

TOWN OF NEW WINDSOR

PLANNING BOARD

May 22, 2013

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PLANNING BOARD CHAIRMAN
A/P TAYLOR PALMER, ESQ.

MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER
BUILDING INSPECTOR

NICOLE PELESHUCK
PLANNING BOARD SECRETARY

MEETING AGENDA:

1. Hudson Valley SPCA Subdivision
2. Hudson Valley SPCA Site Plan
3. Ridge Rise Site Plan
4. Rose Daidone Lot Line

REGULAR MEETING:

MR. ARGENIO: I'd like to call to order the Wednesday, May 22, 2013 regular meeting of the Town of New Windsor Planning Board meeting. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: Welcome everybody, let's get started.

APPROVAL OF MINUTES DATED 3/13/13 AND 4/10/13

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MR. ARGENIO: First item we have tonight is approval of the minutes dated March 13 and April 10 of this year sent out on the 20th of May. If anybody sees fit, I'll accept a motion we accept them.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

ROLL CALL

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

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PUBLIC HEARINGS:

HUDSON VALLEY SPCA SUBDIVISION (12-09)
HUDSON VALLEY SPCA SITE PLAN (12-10)

MR. ARGENIO: The second item is public hearing in review of the Hudson Valley SPCA subdivision plan and the Hudson Valley SPCA site plan. We're going to dance with these two items together, we'll hit the subdivision plan first. Actually, you know what we're going to do, Joe, you're going to present to us on the site plan first because we're going to open the public hearing and we'll talk about both items based on Mark's comments relative to the subdivision plan, there's not a lot there, you have Mark's comments on that?

MR. ARGENIO: We're going to have the public hearing on the site plan and the subdivision plan. Any questions anybody has on it? Joe, most of the details are associated with the site plan?

MR. PFAU: Correct.

MR. ARGENIO: Why don't you share with the board the site plan and then we'll open it up to the public and we'll talk about what we need to talk about. They can ask questions, whatever. Will you see if we've got a set of plans? It's the site plan, not the subdivision plan. Joe, go ahead, tell us about the site plan.

MR. PFAU: This is for a public presentation, describe the project?

MR. ARGENIO: To the board.

MR. PFAU: This is--

MR. ARGENIO: What have you changed, what are the highlights?

MR. PFAU: From the last meeting, if you recall as far as what the board was concerned with they actually had comments about extending the sidewalks between the three proposed buildings and putting drop curbs and crosswalks.

MR. ARGENIO: Okay.

MR. PFAU: And the other issue that came up again which

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we had modified now is the orientation of the dumpster pads.

MR. ARGENIO: How do you figure that? I don't want to be combative with you my friend but if you look right here and I said this to Travis exactly this, I don't have that plan.

MR. PFAU: Okay.

MR. ARGENIO: That looks like it's right what you just presented to me looks like it makes sense.

MR. PFAU: The record set for the public hearing did not have these revisions on them crosswalks and this--

MR. ARGENIO: That looks like it makes some sense.

MR. PFAU: And the crosswalks as well.

MR. ARGENIO: Go back to where you were.

MR. PFAU: We were asked to find out whether or not--

MR. ARGENIO: Excuse me, Joe, just for a second. For the edification of the board members, I'm going to assume that Mr. Pfau probably crafted the corrections to the plans late cause he's late for whatever reason and he did not submit them to Nicole in a timely fashion, you're going to take the hit on this, didn't submit it to Nicole in a timely fashion. As such, the dumpster issue and the crosswalk issue which I think were the two main issues are not shown on your plans but we're not going over the wire tonight anyway so we'll have a chance to look at that when he does update them and does get them to Nicole. Fair enough, Joe?

MR. PFAU: Fair enough. Another technical issue which does not show up on the plans, you guys had asked that we cross the water main crossing 207 tying into our site, the portion within the state right-of-way be increased from six to eight inch and we have done that. Otherwise, we have been asked at the last meeting to find out whether or not Orange County Health Department approval would be required for the water main, we have confirmed that that is required.

MR. ARGENIO: What does that mean?

MR. PFAU: That means that we have to make an

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application as a private owner, not the town, to Orange County Health Department showing our proposed water main and our anticipated flows for our hydrants. And the whole reason for the health department approval is because of the hydrants, they're going to be reviewing the fire flow, it's not so much the services but the fire flows.

MR. ARGENIO: That's also, and you did have sewer service for each building.

MR. PFAU: That does not require DEC approval. We need health department approval for the water but we do not need DEC because they're private sewers, I checked that with Art Crawford from DEC.

MR. ARGENIO: I don't think that's our understanding, Joe.

MR. EDSALL: Well, the unfortunate thing is the DEC seems to be changing their interpretations on many things, not necessarily on a weekly basis but certainly at least more than once a year.

MR. VAN LEEUWEN: Depends who you talk to.

MR. EDSALL: Yeah, I mean, we've been told at least for a number of years that more than one property cannot share a sewer main if there's multiple buildings on a single property. The DEC had for many years indicated that that was a private line going to a single property, it was a lateral. Now you've got in this case they're proposing multiple lots that will have a single line of shared use.

MR. ARGENIO: Per lot.

MR. EDSALL: Well, the laterals going to a sewer main that goes into the town sewer main. For many years the town or rather DEC has told us that was not permitted and we confirmed it may be they have changed their opinion on that as well.

MR. ARGENIO: We should probably verify that.

MR. CORDISCO: Any condition of the approval.

MR. PFAU: I can get something in writing if that helps as well.

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MR. ARGENIO: These guys don't need to retrace your footsteps, Joe, if you've done it already, that probably would be the best and simplest way to do it.

MR. PFAU: They explained to me because it's a private line.

MR. EDSALL: So they've told you that you cannot have a private line shared by multiple lots?

MR. CORDISCO: Correct.

MR. EDSALL: Again, the design in my view is no different, it's, I just don't want to have you get to a point where you think you have the approval and DEC swoops in and says no, you didn't comply with our laws.

MR. ARGENIO: And the position you're announcing Mark makes sense, multiple users sharing a private line has car crash written all over it.

MR. CORDISCO: Who's going to own the line?

MR. ARGENIO: Who's going to maintain?

MR. PFAU: We are, we're lumping that in with the blanket maintenance agreement with all the other utilities because there's going to be that issue that came up with who's going to maintain the parking lots, the storm water, everything else.

MR. CORDISCO: So you're looking to--

MR. PFAU: Lumped in with that as well. I figured the water's going to be private, I mean, everything is going to be private and there's going to be a blanket cross easement for everybody to contribute maintenance for any utilities, including the parking lots.

MR. ARGENIO: To be continued. Go ahead.

MR. PFAU: Otherwise, plan wise the plans have not changed at all since we scheduled a public hearing. Subdivision plan hasn't changed at all. Those are the minor changes that have been made to the plans.

MR. ARGENIO: Do any of you guys have any questions you want to hit before we open it up? Dave? Howard?

MR. BROWN: What about the traffic?

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MR. ARGENIO: We'll talk about that. Okay, can I have the notice please? On the sixth of May 2013, Nicole compared 35 addressed envelopes containing tonight's notice of public hearing for this application. She got the information from Tod Wiley relative to who these notices should be to. Notice was sent out advertising the public hearing tonight is the night. I'm going to open the public hearing, for those in the audience if you want to speak for or against or just have a question, please raise your hand to be recognized. If not, we'll move on. Yes, Leo, what have you to say?

MR. BRAUN: Leo Braun. I'm just questioning, I gotta walk, oh God, I was questioning in reference to the cemetery, have you actually moved the cemetery or have you made any indication about the plots that are presently there now? Are they going to be moved? And I assume that the people who do have the animals there have actually been notified?

MR. ARGENIO: You come to every meeting, we talked about this in detail at every meeting.

MR. BRAUN: That hasn't been resolved.

MR. PFAU: I'm going to have Mr. DiCarado speak to that.

MR. DI CARADO: I'm Tom DiCarado, Vice President, we have contacted, I personally have contacted about 54 people, I know that Ms. Kay, our President, has done a couple dozen plus the people that have come in we're making every effort to contact every single person. Newburgh has their canine dogs there. We've went so far as people that were in Florida that people told us that we contacted, used to be called Dwight Memorial, Elizabeth Dwight's son contacted them, he has two dogs, I want this place to continue, you have to do what you have to do. What we're doing is creating an area and believe me, if we can do this any other way I would do it in a heartbeat any other way.

MR. ARGENIO: Mr. DiCarado, can you please speak forward so Franny can hear you talking?

MR. DI CARADO: So we went out and we contracted an appraisal company to tell us how can we monetize what we have. The only money we have is the property, we don't have an endowment, if we paid all our bills we'd

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be under water. So, I mean, that's, we just do not have, we bring in money just in time. So they looked at the whole property, they came back and did a complete survey, you have the appraisal, I don't know if I submitted it at some time and they came back and said this is the area that's worth something and it's kind of obvious it's on the road, it's an area that if you're going to subdivide, if you're going to look to create something that's going to possibly create an endowment for you this is where you have to go. So that's how we got to the cemetery. We've been trying and as I said contacted everyone, some people have said cause we've told everyone what can we do to minimize this effect on you, I mean, we've all had animals, they're members of the family. I don't want to dig up an animal now almost, all these animals have been in the ground since the '60s and '70s, a few in the '80s, very few in the '90s. I don't know of any beyond that if there are beyond that. So there's not much in the ground for some people. I said look, we'll take the dirt in that area and we'll package it for you and we'll give you the dirt. So people said they wanted the dirt. We did it, some people wanted us to take the dirt and bring it to another cemetery, we did that. If somebody came up tonight, tomorrow, doesn't matter if it's after the public hearing, if somebody says to us I have an animal there and this is what I'd like you to do, we'll do it.

MR. ARGENIO: So people have responded?

MR. DI CARADO: Oh, absolutely.

MR. ARGENIO: What about the carcasses, is that a bad word, carcasses?

MR. DI CARADO: Remains.

MR. ARGENIO: What about the remains of the dogs where nobody's responded, what do you do with them or animals where nobody's responded?

MR. DI CARADO: There's really nothing down there, whenever we've dug something up for someone, there's not even bones, everything is decomposed and they're not in vessels.

MR. ARGENIO: Does that answer your question, Leo?

MR. BRAUN: Basically, yes, thank you.

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MR. DI CARADO: If anything comes up after this, talk to us and we'll answer whatever questions you have.

MR. BRAUN: Thank you.

MR. ARGENIO: Anybody else have any questions? I'll accept a motion seeing no hands that we close the public hearing.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

ROLL CALL

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

MR. ARGENIO: Public hearing's closed. So let's talk about, we're going to talk about the site plan a little bit here. We'll get formal and talk about the subdivision and the site plan. Howard brought up an issue about the traffic and I want to address that. We've talked about this traffic issue time and time again. It's a problem in our town and that is the traffic going southbound, about southbound or eastbound, south, eastbound on 207 backs up, backs up, backs up because that turning lane is so short underneath the Thruway. We've had a traffic engineer look at it. We've had a plan composed and crafted, we actually even have a budget, do we not, Mark, of about what it's going to cost?

MR. EDSALL: We do.

MR. ARGENIO: We as a town are doing all that we can to move this forward. However, there is one component, Howard, that we have to, have to get this traffic thing taken care of and that component is a right-of-way or a dedication from Verizon which has not turned out to be as easy as we would have liked it to be. Verizon as everybody knows is a giant corporation like Dell or--

MR. BROWN: McDonald's.

MR. ARGENIO: -- McDonald's, right, I'm going to have

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Mark speak ever so briefly when I'm done in case I miss anything. It was the thought of the town and myself and Mark and the folks involved here the best thing to do would be for the town to pursue the acquisition of that right-of-way cause Verizon early on indicated that we don't care, you're talking about a 20 foot strip that's grass to us and it doesn't mean a lot to us so we're okay with that. So Mark started pushing this how many years ago Mark?

MR. EDSALL: Probably three or four.

MR. ARGENIO: Three or four, which is just after we identified the problem at a town level and he's been pushing it. Well, what's happened recently and again, I don't want to speak for Mark, but I'm getting this from him is that there's been a major, I don't want to call it shakeup, but a change in Verizon where the people he was dealing with in making dreadfully slow headway on the acquisition of this property are not there anymore. So I don't want to say Mark is back at zero, I'm speaking with him, I want him to talk when I'm done, but he's darn close to being back at square zero. And he's continuing to pursue on behalf of the town at the direction of the Town Supervisor, at my direction, at the direction of this board getting that property. We need an easement, we need a right-of-way, we need the sale of the property, we need something to be able to move this widening forward. But the concern is in the meantime while we're doing this due diligence what is a difficult thing is to stop the development of rateable properties in this corridor for the benefit of the people of the Town of New Windsor. Mark, can you please share if I missed anything on the Verizon I won't call it controversy, but recent discussions?

MR. EDSALL: Bottom line is Verizon sees the benefit, they want to cooperate with us, we've had some very good support from Senator Larkin. As the chairman indicated, three of the key players have all changed, the local governmental coordinator from Verizon retired, he got replaced, we have a whole new person. The real estate person in Boston who's dealing with this either retired or moved on, starting with a whole new person. The person who reviewed it in the field for Verizon, their conduit engineer, they don't know who reviewed it, they can't find the records so we had to start from scratch on that. I have a meeting scheduled for June 6 to meet the conduit engineer for the Mid Hudson Region to go over it again. Everyone's

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gotten up to speed, they have to evaluate the value of the land that the town is going to acquire because the Public Service Commission will not allow Verizon to give away land. So it's a little complicated but I would say that we fell back to the 20 yard line, now we're over the 50 yard line.

MR. ARGENIO: And we're moving forward so it just takes some time but we'll get there. So here becomes the problem. We know firsthand that we're doing, someone is doing everything that can be done to compel this easement to be delivered to the town for some exchange of value, it's not like we put a developer in charge and he's saying oh, they won't do this, they're not calling me back, they're not doing this, they're not doing that. We're not getting that. We have our guy, Mark is working on this. So the problem becomes that if we continue to just say well, let's just wait for the phone company, whenever they get around to it we have frozen development on the 207 corridor in this area.

MR. VAN LEEUWEN: Which we can't do.

MR. ARGENIO: Which is a problem, it's a problem for the people of the Town of New Windsor because, you know, without rateables, especially commercial rateables which are great revenue for the town, without that, Mr. Bedetti's taxes are going to go up, my taxes are going to go up, Howard's are going to go up, Jennifer, we're all going to be put in a bit of a position. So here's my suggestion to you folks, meaning the members of the planning board. While we certainly did bring this to the forefront with these folks, we told them we need you guys to do this and I met with Mr. Pfau, I did personally meet with Mr. Pfau at my office in my conference room at my place of business and I presented it to him, said Joe, this is what we have, this is what we're thinking, what are your thoughts? Well, I'll talk to my, yes, Joe, I'll talk to my owner?

MR. PFAU: Yes.

MR. ARGENIO: We'll see what we can do. We want to help the town as much as we can. We want to do the right thing but we're stymied. Guys, my thought is business needs to keep going, but if any of you guys disagree certainly vote your heart, do what you need to do. But that's what I think. And Mark is going to

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continue, he's going to continue because there will be another developer, there's more parcels further to the west, there will be something else that's gonna come up and at some point in time, guys, we're going to get that property and we--

MR. VAN LEEUWEN: That will really help to move the traffic.

MR. ARGENIO: Oh my goodness, on top of which, Henry, if any developer in his right mind is not going to want to develop a piece of property on 207 if he's developing the property in front of a highway that's essentially a parking lot for six hours a day it's a, you can't attract people with that kind of a condition.

MR. VAN LEEUWEN: I know.

MR. ARGENIO: So we have the support of the Supervisor I'm told by Mark through discussions with the Supervisor, that we have the support of Senator Larkin, we're going to continue to push this right-of-way or acquire the property and that's what we have to do.

MR. VAN LEEUWEN: Otherwise, we have to grab it under imminent domain.

MR. ARGENIO: Slow down, dude, that's very difficult for us, that's a difficult thing with private developers, private, public, the state can do that a lot easier than we can do that.

MR. VAN LEEUWEN: Town can do it, we can't do it.

MR. ARGENIO: We're working on that and that's where we're at. That's how I feel. But that's only my opinion. You guys are independent thinkers, that's the nut and bolt update. Have I missed anything, Mark, or Dominic? If I did misspeak let me know.

MR. EDSALL: I don't want to represent here that Verizon isn't being cooperative. Unfortunately, the timing created a problem because you had the perfect storm, three people leave that were the three people familiar with it, they're being very cooperative but Verizon's a huge company and they've got the PSE looking over their shoulder, we have to do our due diligence and move forward. I didn't mean to give you too long an answer but it's important that you know the background.

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MR. BROWN: Unfortunately understandable.

MR. SHERMAN: We can't be held hostage.

MR. ARGENIO: You know what, it holds us and other folks hostage.

MR. SHERMAN: Your position is well founded.

MR. ARGENIO: I appreciate that support. So let's not kill it. Does anybody have any further questions about, and this is not going over the wire tonight, I'm sure you know that, Joe, the sewer issue we need to talk about, we need to get resolution on that. We need to get the final plans in front of us so the planning board can effectively review them and understand them. But I think we're in a good place, I think most of the heavy lifting is behind us. Is that a fair statement, Mark?

MR. EDSALL: Yeah, as a matter of fact, Joe did a good job on addressing all my comments. Only open items are comments the board had from their last review and those tweaks of the site plan were very positive so they just need to be submitted for final review.

MR. ARGENIO: Joe, can you please go back to the site plan if you would be so kind? I'm sorry, the subdivision plan, I apologize.

MR. PFAU: Yes.

MR. ARGENIO: I'm going to, I don't have any issues with this subdivision but I'm going to go, just go through Mark's comments briefly which Joe you have a copy of?

MR. PFAU: Yes, I do.

MR. ARGENIO: As noted, all previous engineering comments were addressed regarding cross-easements, blah, blah, blah, public hearing we talked about that. Does anybody have any comments on this subdivision issue?

MR. VAN LEEUWEN: I have none.

MR. ARGENIO: Counsel, is there any reason we can't put that behind us now?

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MR. CORDISCO: The subdivision?

MR. ARGENIO: Yes.

MR. CORDISCO: In terms of granting approval tonight?

MR. ARGENIO: Or should we do it at once?

MR. CORDISCO: I think we should do it at once because the sewer issue is a cause for concern.

MR. ARGENIO: Yes, we need to tie that up and Joe, we need to have final plans in front of us. Some of the things we're talking about here were particularly and specifically talked about and it's important, let's close the loop on this, close the chapter, close the book and let's move on. As I said, we, certainly I see us at the 99 yard line and I hope the other members agree. On the site plan, again, Joe, you have Mark's comments on that water meter, et cetera?

MR. PFAU: Yes.

MR. ARGENIO: Where are we at with county, Nicole?

MRS. PELESHUCK: We got back local determination.

MR. ARGENIO: Let me see, the other agencies, our town folks, I think fire, I think they're all good, if I remember correctly.

MRS. PELESHUCK: Yes.

MR. ARGENIO: What's the problem with the water, Mark, you have a comment about a master meter and I have a note here Dick is working on the water?

MR. EDSALL: No, the master meter is just a requirement that I believe was generated from the infrastructure committee.

MR. ARGENIO: Which is he working on, do you know?

MRS. PELESHUCK: Not really sure.

MR. EDSALL: I'll verify that.

MR. ARGENIO: We need to know what Dick McGoey's issue is.

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MR. EDSALL: This plan or reviewing Ridge Rise?

MRS. PELESHUCK: I'm sorry, Ridge Rise.

MR. EDSALL: Ridge Rise was a sewer issue. When we get to that, I have already coordinated that with Tomer and his engineer.

MR. ARGENIO: What about these guys, do they have it?

MRS. PELESHUCK: They have it as of 11/5.

MR. ARGENIO: I want to get a response from these guys, I want to get a response, well, that's Department of Health. Fire was approved?

MRS. PELESHUCK: Yes.

MR. ARGENIO: We need a response on this, where is Orange County?

MR. EDSALL: Orange County we did get a response. What about DOT?

MRS. PELESHUCK: No, nothing.

MR. ARGENIO: We don't have a response from DOT, Joe.

MR. PFAU: No, as a matter of fact, we tried contacting DOT to find out whether or not the classification so we can fill out the permit and we've gotten nothing back from them. We're moving ahead with the paperwork to get the permit.

MR. ARGENIO: Can you get something from them? We need to hear from DOT.

MR. ARGENIO: You're looking at Mark, what's the matter?

MR. PFAU: Response we got when we called was everything goes through the town now, they have everything.

MR. EDSALL: It's been referred to them.

MRS. PELESHUCK: Absolutely.

MR. PFAU: I'm assuming the response is going to come

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back to the town so we're kind of out of the loop on it.

MR. EDSALL: I'll rattle their cage a little bit, ask if they have any questions.

MR. ARGENIO: We need to get something, do we not? It's a new curb entrance and DOT right-of-way, et cetera, et cetera.

MR. EDSALL: Yeah, this is not a new problem.

MR. VAN LEEUWEN: You've got to get ahold of Seby, that's tough.

MR. ARGENIO: You're on the 99 yard line, I'd like to see you on the next agenda. I'd like you to get these things worked out. I understand you're out of the loop, I'm sure Mark will get right on it.

MR. EDSALL: Making a note to send her an e-mail.

MR. ARGENIO: You don't have the letter from the county?

MRS. PELESHUCK: No.

MR. ARGENIO: Can you get that in this file please?

MRS. PELESHUCK: Yes.

MR. EDSALL: Just scan me that copy and keep it for the file.

MRS. PELESHUCK: I have it.

MR. PFAU: This is the County Planning letter?

MR. CORDISCO: Yes.

MR. PFAU: When we went over these issues at the last meeting, the one issue we responded to plan wise was the crosswalks and the curbs connecting the three buildings in front.

MR. EDSALL: We had seen those because as you recall, we asked that they move the buildings back and the county asked that they move the buildings forward.

MR. ARGENIO: There's nothing here of incredible

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significance.

MR. CORDISCO: The county did not make their comments binding.

MR. ARGENIO: Well, they're typically not binding in the event of a super majority by law, by statute.

MR. CORDISCO: That's exactly correct, the process would be if the county was to make binding comments the board could override by a super majority which is not necessary.

MR. ARGENIO: They talk about having the agreement for the cross-easements.

MR. EDSALL: I'll send Seby a note tomorrow.

MR. ARGENIO: Closer to the street, we talked about dumpster, we talked about a lot of the stuff that we recommended that the applicant do the county is recommending as well. Planting, go to a landscaped plan, Henry, please, I think we've done, we've made recommendations with 90 percent of what the county's recommending that's good and I think we made some comments on that, that's good, great. Harry and Howard, do you guys have any other commentary on this?

MR. FERGUSON: No.

MR. BROWN: No.

MR. ARGENIO: Any other thoughts?

MR. SHERMAN: I do not, sir.

MR. ARGENIO: Henry VanLeeuwen, any other thoughts?

MR. VAN LEEUWEN: No.

MR. ARGENIO: Joe, I don't think you have any real heavy lifting here, bud, do you?

MR. PFAU: No, I think we're in good shape. I'll see if I get correspondence from DEC one way or the other.

MR. ARGENIO: Thank you for coming in.

MR. PFAU: Thank you.

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MR. ARGENIO: Mark, you'll follow up on the DOT thing?

MR. EDSALL: Yes.

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REGULAR ITEMS:

RIDGE RISE SITE PLAN (04-27)

MR. ARGENIO: Okay, next tonight is regular items, Ridge Rise. I see Mr. Slutsky and Big Al Zeponni. Application proposes development of the 30 acre, 30 plus acre parcel into a multi-family development of 148 units. Plans were previously reviewed at the 13 October 2004, 25 October 2006, 26 March 2008 and 18 November 2009, 11 August 2010, 9 March 2011, 8 August 2012, 13 March 2013 and 10 April 2013 planning board meetings. Al, I can see you got an issue from here, right from where I'm sitting but I'll hold my comments until you give us the tour, tell us what changes you made, what updates you made and where you're at at this juncture, please.

MR. ZEPONNI: The highlighted copy is the same copy you had last time so the changes you have on your drawing aren't necessarily reflected here but they're all localized and I'll run through the changes.

MR. ARGENIO: Let me caution you, if we schedule a public hearing tonight when you come to that public hearing, bring the current plans and get the current plans to her so that they're a part of the permanent record as is the ongoing updating and evolution of plans process.

MR. ZEPONNI: She has the current plans, it's just the colored exhibit, I can hang up the colored exhibit, that's done.

MR. ARGENIO: Do that, please.

MR. ZEPONNI: Okay.

MR. ARGENIO: We don't need the trials, we need the data. Mark, it looks like they did change the drainage concern that we had on the entrance road.

MR. EDSALL: They did, there's I think a three by seven box culvert in there now.

MR. ZEPONNI: Yes.

MR. ARGENIO: Single?

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MR. ZEPONNI: Yes, it's a box three by seven.

MR. ARGENIO: Is that enough?

MR. ZEPONNI: In terms of size, one 36 is larger than what we needed, we put the three 36s in because we thought it was critical in that area to prevent a backup.

MR. ARGENIO: Why wouldn't you follow through with a similar thing on the box culvert?

MR. ZEPONNI: Size wise, there's a limit to how much width you can put under there and again, if a three, we sized it for the 100 year and 36 inch is more than you need for 100 year flow.

MR. ARGENIO: But you needed one 36?

MR. ZEPONNI: We put three in as backup for two reasons, one to spread it out so as it comes in from a wetland and goes to a wetland it goes through a spreader so it's a little more even and to prevent any kind of backup there because it's relatively shallow, if there's a backup there, that's why we sized it for the 100 instead of the 25.

MR. ARGENIO: What if the box culvert gets backed up?

MR. ZEPONNI: A three by seven for that's a lot to get backed up.

MR. ARGENIO: Are you going to put a grate on it?

MR. ZEPONNI: There's a hydraulic head on it, yes.

MR. ARGENIO: Are you going to put a grate across it?

MR. ZEPONNI: I thought you were talking about grade. No, because it slopes in, there's a 10 foot horizontal opening as it goes in and down.

MR. ARGENIO: Okay.

MR. ZEPONNI: It's on multi-levels, way oversized.

MR. ARGENIO: Floor is yours.

MR. ZEPONNI: Okay, alright, my list probably has what

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your list has, one of the first things, one of the easier things was the plastic chains at the terminus of the roads that go into Washington Green, we had chains, they asked that we replace with a gate that locks so we've done that. We removed the curbing and sidewalk. And that's all part of an agreement to improve Route 32 with road lefts in and I'll pass something out when we get to the end of this. Number three was a typo in terms of the bedroom count and unit count on buildings 12 and 13. The bedroom and the room count were flipped, that's been straightened out. The fourth is at the entrance by the boulevard you'll see we have widened it and created a stacking lane for dropoff for the kids, we have also brought the sidewalk across earlier to get the sidewalk on that side to go with the bus stop shelter, that was all orchestrated in a discussion initially with the Supervisor. I'm going to say the southern side you'll see that's been bumped out.

MR. ARGENIO: What plan is the bus shelter on?

MR. ZEPONNI: Detail, on the detail sheet, that's probably the best it showed the location shown here but actually a detail.

MR. ARGENIO: What drawing do you have up there?

MR. ZEPONNI: This is two of 30.

MR. ARGENIO: Show it to the left of that, not in line with the sidewalk, get it so if somebody walks down the sidewalk, Al, they would take a right and walk into the shelter. If they're walking up the hill, they would take a left and walk into the shelter, you can't have the shelter right on the sidewalk my friend. You'd agree with that?

MR. ZEPONNI: We have the two ends open so they can walk in front of the cars and walk out to the sidewalk to get the bus, however you'd like it we can make it.

MR. ARGENIO: You say you talked to the Supervisor?

MR. ZEPONNI: I did not, Mr. Slutsky did.

MR. ARGENIO: What function are you and the Supervisor performing, Tomer?

MR. SLUTSKY: In the previous meeting there was an

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issue with the median, if we should move the median or not. And he was not so much against removing it but he was more concerned about having a bus stop for the kids, that's how we ended up with all of this configuration, it was not my idea.

MR. ARGENIO: Did anybody give any thought, now you have car parking alongside the roadway which makes sense, my opinion and you'll like this cause it will save you some money, you should take the median out so people are going to be making a U-turn. Are you guys with me on this? They're going to be making a U-turn, let me finish, they're going to be making a U-turn in that driveway, Tomer, and to be making that you turn 20 feet away from 32 is begging to have a mismanaged incident there with a car crash. So why wouldn't we eliminate that boulevard entrance? Probably should paint it all. I think it should be painted and hatched but people are going to need to make some kind of turn there to get back up the hill. Would you not agree with that?

MR. SLUTSKY: Yes and no. I agree with the first argument but the main reason that we ended up being here because we were trying to avoid people, the bus stopping here on 32 and then people coming, making a U-turn to go back and that's why we decided to maintain the median.

MR. ARGENIO: How are they going to get back up the hill?

MR. SHERMAN: Yeah, that's what I think.

MR. EDSALL: Very simple.

MR. SLUTSKY: The idea is that because we've got two holes, people will come from here, down the hill, park the car, the kids will come to the cars, we cannot do anything on this side because of the wetlands and continue and enter the subdivision from here.

MR. SHERMAN: So they have to go back out to 32.

MR. VAN LEEUWEN: That's kind of a dangerous thing.

MR. ARGENIO: My opinion is, this is my opinion, guys, listen to me, Mark, you too on this, this is my thought. I believe that the tip of that median closest to 32 should be pulled, if you want to have the median

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I'm okay with it, if you want to pull that back, if you want I think it should be pulled back some distance away from 32, if you want to have the median. Does that make sense to you, Mr. Edsall?

MR. EDSALL: Well, I think the intent here is to not to make it as difficult as possible for them to try to do U-turns in the access drive.

MR. ARGENIO: Mark, I'm going to tell you I'll lay you five to one they're going to go passed the end of the median and make a U-turn right there, I'll lay you five to one rather than deal with 32.

MRS. GALLAGHER: I was in on part of the meeting with Tomer and Supervisor Green and we discussed this, I was under the impression that the median was going to come out, that we were, you were putting in that lane to where they could pull off, you're putting in the bus shelter and the median was coming out to where they didn't have to come out on 32. That was my impression of the meeting and that's what I thought we decided on.

MR. ARGENIO: I think that's better.

MR. SHERMAN: That's an accident waiting to happen.

MR. SLUTSKY: It can be taken out, I think it makes sense to take it out versus make it shorter.

MR. ARGENIO: I think you should take and guys, listen to me, take that boulevard median out, paint it, Tomer, paint it, paint it to keep the cars separated instead of putting a curb in, paint it.

MR. SLUTSKY: Fine.

MR. ARGENIO: Harry and Howard, does that make sense to you guys?

MR. BROWN: This is going to be a private road?

MR. ARGENIO: Yes, part of the interior package, not public road.

MR. BROWN: It's not going to be a town road?

MR. ARGENIO: No.

MR. BROWN: Because it's a town road the buses can go

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right up there, solve a lot of problems.

MR. ARGENIO: You answered your own question.

MR. BROWN: Eventually maybe.

MR. ARGENIO: Dave Sherman, do you agree?

MR. SHERMAN: I agree the median has to come out, it's an accident waiting to happen.

MR. ARGENIO: You agree?

MR. VAN LEEUWEN: Absolutely, the median has got to come out.

MR. ARGENIO: Just saved you 5,100 bucks.

MR. SLUTSKY: Done.

MR. ARGENIO: Here's what you need to do for us.

MR. ZEPONNI: I have a concern about six cars each making an independent U-turn when somebody's coming around that bend from 32.

MR. ARGENIO: Take it out, paint it and hatch it.

MR. ZEPONNI: Okay.

MR. ARGENIO: I think you need to do Chevrons or just hatching, figure it out, give it to, show it to Mark, let him figure it out. Did you include the sidewalk we talked about?

MR. ZEPONNI: The extra sidewalks?

MR. ARGENIO: Not on this plan?

MR. ZEPONNI: Added sidewalk in front of townhouses four and five.

MR. ARGENIO: Not shown on my plan, I don't want to argue, it's not there, bud, I'm on page two of 30.

MR. ZEPONNI: In the detailed drawing of that area it's there.

MR. ARGENIO: Clean it up, get it on there, please and Al, please, get all this stuff tied up before the next

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meeting. Mark, would you make a note we need to make sure?

MR. EDSALL: It's on one sheet but not the other, we'll make them match.

MR. ZEPONNI: And I'm not in any way resisting but it's not that big a deal but in the beginning we took a lot of things from different sheets and from other sheets because it was really getting congested. So that's why there's a note here that says this drawing is for general background purposes, only need to see the individual drawings for detail.

MR. ARGENIO: If I went to the individual drawing, I'd guess it's shown on there.

MR. ZEPONNI: Yeah, I can add it here just by way of explanation.

MR. ARGENIO: Clean it up, it's all good.

MR. ZEPONNI: Next is the building one, there were a couple of parking stalls relatively close to the driveway so we shifted them away, little more space between the parking and the driveway. Number eight was the crossing that we're replaced with one larger structure, number nine is one of the hydrants, it was smudged, wasn't clear, it was a hydrant, we have redrafted. We revised the landscaping plan on both Entrance A and Corporate Drive but we'll have to redo that now, again, with the boulevard coming out, that's not a problem.

MR. FERGUSON: Page four does show the driveways going across the front of the buildings or sidewalks.

MR. ARGENIO: Okay.

MR. ZEPONNI: We have added a note that Corporate Drive will be lit by public utility company lights and then on the details on drawing 19 we have done a planned view of the entrance sign. There was a question about whether or not it would fit in the space allotted. We've given the detail of the parking areas and the pavement, also detail for the Corporate Drive repair resurfacing plan and we have revised the garbage and recycling enclosures to have two motion activated interior lights as well as a motion activated entrance light on each one. And the bus shelter detail is on

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drawing 129.

MR. ARGENIO: Which you're going to move to the south of the sidewalk?

MR. ZEPONNI: Right. Revised 13, revised plan with regard to phasing and that has to do with coming in off Corporate Drive to go with the limit on the acreage under each phase and we've added a phase four which is to complete the loop before we start doing the townhouse, under the previous plan we were working our way around the loop and then when we got to this end we started the townhouse.

MR. ARGENIO: Where is the phasing plan, what drawing number? Continue, I'll find it.

MR. ZEPONNI: And then soil sediment control plan, it's been effected to show the changes, I believe we have doublechecked that was everything we spoke about is on the soil erosion control plan. We can now make the changes that need to be made here. We also received a letter from Mr. McGoey.

MR. ARGENIO: Mark?

MR. EDSALL: I'm listening.

MR. ARGENIO: Have you had a good look at Corporate Drive, the plans for that, does it accurately reflect what we discussed taking the sidewalks out?

MR. EDSALL: Al and I spoke in the last two days about a little more definition of what's going to happen on Corporate Drive. He did add a detail on sheet 19. I have a couple minor comments on that but I think we can probably do a little bit more definitive job on depicting what's going to be done on Corporate so it's easier for the bidders to understand.

MR. ARGENIO: You're paving it, yes?

MR. ZEPONNI: With top coat, yes.

MR. ARGENIO: You're going to shape it?

MR. EDSALL: There's a detail and the detail says repair sections will be identified, they'll be cut out, take out soft areas with sub-base as needed, bring it up, put in binder course, I believe it was three and a half inches, then there's, it says leveling course

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before leveling will be a separate activity.

MR. ARGENIO: I don't see any reason why that binder and that leveling course can be the same thing, call it minimum of two inches, two and a half inches then top.

MR. EDSALL: There may be some leveling work in areas where there's not repairs is my point.

MR. ARGENIO: I get it.

MR. EDSALL: So you do the repairs, then you go through, do your leveling course to shape it and an inch and a half top, I know you have a bit of experience in the paving business.

MR. ARGENIO: A bit. Are you okay with that?

MR. ZEPONNI: Yes.

MR. EDSALL: We'll work out the plans.

MR. ARGENIO: So phase one is, what's he pointing to, tell me? Al, would you come up here, please?
Mr. Slutsky, at what point do you build the clubhouse?
Did we talk about this?

MR. EDSALL: We talked about 50 percent, by the time the 50 percent is requested.

MR. ARGENIO: And you agree to that?

MR. SLUTSKY: Yes.

MR. EDSALL: You need to make sure that notes on the plans for final but--

MR. CORDISCO: And there's going to be a homeowners' association here as well, will there not or is it, are these rentals?

MR. SLUTSKY: For the rental, no.

MR. CORDISCO: This is solely rental project?

MR. SLUTSKY: Yes.

MR. BROWN: Whole thing is rental?

MR. SLUTSKY: The market will be telling me, we're

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going to start with the apartment for the rental, the townhouses we're going to start if the market will improve it might be, I mean, private ownership, otherwise going to be rental.

MR. BROWN: But you're starting with the apartments first?

MR. SLUTSKY: The apartment.

MR. BROWN: Left side?

MR. SLUTSKY: Rental.

MR. BROWN: That would be phase one?

MR. SLUTSKY: Correct.

MR. ARGENIO: Howard, on page 22 of 30 he says has a phasing plan, it's a little confusing cause a lot of lines on it but it looks like it's fairly well-defined. I don't know how well thought out it is but looks like it's fairly well-defined. Okay, I want to move on to DOT but not before the members have an opportunity to comment on anything else they want to look at or talk about.

MR. FERGUSON: I thought last time we saw this I thought the right half was going to have an HOA and the other ones weren't.

MR. ARGENIO: I don't remember.

MR. EDSALL: I believe that was what the hope was if the market--

MR. FERGUSON: HOA for the one side?

MR. ZEPONNI: I think what he was saying maybe you're referring to is that the townhouses would have the clubhouse and pool included, the apartments could take a season pass for access.

MR. ARGENIO: That's exactly right, that's exactly what we talked about. So the question, I don't want to speak for you, Harry, but--

MR. FERGUSON: Is there going to be an HOA for the townhouse side? Who is going to, how are you going to differentiate a season pass between for the clubhouse,

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for the townhouse people and season pass for the rental people, is there going to be a homeowner's association that oversees the townhouse section?

MR. ZEPONNI: Repeating what I heard, I'm not sure what the business plan is.

MR. ARGENIO: Mr. Slutsky, please address the question. Harry, ask him the question, ask Mr. Slutsky the question.

MR. FERGUSON: I thought last time that was in front of us the right side of the project, the townhouses were going to have an HOA and the left side was going to be rental, that's why there was a season pass for the left side of the project, the rentals and an HOA for the right side which was townhouses.

MR. SLUTSKY: The concept remains the same, that's the way it's going to be. The townhouses regardless if it's going to be by ownership, by fee or it's going to be by rental that they would be entitled to the swimming pool.

MR. ARGENIO: So let me take Harry's question to the next level, the townhouse section, who maintains the sidewalks, the roads, who plows the snow?

MR. SLUTSKY: Let's assume everything is going to fall under the rental, the management company.

MR. ARGENIO: So there will be a management company that takes care of all of those functions on the townhouse side?

MR. SLUTSKY: Of course.

MR. ARGENIO: What about the townhouses?

MR. FERGUSON: So one management company for the whole project?

MR. SLUTSKY: That's correct.

MR. ARGENIO: How do you allocate those fees, how does that work?

MR. FERGUSON: If it's one rental company overseeing the whole project, how do you differentiate the condo people from paying season pass to include--

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MR. SLUTSKY: Included in the package, the rental is including access to the pool and with the other one, I mean, you allocate certain amount of spots for the people that really want to use it because in reality not too many people use the pool.

MR. ARGENIO: I've got to really think it's going to be there if you did or didn't or whatever it is or not.

MR. FERGUSON: I just thought, I was confused.

MR. ARGENIO: I think your understanding of the situation and the layout is exactly correct, but my question to Dominic is how does this thing, how does this work?

MR. CORDISCO: How does it work in the context of what we're doing presently before the board, what we have in front of us is a site plan application. So you get site plan approval for X number of residential units and a portion of those are going to be rental units as you indicated and a portion of the townhouses could fall under individual ownership, I'll call it, and that falls into two potential categories. We mention you said fee ownership, well, that would be a subdivision where each townhouse unit gets located on its own individual lot, which is exactly the same thing that the board did for The Grove, for the second phase of The Grove, for the back portion of The Grove. But in that scenario where you have a townhouse where the walls of the townhouse meet, make a lot, and you have multiple lots, you also have common areas. And the common areas need to be owned by an entity that's going to maintain them. In New York State they're require a homeowners' association to do that. I understand that in your timing you probably and I don't want to put words in your mouth Tomer at all but I would assume that you want to proceed first with the rental units?

MR. SLUTSKY: Correct.

MR. CORDISCO: And wait to see what the market bears. In order to do the townhouse in that case, it would not be necessary at this time to form a homeowner's association for units that don't exist.

MR. ARGENIO: Okay, Dominic, that's irrelevant and I'm going to tell you why, because what's in front of us are both packages so we have to look at both packages.

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MR. CORDISCO: Where I was going to lead to is that the conditions of the approval should specify that at the time where the townhouses are being built and how their ownership is being structured, the either homeowners' association or the condominium plan has to come back before this board and I want to add we're not, we don't have an application right now to subdivide those townhouses into individual lots.

MR. ARGENIO: Suppose they are though subdivided into individual lots, Harry's question still stands, who maintains the place and what's the proper terminology, HOA association, what is it?

MR. CORDISCO: Condominium.

MR. ARGENIO: Who maintains it?

MR. CORDISCO: The condominium does.

MR. ARGENIO: The condominium association?

MR. CORDISCO: Yes, it's a condominium board.

MR. ARGENIO: They collect a fee?

MR. CORDISCO: Correct, it would be a condominium board, there would be condos that get assessed to each individual unit owner at that time.

MR. ARGENIO: Do you know what you're doing as of yet, Mr. Slutsky, relative to the townhome side?

MR. SLUTSKY: No, because the market will determine, I don't know.

MR. ARGENIO: Well, don't we need to understand that before we do final?

MR. CORDISCO: I think we do or at least we need to make a provision.

MR. ARGENIO: How do we say we agree, final approval, the layout, the engineering, it all works but, you know, you work it out because what happens is here's what happens, Mr. Slutsky, when there's problems over there, you know who gets the calls, Jennifer gets them, they call about this and your management company gets them. Go ahead, I cut you off.

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MR. CORDISCO: It may be preferable at this time to split the project into phases with your getting final approval at the end of the day for the rental units only. And that way, you can come back at a future time to finalize the details for the fee ownership of the townhouses, if they're going to be fee ownership because you always basically have three options, they can be rentals, they can be condos or they can be fee owners.

MR. SLUTSKY: If the issue is if it's going to be rental who's going to maintain it? You have an economic incentive to maintain the site if there's one owner that owns the townhouses and the apartments.

MR. ARGENIO: I don't understand what you're saying.

MR. SLUTSKY: If I understood correctly, the concern of the board is that who is going to maintain the site of the townhouses? But I'm saying you have the same, it cannot be consenting to maintain the same way you have it on this side.

MR. ARGENIO: You're saying who has that incentive?

MR. SLUTSKY: The owner of the units.

MR. ARGENIO: I don't think so. And I'm going to tell you why, because on this side of the project which is the townhome side, you would, someone would buy the unit, is that correct?

MR. SLUTSKY: If somebody was buying the unit then it becomes under the homeowners' association, there's fees.

MR. ARGENIO: Is that the case, somebody will buy the unit?

MR. SLUTSKY: Of course.

MR. ARGENIO: So they buy the unit so they have incentive, they want to keep their place tidy and neat on this side those folks don't have the same incentive because they're tenants?

MR. SLUTSKY: Correct, but then the owner, the owner that owns the property--

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MR. ARGENIO: The owner that owns the property has the incentive.

MR. CORDISCO: Which property?

MR. VAN LEEUWEN: The property that's rented.

MR. ARGENIO: You're saying we need to distinguish between the two sides?

MR. CORDISCO: Right now it's one piece of paper, it's not carved up.

MR. VAN LEEUWEN: I advise you to come up with something to make it clear for us that we can vote yes, okay.

MR. CORDISCO: If this was going to be a subdivision, it's going to require planned unit development approval which also requires town board approval as well.

MR. ARGENIO: I don't know that that's where we need to go.

MR. CORDISCO: It may not need to go now but if they are going to eventually sell the townhouses as individual lots to fee owners it's going to need that.

MR. ARGENIO: Mr. Slutsky?

MR. SLUTSKY: Maybe I misspoke, as far as the fee owners, it's going to make sense if you're going to go to ownership under condos homeowners' association.

MR. CORDISCO: Condo, the project does not get carved up into tiny pieces.

MR. SLUTSKY: That's what I mean.

MR. ARGENIO: Here's what my takeaway is and let me just put this out there, tell me if you guys agree, Dave, and you guys to my right I think the deal is, I think you may have a pretty good idea of what you want to do. But you don't know exactly, I don't think there's a lot of heavy lifting here, but what I think you need to do is to announce with some level of precision to us what you're going to do on the townhouse side and I'll call it the townhouse side.

MR. EDSALL: Why don't you call it the condo side?

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Only reason because well, I think it's more accurate, Dominic and I have been on the side here which I apologize for having this kind of thing occupy more time than we probably wanted but we're trying to find out if he needs any other approvals. And as long as it's condo, it appears that a note on the plan which would require that he submit the condo documents for review would suffice. And if he decides to go the other avenue, the town would have an opportunity to review the documents, if he goes townhouse, it's a whole different ballgame, he needs additional approvals.

MR. ARGENIO: Get it. I'm sure you want to keep it as simple as we can with you, we need to follow the law, I mean, we need to do our due diligence.

MR. SLUTSKY: I'd like to get clarification from the attorney, what's the definition of condos?

MR. ARGENIO: What's your question? He didn't hear you.

MR. CORDISCO: Condominium is a form of ownership, townhouse is style of buildings. So it's, those terms get tossed around quite often but they're not really interchangeable, the townhouse itself is a unit that's a multi-family unit.

MR. SLUTSKY: You have a common area because the walls are touching.

MR. CORDISCO: They do.

MR. SLUTSKY: Makes more sense to go condos here.

MR. CORDISCO: Well, I wouldn't say that, it's certainly, I mean, there's a lot of multi-family units that get subdivided where the subdivision line goes right down the wall, that's what's going on.

MR. ARGENIO: You need to bring your attorney here.

MR. SLUTSKY: I can tell you it's going to be condos.

MR. ARGENIO: I don't think it's a giant hurdle but we need clarity and I think he's the guy to do that.

MR. SLUTSKY: No problem, it's going to be condos.

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MR. ARGENIO: Let's continue, I want to get passed this. Does anybody else, board members have any heavy lifting on this? They want to talk about or address anything jumping out in the plans that you want to talk about. I want to hear about the highway work, shouldn't say I, put we, we want to hear about the highway, we want, I do but we want to hear about the highway.

MR. ZEPONNI: Highway work was developed by Mr. Simoff whom you've met.

MR. ARGENIO: Very nice fellow. Do you have something for us?

MR. ZEPONNI: Yes, he e-mailed us some photographs and we replicated.

MR. ARGENIO: Al, I want to see that plan as well.

MR. ZEPONNI: This is basically just a sketch that was a little larger of the photograph hopefully for clarity.

MR. ARGENIO: So Mr. Zeponni, Mr. Simoff or somebody DOT agrees that we should do the center lane for both entrances, that's good.

MR. ZEPONNI: What he's inclined to do is not force it for like dedicate the second entrance, his concern is that by striping it for a dedicated second entrance it's going to interfere with the ability of other people getting into other stores along the highway on the other side and I know Mark has spoken to him also.

MR. ARGENIO: How does it interfere?

MR. ZEPONNI: If you look at the way, maybe it's on the sketch and this is what I'm getting from Mr. Simoff, who's in discussions with Grealy and DOT of which I was not a part of any of that but my understanding and Mark I think you can support this is that his concern is if you make two dedicated left in when you look at the other driveways in that stretch between the two of them that it becomes difficult for other people to make those other turns. If it's one dedicated and the other can be as I understand it--

MR. EDSALL: I spoke with Phil about this today and we both kind of scratched our head on the reverse turn

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lane in front of I think it's Rizzo's site which would be opposite Tomer's access and were debating whether or not that should be a straight left turn in the short stretch and transition to a reverse actual turn lane. Ultimately, what Phil and I came up with is we both agreed on our opinion and then we agreed that we had no choice in it because DOT will decide. So DOT has this plan if they decide it's going to be a dedicated left and then they may even extend that crosshatching on the north side, who knows, by another 50 feet. Bottom line is DOT before they issue the permit they're going to decide all the dimensions, what are dedicated left, what are opposing turns.

MR. VAN LEEUWEN: It's their road.

MR. ARGENIO: I think you're right, look.

MR. EDSALL: I think the key here is is that the applicant is being very helpful in addressing this entire stretch of Route 32. So no matter which configuration DOT decides to have it's a definite benefit and I think it will help access to his site and it will benefit traffic flow through there so that people will be able to get in and out of the site easily, both driveways and the thru-traffic will not be impeded from any of the driveways.

MR. ARGENIO: Howard, the difference between this and the 207 issue is that this can be done and all the improvements are within the highway right-of-way. On 207 some real estate needs to be purchased outside, you know, so that's the problem. I don't think we need to spend a lot of time with this, unless somebody has a particular question on it which they should direct to Mr. Zeponni and he will get that to Mr. Simoff if he can't answer it because this pretty closely reflects what we really kind of wanted from the beginning, just needs to be vetted by DOT and Phil and they need to tie it up and say what works and I think that's where that is.

MR. ZEPONNI: Good thinking, they can all work, whatever the choice is we know it can work and we're not opposed to any of them.

MR. ARGENIO: Dave, any other commentary on the DOT?

MR. SHERMAN: No, I don't.

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MR. ARGENIO: Harry or Howard?

MR. BROWN: No.

MR. FERGUSON: No.

MR. VAN LEEUWEN: No.

MR. ARGENIO: Anybody have anything else they want to talk about about this application?

MR. ZEPONNI: Just me.

MR. ARGENIO: Go ahead.

MR. ZEPONNI: I'm not looking to rock the boat but--

MR. ARGENIO: Final approval?

MR. ZEPONNI: No, no, it's, well that too, but I ask that you think about that entrance and how to handle the bus stop with the kids. My concern about and I recognize people are going to want to make that turn if you pull that boulevard all the way back, again, I'm not opposing.

MR. ARGENIO: Not back, eliminate it, that's where we're at.

MR. ZEPONNI: Now you have six cars there, eight cars lined up, as each one gets rid of Johnny, each one is going to want to make the left-hand turn, so you've got eight separate U-turn movements potentially happening in an area where you've got kids crossing the street, you've got people coming off a highway, coming into the entry and you've got a bus stop there picking up the kids. There's an awful lot going on that's uncontrolled, it's a concern and all I'm asking is that you think about it and whatever your decision ultimately is it isn't hard for me to adjust the plan in that area.

MR. SHERMAN: The alternative is for them to go out to 32, is that right?

MR. ARGENIO: Say again.

MR. SHERMAN: I'm asking him is the alternative leave the island there, is the alternative then to have to go out to 32 and back around?

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MR. ZEPONNI: Potentially, which I don't care for either.

MR. ARGENIO: You're forcing them out there.

MR. ZEPONNI: I understand that, I don't care for that either.

MR. SHERMAN: Either way.

MR. ZEPONNI: It's just a matter of the amount of things going on. If they're out on 32 and we're creating another lane, they can make the right and come back in. I don't particularly like it. I think I agree with one of the members, Mr. Brown, if you could bring the school bus in and stop at each one of the mailboxes, they'd have a shelter and it would be a controlled atmosphere.

MR. ARGENIO: Howard is a hundred percent correct but the law is the law.

MR. ZEPONNI: I understand that but we're backing away from that.

MR. ARGENIO: Let's not beat it to death. We'll consider that and look at it and think about it. As I said, I need to go to Town Hall and I want to look at the phasing a little closer, take some time to digest it. Let me get to Mark's comments.

MR. EDSALL: The next appropriate step I believe they've made very good progress that we have obviously have a couple issues on the table we're working on but the plans are very much adequate for a public hearing, I would suggest that you authorize it.

MR. ARGENIO: I'll accept that motion.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded, seems as though everyone agrees we should schedule a public hearing. Roll call.

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

MR. ARGENIO: Yeah, I think it's a good idea, Mr. Zeponni, you've come a long way with it, please make sure we have the right plans, please, please, please, I beg you because I, what I don't want to come up with is two incongruent plans, it's nothing.

MR. ZEPONNI: I understand the plans you have are the correct plans and the reason we used the old colored version for the exhibit is the only place of all the things that changed the only thing you can notice is the bus stop.

MR. ARGENIO: You don't want to pay the eight bucks to do it?

MR. ZEPONNI: The only thing that's different is really the bus stop, it was a local one area thing.

MR. ARGENIO: Mark, you had something?

MR. EDSALL: Yeah, I'm wondering how you want to handle the median for the public hearing? Do you want to have him effectively have just a second alternative available for discussion so we can get passed the public hearing?

MR. ARGENIO: Look, the direction at this point from the board collectively is to show it as a striped median. We'll talk about it, we'll think about it, you know, and I'm thinking, you know, I said 55, 5,700 bucks then I saw the landscaping, Mr. Slutsky's now saving \$10,000 when I see the landscaping that's in there which is a lot to think about.

MR. ZEPONNI: I can hear him telling me to shut up, you're right.

MR. ARGENIO: We'll think about that, Mr. Zeponni's comment and the discussions we had here. And Mark, do me a favor, write in your notes please next time this application comes before us make a note we should review that, talk about that.

MR. EDSALL: On the median?

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MR. ARGENIO: The median, right. Is there anything else from a procedural perspective that I have not addressed counsel or Mr. Engineer?

MR. CORDISCO: Not at this time.

MR. ARGENIO: Do you have anything else board members? Do you have anything else? Thank you for coming in.

MR. ZEPONNI: Thank you.

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ROSE DAIDONE LOT LINE

MR. ARGENIO: Rose Daidone, she doesn't need to be here, as I remember, we reviewed this, Mark, this is yours. We reviewed this, you're in agreement with it? Let me read the header. The application proposes lot line change to realign the property line such that the residential use will be on a separate lot on the farm/commercial use. The plan was previously reviewed at the 10 April 2013 planning board meeting. We looked at this, we reviewed this, everyone was in agreement that things were in order. The problem was that we're within 500 feet of a state highway. As such, it had to go to the Orange County Planning Department and we told them we looked favorably on it, it's okay, we'd vote on it tonight but you have to go to county and we don't do me-toos quote unquote me-toos typically in the Town of New Windsor Planning Board. Mark, is that substantially correct?

MR. EDSALL: It is. And this is what we'd like to call a clean-up application. We had two lots but unfortunately physically what was out there wasn't even close to the alignment of the lot lines. So we're cleaning things up. You're absolutely correct, we could not do it last time because of County Planning and we told the applicant's consultant that we didn't want to waste his gas to drive all the way from the west end of the county to come here just to hear us say we heard from the county, you're all set. My suggestion is that the board grant conditional final approval and Dominic has included my couple minor clean-ups which basically is a revision to a note and adding a project number on for the final plan into the resolution.

MR. CORDISCO: As well as providing easements for cross-easements.

MR. EDSALL: Yes, thank you.

MR. ARGENIO: Dominic, is there a maintenance agreement required for this or just be easements?

MR. CORDISCO: Just the easement.

MR. ARGENIO: This is an inter-family exchange, is it not?

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MR. EDSALL: It is now, yes.

MR. ARGENIO: I have a response from county. Accept a motion for negative dec?

MR. VAN LEEUWEN: So moved.

MR. ARGENIO: Second it.

MR. ARGENIO: Motion made and seconded that we declare negative dec for the Daidone subdivision under the SEQRA process. Roll call.

ROLL CALL

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

MR. ARGENIO: Anybody got any other issues with this? Mark, Dominic, anything else?

MR. CORDISCO: No.

MR. EDSALL: No.

MR. VAN LEEUWEN: Motion to approve subject to Mark's comments.

MR. FERGUSON: Second it.

MR. ARGENIO: Henry made that motion for approval subject to Mark's comments. Roll call.

ROLL CALL

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

MR. ARGENIO: Anybody else have anything? Professionals?

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DISCUSSION

MR. EDSALL: I have one item that we missed on the first meeting, discussion item involving Allstate Used Auto on 23 Mertes Lane, it's the old Clean Earth site for those that have been around for a while processing of oil laden soils, Mertes Lane, different one.

MR. ARGENIO: River Road?

MR. EDSALL: No, different one. And that particular property is no longer used for that purpose but it was an auto salvage storage facility which had some I believe grandfathered junk yard type approvals. It's got quite an interesting history which I don't see any purpose to go through. They came to the workshop looking to provide some security fencing along the front and sides of the property with a gate.

MR. VAN LEEUWEN: There's a fence there now, I believe, isn't there?

MR. EDSALL: I think partially but the point is they want to put up a six foot fence, they talked about putting a six foot fence on top of a four foot block which I think 10 foot might be a little extreme as a total height. But they do want to provide some screening and some security, I think their intent is to put in a fence with some privacy slats and a gate.

MR. ARGENIO: What's the property used for currently?

MR. EDSALL: Vehicle storage and reclaiming.

MR. ARGENIO: Who is the owner?

MR. EDSALL: I don't have his last name, it was Ray who was at the workshop. I'm just suggesting that as long as the fence doesn't, is number one placed on their property and not in the town right-of-way, which is always a positive thing and number two, that it doesn't obstruct sight distance that maybe it could be turned over to the building department but I would suggest that this board establish a maximum fence height because the code does allow.

MR. ARGENIO: Doesn't code guide that?

MR. EDSALL: The code restricts it to four foot in the front, six foot on the sides unless it's an element

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approved as part of a site plan.

MR. ARGENIO: But it's not.

MR. EDSALL: Well, it's really why they're here because they have a site plan history and they're looking to amend effectively that site plan to add a security fence.

MR. ARGENIO: Do they want to digress from those heights?

MR. EDSALL: I don't believe they have the six foot or eight foot fence there now, so that's what they're looking to do is provide that security and screening.

MR. ARGENIO: Mark, I don't understand, man, you're confusing me.

MR. EDSALL: The purview to allow a fence other than four foot in the front and six foot in the sides.

MR. ARGENIO: Did you say code will allow a fence?

MR. EDSALL: The purview, yeah, the code allows four in the front, six on the sides, the purview to allow other than that falls with this board so you need to give Jenn some guidance.

MR. ARGENIO: What do they want to do?

MR. EDSALL: They'd love to have six foot fence on top of a four foot Mafia block, I think that would be too much.

MR. ARGENIO: Even I agree, I think that would be unsightly.

MRS. GALLAGHER: Yes.

MR. EDSALL: It's Allstate Used Auto.

MR. ARGENIO: You know what I'm going to, so I think are you guys from Allstate Auto? I agree.

MR. VAN LEEUWEN: Wait until they come in and talk to us.

MR. ARGENIO: Henry, I've got to tell you my opinion, it's a fence, come on, man, building inspector's going

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to have to handle the issues. You want to look at fences?

MR. VAN LEEUWEN: No.

MR. ARGENIO: I mean the question is a planning board do you think a 10 foot fence is too high? Planning board says yeah, we do, make it something less than that.

MR. EDSALL: I think it would be very easy hopefully for the board to say fine, six foot is customary, if you want more than six, you need to give us more information or a plan.

MR. ARGENIO: I think that's reasonable. Do you think that's reasonable?

MR. SHERMAN: Yes.

MR. FERGUSON: Yes.

MR. ARGENIO: Need a vote?

MR. EDSALL: Turn it over to the building department as per normal.

MR. CORDISCO: There's no formal action before the board, just giving direction to the building inspector.

MR. ARGENIO: Oh, go, Jenn, take care of it. Dominic?

MR. CORDISCO: Nothing.

MR. EDSALL: That's it, thank you.

MR. ARGENIO: Motion to adjourn?

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. SHERMAN	AYE
MR. VAN LEEUWEN	AYE

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MR. ARGENIO

AYE

Respectfully Submitted By:

Frances Roth
Stenographer