



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
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**OFFICE OF THE PLANNING BOARD**

**WEDNESDAY — MARCH 22, 2006 - 7:30 PM**

## TENTATIVE AGENDA

CALL TO ORDER

ROLL CALL

### REGULAR ITEMS:

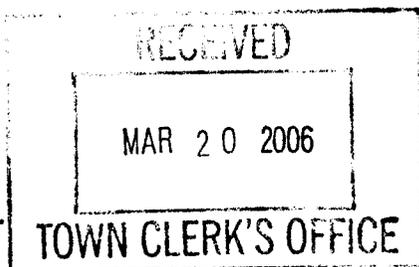
1. SLOOP HILL ASSOCIATES/ N & C LAND CORP. LOT LINE CHANGE (06-03)  
SLOOP HILL ROAD (DRABICK) Proposed commercial Lot Line Change.
2. MC QUADE FOUNDATION SITE PLAN (05-18) RT. 94 (HAMLIN)  
Proposed 20,000 s.f. classroom addition with parking.
3. HUDSON VALLEY FEDERAL CREDIT UNION SITE PLAN (06-04) RT. 300  
(HAZEN) Proposed new site at Walmart Plaza.

### DISCUSSION:

### PRESUBMISSION:

4. LEONARDO SITE - VAILS GATE

### ADJOURNMENT



(NEXT MEETING - APRIL 12, 2006)



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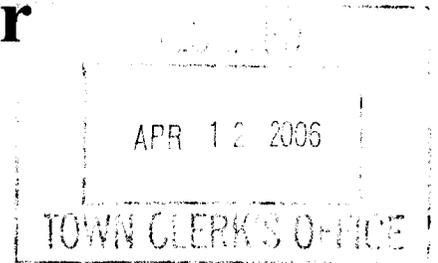
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March 22, 2006

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TOWN OF NEW WINDSOR

PLANNING BOARD

MARCH 22, 2006

APR 13 2006

TOWN CLERK'S OFFICE

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN  
NEIL SCHLESINGER  
DANIEL GALLAGHER

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

MICHAEL BABCOCK  
BUILDING INSPECTOR

MYRA MASON  
PLANNING BOARD SECRETARY

ANDREW KRIEGER, ESQ.  
PLANNING BOARD ATTORNEY

ABSENT: HENRY VAN LEEUWEN  
JOSEPH MINUTA  
HOWARD BROWN

REGULAR MEETING

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MR. ARGENIO: I'd like to call to order the March 22, 2006 meeting of the New Windsor Planning Board. Please rise for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: Everybody should know that we're missing

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a few members tonight, I know Mr. Van Leeuwen and an issue with his wife, Joe is out of town. We have a quorum but you need a unanimous vote for an approval for the motion to carry.

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REGULAR\_ITEMS:

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SLOOP\_HILL\_ASSOCIATES/N\_&\_C\_LAND\_CORP.\_LOT\_LINE\_CHANGE\_  
\_\_\_\_\_  
(06-03)  
\_\_\_\_\_

MR. ARGENIO: Sloop Hill Associates/N & C Land Corporation lot line change. This application involves lot line revision between involved private properties lands of the Town roadway followed by a lot line change between tax lots 13.33 and 44.2. Application was previously reviewed at the 8 February, 2006 planning board meeting. Somebody here to represent this?

Mr. Steve Drabick appeared before the board for this proposal.

MR. ARGENIO: We've seen this and I have Mark's comments, would you tell us briefly what you're doing here? I know we looked at this before.

MR. DRABICK: Okay, I'll try to keep this as simple as possible. Basically what we're doing with this lot line change is separating a parcel of land that's entirely owned by N & C Land Corporation, they own both pieces on either side of Route 9W, as a result of this lot line change what we're doing is separating the piece on the easterly side of 9W from the westerly side of 9W and also what's happening is there will be also acquired a portion of Sloop Hill Road from the Town of New Windsor and return a dedication back to the Town for the creation of a cul-de-sac at the end of Sloop Hill Road.

MR. ARGENIO: Andy, or maybe I will direct this to Andy or Mark, one of the bullets on here number 3 is approval subject necessary to the necessary land sale involving the Town of New Windsor by the Town attorney, I'm assuming that's not Andy.

MR. KRIEGER: No, the Town attorney.

MR. ARGENIO: Where are we at?

MR. EDSALL: The bottom line is that there has been some negotiations between the Town Supervisor's office, the Town attorney and the applicant because obviously part of this lot line change is the Town authorizing effectively a sale of one piece and then in return a dedication of a different piece with the goal being that you can then with the new shape be able to build a cul-de-sac, so the Town of New Windsor is involved as one of the property owners effectively and they have pre-arranged the agreement.

MR. ARGENIO: Cul-de-sac Mark is 100 feet of pavement or 120 feet?

MR. EDSALL: It's 100 foot of pavement, 120 right-of-way, one of my comments is just that we've got a situation where the former highway superintendent endorsed a layout that the new highway superintendent thinks should be slightly modified, the new highway superintendents wants the full 120 dimension clear in all directions, former highway superintendent didn't quite require that.

MR. ARGENIO: I don't think that's even reasonable.

MR. EDSALL: Steve and I have already gone over it, we'll straighten it out.

MR. ARGENIO: The record should reflect that we did receive a response from the Orange County Planning Department indicating that a local determination would be acceptable to them on this issue. Danny, I think you were here when we looked at this last time, I just don't think there's a lot going on here. Does anybody, Mark's got a minor note to the plans to change the Item 4 I think it's to 12 inches of DOT approved product, we're going to need a bond estimate.

MR. BABCOCK: Mr. Chairman, this is just actually a good thing for the Town right now, we have a road that actually dead-ends and we're going to get a road that has a cul-de-sac.

MR. ARGENIO: I agree, I think we went over that whole thing last time this application was before us.

MR. EDSALL: I would say you would have approved it other than the county hadn't responded.

MR. ARGENIO: No other procedural steps are necessary other than the consideration of final approval, does anybody have any further comment on this?

MR. SCHLESINGER: No further comments.

MR. ARGENIO: I'll accept a motion.

MR. SCHLESINGER: I'll make a motion that we give final approval pending the conditions which you'll cite in a minute for the Sloop Hill Associates/N & C Land.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded to grant final approval to the Sloop Hill/N & C Land Corp. subject to the corrections to be made on the cul-de-sac on the plans, we're going to need the bond estimate, Mr. Drabick, the offer of dedication to the Town of New Windsor attorney and obviously the sale has to go through with the Town combining the lots and payment of all fees. If there's no further discussion, roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE

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MR. ARGENIO: That's it.

MR. DRABICK: Thank you.

MC\_QUADE\_FOUNDATION\_SITE\_PLAN\_(05-18)

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MR. ARGENIO: McQuade Foundation site plan. Let me just read this. The application proposes addition to the school gym building, a new pool complex, new maintenance building and parking and driveway revisions. This plan was previously reviewed at the 8 June, 2005 meeting, 30 November, 2005 meeting and 8 March, 2006 planning board meetings.

MR. TOMOSKY: Eric Tomosky, T-O-M-O-S-K-Y with the Thomas Group.

MR. THAETE: Dan Thaete, T-H-A-E-T-E with the Thomas Group.

MR. ARGENIO: Go ahead, guys.

MR. THAETE: Since the last time we were here I have pretty much been working with Mark Edsall to eliminate the comments that he had in his review letters. We have gotten comments back from Orange County and feel that the appropriate changes have been made to the plan.

MR. TOMOSKY: I wanted to thank Mark and Myra for expediting the process through Orange County.

MR. ARGENIO: Looks as though you had quite a few bullets as I remember, Mark, there was three pages of bullets, wasn't there?

MR. EDSALL: A lot of little items and really my comments are just procedural, let you know where you're at. And my suggestion is that you adopt an approval at that time subject to that, the bond estimate which is the normal condition letting them know they need a highway work permit which they already know and that all fees have been paid.

MR. ARGENIO: SEQRA was complete?

MR. EDSALL: SEQRA's done, the applicant was very helpful in getting the plan issues all resolved and there's nothing left.

MR. ARGENIO: We did receive response from the Orange County Planning Department and they have determined that it is a local determination on this application.

MR. TOMOSKY: There was comment on the Orange County response, they said they hadn't received the negative dec and I brought some extra copies in case you guys needed some.

MR. ARGENIO: I don't think I need it. Mark has written it on here that it's a negative dec.

MR. EDSALL: We've got it in our file.

MR. ARGENIO: That works for me, that's their issue as far as I'm concerned. Danny, we've seen this quite a few times, you've been here, Neil, I mean, I don't have anything that I want to say to these folks. This fella Mr. Thaete has done a great job cleaning things up, I was a little disturbed that they were even here because I don't like to see an applicant that has three pages of clean-up comments on the plans. Do you have anything further?

MR. SCHLESINGER: Weren't there some issues with dumpsters?

MR. EDSALL: It's all, they've added dumpsters, they've added details, we've worked on the bollards, we've shifted some to provide better space for vehicle movement so to be honest with you, we went through every item on my list.

MR. SCHLESINGER: Handicapped?

MR. EDSALL: We've adjusted it.

MR. BABCOCK: It's all been done.

MR. EDSALL: Adjusted sidewalks.

MR. GALLAGHER: Dumpster did you add one or more of them around?

MR. TOMOSKY: We did add a dumpster.

MR. ARGENIO: I think we left that in Mark's competent hands to review that and see that they were added in the appropriate quantity and placed at the appropriate location on the plan.

MR. EDSALL: Ended up with four, correct?

MR. THAETE: Yes, that's correct.

MR. ARGENIO: We have highway on 3/9 of '06 and fire on 2/22 of '06, just got under the wire with planning on the 16th.

MR. EDSALL: We should let the record reflect that the County Planning Department was extremely helpful, we sent it out to them, had it hand delivered, told them we had an applicant who had time issues for funding and they returned it darn near immediately so we should--

MR. ARGENIO: State money that's at risk?

MR. TOMOSKY: It's an ongoing issue because the project's so old, about five year old funding and we just wanted to get the project bid as fast as we can so we don't experience more problems.

MR. EDSALL: They were extremely helpful.

MR. ARGENIO: Okay, I don't want to beat the horse.

MR. SCHLESINGER: I'll make a motion that we give site plan approval to a great foundation.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the planning board of the Town of New Windsor give final approval to McQuade Foundation site plan subject to the bond estimate being submitted in accordance with Chapter 137 of the codes and sir, you have to obtain a highway work permit from state DOT for Route 94 and that all approval and inspection fees be paid prior to Neil signing the plans. Motion has been made and seconded subject to the things I just read in. If there's no further discussion from the board members, I'll have a roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE

HUDSON\_VALLEY\_FEDERAL\_CREDIT\_UNION\_SITE\_PLAN\_(06-04)

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Mr. Roger Keating appeared before the board for this proposal.

MR. ARGENIO: What we're doing here is I assume this is the application proposes construction of a new banking facility adjacent to the existing bank off Union Avenue. The application was previously reviewed at the 8 February, 2006 planning board meeting, I assume that we're going to look at this tonight for preliminary examination, is that right?

MR. EDSALL: We asked them to come back because two, I wouldn't say they were large concerns, but they are two areas that you really were not sure if you were comfortable was the access points and how they were going to phase construction so that the existing facility could stay open while they built the new building.

MR. ARGENIO: The driveway issue was a big issue, was it not?

MR. EDSALL: The access points and they were going to move traffic temporary.

MR. ARGENIO: I am personally not panicked about the phasing based on what I saw last week and knowing the CM that they have on board I'm quite sure that it will be done in an orderly--Scott, you're associated with this? I know that it will be a well executed project. What was of great concern was that looking over your left shoulder for traffic.

MR. KEATING: Correct. Roger Keating from Chazen Engineering.

MR. ARGENIO: Which office?

MR. KEATING: I currently work out of the Troy office but I do bounce between our Newburgh office right here.

MR. ARGENIO: What say you?

MR. KEATING: Well, like you said, Mr. Chairman, last time we were in front of the board we had presented a conceptual layout which is the one that we had, this is the one we had presented last time which showed utilizing the existing entrance as it stands now as a full service entrance and exit and the existing curb cut that was provided as part of the Wal-Mart expansion out-parcel construction that was done there as part of that project previously. Again, you expressed a concern that the movement of the people that were leaving out this existing entrance would have to look back over their shoulder to leave to the oncoming traffic and as per your recommendation, we looked at some different alternatives of what we could do on the site and then met with the Town engineer to discuss the options. What we're proposing right now is to restrict the movements now at the existing entrance to a one way only entrance in, no longer allowing an exit out on the existing curb cut that goes out the main entrance to the signalized intersection.

MR. ARGENIO: You'll supply appropriate signage with that that says do not enter, one way only?

MR. KEATING: Et cetera, absolutely. As part of that we'll be narrowing the mouth of the entrance there constructing a grassy land at that entranceway then obviously the appropriate signage. In doing that, we also considered revising the existing curb cut that's provided out there right now to provide more centralized circulation on the site. Previously, we were utilizing that second ingress egress that was provided which is kind of skewed on this site because we had a full service entrance here, we then now in turn to help that circulation pattern proposing to

shift that over so that we get more of a centralized circulation pattern there. Again, this and with this option it still accomplishes the goals dividing the pedestrian traffic, that is the walk-up traffic to the branch on one side and then directing the drive-through traffic to the other where they now as it exists now people park within the lot, the drive-through traffic has to come around and there's the pedestrian conflicts there so--

MR. SCHLESINGER: On the upper part is that your egress that's going to be the egress?

MR. KEATING: We would have ingress egress, that's an in and out, correct.

MR. SCHLESINGER: I'm confused about what arrow is there now, go to your left, that arrow?

MR. KEATING: This arrow here is so that the circulation traffic for the drive-up tellers.

MR. SCHLESINGER: So show me your flows.

MR. KEATING: Drive-up teller traffic around and pull in here and then this allows them to come back out and again what it does it takes that circulation traffic which now they experience right in front of their building and people that are parking have to cross that.

MR. SCHLESINGER: Your lighting, your drive-through, where does the traffic, where the egress goes can you verbally maybe or point where does the traffic flow from there and in consideration of all the other Wal-Mart traffic what's the pattern there, do you have an overall site there?

MR. KEATING: I don't have--

MR. ARGENIO: I'm going to take that and I'm going to interrupt you only cause I built it and he didn't. When you go out of that narrow entrance if you make a right you go directly over to the signal on 300, if you make a left--

MR. SCHLESINGER: Right and round.

MR. ARGENIO: Or you make a left and go around the rim road of the outer Wal-Mart parking lot and you exit the facility on Liner Road, that's--

MR. SCHLESINGER: So you have two options when you're pulling out? I'd like to make it the best ideal thing practical is make one direction, get all the traffic away from there cause you're causing another congestion where you pull in.

MR. ARGENIO: When people leave, Neil, anybody who knows this area is going to make a left to go to Liner Road and that's certainly a viable increase egress to that site.

MR. SCHLESINGER: You have no problem with the people turning right and going back the other way?

MR. ARGENIO: No, it's a good movement.

MR. KEATING: They have provided a turning lane in there as part of that so that helps relieve some of the pressure on the internal circulation.

MR. SCHLESINGER: The other important issue is, you know, I realize that you guys want to do this sa facilitating as possible also what are we going to do about the construction and the traffic flow while you're--

MR. KEATING: Right, I have that plan here, we did prepare a conceptual plan at the time we like the

chairman said we have a construction manager company on board with us as well to help facilitate that option.

MR. ARGENIO: He should come up here to address that, Scott, if you would, the phasing?

MR. SCHLESINGER: What's your time factor?

MR. ARGENIO: Scott, your name?

MR. BRIDEY: Scott Bridey with Turner Construction. Time factor?

MR. SCHLESINGER: Beginning to end?

MR. BRIDEY: We're hoping to begin construction in I'm thinking June and we're looking at a five to six month schedule.

MR. SCHLESINGER: Cause it's a tough situation now and I'm sure you're going to try to make it as facilitating as possible.

MR. BRIDEY: If I could just quickly go through the phasing?

MR. ARGENIO: Yes.

MR. BRIDEY: What we had done here is we had taken a look and we had studied the traffic flows at the, what's pointed as phase 3, that's the existing branch and we took a look at the proposed new branch, what I would need as far as location particulars to construct phase 1 and then with R. W. Larson, who is the architect and Roger from Chazen, we created this temporary construction sequence so that the people who work for the credit union could still have parking to access the building, we still wanted to maintain and keep the flows going to the existing drive-up tellers and once this 6,000 square foot building is

constructed, we would then begin to demobilize and then finalize the construction of the new drive-up teller and then currently right now I'm working with and I was on site yesterday with one of the bidders is American Demolition and with and in coordination with the building department we're trying to look at demoing this building in either double shifts or actually triple shifts so that we can minimize the impact on Wal-Mart at 300 and the bank members.

MR. ARGENIO: Scott, while the building is going up, while phase 1 the building is going up, that loop driveway, what's the purpose of that at that point?

MR. BRIDEY: This loop driveway is to allow access, the existing entrance would then be gated and the entire construction area would be enclosed in a six or eight foot high construction fence and this would be the temporary new access.

MR. KEATING: Primarily for the employees to park so that they're, we're taking some of that traffic out of that existing area.

MR. ARGENIO: Included in that phase is the construction of the new parking lot.

MR. BRIDEY: Yes, a binder.

MR. ARGENIO: That's why you need the other area.

MR. BRIDEY: Yes.

MR. SCHLESINGER: You're saying employees, that the public will have access to that as well?

MR. KEATING: They could have access to that as well, correct, and it's the intention that they'll use some sort of, they'll pave that so that it's not just gravel.

MR. ARGENIO: Did you go through that, Mark?

MR. EDSALL: Yes, as part of the reason where the loop road provides some benefit is that it provides parking for construction operation and employees which means there's not as much congestion down on the existing site during the temporary portion.

MR. ARGENIO: Let's keep something in mind too here I don't want to get too much into the minutia of this because Turner is the expert here, fact of the matter is to the west there's about an acre and a half or two acres an undeveloped parcel that's going to, falls under the same owner, the Wal-Mart ownership, and if there's some overflow construction parking that's needed they have that area.

MR. EDSALL: They have an approved gas station so that may start, who knows at the same time.

MR. ARGENIO: They are not, they are, I mean, I haven't heard hide nor hair.

MR. BABCOCK: They're close to getting their permit.

MR. ARGENIO: They are close?

MR. EDSALL: They've got approval, they could be starting construction the same time.

MR. ARGENIO: This plan should stand on its own in any event.

MR. EDSALL: I think so.

MR. ARGENIO: Okay, what else are you looking for from us guys?

MR. KEATING: Pretty much we're looking for a buy-in or

a basically a concept approval from you guys.

MR. ARGENIO: I'll buy into that.

MR. KEATING: So we can again advance the--

MR. ARGENIO: Scott Bridey says it's okay, so it must be okay.

MR. KEATING: And advance the site plan process with you guys and work with Mark so we can get towards approval.

MR. ARGENIO: I think you should get a set of drawings together and start moving forward with it. Mark, do you have anything with this or Mike?

MR. EDSALL: No.

MR. BABCOCK: No.

MR. EDSALL: They are really back to give you a level of comfort with the layout so they can move forward.

MR. ARGENIO: Two big things were the phasing and left-hand turn also be well advised, sir, that the final plans make sure you have lane width around that building for the fireman because the fireman are going to want to make sure that they have access.

MR. KEATING: I had some preliminary discussions with Mr. Babcock, we're going to get together after this layout.

MR. ARGENIO: You have this?

MR. KEATING: I haven't had a chance to look at any of this so--

MR. ARGENIO: Thank you.

PRESUBMISSION:

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LEONARDO\_SITE  
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MR. ARGENIO: Last thing we have this evening is Leonardo site plan, Vails Gate. We're going to chat with you folks a little bit I think here.

MR. DEKAY: I'm Richard DeKay, land surveyor.

MR. ARGENIO: What do we have here?

MR. DEKAY: We're at the Five Corners, Tom Yu rents the building from same Leonardo and that was formally a retail establishment.

MR. ARGENIO: Which building?

MR. DEKAY: The old Route 32 bar, it's shaded there.

MR. ARGENIO: So he rents that building?

MR. BABCOCK: Right next to the gas station.

MR. ARGENIO: Okay.

MR. DEKAY: He has a retail approval now right but now he would like to change the use to a coffee shop.

MR. ARGENIO: What are you doing with the building now?

MR. YU: Used to be a bar.

MR. DEKAY: There won't be any change to the building exterior that already has a handicapped ramp and we have sufficient parking around it as I've indicated the question comes up as to the use of the building itself as far as being a stand-up, people come in, stand at a counter and people coming in and sitting down and having a cup of coffee.

MR. ARGENIO: What was the use before?

MR. YU: Before they have a long time they have a bar, Route 32.

MR. ARGENIO: That's not your bar?

MR. YU: No, that was not my bar.

MR. BABCOCK: Right now it's a retail store, they sell games and so on and so forth.

MR. ARGENIO: All the neon in the front window, I think I know the building.

MR. BABCOCK: Now he wants to make an ice cream and coffee shop with seating.

MR. ARGENIO: Outside or inside?

MR. YU: Inside.

MR. ARGENIO: What does the code say?

MR. BABCOCK: We've got a parking issue, that's why we're here.

MR. EDSALL: If he was changing from cell phones and games to selling ice cream, it would be retail to retail, the introduction of the seating creates the need for this board.

MR. BABCOCK: Now it becomes a restaurant.

MR. ARGENIO: So it is a different parking calculation.

MR. BABCOCK: That's correct.

MR. ARGENIO: So he doesn't have the amount of stalls.

MR. BABCOCK: That's correct.

MR. ARGENIO: That's what I'm hearing by what number?

MR. EDSALL: Well, if you take the thousand square foot of floor area that's there now he would need 7 parking spaces to support the retail. Mr. DeKay shows more than 7 on the plan and if you use the reverse and say if he's got 7 he will be allowed 21 seats. The problem is not that the numbers, the calculation, it's the shape of the lot, the availability of the spaces, there's some that are a little difficult to get to but more importantly I think we need to make the applicant understand that this one story concrete building in the back is having no parking assessed to it, currently it's not being used, the old cheese sales building.

MR. SCHLESINGER: It's not vacant?

MR. EDSALL: There is no active use.

MR. SCHLESINGER: No active retail use.

MR. BABCOCK: That's correct.

MR. SCHLESINGER: Yeah, well, we used to sell cheese and Italian products.

MR. ARGENIO: Talking about today.

MR. BABCOCK: Are they operating out of the back building?

MR. YU: Yeah, right now he only open 9 to 5, not 9 to 5, 9 to 12, three hours Monday through Friday, he do supply to supermarkets only to no retail.

MR. EDSALL: It's like a storage.

MR. SCHLESINGER: What happens if the person who's in there now sells it tomorrow to somebody that wants to put in a retail store?

MR. EDSALL: That's exactly the problem we have to understand that right now Mr. Yu's parking spaces may work fine for his limited use, if that building ever became operational, we've got a major problem on this site.

MR. ARGENIO: Well, the whole thing is on one lot, yes?

MR. EDSALL: Yes.

MR. DEKAY: Wouldn't they have to come back to you to get approval if they change the use?

MR. BABCOCK: If they change the use but if they have the current use, they wouldn't, I don't even know what the current use is.

MR. SCHLESINGER: Mark, wouldn't this be an issue between landlord and tenant if the tenant turns around and says to the landlord I want to put a new restaurant and I'm going to have 7 parking spaces and I have 7 parking spaces then the landlord's got to say well, that's okay with me, but what happens when if I rent the store out to somebody else that needs also 7 parking spaces, don't you think that's something that should be addressed between landlord and tenant?

MR. EDSALL: What Mike and I have been discussing there's got to be something from the owner of the property documenting that this large building is not retail, is not approved nor will be used as retail and just effectively a warehouse.

MR. SCHLESINGER: And he knows if anybody wants it for retail.

MR. EDSALL: He has to come back for approval and you couldn't grant it cause there's not enough parking spaces.

MR. BABCOCK: It's clear we're trying to work with the applicant, he feels he wants to put that type of business in this thing, we would like to help him do that. You want to make sure it's going to work as far as we're concerned, we don't want people parking on 32 and going in to get ice cream, that's where our problem is, we would like to see the guy open his business, I'm sure the owner of the building would like to collect the rent, so we're trying to help the guy if we can.

MR. ARGENIO: What does the owner of the property legally need from us?

MR. BABCOCK: We're looking for some direction from you guys.

MR. ARGENIO: Well, Mike, I feel the same way you do, I'd like to see the man do business but certainly what Neil brings up is a very good point is that if that rear building, if Mr. Leonardo and I assume that's the owner's name, wants to do, pick a use anything other than what he has now to generate traffic and we have two traffic generators on that postage stamp of a site, we have a problem, how do we handle that, do you have a suggestion?

MR. BABCOCK: We get Mr. Leonardo to give him a letter.

MR. EDSALL: He'd write it to the Town.

MR. BABCOCK: Give us a letter stating that he doesn't have any use for this building, it's a warehouse or whatever and he will not have any use and that he approves this gentleman to have this parking area for his building.

MR. ARGENIO: Andy, how binding is that? Is that something that's going to put us in a jam at some point in time? I think that's a good idea, Mike, but I certainly don't want to as you said be in a situation where there's cars parked on 32 and the Town Supervisor calls me and says what the heck did you do here and I say well, we have a letter and he says well, the attorney says the letter doesn't work. Andy, do you have a thought on this?

MR. KRIEGER: The, in terms of it's who the letter is binding on and so forth, I'd have to see the letter but I'm frankly skeptical whether such a letter could be created that would be binding on anybody. What is binding, however, is the Town Law, they don't have the parking, they don't have the parking.

MR. ARGENIO: So we can shut them down at any time?

MR. EDSALL: What we're discussing is any site plan that has a particular use for a building in my mind is binding until such time the Planning Board approves a change of that site plan. If the plan showed that this concrete building was either warehouse or wholesale warehouse and could not be used for retail and that was on the plan and the owner signed the plan your approval restricts the use of that building.

MR. ARGENIO: I think that's a step.

MR. KRIEGER: I like that better.

MR. ARGENIO: That's a step further than a letter, I like that so what we're talking about is filing a plan with the owner's signature on it and Mark we had a conversation about notes on plans before, I won't get into that now with a note on the plan saying that the front will be used for the sale of ice cream and the back the use of the back, Mark, are you with me, the use of the back won't change from what it is right now

and we can tell him move forward based on that premise?

MR. EDSALL: Correct.

MR. KRIEGER: What it said is that the use, not that it won't change from what it is now, but the use is as warehouse and it won't and that it won't change, need both.

MR. SCHLESINGER: I'd like to take that a step further, I think that the landlord should be aware of sometime down the road, one year, two years, 15 years that if he gets a change of heart and he wants to change it, he should know now what the ramifications will be.

MR. ARGENIO: Well, he will know that.

MR. SCHLESINGER: If he turns around to the landlord I would think that the landlord would say you can use this for what you're using it now and only that, if you want to change the use, you have to get my approval. But I think if I was the landlord, I'd want to say it sounds good to me, I'd love for you to have an ice cream stand there and I would too but I want to protect my interests in this property here also, if you have an ice cream stand, use the parking spots, what's going to happen to me down the line and I think that the landlord should be aware of that otherwise I think it could come back to haunt us.

MR. ARGENIO: The landlord, I agree the landlord will be aware because of what's on the plan, Mark, where is that map filed, if we can do that, that map?

MR. EDSALL: The map would be filed in the Town Clerk's office, we could take it a step further and if there are any restrictions just acknowledge those, something that would be recorded out at the County Clerk's Office or filed with the County Clerk's office, I don't know if you need to go that far.

MR. ARGENIO: Let's keep this on a local level, Mr. Yu, you need to get something from your--

MR. DEKAY: We can add a note use of this building to remain the same.

MR. EDSALL: No, we want to have it say the specific use and have it also say--

MR. ARGENIO: I'm going to give that to you guys.

MR. EDSALL: The other thing which you need to talk about looking for some guidance what you feel comfortable with for a number of seats on the seating side. Mr. Yu's made it clear that this is not primarily to establish a whole herd of seats, he's going to have walk-in, walk-out but he wants some seating, maybe you can talk to him about what his preference is.

MR. SCHLESINGER: What's the code?

MR. BABCOCK: It's three seats for every space.

MR. EDSALL: Parking space.

MR. SCHLESINGER: What about employee spaces?

MR. BABCOCK: Doesn't require.

MR. SCHLESINGER: And health department if I'm not mistaken I believe over something like 20 or 21 seats then they have other requirements so that's something you have to address.

MR. BABCOCK: They're showing 18 people would sit down.

MR. ARGENIO: Looking for 18 and the code would allow 21.

MR. EDSALL: If you take the square footage of retail and convert it to seating.

MR. ARGENIO: Tell me, Mike, is 15 or 18 seats problematic for you?

MR. BABCOCK: No.

MR. ARGENIO: As the building inspector?

MR. BABCOCK: That's right.

MR. ARGENIO: What do you say we call the number 15, can we do that?

MR. EDSALL: It's for you guys.

MR. YU: That's no problem for me.

MR. ARGENIO: That also will be on the plans.

MR. EDSALL: Yes.

MR. ARGENIO: Mark, would you take care of that verbiage?

MR. EDSALL: They're here for presubmission conference, this is a little bit tricky now, Mr. DeKay can move forward with the application and we'll work with him to get all the notes.

MR. ARGENIO: Get along with the landlord.

MR. YU: I met him this morning about the parking spots, he said that's no problem because we have more than enough parking spots actually never uses, we always empty that spot so I--

MR. ARGENIO: But you don't have an ice cream stand

there now.

MR. YU: I asked him how many parking spots can I get, he said only need 3, after 3, you can have all, he told me that this morning.

MR. ARGENIO: That brings it down to 12, Mike, brings the count down to 12.

MR. BABCOCK: Fifteen, would be 15.

MR. ARGENIO: Twelve or fifteen, you pick it.

MR. BABCOCK: Well, you need one space for every three seats.

MR. ARGENIO: So if they have 7 minus 3 for the landlord says 4.

MR. EDSALL: He's got more than that shown on the plan, it's a matter of--

MR. ARGENIO: I thought you said 7.

MR. EDSALL: If you take the amount of retail space.

MR. ARGENIO: Make it 15 seats, that's the end of that.

MR. GALLAGHER: Question for you, what kind of trucks does he receive in the back of the warehouse?

MR. ARGENIO: Back of the warehouse or back of the little building?

MR. GALLAGHER: Old cheese shop and which way does the trucks go in through the parking lot, if they do, are they going to go right through the parking lot?

MR. ARGENIO: How does he get deliveries in the back?

MR. BABCOCK: No, I think they're in the front.

MR. YU: Comes in the front.

MR. EDSALL: What types of trucks, vans?

MR. YU: Actually, believe it or not he's not doing the business, he opened the shop for the hobby, he told me well probably everybody knew him, he's very old, he's not dependent on money.

MR. ARGENIO: Mark does engineering for a hobby.

MR. SCHLESINGER: Does he own the gas station property?

MR. YU: Yeah but that's a separate lot.

MR. SCHLESINGER: Does he own where the flower shop is?

MR. BABCOCK: Yes.

MR. SCHLESINGER: Is there access to that property by the flower shop there also?

MR. BABCOCK: Yes, that's how everybody gets in.

MR. SCHLESINGER: Cause there's maybe more to the ball of wax here.

MR. ARGENIO: Look, here's the deal.

MR. EDSALL: One of the other questions we were just discussing is that there's these other routes to get through, the problem is if he ever sold one of the lots off and there's no easements we could end up with a problem for access.

MR. ARGENIO: I don't know how well relevant it is because the verbiage you're going to craft for the plan is going to say as long as the use of the warehouse

doesn't change, Mark, you with me on that?

MR. EDSALL: I'm with you.

MR. ARGENIO: As long as the use of the warehouse doesn't change is what the verbiage will say, he can sell ice cream so we're trying to, it's kind of unique here and Five Corners is a busy place and but that's what I think. We're waiting for the side bar.

MR. EDSALL: We're finalizing, we've got it under control, we're just refining things here.

MR. BABCOCK: We'll take care of that.

MR. ARGENIO: What does he need from us tonight?

MR. EDSALL: Nothing.

MR. ARGENIO: There's your direction, you want direction, there's your direction.

MR. DEKAY: Thank you.

MR. ARGENIO: Motion to adjourn.

MR. SCHLESINGER: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

MR. GALLAGHER            AYE

MR. SCHLESINGER        AYE

March 22, 2006

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MR. ARGENIO

AYE

Respectfully Submitted By:

Frances Roth  
Stenographer