

TOWN OF NEW WINDSOR

PLANNING BOARD

June 24, 2015

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
HOWARD BROWN
HARRY FERGUSON
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

ABSENT: HENRY VAN LEEUWEN
DANIEL GALLAGHER

MEETING AGENDA:

1. Paradise MHP
2. JHCS MHP
3. Moeller
4. Ridge Rise
5. Temple Hill Apts.
6. L & M
7. Crystal Run/referral/Town of Newburgh

REGULAR MEETING:

MR. ARGENIO: Okay, let's call to order the June 24 regular meeting of the Town of New Windsor Planning Board. Everybody please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: Welcome everybody. We're going to get right down to it here. We have enough folks for a quorum. Henry Van Leeuwen is not here yet but possibly he'll come rolling in any minute, we'll deal with that as it comes.

APPROVAL OF MINUTES DATED 5/13/15

MR. ARGENIO: The first item on tonight's agenda is the approval of the minutes dated 5/13/15 sent out on 6/1 of '15. Anybody sees fit, I'll accept a motion we approve them as written.

MR. BROWN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. SHERMAN	AYE
MR. ARGENIO	AYE

ANNUAL MOBILE HOME PARK REVIEWS:

PARADISE MOBILE HOME PARK

MR. ARGENIO: Mobile home park review, Paradise Mobile Home. What's your name, ma'am?

MS. KISHPAUGH: Kimberly Kishpaugh.

MR. ARGENIO: How many units do you have?

MS. KISHPAUGH: Thirty some odd.

MR. ARGENIO: Where is this park?

MS. KISHPAUGH: It's right off 9W north on, in New Windsor right next to Sportsplex.

MR. ARGENIO: Got it. Jennifer, has somebody from your office been out there to have a look?

MRS. GALLAGHER: Yes, we have no issues.

MR. ARGENIO: It's in good shape?

MRS. GALLAGHER: Yes.

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

MS. KISHPAUGH: Yes, I did.

MR. ARGENIO: Motion for one year extension?

MR. BROWN: So moved.

MR. SHERMAN: Second it.

MR. ARGENIO: Motion made and seconded we offer Paradise Mobile Home Park one year extension of their permit to operate. Roll call.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. SHERMAN	AYE
MR. ARGENIO	AYE

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MR. ARGENIO: I'm going to sign this and you're good to go.

JHCS MOBILE HOME PARK

MR. ARGENIO: Next is JCHS Mobile Home Park.

MR. GARRISON: It's JHCS Mobile Home Park.

MR. ARGENIO: Says here JCHS, you must be in the wrong place.

MR. GARRISON: It's backwards, it's Jay, Hannah, Christian and Samantha.

MR. ARGENIO: Where is this park?

MR. GARRISON: It's right here.

MR. ARGENIO: What's that mean to me?

MR. GARRISON: Union Avenue.

MR. ARGENIO: Going down the hill?

MRS. GALLAGHER: Yes.

MR. ARGENIO: How many units?

MR. GARRISON: There's five there.

MR. ARGENIO: Somebody from your office has been there?

MRS. GALLAGHER: Yes, no problems.

MR. ARGENIO: Thank you for keeping a nice place. Did you bring a check for the benefit of the town?

MR. GARRISON: Yeah, for the benefit of the town, yes.

MR. ARGENIO: And all of us residents, believe me, I pay my fair share of taxes, trust me, not to worry. I'll accept a motion for one year extension.

MR. FERGUSON: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded we offer JHCS Mobile Home Park one year extension of the permit to operate. Roll call.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. SHERMAN	AYE
MR. ARGENIO	AYE

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

MR. GARRISON: Take care.

REGULAR ITEMS:

MOELLER SITE PLAN (15-04)

MR. ARGENIO: Regular items, Moeller site plan. Application proposes conversion of single-family residence to a professional office with caretaker apartment. The plan was reviewed on a concept basis only. Who's here to represent this? Mr. Drabick, how are you?

MR. DRABICK: Also with me tonight is Mr. Moeller who is the owner and hopefully occupant.

MR. ARGENIO: Tell me where we are, Steve.

MR. DRABICK: This is right on Quassaick Avenue just north of Schoonmaker Drive, probably about less than a quarter mile where the road splits, Blooming Grove Turnpike to Quassaick Avenue.

MR. ARGENIO: So about, across the street is a professional office?

MR. DRABICK: Yeah, professional office here, Academy School sits right here.

MR. ARGENIO: I'm with you. Can you point to the lot on the vicinity map, that is the professional office across the street?

MR. DRABICK: It's this lot right here.

MR. ARGENIO: Directly across the street?

MR. DRABICK: Yeah, on the site plan here showing the macadam entrance or parking area.

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

MR. DRABICK: Simply there is an existing one story frame dwelling that occupies this parcel with a framed shed in the back. What we're looking to do here is just convert that into a professional office for an accountant and with that office space also have a caretaker apartment. The office space is going to be limited in the building to right around 800 square feet with the remaining area of the existing building being used for the residents' purposes.

MR. ARGENIO: Is this one of those brick homes?

MR. DRABICK: It has a, just a low brick facade on the front.

MR. ARGENIO: Because there's half a dozen brick homes that are almost all the same, this is not one of those homes?

MR. DRABICK: No.

MR. ARGENIO: So you're further north?

MR. DRABICK: Further north, right next door is the brick building that's the dentist office, Dr. Carpenter.

MR. ARGENIO: Got it. And that would roll right into Midway Market?

MR. DRABICK: That's correct. So again, that's what we're looking to do. The improvements to the site that we're proposing with the site plan basically just calls for the addition of macadam in the front here so that we can put in place six parking places, out of those six places, one of them is designated as a handicapped space.

MR. ARGENIO: How did the handicapped people get in if they have steps with no handicapped ramp that I can see?

MR. DRABICK: There's an entrance to a portion that you see marked as former garage, there's an entrance right there at the front that is at ground level. And what we're proposing to do here is probably unique, I don't know if it's been done anyplace else, but we're actually going to look to construct the handicapped ramp to access the first floor of the building in that garage area.

MR. ARGENIO: Mark, that handicapped space doesn't meet code, right, am I mistaken?

MR. EDSALL: It's got the eight foot width and then it's got the striped area adjacent, you don't need to have--

MR. DRABICK: Yeah, I don't have it hatched, that hatching didn't come out.

MR. EDSALL: It's on the detail but the hatching doesn't show on the plan.

MR. DRABICK: Right, and that hatched area sits right up against the entrance to the garage area which would be the handicapped ramp so it also adds to the entrance to the steps up to the other entrance of the building.

MR. ARGENIO: So you're going to pave the lot. Mark has a comment, we suggest the applicant consider beefing up the parking area cross-section. What's that one and a half? You should have at least two and a half inches of binder?

MR. EDSALL: My concern is not necessarily the cars coming in and out but if you have a UPS truck.

MR. ARGENIO: I have more than that on my driveway at my house.

MR. EDSALL: You just don't want to get it torn up.

MR. DRABICK: Right.

MR. ARGENIO: Two and a half should be sufficient. Mark, what about sight distance, do we have an issue there?

MR. EDSALL: Well, I mean that area there--

MR. ARGENIO: Don't want to create an unsafe situation.

MR. EDSALL: It's an existing difficulty coming in, its an existing property with an existing access.

MR. ARGENIO: Yes, but we're increasing the volume again, be it incremental but it's going to increase I would think.

MR. EDSALL: The only action that could be taken would be if there were any obstructions to sight distance clearing could be done or something to that extent.

MR. ARGENIO: Could you send Billy to look at that?

MR. EDSALL: I can.

MR. ARGENIO: That would be good, it's a narrow lot, the driveway's the driveway so--

MR. DRABICK: Yeah, sight distance looking northeast up Quassaick Avenue is pretty good.

MR. ARGENIO: It's 390 and 670.

MR. DRABICK: You can see quite a ways, the limiting factor looking southwesterly is the bend in the road.

MR. ARGENIO: Yeah, obviously.

MR. DRABICK: Really as far as obstruction from this point there really isn't anything, it's actually the bend in the road at that point.

MR. ARGENIO: Mark has a note here for me. Mr. Moeller and Steve I'm going to read it to you verbatim, verify with the applicant that residential style waste containers are intended for use. You're not going to have a dumpster there, are you, Mr. Moeller?

MR. MOELLER: No.

MR. ARGENIO: So you'll maybe have a recycle bin and a trash bin, that type thing?

MR. MOELLER: At the most, yes.

MR. ARGENIO: What about the DOT, Mark?

MR. EDSALL: Again, it's--

MR. ARGENIO: What are we obligated to do? We don't want to overcomplicate what seems to be a simple application.

MR. EDSALL: They'll need when they improve the paving at the drive they'll need to get a permit from DOT. Many times we send it to DOT to ask where would you prefer the driveway.

MR. ARGENIO: Wow, there's no choice.

MR. EDSALL: There's no choice so I don't know that we have a terrific benefit in sending this over to DOT for guidance on placement cause it is what it is.

MR. ARGENIO: Do you guys have any additional thoughts on that, Howard or Harry?

MR. BROWN: No.

MR. ARGENIO: Dave, you good?

MR. SHERMAN: We're limited.

MR. ARGENIO: Where else you going to put it, man, and shifting it left to right does not improve or degrade any of the site distance components that we would be talking about appreciably.

MR. EDSALL: No, the shortest sight distance just under 400 which is reasonable for the 94 traffic but moving it three, four, five feet either direction has no significant impact. So I think the location is fine, it suits the site plan purposes.

MR. ARGENIO: It's nice that you're going to be doing some plantings, it's certainly a good thing.

MR. DRABICK: Yeah, we propose some on the building along the northeast side and then reclaiming the area that's currently pavement with some plantings along the southwesterly side.

MR. ARGENIO: Good. Mark, why are you recommending that we talk about lighting? It would seem to me this is a daytime operation in a residential district, I would certainly think that we would want to limit any site lighting or wall pack lighting on the facility.

MR. EDSALL: I raise it for that issue because as we take these areas that are residential in nature but are converting to non-residential because of the zoning--

MR. ARGENIO: That whole area, Jen, kind of commercial things are popping up.

MRS. GALLAGHER: Yes.

MR. EDSALL: Many times it's appropriate to have just residential style lighting and I think we should just get a nod from the applicant that's what he intends.

MR. MOELLER: Yes.

MR. DRABICK: I believe there's a light at the front door now, your typical house light.

MR. MOELLER: Neighbor, some type of, you know, just

spotlights that turn on and off as people walk as they're coming in and out.

MR. ARGENIO: I certainly wouldn't advocate anything above and beyond that.

MR. MOELLER: No.

MR. EDSALL: That was the purpose, Mr. Chairman.

MR. ARGENIO: We have to have a public hearing on this by vote?

MR. EDSALL: Because of the special permit, special permit use is the accessory apartment so I think the plans are in adequate shape to go ahead and authorize that.

MR. ARGENIO: I think I'd agree, you guys agree? Dave?

MR. SHERMAN: Yes.

MR. ARGENIO: Mark, from a procedural perspective, I don't want to seem like I'm blowing along too fast because there's really not a lot here or Veronica, what would be the first step? Can we effectively declare ourselves lead agency on this or do we need to circulate? There's nobody else.

MS. MC MILLAN: No, we have to refer to Orange County Planning for their determination but other than that, there's no other circulation that needs to be done.

MR. ARGENIO: I'll accept a motion that the Town of New Windsor Planning Board declare itself lead agency.

MR. SHERMAN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. SHERMAN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: So we're lead agency. Is there anything preventing us from taking a negative dec on this?

MS. MC MILLAN: I think we'd probably do a public hearing then do a negative dec afterwards.

MR. ARGENIO: Okay, so the public hearing is mandatory so the board doesn't have to speak to that, we just have to authorize scheduling it. Does everybody agree that the plans are level of fitness where it's okay for public hearing?

MR. BROWN: Yes.

MR. FERGUSON: Yes.

MR. SHERMAN: Yes.

MR. ARGENIO: Do you guys have anything else? Really not a lot here.

MR. BROWN: Flag pole, can't forget that, it's an office building.

MR. ARGENIO: Can you display a flag somewhere on the site?

MR. MOELLER: I would like to, yes.

MR. ARGENIO: That'd be great if you can do that. Thank you for that. In Henry's absence you've been appointed keeper of the flag. You have to look out for Henry, right. What else do we need to do? It's been referred to county.

MR. EDSALL: It's been referred to county, you've taken care of starting off the SEQRA process, you've authorized the public hearing, just get it scheduled, have him come back in.

MR. ARGENIO: Steve, I don't see any heavy lifting, your plans are typically well done and this is no exception. Thanks guys.

RIDGE RISE (04-27)

MR. ARGENIO: Next on tonight's agenda is Ridge Rise. This application proposes the development of 30 plus acre parcel into a multi-family development with 149 units. The plans were previously reviewed at the 13 October 2004, 25 October 2006, 26 March 2008, 18 November 2009, 11 August 2010, 9 March 2011, 8 August 2012, 13 March 2013, 10 April 2013, 22 May 2013, 26 June 2013, 14 May 2014, 22 October 2014 and 10 June 2015. How's that for everybody?

MR. ZEPPONE: When I was driving up, I realized I had three kids, all three are now married and I have five grandkids since this started.

MR. ARGENIO: The record should reflect that's certainly not a reflection of the Town of New Windsor Planning Board. The project has evolved based on the economy and a host of other things.

MR. ZEPPONE: Wasn't a shot, just an observation.

MR. ARGENIO: Host of other issues. I'm going to tell you where I would like to start. I want to start on the highway.

MR. ZEPPONE: As long as I have the plan up I'll just focus on that. So you can see the orientation of our drive has been slid so that it is exactly aligned with the entrance to the store on the other side. It reflects everything else that's been spoken about, the boulevard entry is gone, there's a five foot sidewalk now that goes up that entire main drag.

MR. ARGENIO: Is there a bus stop?

MR. ZEPPONE: There's a bus stop.

MR. ARGENIO: With a shelter?

MR. ZEPPONE: With a shelter.

MR. ARGENIO: Excuse me, Mark, take a close look at where that shelter is, just make sure it's not in harm's way. The one over at, on 32, Masons Ridge, was hit by something, a truck or something, we don't, we want to keep it away from the highway.

MR. EDSALL: Al and I talked about moving it back, we

have increased the sidewalk to five foot on the spine road and it's going to be back behind the sidewalk so probably seven foot back from the curb at least.

MR. ARGENIO: How far away from the highway is it, Mark? I don't need numbers but just take a look at it, that's all.

MR. EDSALL: Alright.

MR. ARGENIO: Okay, Al, so that's the entrance?

MR. ZEPPONE: Correct. With regard to the highway improvements--

MR. ARGENIO: Do I have that plan here, the highway improvement plan?

MR. ZEPPONE: I don't know if it's in that set. The first board that I have up is the first phase of, the way this approval was given was that it doesn't have to build all the improvements to finish the design until--

MR. ARGENIO: The way the approval was given from who?

MR. ZEPPONE: DOT, so he's got 50 percent buildout before he has to do that, the first phase.

MR. ARGENIO: You know what, Al, I'm just going to cut you off here for a second. Members hear me on this. I'm going to suggest to the members of the planning board that it seems to me it would be most appropriate to build the main entrance and use that for access for the first 50 percent cause I think where you're going, Al, is I think you're going to tell us that you're going to build the first 50 percent and you're going to use Corporate Drive for access. I think that's what you're going to say.

MR. ZEPPONE: No, that isn't what I was going to say.

MR. ARGENIO: My apologies for interrupting.

MR. ZEPPONE: Strictly DOT, it's broken into five phases. I have another sheet, basically it limits the widening to the front of his property. This is the proposed new entrance widening. Once he gets passed the 50 percent then he has to build the second phase as is defined by DOT and that's improvements that start at Washington Green, just beyond Washington Green,

continue passed our property and continue to the railroad beyond Willow. And that improvement basically consists of a middle lane being added where you can left and right into the stores on either side.

MR. ARGENIO: Okay. So that's the meat of the approval?

MR. ZEPPONE: Exactly.

MR. ARGENIO: So where is phase three, four and five?

MR. ZEPPONE: Phase one and two for DOT only. The five phases of the project, the first phase starts at 32, this is the new entry, it's the green here, comes all the way through and connects so this interconnecting--

MR. ARGENIO: Let me just ask a couple questions and members interrupt me please if you have something, just jump in David or any of you guys. Where is the letter from DOT annunciating what you just described to us, the phased approach of the project? And what's the methodology of them understanding 50 percent of the buildout, is that by unit count or what is that?

MR. SLUTSKY: Unit count and they're referring to phase one and phase two once we finish this utilize the new road then they expect us to start doing the improvement and move to the back.

MR. ARGENIO: Based on the drawing you're showing us right now, phase one and phase two can be completed under phase one DOT which is essentially an improved shoulder?

MR. ZEPPONE: That's correct.

MR. ARGENIO: And as soon as this phase two is completed, you do not go on to the next step until you complete the highway improvements, phase two, is that right?

MR. ZEPPONE: Phase three is included in there.

MR. ARGENIO: Is it absolutely or is it not?

MR. SLUTSKY: You're right.

MR. ARGENIO: He's saying I'm not right, am I right or wrong?

MR. ZEPPONE: Fifty percent of the housing occurs as part of four.

MR. ARGENIO: I don't know if I agree with that, that's just me. But anyway, let's go.

MR. SLUTSKY: It was clear to them and we're on the same wavelength that we're going to do phase one and phase two, they come with the numbers and, I mean, 67, I believe after 67 units you have to start doing the improvement on the road itself, moving to phase two as far as DOT. We have, it happens to be that the 67 ends up being here and, I mean, phase two ends up to be just throwing a number, let's say 50, so it didn't match in this regard but you have to start with one and two, start this phase, once we come into, I mean, above the 50 percent we're going to do the club then move to the back and in between we have to do--

MR. ARGENIO: Tomer, I'm going to give you my opinion, I'm only one member, I don't think I take exception to the phased approach to DOT on the building. It's something we normally don't do, we normally don't accept that as a town. But we also understand that climate for building is tough, money's tough, it's tough to get financing, we get all of that. So all that said, Mark, I think that it's something we should be entertaining and looking at but we should be looking at it closely.

MR. EDSALL: I agree. We need to get something more definitive from DOT, the letters that I've seen have no mention of phasing, have no mention of when the improvements need to be completed. And as long as you allow something comparable to what they have and don't go over the value they've said I think it should be part of the approval.

MR. ARGENIO: Do you have that approval?

MR. ZEPPONE: No, because as I mentioned before, we're not involved with DOT, the other firm is.

MR. ARGENIO: Does your highway guy have that letter?

MR. SLUTSKY: I thought I sent it to your office.

MR. ZEPPONE: I'll look in my file.

MR. ARGENIO: Can one of you guys get that to Mark please?

MR. SLUTSKY: Consider it done.

MR. ARGENIO: Our goal is to move you forward so you can start building, that's our goal.

MR. SLUTSKY: Thank you. But I think I even sent it to Cammy maybe two months ago.

MR. EDSALL: The letter we have does not mention the phasing.

MR. ARGENIO: Get it to Edsall, take a look at it, Mark.

MR. EDSALL: Just touching on one thing that Al and I put a lot of discussion into was the access issue and as you started to head toward was construction traffic versus resident traffic, which is always a problem. Just key thing I want to have you get into with Al is that the intent is to have this developed and the phase one roads in green used for residential access and then they can effectively bring the construction traffic in where there's commercial traffic and then back out. And that's been coordinated with the storm water plan, with the phasing plan, a lot of effort put in over the last what six or nine months?

MR. ZEPPONE: Right.

MR. ARGENIO: That's reasonable, makes sense, right?

MR. SLUTSKY: Absolutely.

MR. ARGENIO: These roads are private?

MR. SLUTSKY: Yes.

MR. ARGENIO: Go ahead, Al, put the highway plans back up again, phase one. Basically, it's a heavy duty shoulder is what it is.

MR. ZEPPONE: Exactly. Took him a long time to get there.

MR. ARGENIO: So you guys have any question on that, Howard or Harry?

MR. BROWN: I want to see what the DOT letter looks like, what they're specifying.

MR. ARGENIO: Do you agree with the phased approach?

MR. BROWN: Yes.

MR. ARGENIO: Dave, make sense to you?

MR. SHERMAN: Yes.

MR. FERGUSON: Yeah, I agree, don't want too much commotion going on disturbing.

MR. ARGENIO: I think it's economic for the benefit of the owner, I'm sure Tomer was the one that asked the DOT for it, truth be told I'm you sure he's the one that asked them. They said okay, we'll agree with whatever but Mark, I want to look at that closely because the phase one buildout on the highway plans is really nothing, all it is is a heavy duty shoulder.

MR. EDSALL: Yes, understood.

MR. ARGENIO: There's no turning lanes, there's nothing, zero, heavy duty shoulder.

MR. EDSALL: Understood, we'll make sure we have answers on that for the next visit.

MR. ARGENIO: David?

MR. SHERMAN: Where is the construction traffic going?

MR. ARGENIO: Corporate Drive. What are we doing with Corporate Drive, what's the extent of the improvements on Corporate Drive with specificity?

MR. ZEPPONE: They're going to be done at the end.

MR. ARGENIO: Scope, give me scope.

MR. ZEPPONE: In terms of the work to be done, I think it's covered in my notes pretty heavily within the drawing but we're talking about flushing out the sewers, repairing where necessary.

MR. ARGENIO: Who determines where necessary?

MR. ZEPPONE: My recollection is that the town will be

together with us.

MR. ARGENIO: Mark, you'll be working with them on that, is that right?

MR. EDSALL: Yes.

MR. ARGENIO: Go ahead, Al.

MR. ZEPPONE: Water, sewer, water's to be checked, sewer's to be checked, storm is to be checked, it's going to be curbed in places if that requires some catch basins, my understanding is that that will be put in also.

MR. ARGENIO: Mark, the drawings for Corporate Drive, do you have a concise set of drawings showing a concise stop that has a beginning and an end?

MR. EDSALL: Not a set of plans. We have as Al initially commented we have notes indicating that it will be widened, bad spots will be cut out and repaired, that the sewer and water will be upgraded as needed, I don't believe there's any new curbing shown.

MR. ARGENIO: I don't believe there is either.

MR. SLUTSKY: We had no curbing and striping, striping the lanes.

MR. ARGENIO: What about curbing, is there curb, is there not?

MR. SLUTSKY: There was an issue, there is some curbing, there was an issue between the right-of-way of the adjoining, I mean businesses, but we do have some curbing, I mean--

MR. ARGENIO: Let me be clear on this. You need to have a drawing that says what the scope is, even if you don't have the areas of repair in the pavement annunciated, you can include a note that says repair and true and level as necessary to be worked out with Mark Edsall. If there's curbing included, you need to show where the curbing is. Al, if there's drainage included, you need to show where the drainage is. Tomer, is that a reasonable request?

MR. SLUTSKY: Absolutely, I remember seeing, I mean--

MR. ZEPPONE: I don't have a problem with it, you're asking a question, I just haven't looked at those drawings for Corporate in a little bit of time.

MR. ARGENIO: I want to get it tightened up so we have direction and action items, give it to him, I don't doubt you.

MR. ZEPPONE: He talks about phases but doesn't have what he's looking for but this is the letter that was given to us.

MR. ARGENIO: We want to understand and we're starting to understand the scope on the highway work. We could not understand as of yet the exact timing of the highway work construction. Al, you understand, Tomer, you understand that we want to understand what is the scope of the Corporate Drive improvements you're proposing? Way back when you were proposing curb, everybody, that waned a bit, now you're not proposing curb, I don't take exception to that as long as the driveways are channelized and not 65 feet wide. We're looking to improve them, make sure they're channelized so people know where the in and out is for the businesses that are there and for your stuff.

MR. ZEPPONE: That was part of what we agreed with the neighbors and developed out with meeting with them, we're going to tell them that we're going to channelize their traffic but I understand, and Mark, we'll work it out.

MR. EDSALL: This is the letter and it brings back memories of non-clarity so DOT was clear to say that you had to implement the plans when the 66th unit is started, doesn't say when you have to be finished.

MR. SLUTSKY: I think the meeting with DOT he was very clear the moment we finished 66 lots, I mean, units, they expect us to start doing implementation of the improvement of Route 32.

MR. EDSALL: Mr. Chairman, my suggestion is going to be that as you're requiring that the recreation facilities be complete with a C.O. and functional by 50 percent, I'm going to suggest that you require that the mitigation and the highway be complete by 50 percent, that gives them from basically their 66th unit up to the 50 percent to button it up.

MR. ARGENIO: I agree with you.

MR. EDSALL: Because the DOT letter--

MR. ARGENIO: Make sense to you?

MR. SLUTSKY: No, because even, I don't understand the suggestion when, I mean, Mark, you expect us to do it--

MR. EDSALL: Have it complete by 50 percent.

MR. SLUTSKY: So we've got from zero to 66 to finish it?

MR. EDSALL: DOT's saying you need to implement the mitigation by the 66th unit. Implement means start, doesn't mean finish. DOT doesn't say when you have to be finished.

MR. SLUTSKY: I attended the meeting with the DOT, they do not expect, I don't remember if they tried to put it back on the shoulders of the town, they don't expect the town to issue me a building permit for the 67th unit until it's finished.

MR. ARGENIO: That's what Mark just said exactly. Is that right, Mark?

MR. EDSALL: No, DOT's last informational paragraph says that keep in mind that the improved mitigation needs to be implemented once any part of phase two, which is the 67th unit is implemented. Doesn't say when it's finished. So what I'm saying is the town looks for performance, we look at a little more realistically, we want to know when you're going to be done, not when you're starting because it could take 20 years to finish, should say get the recreation building and improvements done by 50 percent. If you want to give them a little slack on the highway, so be it, but their should be an end date, not just a start date.

MR. SLUTSKY: I'm not their defendant but the DOT made it very clear to me when I attended the meeting that they expected to be finished before I move to the 67th or 68th, whatever the break number is it.

MR. ARGENIO: How many units do you have?

MR. SLUTSKY: We have 149.

MR. ARGENIO: What's half of 149?

MR. SLUTSKY: Because we end up going with the phasing.

MR. ARGENIO: So here's my point, half of that is 75 1/2, we were originally bantering around being done by 50 percent, which is 75 1/2 units, now you're proposing 66 units, which is an even tighter threshold.

MR. SLUTSKY: I'm just proposing exactly what the DOT, what we agreed with the DOT, 67 or 68, I'm not inventing.

MR. ARGENIO: So when you look for that C.O. for that 67th unit, the highway improvements need to be complete.

MR. SLUTSKY: Correct, that was the agreement with them.

MR. EDSALL: He wants to be more restrictive.

MR. ARGENIO: Mark, let me say it again just to be clear, members take exception, speak up or forever hold your piece. Before you look for, Tomer, before you look for a C.O.--

MR. EDSALL: We do building permits.

MR. ARGENIO: -- before you look for a building for the 67th unit in this project, the highway improvements per that plan need to be a hundred percent complete.

MR. SLUTSKY: Correct.

MR. ARGENIO: Perfect, let's put that behind us. Next thing that will be part of the developer's agreement annunciating that timeframe and included in that is the rec facilities. I'm tired of talking. Al or Tomer, walk us through the project, please.

MR. ZEPPONE: As I indicated, the changes that you see that are most major are the ones that you've seen in the last submission, that being that the condo units, and I'm pointing to next to the clubhouse area, they have been replaced with townhouse type units. Boulevard has been removed from the entrance, the entrance has been slid over to be perpendicular to the cross street and cul-de-sac B, and I'm pointing to the right most side now, has been eliminated as part of the

project. We have also picked up through the Army Corps came out and redid the wetlands, we picked up a little wetland area in here over that which we had approval for before but it expired so as a result of that we had to compensate in this crosshatched area that's darker, the offset.

MR. ARGENIO: Where is the garbage enclosures?

MR. ZEPPONE: They're all over, there's one here, there's one there, they're throughout the site.

MR. ARGENIO: We've got one here. Have you looked at that garbage enclosure?

MR. EDSALL: I had some review in my notes.

MR. ARGENIO: Al, of these buildings you're going to go to the, this one seems like you need one more here or somewhere. That's for all these guys here?

MR. ZEPPONE: And this one.

MR. ARGENIO: I don't want to go through it all. Mark, you should have a look at that.

MR. EDSALL I already did and it's in my comments.

MR. ARGENIO: So you said you had tell us about the units, market rate, townhomes?

MR. SLUTSKY: Market rate.

MR. ARGENIO: All market rate?

MR. SLUTSKY: All of them are.

MR. ARGENIO: All rentals?

MR. SLUTSKY: Correct.

MR. ZEPPONE: Forty percent smaller than the largest in the preceding, just to give you an idea on the square footage, so now footprint is a little over 1,000.

MR. ARGENIO: What's the square footage?

MR. ZEPPONE: Couple thousand feet on the larger one and 1,500 on the small one.

MR. ARGENIO: Two thousand feet in the large one?

MR. ZEPPONE: Little more before we were approaching 4,000, I think they were over 3,500 when there was a different market.

MR. ARGENIO: You're telling me the individual unit is 2,000 square feet?

MR. ZEPPONE: Approximately three bedrooms are a little over, originally, again, going back in a different market they were almost 4,000 but the end result of all that is there's less impervious, there's more green.

MR. ARGENIO: The applicant proposes second main project sign at Corporate Drive, this additional stone masonry sign is permitted only at the discretion of the planning board, see code section blah, blah, blah. Where is that sign, Al?

MR. ZEPPONE: We talked about it, the town didn't seem like it was disposed to approving it so we just dropped it.

MR. ARGENIO: Corporate Drive improvements, I'm reading from Mark's comments, Corporate Drive improvement notes need further correction, we just went through that whole thing, I think. Obviously, there's some kind of maintenance agreement with the current folks on Corporate Drive. How does that work, Veronica, will the HOA have to sign on that to the maintenance agreement and give them permission to have access?

MS. MC MILLAN: Yes, HOA.

MR. ARGENIO: DOT is Mark's next comment, we talked about that already. Where are we at with outside agencies, Cammy? Water's approved, sewer's approved pending addressing the collection capacity issues, Mark, can you shed some light on that collection capacity issue?

MR. EDSALL: Which one, the sewer?

MR. ARGENIO: Yeah.

MR. EDSALL: The sewer is addressed as part of the developer's agreement.

MR. ARGENIO: That includes Corporate Drive as well?

MR. EDSALL: The capacity issue is one of just confirming the agreement with Moodna for the allocation and I know that Tomer had done years ago, I just need to make sure that the paperwork's current.

MR. ARGENIO: You have a disapproval from fire, Tomer.

MR. ZEPPONE: We straightened that out today.

MR. ARGENIO: You're wired into that?

MR. ZEPPONE: Matter of fact, it's already on the drawing, there's a pass-thru here, emergency only, and he was looking for a hammerhead, we put the hammerhead in, I spoke to him today, he's okay with the dimension.

MR. ARGENIO: I'm not seeing that there.

MR. ZEPPONE: It's the lighter color, this one we're going to be doing in pavers as opposed to asphalt, it's wrapping around the side of the house.

MR. ARGENIO: Got it. What about this one, we don't need one there?

MR. ZEPPONE: You can go down that other street.

MR. SLUTSKY: Because we've got the roads here.

MR. ARGENIO: So I don't get it, you have the hammerhead here, you have the cul-de-sac here, you have this here, you have this turnaround here, you have nothing here so--oh, it's down here, I'm sorry, okay, got it, very good.

MR. ZEPPONE: We have health, Army Corps has been out there, verify the lines, just waiting for the letter.

MR. ARGENIO: Developer agreed that the billboard would be retired following the end of sales for the project. But there are no sales, it's rentals, right?

MR. SLUTSKY: Even for rental units.

MR. ARGENIO: Mark, as verbiage about the billboard, please look at them, do you have Mark's comments?

MR. ZEPPONE: We do and we've been going back and forth, actually, we have probably addressed 90 percent

of them since we started talking.

MR. ARGENIO: What about the points for the sewer, the capacity, did you purchase capacity?

MR. SLUTSKY: Capacity at 2000.

MR. ARGENIO: Did you write that check yet?

MR. SLUTSKY: Of course.

MR. ARGENIO: Possible dedication of sewer, Mark, you gotta check on point 11, I want to read it out loud, the applicant at one point in time discussed with the town supervisor possible dedication of the sewer and water facilities on Corporate Drive to the town. Based on recent communication with the town supervisor, we have been directed to move toward the dedication of facilities, doublecheck on that, I don't know that that's still the case.

MR. EDSALL: It's changed in the last two weeks.

MR. ARGENIO: Doublecheck on that, I think it may have, just doublecheck. And you have Mark's last set of comments?

MR. ZEPPONE: Yes.

MR. ARGENIO: David, Harry or Howard Brown, what commentary do you have? We've seen this project time and time and time again.

MR. BROWN: I just got one question on maintenance, it's going to be rental now so you're going to be responsible for all maintenance, cutting the lawns, everything, there's no more homeowner's?

MR. SLUTSKY: That's correct.

MR. ARGENIO: How does that work, the maintenance of the roads and the plowing and such, there's no HOA filed with the Attorney General's Office like there are at condos, right?

MS. MC MILLAN: There will need to be a maintenance agreement with the applicant, particularly for Corporate Drive and inside the complex.

MR. ARGENIO: So the applicant retains ownership of the

units and the applicant or the owner, I shouldn't say the applicant, the owner of the project will maintain ownership, he'll be responsible for snowplowing, salting, stuff like that?

MS. MC MILLAN: Right, pursuant to the code that he's required to live up to the requirements of the code, we can be more specific and sign a maintenance agreement with the owner.

MR. ARGENIO: Where I'm going is Jen, do you have problems with other facilities similar to this where the residents are calling saying my road is slippery, it's icy?

MRS. GALLAGHER: No, like Masons Ridge is private, we've never had a phone call.

MR. ARGENIO: Okay, good. I've been through these plans many, many times, I've been through these plans. Bus shelter is big, we want it away from the highway, that's good. The development signs are still shown.

MR. ZEPPONE: Yes, this is just tonight, we're going to go through as to where we're at and the rest, the details.

MR. ARGENIO: So Mark, I think the action items are you need to take a look at that DOT letter which I think we've kind of done but, and Veronica needs to put some verbiage together that effectively annunciates what we discussed here tonight relative to the highway improvements. The other action item, Mark, I'd like you to look at the spacing of the dumpster enclosures to make sure you think they're appropriate. Seems to me--

MR. EDSALL: I've already told Al they weren't so I'm waiting to see his resubmittal, I was looking for one more in one area.

MR. ZEPPONE: That's what I said before.

MR. ARGENIO: Me looking at it right there with you for a few minutes I saw possibly the need for two more, certainly not more than that. So it's not upside down but the people gotta have a place to put their garbage. Do we have a detail of the enclosures?

MR. EDSALL: Yes.

MR. ZEPPONE: Yes.

MR. EDSALL: It's on the plans.

MR. ARGENIO: Is it nice?

MR. EDSALL: We're using the style that we've grown to love at all the multi-families, it's a masonry bottom and--

MR. ARGENIO: And a hat? Jimmy Petro used to say every building needs a hat.

MR. EDSALL: It's non-combustible, provides the ventilation, has the automatic lighting so that when people come up at night so yup, Al's taken care of all that.

MR. ARGENIO: What's the facade going to look like? What's the front of the building look like? I know we saw elevations eons ago but refresh my memory.

MR. SLUTSKY: Really combination of stucco and brick, I want something that you don't have to maintain so I'm doubting about the stucco, with stucco you have to maintain it.

MR. ARGENIO: Can I tell you where they did a beautiful job in this town? If you go up to The Grove at the airport going 207, go to the top of the hill, I don't know if that's in your budget or not, but that developer took that project and he turned the whole project around and I think he made money, I hope he made money.

MR. SLUTSKY: Made a lot of money there.

MR. ARGENIO: Extraordinary job.

MR. SLUTSKY: Bottom?

MR. ARGENIO: Bottom and the top, both are beautiful.

MR. EDSALL: Newer portion, the bottom portion had some improvements, enhancements that the residents loved, you know, entryways with some covers over the front door.

MR. ARGENIO: Really did a nice job.

MR. SLUTSKY: It's a very good company.

MR. ARGENIO: Call the organization. Members, do you guys have anything else? I mean, I tried to, the main thing is that highway thing, we want to get that buttoned up because the site plan we've seen so many times, Mark or Veronica, what else are we missing that we need to do?

MR. EDSALL: We'll work on getting Al the details straightened out and try to craft a shell of a developer's agreement to itemize the issues.

MR. ARGENIO: There's no wire to jump over tonight but if you can get your ducks in a row.

MR. ZEPPONE: We've been doing that and hoping to get a revised set of plans to you within a week or so that address all the minutia.

MR. ARGENIO: Make a note of that, Tomer, make a note of that.

MR. SLUTSKY: I will.

MR. ARGENIO: You guys have any other questions for us?

MR. ZEPPONE: No. Our big deal was the basic layout, everything okay, the bones okay.

MR. ARGENIO: Yeah, Mark, you checked the size of the clubhouse?

MR. EDSALL: Yeah, I mean, it's--

MR. ARGENIO: This goes back so far.

MR. EDSALL: The board looked at that couple of revisions ago.

MR. ARGENIO: What's this here, Al?

MR. ZEPPONE: Playground.

MR. ARGENIO: That's the building and the patio?

MR. ZEPPONE: Right.

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

MR. ZEPPONE: That's it. Approval?

MR. ARGENIO: Good, thank you for coming in, nice to see you guys. Tomer, please do your homework and help us help you guys, okay, help us help you guys. Thank you.

DISCUSSION:

TEMPLE HILL APARTMENTS (11-14)

MR. ARGENIO: Discussion items. Temple Hill Apartments.

MR. PFAU: I have plans here.

MR. ARGENIO: No, we have some. Okay, so Joe Pfau is here for Temple Hill Apartments. I'm aware of what's going on here but you guys need to be aware because we need to do something. So Mark, tell everybody what's going on here with this building that Mr. Mandelbaum wants to erect.

MR. EDSALL: I have provided you with a short memo indicating the cross references to the town code, both for Chapter 300-18 for senior citizen and 300-20 for work force housing where the code recommends and provides some guidance to support providing accessory uses which include medical type support facilities. The idea is to provide convenience to the residents. My understanding, so you have both the senior area and the work force housing, it's my understanding a large volume of veterans, some have some disabilities and the idea is to provide some services in that accessory structure which is referenced in both codes as an accessory permitted use. That said, I'll let Joe explain how he laid it out.

MR. PFAU: The building itself is a 30 by 40 foot building so it's a 1,200 square foot footprint, single story located on lot one of the overall project which is one of the work force housing lots. It's actually the first lot in. It's right, this is a Temple Hill over here, it's actually right at the first entrance into work force housing building, it sits right at the access, it meets all the setback requirements and we have actually reconfigured the parking where we had a couple of small, two small parking lots here which were a total of 29 spaces with this reconfiguration. We actually picked up two additional spaces so we're okay with the parking.

MR. ARGENIO: So it's an accessory use to what's already approved?

MR. PFAU: Correct.

MR. ARGENIO: It meets the code from a setback perspective and that's pretty much it. I mean, they asked if they need to make a formal ap and I said I don't think so, I mean, I spoke to Mark about it and we both agreed along with Veronica probably a formal application is not necessary because the code does allow for this. But he's here for discussion, if anybody has any commentary, now would be the time to speak on it. Do we need to vote on this, Veronica?

MR. BROWN: Is this 24 hour medical building?

MR. PFAU: I don't believe so, no.

MR. EDSALL: It's not my understanding from the--

MR. BROWN: When is it in use?

MR. PFAU: Well, certainly daytime hours but I think it will be as needed, you know, I don't know if they have a handle on exactly how often it will be utilized.

MR. BROWN: Any medical personnel that's assigned to that?

MR. PFAU: Probably here and there but not full time, certainly not full time. They're talking about every once in a while having, there will be a clinic there but also having some educational classes, you know, meetings, some, maybe physical therapy things, you know, those type of things.

MR. EDSALL: My understanding--

MR. ARGENIO: Howard's looking for a facility to go to when he gets old.

MR. BROWN: Right.

MR. EDSALL: My understanding it wasn't intended to be like an emergency care facility, more that it would be almost like a visiting nurse or visiting physician service where there's a place for them to come and have regular scheduled hours to provide services to the people.

MR. SHERMAN: Is this a requirement of code?

MR. EDSALL: No, it's not but it's recommended as one of the accessory uses that are promoted in both the

work force housing and senior housing. That's why it's listed as an accessory because it's listed as an accessory use in both codes.

MR. ARGENIO: Anything else, Dave?

MR. SHERMAN: No.

MR. BROWN: No.

MR. ARGENIO: Motion?

MR. BROWN: I'll make a motion.

MR. SHERMAN: Second it.

MR. ARGENIO: Motion made and seconded that we authorize it if that's the proper term?

MR. EDSALL: If we're going to send a copy of the resolution to the applicant because this is all part of state funding and such, we should probably just acknowledge that this is an accessory use, that we have considered it, we don't believe that it's going to need to reopen SEQRA, there's no environmental impact.

MR. ARGENIO: Let Howard's motion, make sure Howard's motion reflects that, that we agree it's an accessory use and there's no need to reopen SEQRA on this proposal and we're going to have a roll call.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. SHERMAN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Okay, Joe, thank you.

MR. PFAU: Thank you very much.

L & M SITE PLAN

MR. ARGENIO: What I understand on this one and Mark will speak on this as well. This is that pole building on Mertes Lane for the auto disassembly guy, I guess he wants to put some kind of lean-to off the back type thing which is away from the road. And I think that's it, is that right, Mark?

MR. EDSALL: It's a side shed open on the back of the pole barn 17 foot offset to the back, they show it on the plan I submitted or made copies of as a shaded area, it's open, it's not heated, it's really just to provide some cover protection for whatever storage or equipment he may have.

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

MRS. GALLAGHER: I haven't really looked at it in detail but no, I mean, we'll look at it to make sure it meets code.

MR. EDSALL: They'll need a permit so--

MR. FERGUSON: Awning or sides on it?

MR. EDSALL: We've done these on municipal pole barns where they want to hang plows or put other items to be covered, basically the roof line of the, the roof line gets extended out and they just provide some additional columns.

MR. ARGENIO: It's a rigid roof, I have one on my pole barn at my shop, it's a rigid roof, no heat, it's open, we store like compressors and just stuff to keep out of the snow and the pouring rain.

MR. EDSALL: They call them side shed addition on old pole barn.

MR. ARGENIO: Anybody take exception to this? Okay, Jen, it's yours.

MRS. GALLAGHER: Okay.

REFERRAL/TOWN OF NEWBURGH - CRYSTAL RUN HEALTHCARE

MR. ARGENIO: Town of Newburgh.

MR. EDSALL: Town of Newburgh forwarded over a copy in accordance with the General Municipal Law because it's on the town line for the new Crystal Run Healthcare. They need a variance for I believe it's two signs, one for the side road that runs along Home Depot, the name slips my mind at the moment.

MRS. GALLAGHER: Old Little Britain Road.

MR. EDSALL: They want to put a second entrance sign on Old Little Britain and they want to put a directional sign for Urgent Care entrance, both of which given that it's a medical facility is probably good to get you to the entrance as quick as you can.

MR. ARGENIO: And both are in the Town of Newburgh?

MR. EDSALL: Both in the Town of Newburgh. I think it's a probably a good addition, safe addition so I can communicate back to them if you so desire.

MR. ARGENIO: Anybody have anything they take exception to?

MR. BROWN: No.

MR. FERGUSON: No.

MR. ARGENIO: Anything else?

STONE GATE

MR. EDSALL: We have one other letter, I didn't see it on the agenda but I saw it in e-mail correspondence a letter from Bluffton, South Carolina from a guy who used to come here on occasion, Greg Shaw, looking for an extension, still working on all the easement issues for Stone Gate. I know that some easement paperwork has found its way to my desk that I have to review, now they're looking for an extension.

MR. ARGENIO: Can we legally offer that? Shouldn't be an issue, right, two 180 day extensions?

MS. MC MILLAN: I'm sorry, I hadn't seen this before, they have site plan so yes, you can do one 80 or I can't do math, 260 or 360, there's a reason why I went to law school.

MR. EDSALL: Yeah, I would hope that they'll have it resolved before this.

MR. ARGENIO: Motion we offer one 180 plus two 90 day extensions to run concurrently or sequentially for Stone Gate at the request of Mr. Shaw, the engineer of record.

MR. BROWN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. SHERMAN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Anybody got anything else?

EMERGENCY ONE

MR. FERGUSON: Emergency One guy contacted me, he wanted to know how to go about getting another sign.

MR. ARGENIO: Where is that, what does he want?

MR. FERGUSON: Wants to put up another sign.

MR. ARGENIO: Oh, right, okay, I'm sorry, I'm with you. That would be something for the building inspector, I would think. Harry, do you have the person's number?

MR. FERGUSON: Jim Devitt contacted me from Emergency One, wants to know how to go about getting another sign.

MRS. GALLAGHER: He can call me.

MR. ARGENIO: Jennifer will take care of that. Anything else. Motion to adjourn?

MR. FERGUSON: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. SHERMAN	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer