

MR. ARGENIO: They want a lawful extension of how many days?

MR. EDSALL: It's 180 days.

MR. SHAW: And subdivision.

MR. EDSALL: And subdivision, so it would be site plan and subdivision 180 days each.

MR. SHAW: And we'd like two 90 day extensions because we don't know how long it's going to take for us to get through the approvals.

MR. ARGENIO: Just so we're clear, it's 180 day extension and two 90 day extensions for subdivision and site plan approval.

MR. EDSALL: Yes.

MR. SHAW: As you did last year.

MR. ARGENIO: What application?

MR. EDSALL: Patriot Bluff, I think it's 01-65 and 01-66.

MR. ARGENIO: I must of made a joke, Mr. Perna, did I say something funny?

MR. SHAW: It's a little confusing.

MR. VAN LEEUWEN: Mr. Perna, I didn't recognize you.

MR. PERNA: I got taller and no black hair.

MR. ARGENIO: It's a little confusing, I'll accept a motion.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded we offer 180 day extension and two 90 day extensions to Patriot Bluff development. Roll call.

ROLL CALL

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

MR. ARGENIO: Thank you.

MR. SHAW: Thank you.

MR. ARGENIO: Tom, thank you, have a good night.

MEADOWBROOK ESTATES (01-42)

MR. ARGENIO: Meadowbrook Estates, Mark or Veronica, what do you have there?

MR. EDSALL: That's a subdivision--

MS. MAC MILLAN: Subdivision extension request.

MR. ARGENIO: That's a subdivision extension request for how many days for what?

MR. EDSALL: Do we have a letter request?

MR. ARGENIO: Request for 90 day extension of conditional final approval for Meadowbrook Estates, is it a lawful request?

MS. MAC MILLAN: Yes, in subdivisions you can grant the extensions for the continuation in 90 day blocks.

MR. ARGENIO: So anybody want to make the motion?

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded we offer Meadowbrook Estates cluster subdivision 90 day extension for conditional final approval. Roll call.

ROLL CALL

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

STONEGATE (09-29)

MR. ARGENIO: Stonegate, Mark?

MR. EDSALL: Look who's back.

MR. ARGENIO: Go ahead, Greg.

MR. SHAW: Stonegate, similar to the Patriot Bluff application, we're asking for a new approval just site plan.

MR. ARGENIO: New approval?

MR. SHAW: However you may word it but our approvals have run out, we're asking for 180 day approval and two 90 day extensions.

MR. ARGENIO: You're asking for 180 day extension plus two 90 day?

MR. SHAW: For site plan only.

MR. ARGENIO: What else is there?

MR. EDSALL: That's all there is on this one.

MR. VAN LEEUWEN: He doesn't want much.

MR. ARGENIO: So it's 180 day extension plus two 90s.

MR. SHAW: Similar to what you gave.

MR. GALLAGHER: So moved.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion made and seconded for 180 day plus two 90s. Roll call.

ROLL CALL

MR. FERGUSON AYE

MR. BROWN AYE

MR. GALLAGHER AYE

MR. VAN LEEUWEN AYE

MR. ARGENIO AYE

MR. SHAW: Thank you again, gentlemen.

WARRINER PLUMBING AND HEATING (09-17)

MR. ARGENIO: Warriner Plumbing, Mark, Jen, somebody?

MRS. GALLAGHER: They're asking for an extension on their site plan.

MR. ARGENIO: What is it?

MRS. GALLAGHER: It's the one that's down on Wembly Road.

MR. ARGENIO: They're nice people putting up that building. Any legal issues with that?

MS. MAC MILLAN: I don't believe so.

MR. ARGENIO: As you go around the corner on Wembly Road.

MR. VAN LEEUWEN: So moved.

MR. ARGENIO: Henry made an offer or made a motion for site plan extension, I would give them the same as the 180 and two 90s. What's the name?

MR. EDSALL: Warriner Plumbing.

MR. ARGENIO: For Warriner Plumbing Henry has made the motion.

MR. GALLAGHER: 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: What else, pal?

HIGHVIEW LOT LINE CHANGE

MR. EDSALL: Very quickly, Highview Estates lot line change which is the one between Weikfield and Highview Rackowicki, the 50 foot strip for the interconnecting road. The Weikfield designers designed the road, the rough grading is being done by the Highview contractor. We need to ensure that the grading can be accomplished. The approval included two grading easements one on each side of the 50 foot so that the grading could be accomplished. Mr. Biagini, the developer for Highview, would prefer not having the easements, he wants to get the grading completed and then have the board remove the requirement for the two easements so he can sell the lots without the burden of an easement. I'm purely asking that if he gets the grading accomplished and it's verified by his licensed surveyor we review it and deem it complete if it's acceptable to the board that we remove the two easements from the requirements of the lot line change. Veronica and I have spent way too much time trying to get the documents straightened out. I just wanted to get your permission to remove that as long as he gets the grading properly completed.

MR. ARGENIO: He finished it tonight.

MR. EDSALL: We believe so, we don't have the as-built.

MR. ARGENIO: Off the record.

(Discussion was held off the record. Whereupon,
following which, these further proceedings
transpired.)

MR. ARGENIO: I think that's fine. Anybody there take exception to that?

MR. VAN LEEUWEN: I have none.

MR. ARGENIO: So you're good, Mark. What else?

TOWN BOARD ZONING REFERRAL

MS. MAC MILLAN: We have a referral from the town board of a local law proposed to amend Chapter 300 which is our zoning law. It accomplishes several things under Section 388 of our code. When the town board takes an action like this, it requires that they refer it to this board as well as Orange County Planning to comment on and report back to the town board. I believe all the members have received a copy of the proposed law. It does several things, it's been a work in progress for some time. First we're amending some district designations and boundaries to bring the districts into more, into better conformance. There are a couple of areas where there's some unusual zoning that happened over time. A good example if you look on paragraph 3C is parcel 9-1-67 which is over near the City of Newburgh border, it's one parcel over there that has PI zoning in an area where there's all HC. So we're changing that to HC. In addition to that over time as Mark and Jen and I apply the code we find typographical errors, we also find intended sections that were inadvertently omitted in prior enactments. So this law also seeks to put those enactments in. And we've done several amendments in addition to the table of use and bulk regulations, goes probably one of the bigger changes in that area of this amendment goes to the AP zoning district which hadn't been touched in some time. And so we have updated that table to kind of conform more with what we see as what the town board sees as the development going on at the airport. And then finally there's a section of the amended law that seeks to repeal certain sections that are in place that deal with work force and senior housing. There's been some regional studies done for Orange and Ulster where they were targeted goals for this type of housing in the area and our town very proudly has met those goals. So as you know, we have several projects that have been constructed or currently under construction in the town having met those goals and the town board would like to remove that from the zoning law. So in a nutshell, that's what this amendment does. We would, I'd be looking for the board tonight to authorize me to write a letter to the town board for the chairman to execute which says that the board has reviewed it, find it to be in compliance with the provisions of 300-88 and this board thinks it would be a good idea for the town board to enact it. It will be a subject of a public hearing at the next town board in September and the town board will receive comments from Orange County before

enactment. So that's the sum and substance if anyone has any questions.

MR. ARGENIO: Can I ask one question?

MS. MAC MILLAN: Sure.

MR. ARGENIO: Do you have a copy?

MS. MAC MILLAN: I do.

MR. ARGENIO: Section Z, fifth or sixth page.

MS. MAC MILLAN: It amends the HC table.

MR. ARGENIO: Read the first couple words to me.

MS. MAC MILLAN: Table of use bulk regulations requirements.

MR. ARGENIO: Continue down, gasoline stations, gasoline stations, convenient stores, car washes and car rental facilities or combination thereof, repair garages including used car sales ancillary to the repair garages not to exceed ten cars at any given time. Does that refer to storage cars stored on the site?

MS. MAC MILLAN: I don't believe it does, it refers to the actual repair, repair garage where there's active auto--

MR. ARGENIO: Repairing of the cars?

MS. MAC MILLAN: Ancillary to the ongoing repair business that garage can have up to 10 cars for sale at a time. In other words, a very small used car lot on the parcel where you have a mechanic who's conducting an ongoing business.

MR. ARGENIO: I understand. Well, I've been party to this from day one so I certainly am very much keyed into it. When did the members get a copy of this?

MS. MAC MILLAN: I think they've seen prior copies but this most recent draft was transmitted from the town board by a referral from the town attorney late last week.

MR. ARGENIO: When is the town board looking for the

input?

MS. MAC MILLAN: The town board will be having the public hearing on September 7, ideally we would give them a response before then.

MR. ARGENIO: Here's the deal, I got Henry whispering in my ear I don't know what this is, I never saw it, I don't if you guys saw it. Here's what I'd like to propose, guys, look at it, town board's looking for an affirmative comment from us, okay, read it, it's your job, okay, send me an e-mail and I'll send an e-mail to someone and we'll conduct an official vote at the next meeting just as a matter of formality. But do read it, do take the time to go through it, it's your town as well as it's my town and send me the note and I'll send you the response.

MS. MAC MILLAN: That's absolutely fine, Mr. Chairman, when you're reviewing it, I would just tell you to take a look at 300-88 sub A, it goes through the things that you're looking for.

MR. EDSALL: Just a suggestion since the meeting is, your next meeting will be a week after the town board's meeting, my suggestion is that the board authorize the chairman to prepare the letter with assistance from Veronica once the comments have been received, that way you can get it to them even if it's a couple days before their meeting.

MR. ARGENIO: That's what my intent is.

MS. MAC MILLAN: We're in a little bit of an unusual situation because it's a summer month.

MR. ARGENIO: Send me an e-mail within the next two weeks, Danny, Henry call me.

MR. EDSALL: You should get a vote authorizing you to write that.

MR. ARGENIO: I will. Anybody else? Yes, Miss Gallagher? Off the record.

(Discussion was held off the record. Whereupon, following which, these further proceedings transpired.)

MR. EDSALL: You need to take a vote on the authorization, you're authorized to write the letter.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

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

USAI

MRS. GALLAGHER: They want to change their six foot fence that they just got approved for on the site plan to an eight foot, they want it official in the minutes so can we make it official.

MR. ARGENIO: They, USAI wants an eight foot fence instead of six foot, I happened to be in the building inspector's office, I said just go do it. Why do they want to do it? Cause there's transients walking on the tracks, they're worried about climbing over the six foot fence. Go do it. Howard, Harry Ferguson?

MR. FERGUSON: Yes.

MR. BROWN: Yes.

MR. GALLAGHER: Yes.

MR. ARGENIO: I'm good with it, Jen. Motion to adjourn?

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

Respectfully Submitted By:

Frances Roth
Stenographer