

HIGHVIEW_ESTATES_SUBDIVISION/L.L._CHANGE_(06-09)

Mr. Jerald Zimmerman appeared before the board for this proposal.

MR. ARGENIO: That's Romeo and Diaz properties on Paul Court off Toleman Road. This application proposes lot line revision followed by the resubdivision of each lot and the construction of a private road to serve the resultant four lots. The plans were previously reviewed at the 8 March, 2006 planning board meeting. The application is before the board for a public hearing at this meeting. Mr. Zimmerman, is that right?

MR. ZIMMERMAN: Yes.

MR. ARGENIO: Mr. Zimmerman is here to represent this, if you would address the board, Mr. Zimmerman, and then we'll open it up to the public.

MR. ZIMMERMAN: Okay, as you've indicated, this is an application by the subdivider, Highview Estates, two existing lots that each are five acres in size, when you put them together, actually they're together as lots 1 and 2 on a previously filed map, they're ten acres in total and what we're proposing to do is subdivide those, that 10 acres into two additional building lots, as the plan indicates, lot 1 contains the existing dwelling and lot number 4 contains the other existing dwelling that currently exists on the 10 acres. And what we're looking to do is create two additional lots, lot numbers 2 and 3 which would be served off of a town road which is Paul Court and we're proposing to access those two lots with a private road and cul-de-sac that would serve the two new lots, lots 2 and 3, the existing lots lot 1 and 4 have their frontage and access from the existing Town road, Paul Court. Basically, that's our application.

MR. ARGENIO: Let me ask something, you're representing

Mr. Biagini?

MR. ZIMMERMAN: Correct.

MR. ARGENIO: Who is the current owner of the property?

MR. ZIMMERMAN: The current owners of the property that we show as filed map lot number 1, one of the lots is where the people currently reside is owned by Romeo and the other lot, the other five acre lot is owned by Diaz.

MR. ARGENIO: Does somebody here have a proxy to represent these folks?

MR. ZIMMERMAN: We submitted that.

MS. MASON: It's in the file.

MR. ZIMMERMAN: I submitted that with the application.

MR. ARGENIO: Joe, go ahead, I'm sorry.

MR. MINUTA: I'm just refreshing my memory on this, this was before us previously when?

MR. ARGENIO: 8 March, 2006.

MR. MINUTA: And the history behind that is that it was already subdivided, it's a new subdivision and we're coming back for a secondary subdivision on that, correct?

MR. ARGENIO: Mark, can you shed a little light on that to help Joe? We certainly see a lot of applications here.

MR. EDSALL: I don't know that there's a need to go through all the history of some things that happened that weren't quite desirable but at this point it's a

resubdivision of two lots to create a total of four lots but to geometrically to make it work they have to do a lot line change first.

MR. MINUTA: This was not part of the original subdivision for what reason?

MR. EDSALL: Their choice, they must of anticipated potential but not included it in the application.

MR. ARGENIO: At this point, I'm just kind of reading through the comments here, this is a lawful subdivision Mark as you said, let's not drag up a lot of old stuff, that's a lawful subdivision at this point, the application's in order.

MR. EDSALL: As I understand it both applicants have signed the application, they have authorized by proxy Mr. Zimmerman to represent the application so yes.

MR. MINUTA: What did Orange County Planning have to say if anything?

MR. ARGENIO: Does this need to be referred to planning, is there anything, any thresholds here that trip that, Mark?

MR. EDSALL: I made it as a comment to verify it doesn't, I don't believe that they're within 500 foot of any item that would require referral.

MR. ZIMMERMAN: Correct.

MR. SCHLESINGER: Is the applicant here for a lot line change or public hearing?

MR. ARGENIO: Here for public hearing but I'm going to open this.

MR. SCHLESINGER: Well, what comes first?

MR. ARGENIO: Ask whatever questions they may have about it so we can get familiarized with it and have the public hearing.

MR. ZIMMERMAN: Application we made was as the plan is entitled it's for a lot line change and subdivision, the first sheet does show where the existing lot line is that creates the original two lots and the balance of the sheet shows the subdivision so as we're, the application that we submitted was for lot line change and subdivision.

MR. VAN LEEUWEN: Jerry pointed out why can't you take all the, you've got two driveways going out on Paul Court, put them on the private road.

MR. BABCOCK: They're existing, the driveway on lot 4 and the driveway on lot 1 are existing houses with existing driveways, they're in place, people are living there, those are the two people's names that he mentioned they live in those two houses.

MR. ARGENIO: And we have a proxy from them?

MR. BABCOCK: They own the 5 acre lot, both of them had a 5 acre lot.

MR. EDSALL: That's still an option of the highway superintendent for him to approve the private road, he may require that those two driveways move over.

MR. ARGENIO: We actually have highway, Henry, I'd like to open this up to the public, see if there's, again, Myra has just pointed out that we do have the proxies here in the back of the file, so I know, I'm thinking about that. I'd like to open it up to the public, get a little input and certainly open it up back to the board if anybody has any additional questions. On the 24th day of April, 2006, 18 addressed envelopes went

out announcing a public hearing is going to be held at this meeting for the Highview Estates minor subdivision. If there's anybody here that would like to speak for or against or comment on this subdivision, please raise your hand, be recognized and we'll give you the opportunity to speak. Let the record reflect that nobody has raised their hand.

MR. SCHLESINGER: Make a motion to close the public hearing.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing or the Highway Estates lot line change. If there's no further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Now I'm going to open it back up to the board, let's keep in mind guys that what we're looking for tonight is preliminary approval of these plans because this applicant has to go to Department of Health. Is that right?

MR. ZIMMERMAN: Yes.

MR. ARGENIO: And what the preliminary approval does it triggers him to go to the Department of Health, it's not a final approval, so if you had some other questions or other comments we're certainly going to have an opportunity to take a look at this again.

MR. VAN LEEUWEN: Does this have to go to the County?

MR. EDSALL: Health Department because timing wise.

MR. ARGENIO: Not planning?

MR. EDSALL: Not planning but timing wise it's within the time period where you have to count all the lots.

MR. ARGENIO: I thought you were referring to Orange County Planning.

MR. ARGENIO: I'll accept a motion to declare ourselves lead agency.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning board declare itself lead agency on the Highview Estates minor subdivision. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. VAN LEEUWEN: Make a motion for preliminary approval.

MR. SCHLESINGER: There's existing underground utilities on lot 4?

MR. ZIMMERMAN: I believe so, yes.

MR. SCHLESINGER: And how far do those underground utilities extend, do they extend into the other lot?

MR. ZIMMERMAN: Well, of course the Town road and the existing house we also have the benefit--

MR. SCHLESINGER: Lot 4 there's a two story house.

MR. ZIMMERMAN: Existing house on lot 4.

MR. SCHLESINGER: Existing underground utilities coming out of the house, see it right there?

MR. ARGENIO: That's probably power, Neil.

MR. EDSALL: You would, that would have to be relocated either onto their property or within an easement and the applicant will be reminded that any easements are subtracted from the area so you may need to, may end up moving those.

MR. ZIMMERMAN: Honestly I think that's just a drafting thing, it's an error on the plan.

MR. SCHLESINGER: Okay, I'll second that motion for preliminary approval.

MR. ARGENIO: Also Neil just so you know I think I read it in but if I didn't we have highway approval, we do have 911 and do have fire approval again this motion has been made and seconded that we grant Highview Estates minor subdivision lot line change preliminary approval. If there's no further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE

MR. ARGENIO AYE

MR. MINUTA: With regard to the, are we doing SEQRA on this as well?

MR. ARGENIO: We're going to go to that next.

MR. MINUTA: May I suggest that we hold that for the final?

MR. EDSALL: You can't do it, theoretically, the reason why we're going to, if you do decide to do a negative dec tonight, fine, if you decide not to, you shouldn't have the preliminary.

MR. ARGENIO: What do you think would, I don't understand what would trigger a positive dec on it?

MR. MINUTA: I don't know, there's the issue of the subdivision previously being done and being redone, there's other issues with regard to this that I just don't have clarity on it at this point.

MR. ARGENIO: Mark, is that a SEQRA issue those things?

MR. EDSALL: No, again, there's under the classification of water over the dam, I think we have dealt with some of the previous situations, there were some problems with this subdivision plan in its couple generations, we've worked that out with Jerry as far as I can see the plans submitted currently meets the zoning law.

MR. ARGENIO: I also have a letter from the Town attorney saying that he's reviewed this and if I can find it, I'll read it to you that things are in order, Mr. Biagini stopped by my office on 2/28/06 and said he had spoken to you and it's okay to accept the paperwork for the subdivision off Paul Court known as Romeo Diaz subdivision, please let me know if this is acceptable

and I will process the paperwork for this application.

MR. MINUTA: So Mr. Biagini stopped by, not the owners?

MR. ARGENIO: And I also have a proxy from him from the owners here saying it's okay for him to speak for them.

MR. MINUTA: That's fine, thank you.

MR. ARGENIO: Okay, so I'd like to proceed Mark unless correct me if I miss anything, proceed with the negative dec if somebody--

MR. VAN LEEUWEN: I'll do that.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board declare a negative dec on the Highview Estates minor subdivision. If there's no further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE