

TOWN OF NEW WINDSOR

PLANNING BOARD

April 11, 2012

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
DANIEL GALLAGHER
HOWARD BROWN
HARRY FERGUSON

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PLANNING BOARD CHAIRMAN

MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER
BUILDING INSPECTOR

JAMES PETRO
PLANNING AND ZONING BOARD COORDINATOR
AND PROPERTY MANAGER

ABSENT: HENRY VAN LEEUWEN

MEETING AGENDA:

1. Cintron MHP
2. Superior Auto Sales S.P.
3. Schlesinger's S.P.
4. Palmer Sub.
5. Ogonowski Sub.
6. Mid Hudson Storage
7. Chalupa Grill

REGULAR MEETING:

MR. ARGENIO: I'd like to call to order the regular meeting of the Town of New Windsor Planning Board for April 11, 2012. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

ANNUAL MOBILE HOME PARK REVIEW:

CINTRON MOBILE HOME PARK

MR. ARGENIO: First on tonight's agenda is our annual mobile home park review, Cintron Mobile Home Park. Somebody here to represent this? What's your name, sir?

MR. NUNZIATO: Frank Nunziato.

MR. ARGENIO: Has somebody from your office been out to inspect the park?

MRS. GALLAGHER: Yes.

MR. ARGENIO: What say you?

MRS. GALLAGHER: Everything is in order.

MR. ARGENIO: Where is the park?

MR. NUNZIATO: Cedar Avenue by the ballpark.

MR. ARGENIO: So everything's good there?

MRS. GALLAGHER: Yes, it is.

MR. ARGENIO: Did you bring a check in the amount of \$250?

MR. NUNZIATO: Yes.

MR. ARGENIO: If anybody sees fit, I'll accept a motion we offer one year extension.

MR. BROWN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded we offer the Cintron Mobile Home Park one year extension. Roll call.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE

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MR. ARGENIO AYE

MR. ARGENIO: Thank you for keeping a nice place.

MR. NUNZIATO: Thank you.

REGULAR ITEMS:

SUPERIOR AUTO SALES SITE PLAN (12-06)

MR. ARGENIO: Regular items Superior Auto Sales site plan, Little Britain Road. This plan proposes demolition of an existing one story building on the site to be replaced by an additional vehicle display area. He's going to use the footprint where the building exists now for display. The application was previously reviewed at the 14 March, 2012 planning board meeting. If I remember correctly, what's your name, sir?

MR. THOMPSON: Joe Thompson.

MR. ARGENIO: I should know that, shouldn't I? If I remember correctly, we sent this to county and there was some minor changes that we requested that you guys do. Can you share with us a little bit, Joe, about those changes and what you've done?

MR. THOMPSON: Certainly. What we have done since the last initial presentation of the project was address the comments which we updated the plan, updated some of the project detail comments we received from the county, they commented on some of the parking spaces on the side of the plan, the curb on Route 207 and overall site lighting which we have just recently received. So this plan has not taken any action on those items. We'd like to receive the board's position on the county's comments.

MR. ARGENIO: The west side of the building has been revised with the sidewalk area removed such that the parking spaces could be moved further off Weather Oak Hill Road. I'm waiting for Mark's comments, that was one of the things that we requested the letter from the Orange County Department of Planning. I'll try to touch on the high points here. The County Planning is in receipt of the plan. I found no significant comments. If there's any inter-municipal or county wide impacts, four parking spaces not used onto Weather Oak Hill to back out onto Weather Oak Hill, curbing along 207, site lighting. So they're commenting on the curb along 207 which there is no changes there. Mark, is that correct?

MR. EDSALL: Correct.

MR. ARGENIO: What's the genesis of the comment? Is there something that, you know, that I don't or do you know, Mr. Thompson?

MR. THOMPSON: I went and visited the site after receiving the comments. The curb that's depicted is only an asphalt curb, it's not actually concrete. So I guess that was what the county was seeking to have the concrete curb extended but it's only asphalt and as far as the separation between Route 207 and the parking spaces there's wheel stops for the cars there, it's existed in this fashion for 15, 20 years at least.

MR. ARGENIO: As far as the lighting goes, you're taking a building down which I believe is an eyesore and you're opening up your parking lot. Now I'm looking at this building, I see a notation E.E.E., what is that?

MR. THOMPSON: Those are the exit doors from the building. There's two existing, one on the south side of the building, one on the east side of the building and the one depicted on the north side that's proposed to be new. We wanted to relocate that into the garage.

MR. ARGENIO: Let me ask you this question. Is there any lighting on the site?

MR. THOMPSON: There is, there's a utility plan.

MR. ARGENIO: You're showing lighting on the building new wall packs it says so I'm sorry that's the handicapped?

MR. THOMPSON: Already some existing wall packs and there's also a light utility pole on the corner.

MR. ARGENIO: Are there wall packs on the north side of the building?

MR. THOMPSON: I believe there's one on each side currently with the exception of the east side.

MR. ARGENIO: This is typically used for sales during the daytime as far as I know, I drive passed that quite a bit, is there anything else planned for this for evening use or anything like that?

MR. THOMPSON: No extension of hours that I know of.

MR. ARGENIO: I think you should show the lighting on the plan. You guys have any issue with the lighting? I don't see any issue with the lighting but they're commenting on it.

MR. BROWN: You're not adding any new lighting?

MR. THOMPSON: Not proposing to add any new lighting, essentially no change.

MR. ARGENIO: But what's there now is not shown so I think he should show what's on the site.

MR. GALLAGHER: Any light that could be on the building coming down is also gone also.

MR. ARGENIO: Right but you have wall packs on the north side of the building.

MR. THOMPSON: I believe if that's something the board would like to see we can document it.

MR. ARGENIO: I don't think that's an unreasonable comment.

MR. THOMPSON: I think there's a wall pack on the north side so it's fairly well lit for nighttime, it's not an evening use.

MR. ARGENIO: Now, I want to mention this too because it's on here, Howard and Harry, the county's mentioning the one, two, three, four stalls on the west side of the building and again, this is not an inter-municipal issue and they're probably overstepping their bounds a little bit in that it's their function to comment on typically inter-municipal global, more global issues but they're commenting on the four parking spaces that back out onto Weather Oak Hill. Now, as far as I know and again I drive passed this every day literally they have been there forever, I have an approval from our highway superintendent, I have to assume that he takes no exception to that. Do you guys have any comment on it?

MR. GALLAGHER: I think we improved the situation by making them move it closer to the building.

MR. THOMPSON: If anything, the spaces that were further out have been moved back so it's further away from the intersection.

MR. ARGENIO: And as Danny just pointed out, the spaces are now moved away from the road closer to the building.

MR. THOMPSON: They're pulled in, they're pulled away.

MR. EDSALL: Just an observation from what exists there now actually how they have been parking now is he's parking parallel to the building and parking in perpendicular to the road. So you've got a space or a, he's using a space 9 foot off the face of the building and parking up to it so if he discontinues that and pulls in with the four spaces nose in closer to the building it's going to be an improvement no doubt.

MR. ARGENIO: The back of those cars after this plan is put into effect are substantially further away from Weather Oak Hill Road subsequent to the build.

MR. EDSALL: It may not be ideal, it's still an improvement.

MR. ARGENIO: Certainly it is. I don't think we should get twisted up about this. Anything on that Howard or Harry?

MR. BROWN: No.

MR. GALLAGHER: Nothing.

MR. ARGENIO: That was it, guys, on county. Okay, I want to get back to Mark's comments. What do you got?

MR. FERGUSON: Like the building that you're demolishing was there lighting on that? Maybe they're saying now that you're demolishing that building now the light's gone and now it's back on the other building which is causing less illumination on the front of the lot.

MR. ARGENIO: I don't think that the county is aware of any conditions on the previous building. I don't mean to speak for you, I don't think they're aware of it but Mr. Thompson is going to show in spite of what is or is not on that building they're taking down he's going to put a couple wall packs on the north side.

MR. THOMPSON: I think the existing lighting that's on the building will cast over the parking lot better

without the building in the way. It's almost like an alley type condition that will be eliminated.

MR. ARGENIO: So he's going to put a couple wall packs on the north side. Howard?

MR. BROWN: No, I like it.

MR. THOMPSON: Does the board need a simple depiction of the light locations of a photometric plan?

MR. ARGENIO: We don't need a photometric plan, I think Mark you'll work with either Joe or Mr. Minuta on some type of fixture on the north side of the building, two fixtures.

MR. EDSALL: That's fine.

MR. ARGENIO: Not a light at the top of the building seven feet, eight feet.

MR. EDSALL: Looking to add some lighting on the north and document everything else that exists.

MR. ARGENIO: Document what exists and some lighting on the north side of the building.

MR. EDSALL: Understood.

MR. ARGENIO: I'll accept a motion we declare a negative dec under the SEQRA process.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded we declare negative dec under the SEQRA process for Superior Auto Sales.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Counselor, am I missing anything else from a procedural perspective?

MR. CORDISCO: No, sir.

MR. ARGENIO: Do you guys have anything else?

MR. FERGUSON: No.

MR. GALLAGHER: No.

MR. ARGENIO: I don't want to rumble along too fast but this is a very simple application. If anybody sees fit, I'll accept a motion for final, I'll read the subject-tos.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded we offer final approval to the Superior Auto site plan on Route 207 subject to what we discussed here this evening showing the existing lighting on the site that's there now and adding two wall packs to the north side of the building location and wattage of said lights will be discussed with Mark Edsall and Jennifer, our building inspector, to arrive at what's appropriate. In addition to that you'll need to supply a bond estimate for key site improvements. All that said, I'll have a roll call.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

SCHLESINGER'S SITE PLAN(12-08)

MR. ARGENIO: Application proposes extension of the, I see Mr. Schlesinger is here to represent this, just to refresh everybody's memory, Mr. Schlesinger is desirous of installing a curtain wall in the back of his restaurant to close in I think how many tables, Neil?

MR. SCHLESINGER: Five.

MR. ARGENIO: Five tables to take them out of the weather. If my memory serves me right, Mark, this was pretty simple and continues to be a pretty simple application. I think we're waiting for County Planning, is that right?

MR. EDSALL: The only delay was County Planning and we couldn't close SEQRA because we were waiting for County Planning.

MR. ARGENIO: Nicole, what do you have on County Planning?

MRS. PELESHUCK: Local.

MR. ARGENIO: Local determination, so from Goshen they're saying it's okay for you to continue to do business. March 14 lead agency was assumed. If anybody sees fit, I'll accept a motion for negative dec.

MR. BROWN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor declare a negative dec for Schlesinger's site plan amendment.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. PETRO: Mr. Chairman, years ago when I used to go to this, this used to be the Brewster House, it was maybe 7 or 800 square feet, I think we're up to 709

square feet at this point with all these enclosures but he always does a fine job. I just wanted to stick that in there.

MR. ARGENIO: Thank you for that comment, Mr. Petro, and he does do a fine job, I agree with you.

MR. CORDISCO: Mr. Chairman, at the risk of also sticking something in there, if I may, I just want to point out again that the code does require an evaluation of visual impacts because this is in a historic corridor. Obviously, I mean, it's clear to all of us that there are no visual impacts but if you have a motion for approval in connection with this I would add that you make a finding that there is no visual impact so it's clear on the record.

MR. ARGENIO: We discussed that at the last meeting, Dominic, the fact that it was a, the modifications were certainly in the rear of the building and I think everybody was in agreement that there's no visual impact to the Cantonment. I'll poll everybody, Howard and Harry, do you agree?

MR. BROWN: I agree.

MR. FERGUSON: Yes.

MR. GALLAGHER: Absolutely.

MR. ARGENIO: So we polled everybody on that.

MR. CORDISCO: Thank you very much.

MR. ARGENIO: Am I missing anything on this? You guys have anything else?

MR. EDSALL: No.

MR. ARGENIO: Jenn, you're going to work with him?

MRS. GALLAGHER: I am.

MR. ARGENIO: All that said, I'll accept a motion for final for Schlesinger's site plan.

MR. BROWN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded we offer final approval for Schlesinger's site plan amendment, 475 Temple Hill Road. Roll call.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Neil, you're going to have to do a bond estimate for your improvements, just so you know, just like everybody else and that's it.

MR. SCHLESINGER: Thank you very much.

PALMER SUBDIVISION (11-17)

MR. ARGENIO: Palmer minor subdivision on Shore Drive. Application proposes subdivision of the .7 acre parcel into two single family lots. The plan was previously reviewed at the 8 February, 2012 planning board meeting. This is in the R-4 district of the town. Jenn, that's 80,000 feet?

MRS. GALLAGHER: R-4 is one acre.

MR. ARGENIO: Forty-one.

MRS. GALLAGHER: It's 43,560.

MR. EDSALL: To be exact.

MR. ARGENIO: Okay, what's your name, sir?

MR. MARSHALL: Larry Marshall from Mecurio, Norton and Tarolli.

MR. ARGENIO: Can you give us a tour, Mr. Marshall, of the changes you've made since the last time you were here? Unless I'm mistaken, you left us, we did a review last time and you left us to go to zoning to get an appropriate area variance for these two lots. Why don't you tell us about that?

MR. MARSHALL: We did, we went to the Zoning Board of Appeals, applied for the variances that are listed in the zoning table in the upper left of the plan. At the March 26 meeting those variances as listed were approved.

MR. ARGENIO: Can I interrupt for a second? Summarize for me without me having to read the table is it just area variances or is there front, side and rear yard setback?

MR. MARSHALL: Well, there's area variances on both lots, there's lot width on both lots, there's front yard setbacks on both lots, a side yard setback on lot one and a developmental coverage on lot one as well.

MR. ARGENIO: Okay, go ahead.

MR. MARSHALL: At the March 26 meeting, we received approval for that. We did address some minor comments

that your engineer had mainly regarding showing the location of all utilities on the site. We have added those as far as water line in the rear of the property. Since you've last seen this, we have also relocated the proposed sewer line, the sewer service line to avoid the existing tree that's in the front yard.

MR. ARGENIO: Can you point to that, the sewer line?

MR. MARSHALL: The sewer line's right here with an S on it.

MR. ARGENIO: Got it.

MR. MARSHALL: That was previously shown right through the center of the tree, we're looking to preserve the tree so we relocated the sewer line.

MR. ARGENIO: Okay, Jennifer or Nicole, at the zoning board I believe that they have to have a mandatory public hearing, is that right?

MRS. GALLAGHER: Yes, they did.

MR. ARGENIO: One of the two of you aware of what occurred at the public hearing?

MRS. GALLAGHER: Nicole would be the one to ask.

MRS. PELESHUCK: A gentleman named Mr. Cardinal showed up and had questions regarding the new house, the proposed house would be in the back yard of Mr. Cardinal's yard, he just had questions if it would block the view of the lake.

MR. ARGENIO: Okay, that's--

MR. MARSHALL: Mr. Cardinal's located right here.

MR. ARGENIO: And the house is 50.3 feet away from his property line?

MR. MARSHALL: Correct.

MR. ARGENIO: How far from the back of the house will it be to my portion, Mr. Cardinal asked, closest corner would be 50.4 feet to the lake. Sir, where is the lake?

MR. MARSHALL: The lake's down here. Mr. Cardinal says

the following the reason I ask is that it's now all open, I look out and I've got a view, if he puts a house there my view is gone. I'm looking at his back yard now, that's one of the reasons why we're here tonight, we just wanted to know the size of the building, how far, you know, it would be from my property line, et cetera. Well, it seems to be a substantial distance from his property line as compared to the rest of the lots in the area 50.38 feet. That's it, Mr. Cardinal asked again okay, if the variances, he asked the question of the chairman of the zoning board if the variances are granted, does he need more variances to build on the property? And then Mr. Kane, chairman, responded if he wanted to build outside the house, if he wanted to build the house outside whatever the normal setbacks are for that property and he describes the setbacks he would need additional variances. Mr. Cardinal then says I was just trying to figure out, just trying to figure it out, it's more for informational purposes why I'm here, how it's going to effect my property value. Thank you very much for your time. That's it.

MR. PETRO: Mr. Chairman, I'd like to make a statement just for the board members and lot of people were there in October of 2003 when the town went to the larger lot sizes and I know that you were there. I was instrumental in writing that law, it was not, it was not to hinder--

MR. ARGENIO: If I can just interrupt you for a second, we're in Beaver Dam though, you're aware of that?

MR. PETRO: Correct.

MR. ARGENIO: Okay.

MR. PETRO: But it was still not to hinder anyone with what I call a straggler lot around town, Ducktown or out there, it was more if you looked at Butterhill and you had so many houses on top of each other to try to get a little bit bigger space.

MR. ARGENIO: And to not have a Mt. Airy Estates.

MR. PETRO: Correct, and it was not the idea to have somebody like this to be hindered by putting up another home and number two and I think this is very important the last time I was here with this particular, if you're in conformance with most of the other houses on

the road and I believe that he will be, I know, I realize I'm preaching to the choir here, I think that's probably the most paramount question to be asked.

MR. ARGENIO: Let me just expand on that a little bit. I don't want to sound like a broken record, you guys have heard this 100 times, the guidance that we use, the guidance that this board has used, the guidance that my predecessor obviously used is what is being proposed similar to what's around him and typically if it's similar we tend to, we have always tended at least as long as I can remember and I think I've been here for 12 years simply is that as long as they're close, we try not to hold people up from using their property as they see fit. And as Jimmy said the intent back in the day how many years ago it was so we don't have another subdivision with 175 lots on it like a Mt. Airy Estates where if you throw a rock out your window it lands in a neighbor's pool and he picks it up and throws it to his neighbor. So I just thought it was important to probe that a little bit, the public hearing, because we're going to address that in a few minutes. I do want to talk, Mark, a little bit about, well, first let's get this out of the way. It went to Orange County Planning because of the proximity to the other town I would assume and they say local determination. Mark, I want to talk about this water, is this the one with the water issue?

MR. EDSALL: It is and I believe we have a solution, Mr. Marshall and I wanted to try to make progress however possible and in discussing it between ourselves and then Mr. Marshall with his client the applicant they understand that the Beaver Dam Lake Water Corporation will have their improvements done very shortly.

MR. ARGENIO: So this is within that Beaver Dam, this is the water tower up on the top of the hill that this board approved a few years ago?

MR. EDSALL: We all know that the improvements are ongoing because this board reviewed and approved the site plan and acted under SEQRA for that approval so that construction is in progress, its completion is in the near future, we quite don't know what month but it's the very near future as we've been advised. I think it's foolish for the applicant to drill a well so they have agreed to add a note to the plan that says proposed lot two is to be served by central water, the

Beaver Dam Lake Water Corporation currently has a moratorium for connections, a building permit for lot two will not be requested until such time as the Beaver Dam improvements are complete and a service connection is available.

MR. ARGENIO: How close is that to being complete?

MR. MARSHALL: When I spoke to Debbie from the Beaver Dam Lake Water Corporation she said soon.

MR. ARGENIO: What's that?

MR. MARSHALL: That was my next question to her what does that mean, is that months or years or days? And she was not a hundred percent comfortable in giving me an answer. I think she was hesitant to give me an answer to hold her to a timeline but that wasn't my intention, my feeling was that the project is nearing completion, very near and you're talking a matter of a couple months.

MR. ARGENIO: Tell you what, let me ask a question. I don't want to get jammed up with this water thing not now but at a later date should he show a well on that lot--

MR. EDSALL: Well, they can--

MR. ARGENIO: Cause we're approving something that has no domestic water.

MR. EDSALL: Then I've got a situation where when the well is installed and the central water becomes available, Jennifer has an enforcement problem because the State Code says they're supposed to tie into the central water. The bottom line is they're working under a grant, under the grant they were lucky enough to get, they have a need to get done, they have been under construction for a while, I have absolute faith that there's going to be no reason why the water corporation is going to delay it. If the applicant is willing to put the note on if for some reason they need relief they can always come back.

MR. ARGENIO: I'm okay with all of it, truly okay. I assume you guys are understanding it? Dominic, is it okay for us to approve something that currently today has no provisions to have domestic water going into the house that we're approving?

MR. CORDISCO: I wouldn't characterize it as such, I mean, it's in the service area for the Beaver Dam Lake Water Company, they're providing upgrades in the process of doing so the note that has been discussed and will be placed on the plans would make it clear that while you're creating a lot you can't live on it until such time that you can actually get water.

MR. ARGENIO: Harry and Howard, are you okay? You're all right with it?

MR. EDSALL: Mr. Chairman--

MR. ARGENIO: I'm okay with it.

MR. EDSALL: But for the applicant's benefit, the record is clear that if for some reason there becomes the inability to get a building permit they can always come back and seek relief.

MR. CORDISCO: And get the note removed.

MR. ARGENIO: Got it.

MR. EDSALL: And get the note removed.

MR. MARSHALL: Mark, do you have comments?

MR. EDSALL: Other than that, nothing to worry about.

MR. ARGENIO: What about lead agency?

MR. CORDISCO: You can assume lead agency. You don't need to circulate for it cause there's no other involved agency relying on this board.

MR. ARGENIO: We've got nothing from Cornwall yet?

MRS. PELESHUCK: No.

MR. ARGENIO: So we can assume lead agency.

MR. CORDISCO: Yes, you may.

MR. ARGENIO: I'll accept a motion.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion for lead agency, motion made and seconded. Roll call.

ROLL CALL

MR. FERGUSON AYE
MR. BROWN AYE
MR. GALLAGHER AYE
MR. ARGENIO AYE

MR. PETRO: Mr. Chairman, if you notice on the proposed new structure the house has a deck on the rear. The variance that was granted was from the structure to the property line and not from the deck to the property line. So you may want to advise the applicant that unless the deck is 18 inches or less which would not require a permit, I mean, landscaping, otherwise he would have to go back for another variance.

MRS. GALLAGHER: If it's a concrete patio.

MR. PETRO: If it's a concrete patio, it's okay.

MRS. GALLAGHER: You need 50 feet.

MR. ARGENIO: How do we know he doesn't mean--

MR. PETRO: It wouldn't affect it now, probably just letting him know that if you were really going to do this I would have went for the variance from the edge of the deck to the property line then it wouldn't have mattered, he could have built it whatever he wanted.

MR. ARGENIO: When we see proposed deck on there that means in fact a concrete patio, a brick paver patio, it does not mean a structure because it's not covered by the variance.

MRS. GALLAGHER: Correct.

MR. PETRO: Correct?

MR. MARSHALL: That was a yes.

MR. EDSALL: Negative dec.

MR. ARGENIO: I'll accept a motion for negative dec.

MR. BROWN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded by Mr. Ferguson that we declare negative dec on the Palmer minor subdivision. Roll call.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I'll throw this at you guys, the members, you heard from Mr. Cardinal, we have to decide whether to have a second public hearing on this or not. What are your thoughts on this?

MR. GALLAGHER: He was the only one that spoke?

MRS. PELESHUCK: Yes.

MR. ARGENIO: Only one.

MR. GALLAGHER: Only a visual impact to a lake that's not his.

MRS. PELESHUCK: Yes.

MR. GALLAGHER: I don't see a need.

MR. ARGENIO: Yeah, the tone seemed to be very reasonable. There certainly wasn't any kicking and screaming going on.

MR. CORDISCO: I think you can characterize, Mr. Gallagher, but based on what I'm hearing tonight and on the minutes we're talking about concerns relating to a private view rather than a public viewshed. The difference being contrast to the Schlesinger's application the town has deemed that to be a public viewshed, which is where you have to pay extra attention but for private viewsheds if you don't own it--

MR. ARGENIO: And people have the right to develop the property, that's the bottom line. Howard or Harry, what do you think?

MR. BROWN: I think he should be allowed to put his own house there, he owns the property.

MR. ARGENIO: And he received an appropriate variance.

MR. BROWN: That's right.

MR. GALLAGHER: Motion to cancel the public hearing.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded to waive the public hearing on the Palmer subdivision.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I agree with you guys, I agree, he got the necessary variances and as Dominic said, it's his property and it's the view is the view and guess what, it happens every day. Just real quick, Orleans development out near Station Road near where I live they have put a giant big model home up on the corner of Station Road on Orleans Way, beautiful, and the pharmacist bought it, the guy down on Broadway and as soon as he closed on the house, the lot next door they started digging the foundation. It's going to interrupt the view, his view was a beautiful shot right down Storm King Mountain. It happens. Anything else, Dominic or Mark, that I'm missing procedurally?

MR. EDSALL: No.

MR. CORDISCO: No.

MR. ARGENIO: Somebody want to take this?

MR. GALLAGHER: I'd like to make a motion for final approval.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board offer the Palmer minor subdivision approval. Make note of the deck thing that Mr. Petro mentioned because it's a deck on grade, no

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more, no less.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

OGONOWSKI MINOR SUBDIVISION (11-05)

MR. ARGENIO: Ogonowski, is there something you want to share with the rest of the board?

MR. EDSALL: They were on the agenda and they have contacted the planning office to request that they be canceled for tonight. They are redesigning and changing their sanitary system so at their request they are not appearing tonight.

DISCUSSION

MID HUDSON - 230 MAC ARTHUR - STORAGE

MR. ARGENIO: Tell us about 230 MacArthur Avenue, Mark, if you have something on that?

MR. EDSALL: Very quickly, if you recall what was the Dunkin Donuts process facility on MacArthur was basically two buildings connected with an addition in between on the back. The left building is split into three occupancies and the demising wall had it such that the middle section was used for storage by the name of, the company is Mid Hudson CPL, LLC which is the corporation that owns the Dunkin Donuts operation for this area and they were using that middle occupancy for storage. The plant operating manager found that there was a lot of materials being stored that had little to no value, cleaned out the junk as it may be and now they're caring to rent that space out for storage by others, a third party. The applicant's representative is here tonight so that if you have any questions on what type of storage is going to occur you can get those answers. If it's similar storage to, if it's similar storage, I would suggest that it's not a change in use and you can refer it to the building inspector's office. If there are any concerns, we'll deal with them.

MR. ARGENIO: What's your name?

MR. WUTCH: Brian Wutch with Mid Hudson CPL, I'm the operations manager for the facility.

MR. ARGENIO: Mr. Edsall called me about this and my comment and I will be very direct to you, my comment to him was as I remember the original application for the building the only real thing that I remember the planning board taking exception to and Mr. Petro will probably remember this was we certainly want to encourage small businesses in our town but we were concerned with the backing in of the tractor trailers. So there's a loading dock in the middle of the buildings and the situation really it is what it is and the tractor trailers pull up MacArthur and back into the loading dock and it is what it is. I think at the end of the day when that application was originally approved the planning board was okay with it cause you weren't making the situation worse, the loading dock

was there, you weren't adding a bunch of bays and causing more tractor trailers to turn around on MacArthur Avenue. Only thing I said to Mark this is only my comment if you guys have something else I was concerned about are you going to cut another bay door, more bay doors into the building for tractor trailers or panel trucks to be making that three point or two point turn?

MR. WUTCH: No, sir, we get two deliveries weekly, one on a Monday and one on a Thursday.

MR. ARGENIO: How do they come in?

MR. WUTCH: Down MacArthur.

MR. ARGENIO: How do they get into the building? Are you using the loading dock that's there?

MR. WUTCH: Absolutely, yes.

MR. ARGENIO: The one that's there now?

MR. WUTCH: There's three door bays in the middle.

MR. ARGENIO: You're not adding a loading dock?

MR. WUTCH: No, not by any means. This is to be used strictly, it was our storage, I found that it was junk, I threw it all out, I've had so far two people ask me, one man would like to rent it for motorcycle storage for the winter, it's not my call I have a horse, and plus he would have to ask you guys' permission what it can be used for. We just want it approved for storage for whoever would like to rent it, we can rent to them as storage, you to have approve or whomever what it can be used for.

MR. ARGENIO: That was my only concern. Do you guys have anything else? Jimmy, do you remember anything else on this one?

MR. PETRO: No.

MR. ARGENIO: You know what we're talking about?

MR. PETRO: Yeah.

MR. ARGENIO: Am I missing anything? That was my only concern was the traffic. I remember we went round and

round about the tractor trailers and at the end of the day it is a building in the town that we like to see occupied and MacArthur Avenue is not a killer busy road, especially since a lot of the truck traffic now in that corridor is going up to 32, it's not coming, not all of it but most of it is.

MR. WUTCH: That's cut down a lot, I've been there a year and a half so my father owned 96 Cedar Avenue so I kind of grew up there, you know what I mean?

MR. ARGENIO: I don't think we take any exception to this. Jenn, this is yours, you get to work this out.

MR. EDSALL: Just for the record, basically what we're doing you're making a determination that it's a continued storage use but the record will show also that it's, there's no retail, no customers coming there, that it's just going to be used by any business that would be used for sole storage.

MR. WUTCH: Anybody that puts in would have to deal with you guys, if it was something different other than, I only have two people which basically both were storage, one is a construction company, they want to store tools and equipment, one is a guy who wants to store motorcycles over the winter.

MR. EDSALL: If it's not consistent with what the discussions were Jenn will send it back.

MR. ARGENIO: Very clear, can't see any ambiguity at all.

CHALUPA GRILL - OUTSIDE PATIO SEATING

MR. EDSALL: If the board is familiar with 32 Plaza, I think it's the jewelry store, what are the other occupancies, Cowan's Jewelers.

MR. GALLAGHER: Subway's there now.

MR. EDSALL: And Chalupa Grill, they're on the right side of the building where there was a, the remains of what were additional occupancies which is now just a slab and after that burned down it was never reconstructed. What they're proposing is to have some seasonal temporary seating on that slab as part of the restaurant. They don't, look, they're not looking to occupy the entire slab, they're looking to occupy it probably with, you know, maybe I believe eight or 10 tables of two people so you're probably talking 20 to 30 people. The interior seating at the restaurant is in the range of about 80 to 90 as I understand it.

MR. ARGENIO: Like a little cafe area?

MR. EDSALL: It makes them competitive in the summer season.

MR. BROWN: Talking about any entertainment?

MR. EDSALL: That was not proposed and I would suggest that if you do authorize it you list those restrictions.

MR. ARGENIO: The slab at the parking lot on the front side is at grade, obviously in the back is it also at grade or is there a dropoff?

MR. EDSALL: It's not and as I discussed with you one of the conditions that would be added is that they have to put some type of barrier in, safety barrier.

MR. ARGENIO: How much is it?

MR. EDSALL: It's at least a full story.

MR. ARGENIO: They're going to need a fence.

MR. EDSALL: Some type of railing to isolate their portion of the slab's use into their restaurant and that could be done with the building inspector's

office.

MR. ARGENIO: If you're telling me it's a full story I'm telling you they need a fence, I don't know what the code says but--

MR. EDSALL: If there's a railing of sorts that contains their area that's being used then the portions outside that railing stay as is.

MR. ARGENIO: I see, so somebody couldn't lean up against the railing and flip over and fall 15 feet?

MR. EDSALL: Oh, no, the railing is going to be as I understand it quite a bit away from where the actual break in grade is because the slab is probably half the depth of the building and they may only be using a third or a half of that slab.

MR. ARGENIO: Jenn, do they have, they have to get a cafe license to get outdoor tables?

MRS. GALLAGHER: Not from us, if they have to do anything it's with the Health Department or anything like that, not through us.

MR. EDSALL: We have run into quite a number of these in this municipality in history and I've seen it in quite a number. My suggestion is that you grant it as a temporary approval because obviously it's not permanent improvements, it's a temporary approval for seasonal temporary outside dining clearly. When the developer, there were plans at the workshop to rebuild the mall so when that happens, I'm sure he's going to tell this guy your outside dining is gone. So it would be a temporary approval and subject to putting in proper barriers, no outside music or entertainment and no permanent improvements, temporary, seasonal care.

MR. ARGENIO: Any questions?

MR. PETRO: No, I think you covered on the parking part because the building was there at one time and calculating.

MR. ARGENIO: Probably 4,000 feet of retail.

MR. PETRO: So you have coverage for parking.

MR. ARGENIO: You're telling me it's a full story? I

Want to make sure it's protected.

MR. EDSALL: That's exactly why.

MR. ARGENIO: And it's the town's problem.

MR. EDSALL: They may have to anchor in some temporary railing.

MR. BROWN: Right now there's a fence.

MR. ARGENIO: On the slab?

MR. BROWN: No, in the front so nobody can get to the back.

MR. ARGENIO: I think the fence should be moved to the back, there should be a fence there.

MR. EDSALL: Just as easy have them put the fence in the back.

MR. ARGENIO: If you're talking about a dropoff that's more than five or six feet there should be a fence, not a guardrail, not a pipe rail.

MR. EDSALL: That can be very easily added as one of the conditions.

MR. ARGENIO: In addition to the pipe rail.

MR. PETRO: You should go look at it.

MR. EDSALL: Two reasons parking is not an issue ever because the ordinance has allowed a percentage of interior seating to be allowed to be used outdoor on a temporary seasonal basis and it's usually a third maximum, I've seen a half, this is well less than the half and secondly as Mr. Petro indicated, the site sustained this portion as retail in the past and was never rebuilt.

MR. ARGENIO: I think the planning board's okay with it, work it out, make sure the drop is protected and we're good. That's an important issue, I think.

MRS. GALLAGHER: Okay.

MR. ARGENIO: Anything else?

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MR. EDSALL: That's all I have.

AIRPORT PROPERTY

MR. PETRO: Yeah, the airport. I've been telling everybody, everybody whoever calls, it hasn't been a landslide of people, but we have people calling about the property, I've been representing this as a generic environmental on the entire property, any environmental that would be done would be just specific to the sites which would be done here.

MR. ARGENIO: What kind of environmentals, Jimmy?

MR. PETRO: On the whole airport, the whole 260 acres. At the time there was a generic environmental that was completed.

MR. EDSALL: It wasn't a generic, a regular Environmental Impact Statement.

MR. PETRO: But they showed X number of retail, it actually did have some retail, whatever it was, the whole PUD, the reason I bring it up is when I represented I always say we're going to get to a planning board here in 60 to 90 days and I think you can, but keep in mind that you're going to need to do a subdivision. These aren't individual lots. I have a 30 acre parcel, a 20 acre parcel, somebody comes in for a two acre parcel we're going to do a subdivision for whatever their needs are and a site plan simultaneously, we've done it 100 times so that's how that's going to happen.

MR. ARGENIO: For lease or sale typically?

MR. PETRO: All the land there is definitely for lease but I've been instructed by the town board to try to sell a couple parcels for cash flow. I'm not personally for it but my opinion doesn't count so therefore if I get a chance I'll sell a couple parcels. The one that we're working with is the FBI and they do want to buy their parcel.

MR. ARGENIO: Your concern is that the board is keyed into the fact that the EIS has been done and there are certain quantities of square footages that are already pre-approved included under the EIS?

MR. PETRO: There may be 300,000 square feet of office so that's, it's just that it's going to have to move simultaneously, you know.

MR. ARGENIO: Well, I think that historically and I'm not going to get into timing of the whole thing cause whatever it is it's not relevant for this discussion, historically when the Bettles were developing stuff up there and Jimmy I think you were part, I don't think you were but what Mark did, correct me if I'm wrong, we have quantities and I'll say square footage of the building whatever the quantities are square footage of impervious space, I don't know what exactly they represent but Mark you were tracking those quantities, am I correct?

MR. EDSALL: We're tracking those and I have the assistance of a wonderful attorney to my right and what we do is we have a standardized comment that indicates that the application that was presented is consistent with the environmental evaluation, the SEQRA determination and findings that were adopted and that's the end of SEQRA, once we make that determination we've got a spreadsheet that just as the development occurs as long as it's within the threshold of all the different uses fine.

MR. ARGENIO: At some point in time when we start to get close to the threshold and I don't know what that number is within 10 percent, within 30 percent, I don't know what that number is.

MR. PETRO: If I live long enough.

MR. ARGENIO: We may not even be here, we'll have to start looking closer but yes, duly noted that the EIS was done.

MR. EDSALL: Process is already set up.

MR. CORDISCO: The way that I characterize it.

MR. ARGENIO: The Bettles paid for that, didn't they?

MR. CORDISCO: That's establishing a yard stick so you're measuring these applications as they come in and the cumulative effect against the yardstick and we're nowhere near the top of the yardstick yet.

MR. ARGENIO: So I think we're with you on that.

MR. EDSALL: When we I'll use the word pushed Kevin Bette toward doing the EIS, he was very upset, thought

it was a waste of money, didn't have to be done but--

MR. CORDISCO: For him maybe.

MR. ARGENIO: Guess who's reaping the benefits, the Town of New Windsor.

MR. EDSALL: Now we're going to benefit by doing the job right.

MR. PETRO: Just for your education on what we're doing there, the town on a couple of the parcels as I said will sell a couple of the acreage, if you're looking at \$250,000 an acre so it's not 12,000 or 7,000 people calling me up or it's 65 cents a square foot for the lease of the land per year and what I'm doing I'm doing the leasing of land and not the square footage of the buildings. This stops somebody from taking a four acre parcel and putting up a 10,000 square foot building, the town gets \$1.77 a square foot on the land lease and we lose three more acres of property so now you only take what you need because you're paying 65 cents a square foot on the land.

MR. ARGENIO: The whole piece of land.

MR. PETRO: This way we can't get dooped, we don't want somebody land banking calling up and saying I'll take a 15 acres parcel but I'll put up a 10,000 square foot building. That's the reason we're doing the land lease on the square footage of the land.

MR. ARGENIO: Suppose somebody wants to buy the parcel, look, I want 10 acres, I'll give you 250 a acre but I'm only going to put up 10,000 square foot boutique type building, me and my partners we're going to operate a professional widget management company out of here but we'd like a bit of green space around our building, we'll give you 2250 but we'll take the 10 acres.

MR. PETRO: Can't have it. To me that's land banking and there's going to be performance clauses in all the sales and if you don't perform in X number of time of months and/or years the town would have the right to exercise to take back the land, not that we necessarily would we have to see what the economic conditions would be but within reason. Now you said 10 acres--

MR. ARGENIO: I'm trying to make an extreme.

MR. PETRO: At some point you have to use your brain. I need three acres, I'm going to give you 750, it wouldn't be my call, I'd rather go to the board and say what do you think, I don't want to sell any of it but they do want to sell.

MR. ARGENIO: It's an asset that is not repeatable.

MR. PETRO: Once you sell it it's going to go in the general fund. You do have the ratables and do you have the jobs so it's not a complete loss but you also have the ratables and the jobs on the land lease, you still own the land and you're still going to have it. But listen, we have 145 acres, if I wind up selling 10 acres that's not a big deal. So far I don't have anything cooking for nothing so I'm talking about peanuts there, it's like a car salesman, you cannot force somebody to come up there and build or buy a car, you can be the best car salesman in the world but if nobody walks in, how do you sell the car.

MR. ARGENIO: This is a big car.

MR. PETRO: But I do get a lot of phone calls and I think we're moving into a time where there may be some action.

MR. ARGENIO: Jim, I think the planning board would appreciate, I know I would appreciate an update on that type thing once in a while.

MR. PETRO: I thought even tonight because now you have an idea of what we're doing.

MR. BROWN: How's the word getting out?

MR. PETRO: Marketing, I'm going with the Orange County Partnership, I have a couple beautiful marketing pieces all through Town Hall, they did it at their expensive, prepared them myself, Phil Crotty and their team. Number two, we're in Site Selector magazines like last month they did, Site Selector magazine, it's a big magazine, very, very expensive per page and they actually zeroed in on towns that have airports, it's a fluke, so we were in all those. And the big one that's coming out and this is not out to the public yet but I will tell you right now we're going to work with the Wall Street Journal, Orange County Partnership is going to do twice a month, they have a real estate section in Wall Street Journal and they have an insert, well, they

are preparing an insert, they're going to have six pages for sale in the insert, the Town of New Windsor has already taken a page for \$2,000, that's just to cover the printing, they're doing all the other paying, it's \$60,000 to do this, we're making 10,000 extra for marketing, it's not just the Town of New Windsor, it's for Orange County, but we're going to be in the magazine. And I believe the Orange County IDA, I can't speak, I'm one of seven members, is going to foot the bill for marketing for Orange County. But the last time I looked, New Windsor is in Orange County and I don't want to be treated worse, you know, than anybody else because I happen to be there. This is a great, it's also T.V. ads and there's about 17 stations, it's going to be on, it's a lot of money but Orange County Partnership has been absolutely terrific and I have it in my office if anybody wants to stop and look at the marketing materials, if you just walk through Town Hall, I stuck them all over the boards which are pretty cool. That's one way. Number two, just by brokers. Number three, by word of mouth, it's like when you tell somebody that we can get through a planning board in 60 to 90 days I know I'm speaking on your behalf.

MR. ARGENIO: It's impossible, Jim, you go to Montgomery 60 to 90 days.

MR. PETRO: It's not impossible here, I just watched you work tonight, frankly, I'm proud to be, proud of this kind of a team. You're right, in other towns it's not like this. I'm not blowing smoke, I'm serious.

MR. ARGENIO: One of the keys, and I appreciate the compliment as everybody does I'm sure, one of the keys is this, the former tenant paid for the EIS for the whole parcel, I mean, that's key, that's huge.

MR. CORDISCO: On that particular point, I do want to go back to that in terms of talking about the yard stick cause I want to make an important clarification, the yard stick is not an upper limit, it's a limit of what was evaluated. So in the odd situation that someone was to come in and propose something that was more intensive than what was previously evaluated it would just trigger a new evaluation. So what's the benefit of the EIS being in place now and people being under the yard stick is it's basically a fast track approval process.

MR. PETRO: Keep in mind in that process I think there

was retail if I remember correctly.

MR. EDSALL: There was a good mixture.

MR. PETRO: Now I don't plan on doing any retail period, maybe one small spot out on 207 maybe we can take some of that and maybe augment the EIS so if we want to go back to more office space or maybe a convention center and we don't have enough so I think you have a little latitude to look at that there so it's important that it's done in the first place.

MR. CORDISCO: If I may, we need a movie theater so if I need to cut out of work for a couple hours, I have a place to go.

MR. ARGENIO: Nothing else? Motion to adjourn? Jim, I thank you very much for that.

MR. BROWN: Motion to adjourn.

MR. FERGUSON: Second it.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer