

TOWN OF NEW WINDSOR

PLANNING BOARD

November 14, 2012

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
HOWARD BROWN
HARRY FERGUSON
HENRY VAN LEEUWEN
DAVID SHERMAN

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER
BUILDING INSPECTOR

JAMES PETRO
PLANNING & ZONING BOARD COORDINATOR AND
PROPERTY MANAGER

ABSENT: DANIEL GALLAGHER
NICOLE PELESHUCK, Planning Board Secretary

MEETING AGENDA:

1. Hill & Dale MHP
2. Scheible lot line change
3. Temple Hill Apartments s.p.
4. Hudson Valley SPCA sub.
5. Hudson Valley SPCA s.p.
6. 32 Plaza s.p.

REGULAR MEETING:

MR. ARGENIO: I'd like to call to order the November 14, 2012 regular meeting of the Town of New Windsor Planning Board. Would everybody please stand for the Pledge of Allegiance?

(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: Welcome everybody. We have a bit to get to tonight so we're going to get right down to the agenda.

APPROVAL OF MINUTES DATED 9/26/12

MR. ARGENIO: The first item on tonight's agenda is approval of the minutes dated September 26, sent out via e-mail on November 6. If anybody sees fit, I'll accept a motion we approve

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Roll call.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. SHERWIN	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

ANNUAL MOBILE HOME PARK REVIEW:

HILL & DALE MOBILE HOME PARK

MR. ARGENIO: Hill & Dale Mobile Home Park, somebody here for this? Sir, what's your name?

MR. HERSCHEL: Joe Herschel, H-E-R-S-C-H-E-L

MR. ARGENIO: Jennifer, for the record, Jennifer is serving as planning board secretary and building inspector tonight, she's sitting on the dais next to me. Jennifer, has somebody from your office been out there to have a look?

MRS. GALLAGHER: Yes, they have.

MR. ARGENIO: How is it?

MRS. GALLAGHER: Everything's fine.

MR. ARGENIO: Do you have a check made out to the Town of New Windsor in the amount of \$250?

MR. HERSCHEL: Yes.

MR. ARGENIO: Thank you for keeping a nice place, Mr. Herschel, it's important for the quality of life for all of us who live in New Windsor. Hearing what Jenn has said, I'll accept a motion for one year extension.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. SHERWIN	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Thank you, Mr. Herschel.

ZONING BOARD REFERRAL:

SCHEIBLE LOT LINE CHANGE (12-15)

MR. ARGENIO: Zoning board referral, Scheible lot line. This is the Scheible lot line change on McNary Lane. The application proposes transfer of approximately 1.04 acres from lot 29.2 to lot 29.1. I see Mr. Scheible is here to represent this. Henry, you've got something there for us there, can you put that up, please? I don't think there's a lot for us to look at at this point but I'd like to see what we're talking about here before we go down that referral road.

MR. SCHEIBLE: My name is Henry Scheible, I live at 528 McNary Lane, New Windsor, New York.

MR. ARGENIO: Henry, show us what you're looking to do here please and first of all orient us a little bit, please.

MR. SCHEIBLE: What I'm after this evening is a lot line change. Just to give you, this is McNary Lane that comes up off of Route 207 and then here is previously my father and mother's house which I am selling to my daughter, Susan, as of right now and this lot in here what you see--

MR. ARGENIO: That lot line you're pointing to?

MR. SCHEIBLE: This will be the new lot line.

MR. ARGENIO: What's this here?

MR. SCHEIBLE: That's a, I gave the town a water easement and a sewage easement, that's where you are in this area right in here.

MR. ARGENIO: Got it.

MR. SCHEIBLE: This I'm trying to remove for tax reasons for my daughter, I'm going to take this piece of property which is right now part of my father and mother's old piece which eventually has, is going to be Susan's house and I'm putting this onto my piece of property under Helga Scheible, my wife.

MR. ARGENIO: Say that again please.

MR. SCHEIBLE: Okay, sure. This piece of property

right here belongs with this house which was previously my mother and father.

MR. ARGENIO: Just so we're clear, it's this here, yes?

MR. SCHEIBLE: Yes, and this here.

MR. ARGENIO: Okay, go ahead.

MR. SCHEIBLE: This right here is my piece of property. We have a driveway that we share, both houses share and this piece of property, this acreage here I want to draw the lot line here and become all one piece right in here which falls under my wife's name, Helga Scheible.

MR. ARGENIO: These lot lines are not great so I guess I think what I'm hearing if you could just allow me, Henry, so you want to take this piece here and then turn it into this?

MR. SCHEIBLE: You got it, that's correct, yes.

MR. ARGENIO: So we have two lots now. So the swap as it were is a swap but essentially the lots we're going to have when we're done we're going to have two different lots of about the same size as what they are today?

MR. SCHEIBLE: Correct.

MR. ARGENIO: What else do you have to offer?

MR. VAN LEEUWEN: I'm surprised you didn't go straight up through the line and give part of each piece to the two houses.

MR. SCHEIBLE: Which pieces?

MR. VAN LEEUWEN: The center line of your property and your father's property.

MR. SCHEIBLE: This one right here?

MR. VAN LEEUWEN: Yeah, run that straight up.

MR. SCHEIBLE: Up here?

MR. VAN LEEUWEN: Yes.

MR. SCHEIBLE: No, no because--

MR. VAN LEEUWEN: Wouldn't help the situation?

MR. SCHEIBLE: No because you're creating another lot almost and under town rules and regulations you can have just, see, this is a private road that comes up through here, you can just have so many, you know, lots on a private road, that's why originally I wanted to spin this off as a separate lot but then my wife and I said, you know, there's not going to be anything ever built there, maybe after I'm gone maybe the kids can do whatever they want with it.

MR. ARGENIO: Susan will deal with that. Do you guys understand, Henry and Howard, Dave, do you understand?

MR. SHERWIN: Yes.

MR. ARGENIO: So we have two lots that are of a certain size, when we're done, we're going to have two lots that are of almost the same size.

MR. SCHEIBLE: But just exchange the--

MR. ARGENIO: Henry's daughter is going to take the smaller one and obviously have less of a tax burden because her lot will be smaller.

MR. SCHEIBLE: Correct.

MR. ARGENIO: Mark, anything else?

MR. EDSALL: Just for clarification the transfer is just over one acre.

MR. VAN LEEUWEN: I have no problem with it.

MR. ARGENIO: Any other questions? Dave?

MR. SHERWIN: No.

MR. ARGENIO: If anybody sees fit, for the record, it seems as though this is very very innocuous and the planning board is sending this to the zoning board with a favorable recommendation, I mean Henry's been in this town for a long time, he's served this board for many years.

MR. SCHEIBLE: Sixty-nine years.

MR. ARGENIO: More years than I care to admit. I don't see any issue. That said, if anybody agrees, I'll accept a motion that the planning board deem this application incomplete at this time which will effectively forward Mr. Scheible to the zoning board.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. SHERWIN	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Henry, good luck, this is pretty innocuous and thank you for doing it right and not trying to take advantage of, you know, your long time position.

MR. SCHEIBLE: Take advantage of you guys would be impossible.

MR. ARGENIO: In this town.

MR. EDSALL: Just one thing for the record and also for the ZBA to be aware, we did forward this jointly to the Orange County Planning Department to get the ball rolling so it's been sent for comments on behalf of both boards.

MR. ARGENIO: I think that's entirely appropriate for this application.

REGULAR ITEMS:

TEMPLE HILL APARTMENTS SITE PLAN (11-14)

MR. ARGENIO: Next on tonight's agenda is Temple Hill Apartment site plan. This application proposes 272 unit multi-family residential development on total of 19.5 acres. The plan was previously reviewed at the 14 September 2011, 9 November 2011, 8 August 2012, 10 October 2012 and 24 October 2012 planning board meetings. I see Mr. Pfau coming up here to make a presentation. Joe, thank you for coming in. Can you please update us on the ground you've covered since we met last?

MR. PFAU: Yes, if you recall we had a public hearing at our last meeting, the public hearing was closed, I believe that was on the 24th of October. We received a letter from Mr. Edsall's office with the number of technical comments. We did respond to a number of them but because of the timeframe to get back on the agenda which was two days later, we did not get all the comments done. But the reason was we wanted to get back on this agenda for two reasons, number one was hopefully the 30 days has passed for SEQRA. Secondly, we were hoping to get a positive recommendation to the town board for the overlay zone. We understand that after all of that is done and we get, hopefully get our approval from the town board, we'll be coming back to this board for a final site plan approval. So I'm not, we're not looking for any approvals this evening. We're just hopefully looking for number one, a negative declaration, number two, a positive recommendation to the town board. We do realize we have a number of issues, although since we have made that submission two Fridays ago we have wrapped up just about the rest of the comments and also this afternoon we did receive a letter from office of SHPO signing off, came in about 4:30 this afternoon.

MR. ARGENIO: Did you transmit that to the planning board secretary?

MR. PFAU: Everything was closed up by then. I may have gotten e-mail, we asked for a direct e-mail, they it got directly e-mailed to you, Mark.

MR. EDSALL: I haven't seen it yet.

MR. PFAU: They were out in the field, they promised

they'd get back, I have the extra copies. I have an e-mail from Dave Matthews.

MR. ARGENIO: Just briefly for the benefit of the board members, we don't have official possession of this yet but I'm not going to read the whole letter but the next to the last paragraph says based on this review, it's the office of Parks and Historic Preservation's opinion that your project will have no impact upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places. If you have any more questions, call us. Joe, take this please and please formally transmit it to Nicole so we have it as part of the record.

MR. PFAU: Okay.

MR. ARGENIO: Let's briefly talk about the plan a little bit. Joe, please hear me on this and I don't want to be talking to your back.

MR. PFAU: Sorry.

MR. ARGENIO: Mark's technical comments are multiple pages long, this is the third meeting in spite of your overage of mia copas that you only had a couple days to work on it that the technical comments are multiple pages long. We folks up here just about volunteer our time as a matter of community and we don't typically get into them with great detail the technical comments that is, they do take up our time and I will not put you on the agenda next time if the technical comments are that extensive.

MR. PFAU: Fair enough.

MR. ARGENIO: Do you understand?

MR. PFAU: Completely.

MR. ARGENIO: I'm going to ask that prior to the next time you come to this board, prior to that you have a meeting with Mark Edsall, we'll call that a workshop meeting, he's in Town Hall I don't know what day, figure it out with him and please get with him at a time that's substantial enough prior to the next meeting where the technical, you'll have adequate time to address the technical comments. And I recognize and acknowledge that a lot of them are not heavy lifting but this is a substantial high profile project in a

critical area of the town and it's important that we're buttoned up appropriately.

MR. PFAU: Agreed.

MR. ARGENIO: I don't want to beat it to death, it is what it is, I'm sure you've got the message.

MR. PFAU: Yes.

MR. ARGENIO: That said, members please have a look at the comments and let's try to not to focus on the technical engineering aspects because it would seem to me that they are manageable. And Harry and Howard, as I just said, they'll need to be managed and corrected before we take this further. And Mr. Pfau I'm sure will take care of that. While you guys are perusing the comments, I would just like to hit a couple of things that I've looked at and considered. I want to make a few bullet points for you, Mr. Pfau, and then there are a few questions that I have in addition to whatever questions the members may have, starting with the bullet points that I'd like to highlight for you, Mr. Pfau, I want to make sure that you have taken pains to make sure the unit count is correct on the plans. It's important just so the details are buttoned up. Mark has a comment talking about the 24 foot drive with the 30 foot easement, Mark, I'd like you to elaborate on this depending on the use of the road the 24 foot width may be inadequate, what are you referring to, Mark, with that specifically?

MR. EDSALL: Well, the plan includes and I think it's very gracious of Jonah to offer it, an access to the Purple Heart Museum, and I think the intent there is that once the traffic signal in place, it would provide them much easier movements through the signalized intersection up to the Purple Heart Museum rather than from the driveway that currently exists that was picked up by Orange County Planning also as something that would be beneficial. I think it should be recognized that there could be quite a bit of volume of traffic, larger vehicles, emergency vehicles and putting in a road that's less than the width of a town road for a facility of that type may not be wise or at minimum we should make sure that the right amount of space is reserved so if the state determines they want to put in a 28 foot wide road, there's plenty of room. If you reserve a 30 foot access, you don't have much room. What I am suggesting merely increase the reservation

strip to at least 50, it really doesn't affect the site plan because it's off to the side and that way the state can do whatever the heck they want but we have reserved enough space.

MR. ARGENIO: I wouldn't imagine you'd take exception to that.

MR. PFAU: Can I keep the 24 foot?

MR. EDSALL: Put the size of the road or as determined by the state, if they want to make it wider, there's room.

MR. ARGENIO: Okay, I didn't quite understand the precise nuances.

MR. VAN LEEUWEN: Fifty foot easement.

MR. ARGENIO: There's plenty of room to modify it at a later date.

MR. PFAU: That's easy.

MR. ARGENIO: Make sure we get the details for the coverage on the roof structure, enclosure structure on the waste receptacle areas.

MR. PFAU: Yes, the architect's working on that.

MR. ARGENIO: And I would remind you that I think we spoke of this that we need some type of lighting in there, I'm sure we spoke of that.

MR. PFAU: Yes.

MR. ARGENIO: Something you know.

MR. PETRO: Mr. Chairman, we're looking at Mark's comments which are 38 strong and I do--

MR. ARGENIO: Which are what?

MR. PETRO: Thirty-eight bullet points, I'm not saying this is the most important but being you're on the subject, the work force housing dumpster enclosures you only have the one that Mark mentions and I think that's highly, how many units in the work force?

MR. PFAU: There are a total of 42 in each building so

84 total.

MR. PETRO: Eighty-four going into one dumpster, I rest my case. I don't even have to go any further. I would suggest you go down to Windsor Crest, some other places that have been built up, look at what they have.

MR. ARGENIO: Are you suggesting an additional enclosure to accommodate building two?

MR. PETRO: Absolutely, one for 84 units, that's just, you know.

MR. PFAU: Just for clarification, it's not a single dumpster, it's a facility.

MR. PETRO: Still, for somebody it's a long walk from somewhere, they can't all be next to it.

MR. BROWN: We have four dumpsters for 102 units.

MR. ARGENIO: Four dumpsters or four dumpster enclosures?

MR. BROWN: Four dumpster enclosures, two in each enclosure, there's two to three dumpsters.

MR. ARGENIO: Jimmy's right, we should include something for building two, certainly wisdom in that. Mark, let's talk just for a moment or Joe Pfau about the, not about the parking, the plans, not parking requirement of one space per unit and two spaces per work force, the code amendments or Dominic, whoever is competent to comment on this, the code amendments adopted by the board now requires two and a half spaces per each unit.

MR. CORDISCO: As part of the referral to the town board, we should seek clarification from the town board as to whether or not the new zoning amendments were even intended to apply to existing projects and create additional hurdles for existing projects or if it was only for projects going forward after the zoning amendments, projects that don't that come to be applied for after the zoning amendments go into effect and that would provide some clarity and may require the town board to take some action to make that clarification. But I think that as part of the referral this is something that we need guidance from on the town board's level.

MR. ARGENIO: Okay, that's their purview, I guess.

MR. CORDISCO: Correct.

MR. PETRO: Can I speak again, Mr. Chairman?

MR. ARGENIO: Yes.

MR. PETRO: You don't want to get home before midnight do you?

MR. ARGENIO: Gracious sixth member.

MR. PETRO: When the intent of the town board is to make something be better and i.e. in this case the extra parking because we know from experience where my mother lives that the parking is highly inadequate so the intent here, how far up did it go up a half a parking spot?

MR. EDSALL: One to two and a half for one case and from two to two and a half for the other.

MR. PFAU: I just don't, we couldn't find that anywhere in the code and it's not in the code yet, we were, just couldn't find those.

MR. EDSALL: It's in the parking regulations, off-street parking specs.

MR. PFAU: Senior citizens went up from one to two.

MR. EDSALL: Both senior and work force housing went to two and a half per unit.

MR. ARGENIO: Let me say this, Jimmy, we don't disagree often and I don't want to have a debate about this but I disagree with you, you could very well be right but in all the talk about the senior housing and the parking, et cetera, et cetera, I did visit that facility over near Rite-Aid several times. I didn't park there day after day, I did visit it and there were empty stalls everywhere. Now that doesn't mean that on Thanksgiving when everybody is visiting Grandma or Christmas or Easter it's not mobbed and they're overflowing that could very well be the case.

MR. PETRO: Or nighttime.

MR. ARGENIO: I went there during the day several times specifically to do my due diligence and there were stalls. But I don't want to have that debate cause it's not our debate, it's more of a town board issue, figure out the code, Joe, you have to deal with that with the town board.

MR. PFAU: As far as a referral from this board would something from this board be able to be gotten to help us along in that regard?

MR. ARGENIO: What does that mean?

MR. PFAU: I want a positive, well, I'll come flat out and say Mr. Mandelbaum has a bunch of these facilities and he's very comfortable with the parking count and I will come right out and say that the project falls apart completely with those new parking regulations so we can't come even close, not even close.

MR. ARGENIO: Well, I mean, I don't know whether it's ours to make that determination, A, it's a code issue, that's a number one, B, if it's, if some code issue is grandfathered from then till now, that's not the planning board that does that.

MR. PFAU: Just asking a question.

MR. ARGENIO: I hesitate to put any spin on it at all, quite frankly, other than what we have discussed already.

MR. EDSALL: Just for clarification, there's also in the code says senior citizen housing, this particular application is affordable senior housing as far as I understand.

MR. PFAU: Yes.

MR. EDSALL: So it's in the text, it refers to the one single type so there might be some flexibility in that regard because there's a different type of occupancy for the totally affordable. The other thing is depending upon how the town board determines the flexibility and grandfathering cause there are other issues that have come about, you still have as part of the same code that increased the parking spaces flexibility under the same section under Subsection F, the ability to modify the parking requirements below the schedule based on data and based on your sole

discretion but I kind of was leaving that as the last option, I think if the town board says it was their intent not to create a hardship for applications that had substantial progress and we're nearly completely designed.

MR. ARGENIO: Which has been the standard in our town in the past.

MR. EDSALL: That's what the town board has done on all the zoning amendments that I remember so we're--

MR. ARGENIO: As the planning board has done in the past.

MR. EDSALL: Yes, so I'm suggesting that they have to go to the town board anyway, ask the question if they come back you still have that flexibility.

MR. ARGENIO: Let me add this to this discussion, we'll get do this in a few moments, we're not going to belabor it but let me get to this right now, just as an indication of where we're at with this project and its value to the town. I have the response from the county in my hand and we're going to touch on a couple of things there, we're not going to get into all the minutia because it's quite a few pages of invasive plant spaces commentary, et cetera ad nauseam but I want to read from the letter from the county. The project site is within, and I'm reading from the letter for the record, the project site is within one of Orange County's identified priority growth areas, therefore, development that's sensitive to the surrounding resources is encouraged. Additionally, the housing and neighborhood preservation strategy within the most recent update to the Orange County comprehensive Plan encourages the creation of affordable housing units throughout the county due to the housing affordability gap that exists in the county. This assessment estimated that the Town of New Windsor is expected to have an owner affordability gap of 7,585 units with a renter of affordability gap of 3,030 units by 2015. So the merits of the project I think are validated here, not that we need their validation but it's certainly always good to hear that. Let's get passed that, whole pile of technical stuff. Joe's making us waste paper here. Did you randomize the tree layout?

MR. PFAU: Yes, not on the last submission.

MR. ARGENIO: I don't have this here?

MR. PFAU: No.

MR. ARGENIO: Why don't I have this? This is weeks ago we talked about that.

MR. PFAU: I did not bring another plan with me tonight because I didn't want to confuse things from the submission that was made two weeks ago which was two days after the meeting, that was the reason.

MR. ARGENIO: Okay, I want to look at that because that's an important issue. Important to me at least, I don't know, maybe I assume it's important to everybody else. We tend, Danny Gallagher always looks at landscaping and I tend to agree with him. Orange County Planning Department okay time for that. So I have the letter from the county, I'm not going to read the whole thing, I'll just read an excerpt from the first paragraph and Jenn, would you please see to it that we e-mail the county letter to the members of the planning board so they have the benefit of it as well? I sought it out cause I knew we had a response. It talks about the containment, it's all good, the impacts be mitigated, talks about the housing mix is good, then it goes on for a page or more about trees and bushes and talks about invasive plant species, which I'm not aware that we have any invasive plant species in New Windsor that are problematic. They certainly do exist but I'm not aware of any in New Windsor so I'm not going to get banged up about it. I don't think we should get banged up about it. But I want you guys, Dave and Henry VanLeeuwen and Harry and Howard to see the letter, if you guys have any issues we can certainly probe it. That's the sum and substance of the county letter. So that said, it is what it is. I'm going to continue to talk just a bit about the site and the site work. Joe, do we have a balance here from a cut and fill perspective?

MR. PFAU: Yes, we do.

MR. ARGENIO: You're sure?

MR. PFAU: Yeah, I will submit that information to you.

MR. ARGENIO: That's great, that's important cause what we don't need given the traffic concerns is hundreds

and hundreds of tri-axles going up and down Temple Hill Road going in and out. Dave, do you have something? I see you looking at me, when you look at me I think you have something.

MR. SHERWIN: No.

MR. ARGENIO: Let's just talk a little bit about the phasing, in looking at the plans a little further at Town Hall over the past few weeks and talking about it with Mark a little bit, it seems to me that you do have a bit of dirt on the site. You do have a bit of cuts and fill, not a disaster but there's some cuts and fills on the site. No inordinate challenges there, a competent dirt guy will do a fine job.

MR. PFAU: Only thing we haven't done is we haven't, he hasn't decided how he's phasing it yet. We have suggested and I think he's going to go along with it that when we do we're going to do an upper phase and lower phase together because the upper phases are mainly the cut phases and the lower are the fill phases.

MR. ARGENIO: Here was going to be my suggestion, I think you should consider doing the rough cuts and fills on the whole site and here's the wisdom in that. A, economy, if you hire one guy to come in and bang it out, it's done, you'll get the best economy for what you're doing. Two, from our perspective, from the town's perspective, it's going to allow you and as you know we're an MS4 community, it's going to allow you to put all of the downstream features in place. This is a good thing, it's not a bad thing, put the check dams in, put the things you need to put in to mitigate the siltation as it runs off the site, there's no brain surgery, it's not impossible, I think it's a smartest approach. Not constructing the downhill drainage features and letting things run willy-nilly and/or putting in, you know, temporary pipes to temporary ponds and things of that nature, it's expensive and it's just not great practice, it's not great practice. So that's what I think you should be considering. Then from there, however you want to phase your buildings you phase your buildings. Mr. Mandelbaum spoke of that and we understand the economics of that building one or building two or do building three whatever it is, however you want to do it you can do it.

MR. PFAU: Okay, I understand.

MR. ARGENIO: Have I missed anything?

MR. EDSALL: I couldn't agree with you more.

MR. ARGENIO: Okay, let's talk just a little bit, we talked about that already, let's save SEQRA discussion until the end. I want to talk about two things, members, you guys have anything at any point in time, interrupt me. Two things I want to touch on, the roadway improvements on Temple Hill Road and the interconnect to RPA. First off for the benefit of the members, Jenn, would you please also e-mail to the members the John Collins' letter?

MR. EDSALL: They've got a copy with my comments.

MR. ARGENIO: You've got a copy?

MR. VAN LEEUWEN: I've got a copy right here.

MR. ARGENIO: Excellent. I'm not going to read the whole letter but I'm going to read just a couple things from Mr. Grealy. As you guys remember, he came and he spoke and he's the consultant that Mr. Mandelbaum hired at our recommendation because we've had a lot of success with him, and again, I'm going to paraphrase a little bit and I'm going to read a portion of the letter, construction, they're going to construct separate turn lanes, blah, blah, blah, these lanes will safely separate the other traffic from the turning traffic from thru-traffic on Route 300. These widening improvements will be completed in conformance with DOT and as to design as to American Association of State Highway Transportation Officials, is that right?

MR. EDSALL: I think so.

MR. ARGENIO: The other governing body design criteria for intersections which are designed to accommodate all drivers, senior citizens, young people, all people, the lane lengths tapers and sight distance, et cetera, will be based on the travel speeds along the roadway in conformance with DOT criteria. The applicant has agreed to design the signal for this intersection in advance, is that correct Joe?

MR. PFAU: Yes, it is.

MR. ARGENIO: In order to expedite its installation

once the actual traffic signal warrants required by DOT are met. In the interim, prior to signalization, the proposed intersection design will safely accommodate entry and exit movements for all vehicles at the development. The important component here is and I want to focus on the thrust of the public hearing last week or two weeks ago everybody was concerned about the traffic, they want a light, want to control the traffic, we cannot get a light until warrants are met, it's not our highway, it's the DOT's highway. The first step is this, to do these improvements. The next step will be that the highway meets traffic warrants. At that point, we'll be able to get a signal installed there. Now, Mr. Mandelbaum has agreed to what did you say, design it, yes?

MR. PFAU: Yes, design the light now.

MR. ARGENIO: Who's paying for it when the time comes?

MR. PFAU: I think at the public hearing it was told that it was going to be put into some type of a developer's agreement, I don't know if this was ever finalized.

MR. ARGENIO: Mark, Dominic, do you guys recall?

MR. CORDISCO: At the public hearing, Mr. Mandelbaum did state that he was willing to pay his fair share of the signal costs.

MR. ARGENIO: What's that?

MR. CORDISCO: I don't know.

MR. BROWN: Weren't they supposed to get together with RPA?

MR. ARGENIO: Yes, but RPA has approval, the bridge that we're going to cross with them is going to be at a later date.

MR. CORDISCO: The implication, if I may, the implication was is that perhaps RPA would share in those costs, whether that's equitable or not is not for me to say. I would say, however, that the RPA project was designed and approved without the need for this interconnect nor, you know, the signal cost for the project.

MR. ARGENIO: You know what my concern is and I'm sure the other board members share this concern is this interconnects back to the Jim Petro days when he was chairman and may even predate you, does it predate you or was it you or you and I or somebody before you?

MR. PETRO: It was our board.

MR. ARGENIO: It's been there for a long time and finally this thing is coming together and people are doing stuff and developing and I can see it, I can smell it, this is coming together. We, this board that sits here does not want to be the group that screws it up. Here's the problem, here's the issue. At some point in time, there's going to be a signal there Mr. Mandelbaum is going to pay for the design. There's a 412 lineal foot piece of road up at RPA that needs to be built. I see the Town Supervisor sitting in the audience and I'm sure if I said to him Supervisor Green, do we have the money to build that road? I think I know the answer without even asking the question. And if I said Mr. Green, we agreed at planning board that with the developer that we would pay for the signal, I'm sure that his white hair would fly off his head. Joe, you need to talk to your applicant. We need to know how this package is going to be handled with no ambiguity, when I say this package, I'm going to say it again and I want to be very clear, Mark, if I'm not clear, please correct me, who is going to pay for the signal. We're not worried about when at this point I don't think when warrants are met I think is the answer. Who is going to pay for the 412 lineal foot piece of road? I don't want two bridges left and right that go to nowhere, that's not going to be my legacy as the planning board chairman and I'm sure the members don't want that to be their legacy either.

MR. EDSALL: Mr. Chairman?

MR. ARGENIO: It's a difficult question but we need an answer, we need to tie that down.

MR. EDSALL: Those two issues are two of three items listed under my comments seven which I'm suggesting--

MR. ARGENIO: I haven't gotten there.

MR. EDSALL: Probably remember them from our wonderful discussions on the overall issues, I'm suggesting that

since--

MR. ARGENIO: You have it there.

MR. EDSALL: -- since the town board will not only review this for special permit but will be the board that should there be a developer's agreement executed that agreement those two items whatever the solution should be reflected in their determinations. The other one which I have asked that the town board consider is that the current design does not take benefit of master water meters which is a standard that we have been told in general applies to all multi-family projects with private water mains.

MR. ARGENIO: I consider that a technical issue, am I underestimating it?

MR. EDSALL: Yes, because it's one that the town board has depending upon the physical layout of the projects have said no on this one, you can have building meters in general, we like master meters. So I don't want to misstep here and have the project proceed without some clarification from the town board and from the water department what type of water system configuration for this job they want so that's why.

MR. ARGENIO: So the master meters are preferential to the unit meters?

MR. EDSALL: That's the preferred system layout rather than building meters. The reason for that is if you have a water main running around the back of the building and it develops a leak with the master meter it's easier to pick up on the leak and the lost water is the applicant's loss of water, if there isn't the town loses the water.

MR. ARGENIO: That would be buried in a catch basin at the front of the project if probably remotely readable.

MR. EDSALL: It would be in a vault off the road and we have had projects both ways. I'm just looking for the town board to assist in determining what is an acceptable layout. So those are the three items that should be referred to the town board and asked for their help.

MR. ARGENIO: I think we need to have some discussions, Joe, about this, that issue that Mark just mentioned

and this signal and the road interconnect. Your applicant has been very, very fair, I mean, very cooperative in all instances. And I have no complaints and I have every confidence that we'll be able to go through this last hurdle that, I mean, there's other hurdles but this is the last one of any substance, I think. We already talked about the timing of the highway improvements. I think the highway design based on what we're hearing from Mr. Grealy from John Collins is adequate, has mitigated the impact. To my right, Howard and Harry, do you guys agree with that?

MR. BROWN: Yes.

MR. FERGUSON: Yes.

MR. ARGENIO: Dave, do you have an issue with the highway improvements or any questions?

MR. SHERWIN: No, sir.

MR. ARGENIO: Henry?

MR. VAN LEEUWEN: I don't but it should be tied down, you're right.

MR. ARGENIO: What I'm referring to only is the widening, the widening, the initial widening on the turning lane, that's all I'm referring to. The other thing, yes, needs to be tied down. What do we have here, Jenn? We have fire approval, we have informally Parks Historical Preservation. Anthony Fayo, Mark, says that he needs more specs. What specs does he need if we're meeting town road requirements? What does he need?

MR. EDSALL: Well, at this point, the interconnect is to a state road so he wouldn't be involved in that unless he--

MR. ARGENIO: Talking about the private roads.

MR. EDSALL: More information on the proposed town road.

MR. ARGENIO: We should get him to sign off on that, I don't know what the issue is, it certainly seems to me--

MR. EDSALL: I'll reach out to Anthony and I'll sit

down with him.

MR. ARGENIO: I want to read, I don't understand, it says here from Anthony Fayo if this is going to be a Town of New Windsor road more specifications are needed. What does that mean?

MR. EDSALL: I will, what I will do is I'll meet with Anthony, if there's any specific items that he needs more information.

MR. ARGENIO: Mark, maybe he doesn't know if it's a primary road or secondary road or tertiary road.

MR. EDSALL: Might be. I'll find out if there's anymore information I'll let Joe know.

MR. ARGENIO: What about DOT, Joe?

MR. PFAU: As far as?

MR. ARGENIO: Where are you at?

MR. PFAU: We just made the submission for the widening. We're still weeks away for the design on the light.

MR. ARGENIO: But on the widening you've made the submission, you're waiting to hear back from them, that's what I'm focused on because that's what's going to be built first in association with the project for safe ingress egress as the engineers have said.

MR. PFAU: I'm assuming that's something you'll require before we come back for site plan approval.

MR. ARGENIO: Yeah, you should get the plans to a level of fitness where the comments are addressed, specifically you have addressed the landscaping because I would like to, and I would encourage the members to go to Town Hall and have a look at these plans so cause we have a lot going on here. I don't want it to be dropped on everybody at a planning board meeting and have to deal with it in this short period of that venue.

MR. EDSALL: Mr. Chairman, just relative to the DOT, although the applicant is working on application submittals, it should be noted that the DOT permit office had copy of the plans sent on October 12 and

they also received the lead agency circulation to Poughkeepsie on October 17. So if they had any conceptual problem with the layout, I would have assumed that we would have heard something by now.

MR. PETRO: Counselor, is there any reason we can't, unless the members take exception, is there any reason we can't be considering a negative dec on this project at this juncture?

MR. CORDISCO: No, no, in fact, it's appropriate, next step at this point.

MR. ARGENIO: The biggest thing was the traffic, that was a giant issue and it seems as though we've talked and talked and talked and the applicant's accommodated our request.

MR. CORDISCO: Correct, there's a plan in place for traffic, you know, the issues as to who pays for it will be something that needs to be resolved.

MR. ARGENIO: It has nothing to do with SEQRA.

MR. CORDISCO: SEQRA doesn't care who pays, just whether or not there's a plan in place. So all the other open issues have been addressed, in fact, in order to proceed to address anything else that remains open, including the town board special permit, they need to have a negative dec in hand in order to go to the town.

MR. ARGENIO: For the benefit of the members, please explain what the next step would be and the step for the applicant, Dominic?

MR. CORDISCO: Sure, sure.

MR. ARGENIO: In three words or less.

MR. CORDISCO: I'll follow your example tonight, if I may. This board is lead agency under SEQRA, so we have the obligation, you have the obligation to conclude the SEQRA process, a negative dec is appropriate at this time, given the fact that they have addressed the comments. After that, they need to appear before the town board and the town board will schedule a public hearing if it's inclined to do so on the project because the town board must grant a special permit to allow this project to go forward. After the public

hearing, if the town board grants a special permit, then they would return to this board for actual final site plan approval where all the open issues that have been noted tonight must be addressed in order for them to proceed to final site plan.

MR. ARGENIO: Does anybody have any questions, you guys up here about SEQRA or does anybody see any substantial issues associated with this? Mark, the SWPPP is good, we're all good with that?

MR. EDSALL: Yeah, SWPPP is good, as I believe I said my comments obviously we're comparing the SWPPP to the grading plans and that's why when I said I couldn't agree with you more from a storm water standpoint attempting to do this total grading in pieces it would result in a problem and creating what would be close to a finish plan to work off of and having the storm water improvements in place is the best environmental approach to this development. So I would also encourage that they consider it that way, the SWPPP is good, we have to make sure that the final plans that come in with the phasing don't conflict with the SWPPP we have okayed.

MR. ARGENIO: The phasing is going to be the order of sequence on the buildings. You agree with the concept plus or minus half a foot?

MR. PFAU: I agree.

MR. EDSALL: Besides the phasing consideration, create a site development sequencing plan so we know what items are included in what phases as far as grading, storm water ponds and so on. How are you going to sequence the whole job? Then you can break it into portions of the sequence could be the phases just so we have an overall game plan.

MR. PFAU: Regardless of the phases, planning on putting the whole town road in right up front.

MR. ARGENIO: I can't imagine not doing that.

MR. PFAU: I'm just saying it's not like he's going to do this building first, build the road up to here, he's not going to phase it that way, he's going to build the whole road.

MR. ARGENIO: Joe, knowing your client, he just doesn't

do things half, I mean, he's typically not a slip-shot guy. Okay, so if anybody sees fit, I'll accept a motion we declare negative dec under SEQRA process for the Temple Hill Apartments.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. PETRO: Before the roll call, you had asked the applicant earlier a question which I thought was appropriate about the cuts and fills and whether or not there's going to be 1,000 trucks out on the road moving away dirt or bringing dirt in. And he said that he would prepare a plan and/or the specs to give to you for that. Now you're doing a negative dec before you know that information.

MR. ARGENIO: Two things, Jimmy, I'm okay with that and I'm going to tell you why. Because I'm certain that Mr. Pfau knowing the amount of applications he comes through this meeting room with would not misrepresent the cut fill balance. We all, at least I do in the construction business, we all know probably something going off or something coming in at some point in time but essentially it's a balance. And what you weren't here for at the last meeting we discussed at length was the timing of those road improvements on Temple Hill Road and Mr. Mandelbaum agreed to do those road improvements first thing in the project in association with the project. So even if Joe Pfau is a liar, which I'm sure he's not, those improvements on 300 will be done, there's safe access in and out of the site, that's why I'm, we're headed the way we're heading, Jimmy. But I certainly don't want to get jammed up with that.

MR. PETRO: Alright.

MR. ARGENIO: Roll call on the declaration of a negative dec.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. SHERWIN	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: What else do we need to talk about this evening?

MR. PFAU: I guess I just have a question whether or not the board, this board actually sends a positive recommendation of some sort to the town board as part of this?

MR. CORDISCO: We'll prepare a written negative declaration which becomes part of the record and the Supervisor's sitting in the audience and I would think that he knows you're coming.

MR. PFAU: Just a question.

MR. ARGENIO: Thank you, Joe.

MR. PFAU: Thank you.

SUPERVISOR GREEN: Before you move on to the next item, I would ask that you provide the information on the road, the parking and the access into the Purple Heart to my office for distribution before the next infrastructure committee meeting.

MR. ARGENIO: I'm not following you, Mr. Supervisor.

SUPERVISOR GREEN: The information that you discussed Phil Grealy's report, the information on the road going into the Purple Heart, the access to the Purple Heart from this project.

MR. ARGENIO: What are you looking for, the diagram?

MR. EDSALL: How many sets enough for everybody?

SUPERVISOR GREEN: Maybe a basic set for everybody before the next infrastructure committee.

MR. EDSALL: Alright, cause we can send my comments over and highlight the issues that you're concerned about.

SUPERVISOR GREEN: Yeah, and especially Phil's report, Phil Grealy's report, traffic report.

MR. ARGENIO: Yes.

SUPERVISOR GREEN: Because I will not present this

before the town board unless we have discussed it, the infrastructure first.

MR. ARGENIO: Mark, you get that done?

MR. EDSALL: Yeah, I will.

MR. ARGENIO: Tell Nicole what we need.

MR. EDSALL: The reason I was asking how many sets I don't know that we have enough.

SUPERVISOR GREEN: We don't need a complete set, maybe just the overall diagram.

MR. EDSALL: We'll get one set and highlight the comments of interest.

SUPERVISOR GREEN: You and I can discuss.

MR. ARGENIO: Do you have a copy of Phil's letter?

SUPERVISOR GREEN: No, I do not.

MR. EDSALL: I'll send my comments which has Phil's comments on it.

MR. PETRO: I'll be bringing up the parking at the infrastructure meeting.

SUPERVISOR GREEN: That's going to be one of the issues we'll be discussing.

MR. PETRO: Eat your Wheaties.

HUDSON VALLEY SPCA SUBDIVISION (12-9)

MR. ARGENIO: Hudson Valley SPCA. Application proposes subdivision of 16.4 acre parcel into three non-residential lots. The application was previously reviewed at the 25 April 2012 planning board meeting. Joe, for the life of me, I do not understand why this item is on the agenda based on what we're here to talk about, well, I know why it's on the agenda, I put it there based on my discussions with Mark. But quite frankly, more out of curiosity than anything else.

MR. PFAU: Well, you found out about probably a little bit before I did.

MR. ARGENIO: More out of curiosity, do you guys know where this is?

MR. SHERWIN: Yes.

MR. ARGENIO: Just up the road from Jimmy Petro's deli and the car wash, towards the airport on the right where the pet cemetery is.

MR. VAN LEEUWEN: I know where that is, okay.

MR. ARGENIO: So, Joe, go ahead, let's not waste a lot of time.

MR. PFAU: I just found out late this afternoon from Mr. Edsall's office that the town changed the zoning on this piece of property, just found out this afternoon so why it's on the agenda I had no idea.

MR. ARGENIO: You just want to bounce this whole thing?

MR. PETRO: Mr. Chairman, we, the Supervisor's here so we had, you don't have to bounce it cause we had discussed about this, we're talking about the SPCA, you want to tell them what you think about the zoning?

SUPERVISOR GREEN: My thought is that it will be grandfathered in under the old zoning, I mean, it was pretty far along in the planning process. I don't think it was ever our intention to zone this project out.

MR. ARGENIO: I'm shocked at the zoning, that had to have slipped through, it has to be NC zone, it has to

be, what's the other zone?

MRS. GALLAGHER: Limited commercial.

MR. ARGENIO: It has to be NC, how could it not be? What's everything around there?

MR. PETRO: NC.

SUPERVISOR GREEN: How this oversight got through, I mean, it's my anticipation that the town board will gladly--

MR. PETRO: Dominic will need some language so you can bounce off what he's saying.

MR. CORDISCO: Right.

SUPERVISOR GREEN: Actually, I probably got the same call Joe got this afternoon that it was zoned out and I couldn't believe it because we're all well aware of the project.

MR. ARGENIO: Alright, well, let's not beat it up, we'll discuss it to be continued. You don't have a plan to talk about so--

MR. PFAU: Well, I do but it's up to you guys.

MR. ARGENIO: Go ahead.

MR. PFAU: I'm prepared to talk about it, you want to talk about the subdivision first?

MR. CORDISCO: I would just add, you know, certainly entitled to see the plans like we're going to need town board clarification on the applicability of the zoning for this.

MR. PFAU: I don't want to waste anybody's time.

MR. ARGENIO: Give us a brief overview.

MR. PFAU: The subdivision very simply is a three lot subdivision, you can see a little bit better with the site plan but we have two commercial lots on 207 and the remaining lot will be the existing kennel facility. And we actually required a variance from the zoning board for this which we did receive, we needed a variance for the proposed lot number one which has the

existing kennel facility on it. So we did receive that variance, so part of the site plan application there will be a subdivision involved so that's what this particular application is.

MR. ARGENIO: Okay.

MR. ARGENIO: Go on to the next Hudson Valley SPCA site plan.

HUDSON VALLEY SPCA SITE PLAN (12-10)

MR. ARGENIO: Mr. Shaw is going to put you in jail for plagiarism, my friend. Didn't he develop this original plan?

MR. PFAU: No, I hope, no way.

MR. ARGENIO: Maybe I'm confused with something else. Go ahead, Joe.

MR. PFAU: I personally worked on this. So that's why I--the site plan has three proposed retail buildings along state road 207, we did make a presentation of this as a conceptual plan showing the proposed buildings. There also is going to be three kennel buildings in the rear of the property and we're going to maintain the existing facility which will initially remain as kennels and is ultimately going to be converted to some type of a retail use. After we made our initial presentation to the planning board with this application, that's when the planning board had sent us to the zoning board because of the kennel use on the proposed lot. And as I said earlier, we did receive that variance. So we're back now, we have the three buildings up front maintaining the existing building and a new kennel facility in the rear. We have completed the SWPPP, we have submitted that, you know, this is really our first submission of a plan set, so to speak. So at this point, we haven't received any comments but I'm sure there will be plenty.

MR. ARGENIO: I'm going to give you one right now. Go visit the landscaping plan, insert a little bit of randomness in it, just as we talked about on the other one.

MR. PFAU: Check.

MR. ARGENIO: Any other highlights here, Joe?

MR. PFAU: At this point--

MR. ARGENIO: Three retail buildings, the kennel's going to be in the back?

MR. PFAU: We're maintaining the existing facility which will be maintained initially as the kennel

facility until the new facility is built and once the new facility's up and running completely, they anticipate converting that into retail space of some sort, preferably retail space that helps, works with the kennels.

MR. ARGENIO: What are you going to do with the dead dogs?

MR. PFAU: Moving them to the rear here, proposed pet memorial which we've had outlined here in the back. Mr. DiCarado, who is the head of the SPCA here has been working with Jacobowitz, I believe that they sent out notices to everybody required who had pets here notifying them that this was going to be done. I have been told that everything's legal and I think this information was presented to the zoning board because that was a big issue for that so whatever that information is we can provide for this board as well.

MR. ARGENIO: This 30 foot entrance here, does this need to continue around this way, this 30 feet so a fire apparatus can exit?

MR. PFAU: We met with the fire department and we initially had 25 foot lane along the front here and 30 foot in the rear and they were the ones that had asked us to change that. So we already, I don't know if we have a formal approval on this, but the plans that you see represented here are based on changes that we had for the previous meeting with the fire department. So what they wanted us to do wasn't so much about bringing this around and making the loop, they were concerned about this being 30 foot back they wanted to soften this turn here for a turnaround and they wanted 30 foot lane along the front of the buildings for the fire apparatus and that was the fire department's request and we actually changed that.

MR. ARGENIO: Is there any way to get anything in through here in the lanes of some type of green space at all in through here visible from the road?

MR. PFAU: Between the buildings and the parking?

MR. ARGENIO: Yeah, can that be achieved?

MR. PFAU: On these two buildings it can be.

MR. ARGENIO: Yeah, you have and I have deja vu, I

thought we talked about this.

MR. PFAU: What we did was there was an initial meeting where you wanted us to push things back.

MR. PETRO: Tom showed us there I think in a private, I think what happened was Tom, the fellow that you were just talking about, showed us this and I had suggested someday 207 Zoning Board going to be widened for sure and they had the parking very, very close.

MR. ARGENIO: I don't remember what it was and he said we're going to lose those trees.

MR. PETRO: Not only that, if they ever widen the road, they would take all these front parking spaces and you would lose them.

MR. ARGENIO: It's going to happen some day.

MR. PETRO: Why not push everything back 15 feet, looks like you did move it back.

MR. PFAU: We moved the whole parking facility back.

MR. ARGENIO: And I'm talking about this right here right in front of these buildings because you're going to be looking at asphalt concrete building, wood siding, masonry, something certainly would be nice to have something in here, I mean, if you can't achieve it on all the buildings, I understand that but it's just, you know, you have this nice landscaping down in here which Jimmy's a hundred percent right, I remember the exact same as him and it's great that you moved that back. And I'd like to see, I shouldn't say I'd like to see, I think you should consider inserting some randomness in this landscaping, okay, be it with spacing or additional plantings. But between here, Joe, here and here nothing, nothing, you have building, parking lot, asphalt, concrete, can you have a look at that?

MR. PFAU: I know we have landscaping along here.

MR. ARGENIO: Yes, and you have landscaping in the back but in front of the buildings there's nothing there. Harry and Howard, you guys have any thoughts on it?

MR. FERGUSON: Yeah, in between the sidewalk on the building.

MR. VAN LEEUWEN: Because these buildings--

MR. ARGENIO: Henry, what he's saying landscaping I can do it for these two and not these, you may have to eliminate that structure retail building number one, that shouldn't be a problem. What else, Joe?

MR. PFAU: That's it. I guess I've got to go to the town board.

MR. ARGENIO: This zoning thing has to be figured out. Hold on a second here. Yes, Mr. Supervisor?

SUPERVISOR GREEN: Mr. Chairman, if I can just address Mr. Pfau for a minute. Joe, what's the count on the new kennels as compared to the old kennels, the runs, any difference between the count and the runs, the new proposed kennels in the back?

MR. PFAU: As far as the amount of, I'm assuming it's larger.

SUPERVISOR GREEN: See if you can get Tom to get me a count of what he's got now and what the proposed is.

MR. PFAU: Okay.

MR. ARGENIO: Army Corps of wetland depicted may fall under New York State DEC jurisdiction with the pending revised wetland mapping. The applicant should consider contacting DEC regarding this. Would you do that?

MR. PFAU: Yes.

MR. ARGENIO: You guys got anything else on this? To my left and right?

MR. PETRO: I'll tell you that the federal wetlands did not fall under DEC in any of the area when I built there, it was only federal wetlands, but I know that he's very involved with it and it's changing constantly.

MR. ARGENIO: They're redoing the map. Anything else?

MR. PFAU: No.

32 PLAZA SITE PLAN (12-14)

MR. ARGENIO: Last item 32 Plaza site plan. The project proposes 5,600 square foot addition to the existing building on the site. The plan was reviewed on a concept basis only. For the benefit of the members, this is to the left of the Vails Gate Diner, to the left of where Nickie Valentine used to have his tailor shop years ago, I think it's called the East Building, it's where that section of the little strip mall burnt down.

MR. PETRO: Mexican restaurant.

MR. ARGENIO: So who are you?

MR. MAY: Charles May, Chuck May from Charles P. May Associates.

MR. ARGENIO: Can we call you Chuck? Tell us what you guys want to do.

MR. MAY: Well, I guess most of you are familiar with the location of the property, as Mr. Argenio has stated, it's for the record it's at 335 Windsor Highway, New Windsor, New York. Many years ago I wasn't here at the time but there was apparently this portion of the shopping center had burned down as you all may know. Since then, Mr. Qelaj has purchased the building and presently we have--

MR. ARGENIO: Mr. May, if I may just to interrupt you if I'm standing on 32 and I'm looking at that building I'm looking at Cowans and then some type of restaurant and then something else and then a pad where things burned down, yes?

MR. MAY: Yes, sir.

MR. ARGENIO: To my right?

MR. MAY: Yes, so Mr. Argenio, if you're standing out here on Route 32 and you're looking into the shopping center, Cowans would be here, Subway would be here, the Mexican restaurant would be in this location.

MR. ARGENIO: Now I'm with you.

MR. BROWN: Where is the pad, the concrete pad?

MR. ARGENIO: The shaded area is the pad.

MR. PETRO: He has some seating.

MR. MAY: This is what our proposal is, however, what exists there now is a concrete, you see this concrete slab which for years has been just kind of not had anything done with it, so presently Mr. Qelaj who is the owner of the building, the existing building has 6,600 square feet. We'd like to put an addition on the building. What we'd do is we'd actually utilize some of the slab as part of the foundation, we feel as though with the 5,600 square feet we can probably have at least four more small shops in that location, you know, 20 feet wide shops which would be just about enough for maybe not necessarily another jewelry store but another kind of shop. I don't think we entertained what kind of shops but it would be retail.

MR. ARGENIO: Not changing the curb cuts?

MR. MAY: Well, we discovered when we actually put in our survey that some of the parking was on the New York State DOT property. So what we'll be doing is we will not be changing the points of egress ingress on the site, however, we will be reconfiguring the island in this particular area. We have already had a meeting with the New York State DOT and we have had preliminary discussions on exactly what we'd be doing with the curb but the curb cuts will remain in the same location.

MR. ARGENIO: You're pulling the parking out of the DOT right-of-way?

MR. MAY: Yeah, we're pulling it out.

MR. ARGENIO: You have adequate turnaround room to do that?

MR. MAY: Yeah, we actually have sat with Mark and we've gone through the parking, we have a 30 foot wide fire lane which is in front of the building and we're able to accommodate all the parking which would be perpendicular to the island. Once you get out of your car and you went and came into the building we'd have planted areas in front of the building so it would have a nice green appearance. These little islands that you see are planted areas, these would also be planted areas. As you walk into the stores, we'd create these

little green islands and these would be the walkways into the shopping center.

MR. ARGENIO: Excellent, I was going to ask you about that, good.

MR. MAY: We're trying to.

MR. VAN LEEUWEN: Who's going to maintain those?

MR. ARGENIO: He is.

MR. MAY: Well, Mr. Qelaj, the owner of the mall, he's going to be maintaining them. He wants to have more of a green effect, you know, when you come into the shopping area so we came in with these islands. We have also taken into account the parking regulations and we feel as though at this time what we have accommodated all of our handicapped parking and all of the proposed parking.

MR. ARGENIO: Let me read this to you from Mark's comments. In addition to the above, there appear to be improper calculations, you don't, don't get banged up, in addition to the above, there are, there appear to be improper calculations for parking requirements, Town of New Windsor does not recognize self-created distribution of retail area and storage within retail spaces. The code is based on blah, blah, blah, blah, blah, blah, blah, blah, blah, Mark can figure that out, Mark, what's the genesis of that?

MR. EDSALL: The bottom line is that the interior breakout of the building area has to be identified and for retail it's one per 200 based on total floor area of retail and then one per three seats for the restaurant area. So it may come out very similar, I don't know, but I don't have the interior distribution square footage of the occupancies, both existing and proposed so it just has to be rechecked.

MR. ARGENIO: Do you have a basement in this building?

MR. VAN LEEUWEN: That's my next question.

MR. MAY: There's a basement in the building on this side, however, in this side is slab. And I concur with Mark when it comes to the parking because at the time we were kind of in between what kind of stores we'll have so we just gave it a gross calculation for the

parking.

MR. ARGENIO: Let's not spend a lot of time on it, you need to look at it and get it--

MR. MAY: The intent was to get something before the planning board.

MR. PETRO: Sometimes the three seats equals the hundred square foot.

MR. VAN LEEUWEN: What's going to happen to the basement?

MR. QELAJ: The existing building is much longer and bigger than the lot, I mean, than the foundation. So we're planning to extend on this side to have some type of storage in the basement to utilize the space since we can't use it for parking and it's much shorter than the existing building, we'd like to have it similar to the existing building to have some storage.

MR. ARGENIO: Sir, are you going to manufacture basement space in the new area?

MR. QELAJ: I would love to.

MR. EDSALL: Just to be clear, the plan as it was presented has the existing building being two stories, the addition being one story, the point is they need to account for all the space, it's a kind of a moving target at this point.

MR. ARGENIO: Agreed, we're not going to chase it, I understand.

MR. VAN LEEUWEN: There will be no retail down in the basement, correct, only storage?

MR. QELAJ: No retail in the basement.

MR. EDSALL: One thing that maybe the planning board can and our building inspector can give some guidance to the applicant on is the concept of taking the basement areas, using it for storage and the only classification in this zone that comes remotely close to broken out storage areas be it for the occupancy up above or for, if there was a plumbing supply house that wanted to store some product in the basement would be a mini-warehouse. Is it reasonable and acceptable to the

board and our building inspector that we take that use which is allowed in the zone and use the criteria for that for any basement for storage?

MR. ARGENIO: Why wouldn't we do that? Makes sense.

MRS. GALLAGHER: Fine.

MR. EDSALL: Make sure because this is, doesn't fit into a warehouse, doesn't fit into what we see for mini-warehouses but as long as it's okay, we'll proceed that way.

MR. ARGENIO: Makes sense. Okay, go ahead, Mr. May, Chuck, as it were.

MR. MAY: Again, we'll hammer out the parking with Mark. But one of the questions that we have and Mark was going to give me some information on was that there's a drainage easement in this particular location and we would like to know where we stand with the Town of New Windsor in terms of our utilization of this drainageway. I know the intent was to have some catch basins connected to it but I don't know the exact size of the pipe. I don't know, I know that from my field investigation it discharges along in this particular location. But I wanted to get some information from Mark.

MR. EDSALL: I hadn't gotten an answer for that old drainage project that goes, it's small diameter, so I don't know that you will be able to tie any large volume into it, may have to retain some storm water.

MR. MAY: We can do a pre and post hydrologic analysis and not discharge any increase into the line but we'd like to be able to use it for--

MR. VAN LEEUWEN: The only thing that's there is a dry ditch.

MR. PETRO: Yeah, well, I think there's a pipe in there but it was heavy duty gravel.

MR. ARGENIO: Goes south to north, Mr. Supervisor?

SUPERVISOR GREEN: There's piping in there and any addition to that is going to result in off-site improvements. We already have a problem there.

MR. ARGENIO: What you mean is off-site improvements you said?

SUPERVISOR GREEN: You already have a problem downstream from that.

MR. ARGENIO: Near Willow Lane.

SUPERVISOR GREEN: No, into the Schoonmaker development, we'll have to look at the plan and infrastructure and come back to the applicant.

MR. ARGENIO: George, again, I don't have the history, when you say the Schoonmaker?

SUPERVISOR GREEN: Continental Drive.

MR. ARGENIO: Got it.

SUPERVISOR GREEN: If there's any additional drainage, anything that's going into there will result--

MR. ARGENIO: Are you proposing any additional impervious surface?

MR. MAY: No, what we'd like to do is we would actually have a pre and post hydrologic analysis, our predischage would most likely go into infiltrators in the ground, we'd try to infiltrate into the ground, not discharge anymore into this line than what's being discharged presently, that's the way we'd normally handle a drainage proposal. But we would like to be able to know that there is the capability of some of our existing drainage to go in there but not all of the drainage obviously.

MR. VAN LEEUWEN: We don't want to add to it because it's always been a problem as long as I can remember.

MR. ARGENIO: I think what we need to do is you need to a, I don't understand if the impervious surface is there already you're not changing it, I don't understand how we have exacerbated what's going on there already? If it's paved now and it's paved when you're done, I don't understand what impact we have created. That's what I'm wrestling with right now in my mind. Mark?

MR. EDSALL: I agree. And it was more a matter of trying to determine what system exists here and if they

need to tie in what availability, if they need to retain before they tie in so they direct the water into the system rather than onto the properties.

MR. ARGENIO: Again, Mark, I don't understand or Mr. May, if it's paved now and it's sheet flowing off the back of the property and it's doing the same thing post-development, what are we changing or am I assuming too much?

MR. MAY: Well, the thing of it is there are some areas that are--

MR. EDSALL: The north side of the property is being made into a parking lot that doesn't exist now so the answer is there's more impervious.

MR. ARGENIO: No problem, you're changing the coefficient of runoff which should trip the hydrologic study and you're going to have to make sure that you're not going to create problems for us because as the Supervisor said and he's been around for a bit as has Mr. VanLeeuwen and getting to be Mr. Petro too.

MR. VAN LEEUWEN: He's younger than I am.

MR. ARGENIO: And I'm aware too from sitting on this board for as many years that I have there's spotty issues going up and down that corridor between at the back of all of those lots that run up and down 32 so you have to do your homework.

MR. MAY: We had intended, Mr. Chairman, to provide Mark with a pre and post-hydrologic analysis and detail it on the site along this, detain it on the site along this particular area, we'll have a segmented retaining wall.

MR. ARGENIO: What's the highest height of the SMU wall?

MR. MAY: Ranges all the way from two feet here to just about eight feet nine inches and maintains a median range of about four feet.

MR. ARGENIO: I would encourage you to consider the construction of what they call a big block wall which is the larger concrete units, they're hollow, they get filled with stone, certainly can't tell you you have to use an SMU wall but we have requirements when they

reach a height above five feet, there's been failures here, there, not everywhere but here and there, we don't preclude you but your life will be easier if you use big block wall and they're marginally more expensive on a per foot basis, incremental, not much but that's your call.

MR. MAY: No, we wanted to demonstrate to Mark that there would be a wall in the back before we went to the planning board so he's aware of it and you're aware of it and it's as I said it's about four feet in this area two feet here but it does have a height of eight feet nine inches on the end but we'll speak to Mark about that.

MR. ARGENIO: Does the finish face of the wall faces the property in the back, yes?

MR. QELAJ: Ten or 15 feet.

MR. ARGENIO: If you were to tell me two foot three inches it's bit of an issue, okay, very good. Go ahead, what else?

MR. MAY: I think that's about it, I think what we'll have to do now that we have some feedback from the planning board we're going to interface with Mark and obviously we want to come up with a lighting plan, planting plan and soil and erosion control plan and move forward.

MR. ARGENIO: Mr. May, two things before you get to those two things, members Henry or Howard and Harry, anything?

MR. FERGUSON: The covered walk on the first building are you going to run it along the second proposed building?

MR. MAY: Yes, we are.

MR. BROWN: Nothing right now, we're going to need a public hearing on this when it's time.

MR. ARGENIO: Oh, I would imagine.

MR. SHERWIN: Those areas in the front by the covered walk they're spaces now, are they not, they're parking spaces there now?

MR. MAY: There are parking spaces there now.

MR. SHERWIN: Your intention is to take those parking spaces out?

MR. MAY: Yes, we have the 30, we meet the requirement of the 30 foot wide fire lane. So along with that, Mr. Qelaj is going to have a green area here and then we'll have the parking along this particular location.

MR. VAN LEEUWEN: We have a public hearing, you're going to bring them all out, believe me, I've done that, I've seen it.

MR. ARGENIO: He's right, Mr. May, a/k/a Chuck, the people down here they'll all be there big time.

MR. VAN LEEUWEN: It's all downhill and they've got a lot of problems.

MR. ARGENIO: Make sure your ducks are in a row, I can't imagine the board voting to not having a public hearing. You've been here for most of the meeting tonight, I would very much encourage you to go through Mark's comments, please give him your, doesn't mean to imply that are plans are poor quality, but it's a problem if week after week go by or meeting after meeting go by and they're not addressed as you can see by our discussions earlier tonight.

MR. PETRO: Mr. Chairman?

MR. ARGENIO: I'd like to see that. I'd love to see that finished. And I'd love to see you in keeping with finishing that find a place to put a flag pole on that site. Yes, member number six?

MR. PETRO: Two things, I want to commend the buyer of the property to have enough nerve in this economy to think he's going to build some storage, I find that amazing. But aside from that, you mentioned 6,600 square feet on the existing building and 5,600 square feet on the new building, correct?

MR. MAY: That's correct.

MR. PETRO: That's not counting the basement?

MR. EDSALL: No.

MR. PETRO: Alright, so my point may be moot anyway but if you add those two numbers together, it comes to 12,200 square feet. The new regulations are going to be changing in the town, possibly the Supervisor's behind me in talking with the building inspector for sprinkler systems, I don't think there's a sprinkler in this building at this time, it's not a planning board issue but I'd sure hate to see somebody for 200 square feet have a nightmare. So while you're planning all this, I would look into that now.

MR. ARGENIO: Jimmy, let me interrupt you. Can you spit those numbers out again?

MR. PETRO: The existing store is 6,600 square feet, the new store is 5,600 square feet, so I came up--

MR. ARGENIO: New regulations are 12,000?

MR. PETRO: Possibly.

MR. ARGENIO: No, George, I think they're 12?

SUPERVISOR GREEN: State regulations are 12, but there's other factors that might figure into it requiring for a sprinkler.

MR. PETRO: But I'm just saying I would for you I would look into it and find out before I finalize the plan for 200 square feet.

MR. ARGENIO: You follow what he's saying? If in the end the regulations for sprinklers and let's make up numbers are 10,000 square feet building needs to be sprinklered and you're at 10,200 square feet you may want to go to 9,960.

MR. QELAJ: Is it taken into consideration that this is grandfathered in?

MR. PETRO: No.

MR. ARGENIO: Negative.

SUPERVISOR GREEN: However, in your case, it may be a moot point depending on the occupancy.

MR. PETRO: And the downstairs space if they classify it as storage.

SUPERVISOR GREEN: My estimation is you don't need it.

MR. ARGENIO: Thank you for coming in, Mr. May and Mr. Qelaj, thank for coming in. Nothing further for tonight, motion to adjourn?

MR. BROWN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. SHERWIN	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer