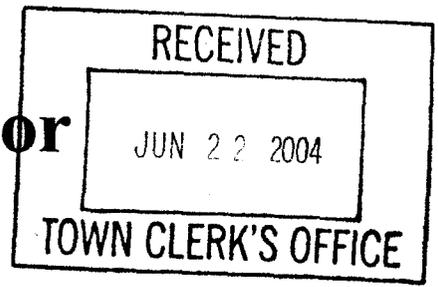




Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD



WEDNESDAY — JUNE 23, 2004 - 7:30 PM
TENTATIVE AGENDA

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES DATED: APRIL 28, 2004
MAY 12, 2004

PUBLIC HEARINGS:

- 1. **MIDDLE EARTH SUBDIVISION (03-22) STATION ROAD (CLEARWATER)**
Proposed 27-lot residential subdivision.

REGULAR ITEMS:

- 2. **HUDSON VALLEY VETERINARY (04-04) WINDSOR HIGHWAY (MARTINISI)**
Proposed veterinary clinic in former Foti Florist Bldg. Veterinary now located in Upskate Plaza.
- 3. **BEATTIE ROAD ASSOCIATES SUBDIVISION (02-36) BEATTIE ROAD (LANTECH)**
Proposed 5-lot residential subdivision.
- 4. **CLASSIC HOME BUILDERS SUBDIVISION (03-16) KINGS ROAD (FAYO)**
Proposed 4-lot residential subdivision.
- 5. **HOME AWAY FROM HOME DAYCARE (04-14) RT. 9W (former U S Chess Bldg)**
Proposed conversion of existing office/retail space to daycare/warehouse.

DISCUSSION

ADJOURNMENT

(NEXT MEETING —JULY 14, 2004)

June 23, 2004

1

TOWN OF NEW WINDSOR

PLANNING BOARD

JUNE 23, 2004

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN
JERRY ARGENIO
THOMAS KARNAVEZOS
NEIL SCHLESINGER
DANIEL GALLAGHER

ALTERNATES: ERIC MASON

ALSO PRESENT: MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
PLANNING BOARD ATTORNEY

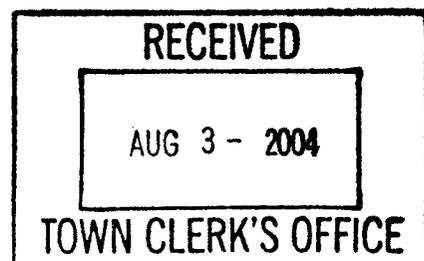
MYRA MASON
PLANNING BOARD SECRETARY

ABSENT: RON LANDER
MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

REGULAR MEETING

MR. PETRO: I'd like to call the June 23, 2004 meeting of the New Windsor Planning Board to order. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)



MR. PETRO: We just had an executive session just to have Neil voted as secretary to replace Jim Bresnan who has left us, that's why we were in the back in executive session.

APPROVAL OF MINUTES DATED APRIL 28, 2004 & MAY 12, 2004

MR. PETRO: Approval of the minutes dated April 28, 2004 and May 12, 2004 as written.

MR. ARGENIO: I'll make a motion we approve them.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board accept the minutes as written for those two dates. Any further comments from any of the members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

PUBLIC HEARINGS:

MIDDLE EARTH SUBDIVISION (03-33)

Mr. James Clearwater and Mr. Drew Kartiganer appeared before the board for this proposal.

MR. PETRO: Proposed 27 lot residential subdivision. This application proposes subdivision of 96 plus acre parcel into 26 single family lots. The plan was previously reviewed at the 23 July, 2003, 25 February, 2004, 14 April, 2004, 26 May, 2004 planning board meetings. Application is before the board tonight for a public hearing. It's in an R-1 zone, which is the permitted use in the zone, bulk information shown on the plan is correct for the zone and the use. The plans have been revised per previous comments and discussions at work sessions. The applicant has outlined changes in the engineer's letter dated 3/19/04. We still have some concerns which we're going to go over. This storm water pollution prevention plan SWPPP, I wouldn't know that if I just didn't read it, our office has not completed the review at this time so that's an open item. Folks, this is a public hearing, the way we do it we're going to review it first, turn that back to the board, please, the plans, during such time as we're done looking at it, I will open it up to the public who can comment, come up, state your name and address and make your comment. I will close the public hearing, the board will review it again, they'll have a chance but let the board look at it first. Okay? Mr. Clearwater, why don't you bring us up to date?

MR. CLEARWATER: For the benefit of the public and to refresh our memories, this is a 96 acre parcel proposed to be divided into 26 single family residential lots. The lots would be served by public roads that have access at two locations and Station Road. One road ends in a cul-de-sac at the far end of the property.

Of course, they are all wells and septics. This is a major subdivision and needs to be reviewed by the Orange County Health Department for septic design and well design, all of which will be done after preliminary approval. Health department will not review it until then. The wetlands on site there are Army Corps of wetlands mostly in the back, very large piece of wetlands. There's also an additional piece of wetlands at the base of the hill about halfway back, we're crossing wetlands in two locations with the roads. As you're aware, the disturbance to the wetlands exceeds what's allowable by nationwide permit and the applicant will need to apply to the Army Corps for what they call an individual permit that could possibly be avoided if there was only one entrance out onto Station but for health and safety reasons mostly two accesses are always better and that's what's being proposed. As far as the comments Mr. Edsall made in his letter, the report that was issued to the offices of Parks, Recreation, Historic Preservation we have not heard back from them yet, they have a couple months to review things. And we will certainly supply that when we get it. We did receive a letter from the highway superintendent today approving the location of the two entrances out onto Station Road.

MR. PETRO: I talked to him, I called him directly myself to ask him about this. We have under review here we're not taking action tonight anyway as far as the final but he said that he had made progress with you as far as the locations and there's a couple pipes or something he wanted to talk about but there's definitely been progress since the last time so which was good because it was in the beginning it was not so good. All right, do any of the members have any questions? We've seen this seven times, I'd like to open it up to the public. On the 10th day of June, 2004, 34 addressed envelopes containing the notice of public hearing were mailed out. Is there anyone here who would like to speak for or against, make a comment

on this application, be recognized by the Chair, come forward and state your name and address. We have a sign-in sheet that Mr. Schlesinger has. Bill, can you come up first because you have already signed in? I believe you wanted to speak, correct?

MR. STEIDLE: Yes, thanks very much. I appreciate the opportunity to speak tonight. My name is Bill Steidle, I live at 575 Jackson Avenue where I operate a choose and cut Christmas tree farm. As you know, I'm interested in, primarily interested in Mr. Kartiganer's project that being the Shadow Fax subdivision located on Jackson Avenue adjacent to my farm. Nevertheless, there are a number of issues I think that are applicable to both sites and that should be considered by the board both when considering this project as well as the Shadow Fax subdivision site. Now, let me just spend a moment talking about the similarities between the two sites if I might. Both sites are located within an agricultural district, both sites are rural and scenic in nature, both sites are undeveloped, the interior boundaries are undeveloped, the Jackson Avenue site has no development surrounding the site whatsoever. The sites, as you know, are located in the rural residential zone, the intent I believe of the zoning was to maintain a rural character of the area and certainly that's my intent as a farm owner. Now let me, before I discuss a couple of issues, let me just mention that I have no problems with the developer developing the site, he's conscientious and he's certainly been courteous to me and likewise my belief is that he's picked a good consultant, I know Sandor Engineering, it's a good firm and I know Mr. Clearwater is certainly a top professional, so I have no problem in that regard either. But let me just discuss a couple issues, some of which may seem unimportant but in my mind they are all important. The first issue deals with lighting. You have discussed at previous board meetings requirements for lighting. As a result, the engineer has incorporated lighting at several

locations, two new lights on Station Road and a number of lights on interior roads. Now, let me say that lighting is certainly appropriate in certain subdivisions and I think it has to be looked at on a case-by-case basis but I would question the need for lighting, first of all, the lights on Station Road I have no idea what the folks that live there think but the fact is once those lights go in, those people will never see the stars again, they will never have, they will never be without light, they will have light 24 hours a day. Now, if you were to put a street light next to my farm, I'd move upstate, I'll tell you that right now, I would not live in that type of situation. The interior lights, if we look at these homes, they're going to be expensive homes, those homes have lights everywhere, they have a raccoon within a hundred feet and lights go on all over the place. I question the need for street lighting. If anything, what you're going is you're going to have underground utilities and then all of a sudden you're going to require lights and require poles and you're going to have poles up and down the streets and I would question the need for lighting on this particular subdivision and certainly on the Jackson Avenue site as well. The other one of the other amenities you discussed was the need for sidewalks. Now, again, sidewalks are appropriate in many instances, certainly in your R-3, R-4 or R-5 zones sidewalks are appropriate, sidewalks are appropriate on certain through streets, they're appropriate when they lead to parks or libraries or that type of thing but let's face it, this is a subdivision on a cul-de-sac, the lot sizes are 2 to 18 acres, sidewalks are going to serve no purpose, they're going to cause the taxpayer to fund repairs in future years and I would question the need for that. I also don't as a tax payer don't want to pay for lights for these people that are more than capable of putting up their own lights. Now just one other issue dealing with sort of generic in design, the roads that are proposed as I understand it having looked at the plans are 30 feet wide, that's about 8

feet wider than Station Road. Do you really need 30 foot wide roads on a cul-de-sac going into some lots? You have a rural road design in your code, it might be appropriate to use that for rural subdivisions. So those are sort of generic issues that deal with both sites, both sites also include wetlands. I wanted to address a couple of issues related to wetlands, land protection, the first deals with a proposal by Mr. Kartiganer. When he first came in on both sites, he proposed to at least in this case considering giving easements to the Orange County Land Trust to cover the wetlands. I think that's an excellent idea. I think it's one that will help protect the wetlands. I think it will help protect problems in the future. Now, we didn't get a lot of encouragement as I saw anyway and my hope is that he'll go back to the Orange County Land Trust and work with them on both this site and the site that adjoins my farm. Now, if we look at wetlands on this site, there's some issues. If we look at lot number 23, the house is about 10 feet from the wetland boundary. Now, I can tell you there's no way that you are going to build a home there and have a 10 foot separation to wetlands, I mean, people are not going to accept that as a back yard. Now, if you look at lot 23 as well, if you look at the buildable area, my belief is that that lot does not meet the intent of the zoning ordinance, nor does it meet the letter of the zoning ordinance. You have nowhere near 48,000 square feet of buildable area on that lot in my judgment. So I would question the design. If you look at lot 23, between 22 and 23, you have a discharge from the detention basin. Now it doesn't take too much to envision problems in the future if you build on lot 22, you have drainage going out into the wetlands because you're throughout the wetland and lot 23 comes along and they start filling the wetland, well, the owner of lot 22 is going to become pretty upset cause all of a sudden, the drainage is not discharging through the wetlands, it's going on.

MR. PETRO: Let me check, Mike, the 48,000 feet part of the wetlands can be used in the calculation for the lot, is that correct?

MR. BABCOCK: Yes, that's correct, I think the lot 23 is a very large lot is where the difference comes in.

MR. PETRO: You're allowed to utilize some of the wetlands in the larger lot sizes, part of that also did allow the wetlands to be used in part of the lot because you had such a large lot that some of the wetlands if it was in the back of the lot that would be okay and it would be a good way to use up some of the wetlands instead of people just leaving them in lots and letting them go to the County. So that's incorporated part of the wetlands in the back of lots and you don't need the whole lot to be buildable.

MR. STEIDLE: Well, no, that meets the 80,000 minimum square footage, no question there, but if the entire lot was wetlands you couldn't say well, it's 80,000 square feet, therefore we can build on it, you don't have an acre of buildable property, you have wetland in the front, wetland in the back, you have grading in the front, you have a house that's 10 feet from the wetlands.

MR. PETRO: How did you plot that on there?

MR. CLEARWATER: The house?

MR. PETRO: Yeah, how did you come up to where that house is plotted? How did you get it together on that spot and my second question would be also where he didn't even go yet is the septic system, did you do a perc on that lot?

MR. CLEARWATER: Percs on lot 23 were excellent, they're like three minutes.

MR. PETRO: How did the come to put the house in that particular spot?

MR. CLEARWATER: It fits. It needs to meet, obviously, the front yard setback of 45, there's no minimum setback for the wetlands, septic needs to go near--

MR. PETRO: You're not up on the wetlands so you're, it fits on that particular spot is what you're saying?

MR. CLEARWATER: The wetlands we're not talking cat tails and ducks, it's an area that's qualifies as wetlands, of course wetlands it only needs to be wet for two weeks during the growing season to start qualifying it as wetlands.

MR. PETRO: Well, it's classified, we can't split hairs, either it isn't or it is but--

MR. CLEARWATER: It's not wet all the time.

MR. PETRO: If it was wet two weeks, you couldn't have the house two weeks you couldn't say we can't go in there.

MR. BABCOCK: The lot's 185,000 square feet total and it's got 119 square feet of, wetlands that's rounding off, so it's got a net area of 65,000 square feet.

MR. STEIDLE: Again, I would question that, I would ask you to, you know, I've calculated the buildable area in that building envelope and I'm telling you that it's considerably less than 65,000 square feet.

MR. BABCOCK: We can check that.

MR. PETRO: Let's not argue it now, just make a note, have Mark check into that.

MR. STEIDLE: I don't want to argue and I'm not

suggesting that, I'm suggesting that the design can be improved, that's all. Let me just say, comment on the septic systems, some of the septic systems are as close as 10 or 15 feet to the wetland and some of them do have very, very fast perc rates, very fast. Now, in a prior life, I can tell you that we became very concerned when percs were very, very fast in wetlands because what happens is the effluent peculates into the wetland and then all of a sudden, you have wetlands that transcend property boundaries and you have the potential for contamination not only transcending lots but going onto other people's farms and properties as well.

MR. PETRO: Mike, make a note there also for the septic because I did take notice, it's right on the borderline.

MR. STEIDLE: The other one is 22, 10, 25, 9, there's a number of lots that have septic systems that are very, very close that I scaled off at 10 to 15 feet and I checked some of the perc rates.

MR. PETRO: Check them all, anything that's close.

MR. BABCOCK: Okay.

MR. PETRO: Cause I knew what he was going to say when you have a good perc, it's because it's going somewhere.

MR. STEIDLE: So again, my hope would be that we refine this to better protect the wetland both on a permanent basis through an easement as well as some refinements through helping ensure that there's not future conflicts with property owners. So enough on wetlands. I did want to next talk about the archeological survey, I was very pleased that the board is requiring Stage 1-A or as I understand it requiring Stage 1-A and 1-B archeological surveys both sites have high potential

and I think those things are very interesting when they're done properly and I would support the board on the requirement.

MR. ARGENIO: Why do you say both very high potential?

MR. STEIDLE: Well, I know a little bit about parks and recreation, first of all, there's locations both close to both sites where significant archeological finds have already been made.

MR. ARGENIO: What location?

MR. STEIDLE: I can't tell you that, I can tell you that the--

MR. ARGENIO: Is it confidential or you don't know?

MR. STEIDLE: No, no, they use a system whereby, well first of all, his archeologist said that there was sites nearby and what they do is they check New York, there's two sources, one is the New York Museum and the other is some other entity, I can't think of it.

MR. PETRO: What do you mean, arrowhead or dinosaur bone, what is it?

MR. STEIDLE: Archeological, right.

MR. KARTIGANER: I'm Drew Kartiganer, the developer. When this was referred to SHPO, State Historic Preservation Office, they came back and said that there are some prehistoric or Indian sites someplace within a specified distance. Because of that, they wanted the Phase 1 and then if necessary, Phase 2 afterwards. Phase 1 is done in such a way that areas that are going to be disturbed are checked. Our archeologist came back and said there's no area in the disturbance area that seems to have some potential for Indian artifacts.

MR. ARGENIO: I don't want to go into the whole thing because there's professionals that will do this. The only reason I ask the question is I'm familiar with that area, I've heard the comments about the prehistoric business before in this area of the Town but I have never heard in this area of the Town of any issue with Indian artifacts, I thought maybe you had some information that I would like to know about. That's the only reason I asked the question.

MR. STEIDLE: The only thing they look at the topography and soils and setting and both sites have high elevations, the Jackson Avenue site has a water source, fairly large stream, both of those help to indicate that there might be significant past habitation so if the reports have been done, I wish you'd provide them to the Town so I can look at it.

MR. PETRO: They're in progress, they're not done yet. Anything else?

MR. STEIDLE: One other thing, State Environmental Quality Review Act, the project is a Type I action by virtue of its location within the AG District, requires a long form EAF, I think the filing is a short form now, long or short form, the important thing is that you evaluate it and you consider impacts and I think that there are some significant impacts at least with the design as it relates to wetlands and I would ask that you require the long form and that you evaluate it and take a hard look at impacts, undertake a reasoned evaluation and make a decision.

MR. PETRO: I will tell you that we're not going to take any action tonight on the SEQRA process until we look at some more information.

MR. STEIDLE: So let me just say in closing again both sites I am very concerned about the Jackson Avenue site because it affects my life and my livelihood, but that

we will discuss on another night. But I would ask that Mr. Kartiganer considerate leasing to Orange County Land Trust with respect to the easements. I know they're interested in the back wetlands on the site and they're certainly interested in the wetlands adjacent to my farm and I would ask the board to carefully look at both sites. You don't, Mr. Kartiganer, 26 lots what you owe is the residents of the Town of New Windsor the best possible project, so I ask that you do that.

MR. PETRO: Thank you.

MR. CLEARWATER: You want us to speak to the conservation easement in the front?

MR. PETRO: Speak to what your plan is to do with them.

MR. KARTIGANER: Right now, the plan, we have talked to the Orange County Land Trust and until it moves further along, it's pretty much they have told me what they want and we have pretty much developed the lots to meet those necessary requirements subject to it working in the finance end because it's going to cost money but there may not be any cross benefits. So I can talk to the existing owner, which is really not an issue to the board, if we can make the deal work, we're going to give it to them. In terms of the front easement, not easements, deed restrictions we're, we need to find somebody who will take responsibility for them for the people here who have an interest along Station Road, along the front the road goes up and then it comes down and we have proposed taking 200 lineal feet along the front by Station Road everywhere except on the last single lot and making that a no build zone so that the rural character and the farm type image is maintained and we're forcing the houses to all come to the other side of the hill so along Station Road you won't be seeing the houses. The only reason we didn't do the last one is because the lot was not large enough to do it and we also weren't getting any benefit from the

rise of the hill to stop the image in looking down.

MR. SCHLESINGER: That's going to be done by deed restriction?

MR. KARTIGANER: Deed restriction but we're also trying to find somebody who will take that deed restriction because what I have discovered in previous deed restrictions they're only as strong as somebody who is going to enforce them and if nobody is going to enforce it, they'll basically fail over time.

MR. SCHLESINGER: Also with the deed restrictions I know on a minor subdivision everybody has to agree to it, on a major subdivision how does that work?

MR. KARTIGANER: It will be part of the deed, it will be in the deed.

MR. SCHLESINGER: That individual lot?

MR. KARTIGANER: It will be in the deed.

MR. SCHLESINGER: You'll hope that it will sell, in other words.

MR. KARTIGANER: It will sell, that's the way it will sell. But my experience in the recent subdivision I did is the builder didn't give a hoot about the deeded restrictions and none of the lawyers kept it on line.

MR. SCHLESINGER: How do you go about putting that in stone?

MR. KARTIGANER: I need to have somebody who I can deed these restrictions to who will be part of the group that holds it, that's what the Orange County Land Trust, that they specifically stated they don't want the front ones, they're only interested in the wetlands. I have not at this time been able to find

anybody which is part of the reason why there's a financial consideration to the Orange County Land Trust.

MR. BABCOCK: If someone built a shed, it would only be enforced by the people in that area and if nobody does nothing--

MR. ARGENIO: That's who it's designed to benefit, it's aesthetic more than anything else.

MR. BABCOCK: Right.

MR. ARGENIO: My point is I think the issue enforces itself, that's my point.

MR. PETRO: But you have five houses, why can't one of the houses take it over and enforce it or have the interest in it?

MR. KARTIGANER: It's a potential way to go but typically, you try to find something like a not-for-profit that has a vested interest in maintaining those particular deeded restrictions such as the Orange County Land Trust, one of the ones that I thought about and I'm not sure where they're at right now because until this gets through the preliminary stage I'm treading on a lot of water, but the Temple Hill Association, you have Orange County Citizens Group is being considered but they're not going to take it, the only one that I have found that will take the deed restrictions is Orange County Land Trust and they aren't interested in the 200 feet back from the road. The Town of New Windsor would be great one but I don't know if the Town wants to be responsible.

MR. BABCOCK: No, we wouldn't do that.

MR. PETRO: I still think one of the homeowners that's by there, maybe more than one, maybe two or three as

you go along.

MR. KARTIGANER: Well, they'll all benefit from it. The problem once again is not so much holding them to the restrictions as enforcing it because somebody puts it in, you've got yourself into a situation where you have to go through a lawsuit to enforce it. Who is going to be willing to put in the money and time to enforce it?

MR. PETRO: Let us know about the one in the back and the one in the front. Now I know there was five people all talking at the same time.

MR. DOLAN: Tom Dolan, I live at 515 Station Road. For one, it has a driveway right in the conservation easement drawn up as it is so who's going to enforce that?

MR. CLEARWATER: That driveway was planned to be there because it's the best location for the driveway to come out for grades and whatnot. We have already discussed that with the Town engineer, that would be the only thing allowed.

MR. DOLAN: One of the concerns I have, Brandy Wine Road, it's right across the street from two driveways and it's also right passed the ridge on the road, people fly down our road 50 miles an hour no problem and coming over that easement, we pull out our neighbor's driveway, we're scared to death because people come flying over the hill, somebody's going to have a bad accident right there and I don't like the idea of having street lights either.

MR. PETRO: Where did the street lights come from?

MR. CLEARWATER: Mark.

MR. PETRO: Sidewalks are usually my idea, it's also

the Town Code at this point. To not have a sidewalk is a requirement from the Town Board, to get a waiver they'd have to go to the Town Board for a waiver because what was happening is we didn't put enough sidewalks in probably from what you're saying because we felt it wasn't necessary so the Town Board had under advisement decided it was their empowerment as to whether or not the sidewalks should go, so what we have been doing is requiring it on one side, just as a, trying to meet in the middle.

MR. ARGENIO: That's not on Station Road, that's sidewalks in the subdivision.

MR. DOLAN: I understand but I mean you're going to be driving up Station Road 45 miles an hour on a thin road and turn in this like major development with sidewalks and lights and it doesn't fit what's already built there.

MR. PETRO: Sidewalks also should benefit somebody wants to, I mean, say the school bus is going to pick up at a certain spot, children walk along the sidewalk instead of in the road, I don't know how the school buses work in the rural area.

MR. DOLAN: They go to each house. Are they going to continue going to each house cause they should if they go to one student's house, they should go to everybody's.

MR. PETRO: One spot, I grew up on Mt. Airy Road, we used to like five or six of us met in one spot.

MR. DOLAN: They don't do this on our road.

MR. ARGENIO: It's so rural out there we, don't even have buses, we have carts.

MR. CLEARWATER: If I can speak to the street lights,

there were no street lights originally, the Town engineer asked that we add street lights to the intersection on an existing pole out front halfway down each street and at the intersection here and in the back.

MR. DOLAN: There's no street lights there now.

MR. CLEARWATER: That's right.

MR. DOLAN: On the whole street.

MR. PETRO: You're saying it's a requirement of the planning board.

MR. CLEARWATER: That's why they're there, Mark Edsall suggested that they be in.

MR. DOLAN: How many street lights?

MR. CLEARWATER: Six altogether.

MR. DOLAN: I think it will make it too bright at night, I really enjoy sight sitting out in the back yard having no lights and only seeing the cars fly by.

MR. PETRO: Is it a Town requirement for the lights?

MR. BABCOCK: I don't know.

MR. PETRO: Unfortunately, the engineer isn't here to answer your question but let's look into that also, we'll find out because obviously, the builder doesn't want to do them, so don't worry about them wanting them, they don't want them. It was a requirement of the planning board, let's look into it, find out why Mark felt it was necessary. If it's not necessary and just thought it was a good idea, maybe we can backtrack so let's add that to the other list that we're doing.

MR. DOLAN: That's probably about all I have right now.

MR. CLEARWATER: Which is yours?

MR. DOLAN: Right on the corner. I don't know why you can't come this way?

MR. CLEARWATER: The ridge is here.

MR. DOLAN: There's one other question, you guys said it's 27 lot?

MR. CLEARWATER: 26.

MR. DOLAN: Says 27 and announced as a 27.

MR. CLEARWATER: 26.

MR. KARTIGANER: I have 26.

MR. SCHLESINGER: Are the driveways staked at all, do you have those marked out so you can drive by?

MR. CLEARWATER: The road is coming out, they were painted on the pavement.

MR. SCHLESINGER: Tom, where do you live?

MR. DOLAN: I live right here.

MR. SCHLESINGER: You know for a fact where the driveway is?

MR. DOLAN: Chilson and McKallen, the driveway's going to be right there and that's right over the ridge.

MR. SCHLESINGER: And the other one?

MR. DOLAN: That's down at Brittany Hill which is the dirt road going back.

MR. SCHLESINGER: That's the existing dirt road but those roads were approved, you said you got a letter today?

MR. CLEARWATER: The location was approved by the highway superintendent.

MR. DOLAN: I think they should take another look because it's right over a ridge, they got the speed limit from 30 to 40 and it comes right over a ridge and it's a tough area.

MR. PETRO: Thank you. Anybody else?

MS. MC KALLEN: I'm Ann McKallen, I actually own the driveway exactly across where that road is going to be. I'm very concerned because I have lived there for over a decade and coming over that hill is a very dangerous spot, you come up Station Road, it's a nice hill, all of a sudden, you hit the bump and it's straight and you can't see people coming over the hill, that's one concern. I'm absolutely opposed to lighting that area, absolutely.

MR. PETRO: Mike, if it's not, like I said--

MS. MC KALLEN: That would be like putting a big spotlight on the top of the hill.

MR. BABCOCK: I think there's a requirement for lights but I'll let you know.

MS. MC KALLEN: And my home is right there, that's where my children's bedrooms are right there.

MR. PETRO: Tell me about the requirement.

MR. BABCOCK: I don't know, I don't have the book with me, Jim.

MS. MC KALLEN: I'd like to know the impact on the school district and the property taxes and what kind of impact that would have for us as, you know, people who have been there and have older homes.

MR. PETRO: I can only tell you that as an educated guess more but--

MS. MC KALLEN: Again, Washingtonville's already an overcrowded school district.

MR. PETRO: We agree with you.

MS. MC KALLEN: Our children are going through it right now.

MR. PETRO: I pay \$23,000 a year taxes on my house and I sit here and approve things as a board.

MS. MC KALLEN: I'm concerned are there going to be services in this development? Is it going to be like us, we don't get garbage pickup for our taxes, we get snow removal, basically.

MR. ARGENIO: I have the exact same thing, I live down the road, identical same thing and you get police, too.

MS. MC KALLEN: That's true, I'm not disputing that but those are the issues that I have and with my driveway being exactly opposite that road.

MR. PETRO: I want to talk about that because I don't want to talk about the school taxes because I probably get more upset than you do, let's talk about the site distance at that exit, you have spoken with Mr. Kroll, he's been on the site I don't know how many times, what's the sight distance on what's the name of it right there?

MR. CLEARWATER: Brandy Wine.

MR. BABCOCK: 625 feet, Mr. Chairman towards 207, this is the Brandy Wine Road and 800 feet the opposite direction.

MR. PETRO: What's required?

MR. CLEARWATER: Less than that.

MR. PETRO: I know, what's the number of required feet for sight distance, it's 450. The point I'm making to you is that it's required 450 feet, I'm sure that's the number of sight distance required here showing 680 and 800, so they meet the requirement in excess, actually. Later on, I would suggest if you do see or other people see that there's speeding, call the police.

MS. MC KALLEN: We've had the, I don't know what they call the thing where they're checking the speed, it's always at the bottom of the hill, it's never at the top of the hill, that's fine, but take in mind that if there's an accident, it's happening in front of my home and in front of my children.

MR. SCHLESINGER: Mike, the only thing I have to say is that I live right up the road and I'm sure that Henry's gone out and looked at this and everything but that's a steep hill and there's a crest on top of that hill that there's a lot you can't see what's coming and what's going, I didn't know.

MR. PETRO: To make you feel better, I have a letter dated June 21, 2004 from the Superintendent of Highways, Mr. Kroll, the plans for Middle Earth have preliminary review and appears to be acceptable at this time, a further in-depth review must still be performed by Mark Edsall, Town of New Windsor engineer and myself for the roads, so it's not in concrete.

MS. MC KALLEN: Make sure that it is a concern.

MR. PETRO: We know that they meet the sight distance.

MS. MC KALLEN: It's a concern for me because, you know, that's where my home is, that's where my children are and, you know, I don't want an accident, I don't want to see accidents.

MR. PETRO: We're working on it.

MS. MC KALLEN: I have almost had an accident there pulling out of my driveway, I mean, I wouldn't bring it up if it wasn't an issue, you know, my neighbor's lilac bush, we have to trim it back so we can make sure we have the proper amount of getting in and out of the driveway so it's a concern, I just wanted you to know.

MR. PETRO: Thank you.

MR. DOLAN: What about, I mean the one road there already exists, just has to be widened, why can't they have a cul-de-sac coming up the hill and into here and not have Brandy Wine come all the way out, have Brandy Wine Court and have a cul-de-sac like they have down here on the bottom of it?

MR. PETRO: I'm not positive, but I'd say they'd probably lose some lots. What's your answer?

MR. ARGENIO: I don't think that--

MR. KARTIGANER: You're going to have 1,800 or 2000 feet of a single cul-de-sac, it's probably longer.

MR. SCHLESINGER: It wouldn't be an acceptable thing because of the other services, emergency services and things like that.

MR. CAROLAN: Steve Carolan, I live 565 Station Road.

I guess my driveway is right at the end of that first road. One of the questions, this is the first I was notified of the meeting, I didn't know this was planned or anything like that, I haven't had time to look at the plans and it's true about the traffic on that road, I don't know if that road is wide enough, cars coming out of there trying to make the turn onto Station Road, the speed limit, that's a whole other factor. Now, I don't know if there's time, how far along this is, but again, I knew nothing about it until tonight so you talk about lights, you're talking about a lot of things here.

MR. PETRO: Again, the sight distance requirement is 450 feet, you're providing 625 feet, I think the other road is 800 and something feet, is that correct?

MR. CLEARWATER: The road that we're looking down from the down towards the church is 800, looking back the other way is 530 to the left.

MR. PETRO: So the highway superintendent and the engineer on site they actually measure it, they review it, go over it a number of times, I just read in the letter they're going to do it again going to go out because there are some questions what this woman talked about with her driveway, they're going to go do it again.

MR. CAROLAN: With Station Road?

MR. PETRO: It's a Town road, whatever the Town road's width is, that's what it is.

MR. CAROLAN: I just bring up a fact I haven't seen it.

MR. PETRO: They have every right to access the Town road same as you would or he would.

MR. CAROLAN: I'm just talking about all the other

things, about the lights, everything else just brought up tonight, first I'm hearing about it but it's--

MR. PETRO: Well, you probably wouldn't here about it unless you knew something was going on or you saw somebody but you have a notice of public hearing, that's when people usually hear about it, but the notice comes out a week or so ahead of time and then it's posted, this plan is posted here on the bulletin board for the ten days for review.

MR. CAROLAN: But, I mean, we're talking about lighting and everything that's not--

MR. PETRO: First of all, nothing is done, so there's no action been taken and the reason for the public hearing is to get information such as maybe the septic system is too close as Bill said to the wetlands, we're going to look at that, the lighting seems like a lot of people don't like the lighting if it's not required by law because again this is an advisory board, not a judiciary board, we don't make the law, we're just going to apply it. So if it's not required by law, maybe we can take action and remove it and other items that have been mentioned, so that's what we're doing, we're gathering information at the public hearing, we're going to take it in our brains, they're going to listen, we're going to review it and get back to you.

MR. CAROLAN: So that's all the public, ten days, that's how much I have to review the plan?

MR. PETRO: No, it's already been ten days.

MR. CAROLAN: Like I said, I didn't know.

MR. PETRO: After the public hearing basically your job is done, it comes back to the planning board, I would say they're going to be here a couple more times in weeks ahead because they have quite a few outside

agencies other than this board that are involved, even the historic one, so there's quite a process that they have to go through and during that time, our engineer who's not, who's absent tonight will make an assessment on what we just talked about again, I will repeat it again, the sight distances with the highway superintendent, the lighting, the sidewalk I think is going to stay the way it is cause I happen to like that and I think the board does too, I think that's just good planning, septic design, we want to look into a couple other comments that Bill made which was perc tests, where is it going if it's percing so quick, so I want to talk to Mark about that. So we're gathering information and we appreciate you input as long as it's legitimate questions. Sometimes I get questions that are not quite so easy to answer.

MR. CAROLAN: I just didn't know what the thing was like how long the thing was up for review or anything like that, like I said, it's the first I heard about it.

MR. PETRO: Okay. Girls?

MS. DOLAN: Patti Dolan, 515 Station Road. After all this happens, do we get another opportunity or you decide sidewalks are okay so they're okay if you guy's decide street lights are okay, you're done?

MR. PETRO: The public is done after this, there won't be another public hearing.

MRS. DOLAN: I know the driveway issue you're saying on paper it looks good, I would advise somebody to pull into one of their driveways and pull out and see if you get creamed, I know on paper the distance is all right, we live with it and you're just leaving yourself open.

MR. ARGENIO: You know, Mr. Chairman, just for one second if I could, you know what the problem is there,

the problem is the sight distances work around Town, Station Road the people speed so bad on that Station Road where 450 feet typically may work in 95 percent of the instances, that little run is about half a mile long and they speed. That's it.

MR. PETRO: Okay, to answer your question directly, again, no, you're not going to have further comment. The board is here to speak on your behalf, we have to meet the law, they have to meet the law and they also have rights the same as you have rights. So we have to get it altogether and make sure it works for everybody. The people already there, the man who has a farm here since 1908, these people pay taxes on the land so we have got to make it work. But what you can do is watch the agenda, Myra has the agenda all the time, if you'd like to come whenever they're here to speak to present this cause I'm sure they're going to be here a few more times because there's so many outside agencies, you can always listen and frankly, if somebody is really back there waving their hand, even though it's not a public hearing, a lot of times I will say what's on your mind and people who come here a lot would agree with me, right, Bill? Somebody really wants to say something that's important. If you get up and say where are the deer going to go, I'll ask you to just not waste our time. Not that I hate the deer but that's not a legitimate thing, I can't do anything about about.

MRS. DOLAN: Is there anything done to check the well reservoirs underground, you know, if they're getting low, can they accommodate?

MR. PETRO: I can save you time. No.

MR. CLEARWATER: If I may speak to that just for a moment, the Orange County Health department has to review septics as well as wells as part of their review, the applicant will have to drill at least two wells on site and they have to be tested for quantity

and quality prior to the health department's approval so it's not just ignored.

MR. PETRO: Yeah but that's, you know, I know what she means because that same question I'm here 13 years, I've heard it 1,300 times, she's not really interested in that, even though it's a good thing you're doing that she wants to know if it's going affect the wells already in the area, there's so many aquifers, there's no way anybody can tell, you know, know if one aquifer it can be 15 feet away and be a different water source, there's no way we can tell anybody they can't drill a well. They have the same right as you do, that's not a clear answer that everybody loves but that's the bottom line, there's no way to effectively tell them they can't drill a well, no. Motion to close the public hearing.

MR. ARGENIO: So moved.

MR. KARNEVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Middle Earth development major subdivision. Any further comments from board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: I'll reopen it back up to the board for further comment. We've had quite a bit of comment tonight from these ladies here, from Bill, do any of the members want to say anything before I do a little

recap?

MR. ARGENIO: Recap it.

MR. PETRO: Mike, you're going to talk with Mark, I'm going to talk with Mark, we're going to go over the lighting, number one, I want to find out if it's required, if it's not required, let's just get it the hell out of there, they don't want it, they certainly don't want to pay for it and nobody wants it. Later on, if the people who move in there want to have a little lighting district or want to do something with it, we'll address it at that time. But let's not force it down anybody's throats. Sidewalks are discussed and get together with Mark and check on the percs. I want to check them along the boundary lines where all the wetlands are for two reasons, one, make sure they're in the right areas, also find out why they're percing in such a manner. And maybe we need to have Mark go out and witness some testing. And the third, I guess the third or fourth item which is very important we'll check again with the sight distances with Mr. Kroll and Mark, I know they're scheduled to go out there again one more time, I may even want to go myself and any of the board members who feel like they want to go. Another thing that you can do and I will speak to the people again is maybe with signage out there through the police department, children at play, I don't know, some of the signage that you may be able to put up to try to get people to slow down in that area because I know what Jerry's saying, it's pretty fast moving cars out there. And a lot of times when you were saying the law says that it's correct and I don't want to be smarter than the law but sometimes it's not really a hundred percent, the sight distance is 450, maybe sometimes that's bull crap, you get there too quick. I exit and enter down on 32 going towards Vails Gate and that 450 feet is like a blink of an eye and if you don't time it just right, you've got a problem. So the law means well, that's why it says 450 but we'll take a

look at it one more time. That's it. Do you have anything else for tonight?

MR. KARTIGANER: No.

MR. PETRO: I'm not going to take any action. Mark's got a lot to look at. You want to ask me something, I can tell.

MR. CLEARWATER: No.

MR. PETRO: You have a good night.

REGULAR ITEMS:

HUDSON VALLEY VETERINARY (04-04)

Mr. Paul Cuomo and Dr. Martinisi appeared before the board for this proposal.

MR. PETRO: Your moving from Upskate Plaza to here is what you want to do?

DR. MARTINISI: Yes.

MR. PETRO: Application proposes renovation of the existing building for use as a veterinary facility with the caretaker apartment. Plan was previously reviewed at the 11 February, 2004 planning board meeting, it's in a C zone, proposed use veterinary A-3, as previously noted, boarding of animals is not permitted as for this use. You understand that, ma'am?

DR. MARTINISI: Yes, I do.

MR. PETRO: You agreed to that last time and you understood it, required bulk information shown on the plan is correct for the zone and use group required, the provided values have been corrected per my previous request. The plan is still not clear that concrete curbing is being provided on the front portion of the site, the plan should so note and provide a detail.

MR. CUOMO: Yeah, we have concrete curbs on the plan as you can see it here, it's pretty well defined but we'll definitely get a detail or that curb, that curb is there, it's the New York State curb.

MR. PETRO: You're not building new curb?

MR. CUOMO: No.

MR. PETRO: Plan is still not clear that a concrete

curb is being provided, it's already there.

MR. CUOMO: We're not providing any.

MR. PETRO: Just make the note on the plan that it's existing concrete curb and that will take care of that. No details for paving on the front sidewalk have been provided as requested. I'm reading Mark's comments, normally, I wouldn't do that but he only has a few.

MR. ARGENIO: I think what we need to do is relative to the existing curbing issue, Mr. Cuomo does have existing curbing indicated in the state right-of-way, we should just doublecheck with Mark if he's referring to specifically the right-of-way area or the front of the building.

MR. BABCOCK: Front of the building.

MR. ARGENIO: That's the question, not the DOT right-of-way, is there curbing in front of the building adjacent and in front of the parking?

MR. CUOMO: Okay, we'll do that. Those are minor.

MR. PETRO: Landscaping was not added as requested by the board.

MR. CUOMO: Well, we have on our comment, Paul, it's not going to affect anything tonight, take the comments please and review them for next time.

MR. CUOMO: We didn't do this willingly, we were told not to do that.

MR. PETRO: You were trying to save a little time. The planning board should consider the mandatory public hearing for the special permit use as required by law. I will entertain a motion.

MR. ARGENIO: I'll make a motion we authorize a public hearing for Hudson Valley Veterinary.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board have a public hearing for the Hudson Valley Veterinary Hospital. Any further comments from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Do any of the members have any comments at this time or should we have them clean up the plan and show up?

MR. SCHLESINGER: I have a question, something may come up in the public hearing talking about boarding, boarding to me is if I go away on a vacation I want you to board my dog for me, boarding does not mean if you have a sick animal that needs to stay overnight, is that correct?

DR. MARTINISI: No boarding.

MR. PETRO: What if my dog is sick for eight months?

DR. MARTINISI: Something's horribly wrong.

MR. PETRO: Paul, clear up these comments, get ready for the public hearing, we'll have a public hearing.

MR. CUOMO: We can do it at the same time.

MR. PETRO: And you know that boarding issue, frankly, is a little vague and I agree with Mr. Schlesinger that maybe a note of some kind for the length of a stay should be added to the plan somehow and how that could be enforced, I have no clue, but if you've got, if the Town should happen to get a lot of complaints that there's been a lot of animals for a long period of time then at least we'd have some recourse through the special use permit maybe to come down there or you're in violation of the site plan but without some note, I don't know how to handle this. Mike?

DR. MARTINISI: I've been at my previous location for 19 years, there's never been a problem.

MR. PETRO: All right, well, once you have an approval here, you don't even have to go there, you can sell to this man here, he's a veterinarian, he can go in with your approved site plan, all he has in his mind is boarding, I know it personally that's what he's got in his mind but seriously, the plan goes with the property, it's not you, so don't either take offense and/or try to understand that we're approving this project on that property so the next person can come in and we need to have it more clarified on the plan, come up with an idea.

MR. CUOMO: All right.

MR. PETRO: Do you understand me?

MR. CUOMO: I understand.

MR. PETRO: Thank you.

BEATTIE ROAD ASSOCIATES SUBDIVISION (03-36)

Robert DiNardo, Esq. appeared before the board for this proposal.

MR. PETRO: Beattie Road Estates, proposed 5 lot residential subdivision. Application proposes subdivision of 85 acre parcel into 5 single family residential lots. The plan was previously reviewed at the 8 January, 2003, 9 April, 2003, 14 May, 2003, 28 May, 2004 planning board meetings. This application is back before the board for the purpose of providing update regarding status regarding field testing. It's an R-1 zone which is a permitted use, required bulk information must have the following corrections, you can get a copy of Mark's comments.

MR. DINARDO: We do, thank you.

MR. PETRO: Correct Mark's comments. Other corrections I'm not going to go through them all why you're wrong, I don't know.

MR. DINARDO: If I could, Mr. Chairman, can I just ask you if the board or any of the consultants can give us a little more guidance on item number 5, which is the highway superintendent's concern regarding the application? This road has been moved once before following a field visit with Mr. Kroll and as far as we know, we have placed it in the location that he preferred, so this one takes us a little bit by surprise. I wonder if you have anything in writing from Mr. Kroll?

MR. PETRO: I just have under review, so you'll have to contact him. I have no clue why that comment is there, we just, we just have under review with no other note.

MR. DINARDO: Under review is number 4 which we'll take up with Mr. Edsall certainly, sanitary design.

MR. PETRO: No, I have on my own sheets here where it says municipal highway approval says under review, sometimes he'll give me direction by saying drainage pipe to be up graded or something of that nature, he has nothing, so I can't answer you. But there are an awful lot of notes from Mark.

MR. DINARDO: Yes and we have had an opportunity to look at them in advance which has been helpful this evening, the two that I think are of serious substance possibly are 4 and 5, the others while they're serious and they need attention they look like they're fairly easily corrected.

MR. PETRO: The one that sticks out I don't understand the plans are not stapled and signed by a licensed surveyor as required by state law, I think I'm going to eventually get to a point that when I see that note that I'm not going to review anything. I cannot understand how frankly you can, somebody can come here and have plans that are not signed by a licensed surveyor before our planning board.

MR. DINARDO: My understanding is that what we do is we provide for the signature but until the plans are in final form and the mylar is being signed, the surveyor doesn't sign it, in other words, if there's going to be a change to it and there will be in this case why sign it then sign it and then sign it again, there's a signature block.

MR. ARGENIO: I don't understand. Let me just back up, you said the only comments that are of substance are 4 and 5, I'm just giving this a cursory review, subtracted for the wetlands easements problem, lot widths appear incorrect, all frontage values 1 through 4 appear incorrect, front yard setbacks for lot 2, 3 and 4 appear to be incorrect, side yard setback and total side yard appear incorrect for lots 2, 3 and 4,

rear yard setbacks appear incorrect for lots 2, 3 and 4 and that's just me reading six bullets.

MR. DINARDO: Maybe I misunderstood what I thought he was saying is that the distances on the map are not consistent with what's shown in the bulk table, I didn't understand incorrect to mean not in compliance with code but not correctly recorded in the bulk table.

MR. ARGENIO: Inconsistent.

MR. DINARDO: Yes, maybe I'm wrong but that's the way I read it.

MR. ARGENIO: You may be right, I think that should be corrected.

MR. DINARDO: Absolutely all of them should.

MR. ARGENIO: Before tonight is my point.

MR. DINARDO: We just got that.

MR. ARGENIO: And I don't want to, it shouldn't be happening, I don't want to ride on Jimmy's coat tails and beat you guys into the ground, but there's a lot going on here. What are we doing, what are you looking for tonight?

MR. DINARDO: I don't think anything. Frankly, these items are serious enough in nature that I don't think we can reasonably ask you for anything.

MR. ARGENIO: Not just that quantitatively they're substantial.

MR. DINARDO: Sure, sure, I was hoping to get a little guidance on the one that really took me by surprise which was the highway, the road business, but Mr. Kroll's not here, you don't have anything in writing

from him but we'll deal with it.

MR. ARGENIO: The guidance is just what the chairman said earlier, you should contact him as Jim said usually we'll get a note that says check the pipe size or needs a culvert, something like that, we don't have the benefit of that.

MR. PETRO: I don't want to be rude but we're done for the night.

CLASSIC HOME BUILDERS SUBDIVISION (03-16)

Mr. Ken Lytle appeared before the board for this proposal.

MR. PETRO: Proposed 4 lot residential subdivision. Project involves subdivision of 17.8 acre parcel into 4 single family residential lots on a private road. Application previously reviewed at the 9 July, 2003, 14 April, 2004 planning board meetings, R-1 zone required values of the bulk table are correct, final correction of the bulk table, asterisk should be added to the lot width previously noted also includes lot line change should be aware that the new combination deed would be required to ensure that the land being conveyed to Fox Hill is merging into the existing lot, Andy, you're going to have to let me know when that's fine so I can sign the plan and/or Mr. Schlesinger. Okay?

MR. KRIEGER: Yes.

MR. PETRO: I have reviewed the plans and filed the initial comments.

MR. KRIEGER: As far as the applicant is concerned that means you have to send me the deed.

MR. PETRO: When did we have the public hearing last time?

MR. LYTLE: Yes.

MS. MASON: It was April 14th.

MR. PETRO: Do you want to say anything, I mean, or you want me to do it?

MR. LYTLE: You're doing a fine job. We did the combined percs and deeps, everything went fine. We actually made modifications to the drainage which he

asked for. Basically that's all the comments.

MR. PETRO: We do have highway approval on 6/23/2004, the plan seems to meet all the requirements that the highway department requested. I am awaiting a final review from Mark Edsall, the Town engineer, I guess he wanted to check a couple pipes.

MR. LYTLE: That's correct.

MR. PETRO: What we'll do is as we move along, we'll make that a condition, condition of final approval that he get a sign-off from the highway department, fire was approved on 6/18/2004. Planning board may wish to make a determination regarding type of action. I'll entertain a motion for negative dec.

MR. ARGENIO: I'll make that motion.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec for the Classic Home Builders subdivision on Kings Road. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Applicant required to submit a private road completion bond per the requirements of the Town Street Specifications. The applicant should submit a draft copy of the private road maintenance declaration in recordable form to the planning board attorney for

review. Add that to your list, Andy.

MR. KRIEGER: Okay.

MR. PETRO: Applicant should be directed to submit public improvement bond estimate to the Town for review and subsequent approval for the Town Board. You know what that's all about? As per the 911 policy of the Town, this project requires the assignment of a street name and 911 address numbering.

MR. BABCOCK: Must have been done.

MR. PETRO: So let's take that off. And final subject to will be what I already said, I'm not going to repeat them, so make sure you have everything, I just said complete, which will be that the highway superintendent signs off, even though we have an approval here on 6/23/2004, he does have other notes, so it has to be signed with those notes, I called him and it's just a couple of pipes sizings. Okay?

MR. LYTLE: Yes.

MR. PETRO: Any comment from any of the board members? If not, entertain a motion for final approval.

MR. ARGENIO: Motion for final approval subject to the comments that the Chairman just read into the minutes.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Classic Home Builders minor subdivision and lot line change on Kings Road. Any further comment? That's with the subject-to's that I have already said. Any further comments from anybody?

ROLL CALL

June 23, 2004

42

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

HOME AWAY FROM HOME DAYCARE (04-14)

Mr. Eric Mason appeared before the board for this proposal.

MR. PETRO: This is the former Chess building. Proposed conversion of existing office retail space to daycare. Obviously, we have Mr. Mason is going to represent this, I guess this is your daughter?

MR. MASON: Yes.

MR. PETRO: So he would recuse himself from obviously any comment or voting from the planning board but now you're representing your daughter in this matter?

MR. MASON: Yes.

MR. PETRO: Okay, Mr. Mason, what would you like to do here?

MR. MASON: Basically, we have a little bit of a laundry list from Mark which are mostly minor things, number one, the required development coverage, there was a couple typos or a couple more things need to be added into the some of the tables that are on the plan.

MR. PETRO: Let me read this in, too, Eric. The application proposes the change in use for the existing building from office storage to a daycare service establishment and storage use. The plan was reviewed on a concept basis. Property is located in NC zoning district of the Town, uses are classified as A-5 service establishment. The board should verify that the use classifications noted are acceptable. I think we have done that before in an NC zone and came up that daycare is permitted.

MR. BABCOCK: Yes, it is, it's a service establishment.

MR. PETRO: Fits into that?

MR. BABCOCK: Yes.

MR. PETRO: So we don't have any zoning problems as far as zoning is concerned?

MR. BABCOCK: No.

MR. PETRO: Bulk information shown on the plan is correct for the zone, with the exception of the following corrections.

MR. BABCOCK: Developmental coverage, the engineer put N/A in for non-applicable, but it should have been 20 percent.

MR. PETRO: Which is well under where it needs to be.

MR. BABCOCK: So it's a matter of a correction. Actually saying it's pre-existing, it's pre-existing, this building is here, he's not changing anything.

MR. PETRO: My father built the building, I know the building, the front yard setback just because it's on old 9W, 9W in the front?

MR. BABCOCK: Yeah, and it's again existing.

MR. PETRO: Frontage value should be the total of the frontage on both roadways.

MR. BABCOCK: Just the corrections in the bulk table.

MR. PETRO: That will only make it better anyway.

MR. BABCOCK: Nothing's changing, just a correction.

MR. PETRO: Site is completely existing, developed and is limited to the existing conditions as noted on the

plan. Given these limitations, I have reviewed the plan, submitted for general compliance with code guidelines and have the following comments. Why is he talking about a drive, a side drive aisle if everything's already existing? What are you changing?

MR. MASON: Well, right now, Jim, what's happened is they're doing parking in the front, in order to gain more parking, we're going to, we're going to blacktop this area here on the side of the building on the north side that's going to be new paving and we're going to stripe it out to give the parking in there, there's also existing paving out in the right-of-way where the curbs are cut there that are not counted but we're going to continue to use them until DOT tells us we no longer can.

MR. PETRO: They're there to physically use but you can't use them in the count?

MR. MASON: Right but we do have to do a little bit of paving and get the parking along the side lines of the property which leads us into another situation where Mark mentioned somewhere in his comments that he'd like to see some sort of a green area but there's really no space left, it's all going to be taken up by parking again.

MR. PETRO: Maybe in some of the cross hatches put a couple plants.

MR. MASON: We can dress it up, we're going to put a flag on the corner of the building.

MR. PETRO: See the cross hatches on the south side rather the other ones in the DOT right-of-way, I don't know about that one but maybe some shrubbery would make him happy?

MR. PETRO: Motion for lead agency.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Home Away From Home Daycare on Route 9W. Any further discussions from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: What's in there now, Mike, just office?

MR. BABCOCK: Chess Federation, office building upstairs.

MR. PETRO: You're just going to clean it all out, take it over and put a daycare?

MR. BABCOCK: Yes.

MR. PETRO: Build or utilize any of the offices that are already there?

MR. BABCOCK: Probably not.

MR. PETRO: Going to be wide open space inside?

MR. MASON: No, classrooms.

MR. BABCOCK: But what's existing there now is not going to fit the new layout.

MR. PETRO: Fire has been approved on 6/21/2004.

MR. PETRO: Poll the board on a public hearing, I want to get everybody's input here. I'll start over here with Neil.

MR. BABCOCK: Mr. Chairman, can I just say one thing maybe that if you look at the site map on the front there's on the old 9W side the person that would be notified would be that Ben Harris site plan that's down in that big hole, actually nobody there and--

MR. MASON: I only have one neighbor and I have spoken to her on several occasions.

MR. BABCOCK: That's what I'm trying to say, there's very few.

MR. SCHLESINGER: Who's on the south side? There's a neighbor.

MR. BABCOCK: That's correct.

MR. SCHLESINGER: That's the boats?

MR. MASON: No, there's a house there.

MR. SCHLESINGER: Somebody's living there?

MR. PETRO: You have already talked to her?

MR. MASON: Yes, she said it was fine.

MR. ARGENIO: What did she say?

MR. MASON: She was very happy. Her biggest concern was that I guess years ago when they ran her cable, they ran it across the roof of the Chess Federation, when she found out they were selling the building, she

was very concerned that I was going to make her take her cable off. So I assured her that it was going to be able to stay there.

MR. SCHLESINGER: Jim, you say public hearing required?

MR. PETRO: No.

MR. SCHLESINGER: I mean, it's one neighbor, I don't see the--

MR. ARGENIO: Make a motion we waive the public hearing for the Home Away From Home Daycare.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing for the Home Away From Home Daycare on Route 9W per its discretionary judgment. Is there any further comment? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Motion for negative dec.

MR. ARGENIO: Motion the motion we declare negative dec.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been been made and seconded that the New Windsor Planning Board declare a negative dec under the SEQRA process for the Home Away From Home

Daycare on Route 9W. Is there any further comments from any of the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. GALLAGHER AYE
MR. KARNAVEZOS AYE
MR. ARGENIO AYE
MR. PETRO AYE

MR. PETRO: The planning board should require that a bond estimate be submitted for this site plan in accordance with Chapter 19 of the code. There's a few other comments about your bulk table from Mark, I would suggest that you clear them up. Is time of the essence?

MR. MASON: Yes, time is of the essence, yes, we had a delay with the survey which put us back on getting to here.

MR. PETRO: Then I want to look at the comments from Mark, drawing and scaled block and title are out of scale, fix it. I'm sure that can be handled. The plan should indicate typical handicapped parking space detail, applicant's engineer should note that per new code requirements the size required in front of the cross hatch access lane of the handicapped parking space. Sign must read no parking any time. So we need a note on the plan noting that you have to have that sign in place. The side drive aisle is only 14.6 feet wide, it should be developed as a one-way lane preferably in the direction front to rear, which is which I believe is intended by the arrow on the plan. Is that correct?

MR. MASON: That's correct. I may just discuss that a little bit further in detail with Mark if that's possible.

MR. PETRO: He says appropriate signage and striping could handle that so as long as you have the appropriate signage and striping, you can do that. I don't see that as a problem.

MR. BABCOCK: I talked to Mark this morning, Mr. Chairman, and he said that we would have either way a do not enter sign and one way sign.

MR. PETRO: Mike, I'll let that be part of your building, I'm not going to read that in as a condition because you can handle that through the building department.

MR. BABCOCK: Sure.

MR. PETRO: Site requires 34 spaces, I count 34 spaces on site but not within the state right-of-way, additional 7 spaces exist in front within the state right-of-way and which paving and parking currently exist. The parking would seem acceptable in this regard. That's a non issue, we already discussed that and you're aware that they're in it. Board should discuss whether any minor landscaping areas should be developed. We discussed that. You're going to put shrubbery in the crosshatched area on the south side. So we have discussed that and you have agreed to it. I'm not going to make that as a condition also just going to do that, Mike, you can handle that?

MR. BABCOCK: Yes.

MR. PETRO: Existing lighting and existing on-site additional lighting is being provided along the north side of the building to serve the new parking. Board should discuss if any additional information is needed. I would say if Mark is satisfied with it, the board usually is. We certainly don't need isolux curves or any additional lighting plan for an additional how many

spaces 5, 6 spaces?

MR. MASON: Yes.

MR. PETRO: I think whatever Mr. Edsall says is sufficient will suffice to this planning board. Other than that, do any of the board members have anything they want to add or change before we do a final? I'll read in the subject-to's.

MR. KARNAVAZOS: I have one and that's probably cosmetic more than anything is where the waste container is?

MR. MASON: Yeah, on the original plan that we had, I learned something new, this crosshatched is where I'm going to put shrubbery, we're going to put a container there out of block, looking at the site, it's going to look horrible so after discussing it with Melissa, she's using regular garbage cans now so we just created a small area made out of the same fencing that we're going to use on the south side.

MR. ARGENIO: No dumpster?

MR. MASON: Just cans.

MR. KARNAVEZOS: Only reason I was going to say if you can move it back all the way in the back corner by old Route 9W.

MR. MASON: The exit coming out of the top floor is right there in the front, it could be done tomorrow if you wanted it, but it's just going to be more of a convenience up here in the front.

MR. KARNAVEZOS: Okay, just a thought, you're going to have kids outside and stuff, going to come summertime, garbage does get to be a little, you know what I mean?

MR. MASON: Yeah, that's true, I didn't think about that but we'll look at that.

MR. SCHLESINGER: Where are the entrances and exits on the building?

MR. MASON: Well, we're, currently Anthony Coppola's drawing up some plans which we have some preliminary but the main exit for the top floor is out the front and we've got four or five exit doors we're putting in along the side.

MR. SCHLESINGER: So maybe you can put the garbage in the back of the building?

MR. MASON: It's possible.

MR. SCHLESINGER: Keep it away from the kids.

MR. KARNAVEZOS: Only thing garbage people got to get to it.

MR. PETRO: I'm sure they're going to put it in a very good spot because I cannot picture Mr. Mason walking extra to go cart it around and say let's put it in a bad spot and I don't mean that in a nasty way cause I wouldn't either. I'm not going to say let's put this far away so--okay anything else and then I'll entertain a motion for final approval.

MR. KRIEGER: One comment with that flag pole, I want you to put a note on there with flag.

MR. PETRO: American flag too. Put curb not being touched.

MR. MASON: No.

MR. ARGENIO: Make a motion for final approval subject to what the Chairman will read in.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Home Away From Home Daycare on Route 9W subject to a note on the plan with the typical handicapped parking space detail, sign must read no parking any time, the other comments the building department will take care of which we read in earlier. The planning board should require that the bond estimate be submitted for the site plan in accordance with Chapter 19 of the Town Code. I believe that's it. Any further comments from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. ARGENIO: Motion to adjourn.

MR. SCHLESINGER: Second it.

ROLL CALL

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

June 23, 2004

54

MR. PETRO

AYE

Respectfully Submitted By:



Frances Roth
7/7/04

Frances Roth
Stenographer