

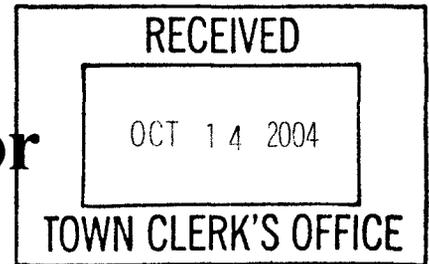


Town of New Windsor

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

OFFICE OF THE PLANNING BOARD

WEDNESDAY, OCTOBER 13, 2004 — 7:30 PM
TENTATIVE AGENDA



CALL TO ORDER

ROLL CALL

ANNUAL MOBILE HOME PARK REVIEW:

- a. WINDSOR HEIGHTS MOBILE HOME PARK – OFF RILEY ROAD

REGULAR ITEMS:

1. **MIDDLE EARTH SUBDIVISION (03-22) STATION ROAD (CLEARWATER)**
Proposed 26-lot residential subdivision.
2. **MT. AIRY ESTATES SUBDIVISION (THE RESERVE) (04-23) "J" STREET**
Proposed 13-lot residential subdivision.
3. **RIDGE RISE SITE PLAN (04-27) RT. 32 (TORRO)** Proposed 134 residential townhouse units.
4. **JOHN PETRO/MC PHILLIPS L. L. CHG. (04-28) UNION AVENUE (PETRO)**
5. **RPA (PATRIOT RIDGE) SITE PLAN AMENDMENT (04-29) UNION AVENUE (SHAW)** Proposed revision to dumpsters at condominium site.
6. **ANDREW KRIEGER, ATTY. SITE PLAN & SPECIAL PERMIT (04-30) 225 PARKWAY DRIVE -** Proposed home professional office.
7. **ADOPT RESOLUTION AS TO GRANDFATHERED PENDING APPLICATIONS**

DISCUSSION

CORRESPONDENCE

ADJOURNMENT

(NEXT MEETING –OCTOBER 27, 2004)

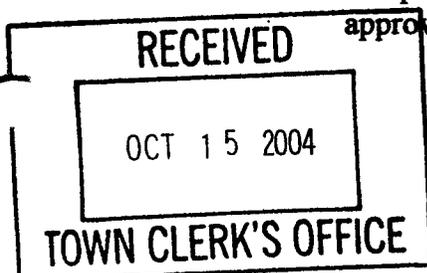
**TOWN OF NEW WINDSOR PLANNING BOARD
RESOLUTION REGARDING "GRANDFATHERING" OF PENDING APPLICATIONS
OCTOBER 13, 2004**

WHEREAS;

1. On or about October 3, 2001 the Town Board of the Town of New Windsor adopted new Zoning Bulk Regulations to require increased lot area and other bulk values for lots in the residential zoned districts of the Town, and
2. **Whereas**, the Town of New Windsor Planning Board determined that it would be appropriate to permit applications current and active at that time to proceed to completion and approval based on the zoning bulk regulations in effect at the time of receipt of the application from the applicant, and
3. **Whereas**, the Planning Board has continued to review such applications received prior to October 3, 2001 (which remained active) based on the aforementioned bulk provisions and has made every effort to work with applicants toward the completion of their design and approval work over approximately the last three (3) years, and
4. **Whereas**, the Planning Board believes it is appropriate to establish a completion deadline wherein all grandfathered applications must have all their work complete and be ready for stamp of approval from the Planning Board, and upon review and evaluation believes the deadline should hereby be established as October 3, 2005, and
5. **Whereas**, the potential environmental impacts of the individual grandfathered applications will be or have been reviewed by the Planning Board as part of the individual applications, and the new zoning requirements received a thorough review under the State Environmental Quality Review Act by the Town of New Windsor Town Board, and as such believe that no further or separate SEQRA action is required as part of this deadline resolution.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Planning Board hereby establishes a deadline of October 3, 2005 as the date, at the end of regular Town Hall business hours, for which all applications being considered by the Planning Board as "grandfathered" must be complete, have complied with all conditions of approval and have received their stamp of approval from the Planning Board.



2. Any such "grandfathered" applications having not received their stamp of approval by that date will be deemed "Disapproved, having been determined as not in compliance with Town Zoning and not eligible for approval", and such applicant will be required to submit a new application to the Board, and redesign the project to comply with the zoning regulations in effect at the time of their resubmittal.
3. Any "grandfathered" application plans to be stamped between October 3, 2004 and October 3, 2005 shall be required to include on their plans a note requiring that all Building Permits, for each and every subdivision lot approved under the grandfathering provision, be obtained within one year of the date of the completion deadline referenced herein this resolution, such note to read as follows:

"All lots of this subdivision shall be required to obtain a building permit no later than October 3, 2006 or such lot shall be considered non-conforming and shall not be eligible for a building permit, unless a variance is obtained from the Town Zoning Board of Appeals."

4. It shall be understood that applications to be considered for stamp of approval on or before October 3, 2005 must have all outside approval agency approvals in writing, and shall have met all conditions of approval set forth by the Planning Board at time of approval, with such approval to be considered no later than the regular meeting scheduled for September 28, 2005.
5. Applicants should be aware that, to receive a final stamp of approval, all such outside agency approvals shall have been obtained (with a copy of the approvals submitted to the Planning Board in writing), all necessary public and/or private improvement performance securities (bonds, letters of credit, etc.) must have already been received and approved by the Town (Town Board and/or Planning Board as applicable), all other conditions of approval shall have been fully satisfied to the satisfaction of the Planning Board Chairman, all fees shall have already been fully paid, and all final plans (necessary print copies and mylars as required) shall have been delivered to the Planning Board offices no later than close of business on October 3, 2005, with all such documents in a form acceptable to the Town Board and/or Planning Board, and in compliance with all approval and other requirements.
6. The Planning Board hereby acknowledges and advises applicants that some projects may be subject to a sewer moratorium and/or water moratorium. Final approval can not be issued by the Planning Board for projects which have not received agency sewer or water approvals due to any moratorium which may apply to such application.

7. The Planning Board Secretary shall mail a copy of this resolution to each applicant being considered under the "grandfathering" provisions, to make such applicant aware of the deadline, such that they can cause a timely completion of their application's review and obtain the necessary stamp of approval.
8. A copy of this Resolution shall be filed with the Planning Board Secretary and the Town Clerk and shall be made available upon request.
9. The Chairman of the Planning Board, Building Inspector, Code Enforcement/Zoning Officer, Engineer for the Planning Board, Attorney for the Planning Board and Town Clerk are authorized and directed to take all steps necessary and appropriate to implement the intent of this Resolution.

Motion made by Member Argenio

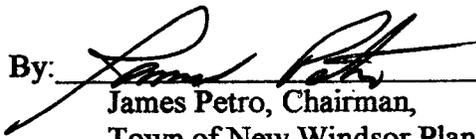
Seconded by Member Schlesinger

Vote 4 For 0 Against

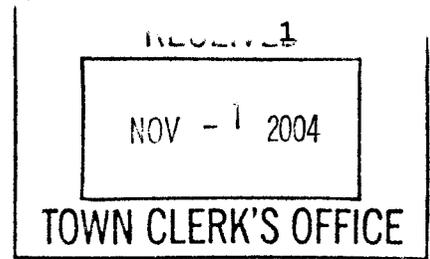
1 Abstain

Dated: October 13, 2004

The above Resolution duly adopted on October 13, 2004 by the Town of New Windsor Planning Board.

By: 
James Petro, Chairman,
Town of New Windsor Planning Board

October 13, 2004



TOWN OF NEW WINDSOR

PLANNING BOARD

OCTOBER 13, 2004

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

ALTERNATE: ERIC MASON

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

MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
PLANNING BOARD ATTORNEY

MYRA MASON
PLANNING BOARD SECRETARY

ABSENT: RON LANDER

MR. PETRO: I'd like to call the regular meeting of the New Windsor Planning Board to order for October 13, 2004. Would everybody please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

ANNUAL MOBILE HOME PARK REVIEW:

WINDSOR HEIGHTS MOBILE HOME PARK

MR. PETRO: Windsor Heights Mobile Home Park. Mike, has someone from your department been there? Do you have any comments that you want to make?

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

MR. PETRO: You have a check for the Town of New Windsor for \$130 for one year? Motion for one year approval.

MR. SCHLESINGER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant one year extension to the Windsor Heights Mobile Home Park on Riley 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

REGULAR ITEMS:

MIDDLE EARTH SUBDIVISION (03-22)

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

MR. PETRO: Proposed 13 lot residential subdivision.

MR. KARTIGANER: Twenty-six lot.

MR. PETRO: Application proposes subdivision of 96 acre parcel into 26 single family lots 26, yeah, okay, sorry, I looked at the one underneath. It's R-1 zone, we've seen this about five or six times, the public hearing was held in this project in June. Applicant is seeking negative declaration. You desire that, huh?

MR. CLEARWATER: Yes, sir.

MR. PETRO: Why don't you go over what we did at the last meeting, don't start from scratch, again, we've seen this how many times I'm going to send it a Christmas card.

MR. CLEARWATER: When we left off last one, the two outstanding items, the drainage report was prepared, few little things that Mr. Edsall's office had wanted revised changed which we have taken care of and I don't want to put words in his mouth but I think we've got that taken care of.

MR. EDSALL: I agree with you.

MR. CLEARWATER: Secondly, the highway superintendent you recall had a couple questions, comments, revisions that you wanted, I met with Henry yesterday, reviewed with him the changes that he wanted, we came to terms on what was to be done and these plans don't reflect that because they were just done but basically he

wanted two catch basins out on Station Road and some pipe connection that up. He also had some concern about the slope on the Brandy Wine Road, fill slope and he was concerned, we conveyed to him that that slope's a three to one slope and that basically the Town shouldn't accept the road until he was fine with that and he should have submitted some comments.

MR. PETRO: He called me prior to the meeting so we'll get to that so something other than Mr. Kröll, what else do you have?

MR. CLEARWATER: That's it.

MR. PETRO: We had fire approval on 5/20/2004. Mark, other than Mr. Kröll who tells me that he's satisfied enough to do a preliminary and he can do a further review as they move along to final, what else do you have? I know we're going to take a negative dec.

MR. EDSALL: Under comment 3 you've got some very minor corrections that just need to be done relative to the road detail. And under comment 4, I'm just indicating that I do agree that preliminary approval would be appropriate if the board so agrees and then I have a couple items that they need to work on while they're between preliminary and final so I think it's in much improved condition, I have reviewed all the issues the board asked me to review and Henry as well I met with him a couple times and he seems to be happy now.

MR. PETRO: Required bulk information shown on the plan is correct for the zone and use, you're going to have a couple comments even from the preliminary to take care of, you can do that with Mark, when he tells me the plan is ready to be signed, I'll sign it. Motion for negative dec.

MR. ARGENIO: So moved

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec for the Middle Earth subdivision. Any further discussion? If not, roll roll.

ROLL CALL

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

MR. SCHLESINGER: Question on lighting was settled, what was one issue, the lighting?

MR. KARTIGANER: They wanted the lighting.

MR. SCHLESINGER: Just for my understanding on the deed restriction you can deed, you can have restrictions on some lots different than other lots?

MR. EDSALL: Yes, that's basically a voluntary thing they're trying to include in this subdivision to protect visual aspects, something they're putting in at their own choice. It's just going to end up being a restrictive covenant in the deed that's enforceable by the other homeowners that they, that's a benefit to everyone and you can't disturb those areas.

MR. SCHLESINGER: My question on that is that with deed restrictions that I've been familiar with if we say all the houses have to be red then everybody knows all the houses have to be red but on this one we're only referring to five lots, I think it is and how do the other people, how are they aware of the fact that there's a deed restriction on those five lots?

MR. EDSALL: We can probably work with Andy on having in the other deeds the non-affected lots having them be aware that there is a benefit, a visual benefit being granted along the highway for buffering.

MR. SCHLESINGER: So that should be some way legally that everybody's aware of it cause that's the way it's going to be policed.

MR. EDSALL: That's a great point, the lots that are affected have to be told the lots that are benefited have to be told that there's this benefit.

MR. KARTIGANER: We can give that to the Town of New Windsor too cause then they can implement it.

MR. EDSALL: We have until final to work that out but that's a real good point.

MR. KRIEGER: I should note Mr. Chairman that while it's not in final form I've had a number of discussions with Mr. Kartiganer as with respect to what form it should take and I think for purposes of preliminary approval it could be best characterized as on track and I think the applicant is aware that it needs to be finalized before the plan can be finally approved.

MR. PETRO: Okay, any other outstanding comments from the board members? We're going to take a roll call for preliminary approval.

MR. ARGENIO: Form of a motion?

MR. PETRO: Yes.

MR. ARGENIO: I'll make a motion for preliminary approval for Middle Earth Development major subdivision on Station Road.

MR. SCHLESINGER: Pending the finalized issues that

we're taking about.

MR. PETRO: He has two or three with Mark that's on these sheets and Henry already said that he's willing to sign off on the preliminary ones after that they're going to come back for a regular final then work together, pick that up again.

MR. SCHLESINGER: So I'll second that subject to Mark's comments.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant preliminary approval to the Middle Earth Development major subdivision on Station Road. 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: How wide are the roads?

MR. CLEARWATER: Thirty feet, pavement is 30 feet.

MT. AIRY ESTATES SUBDIVISION (04-23)

Mr. Rich Rennia and Mr. Marvin Rosensweig appeared before the board for this proposal.

MR. PETRO: Proposed 13 lot residential subdivision. Application proposes further subdivision of lots at the end of McKinley Court J Street within the Mt. Airy major subdivision. Application makes a total of 14 residential lots from two existing lots. The plan was previously discussed at the 8 September, 2004 planning board meeting. The plan proposes subdivision based on the zoning requirements of 1993 as per the conditions of stipulating of settlement between the developer and the Town. I asked the Town attorney to comment on the standing of this application relative to the stipulation. It's my understanding that the attorney has determined that the developer is entitled to the lots based on his review of legal documents, a copy of the memo should be on file with the planning board from the attorney. Do you have a copy of that? I want to read it.

MR. EDSALL: I think Myra from Phil.

MR. PETRO: At this time, I have not verified the zoning requirements of the Town for 1993 to determine that these are the appropriate referenced bulk requirements, I intend to review the same with the building inspector as soon as possible. You understand of course this is nothing personal but there's no way in the world I would look at this unless I'm forced to, these lots, these sized lots you understand that right, I want to know that I have to do that, do you have something that would even convince me that these lots are legally up to the right size? You reviewed this?

MR. KRIEGER: I did not.

MR. EDSALL: The 417 is the number that they would

attain with these lots approved that's what Phil apparently went back and confirmed.

MR. PETRO: These are part of the 417 that the court is telling us that they were approved and they're allowed to build.

MR. EDSALL: Correct.

MR. PETRO: You're not exceeding the 417, this is a part of the--I don't want to see no more then. Okay, show us what you're going to do there.

MR. ROSENSWEIG: Has everybody seen the plan or first my name is Rich Rennia, I'm with Morris Associates out of Poughkeepsie. This is Martin Rosensweig from New Windsor Development Company and also speaking on behalf of Mt. Airy Estates. Basically what we have is to get to the 417 lots we needed to add 13 additional lots so we have taken the existing lots, there was a land swap to begin with where Mt. Airy had owned this piece approximately here, the Town owned this piece and there was a land swap to give this piece up here to Town of New Windsor and from for Mt. Airy to receive this so that was one lot we needed to create 13 additional lots on top of that so what's shown here is total of 13 additional lots plus the one existing lot so this plan shows 14 lots total based on the 1993 single family zoning standards where minimum lot size was 21,680 square feet each lot meets that minimum required.

MR. PETRO: All suitable for teepees.

MR. RENNIA: These lots are approximately half acre size lots compared to the rest of the original subdivision that was quarter acre size lots.

MR. PETRO: Okay.

MR. RENNIA: We're looking at extending a cul-de-sac

road which is approximately 600 feet long. Right now, we want to double the size of that to make that road approximately 1,200 feet and the road extend the cul-de-sac from this point to this point. The storm water we propose to collect all the storm water and meet the New Windsor Planning Board York State DEC storm water Phase 2 requirements and we'll treat this storm water independently of the storm water that's collected on the original subdivision that's actually--

MR. PETRO: How would you do that?

MR. RENNIA: Our proposal is we'll have the collection system, this is our preliminary grading plan and we'll have our own storm water detention pond and water quality basin located here and then we would propose to run and connect to existing easement and discharge to the Silver Springs.

MR. PETRO: Being piped from the outflow detention pond, correct?

MR. RENNIA: Correct but this will be completely independent of the existing Mt. Airy Estates storm water system. We're not going to mix the two, it will be a new storm water system but what we did propose to connect to is the existing water and the existing sewer and that's part, that's included in the agreement which you were just reviewing for the water and the sewer.

MR. PETRO: How about the water moratorium, how is it affecting this?

MR. EDSALL: Well, the water moratorium is one that is imposed, self-imposed by the Town, however, it prohibits the Town from signing those applications by the Supervisor on new applications this would be I would assume from what Phil's telling us one that has already been authorized and is just being processed now.

MR. ARGENIO: In 1992.

MR. EDSALL: Well, this subdivision approval goes back to the '70s as far as the number of lots. The word I got from the Town attorney is that they need to obtain all the approvals from DEC and the health department that they would normally have to obtain but that they're entitled to do it.

MR. PETRO: There are other cul-de-sacs in this subdivision of this size, how many houses do you have on this one way in no way out?

MR. RENNIA: Total of 16.

MR. PETRO: There are others like this in this subdivision?

MR. ROSENSWEIG: We have two cul-de-sacs, one cul-de-sac is the larger of the two, the reverse run has 5 on 1 and I think 5 on the other 10.

MR. RENNIA: We're proposing to keep with the standards of the roadway that's there, the 30 foot wide pavement, Belgian block curbs that will be corresponding to the existing development.

MR. PETRO: Obviously the problem with the cul-de-sac if there's a car fire in front of lot number 50 and I need a defibrillator on lot number 44, I just might as well kiss my ass goodbye. Right? What do you see about the cul-de-sac with this number of houses on it?

MR. EDSALL: I'd have to check the subdivision regulations but I don't believe this is beyond what the new regulations would anticipate but I will just take a look now.

MR. PETRO: You're going to have to check in 1993.

MR. EDSALL: Well, just for interest sake, it would be worthwhile to compare it to the current and if it meets current clearly it would meet what exists back then but I'll have to let you know.

MR. SCHLESINGER: Do they have the drainage pit on a building envelope?

MR. RENNIA: The storm water basin, yes, it would be in a drainage easement in the back of the building lot so we're showing a building lot, it's within the envelope of the building lot and here's, for example, where the house would be located.

MR. SCHLESINGER: I understand that but Mark that's okay if it's within the envelope of the building lot?

MR. EDSALL: I have to look at it.

MR. RENNIA: We propose a drainage easement.

MR. SCHLESINGER: Also I believe you said the zoning at that time was how many square feet?

MR. RENNIA: 21,780 square feet.

MR. SCHLESINGER: And there's lot 38 is short.

MR. RENNIA: 38 is an existing lot which we're going to actually give more property to because we're moving the cul-de-sac out.

MR. SCHLESINGER: So you'll have to show that anyway.

MR. RENNIA: Right and it should be listed in the table that that gets lot 38 that's the total but it gets added lot 38 is here so what we're doing is actually adding more property.

MR. GALLAGHER: Was this an existing cul-de-sac?

MR. RENNIA: Yes, so we're actually giving more property back to that.

MR. SCHLESINGER: So you're going to have to put that on.

MR. EDSALL: The current Town requirements for drainage districts which the applicant is in the process of establishing for the total project requires that drainage improvements be on a separate lot dedicated to the drainage district with access to a Town road so they're going to have to work this out and verify that the Town Board is willing to accept it this way. I anticipate the Town's going to say give us a separate dedicated parcel.

MR. ARGENIO: So they might have to lose lot number 52, 52 under the current configurations.

MR. EDSALL: Or adjust lots to create, if it was residential it would be a flag lot but because it's a drainage lot, it doesn't matter. In answer to the previous question, Mr. Chairman, on cul-de-sacs and what the current zoning would allow, current zoning under Section 257.21 allows 20 lots maximum on a single access road which is basically a cul-de-sac.

MR. PETRO: Okay, sidewalks are where?

MR. RENNIA: We hadn't decided which side of the street that they'd be on, let me just look at my detail, actually our detail we're showing both sides of the street four foot sidewalks set back three feet from the curb.

MR. PETRO: Fire approval on 9/8/2004 planning board should wish to issue a lead agency coordination letter for the project, begin the SEQRA review.

MR. ARGENIO: I'll make a motion we circulate that lead agency coordination letter.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board authorize lead agency coordination letter for The Reserve J Street subdivision. 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: All right, you have a sheet of Mark's comments, you can go over those, I'm not going to go over every one.

MR. ARGENIO: Mark, the typical road section, that's not in conformance with today's standards, is it?

MR. EDSALL: No, to be honest with you, the roads that are being built out on Mt. Airy are a hybrid, they're someplace in between what was approved on the '72 plans which we felt was significantly inadequate and today's standards I'd say it's much closer to today's standards so my suggestion would be for consistency that we just allow them to build the road as per the negotiated road construction that the Town Board--

MR. ARGENIO: Shows an asphalt curb.

MR. EDSALL: No, it would clearly not be an asphalt curb, they're Belgian block, it's going to have to be

corrected to match the standard.

MR. ARGENIO: Okay.

MR. PETRO: Entertaion a motion to authorize a public hearing.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board have a public hearing for the J Street subdivision. 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: Whatever meeting can you show the sidewalks on the plan, find out if you're going to lose lot number 52 or you're going to keep it and what you're going to do with the pond down there, have that on the plan correctly.

MR. RENNIA: It's okay to show a flag lots for the drainage?

MR. EDSALL: For the drainage lot it's fine because it's really just a Town access strip to a parcel owned for the drainage.

MR. RENNIA: What's the minimum street frontage for that?

MR. EDSALL: I would think the Town wants at least 15 to 20 feet which is going to impact your adjoining lots.

MR. PETRO: Get a copy of Mark's comments.

MR. KRIEGER: Before they go just to make the board aware the original Reserve subdivision there have been a number of applications in front of the zoning board and frankly anticipate further applications because the builder has built the houses so close to the rear line that it doesn't allow room for deck which is now--

MR. ARGENIO: So everybody wants a deck so they're going to the zoning board.

MR. KRIEGER: Around the neighborhood and around the Town they're quite common, it's not a surprising request but because of the construction of the houses in the original lot each one of those deck requests a variance.

MR. PETRO: These lots are much larger than what's there, they're about double in size and they look like they're much longer in length, so looks like all your houses are up towards the front of the, so your problem might be solved.

MR. KRIEGER: Well, it's not, I just want to make, for informational purposes, I want to make the Planning Board aware of what's going on in the other board.

MR. PETRO: Thank you.

MR. RENNIA: What was the date of the public hearing?

MR. PETRO: We don't know that yet, you have to change your plans.

MR. RENNIA: So I'll make a re-submission and we'll set

October 13, 2004

17

a date for that.

MR. PETRO: But you're authorized to do that, when you're ready, we'll set the date, you should wait the 30 days for the coordination letter.

RIDGE RISE SITE PLAN (04-27)

Mr. Larry Torro and Mr. Chris Kirwan appeared before the board for this proposal.

MR. PETRO: Application proposes development of 30.65 acres with 126 residential multi-family units. It's in an R-5 zone, required bulk information on the plan is correct for the use in the zone with the following to be noted, required parking for the multi-family is 2.5 spaces per unit. This site plan is subject to additional bulk requirements. You can go over that with Mark.

MR. TORRO: Good evening, my name is Larry Torro. This is the first time the board has seen this. We have had a few work sessions with Mark Edsall and we're at this point here where we felt we can present it to the board and get some initial comments so we have a direction. Some of the things we had originally had there's an internal road off Route 32, it's 30 feet wide pavement, it will be built to Town specs, however, it will remain private, it will tie into with a dead-end gate for emergency purposes the Washington Green Condominiums. Some of the internal roads are 28 feet in width and all roads will have sidewalks on one side. The main road through the center of the project is five foot wide sidewalks, stub roads off of that are four foot wide. One of the things we originally had was parking off the main road and Mark suggested that we look at putting it all internal off of the secondary roads as opposed to the main road which we have done and again the unit count was originally 134, we have brought it down to units range from 2,200 square feet. Chris Kirwan the applicant's representative has some plans if you'd like to see them, 2,200 to around 2,500 and change. The larger units are on the end in quad setups. Proposed municipal water and sewer, there's some wetlands in the back, they have been delineated. Application will be made to Army Corps. in that regard just for signoff.

MR. PETRO: You realize there's a water moratorium, you can proceed through the planning board process, you get to a point where it's ready to be signed, you have to sit and wait for the moratorium which could be a year, two years, three years, we don't know.

MR. TORRO: Yes, Mark said that at the work session.

MR. PETRO: Going to be private road you said?

MR. TORRO: Yes.

MR. PETRO: You have a boulevard affect on 32 on Road A for a short distance?

MR. TORRO: Yes and we have not yet submitted anything, we want to get some initial comments from the board before we submit to the DOT on the entrance.

MR. PETRO: Well, we kind of like those kind of entrances, I think it's a good idea. I usually like to see it up to the first spur because then you have two roads in and out on one but you have another way out anyway, is that correct?

MR. TORRO: Yes, are proposed at this point right here.

MR. PETRO: It's not as imperative on your plan but still has a nice effect on the front. What's that road, just deadends there, you go in just a little ways?

MR. TORRO: Yes, this is the area that's been set aside for recreation area. At this point what they're looking at doing putting a clubhouse meeting room type facility in that location just below that would be the ponds for the storm water detention.

MR. PETRO: Those are the old farmhouse, is that what

they are? Wetland's up on top, what's that, a buffer line or the actual wetlands.

MR. TORRO: That's the actual wetlands delineations, the Federal wetlands.

MR. PETRO: It's a Federal?

MR. TORRO: Yes.

MR. PETRO: There's no setback on the railroad so we're pretty much you can do what you want along there I suppose.

MR. TORRO: Mostly that's covered with the wetlands along there.

MR. PETRO: How many units are allowed?

MR. TORRO: After we deducted out the wetlands area came out with 144 permitted based on what is it, 7,000 square foot per unit.

MR. PETRO: Do you have a clubhouse?

MR. TORRO: That's what Road E that you had asked what that was, that's the, we don't have any definitive plans on that yet but initially that's what we're looking at, meeting room, you know, clubhouse type facility.

MR. PETRO: Where is the garbage stations?

MR. EDSALL: Dumpster, recycle centers.

MR. PETRO: Housing, whatever you want to call it.

MR. EDSALL: Enclosures.

MR. PETRO: I don't see any.

MR. TORRO: We don't have any. I don't know at this point would you have that or individual garbage pickup?

MR. PETRO: Forget it, I'm going to tell you right now, forget it.

MR. KIRWAN: Something like Washington Green.

MR. PETRO: Go over there, look around, look at the good job and that's what you want there.

MR. KIRWAN: Okay.

MR. PETRO: You may have to lose a couple units. Any additional parking other than what's required in front of the units?

MR. TORRO: This is where we can put in off-site parking that was not on the main road, we can put it in total, other than the unit with the garages had another 91 off-site.

MR. PETRO: You have 91 parking spots that are not--

MR. TORRO: Not driveways or garages.

MR. PETRO: If I come to visit for Thanksgiving, I can park there if I want?

MR. ARGENIO: You need parking for the recreation area as well.

MR. TORRO: Right, once we detail that out.

MR. ARGENIO: I'm just making the point, Neil, until you said there were two means of access.

MR. TORRO: No.

MR. SCHLESINGER: One means of access.

MR. TORRO: The main access off Route 32.

MR. SCHLESINGER: Period and two crash gates.

MR. TORRO: One on Washington Green.

MR. KIRWAN: And an emergency service gate right here, that's a service road for the commercial.

MR. SCHLESINGER: So you have one access?

MR. PETRO: They can utilize that other road, the one that goes passed the old, by the rent-a-car place, U-Haul, that's active.

MR. KIRWAN: Yeah.

MR. PETRO: Is it active for this application?

MR. KIRWAN: No, we just left it there for emergency.

MR. PETRO: Why can't you use it?

MR. KIRWAN: We talked about if you needed a secondary access coming into Washington Green because this road has been offered to the Town for dedication.

MR. EDSALL: That's not a Town road at this time,

MR. PETRO: So until it becomes a Town road, why can't we use this other road?

MR. SCHLESINGER: That road now dead-ends.

MR. PETRO: They have to connect tonight.

MR. BABCOCK: They actually own that road, Jim, they own that road, the problem I think the problem could

be, is a mix between commercial and residential, number 1, number 2, is this is typically private and they're a homeowner's association where they're maintaining their own roads snow removal now they've got other people using their roads, just doesn't really mix.

MR. PETRO: Right now the road that goes passed the U-Haul is private?

MR. BABCOCK: It's theirs, they own it.

MR. ARGENIO: Who maintains it now?

MR. BABCOCK: No one.

MR. PETRO: The whole thing is going to be private?

MR. BABCOCK: That's correct.

MR. PETRO: Make that road part of your entire, bring it to the Attorney General, it's now part of whole thing, you've got to have another access, not just the one down here, forget it. So unless you can get the Washington Green one dedicated and open and fully functional, I would suggest making that private road your secondary, put it as part of your application to the Attorney General, make the whole thing now belongs to the condos, let them take care of it period. Who cares about the rent-a-car, they're not going to be, they'll be happy somebody's taking care of it and if you can get the other one open do that too.

MR. KIRWAN: The more the better?

MR. PETRO: Yeah.

MR. KIRWAN: Okay.

MR. PETRO: I was going to ask you about something else.

MR. EDSALL: Jim, I would expect that there's a chance just so you're aware when the DOT reviews this the, let's say the lesser quality access which is the one where the commercial vehicles are, they may want to restrict access there, we'll have to see, they may decide not to because of the commercial uses but if anything we should probably develop the boulevard one, that's the primary access.

MR. ARGENIO: How would they restrict it, with a sign?

MR. EDSALL: With turns, I don't know that these commercial uses would be happy if they start restricting left in and left out, that might be the only reason they don't do it, but if anything, we should develop the boulevard one as Jim said is the primary one, maybe with all the signage and this kind of becomes an access that the homeowners are aware of and not just general public kind of like Pier 9 has the second access.

MR. PETRO: I don't feel like thinking about it. Design something.

MR. TORRO: We'll work it out.

MR. PETRO: You're in that business, right?

MR. TORRO: So far.

MR. PETRO: Okay, you can work with him.

MR. EDSALL: I'll work with him.

MR. KIRWAN: I've got some elevations.

MR. KIRWAN: Basically we met with the Town, the Town indicated that they'd like to see seniors so we reduced the lot count, we made the end units larger to

accommodate senior housing but without being senior housing and basically 35 percent of the job will be master bedroom down and it's been our experience that about 85 percent of the units sell to people 50 or older, if they have children, they're older children, couple years left in high school and they're out of the house so it will minimize the impact to the school district.

MR. PETRO: It's very nice. Are you calculating the garage space as one parking slot?

MR. TORRO: Yes.

MR. EDSALL: Yes and driveway spaces count as well.

MR. TORRO: I see you have overhangs on the house, good job. I see my uncle here who's 83 and he always told me when you build a house you've got to put a hat on it. We were over to Patriot Ridge yesterday, if you notice all the buildings there none of them have overhangs, they put 1 x 6 along the gable end and that's there, makes it look nice. Huh? But I see you have it here, I don't know what made me think about it, maybe my uncle sitting there, put a hat on it.

MR. BABCOCK: Jim, maybe what you were getting at there but when you went back to the driveway, is there any extra parking for guests?

MR. PETRO: 91 spots.

MR. BABCOCK: Good.

MR. EDSALL: Keep in mind that it's 2 1/2 per unit, not the 2, so you may just make sure you've got that, Jim, relative opinion.

MR. PETRO: You may have to lose a unit to pick up some spots for more parking. I'm not going to get into

that, you're going to have to figure that out. I was never a real proponent of allowing the spot in the garage as a spot but evidently, that's the way it is and it's done that way, can't change that now.

MR. ARGENIO: Make a motion we circulate lead agency coordination letter.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board circulate lead agency coordination letter for Ridge Rise multi-family site plan on Route 32. Is there 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: I think that's as far as we're going to go tonight. I think you know conceptually it looks okay, develop those roads so we're happy with the more than one way, it's a possibility you can make the boulevard all the way into the other first spur, I don't know if you can or can't. It wouldn't hurt. The garbage enclosures you're going to have to design probably I'm going to get just an educated guess going to be about 6 of them on a project of this size that's only an educated guess, I'm not asking you to do that, you'll have to figure that out. So you may have to lose a unit or two to put them in there, I don't know. Work on getting that road dedicated between Washington Green when that's going to happen.

MR. EDSALL: I don't know that I think the Town's

intent on having, the offer was that if they ever wanted to extend it as a bypass road to Five Corners they could, but with the new wetland regulations I really don't see that ever happening so it may never be a Town road.

MR. PETRO: Well, you can go to that point where the crash gate and leave it at that which would be acceptable for that one particular one. I don't see a problem with that, it's not a bad idea, don't eliminate it, leave it there and then work on the two entranceways, work on the boulevard, garbage, there was something else. And you've got to build a clubhouse, show us what you're doing there with the parking. All right?

JOHN PETRO/MC PHILLIPS (04-28)

Mr. John Petro appeared before the board for this proposal.

MR. PETRO: Next is John Petro/McPhillips lot line change on Union Avenue represented by Mr. Petro who obviously is my uncle, for the record, although I certainly have no affiliation with this application, therefore, I will run this meeting but will refrain from voting.

MR. KRIEGER: I may also say I have in the past acted as Mr. Petro's attorney but I have no part in this application nor any interest in it. I simply disclose that so that the board is aware.

MR. JOHN PETRO: If I live long enough you're all going to be my relatives and I'm getting there. Okay, I'm with my neighbor Bill McPhillips. We live on adjoining lots and we happen to have an old farm road that runs between our property, it's, he owns 18 feet, I own 18 feet, it's approximately 500 feet long, the length of our lots. So I have been cutting Bill's grass for about 35 years and Bill's been cutting my grass for about 30 years. So being we're getting up in age here we decided that we better do something because there will be a big problem in the future so what we decided to do I was going to sell him my half and he was going to not sell it, we're trading, we were going to trade my half for his half and that's the extent of it.

MR. PETRO: His half being towards Union Avenue and your half being towards the Park Hill side? In other words, his half down here stays with you, his half and--

MR. JOHN PETRO: Thanks for the help, Jim.

MR. PETRO: I'm looking at the plan but that's it,

right?

MR. JOHN PETRO: Right.

MR. MASON: Why couldn't you just get your nephew over to mow both your lawns?

MR. PETRO: Never mind, he's after me to mow his lawn now the last couple of months, he's in pretty bad shape.

MR. ARGENIO: Financially, you mean?

MR. JOHN PETRO: I'm talking about physically.

MR. PETRO: Mark, what do you see here as problems, what do you need to do here?

MR. EDSALL: I think the first thing we ought to do is help them stop trespassing, so this will be a great thing to solve so stop walking on each other's property.

MR. JOHN PETRO: We have a right-of-way over each other's property.

MR. EDSALL: It's a great idea, it's fine, the plan has a lot of corrections to be made, I'd suggest that if all the procedural items you can take care of you can approve it subject to cleaning up the plan.

MR. JOHN PETRO: We have both proxies signed by both.

MS. MASON: I have a proxy from Mr. McPhillips authorizing Mr. Petro to represent him.

MR. EDSALL: That's fine.

MR. PETRO: Let me do some of the clean-up things, proposed lot line should also be called out. So

basically, Mark, just a couple notes added to the plan.

MR. EDSALL: It's clean-up.

MR. PETRO: It's there, just doesn't have it to the lot line or to remain.

MR. EDSALL: And the bulk information is wrong, just about all of it, just a lot of mistakes that just need to be cleaned up.

MR. MASON: Give that to your surveyor, he'll take care of it.

MR. EDSALL: There's nothing that I see that's a problem, I'd go to the procedural items and we could deal with it once the corrected plan comes in.

MR. PETRO: Uncle John, you have the copy of this and bring it to Mr. Kennedy. We'll give you copy of the comments that need to be fixed.

MR. JOHN PETRO: I've got a copy.

MR. PETRO: Just give it to him.

MR. EDSALL: Now is this maybe we can just doublecheck with Andy on number 4, if this is subject to review or not as being a lot line change.

MR. KRIEGER: No, I'm dumbfounded that they even took over the review again.

MR. PETRO: They did away with it because it was a pain in the neck and implemented it again.

MR. EDSALL: Yes, for some unknown reason they decided that it makes sense.

MR. PETRO: Orange County Planning Department wants to

see everything again now.

MR. BABCOCK: The only thing is because it borders a county road.

MR. ARGENIO: What's the story with it, Mark?

MR. EDSALL: I'm not aware under 239 of any exclusions, I don't know if Andy is.

MR. KRIEGER: No, no.

MR. EDSALL: Maybe what we need to do is refer it out there and at the same time ask that John pass on the corrections to Pat Kennedy and then I'm assuming the County can't really have much to say.

MR. PETRO: Who refers it?

MR. EDSALL: I'll take care of it.

MR. PETRO: So we'll do that and then you can have the corrections on the plan, in the meantime, we'll send it out there.

MR. EDSALL: As a lot line change, I don't believe it would be inappropriate to give a conditional approval subject to favorable response, nothing's proposed here, it's a lot line change, not proposing to build anything.

MR. JOHN PETRO: There's no money changing hands.

MR. EDSALL: It's so simple, I can't believe they wouldn't answer very quickly saying fine.

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 John Petro/William McPhillips lot line change on Union Avenue. 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	ABSTAIN

MR. PETRO: Motion to waive the public hearing.

MR. ARGENIO: I'll make the motion we waive it for the John Petro/William McPhillips lot line change.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing under its discretionary judgment for the John Petro/McPhillips lot line change on Union Avenue. 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	ABSTAIN

MR. ARGENIO: Motion for negative dec for the Petro/McPhillips lot line change.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare a negative dec for the John Petro/William McPhillips lot line change on Union Avenue. Is there 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	ABSTAIN

MR. PETRO: We're going to do a final approval subject to a, it's got to go to Orange County Planning Department and some clean-up on the plans, notes to make Mark happy, once Mark signs off on it.

MR. ARGENIO: I'll make a motion subject to, I'll make a motion for final approval for the McPhillips/Petro lot line change subject to Mark's comments and what the chairman just read in relative to the County Planning Department.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval for the John Petro/William McPhillips lot line change on Union Avenue with the subject-tos that have been read in. Any further discussion? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE

October 13, 2004

34

MR. KARNAVEZOS AYE
MR. ARGENIO AYE
MR. PETRO ABSTAIN

MR. PETRO: Thank you.

MR. JOHN PETRO: Thank you very much.

RPA (PATRIOT RIDGE) SITE PLAN AMEND. (04-29)

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

MR. PETRO: Proposed revision to dumpsters at condominium site. Greg, can I say this is one of the only reasons that you're here?

MR. SHAW: This was the only reason.

MR. PETRO: Can I make it short and sweet cause I don't want to waste time and I want to go home. Forget it, it's not gonna happen. I had a phone call from Mr. Kroll, I know they're private roads, gave me his little sob story about cans, this and that, forget it, got a call from the Supervisor, forget it, I didn't even poll the board yet and these guys got to make up the decision. I'm not for it, you've got four other guys to convince, I don't want to hear the whole story because it's on the site plan, that's what you need to build and to have by their calculations 206 cans out there floating around, it's more than that, even if recycling contains, there will be garbage flying all over the place. The only plus that I had was in your favor was that you were going to put parking instead of the recycling centers but I don't see it happening.

MR. SHAW: The only thing I wanted to get on the record Mr. Chairman is that the reason we're here is not for the benefit of RPA, it's not a money issue, what it is it's an issue with the homeowner's association by virtue of the fact that they're getting calls from the people who have units that are adjacent to the refuse centers, they don't like them.

MR. PETRO: Did they look at a plan when they bought the place?

MR. SHAW: Yes.

MR. PETRO: Were those plans available?

MR. SHAW: Yes, that doesn't stop them from calling us or the Town. This is number 1. Number 2, from a practical point of view, people aren't that careful if they're taking their refuse someplace else, bringing it to a refuse center, depositing it and walking away, it becomes a problem for the homeowner's association after the fact. Again, I understand your rejection of this application. I just want to get it on the record that the reason we're here is not for RPA's benefit, it's for the residents of Patriot Ridge and if that's your answer, that's your answer.

MR. PETRO: I shouldn't be rude to the rest of the members either cause they're not privy to what went on with this, this application wants to put individual garbage cans for each units, it's 103 units instead of building the five garbage enclosures that are on the site plan filed with the Attorney General's office as is.

MR. SHAW: Yes.

MR. PETRO: And to have that number of garbage cans strewn throughout that site frankly I can't see it. Let me just poll the board, what do you think about that?

MR. ARGENIO: I'm going to abstain from any comment, Jim, because of our relationship with those kind folks.

MR. SCHLESINGER: I foresee instead of having five problems, 125 problems.

MR. GALLAGHER: I live in Washington Green myself and I can't imagine having trash cans at every single unit all the way down.

MR. SCHLESINGER: Greg, I want to ask you another question. I know that you made it a point in saying this is no advantage to RPA but if you did do it you would be able to put more parking spaces?

MR. SHAW: If we remove the refuse enclosures, replaced them with parking we'd increase the visitor parking from 49 to 56 spaces, an increase of 7.

MR. SCHLESINGER: And you're well within it, right, parking as it is right now?

MR. SHAW: Absolutely.

MR. KARNAVEZOS: No, absolutely not, we just told the last applicant that we weren't going to let him have individual cans and when you come in the condominium, you're going to have a couple hundred cans out there, three or four hundred cans.

MR. ARGENIO: I put stock in Danny Gallagher's comments because he lives in a condo complex.

MR. GALLAGHER: You hear the truck in three different spots, you don't hear it throughout the whole neighborhood going for three hours and it doesn't make sense.

MR. SHAW: Okay, the recycle centers will go in, that simple.

MR. SIMONE: Dan Simone with RPA. We had started to put our first recycle center in couple months back, we had excavated out ready to put it in and I got five phone calls from people, what's that, that's really close to my unit, well, they're the garbage receptacles shown on the approved plan endorsed by the A.G.'s office. Well, it's gonna be smelly next to my unit and people are going to throw their garbage, not worry about putting it in the bins. I'm going to have to

walk out of the building and smell this every day? And I met with Mike and Mark, we were discussing site issues and I said, you know, I've gotten a lot of calls and I was ready to put it in, I have no problem putting them in either way, I said, my community in Fishkill I have townhouses like this and we use curb side collection, I said do you think the Town would have an issue with it? He says well, bring it back to the board and discuss it, it's really, it wasn't, we're not trying to save anything by doing it, you know, it was an issue brought up by homeowners.

MR. PETRO: I'm not trying to--

MR. SIMONE: Which I wanted to address with the board.

MR. PETRO: We addressed it, looked at it, you did what you had to do, the answer is no.

MR. SIMONE: Our motives were strictly to benefit the homeowners.

MR. PETRO: Not in question, the answer is no, build what was on the plan. Just as a note, I think in the meantime if C.O.s were to be issued it becomes your call and Mike's call if they want to have the dumpster there while they're building this. Don't let that hold up the whole project, you know what I'm saying? Use common sense and let it ride, you know.

MR. BABCOCK: They've got a healthy list of stuff to do, Jim, I'm sure they can get one of the garbage dumpsters.

MR. PETRO: Don't let it become a major thing, a dumpster works without the roof on top of it.

MR. BABCOCK: Understood.

ANDREW KRIEGER, ATTORNEY SITE PLAN (04-30)

Andrew Krieger, Esq. stepped down from the board and appeared for this proposal.

MR. PETRO: This next guy could be a problem. Proposed home professional office obviously Andy you want to put an office in your house?

MR. KRIEGER: Yes.

MR. PETRO: I would imagine from the plan proposes home professional office. Owner is an attorney. The plan provides sufficient detail to document the proposed addition intended for the office as well the site plan provides the necessary parking per the code. The applicant should be advised that the compliance with Section 300-25 is mandated and requiring use must be incidental to residential use of property and professional use must be by the resident personal. I'm sure that Mr. Krieger knows that he's the attorney for the zoning board and Town of New Windsor and the planning board, I don't think he needs to be reminded of either one of those two, you probably wrote the law so--

MR. KRIEGER: I'm well aware of the restrictions in addition to which I have reviewed them with Mark prior to coming here.

MR. PETRO: Why don't you show us on the plan exactly what you want to do.

MR. KRIEGER: You can see from the plan the existing residence.

MR. PETRO: Where do you live? Where is this?

MR. KRIEGER: 225 Parkway Drive near Patriot down the hill. It's up slightly from the recreation complex.

MR. PETRO: You're going to add a room?

MR. KRIEGER: Add a room on the back marked on the plan as new addition, add new paving to comply with the parking requirements, the addition will be suitable space for one office, me.

MR. PETRO: Motion for lead agency.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion's been made and seconded that the New Windsor Planning Board declare itself lead agency for the Krieger home professional office site plan. 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: Planning board should consider authorizing mandatory public hearing for the special use permit.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board have a public hearing and authorize public hearing for the Krieger home professional office site plan. Is there any further discussion? If not, roll call.

ROLL CALL

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

MR. PETRO: Andy, that's as far as we can go. Get together--

MR. ARGENIO: Have your people call our people.

MR. PETRO: We'll see what we can do to get you on the agenda.

ADOPT RESOLUTION AS TO GRANDFATHERED PENDING APPLICATIONS

MR. PETRO: Next, adopt resolution as to the grandfathered pending applications. As we all know in 2001, October 3rd we adopted a new set of zoning regulations for the size of the lots in New Windsor and some other requirements. We then said we'd go three years and grandfather any active application or someone had the existing lots to come in and get a building permit and did what they had to do and/or continue before the planning board with an active application. Of course the key word was active application. We have narrowed down quite a few of those, very few left that I think are working, we've got it down to a pretty good number but we still feel, we being the Town and this board that it would be unfair to just stop people in their tracks so we're thinking of, we have come up with some ways to continue the grandfathering for one more year, which is through this resolution that Mark has so graciously provided us. I'm not going to read the whole thing now but it will be on file and a matter of record and it would simply take the date of 2004, October 3rd, and move it to October 3rd of 2005 in which any applicant will have the time to come in and finish their active application before this board. The big thing here that's going to be different which is very important for us to understand is that the applications will need to be approved and stamped and signed by October 3rd of 2005. There's no instance in which there can be an excuse such as outside agencies still under review, water moratorium, or any other--

MR. ARGENIO: At this point, they can have two 180 day extensions?

MR. PETRO: No, October 3rd of 2005 it's over. If your plan is not in Myra's office stamped and signed by me or Neil, it's over, you need to start under the new regulations, take the plan, rip it up and start new

under the new code.

MR. SCHLESINGER: Can I get a verification? Guy has an application in and he's affected by the water moratorium so he can't--

MR. PETRO: He's out of luck. Don't start it then, don't start it or you can go under the new code, in certain areas go under the new code and well and septic in certain areas you have that.

MR. SCHLESINGER: My other thing is that you said that since the zoning law's changed that if you had hypothetically a hundred applicants all of them have been signed, sealed, over and done with the exception of 20 that they're still outstanding?

MR. PETRO: I believe the number is less than ten.

MR. SCHLESINGER: Less than ten?

MR. PETRO: Less than ten, we've done a pretty good thorough search on it. Myra worked on it.

MR. SCHLESINGER: My only thought or suggestion is that the people that this has an affect upon since it's not that many people they need to be notified in writing, in other words, I just don't want to pull the carpet out, you know, we changed it, it was in the newspaper, you got your letter, over and done.

MR. PETRO: I think we can consider that, we can do that.

MR. KRIEGER: As I reviewed the redraft resolution and I, the first time I've seen it, it seemed to provide for notice and I was going to say before referring to paragraph 2 of the resolution under the page 2 paragraph 4 before an application's marked disapproved, it should be placed on the board's agenda on or after

October 3rd. I don't, I didn't look to see what date, whether that was a planning board meeting regularly scheduled time or not, but if not, the first meeting thereafter and the board should formally act to disapprove anything that's left at that point.

MR. PETRO: That makes sense, whichever one's first, Andy, that hadn't reached their goal at that point, Myra will have a list. We'll do them all at one time.

MR. KRIEGER: Otherwise, I don't think that the resolution determining it disapproved is going to be sufficient, we actively should do that.

MR. ARGENIO: Five or six years ago this same exact thing came up but we had to actively disapprove.

MR. EDSALL: It was some of the site plan applications that had their time expire.

MR. ARGENIO: We had to actively dismiss them.

MR. EDSALL: Correct.

MR. PETRO: This has nothing to do with the building lots, that's your department and that's over and done with and that's the end of it.

MR. BABCOCK: Yes.

MR. PETRO: This is strictly the application before the planning board.

MR. BABCOCK: That's correct.

MR. EDSALL: Jim, one clarification that as an option I think we should just be aware of an example when Windsor Woods couldn't get water but wanted to put in wells temporarily but committed to putting water they put in dry water mains, they built the lots to the size

that would be required for wells but then committed to switch over to water at such time water became available. If an applicant as an example was caught in the water moratorium, they can as Mike explained to me put wells in and just use the size lots under the old zoning that had wells and sewer and that way they would meet the bulk requirements for back then with wells so that's another option if someone's in that position.

MR. PETRO: Keep in mind that we're doing this to work with the applicant, we're trying to accommodate, if you weren't doing that, you'd say it's over in 2003, that was the end of it, so we're not trying to be hard on any particular person or applicant but it has to end somewhere, just can't keep going on and on and on.

MR. SCHLESINGER: Page 3 number 7 says that the secretary should mail a copy of this resolution to all applicants being considered under the agreement. I didn't read that when I made that as a suggestion, I think that's--

MR. PETRO: I believe there's only 9 and I think this is even, there's some duplicates, they have two or three, so won't be too many, real quick.

MR. KIRWAN: I'm clearly one of the 9 where the cross hairs are squarely at my head. So I'm wondering is there any kind of conditional final that, you know, like the water thing that Mark was talking about on a subdivision, we agreed to do the wells while that was pending but if that's basically what I'm asking you if it's out of my control with the agencies and whatnot and I just spent another 150,000 trying to get the thing approved and here it is here three months away from getting the agency approval and you're out of luck, I don't think that's really fair.

MR. PETRO: Which one?

MR. EDSALL: Briarwood. The marching orders I got was is that there's already been three years, we're adding a whole other year on that, it's got to end somewhere, I mean.

MR. KIRWAN: Is there such a thing as a conditional final?

MR. EDSALL: Not the way this is set up, it's got to be stamped by October 3rd.

MR. PETRO: I've got to stamp and sign it.

MR. KIRWAN: But you're saying that the moratorium is probably a year or two which is already--

MR. PETRO: I don't see any end in sight with the moratorium, that's not going to happen so you have to--

MR. SCHLESINGER: He's going to have to proceed with wells.

MR. KIRWAN: Well and I agreed to dry line everything, hook everything to the houses that get built and switch over once it was ever lifted. I already put the taps in Mount Airy Road and everything.

MR. PETRO: Well, eventually it will be lifted so it's not like you're doing it for nothing but in the meantime, I would suggest taking alternative--I don't have control over the water moratorium, you can talk to the Town Board and get more information from them, the way it's written and the way we're instructed and it was, this is not just something that we on a whim, we're trying to be fair to everybody is that October 3rd of 2005 if you don't walk out of here where you can get a building permit, it's just done.

MR. KIRWAN: Tonight if you vote on it tonight that's it or is there a public hearing on this?

MR. PETRO: First of all, the state law's more dictating to us than what we're trying to do, in other words, we're trying to accommodate if we went strictly a hundred percent, it would be very difficult we're just trying to accommodate because it's not fair, you know, I've always said there's law and there's fair and there's practicality and we're just trying to do the right thing.

MR. BABCOCK: One thing that's got to be understood when this gentleman proposed his subdivision there was a benefit of the lot size to be smaller if he had Town water so if he puts wells in he cannot keep that lot size, doesn't work.

MR. KIRWAN: Even if you're considered temporary?

MR. BABCOCK: Today it's regardless of water and sewer, the lot size back when that project was proposed he got a more of a lot uncounted because proposed Town water, can't turn around now and say I'm going to continue with those number of lots and drill wells, can't do that. He can go ahead and put wells in but he can't take the benefit of the Town water for lot size and get his project done by 2005.

MR. KARNAVEZOS: Or at least started.

MR. PETRO: I have suggested this to other people in a similar way whether they have gone halfway through and it just it's not easy to do in a year, especially when there's outside agencies but there are a couple people who it will help because they're almost at that point so you can't say we're going to do nine years.

MR. KIRWAN: I'm not looking to do that, I'm looking to expedite as quick as possible.

MR. PETRO: Look at the whole thing and go with the new

zoning and just a lot of your work can still be overlapped and used, just give that some thought.

MR. KIRWAN: Okay, I mean, okay, what's the new zoning, it's 2 acre regardless?

MR. PETRO: It's 80,000 feet regardless of water, well, it's 80,000 feet.

MR. KIRWAN: Is there any room for compromise?

MR. PETRO: No, not on this, this is a miracle we're getting this, believe me.

MR. KIRWAN: Okay.

MR. PETRO: Okay.

MR. EDSALL: One other provision everybody should be aware of this is another issue relative to issuance of building permits so as not to cause Mike's department anymore distress than they've got already, if someone is successful in getting a plan stamped and filed prior to the deadline in October, 2005 there's a provision that has to be added as a note on every approved plan that all the building permits have to be obtained within the following year which would be until October 3, 2006.

MR. ARGENIO: I think they covered that.

MR. EDSALL: I want you folks to know about it, that was put in because of some concerns Mike had.

MR. ARGENIO: Isn't that the two 180 day extensions that I mentioned?

MR. BABCOCK: No, number 3, see it there?

MR. EDSALL: Three has to do with building permit

applications, there's a separate restriction that's being proposed to address some concerns of Mike.

MR. BABCOCK: Jerry, there's no extension of this.

MR. EDSALL: The 180 days and the two 90's is if you get a conditional approval and are waiting to get stamped, this doesn't allow that, this says you have to get stamped period.

MR. ARGENIO: I understand.

MR. PETRO: Okay, I need a motion to accept the resolution as written.

MR. ARGENIO: I'll make a motion we accept it as written.

MR. SCHLESINGER: I'll second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board adopt the resolution as written and dated October 13, 2004 by the Town of New Windsor Planning Board and this is a resolution regarding grandfathering of pending applications, October 13, 2004 as follows:

TOWN OF NEW WINDSOR PLANNING BOARD
RESOLUTION REGARDING "GRANDFATHERING"
OF PENDING APPLICATIONS

OCTOBER 13, 2004

WHEREAS:

1. On or about October 3, 2001, the Town Board of the Town of New Windsor adopted new Zoning Bulk Regulations to required increased lot area and other values for lots in the residential zoned districts of the Town,

and

2. Whereas, the Town of New Windsor Planning Board determined that it would be appropriate to permit applications current and active at that time to proceed to completion and approval based on the zoning bulk regulations in effect at the time of receipt of the application from the applicant, and

3. Whereas, the Planning Board has continued to review such applications received prior to October 3, 2001 (which remained active) based on the aforementioned bulk provisions and has made very effort to work with applicants toward the completion of their design and approval work over approximately the last three (3) years, and

4. Whereas, the Planning Board believes it is appropriate to establish a completion deadline wherein all grandfathered applications must have all their work complete and be ready for stamp of approval from the Planning Board and upon review and evaluation believes the deadline should hereby be established as October 3, 2005, and

5. Whereas, the potential environmental impacts of the individual grandfathered applications will be or have been reviewed by the Planning Board as part of the individual applications, and the new zoning requirements received a thorough review under the State Environmental Quality Review Act by the Town of New Windsor Town Board, and as such believe that no further or separate SEQRA action is required as part of this deadline resolution.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Planning Board hereby establishes a deadline of October 3, 2005 as the date, at the end of regular Town Hall business hours, for which all applications being

considered by the Planning Board as "grandfathered" must be complete, have complied with all conditions of approval and have received their stamp of approval from the Planning Board.

2. Any such "grandfathered" applications having not received their stamp of approval by that date will be deemed "Disapproved, having been determined as not in compliance with Town Zoning and not eligible for approval", and such applicant will be required to submit a new application to the Board, and redesign the project to comply with the zoning regulations in effect at the time of their resubmittal.

3. Any "grandfathered" application plans to be stamped between October 3, 2004 and October 3, 2005 shall be required to include on their plans a note requiring that all Building Permits, for each and every subdivision lot approved under the grandfathering provision, be obtained within one year of the date of the completion deadline referenced herein this resolution, such note to read as follows:

"All lots of this subdivision shall be required to obtain a building permit no later than October 3, 2006 or such lot shall be considered non-conforming and shall not be eligible for a building permit, unless a variance is obtained from the Town Zoning Board of Appeals."

4. It shall be understood that applications to be considered for stamp of approval on or before October 3, 2005 must have all outside approval agency approvals in writing, and shall have met all conditions of approval set forth by the Planning Board at time of approval, with such approval to be considered no later than the regular meeting scheduled for September 28, 2005.

5. Applicants should be aware that, to receive a final

stamp of approval, all such outside agency approvals shall have been obtained (with a copy of the approvals submitted to the Planning Board in writing), all necessary public and/or private improvement performance securities (bonds, letters of credit, etc.) must have already been received and approved by the Town (Town Board and/or Planning Board as applicable), all other conditions of approval shall have been fully satisfied to the satisfaction of the Planning Board Chairman, all fees shall have already been fully paid, and all final plans (necessary print copies and mylars and required) shall have been delivered to the Planning Board offices no later than close of business on October 3, 2005, with all such documents in a form acceptable to the Town Board and/or Planning Board, and in compliance with all approval and other requirements.

6. The Planning Board hereby acknowledges and advises applicants that some projects may be subject to a sewer moratorium and/or water moratorium. Final approval cannot be issued by the Planning Board for projects which have not received agency sewer or water approvals due to any moratorium which may apply to such application.

7. The Planning Board Secretary shall mail a copy of this resolution to each applicant being considered under the "grandfathering" provisions, to make such applicant aware of the deadline, such that they can cause a timely completion of their application's review and obtain the necessary stamp of approval.

8. A copy of this Resolution shall be filed with the Planning Board Secretary and the Town Clerk and shall be made available upon request.

9. The Chairman of the Planning Board, Building Inspector, Code Enforcement/Zoning Officer, Engineer for the Planning Board, Attorney for the Planning Board and Town Clerk are authorized and directed to take all

steps necessary and appropriate to implement the intent of this Resolution.

MR. PETRO: Anybody else have any other comments?

MR. SCHLESINGER: Yeah, I'm thinking about something, I'll think out loud, change the zoning two years down the road again totally theoretical, are we going to be faced with the same issue?

MR. PETRO: Yes.

MR. SCHLESINGER: Do you think that a consideration should be made that there should be a time limit period?

MR. PETRO: When you originally do it we'd do that three years, we're changing it right now.

MR. SCHLESINGER: Our new zoning now you have three years over and done, finished, stamped, out the door.

MR. BABCOCK: This new zoning is 2001.

MR. PETRO: The only open-endedness to it which caused the problem, let me tell you what happened, the only reason you're even discussing this and not going by what you just said is that the wording we used including the Town attorney, this board, the building inspector, Mark Edsall was active application which takes in a whole world of well, what's that. So next time we will not use that language, I can assure you. We're going to pick a date, that's it and that's the end of it. There's no other gray area. We left the door open there a little bit because active he's telling us he's an active application, then you can say well, what's active, you've have been active for three years, Christ sakes, what the hell you want? When is the end? So that's our comeback to that, but that mistake will not happen again, you know, live and

learn. So being that I consider not the correct wordage we're going one extra year, that's the reason we're here tonight. Anybody disagree with that?

MR. EDSALL: I think you got it right. Bottom line is you're trying to be fair.

MR. PETRO: Right.

ROLL CALL

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

MR. PETRO: Motion to adjourn?

MR. ARGENIO: So moved.

MR. KARNAVEZOS: Second it.

ROLL CALL

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

Respectfully submitted by:


Frances Roth
Stenographer
10/25/04