



# Town of New Windsor

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## OFFICE OF THE PLANNING BOARD

WEDNESDAY - JUNE 12, 2002 7:30 PM

### TENTATIVE AGENDA

#### CALL TO ORDER ROLL CALL

#### ANNUAL MOBILE HOME PARKS:

- a. PARADISE MOBILE HOME PARK – RT. 9W

#### REGULAR ITEMS:

1. PENNINGS SUBDIVISION – SECTION 4 (02-14) DUTCHMAN DRIVE (PFAU)  
4-Lot residential subdivision.
2. FALL FITTINGS (O.C. CHOPPERS) SITE PLAN (02-15) RT. 300 (CUOMO)  
Remodel showroom for motorcycles.
3. BRITTANY TERRACE (01-53) STATION ROAD (SHAW)  
Expansion of existing mobile home park.

#### DISCUSSION

4. FED-EX DOCK EXPANSION (TACY) MC ARTHUR AVENUE
5. AMERICAN MASON – REQUEST FOR TEMPORARY TRAILER
6. *Hanna fords*

#### ADJOURNMENT

(NEXT MEETING – JUNE 26, 2002)

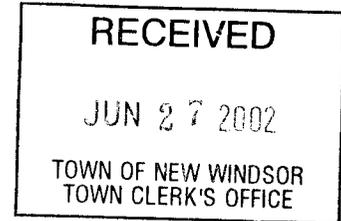
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TOWN OF NEW WINDSOR

PLANNING BOARD

JUNE 12, 2002



MEMBERS PRESENT: JAMES PETRO, CHAIRMAN  
JIM BRESNAN  
RON LANDER  
JERRY ARGENIO  
THOMAS KARNAVEZOS (ARRIVING LATE)

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

MICHAEL BABCOCK  
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.  
PLANNING BOARD ATTORNEY

MYRA MASON  
PLANNING BOARD SECRETARY

REGULAR MEETING

MR. PETRO: I'd like to call the June 12, 2002 New Windsor Planning Board meeting to order. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

ANNUAL MOBILE HOME PARKS:

PARADISE MOBILE HOME PARK

Mr. Ken Mannix appeared before the board for this review.

MR. PETRO: Someone from your department been there? Have any outstanding comments?

MR. BABCOCK: Yes, we have, Mr. Chairman, and everything is fine there.

MR. PETRO: You couldn't find anything wrong?

MR. BABCOCK: One issue with a note about skirting on I can't even remember the number of the unit, he's going to check that out and take care of it.

MR. PETRO: We have no violations so it must have been very minor. Motion for one year extension?

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant one year extension to the Paradise Mobile Home Park on Route 9W. Do you have a check for \$190 to the Town of New Windsor?

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

(Whereupon, Mr. Karnavezos entered the room.)

REGULAR ITEMS:

PENNINGS SUBDIVISION - SECTION 4 (02-14)

Mr. Henry Van Leeuwen appeared before the board for this proposal.

MR. PETRO: Application proposes resubdivision of 13.94 acre parcel into four single family residential lots. Plan is reviewed on a concept basis only, looks like Mr. Van Leeuwen is going to represent it himself.

MR. VAN LEEUWEN: Mr. Pfau couldn't make it tonight so I'm here.

MR. PETRO: The project is located in an R-1 zone, bulk information is shown on the plan, plan appears correct for the zone. This application will be forwarded to the County Health Department for review because three years has not passed.

MR. VAN LEEUWEN: I'm going to hold off on the approval. The only thing I'd like to do tonight is ask you guys if I can go ahead and put the road in. I just found out today that we can't, the three years will be up in February of next year and I'm going to wait until February of next year cause it will take me three years to get through County Health Department, if you don't mind.

MR. PETRO: Roadway and highway improvements appear acceptable, other than the road profiles, although a joint review will be made with the highway superintendent following this meeting. Planning board may wish to authorize issuance of a lead agency coordination letter. You're going to keep the application open, just not going to review it until next time?

MR. VAN LEEUWEN: Right, I'll be back in December if you don't mind.

MR. PETRO: Motion to that effect?

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded to authorize lead agency coordination letter for the project.

MR. EDSALL: I don't know if you want to do that because when you start the circulation under SEQRA, the health department is going to immediately key in on the fact that this subdivision falls under their jurisdiction.

MR. PETRO: Because of the three year rule?

MR. EDSALL: Yes, if Henry does not care to pursue the application, he may want to wait until after the time is up, I'm concerned he's going to get caught in a catch 22, as soon as the application is a legitimate application and you circulate it.

MR. VAN LEEUWEN: I don't want to get caught in that. Basically, what I just want to do is if I can start putting the road in place there for a while, makes a better road.

MR. PETRO: Okay and I understand that except for the fact if he's going to, if we're going to give permission to start a road, we should be lead agency.

MR. EDSALL: Well, I don't know that.

MR. PETRO: Or withdraw the application then go put your road in.

MR. VAN LEEUWEN: Whatever you think is best.

MR. EDSALL: Appropriate course would be is that what Henry's looking to do is to continue to build the single house on the approved lot that he's already got but have the ability to put in a road and then at some time down the road, proceed with the subdivision so you should really ask for him to put in the road sub-base and pay any inspection fees but withdraw the application.

MR. PETRO: I don't think we should do anything with this, if you want to get together with Mark and Mr. Kröll and go work on the road and pay your fees, whatever.

MR. VAN LEEUWEN: As long as you guys don't mind, I wouldn't do it without asking you.

MR. PETRO: Come back in February then we'll start the whole process.

MR. ARGENIO: Mark, that three years with the Orange County Department of Health, is that three years until he gets approval or what starts and what stops that timeframe?

MR. EDSALL: Any realty subdivision application that's filed within three years of when the parent parcel application was filed falls under their jurisdiction.

MR. VAN LEEUWEN: Even though it went through the County Health Department the first time?

MR. EDSALL: Yeah, that's what triggers it, it's an additional lot within the three years, I'm not sure, Jerry, if somebody laid out an application so it didn't get filed until after the three years, if the county would waive the review authority, but I think as soon as you send the lead agency letter, they're going to say we have jurisdiction.

MR. ARGENIO: It's the application that triggers it, not the approval?

MR. EDSALL: That's my belief.

MR. PETRO: Again, though, I think that it's better that we don't do anything with the application, the building department is here, he can contact Mr. Kröll, he can get together the three of us, he wants to go with that route with the bulldozer, play a little bit, that's between you guys.

MR. BABCOCK: He's got to pay an inspection fee so we

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have the money to do the inspections.

MR. VAN LEEUWEN: No problem.

MR. PETRO: This way we're not involved.

MR. VAN LEEUWEN: That's why I'm here tonight basically I'm here to see if I can start the road.

MR. PETRO: Thank you. Henry, you're going to keep the application open or are you going to withdraw your application?

MR. VAN LEEUWEN: Close it out.

MR. EDSALL: Reapply after the--

MR. VAN LEEUWEN: Thank you.

FALL FITTINGS (O.C. CHOPPERS) SITE PLAN (02-15)

Mr. Paul Cuomo and Mr. Conrad Stenglein appeared before the board for this proposal.

MR. PETRO: Remodel showroom for motorcycles. This plan was reviewed on concept basis only. Site is located in a C zone in the Town, obviously, it's a permitted use. Where exactly is this?

MR. CUOMO: By Strober King on--

MR. BABCOCK: Between Strober King and Minuteman Tavern.

MR. LANDER: Big metal building there.

MR. PETRO: Brophy's building.

MR. LANDER: Ron Brophy used to work there.

MR. PETRO: Okay, are you going to do the whole building, renovate the whole building?

MR. CUOMO: This is Conrad Stenglein, he's the applicant.

MR. STENGLEIN: I'm going to be doing work, we're just going to use like the bottom offices for a showroom, all right, the existing building is going to be, it's going to be there, we're going to replace the windows and doors and things like that and there's going to be a lot of extensive landscaping on the outside, you know, I've been gradually trying to work on the building to get it look somewhat better than it did.

MR. LANDER: It needs some work.

MR. PETRO: So you're only doing 20 by 50 area out of the whole building?

MR. STENGLEIN: Right.

MR. LANDER: What else, are you going to use anything else, Conrad, or just the 20 by 50?

MR. STENGLEIN: That's it, just to put a showroom in front.

MR. KARNAVEZOS: Is that still an existing fabrication shop?

MR. STENGLEIN: Yes, still fabricating steel also.

MR. PETRO: Motion for lead agency.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency under the SEQRA process for the Fall Fittings Orange County Choppers site plan on Temple Hill Road. Is there any further discussion? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. LANDER: Paul, all these curb cuts are existing?

MR. CUOMO: Yes.

MR. PETRO: Don't you have parking there already, is there blacktop?

MR. STENGLEIN: It's not blacktopped, just gravel right now, so we intend on putting blacktop down in the lower portion where there hasn't been any.

MR. PETRO: Paul, you have some of the bulk table is incorrect, I would suggest that you take one of Mark's comment sheets and correct the bulk table.

MR. CUOMO: Yes.

MR. PETRO: As far as a public hearing, gentlemen, I think this is such a minor use on such a large building, huge property, it's a permitted use in the zone, Mike?

MR. BABCOCK: Yes, we have it under A-9 recreational motor vehicles, it's going to be motorcycles.

MR. PETRO: Strober King to one side, Minuteman to the other, I would suggest that a motion to waive the public hearing.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing under its discretionary judgment for Fall Fittings Orange County Choppers site plan.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. BABCOCK: I think one thing that we should discuss with the applicant is an outside display, if they intend to have any outside displays of motorcycles, we should have a display area.

MR. ARGENIO: I didn't see one indicated, I specifically looked for that because of some of the other discussions we've had.

MR. PETRO: Do you intend on having exterior display?

MR. STENGLEIN: I haven't talked with the owner yet, I haven't gone over that with him, but I, when I did speak at the workshop meeting, I do have space set aside for it which would be other than the parking

area.

MR. PETRO: Looks like he has quite a bit of space. Do you want it shown on the map exactly where?

MR. BABCOCK: If it's not detailed on the map, I mean, I'm not saying that he would do anything that wouldn't be within the, I don't know where he would do it other than in front parking area.

MR. ARGENIO: I'd like it shown, too.

MR. PETRO: Another way you can do it is state that it cannot be outside the boundaries of the property line and cannot obstruct any sight distances. If he meets those two, that would be your only problems anyway, other than that, what do you care where they are. Right? Sight distance and inside your property line, so if that restriction--

(Whereupon, Mr. Krieger entered the room.)

MR. LANDER: What's the distance between the proposed paved area and the concrete curbing? It's got to be--

MR. PETRO: You're talking about all this? He's got plenty there.

MR. EDSALL: Forty feet between the property line and the beginning of the new paved area in the island kind of deal there about a 40 foot wide island.

MR. LANDER: I'm not telling you where to put it, but there's a spot right there but you'd have to show it on the plan.

MR. EDSALL: May make sense to have a little bit of a setback from the property line, that would give him still a 30 foot area by the width of that island.

MR. LANDER: Space back ten feet.

MR. EDSALL: Yeah, it would be.

MR. STENGLEIN: Talking about the curbing up on top

here?

MR. EDSALL: Ten foot back from the curb island and then you could basically take that whole width of the island, is that something that would meet what you had indicated you wanted?

MR. STENGLEIN: Yeah, that would be perfect, that would be right out in the open.

MR. LANDER: Or if that doesn't work, Conrad, just as long as you show it on the plan and it does look like he says it doesn't interfere with sight distance or ten foot from any property line, then that's, you can put it anyplace you want but that's out in the open.

MR. STENGLEIN: So it would have to be ten foot back. Is there any length on it?

MR. LANDER: No.

MR. BABCOCK: Well, you don't want to go within the entranceways, you know, you want to stay back.

MR. EDSALL: Paul, why don't you show that on the plan that entire island but ten foot back so you're going back ten and you'd have the entire island.

MR. CUOMO: Do the whole island, I'll mark it out.

MR. PETRO: Anything else? That's two items.

MR. CUOMO: What's the two items?

MR. PETRO: Bulk table, yeah.

MR. CUOMO: Yeah, I got that.

MR. PETRO: Subject to Mark, do you have any other problems making it subject to?

MR. EDSALL: You're got number 5. Can you talk about 6 just on the record?

MR. PETRO: Submittal of this plan to New York State

DOT may not be necessary, no new structures are proposed or any work within the DOT right-of-way, is that correct?

MR. CUOMO: Yes, we're not going to be near the DOT right-of-way.

MR. PETRO: Nothing's changing.

MR. CUOMO: No.

MR. PETRO: Motion for final approval, well, hold on, I need the motion for negative dec.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare the negative dec under the SEQRA process for the Orange County Chopper site plan on Temple Hill Road. Is there any further discussion? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: Motion for final approval?

MR. LANDER: So moved.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Fall Fittings Orange County Chopper site plan on Temple Hill Road subject to the bulk table being corrected, subject to the area on the map showing the display area with the guidelines that Mark and Mike have set forth earlier, the need for section, block and lot number

also corrected on the bulk table, bond estimate will be submitted for the site plan and plan in accordance with Chapter 19 of the Town Code and that's it. So you have four items.

MR. CUOMO: I'll make a bond estimate out.

MR. PETRO: You have four items.

MR. CUOMO: Right, I've got them 1, 2, 3, 4.

MR. PETRO: All those in favor?

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

BRITTANY TERRACE (01-53)

Mr. Gregory Shaw of Shaw Engineering and Mr. Peter Kean appeared before the board for this proposal.

MR. PETRO: Application is for the site plan amendment, approval for the mobile home park to expand an additional 107 units. Application previously reviewed at 12 September, 2001 planning board meeting. This is Phase 1 and Phase 2, we're going to look at this, right?

MR. SHAW: Well, yeah, I thought we'd take an opportunity to discuss that tonight. Should I proceed, Mr. Chairman?

MR. PETRO: Yes.

MR. SHAW: Last time we were before I think was in the fall of last year, we presented this proposal for a total of 233 mobile home units. Previous to that, the applicant was before you in May of 2000 where the concept of approval and accepting the drawing was wrestled with and it's my understanding that while we were in before you with an amended site plan, what we're really looking for is an accepted site plan not an approved site plan, a document from which your building inspector can issue building permits and C.O.'s. So with that being said, when we were last here in the fall, the issue of the capacity of the sewage treatment plant was discussed and what the board directed your consulting engineer to do was to write a letter to the DEC asking what is the capacity of the plant, what are they using and the bottom line is how many more homes can they hook up at Brittany Terrace before you exceed the capacity of the plant. The DEC responded to that and I believe you have a copy of the letter. And the only thing I'd like to point out is that the DEC was in error with respect to one unit, we only have 64 existing units, not 65. So if their cutoff is 77, we're allowed 13 units, not 12, and again, those existing units are indicated on the plan, you can count them if you want. So what we're here tonight for really are three things, one is acceptance of the overall plan, okay, representing 233 units and

one residence, two is acceptance of a Phase 1 plan of just those 13 units that would be allowed prior to expanding the sewage treatment plant. And the third thing would be the acknowledgement of this board or the direction of this board to let Mr. Kean install the slabs for three units which are presently sold. Okay.

MR. PETRO: Part of the Phase 1?

MR. SHAW: As part of Phase 1, so really its Phase 1 for 13 units, okay, it's letting him lay down three slabs with water and sewer penetrations through the slab to at least get him going on the commitment date and then three is the acceptance of the overall drawing reflecting 233 mobile homes and one residence.

MR. LANDER: Back up just a little bit, 233, what number did you start with let's say eight months ago whatever it was last time you were here?

MR. SHAW: The number has not changed.

MR. LANDER: Okay, I thought we had discussed that we were going to lose road one those units in there.

MR. SHAW: Road one being?

MR. LANDER: If your number hasn't changed.

MR. SHAW: Correct, number hasn't changed, which is that.

MR. ARGENIO: On the left.

MR. LANDER: Bottom left.

MR. SHAW: Road I, I'm sorry, I don't think that was resolved, I think certainly was discussed.

MR. LANDER: There was a unit count, I know the chairman was very concerned about the unit count and he, being that it was going to be so difficult to do anything because of the topo here, you had I had thought or I, my memory serves me that you were going to eliminate those units there.

MR. SHAW: I don't think we committed to that at all, it was certainly discussed and my client was going to think about it, but I don't think that's been resolved unless my client tells me differently, we're here before the board tonight asking for a proposal for 233.

MR. PETRO: How many acres?

MR. SHAW: 68.0.

MR. PETRO: So under today's zoning, you'd be allowed approximately about 32 units, how many are here?

MR. KEAN: According to the local law of the Town of New Windsor, density figure in manufacturing housing community or mobile home park is 4.6 per acre.

MR. PETRO: It's been being changed, if it hasn't already been changed, have they revised that or in the section coming up?

MR. BABCOCK: Yeah, it's in the process.

MR. SHAW: I understand that that's why I used the word we're looking for acceptance, not approval, because if you remember the correspondence from the town attorney, it basically states that this project was approved in the very late '60's and only thing we had to do was prepare a plan and submit it to the building inspector, show how they'd be built. And I believe the next progress was that the building inspector felt uncomfortable without the board seeing it here, here before the board again, we're not asking for approval.

MR. PETRO: I don't want to waste our time, your time, my time, here's the deal, if anybody objects or has anything to say, speak up, Phase 1, 13 additional units and I agree with your count because 64, 13 you're correct, I have no problem, I think the board has no problem, building permit for the 3 units, they're done, matter of fact, Phase 1 is done, you got from the DEC what we asked, we appreciate it, and that's it, you've got the 13 units. As far as Phase 2, not interested, all right. So what that simply means until you have

sewer capacity for Phase 2, I don't care if it's for 10 or 233 units, if you show us the plant, how it's functioning, you've got a SPDES permit in your hand, then I agree. This probably does have according to Mr. Crotty's letter an approval, we'll look at the layout once again and you'll probably be done, but I'm not going to look at it until that point when you have the sewer capacity, when it's available, not saying you're going to build it when it's available, we'll look at Phase 2.

MR. KEAN: Would you please clarify when it's available? I'm not saying we're going to build it when it's available.

MR. SHAW: I guess when can we come back to the board and ask for acceptance of the drawing? When we have a SPDES permit in hand, when we have the design drawings in hand or when it's physically built?

MR. PETRO: At this time, I'm going to say when you have the SPDES permit, if someone else feels differently, then I would listen to reason or further instruction from somebody higher up than me and this board, all right. So to recap, Phase 1, 13 units, God bless you, build what you want to do, 13, do the 13. Mike, you're going to do the permit, right?

MR. BABCOCK: Yes.

MR. PETRO: Not a problem because you have capacity, you have shown that you have it, DEC has given us a letter to that effect, Phase 2 I believe you do not have a capacity, DEC says you don't have capacity, you're not disputing the fact.

MR. KEAN: I agree.

MR. PETRO: Do you, when you receive SPDES permit, come before the board, we understand you have approval, it's not going to change from 69 to another year whenever that may be, we'll look at the layout again and go from there.

MR. SHAW: Thank you.

MR. KARNAVEZOS: I just have one question, the residence on its own septic or part of the--

MR. KEAN: It's own septic.

MR. ARGENIO: We have a letter from DEC in hand. Why is there a sewer smell in the vicinity of your sewage treatment plant in the event of a heavy rainfall? I live there, I'm not taking this secondhand, I know it firsthand.

MR. KEAN: I don't dispute that, the current system is a septic tank which after retaining, septic tank is pumped out to an exposed surface sand filter which has been approved by the DEC, matter of fact, McGoey, Hauser and Edsall. When you pump out of a septic tank into an exposed sand filter, there's an odor. Now hopefully, in fact, I will assure you that as soon as we get the sewer plant designed completed and the plant's replaced, that's going to go away. There will be no odor.

MR. ARGENIO: So it's working properly now?

MR. KEAN: Yes.

MR. ARGENIO: This letter from the DEC and the odor and everything is all fine and in compliance with what the DEC requires?

MR. EDSALL: I can't say that there's not a violation or an operational problem there. That letter doesn't address any operational problems. What that addresses is their permitted capacity based on their SPDES permit that they have right now. If the building department gets additional complaints about odors, I'm sure that will be passed on to DEC as complaints and they may under their jurisdiction have enforcement, go out and find out if they're supposed to be chlorinating the effluent and they're not.

MR. KEAN: It is chlorinated.

MR. EDSALL: I don't know what the problem is.

MR. ARGENIO: As far as you know, Mr. Kean, everything is proper and working properly and the odor is the odor and that's something that the residents have to live with?

MR. KEAN: Yes, we're not pleased about it, we have been there for a long time, we have considered ourselves good neighbors always, it's our intention as soon as we possibly can and might well be before the 13 are completed to put the plant in, come back to this board.

MR. ARGENIO: Other than the plant being constructed, you don't have any intention about doing anything about the odor as it exists?

MR. KEAN: I will be delighted to do anything that's reasonable, but I have tried to address this problem in the past. There's no way to my knowledge to other people I have spoken with that you can take the discharge from the septic tank and expose it to air and not have some kind of an odor. I agree that most of the time, it's not a problem. When you have a very humid, still day, yes, I agree that there is a problem.

MR. ARGENIO: Okay, that doesn't please me, but it's an answer.

MR. KEAN: I understand that, I wish there was something more reassuring I can say to you. The only thing I can say with a hundred percent certainty is that as soon as the plant is, sewer plant, it's not expansion, it's a total replacement of what's there is being designed as we speak, literally, so that's in process, and as soon as we can get the DEC to get the paperwork done, get SPEDES permit and get whatever permits are necessary, the plant's going in, so I would like to think maybe it's another year, maybe less, I would hope less.

MR. ARGENIO: Okay.

MR. KEAN: Thank you.

DISCUSSION

FED-EX DOCK EXPANSION

MR. PETRO: We'll do the Fed-Ex first, Mark, I'm sorry, I know he was in earlier.

MR. EDSALL: Yes, gentleman from Fed-Ex was in previously, the board approved a modular unit in the back of the Fed-Ex building and all they're looking for as you can see on the plan you see there's a portion that you approved in April of 2001 and they're requesting basically just another modular unit added at the end 32 feet long. Bob Rogers reviewed it, he said there was no code issues that he's aware of. He felt comfortable that all it was was just a little more of what you have already approved and based on that and review with Mike, we just recommend that for the record you approve this extension.

MR. PETRO: Any objections from any of the board members?

MR. ARGENIO: No.

MR. PETRO: Motion for approval.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant approval to the Fed-Ex modular unit on McArthur Avenue as Mark described. Is there any further discussion? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. EDSALL: We'll put a copy of this plan and the

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minutes into their file that contains the original modular.

AMERICAN MASON - REQUEST FOR TEMPORARY TRAILER

Mr. Steven West appeared before the board for this proposal.

MR. PETRO: It's identical to the first one.

MR. EDSALL: Just a minor extension.

MR. PETRO: I want to say that I had stopped over there about two months ago and I saw Sid working out there and I asked him what was going on, I thought he had to come to the planning board because it was such a change of use and the whole bit looks like he was going to town there, he said he was just going to be cleaning it up. I said well, go ahead and come here and see the board so now I see there's an open sign, so I contacted Mike and I guess he had contacted your department and you went over some things with him, felt it was the same use as before and therefore that's why they're operating.

MR. BABCOCK: Yeah, retail use we felt that Van's Carpet was there selling carpet, if he's selling masonry units, they're going to build the building back, it's a matter of time, I guess they're leasing and going to buy it. They put a couple temporary trailers there, they had one and now they have two, they're waiting for tonight to make sure that they have no other problems and they're going to rehab the office area and move their office into there and get rid of the trailers, change the parking around somewhat a little bit to make it work.

MR. PETRO: Do you have another plan or is that it?

MR. BABCOCK: And the back building.

MR. PETRO: What Mike's saying they really don't need to do anything, that's why they're here, just in case we feel they're stepping out.

MR. EDSALL: Mr. Chairman, they were at a workshop and they have assured us that they intend to submit a site plan application for an amendment to the site plan.

What they're looking for tonight is an approval to place the trailers on the site temporarily while they're reorganizing the business and they have indicated they will be in with a site plan very shortly.

MR. LANDER: One trailer, two trailers?

MR. WEST: Two.

MR. PETRO: I ran into Dick Barger, he said he was preparing something for the board.

MR. WEST: The only thing that's stopping the complete formal submittal to reconstruct the office is the site plan and the survey.

MR. BABCOCK: They're also going to add another building in the back, you know, propose another building.

MR. WEST: We're going to reconstruct the building that was burned, damaged by fire, not inhabitable, that's why we need the trailers.

MR. ARGENIO: I don't see the trailers on the plan.

MR. WEST: It's maybe on the next page.

MR. PETRO: You're telling me if they don't even come in with a site plan, let's say they remove the two trailers, they wouldn't be here tonight?

MR. BABCOCK: Actually, Mr. Chairman, the retail is retail, whether they sell masonry units or rugs, they're going to have some outside display that Van didn't have. They're talking about building another building in the back. They're also talking about changing the warehouse in the back to what they call manufacturing if they want to manufacture some of the blocks or bricks.

MR. PETRO: These are all ifs and whens, I'm saying right now, as it stands, when I ride over there right now, if the trailers weren't there and they want to

just continue the use out of the main office, your department doesn't have a problem with it and they wouldn't be here in the first place?

MR. BABCOCK: That's correct.

MR. PETRO: I'm just trying to understand, not dispute it, when you want to move on to make manufacturing in the back building. Tonight, they want to put the trailers, that's why they're here.

MR. EDSALL: This plan wasn't intended to show you the trailer locations, this was kind of to give you a preview that they're making progress, they do have some good intents and they're going to be back just to give you an idea where they're headed.

MR. ARGENIO: Plus the fact that the trailers are not on the plan.

MR. EDSALL: That's why we're, they're not on, why don't you bring them, show them where they do not have a trailer plan, but they do need approval so the department can allow the building to stay there.

MR. WEST: We need the trailers because the existing buildings been damaged by fire.

MR. EDSALL: They need trailer approval.

MR. LANDER: Six months?

MR. BABCOCK: Yes.

MR. PETRO: Anybody have a problem with the six months?

MR. ARGENIO: Six months going to turn into a state of permanency like somewhere else in the town?

MR. PETRO: No, I ride by there myself and I see Dick Barger.

MR. ARGENIO: As long as that's not the case, I have no problem.

MR. WEST: That's why I brought the plans to show what we intend.

MR. LANDER: Well, what Mr. Argenio is alluding to is that these are only temporary trailers, they will not be permanent trailers because it's happened before.

MR. WEST: Understood.

MR. BABCOCK: We made them well aware of that already.

MR. PETRO: Motion for six months.

MR. BRESNAN: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant a 6 month period for the temporary trailers to American Mason Supply. Is there any further discussion? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

HANNAFORD

MR. PETRO: Discussion is Hanaford's on Route 94 and Route 32, someone here to represent this?

Larry Wolinsky, Esq. appeared before the board for this proposal.

MR. WOLINSKY: Yes, Mr. Chairman, Larry Wolinsky, law firm of Jacobowitz & Gubits. Happy to report to you that we were successful in obtaining our variance from the Zoning Board on Monday evening. We therefore believe we have accomplished most of everything that needs to be accomplished with respect to site plan subject to whatever outstanding technical details are necessary through the engineering department and we're hoping tonight that the board would be in a position to entertain a conditional final site plan approval.

MR. PETRO: Mark?

MR. EDSALL: I spoke with Mr. Wolinsky earlier this evening just to verify status wise his comfort level that procedurally we have properly adopted our findings and that we're in a, now that they have obtained this ZBA action, we're in a good position to adopt the conditional final approval and based on that discussion, I feel comfortable that you could adopt the resolution of approval that's before you, which has conditions, some of the standard conditions relative to bonding numbers for the site improvements, payment of fees, final review of the plans and other related items.

MR. PETRO: Prepared resolution.

MR. EDSALL: Yes, it's basically a resolution which states the fact that the board had done a full environmental review and had adopted findings and had dealt with SEQRA issues such as traffic, access, circulation and parking, landscaping and screening and itemizes the conditions of approval and if you're comfortable with the resolution that's before the board, we can put it into the record.

MR. PETRO: But are there any additions to that that we should make in it such as the comments from the zoning board being placed onto--

MR. EDSALL: That's one of the conditions to reference the ZBA action on the final plans.

MR. PETRO: That's correct.

MR. EDSALL: Actually, you have three applications to deal with tonight since we have Hannafords, Monro Muffler and Long John Silver's, so we should act separately. We addressed SEQRA as a single action for all of the site plans but each one is a separate application before the board, so my suggestion is that you individually adopt the conditional approvals.

MR. PETRO: First one would be for Hannaford's itself.

MR. EDSALL: Yes.

MR. PETRO: Which would be on Route 94 and Route 32 and it would be subject to your looking over any further comments and accepting them all as written?

MR. EDSALL: Right.

MR. PETRO: We're going to just adopt the conditional approval as it's been written with I guess there's no other additions just they're there.

MR. EDSALL: Yes.

MR. ARGENIO: The plans haven't changed, Mr. Wolinsky, since the zoning board?

MR. WOLINSKY: No, they have not. Please keep in mind that everything is subject to the conditions that are set forth in the Statement of Findings.

MR. ARGENIO: Right.

MR. WOLINSKY: And there are many conditions there that we have to fulfill before we're entitled to get a building permit, not the least of which is the highway

work permit from the DOT.

MR. ARGENIO: I read them.

MR. PETRO: All right, so we just need a motion for final approval for the Hannaford's site plan.

MR. BRESNAN: So moved.

MR. ARGENIO: Second it.

MR. PETRO: This would be, we're going to accept the Statement of Findings as written and also basically I'm going to just say subject to your comments, Mark.

MR. EDSALL: The resolution that's on file and will be put into the minutes.

MR. PETRO: Any further discussion from the board members?

MR. ARGENIO: It's also to Mark's review.

MR. EDSALL: Yeah, one of the conditions I'm going to do a final review of the plans, I'm going to make sure that the proper cross references exist and so on.

MR. ARGENIO: Great.

MR. PETRO: Any further discussion?

MR. LANDER: No.

MR. BRESNAN: No.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

RESOLUTION OF SITE PLAN APPROVAL

HANNAFORD FOOD & DRUG

WHEREAS, Martin's Foods of South Burlington, Inc. (the "applicant"), pursuant to authorization from the affected property owners (4 acres, LLC, Terry Scott Hughs, and Apache Properties, Ltd.) submitted an application for site plan approval to the Town of New Windsor Planning Board (the "Planning Board") to permit construction of a 55,200 SF food and drug store and related parking improvements on property located near and around New York State Routes 32 and 94 (the "Project"); and

WHEREAS, the Planning Board conducted a full environmental review of the Project under the State Environmental Quality Review Act (SEQRA) which culminated in the issuance of a Findings Statement and Certifications of Findings to approve the Project; and

WHEREAS, the Planning Board has thoroughly reviewed the application for the site plan approval pursuant to 48-19 of the Zoning Code of the Town of New Windsor;

NOW, THEREFORE, BE IT RESOLVED that the Planning Board hereby makes the following findings and determinations with respect to the site plan:

1. The Project is a permitted use in the Design Shopping C Zoning District.
2. The Project meets the objectives set forth in 48-19 A of the Zoning Code as follows:

Traffic Access: The Project's proposed traffic accessways are adequate in number and properly designed to permit safe ingress and egress to the site. The Project accessways intersect with NYS Roads and must also be approved by NYS DOT.

Circulation and Parking: The site plan provides adequate off-street parking and loading in accordance with the requirements of the Zoning Code. Internal traffic circulation has been designed to provide safe

accessibility to parking areas within the Project so that traffic can circulate with minimum conflict.

Landscaping and Screening: The site plan provides adequate screening to adjacent residential areas. Screening is accomplished by a combination of fencing, planting and maintaining a distance buffer between commercial buildings and residential property.

3. The site plan has been reviewed by the Planning Board's consulting civil and traffic engineers who have advised the Planning Board that the site plan meets the Zoning Code's requirements for site plan approval.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Board hereby grants site plan approval to the Project subject to the following conditions:

1. Satisfaction of any outstanding technical review comments and subject to a final plan review by the Planning Board Engineer, prior to stamp of approval.
2. Implementation and compliance with all the mitigation measures and conditions contained in the SEQRA Statement of Findings for the Project which are incorporated by reference herein and made a part hereof.
3. Bonding of key site and off-site improvements in accordance with Chapter 19 and other pertinent sections of the Town of New Windsor Code.
4. Payment of all applicable approval and review fees.

By a vote of 5 in favor and 0 against the Planning Board Chairman declared this resolution adopted.

Dated: June 12, 2002

MONRO MUFFLER

MR. PETRO: We're going to do the exact same thing for the Monro Muffler site plan. This is the one that went to the ZBA and of course, you're going to again have to have all the comments put on the plan and as properly spelled out in the condition of findings anyway so with that, any other discussion from the board members? Well, I need a motion for final approval for the Monro Muffler site plan.

MR. BRESNAN: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion's been made and seconded that the New Windsor Planning Board grant final approval to the Monro Muffler site plan amendment. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

RESOLUTION OF SITE PLAN APPROVAL

MONRO MUFFLER SITE PLAN AMENDMENT

WHEREAS, Martin's Foods of South Burlington, Inc. (the "applicant"), pursuant to authorization from the affected property owners (House of Apache Properties, Ltd. and Terry Scott Hughs), submitted an application to the Town of New Windsor Planning Board (the "Planning Board") to amend a previously approved site plan for Monro Muffler so as to permit construction of an access driveway within an existing access easement which will serve as a secondary access for the proposed Hannaford Food & Drug Supermarket; and  
WHEREAS, the proposed site plan amendment will alter the existing access to and within Monro Muffler

as well as relocate the dumpster and several parking spaces; and

WHEREAS, the Planning Board conducted a full environmental review of the Project under the State Environmental Quality Review Act (SEQRA") of the site plan amendment as part of Hannaford Food & Drug's application which culminated in the issuance of a Findings Statement and Certifications of Findings to approve the site plan amendment as a related action of the Hannaford project; and

WHEREAS, the Planning Board has thoroughly reviewed the application for amendment of the site plan approval pursuant to 48-19 of the Zoning Code of the Town of New Windsor;

NOW, THEREFORE, BE IT RESOLVED that the Planning Board hereby makes the following findings and determinations with respect to the site plan:

1. The site plan amendment is a permitted use in the Design Shopping C Zoning District.
2. The site plan amendment meets the objectives set forth in 48-19 A of the Zoning Code as follows:

Traffic Access: The altered traffic accessway traffic continues to provide adequate and safe ingress and egress to the site.

Circulation and Parking: The amended site plan continues to provide adequate offstreet parking and loading in accordance with the requirements of the Zoning Code. Internal traffic circulation has been improved by permitting greater access around the existing building.

Landscaping and Screening: The site is not adjacent to a residential neighborhood. Nevertheless, it takes advantage of the landscaping and screening to be provided as part of the Hannaford project.

3. The site plan amendment has been reviewed by the Planning Board's consulting civil and traffic engineers who have advised the Planning Board that the proposed amendment meets the Zoning Code's requirements for site plan approval.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Board hereby grants amended site plan approval for the Monro Muffler property subject to the following conditions:

1. Satisfaction of any outstanding technical review comments and subject to a final plan review by the Planning Board Engineer, prior to stamp of approval.
2. Implementation and compliance with all the mitigation measures and conditions contained in the SEQRA Statement of Findings for the Project which are incorporated by reference herein and made a part hereof.
3. Bonding of key site and off-site improvements in accordance with Chapter 19 and other pertinent sections of the Town of New Windsor Code.
4. Payment of all applicable approval and review fees.

By a vote of 5 in favor and 0 against the Planning Board Chairman declared this resolution adopted.

Dated: June 12, 2002

LONG JOHN SILVER'S

MR. PETRO: Long John Silver site plan amendment. They're still in business? Again, this will be the same way again we're going to go with the final approval conditional approval for Long John Silver subject to the findings as we said earlier in Mark's comments. Any further discussion from any of the board members?

MR. LANDER: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Long John Silver site plan, that's not an amendment, is it, Mark?

MR. EDSALL: Yes, that's an existing site plan, we'll call that amendment.

MR. PETRO: Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

RESOLUTION OF SITE PLAN APPROVAL

LONG JOHN SILVER'S SITE PLAN AMENDMENT

WHEREAS, Martin's Foods of South Burlington, Inc. (the "applicant"), pursuant to authorization from the affected property owners (Fred Plus 3 LLC, Herbert Slepoy and Fred Gardner and Central Hudson Gas and Electric Corp.) submitted an application for site plan approval to the Town of New Windsor Planning Board (the "Planning Board") to permit relocation and improvement

of the property's existing driveway to create a four-way intersection with the new main signalized access to the proposed Hannaford Food & Drug Supermarket; and

WHEREAS, the Planning Board conducted a full environmental review of the Project under the State Environmental Quality Review Act (SEQRA) of the site plan amendment as part of Hannaford Food & Drug's application which culminated in the issuance of a Findings Statement and Certifications of Findings to approve the site plan amendment as a related action of the Hannaford project; and

WHEREAS, the Planning Board has thoroughly reviewed the application for amendment of the site plan approval pursuant to 48-19 of the Zoning Code of the Town of New Windsor;

NOW, THEREFORE, BE IT RESOLVED that the Planning Board hereby makes the following findings and determinations with respect to the site plan:

1. The site plan amendment is a permitted use in the Design Shopping C Zoning District.
2. The site plan amendment meets the objectives set forth in 48-19 A of the Zoning Code as follows:

Traffic Access: The relocation of the driveway to create a four-way intersection will improve adequate and safe ingress and egress to the site by funneling site traffic through a controlled intersection. In addition, the improvement provides an opportunity for the existing McDonald's to direct customer traffic to a controlled intersection.

Circulation and Parking: The amended site plan does nothing to alter the ability of the property to provide adequate off street parking and loading in accordance with the requirements of the Zoning Code. Nor does it adversely impact the ability for proper internal traffic circulation.

Landscaping and Screening: The site is not adjacent to a residential neighborhood. Its ultimate redevelopment will require appropriate landscaping in accordance with Town requirements.

3. The site plan amendment has been reviewed by the Planning Board's consulting civil and traffic engineers who have advised the Planning Board that the proposed amendment meets the Zoning Code's requirements for site plan approval.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Board hereby grants amended site plan approval for the Long John Silver's property subject to the following conditions:

1. Satisfaction of any outstanding technical review comments and subject to a final plan review by the Planning Board Engineer, prior to stamp of approval.
2. Implementation and compliance with all the mitigation measures and conditions contained in the SEQRA Statement of Findings for the Project which are incorporated by reference herein and made a part hereof.
3. Bonding of key site and off-site improvements in accordance with Chapter 19 and other pertinent sections of the Town of New Windsor Code.
4. Payment of all applicable approval and review fees.

By a vote of 5 in favor and 0 against the Planning Board Chairman declared this resolution adopted.

Dated: June 12, 2002

MR. WOLINSKY: Thank you.

ZONING CHANGES

MR. EDSALL: We've got a referral from the Town Board for zoning changes, they deal with amendments to the zoning map, amendments to the bulk tables, noise and illumination, supplementary sign regulations, site development, plan reviews relative to storm water, detention basins, senior housing, and additional requirements for building permits. I don't know when the Town Board, looks like the Town Board has a public hearing on July 3. My suggestion would be that you each take the opportunity to review this between this and the next meeting and Mike and I were involved in the majority of these changes, so if you have any questions, we'll try to help you out at the next meeting. I don't think there is any.

MR. ARGENIO: Are they looking for the recommendation at the next meeting?

MR. EDSALL: Part of the state law any zoning amendments get referred to the planning board for your comment and recommendation back to the Town Board.

MR. ARGENIO: You're looking for that at the next meeting?

MR. EDSALL: I don't see any reason to rush it, next meeting, next meeting we have to do it, can't skip the next meeting, got to do the next one.

DISCUSSION

MR. KARNAVEZOS: I know that we'll discuss it again now and then but remember we talked about no construction sounds on Sundays and there was an issue about what happens if a homeowner's building his shed out there on a Sunday or, you know.

MR. BABCOCK: Right now, the law does say you cannot do that on Sunday, if there's a complaint, they'll be stopped.

MR. ARGENIO: You're not here to complain about your neighbors, are you, Tom, because this is not the correct venue?

MR. BABCOCK: If there's no complaint, nothing happens. If you build a shed and you let your neighbors know and they understand, you tell people that you're doing it. I think it's the ongoing construction every Sunday after every Sunday, Sunday after Sunday after Sunday.

MR. KARNAVEZOS: I know we tried to make a distinction between commercial work and somebody doing repair on their house and that was, I mean, we talked about if you're building houses not framing houses during the course of a Sunday but not, you know, but how do you distinguish that?

MR. PETRO: No complaint, no problem.

MR. KARNAVEZOS: Enough said.

MR. PETRO: Motion to adjourn?

MR. ARGENIO: So moved.

MR. KARNAVEZOS: Second it.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE

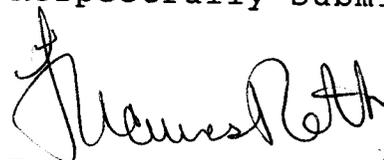
June 12, 2002

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MR. PETRO

AYE

Respectfully Submitted By:



Frances Roth  
Stenographer

6/12/02