

TOWN OF NEW WINDSOR

PLANNING BOARD

July 22, 2015

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

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. Mt. Airy MHP
2. Creek View MHP
3. Hudson View MPH
4. Moeller S.P.
5. Windsor Hospitality Hotel S.P.
6. Windsor Hospitality retail S.P.
7. Weikfield Windsor
8. Central Hudson
9. Panorama Drive
- 10 Five Corners S.P.

**REGULAR MEETING:**

MR. ARGENIO: Okay, I'm going to call to order the regular meeting of the Town of New Windsor Planning Board for July 22, 2015. Would everybody stand for the Pledge of Allegiance?

(Whereupon, the Pledge of Allegiance was

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recited.)

MR. ARGENIO: We're a minute or two early but that's okay.

ANNUAL MOBILE HOME PARK REVIEWS:

MT. AIRY MOBILE HOME PARK

MR. ARGENIO: Mt. Airy Mobile Home Park. Somebody here for this? Step forward, sir. What's your name please clear for her?

MR. HELMESET: Paul Helmeset, H-E-L-M-E-S-E-T.

MR. ARGENIO: Somebody from your office been out to see this?

MRS. GALLAGHER: We have.

MR. ARGENIO: What do you have to say, Jen?

MRS. GALLAGHER: No issues.

MR. ARGENIO: How many units?

MR. HELMESET: I'm actually here for Abstract Properties.

MR. ARGENIO: How many units is it?

MRS. GALLAGHER: She has it right there.

MRS. AMMIRATI: Three.

MR. ARGENIO: Do you have a check in the amount of \$250?

MR. HELMESET: Yes.

MR. ARGENIO: Motion?

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and second we offer one year extension. Roll call.

ROLL CALL

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

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MR. ARGENIO                      AYE

MR. ARGENIO:    You can give her the check, this lady  
right here.    And you're good for one year.

MR. HELMESET:    Okay.

MR. ARGENIO:    Have a good night.    I want to introduce  
to all you regulars, Mr. Bedetti, this is Stephanie  
Rodriguez, she's going to be replacing Cammy, she's  
moving down with some family down in Alabama.

MRS. AMMMIRATI:    Yes.

MR. ARGENIO:    So soon she'll be Jennifer's sidekick so  
welcome.

CREEK VIEW MOBILE HOME PARK

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

MR. GLYNN: Arthur Glynn.

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

MRS. GALLAGHER: Yes.

MR. ARGENIO; What say you?

MRS. GALLAGHER: We have no issues.

MR. ARGENIO: How many units?

MR. GLYNN: Three.

MR. ARGENIO: Three and three. Did you bring a check to the benefit of the town for \$250?

MR. GLYNN: As soon as I make it out.

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

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded.

ROLL CALL

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

MR. ARGENIO: You're good for one year, we'll see you in one year. Thank you for keeping a nice place.

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HUDSON VIEW MOBILE HOME PARK

MR. ARGENIO: Hudson View Mobile Home Park? If they come in, somebody remind me and we'll go back to them.

PUBLIC HEARINGS:

MOELLER SITE PLAN (15-04)

MR. ARGENIO: Right now we're going to have a public hearing on the Moeller site plan represented by Mr. Drabick. This application proposes conversion of the single-family residence to professional office with caretaker apartment. Plan was previously reviewed at the 24 June 2015 planning board meeting and they're here for a public hearing at this meeting tonight. For the benefit of the members, I'm going to try to move right along tonight because we have a very full agenda. So if you guys need to interrupt me to say something, just please interrupt me, I've always said that. So I'm going to try to keep things moving tonight. So Steve you're here, the only issue that I remember associated with this was the, we asked that you verify the sight distance. So can you just kind of update us on where we're at with this?

MR. DRABICK: Yes, based on the last meeting I did go out and recheck the sight distance and looking to the southwest from the proposed entrance to the parking lot, we have a maximum sight distance of 390 feet, looking to the north east up Quassaick Avenue, there's a maximum sight distance of 870 feet.

MR. ARGENIO: These are within the prescribed limits, Mark?

MR. EDSALL: Yes. As a matter of fact, if you look at my comment number four based on the 40 miles an hour speed limit on Route 94, the maximum recommended and tables have different maneuvers but the maximum recommended for that condition is 240 feet. So they're well above the required sight distance. I also was at the site and visually verified conditions and it does look to be a good spot to come out.

MR. ARGENIO: Okay, I'm not going to read the county's letter but in essence they're saying the project is located in a priority growth area as defined by the county. As such, it is an appropriate location for mixed use development, which is certainly nice to hear that they're going in the same direction as we are. Guys, if anybody has anything they want to ask on this, think about it for a minute. In the meantime, I'm going to open it up, give me my notice please, open it up for the public and hear any public commentary that

may be out there and then we can, we'll turn it back to the board. On the 30th day of June 2015, Cammy compared 36 addressed envelopes that she received from the assessor. They were mailed out containing the notice of public hearing for this application. If there's anybody in the audience that would like to speak about this application, please raise your hand and be recognized by the chairman. Close it.

MR. GALLAGHER: Motion we close the public hearing.

MR. FERGUSON: Second it.

MR. ARGENIO: Seeing no hands in the audience, motion has been made and seconded that the Town of New Windsor Planning Board close the public hearing for this application. Better to have had it, Mr. Drabick, than not had it and have your applicant subject to criticism at a later date and this board subject to criticism at a later date. So back to the planning board members, have we taken lead agency on this?

MR. EDSALL: You have.

MR. ARGENIO: We have?

MR. EDSALL: In June.

MR. ARGENIO: I see, Mark, your comment number five SEQRA is still open, if anybody sees fit, I'll accept a motion for negative dec.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board classify this action as an unlisted action under SEQRA and declare a negative declaration of environmental significance on the Moeller site plan.

ROLL CALL

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

MR. ARGENIO: Does anybody have any comments on this? Steve, you didn't update the parking lot cross-section, why didn't you do that?

MR. DRABICK: I will for the final stamped plan, we're aware of that, I had just deleted--

MR. ARGENIO: If I could interrupt for just a second, please, Mark, are you sure he didn't upgrade it?

MR. EDSALL: He has not on the, from the original plan, I didn't get a new plan so I'm assuming that we're waiting for corrections for the final plan.

MR. ARGENIO: I'm going from memory and I think I thought it showed just top course but this detail shows minor and top.

MR. DRABICK: That's correct, right, and one of the comments was we were going to upgrade and make that--

MR. ARGENIO: Two and one and a half?

MR. DRABICK: Yes.

MR. ARGENIO: You'll do that?

MR. DRABICK: Yes, yes, and I think the other if I may just--

MR. ARGENIO: Please.

MR. DRABICK: Three items that were outstanding that were brought up in the last comments dealt with lighting which we agreed to that we're not going to do anything more than what's typically residential lighting, your typical doorway lights.

MR. ARGENIO: Because you're typically going to be open during the day.

MR. DRABICK: Right, also garbage disposal will be residential style.

MR. ARGENIO: Not a giant dumpster.

MR. DRABICK: Right. And the other item was signage, I was looking to, I'll add a note to the final plan to the extent that any signage that we do will be mounted at the front of the building and meet town code.

MR. ARGENIO: That's the deal, you need to work that out with Jennifer, she has very specific, I shouldn't say she, the town has very specific requirements that she enforces for signage. I mean I don't think it's a big deal.

MR. DRABICK: We wouldn't be looking at, you know, anything large.

MR MOELLER: Nothing huge.

MR. ARGENIO: Danny or you guys to my right, do you guys have any other thoughts on this? Very simple.

MR. BROWN: Very simple.

MR. VAN LEEUWEN: I'll make a motion to approve.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made--go ahead, Mark.

MR. EDSALL: I think before or at least ask that the formal motion that counsel prepares will not only reflect the site plan approval but the special permit approval and will also indicate that relative to access spacing to screening to residential properties nearby which is a conversion as you indicated but it meets the criteria referenced in the special permit section and counsel will just make sure they're included in the resolution.

MR. ARGENIO: Yes to that and that motion's subject to Mark's comments, just go through them. Steve, do you have a copy of them? A comment about the bond estimate, very minor stuff.

MR. DRABICK: Yes, but I'll have to get a list from Mark.

MR. ARGENIO: You can get it right here.

MR. EDSALL: No, the bond list. My suggestion is on the resolution that it be, that counsel's authorized to prepare the final resolution for the chairman's signature.

MR. ARGENIO: We're good. Roll call.

ROLL CALL

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

MR. ARGENIO: Thank you.

MR. DRABICK: Thank you very much.

MR. MOELLER: Thank you all.

HUDSON VIEW MOBILE HOME PARK

MRS. GALLAGHER: Hudson View Trailer Park's here.

MR. ARGENIO: Please come forward, ma'am. What's your name?

MS. TOBACK: Dorothy Toback.

MR. ARGENIO: Has somebody from your office been out to visit, is this Creek View?

MRS. GALLAGHER: No, this is Hudson View. Yes, we've been there.

MR. ARGENIO: What say you?

MRS. GALLAGHER: The park is fine.

MR. ARGENIO: Clean, neat, well kept?

MRS. GALLAGHER: Yes.

MR. ARGENIO: Thank you for keeping a nice, neat, place. Is that amount right, are you sure?

MRS. AMMIRATI: Yes.

MR. ARGENIO: Did you bring a check made to the Town of New Windsor for \$250?

MRS. TOBACK: Yes, I did.

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

MR. GALLAGHER: So moved.

MR. VAN LEEUWEN: Second it.

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

ROLL CALL

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

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MR. ARGENIO                      AYE

MR. ARGENIO: Thank you, Mrs. Toback, give that to Cammy and I'll sign this so you're good for one year.

MRS. TOBACK: Thank you very much.

MR. ARGENIO: Have a good evening, go enjoy the concert.

ZONING BOARD REFERRALS:

WINDSOR HOSPITALITY HOTEL SITE PLAN AMENDMENT (15-09)

MR. ARGENIO: Next is zoning board referral, Windsor Hospitality Hotel site plan. This is the first time this application has been before this board. The application proposes two additional hotel buildings at the site of the existing hotel. The plan was reviewed on a concept basis only. And to be fair, this application did come in a little late, so Mark has not done a detailed review on this. And as I just said, it's conceptual in nature, as you guys can see, we have building layouts, things of that nature. It seems as though this is probably sufficient to go to zoning but certainly not sufficient enough for a detailed planning board review. So that said, sir, what's your name?

MR. OSTERHOUDT: Good evening, my name is Rob Osterhoudt with Bohler Engineering, I provided a card because the spelling is not easy. But we're glad to be here in front of the board tonight. We thought that the event outside was put on for us and everybody was welcoming us with the new hotels. But now I realize it's a going away party for Cammy so--

MR. VAN LEEUWEN: Guys, let's get our boots on.

MR. OSTERHOUDT: We're glad to be here to introduce the project. I have here an aerial exhibit of the site so here's Union Avenue at the bottom of the page, the Thruway at the top of the page north, off to the right side here the building that you see here is the Days Inn, we've got the diner down front and Steak & Stein over here. Access into the site is off of Union off up into the site, this is an existing residence that sits over on the south side of the site. And then the County DPW facility here.

MR. ARGENIO: Is that residence occupied currently?

MR. OSTERHOUDT: I don't believe it is. Yeah, at this time it's not occupied. I have with me tonight Mr. Chet Canton (phonetic) with Windsor Hospitality, the applicant, and then Josh O'Connor from Bohler Engineering.

MR. ARGENIO: Mr. Canton, you can come up, we may have some questions for you this evening. How are you tonight?

MR. CANTON: Good, how are you?

MR. ARGENIO: Go ahead, Mr. Osterhoudt.

MR. OSTERHOUDT: Up to the north side of the site is Liner Road, that's a dead-end road, used to go through before the Thruway came through, currently a dead-end over here. So existing conditions as I mentioned we've got access off of Union Avenue, we've got some change for the front of the site, generally flat through the lower portion near the diner, steps up in grade through here and then we've got our parking field and then the hotel site.

MR. VAN LEEUWEN: Can I ask you a question? Is the diner part of your property too?

MR. OSTERHOUDT: The diner is not part of your property, I'll show you the limits of the project, property on the next exhibit here which is here, so I have here a rendered site plan, again, here's Union Avenue, here's the Thruway and what you see here in the color rendering is the outline of our property. So we have frontage--

MR. VAN LEEUWEN: House don't belong to you?

MR. OSTERHOUDT: House does sit on the project parcel.

MR. VAN LEEUWEN: What are you going to do with the house?

MR. OSTERHOUDT: House would be demolished and in its place we'd have a hotel building here as well as a new hotel building here. What you see here is the existing Days Inn. If we're comparing the two, Days Inn is going to remain, our access coming down and then the new buildings on either end taking the place of the residence on the south side of the site.

MR. VAN LEEUWEN: Years ago there was a big problem with that bringing the driveway from there to--

MR. OSTERHOUDT: Down to Union Avenue, I reviewed files and there was a lot of history on that.

MR. VAN LEEUWEN: Oh, boy.

MR. ARGENIO: Mr. Osterhoudt, on my site plan there's a

feature right here, a site feature, what's that, is that a wall?

MR. OSTERHOUDT: That's a retaining wall. We've got some grade change between the upper parking lot and this lower parking lot and we're tight with the two lots being close to each other. So we've got a retaining wall there, we've got some other retaining walls on the site as well as I mentioned there was a lot of grade change between Union Avenue and the upper part of the site here so we've got some topo challenges but, and we know we've got work to do, obviously we'd submit a concept drainage plan as part of the package, per Mark's request at the workshop meeting that was conceptual in nature as well, we've got some work to do, we know as we move forward with the project we'll certainly be significantly digging into that in more detail.

MR. ARGENIO: Mark, where are we at? I shouldn't say that because I know the answer to the question, what should this board be considering relative to DOT and the entrance onto 300 there, it's a 184 room addition of what's there already and we're still on the same driveway.

MR. EDSALL: Well, clearly you've got a substantial change in use for that driveway and that leaves you with the issues to consider whether you believe a traffic impact analysis is required, number one, which could be done as part of this board's review. And also it would be sent to DOT for comment. And secondly, just a referral to DOT, they're not going to need a permit cause they're not modifying their curb cut but clearly DOT would be interested in a change in use of this magnitude.

MR. ARGENIO: I would think that would be the case.

MR. EDSALL: So the board should probably first consider what additional information you would want from the applicant should they be successful at the ZBA and return to this board. And then if you can share that with them either tonight or at the next meeting you would then have the information you could share at the same time I bring this to the attention of the DOT.

MR. ARGENIO: Can you tell us, Mr. Osterhoudt, what variances do you need? I certainly would think it's at the very least side yard.

MR. OSTERHOUDT: Before I do step into that, I know Mark you haven't had enough time to review everything but relative to New York State DOT, we've been working with the town and the fire inspector specifically about the site circulation, about the access, today the driveway into the site is about a 24 foot wide driveway.

MR. ARGENIO: You have it as 30 I see.

MR. OSTERHOUDT: We're showing as 30 so we're proposing to widen the driveway.

MR. ARGENIO: I think that's really of critical importance.

MR. OSTERHOUDT: The fire inspector agrees and we agree so that's part of your plan moving forward that will drive us to make some minor improvements at the curb cut. Mark, they're not extensive, just widening that six feet so we're going to use the radius.

MR. ARGENIO: Change the radius?

MR. OSTERHOUDT: We'll need to involve DOT for a referral or permit, we're anticipating that. To answer your question, Mr. Chairman, about variances, we did attend the workshop meeting with Mark, went through our concept plan, we do meet the setback requirements for the front yard along Liner Road here, the setback of 60 feet, we've got a proposed building height of 72 feet on this hotel.

MR. ARGENIO: How many stories?

MR. OSTERHOUDT: Five story hotel.

MR. ARGENIO: Five stories, wow.

MR. OSTERHOUDT: Yes, so we're looking at 72 foot building height to the ridge line.

MR. ARGENIO: What's the code?

MR. OSTERHOUDT: Sixty feet is our setback we're allowed.

MR. ARGENIO: Thirty feet.

MR. OSTERHOUDT: So we need, as I understand it, we need a variance for building height, not for the setback.

MR. ARGENIO: Your setback is 60, is it two to one?

MR. EDSALL: It's one-to-one.

MR. ARGENIO: What does that mean you can have a 60 foot building?

MR. EDSALL: For a 60 foot setback.

MR. OSTERHOUDT: At that 60 foot setback.

MR. ARGENIO: So you need a variance of 14 feet.

MR. OSTERHOUDT: Twelve feet.

MR. ARGENIO: What other variances do you need?

MR. OSTERHOUDT: As we have the variance for the height on this side, we also have a variance for height on the south side, that building is at 55 feet, we're at a 35 foot setback there again a one-to-one ratio so 25 foot variance.

MR. ARGENIO: What other variances?

MR. OSTERHOUDT: As far as I know, that's all the variances that we needed.

MR. EDSALL: I reviewed this because there were some questions, I reviewed this with the code enforcement officer. At this point, we've identified the building height variances but in addition the 84 room four story hotel to the left that 41.9 foot setback is actually a front yard so that wouldn't require a front yard setback. And the other issue is the question of parking, we don't know if this is going to have straight hotel occupancy, if there's going to be any other uses within the hotel that would require supplemental parking per the code, that's something that you may want to nail down so you don't have to go back to the zoning board twice.

MR. OSTERHOUDT: Absolutely.

MR. EDSALL: Just one other note, the existing hotel by code, not that they're proposing an exit to the New

York State Thruway, but by code that's a front yard setback so that's a pre-existing, non-conforming setback.

MR. ARGENIO: That's almost silly.

MR. EDSALL: It is but the code cannot envision every lot that may touch a road like the Thruway.

MR. OSTERHOUDT: When we move forward with the project, just getting these setbacks clarified, we'll have to update our site plan. So just so I'm clear along Union Avenue even though we don't have the frontage, this is considered a front yard, we need that 60 foot front yard setback.

MR. EDSALL: Yes, and the only place you don't have that is the, one of the 84 room hotel.

MR. OSTERHOUDT: We've got, so what Mark's saying we'd be subject to the 60 foot setback here, we may be able to slide the building back to meet that setback 18 feet or so, I don't think that's an issue. We in this scenario got a copy of our survey here and it's not a colored rendered tonight but here's our property line, this property line and the edge of the existing asphalt is probably about right here. We were actually proposing to pull that asphalt back from that property line but if we slid this back about 18 feet, we can probably hold very close to the existing pavement line and meet that setback without requiring a variance.

MR. ARGENIO: You know what I'd like to see at some point in time is some renderings of these buildings as well.

MR. OSTERHOUDT: Absolutely.

MR. ARGENIO: Color renderings.

MR. OSTERHOUDT: I did bring some images of prototypical structures we're proposing, I can distribute them if you'd like.

MR. ARGENIO: Give them to the members.

MR. OSTERHOUDT: Sure.

MR. VAN LEEUWEN: Is it typical or these are the structures?

MR. OSTERHOUDT: It's not site specific, these are prototypical so what we're building may vary.

MR. ARGENIO: You're going to give us a landscaping plan as well?

MR. OSTERHOUDT: Absolutely, absolutely.

MR. ARGENIO: I think that would be nice because this is really high profile.

MR. VAN LEEUWEN: Where are you from?

MR. OSTERHOUDT: I'm actually from, I was born and raised in Marlboro, my parents live in Newburgh now. I've relocated now to just north of Albany.

MR. BROWN: Are you planning any modifications on the existing building?

MR. OSTERHOUDT: The existing building has had some cosmetic improvements recently. Those are two different pictures that I'm distributing so yes, there have been cosmetic improvements that were completed. The facility looks very sharp, it has a nice, fresh look to it. Mr. Canton and his group picked the hotel, the property up, they picked the hotel up in October of last year and jumped right in to make some improvements and so it's looking real nice, there's no other--

MR. VAN LEEUWEN: This is all going to blend together?

MR. OSTERHOUDT: There will be a motif, if you will, there will be some individual flair to the buildings because they're going to be three different brands but--

MR. VAN LEEUWEN: I don't follow what do you mean three different brands?

MR. OSTERHOUDT: There's three different what we call flags in the hotel industry, we've got a Days Inn flag on the existing hotel, this flag that we're trying to move forward with is a Residence Inn and then which is what I distributed the photos of and down here on the south side of the site we're looking at different flags, right now we're not exactly locked in on a particular one, we have some ideas but we're not ready to--

MR. ARGENIO: Is it fair to say you're looking for three different products typically?

MR. OSTERHOUDT: Essentially, the Residence Inn is more of an extended stay hotel, suites, larger rooms, that type of thing. One thing that we're trying to accomplish here on the site is, I don't know if you're familiar with the Hampton Inn closing down and the Courtyard closing down but those, or Hilton Garden, I'm sorry, those two hotels in Newburgh right off the exit just went offline, they're no longer in service so there's a void.

MR. VAN LEEUWEN: Jehovah Witness bought them.

MR. OSTERHOUDT: That's correct, that's my understanding, so there's a void in the market. Because of that, we're looking to capitalize on that and bring some new hotel development to the Town of New Windsor. We're very close to the interchange, we feel with that void there's a great opportunity, our client owns the property, we're not looking to do this on speculation so they're looking to make some improvements and bring more business and jobs to the Town of New Windsor.

MR. ARGENIO: What other questions do you guys have? I know the plans are not incredibly thorough but they certainly do represent the concept of what they're going to do.

MR. VAN LEEUWEN: We should refer it to the zoning board.

MR. ARGENIO: Are you confident, Mr. Osterhoudt, that you have your variances tied down?

MR. OSTERHOUDT: Yes, I'm confident with the building height variances that we need I think we can make these site plan adjustments to avoid any additional variance for that 42 feet on the southerly building.

MR. VAN LEEUWEN: This has already been in the zoning board?

MR. OSTERHOUDT: It has not.

MR. ARGENIO: What he's saying if he shifts this building up he can maybe mitigate the need for this

variance.

MR. OSTERHOUDT: We obviously would like to minimize the variances.

MR. ARGENIO: We're going to be looking at green at some point in time, Henry's going to ask for where your flag poles are, dumpster locations, the flow of the traffic. I'm just taking a cursory look at it now. I don't have any initial comments. Mark, is there anything else we need to get focused on at this juncture that you want to bring to our attention that you saw that possibly we didn't speak of between Mr. Osterhoudt and the board over the past 10 minutes?

MR. EDSALL: No, you've pointed out the additional plans you're going to need. And just for clarification, the reason why I suggested that the concept plan include grading is that given the grade issues that would help them resolve any grading issues before they came in so that seems to have been accomplished and now they can run off to the ZBA.

MR. ARGENIO: Yeah, so, you know what as an extension of Mark's commentary, one of the questions that I'll get focused on at some point in time is you have what looks to be like a one on one slope below your, I didn't measure it, but I'm guessing the contours are very close below your parking lot and, you know, we as town residents, we certainly don't want to look at a bunch of weeds on that slope. What are you going to do with that slope?

MR. OSTERHOUDT: At this point, again, I know we have work to do but I'm sure--

MR. ARGENIO: It's jumping out at me.

MR. OSTERHOUDT: We have thoughts, we're bouncing around some ideas.

MR. ARGENIO: And the walls are going to need to be aesthetically pleasing because just like the slopes they're in everybody's face, they're standing out like a sore thumb and they're going to need to look like something.

MR. VAN LEEUWEN: Not just plain concrete.

MR. ARGENIO: I'll give you a suggestion, at the

intersection of New York State Route 208 and New York State Route 17K, there's a T wall there, it's got a face of faux, F-A-U-X stone facade on it. I think it's attractive, take a look at it. Do you have a picture of that with you, that wall? Do you have a picture?

MR. CANTON: Not that wall but this is an example.

MR. ARGENIO: I'm going to make a suggestion, I don't want to go on and on about the walls, but typically if the walls are taller than six feet or so we're looking for something a little bit more substantial than your standard, that's nice, that faux finish.

MR. CANTON: Not sure, it's a an apartment complex.

MR. ARGENIO: Looks nice. When we get walls that are typically taller than six feet, we're looking for something a little bit more substantial than your standard modular block, your standard SMU block, we're looking for big blocks, we're looking for a T wall, more of a structural wall. If you go to like a T wall as manufactured by Fort Miller, I'm not advocating for Fort Miller, I know they happen to make it, they make an attractive product with a fake stone on the front, it's concrete but it looks good. So in any event, let's not go on and on. Anything else? I'll accept a motion we declare this application incomplete at this point in time.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded to my left that we declare this application incomplete, which effectively sends you guys to the zoning board to seek the variances which you'll need to build this project as it's shown. Roll call.

ROLL CALL

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

MR. ARGENIO: Good luck at zoning board, looks like a nice project but it's going to need to be done right,

high profile, high profile, high profile. Thank you for coming in.

MR. OSTERHOUDT: Mr. Chairman, I do have a couple quick questions if you don't mind?

MR. ARGENIO: Go ahead.

MR. OSTERHOUDT: From a SEQRA perspective, we submitted a full EAF for the project, how is SEQRA going to work with the zoning board?

MR. ARGENIO: Zoning board is not going to ask you about SEQRA, SEQRA's at the planning board.

MR. OSTERHOUDT: So do you do anything with SEQRA this evening for lead agency?

MR. ARGENIO: No, no, we need to circulate, there's steps we need to do before we get to SEQRA.

MR. OSTERHOUDT: Okay.

MR. ARGENIO: That will be handled by this board.

MR. OSTERHOUDT: From a timing perspective with the zoning board, they will not be able to render a decision unless SEQRA--

MR. EDSALL: They do their own determinations.

MR. OSTERHOUDT: Very good, thank you. One other thing Mark had brought up traffic, whether or not, you know, we need to look further at traffic. If there's any feedback that the board can provide us on that, do you feel that traffic is satisfactory if we're widening the driveway out 30 feet?

MR. ARGENIO: I think widening the driveway's the right thing to do and think you have a grip on that. But I don't know where to go with the intersection so I think that's got to go to DOT. Mark, I don't think there's any question about it.

MR. EDSALL: Yeah, and, you know, one of the things that DOT would ask for if it didn't already exist would probably be the center turn lane but the lane's there already. So I don't know that it would ever meet the warrants for a signal.

MR. ARGENIO: I can't imagine it would meet the warrants.

MR. EDSALL: There's not a lot more that can be asked for.

MR. ARGENIO: But it's going to need to go to them because of the change in use.

MR. OSTERHOUDT: Maybe we can get that ball rolling while we head to zoning board. Would the board have any objection to us submitting--

MR. ARGENIO: Are you confident with your design down there that it's going to remain the way it is right now or are you going to change it?

MR. OSTERHOUDT: Well, I'm confident in our design approach with the driveway, with the widening off to the north side of the driveway and at this point, I would say maybe we can submit a concept to New York State DOT, get some initial feedback.

MR. ARGENIO: It serves your client's needs, appropriate at this point in time.

MR. OSTERHOUDT: That's right.

MR. EDSALL: No, there's no reason why they couldn't start the discussions, we'll refer it once we have a more complete plan upon their return.

MR. ARGENIO: I agree.

MR. EDSALL: Most applicants go to visit with the DOT at this point.

MR. ARGENIO: Sit down and talk and get feedback but it would never meet warrants for a signal, Mark's right.

MR. OSTERHOUDT: One other related question to traffic, we have Liner Road off to the north here, we're not proposing any access onto Liner Road, it comes down, services the self-storage facility and driveway to Sonic and comes out to Union Avenue, nothing has been brought up about a secondary access but there's potential for secondary access to Liner Road. Does that--

MR. ARGENIO: I think it's a good idea.

MR. VAN LEEUWEN: It should be for fire apparatus to come in.

MR. ARGENIO: I think it's a good idea.

MR. OSTERHOUDT: I bring it up cause I'd rather be up front and get some feedback.

MR. ARGENIO: You're getting a nod everywhere.

MR. OSTERHOUDT: Thank you. We have our work cut out for us, we'll be back. Thank you for your time.

MR. ARGENIO: You guys are up again.

## REGULAR ITEMS:

## WINDSOR HOSPITALITY RETAIL SITE PLAN (15-10)

MR. ARGENIO: Retail site plan, Windsor Hospitality retail site plan. Application proposes development of the vacant site with a 8,670 square foot commercial building for retail and bank. The plan is being reviewed on a concept basis. Same holds true with this as the prior one, Mark, they came a little late and Mark did a quick cursory review and we have a very basic plan. So go ahead, guys.

MR. OSTERHOUDT: Okay, Rob Osterhoudt with Bohler Engineering representing Windsor Hospitality with their application for the commercial development of a parcel that lies south of the diner and east of the Days Inn site we just reviewed. We have frontage along Union Avenue, we're talking about an acre and a half site. Again, site boundaries, our color rendering here, the diner sits off to the north, Days Inn site to the west here and Union Avenue along the side, we're proposing to locate a curb cut on the south end of the property, provide access into the site. We've got a commercial establishment proposed on this vacant parcel, the commercial establishment includes 6,700 square feet of retail and 2,000 square foot bank with a drive-thru. We have all--

MR. ARGENIO: What's that going to be, store front the retail?

MR. OSTERHOUDT: Correct. Right now, we're before the board looking at a concept. Our applicant is working with a particular, looking for a particular tenant to fill this space, we're not exactly locked in on particular tenants. At this point, we're hearing some discussions from perspective medical office users as well.

MR. ARGENIO: Medical office?

MR. OSTERHOUDT: We had retail on the application, we're getting some interest from medical office space tenants so again, we're a concept, we're trying to nail down those tenants but we'll work that out as we move forward. We did look at a comparison--

MR. ARGENIO: I wonder if there's a way that that, can that parcel get access over onto the other driveway, is

that--

MR. OSTERHOUDT: We do have a shared access easement through the diner site so when you look at the overall site here's the project parcel for this commercial retail, there's an access easement through the diner site.

MR. ARGENIO: You're not going to be able to go through the center of the parking lot.

MR. VAN LEEUWEN: When they're backing out, cars coming through there, it's going to mess it up.

MR. ARGENIO: I was referring to some other access, some other way into it but looks to me like the contours are too steep to the rear.

MR. OSTERHOUDT: This is that area where we've got some steep topo between this lower site and the hotel site. This area that you see right here on the site there's a hatch coming through the site, there's a sewer easement and sanitary sewer line that runs through the back of the site, so what we've done is we've looked at this building space, we've gone through this with the fire inspector's office, we have incorporated comments from them into this plan, the 30 foot drive aisle, the 20 foot coming around the side of the building providing access. One thing that we would need to address on here to address more recent comment from the fire inspector would be a 20 foot drive aisle through the drive-thru bypass lane so 20 feet outside of the building canopy, again, no problem there, we have plenty of room on the site to handle that. We've got plenty of parking proposed in this scenario for these uses. We meet and exceed town code requirements for parking. We actually did a comparison if this were to switch out to medical office space, the parking requirement is more stringent, requires more parking but we would have adequate parking and still exceed the town's parking requirement in that scenario. Again, we're trying to work through that with potential tenants so we'll have those details firmed up as we move forward. Access is proposed through the single driveway, we have a connection into the diner site, if necessary, we've got our dumpsters tucked behind the northwest corner of the building here, we've got the drive-thru lane, two drive-thru lanes on the bank with a bypass lane, so if anybody comes around the building, they're not locked up in traffic that's waiting for the

drive-thru tellers.

MR. ARGENIO: Let me ask you a question, trying to learn from our previous missteps and the planning board did make a misstep on a particular project a few years back, the deliveries, depending on what your use is for the retail, the 6,670 feet if you have trailers and/or trucks, box trucks or otherwise back there making deliveries, how do you expect to adequately operate that drive-thru at 20 foot?

MR. OSTERHOUDT: We've got the 20 foot lane that provides us with room for two lanes, really two 10 foot lanes.

MR. ARGENIO: Not really, but go ahead.

MR. OSTERHOUDT: So you know what we're not showing on this plan is the space between the building and that access road where the doors would be, where the service areas would be, so we've got about another five feet or so of pavement area between the building and the road as it's shown here that we could use for that service area to help widen out that 20 foot area.

MR. ARGENIO: You're going to need more than that, I don't know why you can't go further to the west.

MR. OSTERHOUDT: Yeah, we could potentially expand.

MR. ARGENIO: Certainly I think a driveway of at least 25 foot wide would be appropriate in the rear of that if you're going to have that drive-thru package there.

MR. VAN LEEUWEN: Tractor and trailers you're going to need that.

MR. ARGENIO: If it ends up being medical use, the delivery thing kind of goes away but if it's not and you have to prepare for all--

MR. OSTERHOUDT: I agree with you, we have plenty of room to expand it, we'll work out those details as we move forward, it's a very good question.

MR. ARGENIO: I want to read from Mark's comments and this is mainly to you, Mark, I don't quite understand this, give me just a moment, the purpose of the permanent easement along the highway boundary should be indicated. I'm not picking that up, what's the story

with that?

MR. EDSALL: There is a crosshatched permanent easement shown along the highway boundary.

MR. ARGENIO: What's going on?

MR. EDSALL: Just doesn't say what it is.

MR. OSTERHOUDT: Okay, so that appears to be an easement for drainage for New York State DOT, there's a swale that runs along there so it's a permanent easement, what we would propose, so that was put in to I believe intercept any runoff coming off the site before it got out to the roadway.

MR. ARGENIO: Are you going to fill it in?

MR. OSTERHOUDT: We'd be picking up that runoff with our site development with any curb lines and drainage structures.

MR. ARGENIO: What about a north-south flow, is that nonexistent?

MR. OSTERHOUDT: So north-south flow, I believe the flow is coming along from south to north right now in that swale.

MR. ARGENIO: If you get off your property and go to the south and the flow is moving to the right, to the north of the, to the right on the drawing to the fourth, what does that water do when it gets to your property? I understand you're handling the runoff on your property but what does it do as it runs to the north towards your property, what does it do when it gets there?

MR. OSTERHOUDT: So I believe it runs through that swale, we've got a divide, there's a drainage divide in this general area, I don't know exactly where it is, I have to look back at the survey. There's a general drainage divide in this area, I don't think there's a whole lot that's coming from the south to the north off the property but whatever it does it's, anything that's off the roadway is being picked up by that easement, I believe that easement.

MR. ARGENIO: I think we need to understand it collectively and I don't mean just me, I mean you.

MR. GALLAGHER: I know the water does sheet off the main driveway going up towards the hotel, kind of floods out the other areas. As we widen that from 25 to 30, I think that's going to increase the water going onto 300.

MR. OSTERHOUDT: It would, we're going to have to address that.

MR. ARGENIO: Here's what I'm referring to, if the direction of flow is this way, pretend it's that way, this water that's coming this way if you're eliminating that drainage swale and the water's flowing this way, what does it do when it gets here?

MR. GALLAGHER: I don't know.

MR. ARGENIO: You should look at this, justifying it out it may be a non-issue, I don't know but it's jumping out at me.

MR. VAN LEEUWEN: Water doesn't go uphill.

MR. ARGENIO: Cross connection to the restaurant, Mark has a note about that, that's probably not a bad idea.

MR. EDSALL: That was something, Mr. Chairman, that when the restaurant application was before the board, the board asked that that be part of that site plan so that if you ended up with two adjoining uses that would have some benefit and communication, traffic wise you wouldn't have to go out on the highway to come back in.

MR. ARGENIO: This applicant would have to get a letter from Mr. Ikaros or whatever the diner man is.

MR. EDSALL: Well, the reservation is on condition of his site plan already so they would have to talk but it's not like he could say if the board wanted it he couldn't at this point say no cause it's a condition of his site plan.

MR. OSTERHOUDT: And there's a formal easement in place.

MR. ARGENIO: We're going to need some landscaping, it's going to have to go to DOT, it's a new entrance, certainly would be extraordinary if you can connect this thing to the spine road that you have that serves

everything else but I don't know how you would do it with the contours, Mark, am I right or wrong, is it possible to connect this property to the road? Is there any practicality to Liner Road?

MR. EDSALL: For the hotel?

MR. ARGENIO: To the driveway for the hotel.

MR. EDSALL: You would have a communication, again, if you connect the diner and this, you'd be able to come from this retail site, bank site through the diner and then go up to the hotel. The advantage of that is that these two sites would then be accessible without going on the highway from the hotel.

MR. ARGENIO: That would be good. Okay, what else do we need to talk about here tonight? The plan is very basic, no green in front of your building either, that's kind of crappy, it would be good to have some type of plantings in front of it.

MR. OSTERHOUDT: We we're looking at that too, once you render it up it pops out. One thing we were thinking we could lose some of the parking stalls along the front to put in planting items.

MR. ARGENIO: I was referring to this.

MR. OSTERHOUDT: Along the front here.

MR. ARGENIO: You've got a big slab of asphalt, you have a slab of concrete and a building.

MR. VAN LEEUWEN: And a flag pole there, too.

MR. OSTERHOUDT: We can put an island, maybe take two or three of the spaces.

MR. ARGENIO: This is a basic plan and we all have different concepts of what basic is. There's no detail on the front of that building, it's just there, there's nothing going on and that's not great, I mean, that's not just, not great, even John Lease puts detail in front of his buildings. Mark, what else do we need to talk about here with this?

MR. EDSALL: Not much more you can do tonight.

MR. ARGENIO: Members got any other thoughts, Harry,

Howard, I see you guys chatting, any other thoughts?

MR. FERGUSON: No.

MR. BROWN: No.

MR. ARGENIO: You agree with me on the building, should do something there, right?

MR. FERGUSON: That's what we're talking about, he thought maybe the walkway would be an overhang and you wouldn't be able to put the greenery but if you pulled it out a little bit, you could do the shrubbery on the back side of it against the building.

MR. ARGENIO: It would be nice to see something, I don't want to get into your creative process, you do what you have to do. Okay, that's it, thank you.

MR. OSTERHOUDT: Thank you for your time this evening.

WEIKFIELD WINDSOR DEVELOPMENT (15-01)

MR. ARGENIO: Next on tonight's agenda is Weikfield Windsor Development on Station Road. This application proposes the subdivision of the 80.7 acre parcel into 25 single family residential lots. The application was previously reviewed at the 25 February 2015 planning board meeting. So I see Mr. Yannone here. What's your name?

MR. PETERS: Zachary Peters from Mercurio, Norton, Tarolli, Marshall, project engineer.

MR. ARGENIO: What are you here for with this?

MR. YANNONE: I'm the developer, I'm going to be executing this for Weikfield.

MR. ARGENIO: You're building it?

MR. YANNONE: Yes, and I'll be marketing it too, we're going to do it as a partnership.

MR. ARGENIO: Who's Weikfield?

MR. YANNONE: They're a company out of India, a food distribution company and they invest in real estate worldwide and they identified Orange County about three years ago as a place they wanted to invest in, this is the first parcel they purchased and are developing, they actually have offices in New York and have employees and affiliates that come back and forth and they're probably going to take eight or ten of the larger homes that are going to be there, people are going to be purchasing and living in.

MR. ARGENIO: What does that mean their people?

MR. YANNONE: They're Indians, foreign nationals.

MR. VAN LEEUWEN: Coming in from India to live here.

MR. YANNONE: They're not going to live, it will be a second home for them, a second home, yes.

MR. ARGENIO: Okay.

MR. YANNONE: That's not what the basis of the plan is but that's an overview of what's probably going to be happening.

MR. ARGENIO: Okay, Mr. Peters.

MR. PETERS: So since we were last before the board, we completed on-site soils testing and design of the sewage disposal systems, those have to be reviewed by the health department. Based on, we completed design of the sewer systems, they'll be reviewed by the health department. Based on comments made by the board when we were last here, the board had some concerns over traffic along Station Road. Our traffic consultant completed a traffic and safety study which we included for your consideration. Their determination seemed to be that there'd be no significant impacts from the proposed subdivision.

MR. ARGENIO: So who said that?

MR. ARGENIO: Our traffic consultant.

MR. ARGENIO: Who's that.

MR. PETERS: Steven Maffia (phonetic). We also prepared a preliminary SWPPP and did do conceptual review with John from Mark Edsall's office. He had a few minor comments but we believe that more or less is in form to be submitted for review. So we completed a detailed design, it's slightly changed now that we have completed the SWPPP, we've added details for that and that's basically where we are now with detailed plan design and SWPPP has been in our opinion more or less completed.

MR. ARGENIO: John Z is good with it, Mark?

MR. EDSALL: It's in the works, I'm sure we'll have that answer before public hearing.

MR. ARGENIO: Let's talk about the thru road thing a little bit. Where you at with that, Ray, do you have any thought process?

MR. YANNONE: I don't see Biagini moving any closer, we're right at the wall so it's an easy connection for us, there's a ravine between where he's building now and where our road would connect. I'm not quite sure how he's going to grade that. I do not know if he submitted a plan, it's quite a hole.

MR. ARGENIO: Have you spoken to Ed at all?

MR. YANNONE: Very early on when we started getting involved and he just started going back and doing some construction on site but our further conversation we have no objection, we're prepared to do it.

MR. ARGENIO: You're right there.

MR. YANNONE: We're there.

MR. ARGENIO: He's going to resist, I'm sure of it. I'm looking at the contours there, it's doable but--

MR. YANNONE: It's a dropoff.

MR. ARGENIO: Yeah, little bit. Mark, how far away is the nearest road, is that Rackowicki?

MR. EDSALL: Yes.

MR. ARGENIO: How far away is the nearest road from the property line, do you know?

MR. EDSALL: To Rackowicki just a depth of a lot.

MR. ARGENIO: Are they deep lots?

MR. EDSALL: Well, there hasn't been a design completed, I think at this point I was looking for the board to decide if it's an appropriate cross connection. The code requires that for you to consider a subdivision as presented with a single access and more than 20 lots, the code requires that you consider thru roads, it's a required element of permitting more than 20 lots with a single access. So if the board believes that it is appropriate then what we'll have to do is try to bring the two applicants together, see if we can make the grades work. Mr. Biagini doesn't have a dead-end condition so he's got a loop, this application is effectively a dead-end.

MR. ARGENIO: He has a loop that comes out to a single entrance, does he not?

MR. EDSALL: He's got three different roads he connects to.

MR. ARGENIO: Is he in the audience?

MR. EDSALL: No. They connect to three different roads

and that was a requirement back when that application was in for consideration.

MR. ARGENIO: Yeah, I mean, we need to make the effort, I don't know how, Ray, I don't know how we can compel him to build that even though if it's on his property you're the one doing the 20 lot subdivision, not Ed Biagini, I know you don't want to hear that but it is what it is.

MR. YANNONE: Yeah.

MR. ARGENIO: I think you should talk to him with Mark. Mark?

MR. EDSALL: We can get the two plans together and try to work something out.

MR. YANNONE: Yeah, I have no problem with Ed but, you know, it's an easy lift for us, it's a tough one for him, I mean, I guess does he have lots, are these buildable lots for him?

MR. ARGENIO: I don't remember what he has there.

MR. YANNONE: Does he gain anything?

MR. EDSALL: He clearly doesn't gain anything, he might lose.

MR. YANNONE: These aren't buildable if the road connects?

MR. EDSALL: He'll lose something for sure.

MR. ARGENIO: I don't know the size of the lots but if he has, you know, couple of five acre lots and he's losing--

MR. EDSALL: They're not five acre lots, we'll look at it, it's something.

MR. ARGENIO: Well look at it, please.

MR. EDSALL: If the board wants that pursued.

MR. ARGENIO: We should be looking at it, Ray.

MR. YANNONE: We have no objection.

MR. ARGENIO: No, Ray, you've always been good, I don't have any issue, none whatsoever.

MR. YANNONE: Mark, the lots that are shown here, lot five, lot four, those are lots he's planning on building on?

MR. EDSALL: I'm not sure that this plan reflects exactly what's on his plan but we'll pull his plans out, he does not have final approval on this phase, he has preliminary approval.

MR. ARGENIO: Does he have phase one?

MR. EDSALL: Phase one is finally approved, the remaining phases are preliminary approval, we'll bring everybody together.

MR. ARGENIO: Mark, you have a comment about the things we need to consider with the single access subdivision and your comment is public health, safety and welfare conditions and I have a note here, what conditions?

MR. EDSALL: Well, first let's say I didn't write the code, but that's what, I mean, the bottom line is does this provide adequate access to provide welfare or emergency service access and so on? I believe with a full size road, width and the cross connection you've got, no doubt, if you don't have the cross connection the question becomes is the length too far in with 25 lots that there could be an obstruction that would negatively impact.

MR. ARGENIO: Well, 1,600 feet, 1,800 feet, how long is your road back to the cul-de-sac?

MR. PETERS: About 2,700.

MR. VAN LEEUWEN: Is that going to be a public or town road or is it going to be a private road?

MR. PETERS: These are intended to be town road.

MR. VAN LEEUWEN: Town road?

MR. PETERS: Yes.

MR. ARGENIO: The thing that I'm wrestling with to be honest with you I have to tell you is it's not a phenomenal amount of lots but it's a lot of space. And

we certainly, Mark, can have significant more density with that project out on Shaw Road, what's the name of that project?

MRS. GALLAGHER: Apple Ridge.

MR. ARGENIO: There's a lot more lots in a lot smaller space, it's a big, big space. Do you have a copy of Mark's comments?

MR. PETERS: I do.

MR. ARGENIO: Can we take lead agency tonight?

MS. MC MILLAN: Yes.

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

MR. ARGENIO: You have it in your notes that we did take lead agency? She's going to check on that. Ray, are you confident that you're substantially close to where you want to be with your lot lines and your lot sizes?

MR. YANNONE: We're ready, we've worked on this for a long time and they've done, Zach's done half a dozen revisions trying to come up with the best use.

MR. PETERS: I got a response.

MR. EDSALL: You authorized circulation.

MR. ARGENIO: We didn't take lead agency. I'll accept a motion we take lead agency.

MR. VAN LEEUWEN: I made it already.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare itself lead agency for the Weikfield subdivision.

ROLL CALL

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

MR. YANNONE: So this is probably the seventh or eighth revision and we've tried to get more lots, this was the most efficient way to lay this out so it meets zoning for engineering purposes.

MR. ARGENIO: Is there some threshold you lay just under with 20 lots?

MR. YANNONE: We were actually hard on 28 initially and this is how it landed after all the roads were engineered with the setbacks and the wetlands and everything else.

MR. ARGENIO: Okay.

MR. VAN LEEUWEN: Who is the former owner of this or still is the owner?

MR. YANNONE: No, Weikfield owns it, they purchased it several years ago.

MR. VAN LEEUWEN: Who was the former owner?

MR. PETERS: This was lot two of the Nowicki subdivision.

MR. YANNONE: It's beautiful property.

MR. ARGENIO: I don't see any reason why we can't have a public hearing on this, Mark, is there any reason we can't or Veronica?

MS. MC MILLAN: Mark has a note.

MR. EDSALL: We'd need the SWPPP completed prior, I think before the public hearing we should have comments back from the highway superintendent on the traffic issues, I'm going to meet with him on the study, we just haven't had time, the SWPPP is the key element and plans are in.

MR. ARGENIO: Why is the SWPPP a key element to have a public hearing?

MR. EDSALL: We always, well, the board has established a policy where as part of the public hearing the SWPPP is available for review to get that out of the way so that if you have any environmental concerns you could be tied up for considering SEQRA. It's been submitted and I spoke with John, he believes it's moving forward

fine, I would think within the next week or so that might be resolved.

MR. ARGENIO: Okay, what was the other things, Veronica?

MR. EDSALL: The road detail is another issue that I spoke to the highway superintendent about, they're proposing the alternate road detail which is a road without a curb, has shoulders and swales, that will require a town board approval and input from the highway superintendent. Highway superintendent is not quite sure if he supports the alternate road for both roads, the thru road and the--

MR. ARGENIO: Applicant proposes a road with no curbs which probably includes shoulders of some sort?

MR. EDSALL: Yes.

MR. ARGENIO: And Anthony's on the fence on it?

MR. EDSALL: Yes.

MR. ARGENIO: And it's a town board decision?

MR. EDSALL: The code requires that I give a recommendation and the highway superintendent give a recommendation. I spoke with Anthony about it, he's thinking a little more about it, we're going to get together.

MR. ARGENIO: What do you think?

MR. EDSALL: I think if there's a cross-connection to Rakowiecki that entire road has curbs, it may make sense on that road to have curbs but the dead-end cul-de-sac road there clearly is no advantage in curbs on that road, it's a rural area.

MR. ARGENIO: I agree with that. As an extension of that statement, my thought process was if it's a dead-end, you shouldn't have curbs because God forbid there's an emergency or something and there's a car broken down in the road or somebody's stuck in the winter, the fire apparatus or whatever it is, emergency vehicle can get in there without having to jump over curbs.

MR. EDSALL: Yeah, that's really rural, it's a dead-end

cul-de-sac so that one I don't believe has any problem with the alternate road detail but I'm going to speak more about the thru road.

MR. ARGENIO: So we can schedule the public hearing, can we not?

MR. EDSALL: I believe so.

MR. ARGENIO: Let's get the SWPPPs buttoned up and get it on the record so it can be viewed. Does anybody take exception to that, members, to schedule the public hearing for this?

MR. VAN LEEUWEN: Go ahead, I so move.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded to schedule the public hearing.

ROLL CALL

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

MR. ARGENIO: That's to schedule the public hearing for Weikfield subdivision. Is there anything you guys have, any other questions on this, Harry or Howard, Danny Gallagher?

MR. GALLAGHER: No.

MR. VAN LEEUWEN: No, nothing.

MR. ARGENIO: Is there anything else you want to go over with us?

MR. YANNONE: No. Once we determine where we are with the road and after the public hearing we're hopeful maybe this fall we're going to ask permission to build our model house, a single house but we'll get through the next meeting.

MR. ARGENIO: Let me just say something to Mark and I want to say it in front of you guys, take a good close look at the culvert pipe at the end of this road that

you're going to install because that section of Station Road floods bad. And you need to have literally, Ray, you're probably going to need at least twin 24 inch culverts or 36 or something quite substantial. When it does rain, you get a couple days of rain, all those fields drain down that in the direction and it can be problematic so take a close look at it.

MR. YANNONE: So work on the entrance detail for that purpose?

MR. ARGENIO: Yes, please.

MR. VAN LEEUWEN: Maybe you can defer some of the water between the lots into the wetlands.

MR. PETERS: Yeah, we have this coming down and the other side goes around that way so tried to keep it as close to existing as possible. If I can bring up one thing, we, Mark has a comment about discussion about streetlights, I don't know if that's appropriate for this time.

MR. ARGENIO: Yeah.

MR. EDSALL: Just as an FYI, the town code is being revised relative to streetlights.

MR. ARGENIO: Because of the discussion we had the other day about this this is why I stayed away from that, I don't want to misspeak on that subject so Mark, if you want to speak on it, you can speak but I'm not going to say a word.

MR. EDSALL: Well, there's going to be more flexibility in the code for the planning board to have lesser streetlights in more rural areas. But there's also going to be a requirement that gives the planning board flexibility to require a new lighting configuration that Central Hudson's coming out with for LED lights.

MR. YANNONE: What happens in New Windsor because I haven't done streetlights in New Windsor on a town road that goes to the town, we don't have a, we don't form a homeowners' association and have a maintenance district?

MR. EDSALL: No, it's the town, it goes to the town. But as far as selection and the cost process is still under the modifications we're looking at right now.

MR. ARGENIO: I didn't speak to it because we had a meeting days ago, I know it's changing and I don't understand all the exact nuances of it so I didn't want to bring it up, really it's going to be this or it's going to be that and that's the way it's going to be, it's not like we have a lot of--

MR. VAN LEEUWEN: I wouldn't want a streetlight in front of my house.

MR. ARGENIO: They'll be there but with a much lesser frequency than what we used to have. Developments like Nina Street or Keats, there's a lot of lights, much, much, much less lights nowadays on Town of New Windsor roads, especially in the west end. Sit on that.

MR. PETERS: Okay.

MR. ARGENIO: Thank you.

CENTRAL HUDSON AMENDED SITE PLAN (15-06)

MR. ARGENIO: Zafar withdrew so next is Central Hudson amended site plan at 610 Little Britain Road. Somebody here to represent this? Okay, this application proposes an additional parking lot, access driveway and related improvements. The plan was reviewed on a concept basis only. Gentlemen, introduce yourselves.

MR. PAGGI: My name is Christian Paggi, Paggi Engineering. This is John Schwartz, our project architect from Schwartz Architecture and also with us today is representative from Central Hudson as well.

MS. POLA: Stephanie Pola (phonetic).

MR. ARGENIO: And your name is Christian, you're Larry's son?

MR. PAGGI: Yes, do I look like him?

MR. ARGENIO: You have an architect, I don't quite understand why you have an architect if you're building a parking lot but I'm sure you'll tell us why. Go ahead.

MR. PAGGI: In a nutshell, the application involves like you said the addition of some parking area for customer parking. Also we're proposing a guard shack at the entrance to prevent customers from entering the rear of the site. There's also proposed a payment dropoff box at the entrance right here at the new driveway entrance into the new parking lot and there's also a new pole barn proposed to house Central Hudson service trucks. In addition--

MR. ARGENIO: What's that?

MR. PAGGI: It's a pole barn.

MR. VAN LEEUWEN: Just a roof and three sides?

MR. SCHWARTZ: Yes.

MR. VAN LEEUWEN: Front open?

MR. PAGGI: That's why our project architect is here.

MR. SCHWARTZ: It will be accessed off the parking lot facing the building that's the open side.

MR. ARGENIO: I don't see that shown.

MR. EDSALL: It's all asphalt, just marked as asphalt.

MR. ARGENIO: Just a big, giant parking lot, I understand, sorry, go ahead.

MR. PAGGI: No problem. We plan on mitigating the runoff from the addition of the impervious, from the new parking area and driveway via infiltration in the front of the lot. Currently, well, the way that it will be graded, runoff will sheet flow off the parking lot into a gravel diaphragm for pretreatment and into a basin, that basin is sized to temporarily hold and treat the water quality volume before it infiltrates into the ground, it's been sized to accommodate the hundred year storm.

MR. ARGENIO: You'll check those numbers, Mark, on the sizing of that?

MR. EDSALL: Yes, that should be submitted as part of a storm water--

MR. ARGENIO: Okay.

MR. PAGGI: That's sized for the hundred year storm. In the event that it does overflow, we have provided an overflow apparatus that will convey any overflow volumes away from the site around the impervious area down into the rear of the site where existing runoff currently drains. The pole barn--

MR. ARGENIO: Wow, Larry, I'm so sorry, Christian, if I can just interrupt you for a second. So you're proposing in association with this project all of this drainage brand new all the way around?

MR. PAGGI: There's more than one reason for that, so I'll go back to that. So also part of the application they're trying to correct an existing flooding problem that they're having in the building. This site right now I'll give you the grading plan, not that you'll be able to see it from there, but so right now this site drains pretty much all towards the back, you know, this right here drains towards the building.

MR. ARGENIO: The building's in the way.

MR. PAGGI: Right, and everything still gets back to this one location in the rear of the lot.

MR. ARGENIO: It goes through the building.

MR. PAGGI: Exactly, so what they'd like to do we're proposing to do some additional grading in front of the building to raise that area up and also provide some catch basin inlets and slotted drains to intercept the runoff before it gets to the building. Those will also discharge over to where the overflow is discharging. So right now, this is a shallow swale so there's, there's some runoff and some storm water conveyance there right now we're just adding some piping and catch basins to allow the runoff to get into the pipe and out to where it's currently discharging now just trying to improve the hydrology of the site a little bit. We're not changing any of the hydrology, everything is going, we're proposing to keep everything discharging to where it was previously, just trying to correct some flooding and to try to just improve the drainage.

MR. GALLAGHER: Do you have to go in front of the Town of Newburgh for this?

MR. PAGGI: We discussed that with your engineering consultant, Mr. Edsall, I'll leave that to you, I'm not sure how that was left.

MR. EDSALL: There are no structures or improvements proposed in the Town of Newburgh. We'll need to send that over to them, the two towns have collectively worked on a lot of applications that are split by the town line. There's a very good possibility that the Town of Newburgh Planning Board will acknowledge the referral and say effectively to the Town of New Windsor you deal with it so we'll have to pass it on.

MR. ARGENIO: How do you get from this lot to this lot without going through this driveway if you're a pedestrian? How does that happen?

MR. PAGGI: I believe, I just, there's an island right there, there's no, I guess crosswalk if that's what you're insinuating.

MR. ARGENIO: You need something, don't you think?

MR. PAGGI: We could add that.

MR. ARGENIO: I think you should, anybody who's in here is probably going for this door here so you've got to put a walkway there, bud, you have to put something in there, right, I mean--

MR. SCHWARTZ: You have the opportunity with the flag pole.

MR. GALLAGHER: Have to draw towards the flag pole and continue on, there's a curb all the way around.

MR. VAN LEEUWEN: What are you going to do with the main building, are you bringing the people back from Poughkeepsie to here, is that the idea?

MR. PAGGI: I don't believe there's any change in current operations.

MS. POLA: There's no change in current use, it's basically the amount of people that we have added to our staff that are now working in that district, mechanics, they need a place to park and basically our parking up on the hillside is maxed out.

MR. ARGENIO: So you're saying that like people are parked all in here?

MR. VAN LEEUWEN: That's where the trucks are.

MR. ARGENIO: That's a question to you to the Central Hudson lady or Christian, what is going on here with all this impervious area?

MS. POLA: Right now we have, right here we have a bunch of parking so right down passed this gas tank we have a bunch of company vehicles.

MR. ARGENIO: Christian, I think you should show those stalls, I think you need to do that here and in here. Go ahead, ma'am.

MS. POLA: And then we have employee parking lot up in this area here.

MR. ARGENIO: Not shown on the plans, it would be helpful, what's going on here, put the stalls in there, Christian, you've got to make that connection, would make sense to me at least.

MR. PAGGI: With the stalls, what would you like to

see, what would help you?

MR. ARGENIO: Show us the layout. What's the purpose of this walk here, what does that do?

MR. PAGGI: That's a gravel diaphragm, that's the pretreatment device.

MR. ARGENIO: That's not a walkway?

MR. PAGGI: No, that's just gravel, it's like a gravel trench.

MR. ARGENIO: Mark, what about the City of Newburgh with Washington Lake, I mean, this is right there?

MR. EDSALL: Well, Veronica and I have had some very good discussions on this and I dug out from a prior application a copy of a law passed in 1933.

MR. ARGENIO: Oh, great.

MR. EDSALL: And to make the story very short, if you look at my comment number three, I'm suggesting that we get a SWPPP, they're approaching an acre of disturbance, even if it's slightly under, let's get a SWPPP, forward it to the City of Newburgh, let's comply with Section 133.2 of the codes of the State of New York.

MR. ARGENIO: I agree, suddenly everything that goes wrong in Washington Lake will be because of something we did.

MR. EDSALL: We've done this in other cases, they'll comment on the SWPPP, if they have any questions, you know, you tune it up a little maybe to make them happy and then we move on.

MR. ARGENIO: Why are you commenting on the guard shack, Mark, why does this board care about that guard shack?

MR. EDSALL: The board should discuss the location and intent of the guard shack. I was just confused, you know, it's, I don't know if they're looking to have a security location, there's no gates so--

MS. POLA: There's a gate that goes towards the back there.

MR. VAN LEEUWEN: There's a gate?

MS. POLA: Yes, there's a motorized gate and they're going to put the guard shack in the corner so they stop having the customers pulling in the back.

MR. EDSALL: It's going to be a manned gate?

MS. POLA: Right, and that gate will be closed.

MR. ARGENIO: Cause we know that Henry said before he's been back there many a time and going to prevent guys like him from wandering back there.

MR. EDSALL: That's probably a good idea.

MR. VAN LEEUWEN: We used to service your trucks, they're all Internationals, most of them, okay, and I was the C.E.O. of Arkel Motors, many times I went over there to bring a truck back.

MR. ARGENIO: Circulate for lead agency?

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

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

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board declare itself lead agency for this application.

ROLL CALL

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

MR. ARGENIO: You guys have anything else on this? Any other comments, members? Stone lined swales, what kind of rock is going in there, Christian, like giant rock?

MR. PAGGI: This rip-rap I'm sure we have a detail but

I can't imagine it's any larger than four to six inch, not going to get much runoff, that's just to get the roof runoff from the barn over to those areas.

MR. ARGENIO: One and a half inch crushed stone.

MR. PAGGI: Yeah.

MR. ARGENIO: Mark, what else do we need to do with this? You sent it to county already, looks like, correct?

MS. MC MILLAN: Yes.

MR. EDSALL: So I think we need to get the SWPPP, get it over to the City of Newburgh, Veronica has reminded me of the GML 239 requirement to send it to the Town of Newburgh as well.

MR. ARGENIO: And the city, right?

MR. EDSALL: Well, go ahead.

MS. MC MILLAN: It's not within 500 feet of the city's boundary but because of the interplay of Washington Lake and the SWPPP process we're going to involve the City of Newburgh.

MR. ARGENIO: You have to, Veronica, you've been planning board attorney for X months or whatever it's been, it goes back years, Brown's Pond, Washington Lake.

MS. MC MILLAN: Absolutely.

MR. EDSALL: With the board's permission, we'll make all those referrals and the referral to the Town of Newburgh Planning Board to see if they have any interest in getting an application then we're just letting us handle it.

MR. ARGENIO: Send John a nice note.

MR. EDSALL: I will.

MR. ARGENIO: Danny, got anything else on this, pal?

MR. GALLAGHER: Anything about handicapped parking for the parking lot? Do we need it denoted as far as handicapped parking?

MR. ARGENIO: What do we need to do about that?

MR. EDSALL: I think they'll pick that up. When I saw crosshatched area, it doesn't look like it meets current code, but maybe what they can do is show us what they have and whatever improvements they want to make.

MR. PAGGI: One thing we'd like to bring to your attention was a late change that didn't quite make this submission. The applicant would like to actually push this pole barn closer to the property line, just obvious maximize on space.

MR. ARGENIO: Are you going to create a zoning issue?

MR. PAGGI: It's our understanding that the current zoning based on the use of this property as an essential service provider there are no setbacks.

MR. ARGENIO: I would find that pretty hard to believe but anything's possible, I suppose.

MRS. GALLAGHER: I don't believe that to be true.

MR. ARGENIO: Let me leave it like this with you, work it out with Jennifer. It's going to meet or it's not going to meet. It's certainly not your intent I wouldn't imagine to run to the zoning board to capture an additional three and a half feet but you want to go where you can go, work it out with Jen.

MR. PAGGI: If it does work out to where there are no setbacks and we can move it back does the board have any objection?

MR. ARGENIO: You should work it out with Jen, whatever requirement she says needs to be applied there you should show your building in that location, we're good with that, we put our confidence in her.

MR. PAGGI: On another note will this require a public hearing this application?

MR. ARGENIO: I don't know, what does the code speak to?

MR. EDSALL: It's not a special permit that I'm aware of so it's a discretionary public hearing.

MR. GALLAGHER: Just one residential right next door.

MR. ARGENIO: I don't know.

MR. VAN LEEUWEN: Let's leave that open for now.

MR. ARGENIO: Yeah, yeah, don't, let's not worry about that for now. I don't see it but we'll discuss that at the next meeting a little bit, I mean, it's a parking lot, it's not like it's a giant building and with wires. And what else you guys want tonight?

MR. PAGGI: Do you have anything else?

MR. SCHWARTZ: No.

MR. ARGENIO: You good?

MR. PAGGI: That was it, thank you for your time.

MR. ARGENIO: Thank you.

PANORAMA DRIVE SUBDIVISION (15-07)

MR. ARGENIO: Next is Panorama Drive subdivision, four lots, Mt. Airy. The application proposes subdivision of the 1.39 acre parcel into three residential lots and a storm water district parcel. The plan was reviewed on a concept basis only. I'm going to read from Mark's comments. Marvin, why don't you just give yourself, I mean, we can certainly see the plan but briefly tell us what we're looking at here.

MR. ROSENZWEIG: Okay, this is lot 64-5-4.2, it has 500 foot frontage and it's got about 100 foot depth. The first 200 feet has been acting as a pond for phase eight in the development for the last I guess six or seven years and the remainder of the parcel would have been one lot being the case that we lost somewhere in the vicinity of 20 lots or so or 19 lots or so due to wetlands or combinations of lots.

MR. ARGENIO: You didn't lose them you complied with the law. Did I misspeak just now?

MR. VAN LEEUWEN: No.

MR. ROSENZWEIG: No, some of them weren't exactly suitable for building a full lot.

MR. VAN LEEUWEN: It's the way he phrased it.

MR. ARGENIO: Go ahead.

MR. ROSENZWEIG: We put a water tower on one lot, we put a pump station, detention ponds, so wanted to see if we can make up, we lost some to wetlands so now I'd like to gain back two more lots.

MR. ARGENIO: It's three more lots.

MR. ROSENZWEIG: One would have been--

MR. ARGENIO: What's Carrington mean on the plan?

MR. ROSENZWEIG: It's a style of a house, it's a very popular style in the development.

MR. ARGENIO: For everybody's benefit, for the members' benefit, this is The Reserve. Guys familiar with this? I'm going to read from Mark's comments. The plan proposes subdivision based on the zoning requirements

of 1993 as per the condition of the stipulation settlement between the developer and the town the stipulation authorized total of 402 lots, we've been advised that the total lot count if this application is approved would be 383 lots. Previous review by the former attorney for the town has agreed that the development would be entitled to the lots permitted in the stipulation. That's the quote settlement. So that said, what questions do you guys have?

MR. BLYTHE: I think they're referring to Phil Crotty.

MR. ARGENIO: Yes, it's Phil Crotty, 2004 predates you Michael.

MR. BLYTHE: Not by much.

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

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

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

ROLL CALL

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

MR. ARGENIO: I'll accept a motion that we declare negative dec for this application.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare a negative dec for the Mt. Airy Estates Panorama Drive subdivision. Roll call.

ROLL CALL

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

MR. ARGENIO: Mark, what else do we need to talk about here, do we need to talk about public hearing?

MR. EDSALL: That's one of the items.

MR. ARGENIO: Now, obviously, we can't deny--

MR. ROSENZWEIG: Can I speak? In light of the fact that I believe that it's not a material change to the development--

MR. ARGENIO: Except for the fact that there will be three houses erected where there are none now. Go ahead.

MR. ROSENZWEIG: Well, there would have been one existing, not--

MR. ARGENIO: Go ahead.

MR. ROSENZWEIG: So two new but in light of the fact that--

MR. VAN LEEUWEN: No bull.

MR. ROSENZWEIG: No bull, in light of the fact that basically the three houses across the street that have been part of the, that are not part of the development I've worked with all three of them along I guess for a decade or more in terms of plowing their street, giving them connections for water, sewer, connecting their house to the electric grid and getting rid of the telephone poles that were in the road so they're aware of everything that the development consists of.

MR. ARGENIO: Are they aware that three houses are going to go up?

MR. ROSENZWEIG: They would have seen the connections that we were setting up for the sewer and the water for the three lots.

MR. ARGENIO: So, your answer is you assume they are but you're not positive?

MR. ROSENZWEIG: Well, I had conversations, they know that we're planning on--

MR. ARGENIO: Let's not go round and round with this. Here's my thought on it, I'd like to hear from you.

MR. VAN LEEUWEN: No bull, I told you.

MR. ARGENIO: The deal is you're entitled to lots, I have no issue with it, none, I really don't, I truly have no issue, I don't think the members do because there was another application, was it Jay Street?

MRS. GALLAGHER: Yes.

MR. ARGENIO: No issue, no issue. But the only thing that we would look out for is to just make sure that, you know, if there's any runoff that's going in somebody's yard or not going in somebody's yard or some trees that are going to go down or can you leave the trees up on the property line, heard that 100 times.

MR. ROSENZWEIG: There are no trees on those lots.

MR. ARGENIO: Treeless lots?

MR. ROSENZWEIG: And the lots are flat.

MR. ARGENIO: Any thoughts on this, Mark?

MR. EDSALL: The three properties that are not part of this subdivision that are the three other owners as it may be that are across from this are all aware of the multitude of improvements that have been put in. I don't know if they are or aren't aware that they want three lots instead of one. I think the more important question is are these three lots consistent with the overall neighborhood, you know, are these lots size wise?

MR. ARGENIO: You don't need to check it out, just look at the plan, Henry. Go ahead.

MR. EDSALL: I'm asking a rhetorical question that Marvin can jump in, they had quite an old, very difficult road there. Now they've got a brand new road, brand new utilities, so they're aware that the neighborhood's changed. It's the board's discretion on a minor subdivision if you want to have a public

hearing to discuss two additional lots.

MR. ROSENZWEIG: Actually, two out of the three wouldn't hesitate to move if they, if we buy their house or if they could sell their house, two out of the three families that are there.

MR. ARGENIO: Across the street you mean?

MR. ROSENZWEIG: Crackowski (phonetic) and Caul (phonetic), Ramos, they have young kids so they'd probably be sticking round for a while.

MR. ARGENIO: Guys, I could go either way, I'm very much, I think what Mark is trying to say that it is what it is and if those lots are consistent with what's out there it's going to be what it's going to be. But I could really go either way on it but I'm only one vote and I will defer.

MR. VAN LEEUWEN: I can go either way.

MR. EDSALL: Can we ask Marvin the question, are these lots the same size as the remainder of the lots on the street?

MS. ROSENZWEIG: Yes, they're each a quarter of an acre.

MR. GALLAGHER: Same size houses?

MR. ROSENZWEIG: Yes.

MR. EDSALL: They're doing nothing on these three lots different than the entire balance of the road which is what, 14?

MR. ROSENZWEIG: It's 14, yeah.

MR. GALLAGHER: Motion we waive the public hearing.

MR. BROWN: I'll second that.

MR. VAN LEEUWEN: I'd like to ask Jen a question, have you had a lot of problems out there?

MRS. GALLAGHER: With The Reserve?

MR. VAN LEEUWEN: Yes.

MRS. GALLAGHER: Absolutely not as far as the builder wise, no.

MR. EDSALL: Just a note on these two properties, there were difficulties early on with these three properties adjusting to the fact that there's a development around them.

MR. ARGENIO: That was years ago.

MR. EDSALL: But Marvin in fairness to the developer they have bent over backwards to say we'll give you sewer, water, electrical, we'll help fix your driveway, they've done just about everything to mold them into the subdivision the best possible.

MR. ARGENIO: Motion made and seconded we waive the public hearing. Roll call.

ROLL CALL

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

MR. ARGENIO: That's probably the right thing in this instance.

MR. ROSENZWEIG: Thank you very much.

MR. VAN LEEUWEN: Otherwise going to open a can of worms.

MR. ROSENZWEIG: I'm glad Cammy has been able to finish up completely.

MR. ARGENIO: Mark, what else?

MR. EDSALL: You have no other referrals to make, you can approve it subject to the couple minor revisions that are on my notes.

MR. ARGENIO: Any other questions or comments members? Anybody see any reason why we--I'll accept a motion.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board offer Mt. Airy Estates subdivision final approval for the Panorama Drive three lot subdivision, plus the detention pond. Roll call.

ROLL CALL

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

MR. ARGENIO: Thank you, Marvin.

MR. ROSENZWEIG: Thank you.

FIVE CORNERS SITE PLAN (15-08)

MR. ARGENIO: Application proposes development of the two tax lots adjacent to New York State Route 32. This plan was reviewed on a concept basis only. Okay, Ray Yannone and Joe Pfau are here. So what can you guys tell us?

MR. PFAU: Good evening. This piece of property is on the southeast side of the Five Corners intersection, it's 33,000 square foot, it's two parcels of land.

MR. VAN LEEUWEN: Where is it, Joe, excuse me?

MR. PFAU: It's on the southeast side of Five Corners.

MR. VAN LEEUWEN: Just below Hannafords.

MR. ARGENIO: Make a right and take you down 94, here's the other entrance to Hannafords.

MR. PFAU: Currently, there's a flower shop, there's an old abandoned gas station, there's a tax building.

MR. YANNONE: Used to be Club 32.

MR. PFAU: Proposal, it's two parcels of land totals 33,000 square foot about, right now there are three curb cuts, the center one we were going to be removing along with the gas station canopy and also the tax building which is right up along 32.

MR. ARGENIO: You have to help me, you've got to pick up the bottom page and put it on the easel. Do you have a highlighter with you?

MR. PFAU: I do not but these are the--

MR. ARGENIO: Put your finger along the property, draw the property lines for me.

MR. PFAU: This is the property line, this comes along here, goes like this all the way around.

MR. ARGENIO: It's one lot?

MR. PFAU: It's two lots, here's the center property line.

MR. ARGENIO: Go ahead, Joe.

MR. PFAU: There's two buildings on the most southerly property line that's lot 1.2, one is proposed, the one along Route 32 is proposed to be removed.

MR. ARGENIO: One story frame building 2648 so you're going to take that down, is that right?

MR. PFAU: That's correct. And we're going to maintain the existing L-shaped building in the rear of that lot.

MR. ARGENIO: Makes sense, right on top of the property line.

MR. PFAU: And on the other lot, we'll be removing the masonry building which is the old gas station and the canopy up front.

MR. ARGENIO: 2652 you're taking that down?

MR. PFAU: That's correct.

MR. ARGENIO: And leaving up the flower shop?

MR. PFAU: That's correct. We're going to remove those front structures and we're going to be removing the center entranceway and we're going to be restriping the remainder of the parking lot. Based on the square footage and the uses that we have, we require 46 parking spaces, that's how many parking spaces we have.

MR. ARGENIO: Hold it, Joe, which entrance are you removing?

MR. PFAU: The center one.

MR. ARGENIO: You're going to close that entrance?

MR. PFAU: That's correct. We require 46 parking spaces based on code, that's how many we have provided. We're basically going to be restriping all of the existing parking area, we're really providing no additional impervious areas so we don't see an increase in the storm water. The utilities will stay in place.

MR. ARGENIO: I think that's great that you're taking those buildings down, you're going to take the tanks out?

MR. YANNONE: They're gone, sign-off with DEC,

everything is done.

MR. VAN LEEUWEN: I'd like to see the flower shop come down.

MR. YANNONE: When we're done, you won't know it's the same building, he's got a solid lease, he doesn't want to leave, he's got seven years left. We've started clearing out, the upstairs is all cleaned out, we're going to change the facade, depending on where we end up, we have some perspective tenants that we're working with, so whatever we end up with our final facade we'll match them, we'll get rid of the planters along the front, we'll clean up the store front, it won't look like it does.

MR. ARGENIO: So the masonry building, Ray, what are you going to do with it?

MR. YANNONE: Strip it down to the bar joists construction and the best way I can describe it is Yannone's Gas Station, the way we laid over that with standing seam roof and store front glass.

MR. ARGENIO: Something similar to that?

MR. YANNONE: We have one tenant that's a corporate tenant, we're close to striking a deal, they have a facade that I would have to build but it would be tastefully done that would be a flat roof but if I do it as it is now with three rentals, I would do a standing seam and give it a little bit of a dimension.

MR. ARGENIO: I don't want to get into your business, I'm not going to ask you who your tenants are, what type of business are we talking about?

MR. YANNONE: That one is retail and they'll take the whole building.

MR. VAN LEEUWEN: The existing building?

MR. YANNONE: Yes.

MR. VAN LEEUWEN: What else, that's it?

MR. YANNONE: That's it, everything is going down except the flower shop, the rest is all going to be parking.

MR. ARGENIO: This is good, this is a good spot. Where is the other drawing, I want to see the other drawing?

MR. YANNONE: We did go to the fire board because of the aisle width to talk about our options.

MR. ARGENIO: They're right down the road, they can walk to the site.

MR. YANNONE: We have 20 foot aisles instead of 30 so we did review with them before submitting.

MR. ARGENIO: Look at what you have before with all the jumbled, cluttered buildings and canopies and look at what you're going to have now.

MR. VAN LEEUWEN: Beautiful lot.

MR. ARGENIO: Ask about the flag pole.

MR. YANNONE: You don't have to ask me that, you don't have to ask on my end. And we do, we want to place the sign, right now, we have signs in the corner of the gas station, we're going to bring it over by the entrance in front of the building.

MR. VAN LEEUWEN: That's going to clean it up.

MR. YANNONE: It's going, it will be a different corner.

MR. VAN LEEUWEN: You're not kidding. Are you the one that's buying it?

MR. YANNONE: Yeah, Wayne Corts and myself bought it. I kind of see the traffic kind of going out, down, going back up, you have lights there, it's a pretty easy way around.

MR. VAN LEEUWEN: Cleaning it up just like you did with that old train station in Newburgh, you did a nice job.

MR. YANNONE: This is almost as bad, it's almost as bad.

MR. VAN LEEUWEN: This is bad, I know the owners.

MR. ARGENIO: Mark, obviously, Joe you need a little more detail?

MR. PFAU: Yes, and this is a work in progress. We actually have a significant detail.

MR. ARGENIO: Try to figure out the dumpster enclosure cause you're going to need to hide the dumpsters, it's Five Corners, man, and make sure the traffic movements in and out with the garbage truck are appropriate. You guys, Harry or Howard, you got any other thoughts, it's good, no?

MR. BROWN: It's good, just traffic, that's the only thing I'm worried about in that area.

MR. ARGENIO: What are you concerned about specifically?

MR. BROWN: Coming in and out 32 is like impossible.

MR. VAN LEEUWEN: True but I'll tell you one thing, he's cleaning up the corner.

MR. YANNONE: With the gas station that was operating this, whatever user it was when that was operating the flower store with three curb cuts it was--

MR. ARGENIO: Lot of action.

MR. YANNONE: Yeah, so now we're at least directing the flow through and out it has to be.

MR. ARGENIO: Danny, any thoughts?

MR. GALLAGHER: No.

MR. ARGENIO: Henry VanLeeuwen, any other thoughts?

MR. VAN LEEUWEN: I said my thoughts already.

MR. ARGENIO: What do you want from us?

MR. YANNONE: Well, I guess any comments we'd like to prepare a final plan.

MR. ARGENIO: I really, again, I'd like do see some landscaping somewhere, I don't see it anywhere. If you can figure out a way to do that, Joe, that would be great and Ray, if you eliminate concrete and asphalt certainly cheaper to plant a bush or something.

MR. YANNONE: Yeah, the parking is tricky because of

its shape and we didn't want to have to trigger a variance. That's one of the reasons we kept it the way it's laid out. If it becomes one single user as retail we can lose a few parking spaces and change the configuration. We do have some grass area here that we can probably do something along this line and I'd like to, maybe we talked about the flag pole, we actually did talk about it, if we moved the sign to somewhere here, maybe bring the curb around and maybe do the pole and sign right at the entrance so it would be prominent when you pull in.

MR. VAN LEEUWEN: Good idea.

MR. YANNONE: I'm doing the opposite because it's a disaster in front of these buildings, eliminate all these planters, it's a mess.

MR. ARGENIO: Old, crappy, painted railroad ties.

MR. YANNONE: We could probably do something different here.

MR. ARGENIO: Mark, what about DOT with this, they're going to close the curb cut.

MR. EDSALL: We'll send it over, let them know we're helping them out, it comes down to eliminating the curb cut.

MR. ARGENIO: I think it's the right thing.

MR. EDSALL: From a planning standpoint, they're going from four buildings to two, they're keeping the buildings that are the furthest from the highway which is the better thing, they're increasing the parking so that they don't have people hanging out into the state highway. It's an existing, miserable situation they're making a lot better.

MR. VAN LEEUWEN: It's a win-win folks.

MR. ARGENIO: You in contract?

MR. YANNONE: We own it.

MR. ARGENIO: What else you want from us? Go do what you gotta do.

MR. EDSALL: I was just going to say when they get that

update--

MR. ARGENIO: You do not feel the plan is suitable?

MR. EDSALL: Because Joe told me of additional information that he's currently working on to make the plan more complete.

MR. ARGENIO: Like what?

MR. PFAU: I was going to add more detail, I asked Mark if I can bring it, he said not to but I have it anyway.

MR. ARGENIO: He gave you the right answer. Put it up there anyway.

MR. PFAU: Just cleaning it up, I added more detail of what we envision the dumpsters to look like, here what we did was we have a long dumpster area of 25 by 8 which will be completely enclosed with two separate entranceways with four dumpsters inside and we have that located in the very rear behind the flower shop.

MR. ARGENIO: I'm going to give you have a hint, Ray, do yourself a favor, do you see the center section of the center gate swings on the, point to it, Joe, right there, do yourself a favor, figure out a way to get rid of this. That will last about 18 months. So you're going to get that tightened up, Joe, you're going to send that to county.

MR. EDSALL: With the board's permission once we get the updated plan to send it on.

MR. ARGENIO: I think so. Anybody disagree?

MR. VAN LEEUWEN: I agree.

MR. BROWN: I'm good.

MR. PFAU: I'll send that to you, Mark.

MR. EDSALL: Coordinate through Cammy.

MR. ARGENIO: Cammy or Stephanie.

MR. YANNONE: For landscaping we're going to try to do something along the edge of the parking lot.

MR. ARGENIO: I think you should look at the things you

just outlined, like the edge of the parking lot in front of the flower shop, if you can do something else somewhere that would be great cause it is Five Corners, man, you've heard your cousin sit here and rail about that intersection and the intersection at 32 and Union Avenue, you see the monument that Jimmy had, what do you call it, built at the corner of Union and 32, right, so see what you can do.

MR. VAN LEEUWEN: Why don't you buy the old gas station next across the way?

MR. YANNONE: I can only say I know two people that have been actively trying to and they can't get anywhere with them. Maybe we can do the same here if we do a little island planter.

MR. BLYTHE: Marathon out in the midwest bought Hess and that's their equivalent of QuickChek is called Speedway and Speedway is a subsidiary that now owns it. I tried to put Ray in touch with the one contact I have with them and they're just not getting any response from them.

MR. YANNONE: I don't think they know what they want to do with it seems like right now. Don't know if they're going to do something with it but they have to acquire the building behind really.

MR. VAN LEEUWEN: And he's tough.

MR. ARGENIO: Let's move on, it's late, guys. Thank you for coming in.

DISCUSSION:

WINDSOR CREST PHASE II (97-45)

MR. ARGENIO: The last item on tonight's agenda is Windsor Crest Phase II site plan. I'm not going to rail on this nor are you but Mark is going to share with the members, I've talked to Mark and Jennifer at length on multiple, multiple occasions, Mark or Jennifer, either one of you guys can describe this little back story here and Ray you can talk.

MR. EDSALL: The--

MR. BLYTHE: Before you get started, I just wanted to, this is Chris Brock, she's the president of Windsor Crest Homeowners' Association. As a courtesy of the board, if anybody has any questions from the Windsor Crest I and II I wanted you to be aware that Mrs. Brock is here.

MR. ARGENIO: Pleasure to meet you, Mrs. Brock.

MR. EDSALL: Ray and Mrs. Brock were at the planning board workshop and what they're showing on their plan as Phase III is in reality part of the planning board's approval Phase II. The applicant as part of their development plan I guess with the AG split the town's Phase II into two pieces. The Phase III condo plan had two buildings of the total six.

MR. PFAU: Actually, three.

MR. ARGENIO: How do you know how many buildings he's putting up from this?

MR. PFAU: No, that's the as-built, this is the approved plan.

MR. EDSALL: We don't have that.

MR. ARGENIO: Why don't I have that?

MR. YANNONE: It's in your file from 1998.

MR. ARGENIO: It's not here. Okay, go ahead.

MR. EDSALL: Total number in your Phase III is how many?

MR. PFAU: Three, I colored this by accident, there's one, two, three.

MR. EDSALL: How many proposed in addition?

MR. PFAU: One, two, three, four, five, six, seven.

MR. EDSALL: So there's 10 structures in their Phase III, the upper end of our Phase II and three were constructed and the economy put everything to a halt. It's been sitting.

MR. ARGENIO: With approval.

MR. EDSALL: With approval, rough graded and just went dormant.

MR. PFAU: Most of the roadways and utilities are in.

MR. EDSALL: Ray approached us at the workshop asking what do I need to do to finish building this out? My first question was you're changing what was approved? Answer was no. I said well then I don't know that there's a lot more to be done other than build it in compliance with what the planning board approved and make sure you comply with the current storm water regulations, be careful. Then the twist came in that the homeowners' association is interested in some additional parking, supplemental parking maybe added wherever possible on the upper end. And then the other curve ball was the potential for converting the tennis courts to a parking area. At that point, I said that sounds to me like a homeowner AG situation, make sure that your attorney investigates whether or not that's a violation of the prospectus and make sure that your attorney communicates with Veronica. That's how we left it. We thought that the board could explore with the applicant and the HOA what changes they want to make, if they rise to the level of an amendment or if they can be considered field changes. Clearly we have to have some feedback in a proper way from the AG but my personal opinion is that building, the remaining seven buildings in exactly the same place they were already approved, needs no additional approvals.

MR. ARGENIO: Why is the planning board or why would the planning board to Veronica or Mark be concerned about the AG? We're locate folks involved in local codes and local regulations, why would we be concerned about the Attorney General?

MR. EDSALL: I'm just asking the question do you consider that a site plan amendment taking a tennis court amenity and making it a parking lot?

MR. ARGENIO: That's not what I was referring to. What I was referring to, you have buildings that were already approved and they didn't get built because economy tanked, I remember when the guy bailed, we did some paving up there many, many, many years ago. We're quasi administrative body, you know, worried about codes and rules and things like that.

MR. EDSALL: I'm not concerned about the AG relative to the building, I'm concerned about the AG relative to the conversion of the tennis courts to parking lot.

MR. ARGENIO: What about the Attorney General's relationship with the planning board as it relates to the tennis courts, how does that involve the planning board?

MR. EDSALL: If the board authorizes a change and that change is then consistent with the guidelines of the AG, we're going to get complaints, it's a lot easier to call New Windsor than it is to call the state.

MR. ARGENIO: Well, let's try to cut to the chase, Mrs. Brock, would you come up please? Do you represent the people at this?

MRS. BROCK: Yes, I do, the president of the HOA board and I've been living there since day one when the original builder left in '97.

MR. ARGENIO: Long time ago.

MRS. BROCK: Yes, and in between we had been trying to locate him, get in touch with him, it became this whole issue. So what happened is now that Ray has bought that property and is intending to build, the issue is as far as the parking is that as the community grows, parking has become at a premium. We looked at different options, the tennis court being one of them, nobody uses that tennis court, it just sits there. So I went to our attorney and I said okay, this is a possibility, what does it entail?

MR. ARGENIO: Just so everybody's aware that the tennis court and turn it into parking, they need parking so go

ahead.

MR. VAN LEEUWEN: That's the case?

MRS. BROCK: That was one of the options. So again, because we have a prospectus, the site plan, so I knew other things were involved so went to our Attorney General.

MR. ARGENIO: What did he say?

MRS. BROCK: What he basically said and I, we do have a formal letter from him that as far as the tennis court we as the HOA have the right to convert it if we want to, okay. But the issue being the prospectus which is given to you by the condo in it states everything that you have it would be up to Ray to put some kind of maybe some kind of amendment in there or change it in a way stating--

MR. ARGENIO: There's no tennis court.

MRS. BROCK: -- that we can still have the tennis. In other words, there's a possibility, in other words, if he's selling it now, our issue is we haven't really come to that determination yet, we're looking at other options. So in the interim, if he builds these units, he sells these units and in the prospectus says it comes with a tennis court, he would have to make some kind of an amendment stating there's a tennis court but there's a possibility in the future this will be turned into a parking lot. So member when you buy it you're aware you have a tennis court now but you may not have it in the future.

MR. ARGENIO: I get it. I think, again, that really, that as far as we'll hear from the members as far as the applications, I mean, it is what it is. As long as he meets the storm water, make sure he meets the current storm water requirements, meaning silt fence in the appropriate spot, that type of thing, you have the appropriate, I still think you're the attorney, Veronica, I defer to you that whatever you guys, meaning Mrs. Brock and Ray, have to do between yourselves is between you, whatever you have to do, Ray, to satisfy the Attorney General is between you and the Attorney General. I understand what you're saying, Mrs. Brock, it makes absolutely perfect sense to me.

MRS. BROCK: Like I said, what we want to do is try to

work with Ray to maybe not have to change that so--

MR. YANNONE: I just want to comment on the parking, that's one of the reasons we wanted to bring it up tonight too. This is just a partial, this is just, the tennis court is over here, it's kind of isolated, we have been talking about it and it's going to be far more costly to remove this, create parking that's going to be so far away from actual homeowners we believe and we're going to work on this and probably go back and bring in some sort of an amendment when we figure it out that we can find areas throughout these roads to create little three and four--

MR. ARGENIO: Pocket parking, extraordinary idea.

MR. YANNONE: Yes, far less cost, no need to change.

MR. ARGENIO: Do us all a favor, when you find those areas, bring that back here so when know what's going on.

MR. YANNONE: That's why we wanted to let you know that over the next 60 days we're going to come up with a plan which is only going to add parking, it's not going to change anything here and we're going to try to find at the end of the roads and areas where it's out of the way and it seems like there's a lot of little spaces to gain.

MR. ARGENIO: Pick up a couple stalls here and there. Do you guys agree?

MR. BROWN: I live in Patriot Ridge, I understand the problem.

MRS. BROCK: Again, it's really for the wintertime because the winter we don't want cars on the street for the snow removal and whatever. During the nice weather, most people are not going to park down there to walk up to their house over there. You want to park in front of your house. Right now you have that ability. So we already went and found out the cost to do it, the lighting, we're getting close to over \$40,000 for something that's really, so that's why we're on the fence cause we're paying for this so that's why we want to see what our other options are, this way we can satisfy the homeowners.

MR. ARGENIO: Well, Mrs. Brock, at the risk of, I was

just going to say at the risk of speaking out of school, Ray Yannone is a local guy, he's been in this town for as long as me, I know he's got to be older than me so he's not running anywhere. So I'm glad to see you guys are on the level you're on because that's going to make Jennifer's life easier going forward, our lives easier as a planning board because I'm sure Ray will honor any reasonable, reasonable request. I can't imagine he wouldn't.

MRS. BROCK: I knew if the board was adamant we wanted to turn that in, we knew we'd have to change the site plan because on the site plan there's a tennis court right now, it's still open ended so we just wanted to know if we say down the road we decide we have no other choice we've got to do this.

MR. ARGENIO: And you have a board of governors that will decide that.

MR. YANNONE: I'm confident we'll achieve more spaces for far less cost.

MR. ARGENIO: Mark and Veronica, anything else?

MS. MC MILLAN: We were just discussing the possibility of the conversion and how the board if necessary if we had to convert the tennis court to a parking lot whether or not the board would feel that a site plan amendment was required for that. The issue with the offering plan is as I'm sure Mr. Yannone knows it's going to have to be in the AG's office for him to sell those units, so the AG is going to have to weigh in on what happens here just to dovetail with the two so you don't run into any problems down the road.

MR. ARGENIO: Again, Veronica, that burden is going to be on Ray as the developer.

MS. MC MILLAN: Exactly.

MR. ARGENIO: You have to take care of it.

MRS. BROCK: That's why we're hoping we can come up with a better decision, something more cost effective for us as a community and it's going to work all around without having too many, make too many drastic changes.

MR. ARGENIO: I'm very happy to see that you guys are here together.

MR. EDSALL: One of the advantages of the pocket parking you don't have to do it all at once, you can spread it out as you can afford it.

MR. ARGENIO: What else, do we need to vote on it?

MR. EDSALL: I think it's just an information sharing.

MR. ARGENIO: So we're all on the same sheet of music.

MR. PFAU: There's no vote that needs to be done to say we don't need any approvals.

MR. VAN LEEUWEN: No, you're good.

MR. ARGENIO: Nothing further?

MR. VAN LEEUWEN: Make a motion to adjourn.

MR. GALLAGHER: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth  
Stenographer