

TOWN OF NEW WINDSOR

PLANNING BOARD

September 12, 2012

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
HENRY VAN LEEUWEN
HARRY FERGUSON
HARRY BROWN
DAVID SHERMAN

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

JAMES PETRO
PLANNING AND ZONING BOARD COORDINATOR
AND PROPERTY MANAGER

JENNIFER GALLAGHER
BUILDING INSPECTOR

NICOLE PELESHUCK
PLANNING BOARD SECRETARY

ABSENT: DANIEL GALLAGHER

MEETING AGENDA:

1. Windsor Enterprises MHP
2. Walters MHP
3. Petrolli Enterprises Inc.
4. Henry subdivision
5. McDonald's
6. Stacy McIntosh

REGULAR MEETING:

MR. ARGENIO: The record should reflect that we had a moment of silence early on in recognition for the citizens that passed away on 9/11 many years ago and particularly the firemen that so bravely gave their lives. We welcome Dave Sherman, the new member, he's an active member tonight cause Danny is not with us.

We had two trailer parks which were no issue. Nicole will fill you in, Franny, on that so you can let the minutes reflect it accordingly.

WINDSOR ENTERPRISES MOBILE HOME PARK REVIEW

This review was represented by Mr. Lease. A motion was made for one year extension by Mr. VanLeeuwen and seconded by Mr. Brown.

ROLL CALL

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

WALTERS MOBILE HOME PARK REVIEW

This review was represented by Kitty Dantas. A motion was made for one year extension by Mr. VanLeeuwen and seconded by Mr. Brown

ROLL CALL

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

REGULAR ITEMS:

PETROLI ENTERPRISES INC. - VOLVO (12-12)

MR. ARGENIO: We're in the middle of the review of the Petrolli site plan on Route 207 right near the incident that caused you to be late. So we're halfway through our review of that, we have discussed the sprinkler system. Mr. Shaw has indicated that the law is the law and there is some talk around town that that law may be adjusted, changed, moved, lifted or some such thing but the applicant's prepared to do what's necessary to comply with the law. That said, we're moving along. No disturbance to the existing curb radii, two Is, so this is probably not going to go to DOT based on the opinion of the members and advice of professional counsel and our engineer. So now you're about up to speed. Greg, let's just talk just a little bit about the wash bay and the, is there a separator system associated with that?

MR. SHAW: There's going to be one installed within the building. There's a note to that effect in the drawings.

MR. ARGENIO: I think your tenant has to register that unit, we had do to that with ours and United Rentals had to do it, if you remember many years ago this separator so the discharge is not--

MR. SHAW: Absolutely, they have to be tied into the sanitary sewer system.

MR. ARGENIO: Oh, it is?

MR. SHAW: Yes.

MR. ARGENIO: Better. My next comment doesn't really mean a lot. I'm not even going to say it then. County is all worried about Silver Stream but insomuch as the runoff from that wash bay is not going over surface or into the ground, there's really not a lot to talk about.

MR. SHAW: That's what happened on United Rentals, we had to tie into the sanitary line.

MR. ARGENIO: It's probably the smartest thing from the owner's point of view, I would think. Okay.

MR. VAN LEEUWEN: We've got SEQRA and public hearing.

MR. ARGENIO: Yeah, let's just talk about this a bit here. I want to be careful here with this application relative to the public hearing. Where is the zone line, Greg, point to it on the map if you can?

MR. SHAW: I think the zone line is another lot up, in other words, if this is our parcel right here shaded in, alright, we're up in here with the zone line.

MR. ARGENIO: Does the zone change?

MR. SHAW: On the rear of our property?

MR. ARGENIO: Yes.

MR. SHAW: No, it's further to the north and that goes to an AP zone.

MR. ARGENIO: I think there is a zone line on Silver Stream Road, I think, but we're not adjacent to that.

MR. EDSALL: The right side is PI going up the hill and the left side is NC and then as you go towards the airport it's the airport zoning.

MR. ARGENIO: Now I'm familiar. And Silver Stream just so we're clear is over in, this is our applicant, Silver Stream is over here somewhere?

MR. SHAW: Correct.

MR. ARGENIO: So we're not on top of the zone line, excellent.

MR. SHAW: No.

MR. ARGENIO: Mark, no other involved agencies? Is there any reason why we can't assume lead agency for this?

MR. EDSALL: I'm aware of no reason why you couldn't.

MR. ARGENIO: I'll accept a motion.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made that the Town of New Windsor Planning Board assume lead agency for this application.

ROLL CALL

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

MR. ARGENIO: We've heard back from county, we've have discussed a bit the content of what that letter is, we should talk about two things. One, we should talk about the SEQRA determination. Are we premature with that, Dominic, at this point? Is it something that we can begin to discuss a little bit?

MR. CORDISCO: You can begin to discuss it, certainly.

MR. ARGENIO: Are we premature to act on it?

MR. CORDISCO: Not at all, there's no other involved agencies, you declared lead agency.

MR. ARGENIO: It's a simple case from where I'm sitting. I think the applicant has the biggest hurdle with this sprinkler business, quite frankly.

MR. CORDISCO: Understood. But depending on whether or not the board wants to hold a public hearing or not is the only relevant factor.

MR. ARGENIO: Well, let's talk about that just a bit. To the left of this parcel is Petrolli Enterprises sprinklered car wash, to the left of that is lands of James Petro, Jr. which is actually the car wash, the other lot that I just referred to is the former Schlesinger Deli. To the right of this is Verizon.

MR. VAN LEEUWEN: There's no reason to have a public hearing for this, this is right in the middle of everything. I make a motion to waive public hearing.

MR. ARGENIO: Let me just, before we race down that road, I think I agree with you but let's, I just want to give Mr. Sherman and these other two guys to my right a chance to speak to it. What do you guys think, Harry and Howard?

MR. FERGUSON: I don't think we need a public hearing.

MR. BROWN: I don't see any need for a public hearing, it's all commercial type of property.

MR. ARGENIO: It is. Mr. Sherman, what do you think?

MR. SHERMAN: I see no reason for a public hearing at this point.

MR. ARGENIO: Generally speaking for your benefit if you have the public hearing you can always if you have the public hearing you had it and it doesn't hurt anything to have it. But by the same token, there's no need to bog things down if it's not necessary. If this were at Five Corners in Vails Gate, I would be probably casting a different tune on it, speaking differently.

MR. VAN LEEUWEN: I don't see any reason to have a public hearing.

MR. ARGENIO: Mr. Petro owns the property to the left, it's all commercial so I think I tend to agree.

MR. VAN LEEUWEN: Plus this is better for the town.

MR. ARGENIO: Mr. VanLeeuwen made a motion that we waive the public hearing.

MR. BROWN: Second it.

ROLL CALL

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

MR. ARGENIO: Public hearing's been waived. Mark, what kind of details, what else does Mr. Shaw need to do here? We have a walk out front, there's no walkways associated with the new addition, seems to be a couple bay doors in and out, county's recommending some landscaping along Silver Stream. What's there now, Greg, do you know?

MR. SHAW: I believe it's vegetation, seriously, you have trees that are independent of the buildings and

the structures that are there, you have trees and vegetation that have grown up along the edges that probably have been there for quite some time.

MR. ARGENIO: Well, I don't think there's an aesthetic concern, I think the concern is more that it's vegetated, be it grass, trees, whatever it is, scrub brush, something to slow the runoff and I think if that's there that's a good thing.

MR. SHAW: We're awful close to the edge of the bank, it's not like we have 75 feet, the existing building is, you know, it's relatively close to the top of the embankment so there's not too much we can do. That's my point.

MR. ARGENIO: What about SEQRA, anybody have any thoughts on that?

MR. VAN LEEUWEN: I make a motion to declare negative dec.

MR. ARGENIO: Town of New Windsor declares negative declaration under the SEQRA process for Petrolli Enterprises.

MR. BROWN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

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

MR. ARGENIO: I don't see any reason, please make sure, Greg, that we're squared away with that separator or whatever the case may be, that it's tied in with the sewer. What else can we do here tonight, Mark, I don't know what else we can do?

MR. EDSALL: Well, there are no revisions needed to the plan other than if you find any of the bullet comments under number two in need of having something clarified and those are all minor issues I just raised so that the board could decide if something needs, a note needs to be added or questions need to be answered, there are

no serious issues at all.

MR. ARGENIO: Why do you have a bullet about the storage trailer? It's temporary, I assume it's temporary?

MR. EDSALL: I'm asking.

MR. ARGENIO: Is it temporary?

MR. SHAW: I don't know.

MR. ARGENIO: Does it have a footing, Jimmy, does it have a footing?

MR. PETRO: No.

MR. ARGENIO: It's temporary.

MR. EDSALL: I just wanted the record to note that it was a temporary trailer because we have other applicants who ask to have permanent trailers and we tell them no. So we're just acknowledging that it's temporary.

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

MR. ARGENIO: Well, he needs to get squared away with the--

MR. VAN LEEUWEN: Jenn can handle that so can the fire inspector, we don't have to get involved.

MR. EDSALL: Is that the sprinkler, Mr. Chairman?

MR. ARGENIO: Yes.

MR. EDSALL: The sprinkler, in all honesty, we have hesitated showing the size of any lines because the size is determined as the design of the sprinkler system is based on field conditions.

MR. ARGENIO: Both the underground feed and internal heads.

MR. EDSALL: That's a building department plan approval issue. If they, and my comment notes if there's a sprinkler line they need to valve that separately from the domestic line so they're being advised of the same and if the code requires a sprinkler they've got to

solve it like that. If Mr. Petro decreases the size of the building or the law changes and he doesn't have sprinklers then we don't worry about it.

MR. ARGENIO: So, Mark, it's your opinion that this issue is more of a building department issue than planning board function?

MR. EDSALL: Absolutely. We had a recent application that had a sprinkler line called out and we ended up changing in the field based on the designs that went through the building department. So I, at this point, am like looking just if there's a sprinkler line to just show the line.

MR. ARGENIO: We're doing the exact same exercise at the Carlisle in Maybrook, it's changing the code of fire underwriters, they determine what size it's going to be.

MR. EDSALL: I feel a hundred percent comfortable that the matter be referred to the building department and it just be acknowledged that if there's a line it's got to be valved separately.

MR. ARGENIO: Mr. VanLeeuwen has made a motion for final approval, any reason we can't go down this road?

MR. CORDISCO: No, sir.

MR. ARGENIO: Second on that?

MR. BROWN: Second it.

ROLL CALL

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

MR. ARGENIO: I think you're right, this is simple. We covered everything, we discussed it.

HENRY SUBDIVISION (11-18)

MR. ARGENIO: First applicant can come back up please. Henry subdivision, application proposes subdivision of 3.243 acre parcel into single family residential lots. We previously reviewed it at the 11 January and 28 March 2012 planning board meetings. Your name, sir?

MR. WEEDEN: Howard Weeden.

MR. ARGENIO: Can you tell me about the variances?

MR. WEEDEN: We had one lot that's 60,000 square feet and one lot that's 80,000 square feet, zoning calls for 80,000 square feet. We didn't have enough area so we went to the ZBA, they gave us a variance for a smaller lot.

MR. ARGENIO: What size?

MR. WEEDEN: It's 60 and 80,000 square feet, we had our soils testing done and witnessed by the town engineer, Mr. Olly.

MR. ARGENIO: Mark, your people were out there for this?

MR. EDSALL: We were and the plan as I noted in my comments is consistent with the soils test that we observed and Mr. Olly did a fine job with the design.

MR. ARGENIO: What were the percs?

MR. WEEDEN: Fifteen minutes, this is one area where the soils are questionable.

MR. ARGENIO: We require that anything in the west end of the town we require it, typically ask for it but especially in the west end. Go ahead.

MR. WEEDEN: Basically, we showed that our driveways, we have adequate sight distances up and down Beattie Road. The original plan showed two driveways coming in here, we have separated the driveways at the request of the homeowner, he's actually putting up two houses, one to live in, one for his I believe it's your mother-in-law.

MR. HENRY: Mother.

MR. ARGENIO: You need to get to Anthony Fayo about that, I have a disapproval in the notes here, not that that's a car crash but you need to tie that up, he's a pretty fair guy.

MR. WEEDEN: Okay.

MR. VAN LEEUWEN: Yes, he is.

MR. ARGENIO: One of Mark's notes here and I'm not going to get into it, Mark, I'll read it, I question the need or appropriateness of the note positioned on the plan above lot one, what's that note?

MR. EDSALL: That's the note that talks about the separation of the driveways by preference and references our building inspector. The bottom line is the town law doesn't allow you to have common driveways so I think the note should be deleted.

MR. ARGENIO: Take it off. Takes care of that.

MR. WEEDEN: Okay.

MR. VAN LEEUWEN: Can I ask a question since I live right up the road? What kind of houses are you going to put there?

MR. HENRY: On lot two probably, well, actually, both probably just standard colonials.

MR. VAN LEEUWEN: Two story?

MR. HENRY: Yes.

MR. ARGENIO: How many feet?

MR. HENRY: One probably 27, 28, the other 22, 23.

MR. ARGENIO: They had a public hearing at the zoning board, you were there?

MRS. PELESHUCK: Yes, nobody showed up, no one wrote, no one called.

MR. ARGENIO: Nobody wrote, nobody called, nobody seemed to care. Anybody see any reason to specifically lift any weights here?

MR. VAN LEEUWEN: Make a motion we waive.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded to waive the public hearing based on the guidance we just got from Nicole that there was zero attendance at the zoning public hearing. Roll call.

ROLL CALL

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

MR. ARGENIO: This should go to county, shouldn't it?

MR. CORDISCO: Yes, it should.

MR. ARGENIO: We should do that.

MR. CORDISCO: Did it go for the zoning board?

MR. ARGENIO: Does it go for the zoning board?

MR. CORDISCO: It does.

MR. ARGENIO: Did it go?

MRS. PELESHUCK: Only if it's a joint referral.

MR. ARGENIO: I believe she's right, only if we're doing something jointly we typically in any event get it to county.

MR. CORDISCO: We have to send it no matter what.

MR. ARGENIO: Let's get it to county so we can get the clock ticking.

MR. EDSALL: I'll get that right out.

MR. ARGENIO: You have to get squared away with Mr. Fayo. Do you see anything that's problematic? Septic systems, I'm glad you have a good perc, even if they do have a problem, there's nobody downstream that's going to be impacted, no dosing, couple cleanouts, driveways, you have to work that out with Anthony. All set for the wells? Seems to be

appropriate.

MR. WEEDEN: Can I get a copy of the letter from Mr. Fayo?

MR. ARGENIO: Nicole will get you that.

MRS. PELESHUCK: I'll fax it to you tomorrow.

MR. WEEDEN: Thank you.

MR. EDSALL: We normally require the box so on the plan it says there's 1.1 acre disturbance and you just have an erosion plan.

MR. ARGENIO: The erosion control plan is pretty basic.

MR. EDSALL: That way we documented you don't need a SWPPP.

MR. ARGENIO: Just demonstrate that you're under the threshold.

MR. WEEDEN: I'll put that on there.

MR. ARGENIO: Do you guys have anything else?

MR. VAN LEEUWEN: I don't.

MR. BROWN: I don't.

MR. ARGENIO: Dave, any other thoughts?

MR. SHERMAN: No.

MR. ARGENIO: What else can we do for you guys? You seem to be doing a fine job, get your ducks in a row.

MR. WEEDEN: Put the area of disturbance with the erosion control plans.

MR. ARGENIO: Thank for coming in. Have a good night.

MC DONALD'S (12-13)

MR. ARGENIO: Okay, McDonald's New York site plan amendment. Bohler Engineering, Bohler. Project proposes overall demolition of the existing McDonald's restaurant and total site plan rebuild. The plan was reviewed on a concept basis only. This is Five Corners McDonald's, guys. Sir?

MR. BOHLER: Brad Bohler from Bohler Engineering, the son.

MR. ARGENIO: You're the son of the--

MR. BOHLER: Owner, Bud.

MR. ARGENIO: Yeah, I've done something with you guys, I don't remember what it was. But one of the things I'm going to be focused on here is we all know as I'm sure you know that franchises have a multitude of facades that represent a multitude of dollar value of investments that they can put into their different buildings. You need to know this is a very high volume, high exposure area for the town. There's probably, this is probably one of the top three areas of the town as far as businesses, exposure, traffic counts, et cetera. As such, I am requesting, we're requesting, I'm requesting and I hope the members back me up that you and your applicant there give us some type of a rendering of what you're going to do so we can have a look at it. And I hope you're proposing a higher end facade than you maybe would be doing if you were building this in Bedford Stuyvesant.

MR. BOHLER: We didn't provide anything but I did bring some examples.

MR. ARGENIO: Not tonight, I just want you to hear those words so you know one of the things at least I'm going to be looking at, I have four other members here, we want it nice.

MR. VAN LEEUWEN: We want a nice building.

MR. BOHLER: If it helps, I can show you what we generally show tonight.

MR. ARGENIO: We don't have to get into it tonight, bring something that we can look at next time would be helpful. The second thing is this connection thing for

the benefit of the members ever so briefly there's a traffic light at the old Long John Silver's. When Hannafords went up and the former Chairman of the Planning Board, Mr. James Petro, was here and I was sitting alongside him, one of the ideas with the signal was to try to alleviate the traffic and congestion in that area. I defy anybody in this room to pull out of McDonald's, make a left turn and have it done within two seconds, it's a problem. So the intent many years ago was for those collective lots in that area to use that controlled access there. Now Mark is going to update everybody in a few minutes including yourself, sir, on the efforts that he's done to try to have you guys get some access to that light. But that's something we're going to be, this is the first time you guys are hearing it from me.

MR. PETRO: Mr. Chairman should also be remind everybody that was not with us that this is, Mark correct me if I'm wrong, it's considered by New York State DOT as an F intersection.

MR. ARGENIO: It's an F intersection.

MR. PETRO: With no remedy possible.

MR. ARGENIO: Here's what that means for the lay person. Signals operate at A, B, C, D or F, five levels. A is the best where traffic is moving quick and good and F is the worst. And Hannafords when they came in Jimmy represented that accurately, yes, from years ago we went through that whole rigmarole and Hannafords came in and what they did was they re-timed the signals and they hired a consultant, was it Maser, who was it?

MR. PETRO: I don't know.

MR. EDSALL: I think John Collins worked on this.

MR. ARGENIO: Whoever it was was a brilliant traffic engineer and they achieved what the state couldn't achieve, okay, they re-timed the signals and they realigned the lanes. And what they did was they didn't improve it but they put a supermarket on the intersection and they were successful in not degrading what we already had. And somebody's neck was on the chopping block over it more so than me, but they were successful in doing it.

MR. PETRO: And it cost \$800,000 to do.

MR. ARGENIO: I've spoken enough, go ahead.

MR. BOHLER: Okay, I completely agree with you on the cross access.

MR. ARGENIO: I think it's important everybody know the history cause Jimmy and I and Mark were the only guys in the room that know the history.

MR. BOHLER: We met with Mark a couple times already on this and we have investigated the possibility of working with the neighbor on that. I know there's some other items that are going to be discussed by Mark a little bit later but we would actively pursue that if it was available we'll try, so far has not been successful.

MR. VAN LEEUWEN: I was here when it was originally approved.

MR. ARGENIO: So it's your fault. Mark, can you just take a moment ever so briefly and just share with Mr. Bohler and the rest of the board where we're at with the neighbor? Is there any chance of this coming together? Are we getting stonewalled? Where are we at?

MR. EDSALL: If acceptable, I will regress back to the history a little bit. Actually, I think and I rarely disagree with, slightly disagree, they actually approved as part of the Hannafords traffic flow. My route from home to work is through the traffic light every day, what they did was they adjusted the timing so that the delay, the level of service was equal for all the accesses into the Five Corners.

MR. ARGENIO: So you didn't have two Fs and three Cs. Now you have maybe five Ds, whatever.

MR. PETRO: Remember they also took down the old ambulance building and put the other exit so--

MR. EDSALL: So there was quite a bit of improvement but also Hannafords did not quickly volunteer to have the additional signal head toward the Long John Silver's property. It took quite a bit of effort from our past chairman and all the board members and some pressure from myself included to convince them how

important it was to the town long term for safety and the property owner who's involved for Long John Silver's clearly understood that we were not providing them a personal access, that this was a safety issue for that quadrant of the Five Corners. So our foresight now is to the point where McDonald's is ready to rebuild and we believe it's an appropriate time to bring all the property owners to the table and have them share in the use of the access that this board fought so hard for.

MR. ARGENIO: What are you doing, you and Dominic doing to that end? You need an attorney more than an engineer on this one, I don't know.

MR. EDSALL: We have a Supervisor who's obviously interested in the safety of the roads in the Town of New Windsor, be it a state road, he's still very interested. He and I have discussed it a couple times. He's currently working to set up a meeting with all parties involved and remind that property owner of the very difficult efforts made by the town were not intended as a personal gift to that one property. So we're hoping to have that meeting occur this month.

MR. ARGENIO: Are you including Bohler in that meeting?

MR. EDSALL: That's up to the Supervisor.

MR. ARGENIO: I think that I should, I'll speak to him and I don't see why we wouldn't do that.

MR. EDSALL: Whatever is the desire.

MR. ARGENIO: This has to happen, this can't not happen.

MR. EDSALL: It may end up being back-to-back meetings, I don't know. But the point is we want to have both properties benefit not just for the businesses but for the safety of the people that use those businesses.

MR. ARGENIO: Do you members, do you guys have any questions about this? I mean, that's a lot, we threw a lot of information at you, especially you, Dave, there's a lot of history. Are you okay with this?

MR. BROWN: Yes.

MR. ARGENIO: Let's talk to George, I want to do if

it's beneficial to have Bohler there, I can't imagine you not wanting to be there.

MR. BOHLER: More than happy to attend.

MR. ARGENIO: We have to get this done.

MR. EDSALL: I was in communication with him today, he's working on contacting that owner and setting something up this month.

MR. VAN LEEUWEN: This property used to all belong to one owner, can't think of his name.

MR. EDSALL: Sleepoy, I don't know if he still owns it.

MR. ARGENIO: Go ahead, continue.

MR. BOHLER: The proposal is to knock down the old building, rip up the old asphalt, basically demolition of the entire site and start over again, going to build a brand new building. I'm not sure if you have been to the Middletown or Kingston McDonald's, they just rebuilt those and re-faced them with the newer, sleeker look, don't have the mansard roof anymore. They have stone facade, brick facade, it's a lot more elegant I would call it as opposed to the old building. They're also installing what we call side-by-side drive-thru, it's two order points. What that actually does is the old McDonald's currently has one order point so it actually improves the efficiency of the drive-thru by about 50 percent so you can process, you can hold more cars and process them a little bit more quickly to help alleviate a lot of the stacking concerns. What McDonald's is noticing in the past say ten years is that their business is actually migrating towards drive-thru as opposed to interior use. I know there's, I drove by the site, there's a lot of use from a lot of customers sitting in the play area, this won't have a play area anymore. So that aspect of this McDonald's will be eliminated and basically it's a renovation and upgrade for the site. Hopefully a way to really capture and control all the drive-thru traffic.

MR. VAN LEEUWEN: Is it a panelized building?

MR. BOHLER: Meaning when they put it up is it panels, no.

MR. VAN LEEUWEN: It's all masonry and so forth?

MR. BOHLER: Yes.

MR. ARGENIO: Mr. Bohler, do you have a landscaping sheet here?

MR. BOHLER: We do, it's in our set and my renderings shows the landscaping that's proposed on top of the site plan.

MR. ARGENIO: What page is it?

MR. BOHLER: It's sheet number seven.

MR. ARGENIO: Can we do anything in here?

MR. BOHLER: Up front, I would consider that a sight distance issue, we can add something low.

MR. ARGENIO: I think you should look at that, see if you can show something over here.

MR. BOHLER: Over here we can do something there, I don't see a problem with it. The only thing I would say is that if we do go towards the route of the cross access--

MR. ARGENIO: I wouldn't go wild with that because that cross access as you said if it happens it's going to punch through there somewhere, let's not get banged up about it now. What's this back here?

MR. BOHLER: That's a striped out area, when the truck comes through to load it uses that area to swing so that can make a turn without hitting the drive-thru order points, they have now canopies on them, it's a little more rain protection, a little more convenience for the customer, if we're going to avoid that swing and avoid hitting that canopy, the truck needs to swing out that far.

MR. ARGENIO: This is all new site drainage, new grease traps, new separators, probably be able to use the old water service, I'd imagine? This is probably a three quarter inch service for a restaurant of this size?

MR. BOHLER: We do all new utility services because we don't know the condition.

MR. ARGENIO: You go right back to the main?

MR. BOHLER: Yeah, and this building will be sprinklered as well.

MR. ARGENIO: Didn't even have to ask.

MR. BOHLER: That's being added as well.

MR. ARGENIO: We're dealing with McDonald's here, Mark, is there anything that you'd like to particularly point out in your comments? I'm going to make the generic comment to Mr. Bohler that he needs to have a look at your comments. I don't see anything killer here. For instance, the plan should include an approval box in the lower right and it should be followed.

MR. PETRO: Before you go to Mark, can I address the applicant? What's the size of the entire property?

MR. BOHLER: A little under an acre, .95 acres.

MR. PETRO: Number two, how are you going to mitigate the traffic flow around the back circle as it comes into the front? If I'm in the back making my order, I pick up my order and I start to go towards the front to get out and the car pulls around the front in the front area.

MR. BOHLER: There's two cars.

MR. PETRO: No, in the circle in the back, I place an order back there, I get my hamburger and I can't wait to eat and I start driving and another guy just pulls out.

MR. BOHLER: That's a good question. We have that come up a lot. It's a, you're controlled by the person inside, actually two people taking the order for both cars and then there's a video camera that takes a picture of your car so they can assign that to your order and then ask you to move forward. If for whatever reason you don't pay attention or don't listen to them it's a fairly low speed merge but you'd be able to see both sides, you can look at that.

MR. ARGENIO: I thought the answer would have been different, quite frankly. I didn't want to answer for you because you're a big boy figuratively. But Jimmy, my thought was that if I'm in this queue and I place an order at one of these two kiosks here or order boards

whatever the case may be, why would I want to get out of this lane? I want to get to the window and pick my order up, right?

MRS. PELESHUCK: He's saying if two cars are side by side you're both done at the same time, who has the right of way?

MR. BOHLER: Right, and the answer would be that they control, that each person they stand side by side next to each other, when the person tells the other person to move forward they'll know because the person is standing next to them taking the order and you can see.

MR. PETRO: So you've already built these and you've never had an accident?

MR. BOHLER: Not to my knowledge, no, they're fairly new to this area, tell you the truth. But in midwest and around the country it was down in D.C. they have actually done a lot more of these, most of the McDonald's are being renovated to have these now.

MR. ARGENIO: So this is not prototype?

MR. BOHLER: Meaning?

MR. ARGENIO: It's not brand new?

MR. BOHLER: No.

MR. ARGENIO: Jimmy?

MR. PETRO: The .95 of an acre they're not going to need the underground water.

MR. EDSALL: They would not require to have a commercial SWPPP, they would just do a drainage plan storm water plan which they have a plan in the set now.

MR. PETRO: You don't know how luck you are by .05, brilliant people in Albany.

MR. ARGENIO: The proverbial unfunded mandate. How many years have we been dealing with that here?

MR. PETRO: We wouldn't allow it until the state told you you had to do it.

MR. ARGENIO: Getting back on point, Mark, I see a lot

of commentary.

MR. EDSALL: They are very minor comments in nature. The big issue is the one we've talked about at length and we're going to be dealing with which is the traffic, the rest are very minor. And I'm sure they'll take care of them. I have not reviewed all the plans in detail because I'm fully aware that there might be adjustments if there's a successful discussion with the neighbor.

MR. ARGENIO: Mr. Bohler, right here in this area here the nose of those cars right where the tires would be I see some stippling here on my plan, what's that?

MR. BOHLER: I'm sorry, let me walk up to it. That's actually a concrete area.

MR. ARGENIO: So the front tire lands on concrete so you don't displace the asphalt over time?

MR. BOHLER: Yeah.

MR. ARGENIO: Follow that Mark?

MR. EDSALL: Yeah, it's very similar to what Auto Zone does with their concrete decking.

MR. ARGENIO: If anybody has any comments on this, guys, you can comment, we'll see it a few more times, I'm certain.

MR. BROWN: How long do you expect to be shut down for?

MR. BOHLER: Demolition and construction is about 120 days or less, four months and that's full rebuild.

MR. BROWN: Providing that you don't use the traffic cut-thru then it would be longer, right?

MR. BOHLER: The cut-thru I think we'd probably be able to accommodate, we designed this layout to accommodate that without doing major changes to the plan.

MR. ARGENIO: I don't think that the cut-thru is going to add anything, maybe a little bit.

MR. BOHLER: It's going to be a driveway down into the parking lot.

MR. ARGENIO: So please when you come could you bring those renderings next time?

MR. BOHLER: Yes, we will.

MR. ARGENIO: What else can we do for you tonight? What else should we be doing here tonight?

MR. CORDISCO: Nothing, actually. I think that in connection with lead agency, it would be my recommendation that we perform an uncoordinated review, the purpose being is that they have to go to the zoning board. And since there's two involved agencies if there's a coordinated review then the zoning board could not act until this board adopted a negative declaration which is going to be down the road. So we don't want to hold up I would think the zoning board from being able to conduct their process.

MR. EDSALL: The referral is for front yard setback because of the reconstruction of the building and the manner in which they're building they require that sole variance as far as I can tell.

MR. ARGENIO: Is there any reason we shouldn't be delaying referral at this juncture?

MR. EDSALL: To be real honest with you, they have been very cooperative at the workshop, we have gone through it at various times. I'm aware that they have looked at alternatives if the neighbor was cooperative with the cross-sections, the plans are very complete. I believe it could be referred to the Zoning Board. If the planning board has an opinion that they support the beautification of the site they can so comment. And I can also send it to the county because the plans are complete enough that we could send it to the county. I will ask counsel if we do get the cross connection that would decrease the traffic impacts but--

MR. ARGENIO: Mark, slow down one second just a little bit. I got a couple comments on the county business. A, we don't know where we're going with the cross connection. B, we have not talked about DOT, the entrances, disturbance of it, not disturbance of it, I think a couple balls need to land.

MR. EDSALL: It's got to go to the county for the zoning board anyway so I would send it jointly now and if there are no significant changes--

MR. ARGENIO: Wait a second. And I'm not trying to be difficult, I want to understand though, Mark, here's my concern when we go to county, I'd like to send something to them at a level of fitness that's passed muster on behalf of the planning board. So I want, I'd like to see the plan largely complete at that point. I think that the cross connection is a substantial component that's not complete but the cross connection has almost nothing to do with the review on behalf of the zoning board. That's my concern.

MR. EDSALL: So the county or the zoning board can send it independent and we'll send it later?

MR. ARGENIO: I'd like to have that connection either in or not in when it goes to county, that's where I'm going. Does that make sense to you guys?

MR. VAN LEEUWEN: Yes.

MR. ARGENIO: I'll accept a motion that we declare this application incomplete at this time if anybody sees fit.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded we declare this application incomplete. Dave, follow me on this? Which will allow the plan to go to the zoning board for the applicant to seek their necessary variances. Roll call.

ROLL CALL

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

MR. ARGENIO: Mr. Bohler, you have been referred to the zoning board. Good luck to you there. I would imagine you're going to have some success and when we figure the cross connection out it can go to county. Thank you for coming in tonight.

MR. BOHLER: Thank you.

DISCUSSION

STACY MC INTOSH - HOME BAKING

MR. ARGENIO: Last on tonight's agenda is Stacy McIntosh, the cupcake lady.

MR. EDSALL: No, this is the, I guess it's the banana bread lady. Very similar to I can't recall the woman's name who was making cupcakes, this particular applicant, Miss McIntosh is going to be doing product at home. She needs to get approvals from I don't think the Department of Health, it's some other permit but part of that permitting is that the town has deemed the operation in compliance with zoning and we merely want to have it on the record that we're aware that she's going to be baking these products at home in her residential kitchen. She'll have no customers, she'll not be changing the outside of the site. She's not putting up a sign, no patrons will be there. She's merely going to make the stuff, transport it off the site to farmers' markets and the like. So I would recommend that the planning board deem that not requiring an application or site plan approval and turn the matter over.

MR. ARGENIO: Jenn, do you have any issue with this?

MRS. GALLAGHER: No.

MR. VAN LEEUWEN: So moved.

MR. ARGENIO: It's been discussed and you can call her and tell her.

MR. EDSALL: Thank you. It's now on the record.

MR. ARGENIO: She can make her cupcakes or bread. Anything else?

DRAFT ZONING CODE

MR. CORDISCO: I have for you tonight, it's my pleasure to deliver copies of the Draft Zoning Code which the town board introduced last week and set a public hearing for on October 3rd where the town board introduces this. This is a draft rezoning which we have been working on for several years and the code itself is in draft form, has to be referred to the planning board so the town board has referred this to the planning board for its review and comment. Obviously, you're not in a position to comment on it tonight but I'd like to deliver these to you and at a future meeting if the board sees fit you can provide your comments to the town board.

MR. ARGENIO: And there will be a quiz.

MR. CORDISCO: Hopefully not for me.

MR. ARGENIO: This was a lot of work, man, a lot of people put a lot of work into this, I got news for you.

MR. VAN LEEUWEN: What area in the town?

MR. ARGENIO: It's the whole town.

MR. ARGENIO: For the benefit of the members, the rezoning essentially brings it, brings our town up to date, I mean, it brings the code up to date, there's been just a lot of changes over the years and years and years, Mark or I'm sorry, Dominic or Jim Petro, do you remember the last time this was done off the top of your head?

MR. PETRO: In '03 is when we did the bigger lots, remember?

MR. EDSALL: Well, yeah.

MR. ARGENIO: That wasn't a town rezoning, that was a change in the code. I'm talking about a major revamping of the zoning code?

MR. EDSALL: About 14 years ago Mr. Babcock and I worked our way through the entire zoning code, did the same thing.

MR. ARGENIO: That's the last time it was done, same effort, just trying to keep us current with the times,

current with the past development in our town current with the economic state that we're in which we'll hopefully come out of it at some point in time. And this type of effort is not atypical, every 15 or 18 years, 20 years for any town, especially a town like ours that's very dynamic. So read through it, at some point in time, we're going to say, we're going to vote to hopefully adopt it or if anybody has any questions we can certainly go down that road and that's it, members. Anything else?

MR. VAN LEEUWEN: So I'll take it home and read it.

MR. ARGENIO: Mr. Sherman, welcome, you're not shellshocked, are you?

MR. SHERMAN: Yes, I am.

MR. ARGENIO: Motion to adjourn?

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

ROLL CALL

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

Respectively Submitted By:

Frances Roth
Stenographer