

TOWN OF NEW WINDSOR

PLANNING BOARD

FEBRUARY 25, 2015

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

ALTERNATE: DAVID SHERMAN

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

VERONICA MC MILLAN, ESQ.
PLANNING BOARD ATTORNEY

JENNIFER GALLAGHER
BUILDING INSPECTOR

CAMMY AMMIRATI
PLANNING BOARD SECRETARY

MEETING AGENDA:

1. Brittany Terrace MHP
2. Nugent MHP
3. Monaco MHP
4. Lands of Van Leeuwen
5. Weikfield Windsor Development
6. Vails Gate Terminal
7. Discussion
 - Port Authority
 - Stewart Mall
 - Avery Dennison Corp

REGULAR MEETING:

MR. ARGENIO: I want to call the regular meeting of the Town of New Windsor Planning Board to order for February 25, 2015. Would be everyone indulge me please

and stand for the Pledge of Allegiance?

(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: Welcome everybody. Just as a matter of fact by show of hands in the audience who's here because they're concerned about the propane terminal? Almost the entire audience. Okay, we'll talk about that in a few minutes. That being the case as everybody's time is valuable, it's not a public hearing tonight for the propane terminal, contrary to what The Sentinel said, we're going to adjust the agenda a little bit and we're going to do that propane terminal posthaste, we're going to discuss that right after our mobile home park review. So that said, we'll get right to the agenda.

APPROVAL OF MINUTES DATED 1/14/15 & 1/28/15

MR. ARGENIO: The first item for tonight is the approval of the minutes dated 1/14 of 2015 and 1/28/2015 sent out via e-mail January 29 and January 30. If anybody sees fit, I'll accept a motion we accept the minutes as written.

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

ANNUAL MOBILE HOME PARK REVIEWS:

BRITTANY TERRACE

MR. ARGENIO: Mobile home park, Brittany Terrace, somebody here for this? I see Mr. Kean and nice young lady, Mrs. Kean. Has somebody from your office been out there?

MRS. GALLAGHER: Yes, no issues at all.

MR. ARGENIO: You always do run a good park. I live down the road and it's certainly always well kept and neat. That said, ma'am, do you have a check to the benefit of the town in the amount of \$490?

MRS. KEAN: Yes.

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

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded we offer one year extension for the Brittany Terrace 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 that to Cammy and we'll see you in a year. Thank you, Mr. Kean, Mrs. Kean.

NUGENT MOBILE HOME PARK

MR. ARGENIO: Nugent Mobile Home Park is next. What's your name, sir?

MR. SAB: Sam Sab.

MR. ARGENIO: Anybody from your office been out there?

MRS. GALLAGHER: No issues.

MR. ARGENIO: How many units do you have?

MR. SAB: Nine.

MR. ARGENIO: Did you bring a check for the benefit of the town in the amount of \$250?

MR. SAB: Yes.

MR. ARGENIO: Motion for one year extension?

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded we offer one year extension to Nugent Mobile Home Park. Roll call.

ROLL CALL

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

MR. ARGENIO: You can give her the check.

MONACO MOBILE HOME PARK

MR. ARGENIO: Monaco Mobile Home Park. What's your name, sir?

MR. MONACO: Nicholas Monaco.

MR. ARGENIO: How many units?

MR. MONACO: Three.

MR. ARGENIO: Small park. Jennifer, has somebody from your office been out there?

MRS. GALLAGHER: Yes.

MR. ARGENIO: What kind of shape?

MRS. GALLAGHER: Fine.

MR. ARGENIO: Did you bring us a check tonight for \$250?

MR. MONACO: Yes, sir.

MR. ARGENIO: We got a roll going here tonight, wow. If anybody sees fit, I'll accept a motion we offer one year extension.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

MR. FERGUSON AYE

MR. BROWN AYE

MR. GALLAGHER AYE

MR. VAN LEEUWEN AYE

MR. ARGENIO AYE

MR. ARGENIO: You can give her the check and you're good to go for another year.

MR. MONACO: Thank you, sir.

MR. ARGENIO: We'll see you in a year, thank you.

VAILS GATE TERMINAL (13-01)

MR. ARGENIO: I'm going to change the agenda as I said a little bit, we're going to do Vails Gate Terminal first. Just in the interest of efficiency first before we get to that, I'm going to make a little statement. So before we get to the business at hand this evening relative to Vails Gate Terminal there was an article in The Sentinel last week that had some factual inaccuracies and I just want to clear a couple things up on that note and then we're going to get down to town business. The first item is the fact that the article states that tonight is a public hearing. Tonight is not a public hearing for Vails Gate Terminals. That time will come but this is not that time. Second item is New York State, it says New York State Environmental Quality Review issued a positive declaration on November 14. State of New York does not issue that positive declaration, this board issues that positive declaration. This board took a look at the application and collectively we felt that there was one or more significant impacts associated with it. As such per our right by statute we declared a positive declaration. It is in a PI zone, not a P1 zone. I believe the use proposed is a use by right but our attorney and our engineer will clarify that as this process continues. So that said, The Sentinel is our town paper but they didn't get it exactly right and that's okay, it happens. So the board is going to go over some things relative to this application, we're going to discuss it, our planning and zoning chairman is here tonight, Mr. Petro, we're going to talk about this a little bit but this is not the opportunity for the public to comment. I would encourage everybody to listen carefully, make some notes, whatever you'd like because the time will come at a later date for a public hearing. So this said, we're going to get down to business. Vails Gate Terminal Company, who's here to represent this?

MR. CAPPELLO: John Cappello.

MR. ARGENIO: This application proposes liquid propane distribution facility with office building on an existing vacant site. The plan was reviewed at the 27 February 2013, 12 June 2013 and 12 November 2014 planning board meetings. I see counsel and I see an engineer.

MR. CAPPELLO: John Cappello with Jacobowitz & Gubits

and Ross.

MR. WINGLOVITZ: Ross Winglovitz Engineering Properties, good evening.

MR. ARGENIO: So who's going to speak on this?

MR. CAPPELLO: Ross will present the overview of the plan and then we can discuss where we are in the process and discuss the next steps.

MR. ARGENIO: Go ahead.

MR. WINGLOVITZ: As the Chair noted, it's been some time since we've been before the board for the formal submission of the site plan. We were here last fall, I guess it was November or October timeframe, November 1 to be exact regarding the SEQRA status. At that point, the board declared a positive declaration for SEQRA as you noted and is requiring the applicant to prepare an Environmental Impact Statement. We received that notice of the positive declaration on February 5 and submitted for the board's consideration in accordance with SEQRA a draft scoping document which was submitted to the board on February 10. This document is our draft of the outline of the Environmental Impact Statement.

MR. ARGENIO: Excuse me, Ross, did you distribute this to the members?

MRS. AMMIRATI: Yes, they have it.

MR. ARGENIO: Go ahead.

MR. WINGLOVITZ: Our outline of the, what the Environmental Impact Statement is going to cover in response to positive declaration that was prepared by the board and the number of concerns that we've heard by the board and the fire department and the code officials of the town. If you'd like, I can go through it. At some point, we're going to have to have a public scoping session regarding this document so we welcome any comments you'd have and then if you think it's appropriate we'll welcome being set for a public scoping session sometime in the near future.

MR. CAPPELLO: If I just could add if you wanted us to Ross discussed the scoping outline and that's the purpose of the housekeeping. The purpose why we're

here today is to just advise you that, you know, we have to see your comments and once we have everyone's comments we'll revise and you'll adopt as the outline for us to compile all the information as Ross said. I think in projects like this, especially when there's some question and we understand people will have questions, the process is geared to help people so you have everything in writing so you don't have articles that may make assumptions that are not necessarily correct. So as we go through the process, the reasons for this process is so we can document everything that we said through our experts, you will retain your experts to review and comment and hopefully we'll address all your concerns. So that's one aspect but the other aspect I don't know since there's some folks here if you wanted Ross to give you an overview of the project we'd be happy to do that as well, I'll leave that up to you.

MR. ARGENIO: Let's talk about housekeeping and Ross I would like you to give a brief overview. We have talked about it as a planning board, you have presented it in the past but for the benefit of the folks listening in the audience it probably wouldn't hurt to have a brief overview. In the interest of housekeeping, I'm going to read from Mark's comments here, the board should be aware that the attorney from the planning board corresponded with the applicant's attorney and noted the need to establish a separate escrow account for SEQRA, no deposit has been made by the applicant. Do either one of you know the status of that?

MR. CAPPELLO: We were here to start, when we, when I received that letter, we still hadn't received a copy of the written pos dec so we were waiting for the pos dec waiting for the subdivision of the scope now in going forward we'll have to submit the escrow before there's any review done, we understand that.

MR. ARGENIO: Yes, because we're going to seek expert review on our behalf to protect the interests of the town. Would it be fair for me to say, John, that the SEQRA clock will not, would you agree that the SEQRA clock should not begin until we receive that escrow, is that a fair statement?

MR. CAPPELLO: Well, we would ask you to schedule the public scoping session to get the public comment but if you want to set a date you would need to have that

escrow by, to set that hearing then we'll tell our clients and we'll get it in.

MR. ARGENIO: I'm sure your client would want to keep things moving.

MR. CAPPELLO: Yes.

MR. ARGENIO: In one direction or another so yeah, as would we, so that would be helpful.

MR. CAPPELLO: And everyone is interested in the professionals getting paid, I certainly would want that.

MR. ARGENIO: So Ross, why don't you give us a brief overview of the project from an engineering perspective?

MR. WINGLOVITZ: Of the project or the scoping now?

MR. ARGENIO: Of the project.

MR. WINGLOVITZ: Okay, the proposal by the applicant which is Vails Gate Terminal LLC is for a propane distribution facility on a piece of property located at the intersection of New York State Route 94 and Old Riley Road. There will be one main entrance into the facility with a truck unloading and truck filling area for 60,000 gallon propane storage tanks. These will be buried tanks as part of our applicant's desire to make it the safest facility as possible and not require to be buried by code but going to be entirely buried tanks located at the rear of the property. There will also be a new rail siting that will provide, to bring propane into the facility. There will be storm water features, a small office and a small parking area. The facility will be staffed during the day and will have a gate during the evenings.

MR. ARGENIO: Okay, members, do you guys have any other questions that you want to ask on this? Ross, this has not changed significantly since the last iteration?

MR. WINGLOVITZ: It has not changed, I mean, the only probably significant change since the initial application we made two years ago was the underground storage tanks as opposed to originally proposed to be above ground.

MR. ARGENIO: So from a procedural and members, Danny or Harry, Howard or Henry, if you come up with something you want to ask please just interrupt me. Professionals, from a procedural point of view, we have the draft scoping document at this point, the members have, we're going to have a look at it. What is the next procedural step for us at this point in time?

MS. MC MILLAN: We will now circulate it to involved agencies and the town departments for their comments and review. And the point of having the escrow deposit at this point because we'd like our retained independent counsel to also look at the drafts, comment on it before we offer it to the public for public comments.

MR. ARGENIO: Independent counsel?

MS. MC MILLAN: Independent consultant.

MR. ARGENIO: The expert, go ahead.

MS. MC MILLAN: Once we finish with the public comment period, there will be a final scope that's produced that will then be the next step will be the direct Environmental Impact Statement.

MR. ARGENIO: Mark?

AUDIENCE MEMBER: We can't hear you, do you have a microphone?

MR. ARGENIO: No, I don't, ma'am, I'm sorry for that but typically most people can hear us. This is not a very large meeting room, I certainly invited you to the front of the room. She was outlining the timeframes associated with the Draft Environmental, our receipt of the Draft Environmental Impact Statement.

AUDIENCE MEMBER: This is a draft scope you're talking about?

MR. ARGENIO: That's correct. And what the next steps are for the planning board.

AUDIENCE MEMBER: What I was listening for will there be a public scoping session because very often there are public scoping sessions where the public can comment on the scope of the study?

MR. ARGENIO: Okay, Mr. Petro is here tonight, he's our Planning and Zoning Chairman for the Town of New Windsor and I understand Jim you want to have, you have a couple thoughts you want to put out there?

MR. PETRO: Yes but I'd like for you to have your procedural stuff done before I speak.

MR. ARGENIO: Okay, Veronica, relative to public scoping, again, this is not a public hearing and I want to limit the input from the public but what is the procedure relative to that?

MS. MC MILLAN: Under the regulations, there is an opportunity for the public to comment on the draft scope so we will proceed with a public scoping hearing after our independent consultant and the town departments and the involved agencies have been circulated the draft scope to comment on.

MR. ARGENIO: Okay, what else, Veronica or Mark, do we need to do from a procedural perspective other than acknowledging receipt of the draft scoping document?

MR. EDSALL: I think tonight that's the purpose. We had the opportunity for just an update verification that the application has not changed since November which pos dec'd the application, we've got a draft scope as Veronica indicated, it's got to be circulated to involved agencies being the town departments who'd had input all along, need to look at it and advise if they believe the scope is complete. I will do the same and as well the special consultant the board has retained at the November meeting. I think the next step is that the applicant has to realize that for us to move forward the escrow accounts have to be replenished and the SEQRA account established, otherwise I don't know how we can have the independent expert look at this, we'd like to keep it moving.

MR. CAPPELLO: I understand. Just to respond, I mean, we were, first of all, you know, the board did adopt the pos dec in November, I think we got it last week so, I mean, for the, and noticed we're on for the meeting, we're here to find it out, not to argue, we never argued on the bill that was submitted. It would have been paid and will continue to pay. We'd like to move the process along, you know, the scope is in so the extent that the public wants to comment we'd like to at least set a date as we can say if we have the

escrow in before your, do you meet once or twice a month?

MR. ARGENIO: Twice a month.

MR. CAPPELLO: If we have it in before your next meeting you can call the public scoping session for the next month's meeting. So this is the, at the first March meeting, if you have the escrow in, if you would call it for your first April meeting that would allow us to move the process along. The only thing I would ask and maybe if a little, I understand you want all the comments in before you adopt it we'd like to move the process, instead of saying it's submitted to your consultants then we wait for your consultants to comment on the scope, to arrive at the hearing should be on the scope. We have presented, we get all the comments, including your consultants and the public, then you take everything and you finalize the scope and hand it to us and say this is what we want instead of we paid the escrow. It goes out to your consultants, we don't know when they'll respond. You have to review those and then it will go out to the public, that tends to delay it.

MR. ARGENIO: Well, are we not, Veronica, are we not on a fixed timeframe?

MS. MC MILLAN: There's a 60 day clock from receipt of the draft scope for the board to issue a final scope.

MR. CAPPELLO: I'll let you know right now I will agree, we'll get the thing and you can start the 60 day but we just would like to, you know, if we could establish that, if we could look towards holding the public meeting at the first meeting of April subject to submitting and before your first meeting of March, that's what we would like, so obviously your call.

MR. ARGENIO: Henry, you were going to say?

MR. VAN LEEUWEN: After we receive the money we'll schedule it, simple as that.

MR. ARGENIO: We need to give the public an opportunity to comment. I hesitate to commit to this date or that date or the other date. This is my opinion for the benefit of the members, until we get the commentary and have the opportunity to digest it, that's my thought process. Mr. Petro?

MR. PETRO: Okay, just for the record also I know John and I know Ross personally, my comments are not against you personally. I realize you're doing a job and you're here and that's, I want you to know that up front. And I'm going to speak a little while, if I go too long, Mr. Chairman, or you don't like what I'm saying, ask me to stop and I'll stop, you're the boss but I'm also working for the town and I'm also a citizen of New Windsor, I live about one mile from the site.

MR. ARGENIO: Jim, I would say this, you know probably as well or better than I do what's appropriate and what's not appropriate and the standard of what's too long or not, you set that as well over many years of sitting in this chair. So I yield to you, please.

MR. PETRO: I was going to say I sat where Jerry sat as many people know that for 15 1/2 years, I did 1,700 applications in the Town of New Windsor. I have to put this right up there with probably one of the worst things that I've ever seen. I think it's outrageous that the people who, on this project that think a propane farm in Vails Gate is a brilliant idea. I want to say this. You say that it could be safe and I've heard this many times, many times things do, it can be made safe, they're safe, can everybody here me? Okay, you know, I'm sure when Christa McAuliffe got on the Challenger in 1986 they told her it was safe. I also know that a rattlesnake is safe also until it strikes. An accident is only an accident when it happens. To have this at that site within the proximity of Vails Gate, I'm suggesting that your applicant withdraw this because I'm going to do whatever I can through a lot of different channels to make sure this doesn't happen. It's ridiculous. Now you're bringing in the propane by rail, I understand how it works, they're going to be taking it out by truck, correct?

MR. WINGLOVITZ: Correct.

MR. PETRO: Into the Five Corners, Jerry, you know as well as I do as well as the rest of the board members when we did Hannafords, we did a traffic study on the Five Corners, it's rated an F, you gentlemen know that an F is the worst rating that you can possibly have for traffic by New York State standards and it was an asterisk with it, there's no reasonable fix, can't be fixed. Vails Gate, now you're going to add propane trucks in Vails Gate, I mean, again, the IQ of that to

me there's got to be somewhere down in the turtle atmosphere. I really believe that. I realize again also that it's a permitted use in the zone and I understand that the same as you could have a permitted use for a girly place across from a church or a daycare or a school but common sense would dictate that's not where you put it. And I'm asking you and your client to try to understand because you're going to have a long process here and you're going to have other people involved that this does not belong here.

MR. ARGENIO: I'm going to tell you, listen, listen to me, please listen to me, for those of you who have been here before to these meetings, you will all acknowledge and recognize that I really do my best up here to be fair, equitable and I allow everybody a chance to speak during a public hearing. Mr. Petro is enunciating his thoughts, he has a right to do that, he's a town official and he's stating this as a town official. This is not going to be a circus, we're not going to be applauding and cat calling. That said, Jimmy, please continue.

MR. PETRO: Okay, so we can then get into the specifics of the application itself. I know you have the Thruway running there, obviously if that went up somebody could be driving through to Wildwood on vacation and they're not on the earth anymore. There's so many things wrong with this site. I really want to know like what led you to think that this is a great site other than the rail head and why being in Vails Gate is good? Again, I think that you should rethink it, John. I think it's going to be a hard push through here and I'm going to do everything that I can as an employee of the town and as a citizen of New Windsor because I have, again, I'll say it again, I've done 1,700 applications which is quite a few and some were as you can ask some people probably were close, TPS, we've had other things that were not great items in the town. But they weren't dangerous to the fact where, you know, if it blows up you could lose a school. The congestion in Vails Gate I don't want to keep going and going, I think I made my point, but I really would like to see, don't be spending money and putting in money for escrow and setting up the process and public hearings because I think you should withdraw the application, look for another site. There's got to be somewhere else in Orange County that this would be great. There's a lot of train tracks. I burn propane at my house, we need propane but not in Vails Gate. I mean, that's

absolutely absurd, that's what I want to say.

MR. ARGENIO: Thank you, Jim. And I thank you to the public for respecting my requests because it's important that everybody have a chance to speak their mind. Jimmy's exceptionally passionate and fortunately or unfortunately, probably fortunately he's a town official and he can sit there and he can voice his opinion. We're the planning board and we, obviously Ross I say the same thing Jim said, it's nothing personal, I've known you for quite a few years, John, you as well, but we'll review the application with all due diligence and objectivity that we can and try to make the best decision that we can on behalf of the people of the Town of New Windsor while following the law.

MR. CAPPELLO: That's all we ask. And I would just respond for the board because I think the prospect of propane and some of the assumptions people made I think we're hoping and I'm not going to tell you because I'm not a scientist, but we're going to have scientists and people in this industry look at this site who believe and looked at it, we've offered, you know, that based upon the technology once again Ross said underground but it's mounded so the chances of explosion are zilch. There's more of a chance of a plane going into Stewart will affect the traffic. As far as trucks being propane, there are trucks going to be on your roads delivering propane because people use propane, propane's cleaner than oil, there are trucks going through Vails Gate bringing propane whether this facility is there or not. There's traffic going through Vails Gate, if you had a casino in Vails Gate the intersection would have been something that you'd want. So I'm not telling you this is good, accept it, I'm saying and I'll bring back Mr. Petro's comments and your comments to my client. If my client decides, it's his decision, all we ask you is to review the information, I'm not going to try to convince you of anything. I'm going to ask the experts to provide the information to your experts and they'll advise you and we'll go through the process.

MR. ARGENIO: We'll do the same. Henry, you were going to make a final comment?

MR. VAN LEEUWEN: Last meeting you guys were here I said to Ross find another place and that's how I feel. I'm only one member, that's how I feel. This is too

much to put into Vails Gate. The other trucks that ride through there we cannot stop them, they have a right, they're on the road. But to put a holding tank and all that stuff and complete form in the middle of a residential area where shopping is going on and we have Temple Hill Association right there on the corner I think is wrong. That's all I have to say.

MR. ARGENIO: Let's not beat it to death. Anybody else have a technical question on the plan? Mark or Veronica, have I missed anything procedurally? Do you guys have any other questions or comments?

MR. CAPPELLO: No, we heard you loud and clear.

MR. ARGENIO: Very good, nice to see you again. Mr. Chairman, thank you for your respectful commentary as well.

MR. PETRO: Thank you for your time.

PUBLIC HEARING:

WEIKFIELD WINDSOR DEVELOPMENT (15-01)

MR. ARGENIO: Okay, Weikfield Windsor Development. This application proposes subdivision of the 80.7 acre parcel into 25 single family residential lots. The application was reviewed on a concept basis only. Sir, what's your name?

MR. MARSHALL: Larry Marshall from Mercurio, Norton, Tarolli, Marshall Engineering.

MR. ARGENIO: Tell us what you want to do here.

MR. MARSHALL: This is proposed as you stated 25 lot single-family residential subdivision off of Station Road in the R-3 zoning district. Basically, we propose two roads, what would eventually become a new road connecting Station Road to the Highview Estates subdivision and then a cul-de-sac approximately 1,000 feet long to service an additional seven lots. The lots range in size from approximately a little over 60,000 square feet to almost 500,000 square feet. We're showing a basic layout, completed some preliminary testing on the site, we've shown that the wells and the potential septic systems would meet New York State and Orange County Department of Health separations. We do have state wetlands and federal wetlands on the site, they have been delineated and signed off on by DEC. We're limiting the impacts to those wetlands in the wetland buffer to basically a single crossing for the proposed cul-de-sac. This is a, as I alluded to, this is a subdivision that would be served by private wells and septic systems and this is a resubdivision of the Nowicki subdivision that we had previously completed.

MR. ARGENIO: Those are town roads?

MR. MARSHALL: That's the intention, yes.

MR. VAN LEEUWEN: Who is the owner of this, who's buying these lots?

MR. MARSHALL: The owner is Weikfield Windsor Development.

MR. VAN LEEUWEN: I mean the owners, who are they?

MR. MARSHALL: The gentleman's name is Tony Maholtra (phonetic).

MR. ARGENIO: Mark, is there any Department of Health issue here with the frequency of the subdivision being the timing of this subdivision being as close, so close to the last subdivision?

MR. EDSALL: Well, if there was an intent to avoid Orange County Department of Health review that's normally when you do multiple subdivisions under the five lot count to avoid the realty subdivision review.

MR. ARGENIO: This is to--

MR. EDSALL: Here it's going to the Department of Health anyway, if it was within the three year, it would be going back anyway.

MR. MARSHALL: The original subdivision that we completed for Nowicki was realty subdivision so that was reviewed by the Department of Health.

MR. ARGENIO: You talk about the thru road, on the surface it's probably not a bad idea but we're going to need to look at that a little closer, how would you do that when you don't have control of those two lots on the other subdivision? Why would you bring your road to the property line of the two lots? I don't understand.

MR. MARSHALL: My understanding was with the Highview Estates subdivision there was a provision left in those two lots for a town road to be extended through to access this for, to continue that through.

MR. ARGENIO: We're going to need to check on that.

MR. EDSALL: Mr. Chairman, I believe that phase of the Rakowiecki subdivision does not have final approval so you still have the opportunity to look at that. I have not had the chance to pull out the preliminary plans from Rakowiecki but we'll check that and if you recall that Rakowiecki went to the phased subdivision.

MR. ARGENIO: I do remember that.

MR. EDSALL: I don't believe this phase is final yet, it was just the first phase that was final so you have the ability and rarely does that timing work for most

boards, you have the ability to look at both at this point.

MR. ARGENIO: This will be the second time since I've been on this board.

MR. EDSALL: It's rare, usually the door closes before you have a chance.

MR. ARGENIO: Who else do you need to go see on this, what other outside agencies are there? You have DEC, I guess?

MR. MARSHALL: DEC, Army Corps and Department of Health.

MR. ARGENIO: It's all septic fields, private wells, oh, what about traffic, have you thought about traffic on Station Road?

MR. MARSHALL: Sure have, we have done studies.

MR. ARGENIO: What have you thought about it, what conclusion did you come to?

MR. MARSHALL: That Station Road is a well traveled road.

MR. ARGENIO: Yeah, that's my point.

MR. MARSHALL: There's a lot of traffic on Station Road, we've looked at the entrance to ensure that it has adequate sight distance but basically beyond that we haven't done any analysis to look at potential affects.

MR. ARGENIO: There's a railroad overpass same as Toleman Road, that's a one-way underpass.

MR. GALLAGHER: Where is that compared to this?

MR. MARSHALL: It's north of here.

MR. ARGENIO: You're on the 94 side of the railroad trestle, is that right?

MR. MARSHALL: Yes, we are, if you look at sheet one, do you have sheet one there? If you look right here, this is the site and I apologize for pointing but this is the railroad trestle here.

MR. ARGENIO: Mark, are you with me with that comment, do you follow me?

MR. EDSALL: Yeah, I think part of again touching on traffic part of the commentary underneath two would expand out into, in your evaluation of the viability of a cross-connection looks at the whole issue of traffic and the network so that very well could be part of your evaluation.

MR. ARGENIO: I live on Station Road, there's been some pretty horrible crashes on Station Road. Matter of fact, one of your associates is a fireman in your office and when there's a crash he calls me and he says are your kids home. Applicant has submitted a full EAF for the project so this may be helpful, okay.

MR. MARSHALL: Is that a comment letter that you're reading from?

MR. ARGENIO: I'm reading from Mark's comments, you can certainly have a copy of them. Do you guys have any comments, Harry or Howard, the thru road, the thru road's probably a good idea, don't you guys think?

MR. GALLAGHER: Absolutely.

MR. VAN LEEUWEN: I think it's an excellent idea but we also have to worry about that crossover to the railroad.

MR. ARGENIO: Yeah.

MR. VAN LEEUWEN: That bothers me.

MR. ARGENIO: As I said, Station Road is a busy road, man, just like Toleman Road, it's a busy road.

MR. VAN LEEUWEN: They're all busy roads.

MR. ARGENIO: Jen, just for my own edification, if that thru road came to fruition, it would come through to the Rakowiecki subdivision which comes out onto Jackson Avenue?

MRS. GALLAGHER: Mecca, out into Beaver Dam Lake.

MR. VAN LEEUWEN: It's all housing.

MR. ARGENIO: What do you want from us tonight?

MR. MARSHALL: We wanted to present, we've been working with Mark on this, we wanted to present, for the board to look at it, you know, if the board grants sketch, if that's a consideration, if that's something that the board would consider.

MR. ARGENIO: I don't think we have a formal process for granting sketch.

MR. VAN LEEUWEN: No.

MR. ARGENIO: But I think that road probably should go through, I would think, what do you guys think?

MR. FERGUSON: Yes.

MR. VAN LEEUWEN: I agree.

MR. GALLAGHER: Anything to keep traffic off Station Road.

MR. ARGENIO: I don't know about the Station Road thing, Mark, how far do we go with that?

MR. EDSALL: Well, there's certain--

MR. ARGENIO: That's a lot of lots.

MR. EDSALL: It is and part of what's in my comments is noting that the board when you have a subdivision in excess of 20 lots the board has to consider granting a waiver, meaning that if there's no ability to provide a cross-connection, the code actually says you have to consider the fact you're going over 20 lots with a single access and you have to consider if it's a, from a health, safety and welfare standpoint should you go over 20 or should you limit it to 20. In this particular case, there's an opportunity for a cross-connection and I think you should investigate it. As far as the obstructions with the railroad tunnels and crossings, a lot of those obstructions you're not going to fix, you know, to attempt to undertake that type of project may take 20 years with the railroad. The point being is that if you do have an obstruction at one of those locations and God forbid there's a fire on the main road itself you want to have secondary access cross-connection, that's what this does, provides a cross-connection to Station or to other

developments off of Station, the idea of having cross connections and a road network.

MR. ARGENIO: I think that's going to be one of the keys to your package here my friend is that cross connection.

MR. VAN LEEUWEN: Many years ago the railroad dumped all those, what do you call them, tunnels, actually, okay, is what they are onto the towns, the towns have to repair the tunnels, not the railroad. So that's a big, big thing we have to look at or you have to look at because you want a subdivision. My suggestion is you do a traffic study. That's only my suggestion.

MR. ARGENIO: I think that it is an issue, I think at the very least to have this cross connection.

MR. VAN LEEUWEN: Absolutely.

MR. ARGENIO: At the very, very least.

MR. EDSALL: Mr. Chairman, the applicant's been very cooperative at the workshop. And in fact, if you notice the road goes right to the edge of their property and is keyed up for that short cross connection. So they have done everything possible to set it up, tee it up as it may be so that if the town wants that cross connection they have done everything they could, that was part of the many discussions we had at the workshop so--

MR. ARGENIO: Who would make that cross connection at the end of the day, Mark?

MR. EDSALL: That's for the planning board to pursue, it could be you ask this applicant to make it and then we pursue it with the other developer to grant the dedication, I think the dedication might just be shown on the preliminary plans.

MR. MARSHALL: Well, I can go back a little bit. The Nowicki we originally with the Nowicki subdivision before this wetland was designated as state wetland cause this wetland was not state wetland prior to or, I'm sorry, this one.

MR. ARGENIO: MB 29 has been on the maps for 20 years.

MR. MARSHALL: 59 has not, 59 is new and that was part

of DEC's remapping for this subdivision specifically. DEC came out and mapped 29, they wanted 59, we told them you're going to have to go through the correct channels to get it, they did it and they remapped it and took 29. When the Nowickis, when that went through, Nowickis originally had, and we worked with Mark on this providing this layout very similar to this of a subdivision road that would connect to the Highview Estates and it was my understanding at that time that Highview was then requested to provide the dedication area for that purpose. So I have not seen the Highview Estate, the current Highview Estates maps but many years ago when we originally proposed this subdivision that right, the dedication or the right-of-way area was reserved for the Highview Estates specifically for this future subdivision.

MR. ARGENIO: You should chase that down. What else do we need to talk about tonight relative to this? Town of Blooming Grove is going to be an involved agency, Orange County Planning because of the AG designation. What else?

MR. EDSALL: From a procedural standpoint, it's good that the board has made a decision on looking into further the cross connection. I'll work on that with the applicant and we can, you could authorize lead agency coordination letter relative to the two agencies that have the option to take lead agency are the health department and DEC, I don't believe there's any other state agencies that have that possibility so you could authorize lead agency letter.

MR. ARGENIO: If anybody sees fit, I'll accept a motion we circulate lead agency letter.

MR. GALLAGHER: So moved.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board circulate for lead agency.

ROLL CALL

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

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MR. VAN LEEUWEN: I don't see what else we can do.

MR. ARGENIO: Anything else?

MR. MARSHALL: No, thank you very much.

PUBLIC HEARING

LANDS OF VAN LEEUWEN (14-21)

MR. ARGENIO: Last on tonight's agenda is Lands of Van Leeuwen subdivision. And this is a public hearing as well. Let the record reflect in keeping with planning board practices Mr. Van Leeuwen has left the dais. If there's any questions, he'll be available in the audience to answer them. This application proposes the subdivision of 36.1 acre parcel into five lots. The plan was previously reviewed at the 12 November 2014 and 28 January 2015 planning board meetings. The application proposed for a public hearing. Sir, what's your name?

MR. RUGNETTA: Nicholas Rugnetta from Pietrzak & Pfau.

MR. ARGENIO: Mr. Rugnetta, you want to explain to us any changes that you've made on this plan since it's been here last?

MR. RUGNETTA: Alright, I'll just do a quick run -- through for the public. This is a five lot subdivision and it's located on the east side of Toleman Road a little over quarter mile south of Route 207. Property contains 36 acres and it's going to be subdivided into five lots, each containing a minimum of two acres, lots one and two are the larger and they're about 11 and 14 acres respectively. Lot number one is to be connected to Toleman Road via a private drive and the other four lots are to be connected via private road. All the lots are to be serviced by individual septic and wells. Our soils testing has been completed and reviewed by the town engineer's representatives and also this past week we submitted the necessary preconstruction notification to the Army Corps.

MR. ARGENIO: Guys, do you have any questions on this, members? Preconstruction notification to the Army Corps. meaning that you're going to be building it?

MR. RUGNETTA: Meaning per the wetlands service.

MR. ARGENIO: Okay, Harry and Howard, do you have any questions? Danny, anything you want to get focused on?

MR. GALLAGHER: Nothing yet.

MR. ARGENIO: On the third day of February 2015 Cammy compared 36 notices containing notice of public hearing. She got that list from Todd Wiley, our tax assessor. Those notices went out and tonight is the public hearing for this application. So that said for those of you who don't know how this works, if you want to ask a question or make comment on this application, please raise your hand and be recognized, come forward speak in your clear and intelligible voice and be heard. Anybody have any questions? Oh, look who it is, come on forward. How are you?

MRS. AMBROSIA: I'm well, thank you, Theresa Ambrosia.

MR. ARGENIO: Theresa Ambrosia's daughter is friends with my daughter. What say you?

MRS. AMBROSIA: Don't like it. I feel like from what you know my neighbors and I, my husband have looked at that, the road that they're proposing between the two houses is too close. It's very wet, there's four houses that these homes are going to run directly behind, there's so much water in our back yards that the kids can't play back there, you can't walk back there, you can't cut the grass back there. You guys are going to build more houses, how much wetter are our basements going to be?

MR. ARGENIO: Is your house on that plan?

MRS. AMBROSIA: Yes, I'm right here, lot four, yeah and it's very wet back there so, you know, we all get water in our basements, we've all put in, spent the money to put in the drains and the sump pumps and, you know, it's not helping. This is going to make it bad for us and then my other huge concern is a little bit further down on Toleman Road there's Trotter Lane where a builder came in, proposed this beautiful development, there's two or three homes there. I would like to see this builder go over there, maybe find that builder who's gone bankrupt, buy him out, fix that up because my concern is am I going to have half built and empty houses behind my house? That's going to bring my property value down, it's going to lessen the security of my home, my children and our families, it's a lot to take on.

MR. ARGENIO: Let me just share with you a little bit for the benefit of everybody in the room what I want to try to do is not rehash the same subject. I want to

try to move on to other subjects. Theresa, for your benefit specifically, I don't have all the answers, I got a couple, not all of them. First off, these lots in the back are 10 vertical feet below your lot, 10 feet, so that means they're actually below your basement, where these houses are going is below your basement based on the contours on the plan. But that's of no particular relevance for this board. This board looks at the application on its merit. Now we have rules, the lots have to be certain size, homes have to be a certain distance from the property lines, et cetera, et cetera, et cetera. When an applicant follows those rules then it comes to us looking at it, maybe trying to apply a little common sense. For instance, if one of the lots were higher than your lot and you were to say he's paving the whole half the lot and all this water's going to come shooting down into my property, it's going to flood me, maybe we would compel him to put a berm up or channel the water in a certain way so you wouldn't have a problem if we can reasonably anticipate. We can't anticipate everything, we have to use a little bit of common sense. I don't know about Trotter Lane, I don't know who did that, I know who you're talking about though.

MRS. AMBROSIA: It looks like it could be a beautiful development.

MR. ARGENIO: I think this applicant's intention is not to build a house, he's, I'm sure he's going to sell the lots and then people are going to build their own house, which is probably even less attractive for you but unfortunately, this board, we can't tell him he can't do that. That's not what we do. But go ahead.

MRS. AMBROSIA: Let me ask, I want to make sure I understand what you're saying, what they're proposing is to sell the lots?

MR. ARGENIO: No, he's not proposing that, he's proposing a subdivision, whether he sells them or keeps them it's not relevant to us here, it's not, it's not what we do. We're not the, you know, the property sales police. I mean, we govern the rules of the subdivision to make sure he follows them and to make sure he follows those laws with consideration to the neighbors. But I don't know what else I can tell you. We're certainly looking at it, we're having a public hearing, that's why you're here.

MRS. AMBROSIA: So who decides, who regulates how many trees that we can knock down and roads that we can pave and put half built houses and half built developments on, who regulates that?

MR. ARGENIO: I don't know of any developer who goes into a subdivision and plans to put up half built houses.

MRS. AMBROSIA: Of course not. But my thought is again I'll use Trotter Lane as an example, I would think that the people in the Town of New Windsor would, they, you know what, people move up to Orange County for the beautiful scenery, we're not going to knock everything down, finish what somebody started here. There's got to be at least 15 houses for sale on Toleman Road alone. I'm just looking for an answer as to who is going to regulate.

MR. ARGENIO: I don't have an answer for you.

MRS. AMBROSIA: I mean is there somebody that does regulate that?

MR. ARGENIO: Well, it's not the planning board, we're not the economic police, I mean, they have the right, people have the right to subdivide the property as long as they do it within the bounds of the law that is what we're looking for here.

MRS. AMBROSIA: Does the planning board have like any regulations as far as if you, if you're going to build a private road how much distance do you have to leave between houses that are already standing?

MR. ARGENIO: That's dictated by code.

MRS. AMBROSIA: Is there a certain amount?

MR. ARGENIO: I'm sure there is, I don't know it off the top of my head, Mark might know it.

MR. EDSALL: Well, I think you have to look at from the other side the developer has the right to build the 50 foot wide right-of-way for the road on their property. If they take that 50 foot and push it right against the limit of the property line that means you'd roughly have the edge of the road say 10 feet 12 feet off the property line. Conversely, the person who built the single-family residence on the adjoining lot they have

to meet zoning as well so they're supposed to be a fixed dimension from their own property line to benefit their screening and their setback.

MR. ARGENIO: You've been to my subdivision, as you come up my road, the houses are offset from the private road, my road is a private road because code says they have to be a certain distance away. Now when I did that I pushed them away a little further because I knew I was going to live there but that's my preference.

MRS. AMBROSIA: Right, okay.

MR. ARGENIO: So with all due respect, I want to give everybody else a chance to speak, if you have another thought so we don't go too late?

MRS. AMBROSIA: No, thank you.

MR. ARGENIO: Yes, ma'am in the back?

MRS. FLANAGAN: Stephanie Flanagan, I'm actually the house right near where they're going to put the private road.

MR. ARGENIO: So, Mrs. Flanagan, if I were to come down the private road, are you to the right or the left?

MRS. FLANAGAN: The left.

MR. EDSALL: You're on the right.

MRS. FLANAGAN: Yeah, on the right, I'm sorry, I'm 512 Toleman.

MRS. GALLAGHER: This is you.

MRS. FLANAGAN: Yes.

MRS. GALLAGHER: She's lot one.

MRS. FLANAGAN: Besides the--

MR. ARGENIO: Are you related to the tree man?

MRS. FLANAGAN: No, no, sorry, no. Theresa has already discussed the water but my house is Lake Flanagan on that side. We already get it from the house that's above us which is the Milmore lot, they've done a lot, you know, everybody's flattened the land and all the

water already comes down to me. So my concern was just where the private road was would that knock all that, again, cause we have already had that issue and it's still there, it's never been resolved. But like I said, we already discussed the water but I'm just saying that's my main concern.

MR. ARGENIO: The plan shows swales on the edge of the road, I mean, I can't answer your question but I can tell you that I happen to be in the road building business and if you're going to build that road, you're going to build it so the road is elevated so the road doesn't flood the road is going to be up and there's a swale left and right side of the road, based on the detail on page whatever it is, the last page so it would seem to me that that road would cut that flow of water off from the Milmore property.

MRS. FLANAGAN: You have to remember that the drainage is at the top where the road is being proposed, all that water comes there.

MR. ARGENIO: I can see the contours, it all flows back towards your houses, yours and Theresa's house, all those houses I would imagine if there was a dry basement I'd be surprised with any of those homes.

MRS. FLANAGAN: Right where it is is where most of it goes, we're constant with the flow of water.

MR. ARGENIO: So we have to make sure that Mr. Van Leeuwen's water stays on his property.

MR. EDSALL: I think you're absolutely right, the road itself is going to act to intercept drainage that's running--

MR. ARGENIO: Left to right on the page.

MR. EDSALL: Or let's say down slope from the road toward the bottom left on the drainage it's going to intercept it and it's going to run the swales and get discharged down below these folks.

MR. ARGENIO: To the wetlands.

MR. EDSALL: So if this, in that respect that private road should help because we're not going to allow him to have that private road discharge onto anyone's property but it will have the secondary--

MR. ARGENIO: That water is going to be taken down towards the wetlands.

MR. EDSALL: Secondly, it's going to act as a diversion, anything that would normally be going diagonally across where the road's going to be is now going to get intercepted.

MRS. FLANAGAN: My next concern is where the first proposed lot is, the reason why I bought my piece of land was for that privacy. Now I'm going to be staring at a side of a house and a proposed driveway.

MR. ARGENIO: Why don't you buy the lot?

MRS. FLANAGAN: Nobody ever said it was even there.

MR. ARGENIO: I'm sure it's going to be for sale and I don't mean to be a wise guy, please don't take me that way. Everybody has the right to develop their property as long as they follow the law. Now I live over around the corner from here, I live on Station Road and I bought 19 acres and I subdivided, bigger lots but that's cause I was going to live there and that's what I wanted but I bought the property behind me too so nobody could build.

MRS. FLANAGAN: It was never an issue, I've been here for 14, almost 15 years.

MR. ARGENIO: That's why, P.S. note to self, that's why people who buy lots in subdivisions and there's like parklands in the back, that lot is so valuable cause it's controlled.

MRS. FLANAGAN: Thank you.

MR. EDSALL: And you by the way will be looking at the, from the layout that's shown on the plans the driveway but the front of the house cause the front will face the private road.

MRS. FLANAGAN: The front facing the private road, it looked like it was the back.

MR. ARGENIO: You'll be facing the front of the house, better, I know you're not thrilled but certainly better.

MRS. FLANAGAN: I have little kids too, that's all I was concerned because they play over there.

MR. ARGENIO: Anybody else? Yes, ma'am?

MRS. MILMORE: I'm the Milmore property, I'm right at the top, Stephanie Milmore. What I'm concerned about is the road that it's far enough away from my property. Like I said, I'm right at the top so I'm in the process of getting the map, you guys didn't have a copy of one so I had to request one from Goshen about where my property line ends and to make sure that you're saying you need 50 feet for that road. I just want to make sure that you have that distance because it will be right next to my driveway and Toleman Road right there, it's not really great sight distance for people to be turning in, especially for a five lot development back there on a private road. So that's really what I'm concerned about. We talked about the flooding issues but you're saying that it will be built up and it will slope down so the water won't go right into my driveway and my property.

MR. ARGENIO: It would seem to me that the water would be contained in the swales on the edge of the road. I'm sure that's why they're shown there.

MRS. MILMORE: You know you can hope. But what I'm really concerned about is the safety of my property and my driveway for people that say they're making a right onto, into that development, they're going to essentially do it right before my driveway. And I just don't think that that is 50 feet and that's safe, safe for people to be turning in. There's also huge swales on the ends of Toleman Road that people are constantly bottoming out into, going into the ditches on the side of the road, it's happened, I've been in my house--

MR. ARGENIO: Huge what?

MRS. MILMORE: Like the slopes.

MR. ARGENIO: The swales?

MRS. MILMORE: Right. Since I've been here six years there's been I'd have to say maybe 12 to 13 right outside of my house where people go right into the swale off the road so I'm just concerned about the safety of that. My house is closer, much closer to the road than my neighbors so that's what I'm concerned

about is somebody missing my road or missing the private road and going right into my house. So that's what I'm really concerned about, aside from the wetlands and the flooding because we did have issues with flooding, we put in french drains.

MR. ARGENIO: Looks like your lot is high and dry.

MRS. MILMORE: We're definitely not dry, we're a little higher.

MR. ARGENIO: Your lot ranges anywhere from 484 to 490. Mrs. Ambrosia's lot is down around 478 elevation.

MRS. MILMORE: We've done a lot of work to get rid of, when we first bought there was a pond in our back yard and my husband had to level it out, level it out, get an excavator, level and level and level and we still had to put french drains all around our house to get the water to not come into our basement so we could use it.

MR. ARGENIO: What else do you have, Mrs. Milmore?

MRS. MILMORE: Just the safety, I want to know if there's anything that's been done to check the traffic routes and, you know--

MR. ARGENIO: Well, I have a note here from the highway superintendent that he has approved the location of the roadway, of the private road onto Toleman Road. Now he has a note here signs to be determined by the highway superintendent, maybe that's some kind of driveway warning sign, I don't know what it is quite frankly.

MRS. MILMORE: My driveway will be directly next to the private road.

MR. ARGENIO: Mark, is there a code on the offset driveway to driveway private road to driveway?

MR. EDSALL: Obviously, we try to provide the maximum separation. You know, one option which we always feel compelled to offer is that Miss Milmore has the ability if they worked it out with the applicant to have their driveway come off the private road, it is permitted by code.

MR. ARGENIO: Who did you buy your property from, do you know?

MRS. MILMORE: Strenger I think.

MR. ARGENIO: Milmore driveway onto that private road would not be a bad thing.

MR. EDSALL: I don't know the orientation, this plan doesn't show the driveway or house location but certainly by, from a code standpoint adding that driveway on is allowed by lot count.

MRS. MILMORE: I just want to make sure people aren't missing this new private road and flying right into my house.

MR. ARGENIO: I don't know how to respond, for me to say they won't miss it, you'll be okay, I'd be lying to you so that would be a foolish thing for me to say. The roadway's where it's supposed to be, it's within the right-of-way, he's got the swales there, somebody thought it through. So it looks like they have a handle on the road. I mean, I can't, we can't give you assurances of everything. Anybody else have any other thoughts on this?

MRS. MILMORE: Where do us as homeowners, where this subdivision is being proposed, where do we go from here? And I guess that's kind of my neighbors' questions too.

MR. ARGENIO: What does that mean where do you go from here?

MRS. MILMORE: Where do we go, do we have rights, like what happens now? Cause you're saying you don't have any answers for us right now so--

MR. ARGENIO: Well, you're asking me suppose they miss the private road and drive onto my lawn? I mean, how do I answer that? I can't answer that question, that's crazy.

MRS. MILMORE: If you drive down Toleman Road every day and turn onto a driveway on Toleman Road, you know that putting a private road next to my driveway is definitely not safe, it's not safe. We got estimates for--

MR. ARGENIO: If it were unsafe, if it were unsafe we would have a law against it, there would be a rule

against it.

MR. EDSALL: Well, part of the difficulty we have here is all through the town when properties are split off, if there's an intent for future development you've got these 50 foot strips that exist that were intended clearly for future development. It's not by chance that this rear large whatever number of acres 36 acres happens to have a 50 foot strip leading to it.

MR. ARGENIO: Which probably existed when you bought your lot.

MRS. MILMORE: Well, again, I'm getting that information.

MR. EDSALL: My point being is that the orderly development of properties, the planning board 20 years ago, 10 years ago, 30 years ago said if you want to develop your property, retain a 50 foot strip in an appropriate location cause it takes 50 foot to build a road. Clearly it's not some mystery as to why there's a 50 foot strip leading out onto Toleman Road.

MR. ARGENIO: It's there to access the property in the back.

MR. EDSALL: Unfortunately, the applicant has the right to use the strip that was reserved for that purpose.

MR. ARGENIO: Absolutely right. Did you have anything else, Mrs. Milmore?

MRS. MILMORE: No, that's really it, I mean just--

MR. ARGENIO: Thank you. Anybody else? Yes, sir, what's your name, sir?

MR. JABLONSKI: Joseph Jablonski. I live across the street from the wetlands. Question I have is the, what kind of a road are they going to put in with a 50 foot paved road, is there going to be sewers, is it going to be maintained by the town?

MR. ARGENIO: It's a 50 foot right-of-way, it's an 18 foot wide road that will have a surface that's probably going to be millings or Item 4, it has I think three or four foot swales to the left and right of it to carry the water. It's an 18 foot road that has two foot shoulder on either side and then it has a three foot

swale on either side to carry the water that's going to be shed off the road.

MR. JABLONSKI: Now you've been in this business --

MR. ARGENIO: It will not be a town road.

MR. JABLONSKI: You've been in this business a long time, you know those types of roads are a pain in the neck for the people that live around with the dust, maintaining it, you've got six people, you want to pay to fix the road? No, I don't want to pay, he wants to pay, I don't want to pay. I'm just saying can they pave it and be a better subdivision?

MR. ARGENIO: They could pave it but that's going to be at their discretion. I live on a private road and it's paved and it's because myself and my neighbors agreed that we didn't want to live on a dusty road so we all chipped in and we paved it.

MR. JABLONSKI: How long is the road going to be?

MR. ARGENIO: About 800 feet.

MR. JABLONSKI: Town going to plow that?

MR. ARGENIO: Town is not going to go to any expense on this road, it's all privately maintained. There will be a maintenance agreement on file and it travels with the deeds, doesn't it, Mark?

MR. EDSALL: Yeah. Just for information to avoid a dusty situation, on top of the 12 inches of roadway sub-base that's required and the reason we want 12 that's the equivalent subgrade or sub-base that a town road would have because even though this is private, if God forbid there's an ambulance or fire truck has to come in, it has to be able to support those heavy pieces of equipment. So it requires one inch of sub-base, also requires oil and chip surface that's intended to avoid the dust.

MR. JABLONSKI: That lasts about a year. I went through that.

MR. EDSALL: Understood, but that's the nature of a private road. A lot of developers decide they'd rather have regular asphalt surface and they put it in.

MR. JABLONSKI: It's going to affect these people because I know people live on a road like that and dust is a pain in the neck, it's always there.

MR. ARGENIO: Mr. Jablonski, you're preaching to the choir.

MR. JABLONSKI: Just talking on their behalf, it's better paved, be better if they can pave it.

MR. ARGENIO: Agreed, that will be up to them.

MR. JABLONSKI: That's it.

MR. ARGENIO: Thank you. Anybody else?

MRS. AMBROSIA: Is the road going to come out on the other side? The road's going to come in between two of the houses so is it going to extend out to the other side?

MR. ARGENIO: No, Theresa, it comes in and goes down the hill to a cul-de-sac, there's a driveway for one of the other lots that comes out on the other side but it's just a driveway for the single lot.

MRS. AMBROSIA: So there's only going to be one way in, one way out, is that correct?

MR. ARGENIO: Correct. Anybody else?

MR. GALLAGHER: Make a motion to close the public hearing.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded we close the public hearing for the VanLeeuwen subdivision.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Thank you everybody for your respectful commentary. And while I know a lot of times people don't get the answer they want, I certainly appreciate you being respectful cause this is our town and if we

act like a bunch of savages yelling and screaming that's not good. So in any event, onward. Okay, VanLeeuwen subdivision back to the members. We don't have anything from the county yet?

MRS. AMMIRATI: No.

MR. ARGENIO: I think it's going to be important and this is to the members that these swales get built. Mark?

MR. EDSALL: Yeah, it's a requirement of the code.

MR. ARGENIO: Well, I know a lot of times private roads we're not particularly focused on them, they need to make sure.

MR. EDSALL: I might be--

MR. ARGENIO: You're right, I think those swales are going to be important because that water, you know, from Mrs. Milmore's property and the other lady who's to the right of the road I think it's going to be important that water gets captured and brought down to the wetlands grass swale, I don't care what the swales are made of, some kind of ditch to carry that water.

MR. EDSALL: Yes.

MR. ARGENIO: We're lead agency, yes, can we do SEQRA, Veronica?

MS. MC MILLAN: Yes, you can.

MR. ARGENIO: I'll accept a negative dec on this application.

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

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

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE

MR. ARGENIO AYE

MR. ARGENIO: We're not going over the wire tonight, we need to hear from county on this. Mark, what's your thoughts about the Milmore driveway?

MR. EDSALL: Well, I think the Milmores should, I think she said she was looking to get the survey, that's a very good move. I think she should also look at the plans and then consider any potential benefit for safety for them as well, rather than pulling in on a narrower driveway you'd be pulling in on a private road which means they can get in and off the town road that much easier. If it's worth their while, they should approach the developer, see if they can be added into the private road. It's certainly very common that this is done.

MR. ARGENIO: That would be up to her.

MR. EDSALL: Yeah. And as far as the lot counts go, we can always be added at a later time if they work something out with the group that owns and maintains the private road.

MR. ARGENIO: We don't have fire approval, we don't have E-911 approval, which is not a big deal and we don't have county so I think we've got to--

MR. GALLAGHER: Table it.

MR. ARGENIO: Yeah, it's too much, if it were one item we can probably go ahead but what else do you have?

MR. RUGNETTA: I sent the plans over to the fire department, I think we cc'd planning board on it.

MR. ARGENIO: We don't have a response from them yet?

MRS. AMMIRATI: He hasn't reviewed them yet, he hasn't been in.

MR. RUGNETTA: The only other thing I know you're aware of the March 31 deadline for the Indiana bat, as far as clearing as part of maybe the approval could we get the planning board's permission to clear trees before then?

MR. ARGENIO: Yeah, I mean, Mark, from an engineering point of view and procedural point of view, we have to hear from these other folks, let me rephrase that, from

a procedural point of view we have to hear from the other folks, E-911, municipal fire but from an engineering perspective, how else can this go, there's no other way this can go?

MR. EDSALL: There are no technical comments that I'm aware of that would alter the layout of the plan. So you can't act until number one, you can't act until you hear back from the county. But the other approvals would maybe change details, I can't imagine that any of these responses--

MR. ARGENIO: The footprint of the 50 feet right-of-way is not changing.

MR. EDSALL: Exactly, it's under the board's discretion under the town code that you have the opportunity to authorize that activity.

MR. ARGENIO: I don't see why we can't do that unless somebody disagrees. Jen, is there anything that you're aware of that would prevent us from doing that?

MRS. GALLAGHER: No.

MR. ARGENIO: Any other issues, Howard?

MR. BROWN: No.

MR. FERGUSON: No.

MR. GALLAGHER: Pertaining to clearing trees?

MR. ARGENIO: Yes, clearing if the Indiana bats roost in the tress you're done. Okay, you can clear.

MR. RUGNETTA: Thank you.

MRS. GALLAGHER: When do you plan on starting?

MR. RUGNETTA: We're not sure, we just want to make sure we have the permission.

MRS. GALLAGHER: Just call our office when you decide.

MR. ARGENIO: Make sure Jennifer is aware of it.

MR. RUGNETTA: Okay.

MR. ARGENIO: So yeah, we need these outside agencies,

what else do you need?

MR. RUGNETTA: That's it.

MR. ARGENIO: Mark or Veronica, anything?

MR. EDSALL: It might be helpful for the next time it comes in to the board if you can even off of just not to scale but just off aerial Google mapping show the orientation of the five lots along the town road where their driveways are, where the houses are, it shows the sanitary systems, we're completely clueless to the orientation of the houses.

MR. ARGENIO: That's a good idea, Google map.

MR. EDSALL: Put a note showing approximately from the aerial mapping, we're not looking for you to survey it.

MR. ARGENIO: Thank you.

DISCUSSION

PORT AUTHORITY - SEQRA LEAD AGENCY COORDINATION REQUEST

MR. EDSALL: I'm going to lateral that to Veronica.

MS. MC MILLAN: We have a request from the Port Authority of New York and New Jersey for lead agency on a project out at the airport runway 16, they're going to be clearing some obstacles.

MR. ARGENIO: They're putting signs up too.

MS. MC MILLAN: Looks like they're planning to disturb about approximately 16 acres with some tree canopy and they're looking for the planning board to concur with their request to act as lead agency for the purposes of SEQRA review.

MR. ARGENIO: What's the procedure, Veronica, is it appropriate for the planning board to respond or is it appropriate for the town supervisor to respond?

MS. MC MILLAN: In this case, this is directed at the planning board. There is a potential involved agency in the SEQRA review so it's appropriate for you under the town code and the regulations to respond on behalf of the planning board.

MR. ARGENIO: Is there any reason we should be lead agency for the topping of some trees?

MS. MC MILLAN: No, they have identified you as a potentially involved agency, may turn out you don't have any involvement but from their initial review they have identified you as a potentially involved agency to notify of their request to become lead agency for this project.

MR. ARGENIO: Any questions guys? So am I going to sign the letter that says they can go be lead agency?

MS. MC MILLAN: If the board wants to consider a motion to authorize you to sign it.

MR. ARGENIO: Okay.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded, everybody agree? Yes, okay, what else, what's next?

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

STEWART MALL, 1012 LITTLE BRITAIN ROAD - SUITE CHANGES

MR. EDSALL: Mr. Chairman, Stewart Mall was in to the workshop and they're proposing to make interior modifications, I believe it's a retail area and possibly one office occupancy, they want to combine those various occupancies into a restaurant. It's a permitted use, they're proposing absolutely no exterior changes whatsoever. The only consideration that we'll have to look at and Jennifer and I can doublecheck it is the number of seats that they'd be permitted based on the allocation of the parking. We wanted the board to be aware of the request for the change and my suggestion is you just acknowledge it and turn it over to the building department.

MR. ARGENIO: It's an internal thing, what's the restaurant, anybody know?

MR. EDSALL: Don't know yet.

MR. ARGENIO: Any members have a problem with that? Okay, Jen, it's yours.

MRS. GALLAGHER: Thank you.

MR. ARGENIO: You're very welcome.

AVERY DENNISON CORP., 21 RUSCITTI ROAD - REMEDIAL ACTION

MR. EDSALL: Last but not least as the board very well may be aware the Avery Dennison Corporation over on Ruscitti Road has been doing some remedial cleanup of contamination, they've been in contact with the town engineering group for several years with the town attorney, town supervisor.

MR. ARGENIO: Twenty years.

MR. EDSALL: It could be that long, I'm not intimately familiar with the timing, I can tell you that they have a remediation plan which involves some retaining walls, some monitoring wells, some extraction equipment, small process.

MR. ARGENIO: This is all DEC stuff, am I correct, Mark, based on what I know about this?

MR. EDSALL: Yes, exactly, this is the same kind of cleanup as far as what you'd see on the ground as what a cleanup would be next to a gas station, small process building for treatment and discharge. My suggestion is that those minor site changes to meet the DEC's cleanup requirements don't need a site plan application.

MR. ARGENIO: So the DEC has oversight over these folks?

MR. EDSALL: They do.

MR. ARGENIO: Yes, is that right, Jen, they'll be there watching what these guys do?

MRS. GALLAGHER: Yes.

MR. EDSALL: As another layer of watch I have referred the plans to Richard McGoey who has sent comments that need to be addressed as part of the town's participation and involvement with the cleanup but from a site plan standpoint, I think it doesn't need a site plan application.

MR. ARGENIO: Anybody take exception to that, Harry or Howard or Danny?

MR. GALLAGHER: No.

MR. EDSALL: I would suggest that also be turned over so any appropriate permits can be issued by the building department.

MR. ARGENIO: No issue, it's yours, Jen. What else, guys?

MR. EDSALL: That's it.

MR. ARGENIO: Motion to adjourn?

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer