

VAN\_LEEUWEN\_SUBDIVISION\_&\_LOT\_LINE\_CHANGE\_(05-03)

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MR. ARGENIO: Somebody here to represent this and I hope it's not you, Mr. Van Leeuwen.

MR. VAN LEEUWEN: No, it isn't me.

MR. ARGENIO: I'm calling Danny up for this application because Henry's going to step down, let the minutes reflect that Mr. Van Leeuwen stepped down from the dais for this application and Danny Gallagher's replaced him. This application proposes a 3 lot minor subdivision of lot 107 with a private road for two lots with the last lot having direct access to Toleman Road. The application was previously reviewed at the 26 January, 2005 meeting, 23 February, 2005 planning board meeting. Sir, your name for the record, please?

MR. WOODRUFF: My name is Keith Woodruff from Petryzak & Pfau representing Mr. Van Leeuwen for the 3 lot subdivision. We addressed the comment letter from McGoey, Hauser and Edsall which required a number of details to be added for the private road easement and the access for lot 2, the removal of the bridge on to the private road with a placement of a 36 inch culvert and I think that was it.

MR. VAN LEEUWEN: I've been at this for 2 1/2 years.

MR. ARGENIO: With regard to the procedural status of the application, I'm going to read into the minutes lead agency was taken for SEQRA on January 26 of 2005, the planning board on 1/26 of '05 waived the public hearing for this, that's a year ago cause we determined that at that time it was minor in nature and Mark has it changed substantially from that time?

MR. EDSALL: No, the concept is the same, we are just kind of cleaning up the zoning compliance, I'll put it that way.

MR. ARGENIO: I have a comment here from fire, Mark, need to have separate driveways for each dwelling?

MR. EDSALL: Yeah, that was before the private road was part of the plans, it's changed a couple times.

MS. MASON: Then I have nothing new.

MR. ARGENIO: So that's old.

MS. MASON: I have nothing new from the new plan.

MR. ARGENIO: When did we get the new plan, Mark?

MR. VAN LEEUWEN: About a month ago I brought it into Mark.

MS. MASON: No, it came to me way after that.

MR. VAN LEEUWEN: This plan?

MS. MASON: Yeah.

MR. WOODRUFF: Last revision date is 8/12.

MR. ARGENIO: Planning board may wish to classify this action as an unlisted action under SEQRA, consider a negative dec of environmental significance based on the information presented, unless anybody disagrees, I'll accept a motion to that effect.

MR. SCHLESINGER: Say that again.

MR. ARGENIO: Planning board negative dec, Neil.

MR. SCHLESINGER: Okay, motion.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the planning board declare a negative dec on the Van Leeuwen minor subdivision on Toleman Road. If there's no further discussion from the board members, I will have a roll call.

ROLL CALL

MR. SCHLESINGER     AYE  
MR. BROWN            AYE  
MR. MINUTA            AYE  
MR. ARGENIO          AYE  
MR. GALLAGHER        AYE

MR. ARGENIO: Mark, it's not subject to review of the Planning Department because?

MR. EDSALL: Well, I don't believe it's within 500 foot of any trigger, meaning the county road, state road, Town municipal boundary, so unless the reason I'm posing the question is as to whether or not the applicant can verify that they're not in an agricultural district or if they are.

MR. VAN LEEUWEN: No, not even near it.

MR. EDSALL: So that would be the only thing that could trigger it.

MR. ARGENIO: Can you verify that for us, sir?

MR. WOODRUFF: Yes, I can show it on the location plan at a later date if that's what your--but it's not in the district.

MR. EDSALL: We don't need anything on the plan, just needed it verified.

MR. ARGENIO: Okay. The applicant should determine if the area of disturbance in acres related to the project

such that a determination can be made as to the submittal requirements of the storm water pollution prevention regulations, what's your disturbance of wetlands?

MR. WOODRUFF: I believe it's under 500 square feet, I don't know the exact number.

MR. ARGENIO: What's the threshold?

MR. EDSALL: I'm looking for just disturbance, not necessarily wetlands.

MR. ARGENIO: Looking for area.

MR. EDSALL: To see if it's acreage wise whether or not it would require a SWPPP or if it can just have a storm water erosion plan.

MR. ARGENIO: Mark, help me with that SWPPP, what's the threshold?

MR. EDSALL: I believe it's five acres for a residential.

MR. ARGENIO: Five acres in the aggregate and that triggers the need for a SWPPP?

MR. EDSALL: Yes.

MR. ARGENIO: Do you think this is over five acres?

MR. EDSALL: No, we have to get on the record one or two things have to be submitted if it doesn't meet the threshold they have to make sure the plans include soil erosion, if it meets the threshold, they have to prepare the SWPPP, they're the ones that have to tell us what the disturbance is.

MR. WOODRUFF: I can find that out, yes.

MR. ARGENIO: Share that with him.

MR. WOODRUFF: Yes.

MR. ARGENIO: The applicant will be required to submit a private road completion bond per the requirements, the applicant should submit a draft copy of the maintenance declaration to Mr. Krieger, I just don't think there's a lot going on here. I'm going to move to the final public hearing, we waived the other public hearing and this is in the middle of a field out there, does anybody, can I have some input from anybody on the final public hearing?

MR. SCHLESINGER: I don't see the necessity for it.

MR. ARGENIO: I don't see it either, I mean, Joe?

MR. MINUTA: No.

MR. BROWN: No different, there's nobody around there.

MR. ARGENIO: It's pretty--

MR. SCHLESINGER: Make a motion to waive the final public hearing for the Van Leeuwen minor subdivision.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that we waive the final public hearing for the Van Leeuwen minor subdivision on Toleman Road. No other discussion, roll call.

ROLL CALL

MR. SCHLESINGER        AYE

MR. BROWN             AYE

MR. MINUTA            AYE

MR. ARGENIO            AYE  
MR. GALLAGHER         AYE

MR. ARGENIO: I'm going to, you know, this is obviously it's open up to the board for anybody who has comment during this whole oration I've had over the past ten minutes, does anybody see anything going on here, I mean, is there any--Neil, Howard, Joe, Danny?

MR. GALLAGHER: Nothing.

MR. ARGENIO: Mark, am I missing anything?

MR. EDSALL: No, not much to it.

MR. ARGENIO: Okay, that being said, need to get fire approval squared away, the 911 and such. What about Anthony Fayo, Mark?

MR. EDSALL: There's not a current approval on file?

MS. MASON: No.

MR. EDSALL: Again, I don't believe there's any issues, I've talked to him about it, I'm sure he will, but make it a subject to, make sure there's something on record.

MR. ARGENIO: We did the negative dec.

MR. EDSALL: Keep in mind we have changed highway superintendents, the former one had no problem with that but we should really get a new write-off.

MR. ARGENIO: Right, I understand that. Okay, I will read the subject-tos in if nobody has anything I'll accept a motion for final.

MR. SCHLESINGER: I'll make a motion for final approval for the Van Leeuwen minor subdivision on Tolman Road.

MR. MINUTA: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Van Leeuwen minor subdivision on Toleman Road subject to verifying to Mark Edsall or to his satisfaction that there's nothing that will trigger Orange County Planning Department review, subject to you verifying the area of disturbance on the project, Mark, fees under the SWPPP threshold?

MR. EDSALL: I don't think they need to be conditions of approval, just that they acknowledge that they, neither of those two situations exist.

MR. ARGENIO: Okay, subject to private road completion bond getting squared away with Mark Edsall and that bond being posted, and you need to get a private road maintenance declaration to Mr. Krieger in acceptable form, acceptable to him and copy for the file to Myra and obviously, we discussed highway approval from Anthony Fayo which I don't see as a big issue. That being said, I'll have a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE
MR. GALLAGHER	AYE