

TOWN OF NEW WINDSOR

PLANNING BOARD

June 8, 2016

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

STEPHANIE RODRIGUEZ
PLANNING BOARD SECRETARY

ALTERNATE: DAVID SHERMAN

ABSENT: JENNIFER GALLAGHER
BUILDING INSPECTOR

MEETING AGENDA:

1. Paradise MHP
2. TZSS Used Car Sales
3. Apple Ridge sub.
4. Town subdivision
5. Weikfield Windsor

REGULAR MEETING:

MR. ARGENIO: Welcome everybody to the June 8, 2016 regular meeting of the Town of New Windsor Planning Board. Would everybody please stand for the Pledge?

(Whereupon, the Pledge of Allegiance was recited.)

ANNUAL MOBILE HOME PARK REVIEW:

PARADISE MOBILE HOME PARK

MR. ARGENIO: Paradise Mobile Home Park. Somebody here to represent this? Please come forward. What is your name?

MS. MANNIX: Kimberly Mannix.

MR. ARGENIO: Stephanie, Jennifer is not here but I understand you and her have spoke. Has somebody from your department been there to have a look at this?

MS. RODRIGUEZ: They have.

MR. ARGENIO: What do you have to say?

MS. RODRIGUEZ: Everything's good.

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

MS. MANNIX: I can write it out, yes.

MR. ARGENIO: That said?

MR. VAN LEEUWEN: So moved.

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

MR. GALLAGHER: Second it.

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

ROLL CALL

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

MR. ARGENIO: Ma'am, you can give that check to Stephanie and you're good for a year.

MS. MANNIX: Wonderful.

MR. ARGENIO: I'll sign this.

PUBLIC HEARINGS:

TZSS USED CAR SALES & SERVICE REPAIR GARAGE (16-04)

MR. ARGENIO: The first item on tonight's agenda after the mobile home parks is public hearing for TZSS Used Car Sales, Service and Repair Garage. The application proposes a development of the site as used car sales and a service repair garage. The plan was previously reviewed at the 23 March and 11 May 2016 planning board meetings. They're here tonight for their mandatory public hearing then the board will discuss it further. So, sir, what's your name, sir?

MR. SPANOS: I'm Jerry Spanos, managing member of TZSS Realty.

MR. ARGENIO: Can you hang your plan on the easel? For those of you who are not familiar with our process, the board will review this first, if there's any questions or discussions that need to happen we'll have those discussions. Then we'll open it up to the public. So we've seen this a few times, there was some commentary about the landscaping if I remember Mr. Drabick addressed it, there was some discussion about the entrance. Mark, we did hear from DOT or we did not did we?

MR. EDSALL: We did. The DOT concurred with the traffic restrictions and they're suggesting that at some time in the course of the project that we consider a concrete curb island, one of those directional islands on the exiting movement that would I won't say force a right turn but would certainly make it less probable that you'd make a left turn but that was not a requirement.

MR. ARGENIO: It was not. I was just going to ask you it was not a requirement, okay. How wide is that entrance Mark, can it take that island?

MR. EDSALL: Well, we'd have to lay it out and to be honest with you, my suggestion is since they, since they're suggesting it that we possibly consider allowing them the flexibility that if they work something out with the DOT for that installation that they can do it with the board's blessing but that would be between the DOT and themselves.

MR. ARGENIO: Maybe in the interim--

MR. EDSALL: The signage and restriction would be part of the approval.

MR. ARGENIO: Maybe in the interim could you possibly work with them to paint an island that indicates a slip lane out, would that be possible, is that reasonable?

MR. EDSALL: Yeah, that would certainly make it--

MR. ARGENIO: Is that within our province to do that?

MR. EDSALL: Certainly if they're going to paint within the right-of-way we have to get the DOT to agree to an interim measure that would be allowed. But I think you're on point because a lot of times drivers ignore or just miss signage and something striped on the pavement certainly is very visible.

MR. ARGENIO: I have to tell you, Mark, in all honesty I question whether there's enough room there for a curbed island, it would probably be a mountable curb, right?

MR. EDSALL: Well, they're allowing the widening of the curb cut if that island went in so it would be a bit more work.

MR. ARGENIO: You know what, hold that page as well, let's just think about that for a minute, let's see if there's anybody here that wants to comment on this and let's talk, let's have the public hearing. Stephanie went to the building inspector's office and help compare 12 addressed envelopes that contained the notice of public hearing, on the 17th day of May 2016, she got the addresses for the appropriate parties and sent the envelopes out with notice of the public hearing. At this point in time I'd like to open the public hearing up, if anybody has a question, would like to comment, please raise your hand. Yes, sir, come forward, state your name.

MR. BRAUN: Leo Braun, B-R-A-U-N.

MR. ARGENIO: What's on your mind, Leo? Come on up.

MR. BRAUN: Left-hand turn restriction in reference to that.

MR. ARGENIO: Say it again.

MR. BRAUN: In reference to the no left-hand turn restriction, okay, Mark Edsall had a very good comment in reference to kind of a restriction or a curb restriction to make it, ensure that they can only make the right-hand turn. I've seen instances where people making the left-hand turn with signs directly in front of them, gee, I didn't know where it was and they go. I would totally like to have a barrier or some kind of a restriction to make a right-hand turn only.

MR. ARGENIO: Thank you, Leo. Anybody else?

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

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded that we close the public hearing. I'll have a roll call.

ROLL CALL

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

MR. ARGENIO: Okay, so there's the slip lane with the curbed island. I have the letter from the DOT in front of me and says what Mark announced in addition to the turn restriction sign only comment would be to recommend to further channelize the existing northern access with a concrete median to deter left turn egress movement. With the addition of the concrete median the department would allow the access to be extended further south to accommodate for difference in width. So what they're saying widening the opening to the south and put the slip island in there. Sir, what's your name again? I apologize.

MR. SPANOS: Jerry Spanos.

MR. ARGENIO: Mr. Spanos, do you take exception to what we're talking about with this island?

MR. SPANOS: Yes.

MR. ARGENIO: Are you okay with this, installing this

island?

MR. SPANOS: I would prefer that, you know, we draw lines and, you know, paint to have the exit steer the driver to a right hand only rather than putting in, you know, concrete barrier that would--

MR. ARGENIO: Well, you understand so we're clear we're talking about a concrete curb that's roughly six inches tall and it would be mountable. So if somebody were to drive over it, they'd drive over it, they wouldn't hit it and bump over it like a regular curb.

MR. SPANOS: Right.

MR. ARGENIO: I understand it's additional expense but this is a very busy section in our town and the DOT is recommending it. Our engineering is concurring with it. For us to go outside, for us to contradict those recommendations would really not be the smartest thing unless there was some compelling reason to not do it. Now I suggested the possibility of some paint maybe in the interim that would be okay. Members or Mark, does anybody have any commentary on it, any other thoughts?

MR. EDSALL: Well, we've sent, I think this is the third round at least second if not third time that this has been sent over to DOT and the first two times this wasn't a requirement, this time I think it's a good suggestion. Maybe you can work with the applicant to make that conditional approval that within a certain period of time they need to obtain the needed permit and have that installed, be it a year or something cause it's not going to be instantaneous getting a permit from DOT, getting in the design plan for the driveway widening and the curb island is not going to happen in a week.

MR. ARGENIO: What's our recourse if he gets a C.O.?

MR. EDSALL: He would be in violation of the site plan.

MR. ARGENIO: Then what?

MR. EDSALL: He'd get a violation from the code enforcement officer and be going to court.

MR. ARGENIO: In front of a judge?

MR. EDSALL: Yes.

MR. ARGENIO: We've been there, done that, right?

MR. EDSALL: Yeah. It just seems to be since they really are coming in for almost a reapproval of something that was here before it seems to be a kind of a happy medium.

MR. ARGENIO: And the problem is obviously the corridor does nothing but get more and more busy.

MR. VAN LEEUWEN: Absolutely it is, I concur.

MR. EDSALL: You're absolutely right. And that's probably why the DOT didn't make this comment before and on this round they did because things continue to get busier and busier along that stretch of road.

MR. ARGENIO: Howard or Harry, do you have any thoughts?

MR. BROWN: I concur

MR. FERGUSON: I do too.

MR. ARGENIO: Danny, where you at?

MR. GALLAGHER: I concur.

MR. VAN LEEUWEN: I do too.

MR. ARGENIO: You're going to need to put the curb just so we're clear is--

MR. EDSALL: It would be mountable and just be a directional island.

MR. ARGENIO: I think it has a two inch reveal and then a 45-degree rise.

MR. GALLAGHER: Something similar next to Applebee's at the Hess/Speedway.

MR. ARGENIO: Exactly right. Sir, you're going to need to do that in the interim, that will be a condition of your approval.

MR. VAN LEEUWEN: If we give it even.

MR. ARGENIO: You're going to need to work with our

engineer, Mr. Edsall, on getting your DOT permit and putting that island in and widening that entrance a little bit. Quite frankly to be very honest with you I'm surprised they're not requiring more of you, that is the DOT just because it's so busy.

MR. SPANOS: We're taking out one of the entrance and exits also.

MR. ARGENIO: I think that's great, I think that's great and maybe that's the reason why they've not asked for more substantial improvements on that entrance.

MR. SPANOS: But is it possible that it can be done, you know, in like a year or so?

MR. ARGENIO: It's possible, yeah, sure but you understand if you don't do it, the building inspector is going to pull your C.O., issue a violation and we've had people defy before you and end up in front of the judge, it doesn't go well. Okay, so you'll do it?

MR. SPANOS: Yes.

MR. ARGENIO: Okay, anybody else have anything on this plan?

MR. VAN LEEUWEN: Move for final approval.

MR. ARGENIO: Let me read Mark's comments, local determination from county. No, I think we're good. Mark, you'll work with him on that island?

MR. EDSALL: What we'll do is have Steve on the final plans that are submitted for stamping include a note regarding the obligation.

MR. ARGENIO: Let's not forget about it.

MR. EDSALL: No, we'll make sure.

MR. VAN LEEUWEN: I make a motion to give him final approval subject to putting the curb in like the DOT wants.

MR. ARGENIO: You have one year to do that from this date.

MS. MC MILLAN: Mr. Chairman, I'm not sure we've completed the SEQRA process yet.

MR. ARGENIO: I don't have a note here about SEQRA.

MR. EDSALL: I think we do still need to do a negative dec.

MR. ARGENIO: I'll accept a motion.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded that New Windsor Planning Board declare a negative declaration under the SEQRA process for TZSS Realty site plan special permit. I'll start on the other side.

ROLL CALL

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

MR. ARGENIO: Henry made a motion.

MR. GALLAGHER: Second it.

MR. ARGENIO: Roll call for final approval.

ROLL CALL

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

REGULAR ITEMS:

APPLE RIDGE SUBDIVISION (08-16)

MR. ARGENIO: Apple Ridge major subdivision on Shaw Road. This is a cluster. Application previously reviewed at the 28 January 2009, 11 August 2010, 9 March 2011, 27 April 2011, 10 October 2012, 23 January 2013, 27 February 2013 and the August 13, 2014 planning board meetings. This project has evolved quite a bit over the years with input from the town, input from the planning board, et cetera, et cetera, it's gone dormant for just a bit. Mr. Esposito I assume is here tonight to resurrect the project. What do you have to say, Steve?

MR. ESPOSITO: Just I'd like to just for the board just a quick history, you did touch on some of the key dates. The project originally back in 2007 received preliminary approval for 48 lot subdivision serviced by individual wells.

MR. VAN LEEUWEN: Louder, I'm getting old, hard of hearing.

MR. ESPOSITO: Back in 2007, the site which was not quite as big as it is today received approval, preliminary approval for 48 lots serviced by individual wells and septic. Back in, since 2008, came in and there's a historic crash in the economy, we realized at the time the zoning was 80,000 square foot lots. And if you look at the, it really didn't just make sense to, so there was an opportunity to acquire an additional piece of land and we then looked at preparing a cluster plan which consisted of 102 lots, received authorization to cluster so--

MR. ARGENIO: Everybody is deaf nowadays, go ahead, Steve.

MR. ESPOSITO: I'm going blind. So it's morphed from the 48 lot plan to the 201 lot cluster plan and we acquired another piece of land and it morphed into a 135 lot subdivision cluster plan. That plan was subject to an EIS, we prepared a Draft Environmental Impact Statement and conducted a public hearing for the subdivision and SEQRA back in, I think it was back in April or February of 2013, closed the public hearing and simultaneously at that time the town board was going through a revision of their comp plan they

adopted a new comp plan and was revising the zoning and the zone revisions for this particular site went from minimum 80,000 square foot lots to 60,000 square foot lots. The site currently is 418.5 acres. We then took the current zoning and prepared a new yield plan which is the first step in the cluster process. And the safe yield for the 418 acres was 172 conventional lots. This board has, and this plan here, this is the yield plan and this board had reviewed this early in 2015. At that time, we then made the recommendation to forward it to the town board again for their authorization cluster. And the town board after deliberations authorized the current plan, the 172 units to cluster. And so we're here tonight after receiving that. We've been reworking the plan, we did make some changes and I'll go over those in a minute. And we have also been doing some other field work, well exploration, pump testing and like that. So this is the yield plan which you've seen. This in the past, this chart represents each individual lot has to be analyzed for the net acreage, make sure that the net acreage equals 60,000 square feet and these lots all conform to the current zoning code. The cluster plan is pretty much--

MR. ARGENIO: Henry wants to ask, let him finish.

MR. VAN LEEUWEN: I'm sorry, I thought he was finished.

MR. ESPOSITO: I'm going talk a little bit about the cluster plan. The lots pretty much stayed in the same footprint as the little extension but almost the same footprint that the previously reviewed plan was subject to the EIS took of the 418 acres. We're still going to be in excess of 70 percent of the site as being open space. What we're proposing is, and if you recall the previous plan we had three farm lots, what we called farm lots, very large lots. We're now down to two of those and the cluster's going to be 170 lots along the cluster. The project will still be served by central water system still be served by central sewer system, and the road configuration is essentially the same with one change and that is we had on the original plan two entrances onto Shaw Road, the one entrance was kind of across the street from the soccer field. We have since what we're proposing now under this alternative is to eliminate that there was some concern with the public on that access.

MR. ARGENIO: Is that your final plan?

MR. ESPOSITO: This is our final plan.

MR. ARGENIO: What am I looking at here then?

MR. ESPOSITO: That's the old plan.

MR. ARGENIO: Why am I looking at the old plan?

MR. ESPOSITO: I don't know.

MS. RODRIGUEZ: You didn't submit new plans, did you?

MR. ESPOSITO: We did not submit new plans.

MS. RODRIGUEZ: No.

MR. ARGENIO: So we're looking at old plans here?

MR. ESPOSITO: Correct.

MR. ARGENIO: I don't even want to see what you have there, quite frankly.

MR. ESPOSITO: Excuse me?

MR. ARGENIO: I don't even want to see what you have up there, excuse me, if this is what we have, this is our most current submission?

MR. ESPOSITO: These plans probably are from 2012.

MR. ARGENIO: If this is not what you're proposing, I don't know why we're looking at it but you're here, I see Mr. Mumford just came in so continue.

MR. ESPOSITO: So again one of the--

MR. ARGENIO: Mark, do you understand why we have--

MR. EDSALL: Well, I know tonight really was just an update presentation, there were no plans for us, our office to review.

MR. ARGENIO: Go ahead, Steve.

MR. ESPOSITO: I thought we agreed to come in, dust it off, get the board back up to speed where we are and then really moving forward how we should proceed. I think just in the layout, the footprint of the

developed area is essentially the same as the old plan that you're looking at with the exception of the removal of the one entrance off Shaw Road. We did meet with the fire marshal on that issue because what we're proposing now is a boulevard, two 26 wide lanes to provide two means of access. The fire marshal was okay with that. We'd like to see some further detail and put to the planning board and the town engineer but conceptually he was okay with that. One of the, let's see what else is different on this plan. That's really about the biggest change the number of units.

MR. ARGENIO: Let me stop you there because I'm sure there's questions from the members. We have different plans here which I don't, I really, really disdain but it's okay, it's where we are. Henry, you had a couple questions you wanted to ask please?

MR. VAN LEEUWEN: I sure do. Is the orchard going to stay the same as it was?

MR. ESPOSITO: Well--

MR. VAN LEEUWEN: No, I'm sorry, Shaw Road is up here, sorry.

MR. ESPOSITO: Most of the orchard is in here, the back field, we're going to try to keep in the farm, we call them farm lots, they're going to be large lots either maintaining the orchard, could be vineyard, horse farm, those types of things. And we're also proposing as the previous plan to put restrictive covenants on that land as part of our open space, those would be, that restricted land would be owned in fee by those two owners but would have a deed restriction over them.

MR. ARGENIO: What prompted me was the fact that I'm looking at this and I seem to remember at one of our meetings and I certainly did attend more than one meeting on this, we talked about those lot lines going all the way to the back and I see you've done that--

MR. ESPOSITO: Correct.

MR. ARGENIO: -- in this plan, and I wasn't seeing that here which is the reason I questioned you and you do have the boulevard we talked about that a fire access. I want to get to a couple of procedural things with counsel and with Mark in a moment but Howard or Harry Ferguson or Danny or Henry, if you guys have anything

just chime in and cut me off at any time. I've certainly seen this more than once. But Veronica, let's start with you, is there any particular legal issues that we need to be talking about putting on the record? And then Mark, I'd like to come to you and I'd like to talk about the status of SEQRA. I have some particular thoughts on it. I'd like to hear where you're at from an engineering perspective. So that said, Veronica?

MS. MC MILLAN: Mr. Chairman, you're right on, SEQRA is where I went to right away when I started taking a look at this file. It appears as though there was a DEIS done some time ago. But the question is now with the increase from the previous 138 lots to 172 requiring a Supplemental EIS statement be done.

MR. ARGENIO: Can I just stop you for one second cause you hit on a good subject? Let's get this out of the way so it's out there. This is a lawful increase in quantity and it's been authorized at the town board level.

MS. MC MILLAN: It has, there was a resolution from the town board authorizing.

MR. ARGENIO: There's nothing for this board to discuss really to that?

MS. MC MILLAN: No.

MR. ARGENIO: Please continue.

MS. MC MILLAN: In reviewing the file, the next question then is the preparation of a Supplemental Environmental Impact Statement related to the increase in the lot count. And then from there, the SEQRA process would continue and there'd be further engineering I'm sure to be done with Mark.

MR. ARGENIO: So for the benefit of the members because we see so, so many applications, elaborate just a bit on what those SEQRA process steps are going forward.

MS. MC MILLAN: The applicant would submit a supplemental statement that further elaborated or altered conclusions in their original statement based on the changes to the--

MR. ARGENIO: Does the applicant revisit the scope of

what they were considering or is it based on the original scope?

MS. MC MILLAN: It would be based on the original scope in the positive declaration for this project. There was a number of environmental areas that were identified some years ago and the Draft Environmental Impact Statement was based on those.

MR. EDSALL: May I just butt in for a minute?

MR. ARGENIO: She's stealing your thunder, Mark?

MR. EDSALL: No. Veronica and I spoke today because this project file is new to her, I need to copy quite a bit of information out of my file. We've talked about having a meeting so I can try to bring her up to speed on some of the history and some of the steps that have occurred so we can have her guidance as we move forward. One of the current items that's pending is the board's review of a scope for a supplemental DEIS, that's the next volume as we might call it of the environmental impact review. The board has to review that supplemental scope, the applicant has one in process, I think they might be ready to submit it for the board to begin review and probably look at it over the next month.

MR. ARGENIO: So Steve is in the process of crafting that scope now?

MR. EDSALL: I in fact had one shared with me very recently and I suggested that he bring copies to hand in to Stephanie for either distribution at the next meeting or this meeting, whatever the chairman wanted but that's the next step.

MR. ARGENIO: Do you have that with you tonight, Steve?

MR. ESPOSITO: I brought copies for the board.

MR. ARGENIO: You did? Why don't you hand them out, we're not going to go through them tonight because I'm sure there's substance to the document but certainly to have them to review at our leisure would be a good thing. Go ahead, Veronica.

MS. MC MILLAN: So that's actually at the advanced, it's at a more advanced point that I was aware of and we can review those documents together with their new

submission and continue the process from there.

MR. EDSALL: So what I need to do to get Veronica up to speed with everything that's occurred to this point is fill her in on what documents we have prior to this proposed supplemental scope and then we can get off and running with the appropriate steps.

MR. ARGENIO: So we need to review this at our own time and come up with a determination of whether or not we accept this scope as appropriate or not.

MR. EDSALL: And you can add to it.

MR. ARGENIO: I remember the items in the original scope, from where I'm sitting, I don't think a lot has changed but we'll review the document and discuss it at a future gathering as it were, okay?

MS. MC MILLAN: Yes.

MR. ARGENIO: Steve, do you have anything to add to that?

MR. ESPOSITO: No. Just we concur that this is a change in circumstances which requires a Supplemental Environmental Impact Statement. So we're prepared to do that. We're prepared to provide that document to the board once you adopt the supplemental scope.

MR. VAN LEEUWEN: Steve, couple things I got in my mind, okay, we've known each other a long time, but that don't mean anything what's right is right for this town and it's going to happen. The entrance from Shaw Road to Beattie Road, also the end of Shaw Road to Bull Road, how are we going to handle all the traffic? On Beattie Road you have a sight, we have a sight distance problem, serious problem, I don't know if you're aware of that or not.

MR. ESPOSITO: Absolutely aware of it.

MR. VAN LEEUWEN: You are?

MR. ESPOSITO: Yes.

MR. VAN LEEUWEN: Go ahead.

MR. ARGENIO: That's in the, that thought, Henry, I didn't use your same words, but that thought was

relayed to Steve originally and then when the project got resurrected we had a pretty detailed discussion about it.

MR. VAN LEEUWEN: I didn't know that.

MR. ARGENIO: Cuts and fills and getting that intersection squared away if we're referring to the same intersection, I can't imagine we're not.

MR. VAN LEEUWEN: Both intersections on Shaw Road and on Beattie Road, okay, they're both a problem.

MR. ESPOSITO: And in the draft scope we have identified a number of intersections and obviously those two are two of the ones that have to be evaluated.

MR. ARGENIO: Harry or Howard, do you have any additional thoughts or questions on the SEQRA thing? I tried to get them to outline it pretty thoroughly because it's a big project and there's a lot going on here.

MR. BROWN: No.

MR. ARGENIO: Danny, any questions?

MR. GALLAGHER: Not at this time.

MR. ARGENIO: Dave, are you good? You're the newest member but you need to be informed in case somebody's not here you need to step up as it were.

MR. VAN LEEUWEN: Is any of the land going to be owned by, the vacant land going to be owned by the residents cause you know what happens?

MR. ARGENIO: I think what you're saying--you should explain and I think I know the answer but it's yours to answer, Steve, explain to Henry the disposition of the purple, the blue and the green on the right.

MR. ESPOSITO: So if you remember one of the things Chairman touched on that with the areas in the back of these lots we ran the property lines to the perimeters in the backs, these, this green area represents an area that those lots would be deed restricted. It will be conservation easement in the back so they can't further develop or can't further subdivide. These, the pink

area or violet area, whatever color that is that's going to be an AG easement so the areas that will be developed--

MR. VAN LEEUWEN: You told us that.

MR. ESPOSITO: So those will be owned by one and two and then the blue are going to be either, actually, I take that back, the blue are either going to be owned by the utility companies where we have the wells in there, it's going to be utility company or the town, whoever decides to take the ultimate disposition of those over or it's going to be owned by the homeowners' association.

MR. VAN LEEUWEN: Should be something in the deeds that no dumping because they do create dump places.

MR. ESPOSITO: As part of our documents to you you'll get copies so the attorney and engineer can review of the conservation easements, there will be several different types but they'll be part of our submission.

MR. VAN LEEUWEN: One more question. My property is, butts up against that property as you know where you're going to build, what about that house that somebody took down and just caved it in on the foundation? If Mr. Green ever found out that that was the case and kids could get hurt in there or people could get hurt, I mentioned this to them before, I'll mention it again, that should be cleaned up my friend, burned or whatever you do it should be done.

MR. ESPOSITO: It's on the piece in the back, right?

MR. VAN LEEUWEN: Yes. Stumpie's farm there's an old barn back there and I haven't been back there in quite a while but I did take a tractor out of there for a friend of mine which I got permission to do, okay, and I would appreciate if that gets handled. If a kid gets in there and gets hurt, the town has a problem and you have a problem.

MR. ESPOSITO: Absolutely I will.

MR. ARGENIO: Mark, I think we talked about this but refresh my memory and the rest of the board, those facilities that are going, that are going to be constructed, the well house, pump house, sanitary treatment, et cetera, et cetera, et cetera, they're

going to be constructed to the town standards?

MR. EDSALL: They'll be constructed--

MR. ARGENIO: And the ownership is going to remain with the HOA?

MR. EDSALL: -- constructed to town standards. There's going to be an offer of dedication such that if the town cares to take them over they can and there will be an underlying district created for the project.

MR. ARGENIO: This group?

MR. EDSALL: For this project. The reason why the town is requiring that they be built to town standards is that would facilitate a better operation and the higher probability that the town would be in a position to take it over.

MR. ARGENIO: So from a financial perspective, there are no neighbors that are bearing the financial load of this project on any level for that infrastructure?

MR. EDSALL: Correct.

MR. ARGENIO: Okay, Steve, I strongly encourage you going down the road make sure we have the plans here, what we're looking at is what you're looking at and that's an issue. But I understand what you're saying, it's been a long time and there certainly is a need to bring the board up to speed as a whole. This goes back to the crash 2008-2009 so it's been around and around and around and around and around again. So do you guys have any other questions? Mark or Veronica, is there anything else we need to go through for any procedural purposes?

MS. MC MILLAN: I don't think. At this point, we'll take what they submit and Mark and I will review it and make the appropriate recommendations to the board.

MR. ARGENIO: The owner's in the audience, Mr. Mumford, do you have anything else to add that you'd like us to be aware of?

MR. MUMFORD: No, Chairman, not at the time, unless the board may have questions for me.

MR. ARGENIO: No, I don't think so. It's early, Steve

will get the plans tightened up, we'll go through the SEQRA to the scoping document and try to give this thing some direction and let's see where it takes it.

MR. ESPOSITO: Might be helpful if I can e-mail you a copy of the originally submitted EIS.

MR. EDSALL: Just burn a disk.

MR. ESPOSITO: We've got all the notices are in there.

MR. EDSALL: Yes, with the board's permission, we'll work with Steve and Veronica and I'll get together and pull out information I have in my file, we'll take advantage of Steve's offer and we'll get a hundred percent up to speed.

MR. ARGENIO: That will be great, Mark.

MR. EDSALL: We'll dust it off as you said.

TOWN SUBDIVISION (16-10)

MR. ARGENIO: Next on tonight's agenda is the town subdivision up at Stewart. Gary Rich is here. You're going to have to hold your question because tonight is not a public hearing, we probably will have a public hearing on this at some point in time but that's not tonight, at some point in time you'll be given notice.

MS. RODRIGUEZ: Notices will be sent out if you're within a certain radius of the property and it's also posted on our town website. If you're in the 500 foot radius you'll get a mailing.

MR. ARGENIO: If you're within 500 foot of the project you'll get a letter in the mail. Ma'am, I'm not here to argue, it's the law, it's a state statute, I didn't make it, it is what it is. This is not the public hearing tonight, that's why you didn't get notified, nobody got notified.

MR. BRAUN: It's in the newspaper.

MR. ARGENIO: Let's move on with all due respect. Town of New Windsor minor subdivision known as Parcel E at Stewart Airport represented by Mr. Rich. This application proposes subdivision of 9.7 acre parcel into three lots. The plan was reviewed on a concept basis only. Gary, what do we have here?

MR. RICH: Three, three plus acre lots with access.

MR. ARGENIO: This is a town's property, is that right?

MR. RICH: Yes.

MR. ARGENIO: Okay, just so for reference I think Mark unless I'm mistaken where is your office, your office is here?

MR. RICH: Right here, that's Mark's office.

MR. EDSALL: Jerry, you can see where you always park right there on the lower left.

MR. ARGENIO: Yes, I see that. Okay, Gary, go ahead.

MR. RICH: Three lots for a commercial use by the town, that's really it with access easement to lot three for

easier access through lot two or lot for the McGoey parking lot.

MR. VAN LEEUWEN: Is this part of the blacktop plant site?

MR. RICH: No, that's down the road.

MR. VAN LEEUWEN: Okay.

MR. ARGENIO: I think the intent here is broad stroke, I think, Mark, you gotta jump in and correct me if I misspeak, I think the intent is that is they're going to sell one of these lots, the town is going to make the county or somebody--

MR. EDSALL: I think the IDA.

MR. ARGENIO: IDA so they stay here local.

MR. VAN LEEUWEN: Ask me and I'll tell you.

MR. ARGENIO: There you go, is that the case, IDA?

MR. VAN LEEUWEN: Yeah, IDA is going to buy lot number two so they stay local and not move to Goshen. We don't want to go to Goshen, we want to stay at Stewart.

MR. ARGENIO: This is in the AP zone which is the Airport Zone.

MR. RICH: I've been working with Mark and had a bunch of corrections on the zoning there, I had old zoning information.

MR. ARGENIO: Is it cleaned up, Gary, at this point?

MR. RICH: Not the one you have, since I made that Mark and I have been speaking and--

MR. ARGENIO: I think you have to go to county, Gary.

MR. EDSALL: It's been referred. We waited for the--

MR. ARGENIO: You're right next to International Boulevard.

MR. EDSALL: We didn't want to send it to the county with the bulk table not right. So Gary was kind enough to get the town a revised plan that's been shipped off

to Orange County Planning. Mr. Chairman, you're absolutely right that this is merely the splitting of the overall parcel into three lots. It's just under 10 acres now, would be three plus acres. There's no develop development proposed as part of this minor subdivision. You'll have the opportunity to see site plan applications for development should that occur.

MR. ARGENIO: I have no questions. Do the members have any questions? Henry, don't ask where is the flag pole because there's no buildings yet, just saying. Mark, is there anything else we need to be concerned about?

MR. EDSALL: First thing you can get out of the way because there's no development and you do have as it might be a second bite at the apple for specific development you could as you're allowed waive the public hearing on a minor subdivision.

MR. VAN LEEUWEN: So moved.

MR. ARGENIO: I think we can do that.

MR. GALLAGHER: There's no way around, second it.

MR. ARGENIO: We're the neighbor, the Town of New Windsor is the neighbor. Motion made and seconded. Roll call.

ROLL CALL

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

MR. ARGENIO: So we'll waive the public hearing for this subdivision.

MR. EDSALL: Second thing you can do is declare yourselves lead agency because there are no other involved agencies, Orange County Planning is an interested agency, they never look for that position.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made seconded that the Town of New

Windsor Planning Board declare itself lead agency for the Town of New Windsor minor subdivision on Airport Center Drive and International Boulevard. Roll call.

ROLL CALL

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

MR. ARGENIO: What else? That's it procedurally, right?

MR. EDSALL: I think this is one of those ones that there's really nothing to review because there's no improvements.

MR. ARGENIO: We have to hear back from the county.

MR. EDSALL: Once you hear back from the county, it can just be processed as to whether you want Gary back. That's the board's call.

MR. ARGENIO: I don't know that you have to come in, save the town whatever his appearance fee is if there's no questions.

MR. RICH: You had a comment something for the title block you were going to send me?

MR. EDSALL: We'll coordinate to make sure the final one is submitted. Bulk table is fixed. The dashed line that parallels International he's identified that and we're just going to make sure that the project number, here's the comment sheet, is in the approval box and then when we hear back from the county we're all set.

WEIKFIELD WINDSOR DEVELOPMENT (15-010)

MR. ARGENIO: Weikfield Windsor Development major subdivision. The applicant proposes subdivision of 80.7 acre parcel into 25 single-family residential lots. The plan was previously reviewed at the 25 February 2015, 22 July 2015, 9 September 2015 planning board meetings. And there was an appearance scheduled for 25 May 2016 that was canceled. I see Ray. What's your name?

MR. NORTON: William Norton from Mercurio, Norton and Tarolli.

MR. ARGENIO: Okay, Mr. Norton or Raymond, what do you guys have for us tonight?

MR. NORTON: Basically, we've been working with the town on a couple of issues. One was the thru-road with our neighbor and I think we have resolved that between the attorneys and some paperwork.

MR. ARGENIO: That put to bed, Raymond?

MR. YANNONE: Yes, a hundred percent. I talked to Ed Biagini yesterday, talked to Tony's attorney on the way here today, talked to the bank on their behalf about the lot line changes, everything is 100 percent coordinated now.

MR. ARGENIO: Excellent, thank you. Go ahead, Mr. Norton.

MR. NORTON: The other issue was the board requested that we make the storm water lots separate lots dedicated along with the road dedication. We have taken care of that and I have made the deed descriptions and I have submitted those to the town attorney.

MR. ARGENIO: So you're here tonight for?

MR. NORTON: Basically approval of phase one if possible.

MR. ARGENIO: From a procedural perspective we have local determination from planning, lead agency circulated, Town of Blooming Grove responded, they say that they're good with us taking lead agency, DEC permit was issued 3/18 of 2016, DOH approval 4/28 of

'16, the town board approved, the alternate road, Anthony Fayo signed off on it on 5/19 of '16 and Mark has received the bond, is that squared away, Mark?

MR. EDSALL: The bond amount was approved by the town board on June 1st as was a reduction reflecting the completed work.

MR. ARGENIO: Just give me a moment please to go through comments I have here. Ray, what about 911 with John McDonald?

MR. NORTON: We have assigned addresses here shown on the plan and there is a chart that shows everything.

MR. ARGENIO: She carries a lot of weight, you have to stay in tight with her. Veronica or Mark, do you got anything else? We good?

MR. EDSALL: No. Under comment, well, under comment three, I'm just noting that beyond both applicants signing the verification or affirmation that they are going to participate in a joint application for lot line change, if you caught on to Ray saying there's progress being made, I actually have some draft plans pre-planned by Dan Yanosh for the lot line change revision to allow for land trades to allow the thru-road to become part of the Weikfield and some land to be created so that neither loses lots and they all can move forward. I'm going to go ahead and review this and probably be in contact with both applicants so we can get the application in and get this out of the way so the corrected plans can be filed.

MR. VAN LEEUWEN: Is the zoning out here two acre lots? There's one here that's 1.52, that's not two acres. The first lot right down near the entrance to the main road, you're looking at a zoning variance if that's the case, if it's the case, I don't know, it says here 1.52, that's not two acres, sorry.

MR. SHERMAN: Lot 24 also.

MR. YANNONE: No, you're right.

MR. NORTON: I'm trying to get an answer to your question.

MR. VAN LEEUWEN: Otherwise you have to go to the zoning board, I hate to tell you that.

MR. ARGENIO: Henry, it's okay, they get it. Give Mark a minute, he's looking.

MR. EDSALL: I'm trying to find the bulk table on the phase one plan versus the total subdivision plat. So 60,000 square foot is the code, not two acres and it has to be a net area of 40,000 square foot.

MR. GALLAGHER: There's a couple lots lot 23, 24 is only 1.3.

MR. EDSALL: Hank's right, that lot one is close but it's 66,278.

MR. VAN LEEUWEN: No, I'm sorry.

MR. EDSALL: You're right, Hank, because the old zoning was 80, prior presentation they dropped it from 80,000 to 60,000 so that's the reason.

MR. GALLAGHER: What about lot 24?

MR. EDSALL: Note to self, when they created the phase one file, you blew away the bulk table so you need to make sure that the required information is on the plans you submit to be filed.

MS. MC MILLAN: Mr. Gallagher, according to this bulk table lot 24 is 60,339.

MR. EDSALL: Barely over but it made it.

MR. ARGENIO: Lot one is in conformance with the code. I think Mark is there anything else, Mark or Veronica? Obviously subject to number four in the bullets contained therein.

MR. EDSALL: Yes, and adding the bulk table onto the phase one plans rather than just the overall plans.

MR. GALLAGHER: One quick question as far as the cross connections, did we have a date or certain point when that was going to be? Was it at the end of phase one?

MR. EDSALL: The cross connection it's pursuant to a meeting we had and the plans that are in my hand, the 50 foot strip is going to be added to Weikfield's property that will become part of phase two road construction.

MR. ARGENIO: Done as part of phase two, that's your question, right, when?

MR. EDSALL: So when you see the phase two plans for final approval it will show the thru-road.

MR. ARGENIO: Do you have that on your radar?

MR. YANNONE: What's going to happen may be beneficial that we're doing the connection because we learned only a matter of a month ago that the nearest power was 1.3 miles away. So it was about a \$78,000 connection so there's a very strong possibility Central Hudson's looking at it now that we're going to bring our power in through that connection. So that's going to necessitate us to build it immediately and we're, our road base is in to that point at this point so we just have to go the extra 260 feet.

MR. ARGENIO: So it kind of really shook out for you on this one.

MR. YANNONE: This hopefully it's looking it's promising but Central Hudson won't give us an answer until we're able to give them a signed plan.

MR. VAN LEEUWEN: Motion to give final approval.

MR. ARGENIO: I'll read the subject-tos.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded that Town of New Windsor Planning Board offer final approval for phase one of Weikfield Development major subdivision subject to the public improvement guarantee being posted, payment of all fees, correction of rain garden references and notes, and inclusion of 1,500 gallon septic tank details per discussion with Mark and final review of the plans and obviously we talked about Mr. Norton you including the bulk table that somehow got chopped off in printing. So that's the motion, you have it, Franny, yes, in the record? Roll call.

ROLL CALL

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

MR. VAN LEEUWEN AYE
MR. ARGENIO AYE

MR. ARGENIO: Okay, Raymond, thank you.

MR. YANNONE: Thank you. Would it be possible to ask
an unrelated question?

MR. ARGENIO: Yeah, it's possible. Do you know what,
Ray, let us finish and then you can ask your question.

DISCUSSION

1. CRESTMOORE (13-02)

MR. ARGENIO: What do we have for Crestmoore, Mark or Veronica?

MR. EDSALL: A letter came in for an extension, Stephanie.

MR. ARGENIO: Yeah, I have something here.

MS. RODRIGUEZ: Yes.

MS. MC MILLAN: Crestmoore is requesting an additional 360 day extension of their site plan approval from May 26, '16 to May 21, 2017.

MR. ARGENIO: It's within our province to offer that?

MS. MC MILLAN: Yes, it is.

MR. ARGENIO: Anybody have a problem?

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that we offer 360 day extension to Crestmoore on Route 32.

ROLL CALL

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

FIVE CORNERS - RAY YANNONE

MR. ARGENIO: Ray, you got something on your mind?

MR. YANNONE: Yes.

MR. VAN LEEUWEN: Spill it.

MR. YANNONE: Planning board was kind enough to give us permission to tear buildings down at Five Corners in Vails Gate which we have done and we're finishing up our loose ends with the site plan. So we want to continue cleaning up the site. We actually have our facade planned for the building. We'd like to start doing the demo on the existing building and Jennifer said that I'd have to ask permission from the planning board to go to the next step on work while the paperwork is being processed for the final approval.

MR. ARGENIO: Why don't we have final approval?

MR. YANNONE: I do, the maps were submitted, we had to merge the lot lines, yeah, our paperwork is progressing nicely but probably still a few weeks away. We're hoping to keep working on the project in the meantime.

MR. ARGENIO: What's the deal?

MR. EDSALL: I was going through a series of projects with Shawn today to find out what was still open, found out we had not written off final on the cost estimate. We made that happen this afternoon, we sent our closeout time fees over to Town Hall this afternoon so what else is pending?

MR. YANNONE: We merged the lot lines, Vince had to do some map changes and submit them, was really just a few.

MR. EDSALL: I know when I talked last to Jennifer about it she wants the plan stamped.

MR. ARGENIO: So you have final approval subject to whatever four, five, six things. Do we know as we sit here anybody in this room what is, how many of those things are left undone at this juncture right now? Does anybody know the answer?

MR. EDSALL: Probably only--

MR. YANNONE: I think we have everything now completed on the paperwork side, just a matter of paying some additional fees, actually having the map signed.

MR. ARGENIO: What do you want to do?

MR. YANNONE: Just want to continue cleaning up the parking lot, I want to get some binder down and I'd like to do some demo on the building, get the windows cut out, start preparing the building shell.

MR. ARGENIO: Stephanie is going to get with you tomorrow, give you the number on the fees, et cetera, et cetera, you're going to have to write a check, are we talking a week here?

MR. EDSALL: Yeah, I don't think you're talking probably a day or two.

MR. YANNONE: Okay.

MR. EDSALL: By the end of the week.

MR. ARGENIO: Fair to say by Friday need it all buttoned up.

MR. YANNONE: As long as I know what the numbers are, yeah.

MR. EDSALL: Yeah, everything should be--

MR. ARGENIO: You'll get ahold of him tomorrow.

MS. MC MILLAN: The only issue we had was the merger of the lot lines.

MR. YANNONE: We did that, now I'm not sure.

MS. MC MILLAN: If it's been filed with the county?

MR. ARGENIO: Go try to verify that you can verify eight months from now.

MR. YANNONE: We did everything we could do on our side.

MR. ARGENIO: Raymond, go, call her tomorrow but what I'd like you to do is you're talking about some interior demo, you're talking about putting windows?

MR. YANNONE: No, clean up the building facade and buildings are down, we want to get some binder in the holes before it turns into a pile of crap.

MR. ARGENIO: I'll tell Jennifer that you'll have her checks and such by a week from Friday, close the thing out.

MR. YANNONE: Within a few days.

MR. EDSALL: When you're putting anything new in let Bill Elgie know or myself, that way we'll have a record of it.

MR. ARGENIO: Obviously you have an inspection issue.

MR. YANNONE: Absolutely.

MR. ARGENIO: Thank you. Good enough?

MR. YANNONE: Thank you very much.

MR. ARGENIO: Thank you. Anybody got anything else? Members? Motion to adjourn?

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth
Stenographer