

TOWN OF NEW WINDSOR

PLANNING BOARD

December 10, 2014

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

ALSO PRESENT: TAYLOR PALMER, ESQ.
PLANNING BOARD ATTORNEY

MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

CAMMY AMMIRATI
PLANNING BOARD SECRETARY

ABSENT: JENNIFER GALLAGHER, BUILDING INSPECTOR

MEETING AGENDA:

1. Silver Stream MHP
2. Legacy Woods
3. Temple Hill Apartments
4. Martinez Subdivision
5. L & M Mertes Realty

REGULAR MEETING:

MR. ARGENIO: I'm calling to order the December 10 regular meeting for the Town of New Windsor, last meeting of the year. Would everybody please stand for the Pledge of Allegiance?

(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: Welcome everybody, couple housekeeping things, this is our last meeting of the year so our first meeting in January if all the members could come

maybe 15 minutes early so we can have our organizational meeting where we'll decide whether we're going to keep Mr. Edsall or not, Taylor and Fran, may not even keep me, maybe I'll get bounced.

MR. VAN LEEUWEN: I doubt it.

MR. ARGENIO: Would you just remind everybody when you send the notice out please Cammy?

MRS. AMMIRATI: Yes.

ANNUAL MOBILE HOME PARK REVIEW:

SILVER STREAM MOBILE HOME PARK

MR. ARGENIO: The first item is the annual mobile home park reviews. Is somebody here for this Silver Stream Mobile Home park? Please come forward, sir. What's your name, sir?

MR. PUCCIO: Michael Puccio.

MR. ARGENIO: How many units?

MR. PUCCIO: There's 137, we're at 9 Bivona Lane.

MR. ARGENIO: Where is that? Jennifer is not here this evening, she has an issue with her family, Danny could elaborate but he doesn't need to. In any event, she did phone me and she did say that the fire inspectors were out at your facility, they did do an inspection and everything seems to be in order for that. I thank you for keeping a nice, neat facility.

MR. PUCCIO: You're welcome.

MR. ARGENIO: Did you bring a check for the benefit of the town for \$760?

MR. PUCCIO: Yes.

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

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

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

MR. ARGENIO: We'll see you in a year. Thank you for coming in.

PUBLIC HEARINGS:

LEGACY WOODS (08-01)

MR. ARGENIO: First item on tonight's agenda public hearing Legacy Woods. I see Miss Babcock in the audience. Counselor, you have with you your architect?

MR. ATKINSON: Engineer.

MR. ARGENIO: What's your name?

MR. ATKINSON: Todd Atkinson.

MR. ARGENIO: Apologize, we see a lot of folks here. So for the benefit of the folks in the audience, how we'll do this is the engineer and the attorney will bring the planning board up to speed on what they have done with their plans and the progress they've made. At that point or after that we'll open it up to the public, please raise your hand, be recognized, come forward and speak in a clear and intelligible voice and you'll be heard. So that said, Michele, what do you have here for us?

MS. BABCOCK: We're here to request site plan approval for a project known as Legacy Woods located on Route 32 south of the Hannafords Shopping Center. So the project consists of 183 multi-family units and recreational facilities. The planning board had previously conducted SEQRA review and issued a negative declaration for this project.

MR. ARGENIO: We did issue a negative dec on this?

MR. EDSALL: On the project in its original form, yes.

MS. BABCOCK: Correct. The applicant is now seeking conversion of the project from a senior housing project to a market rate project. I'm going to turn it over to Todd and he'll go over a few of the minor revisions that have been made to the site plan.

MR. ARGENIO: Would you flip to a better view of this please?

MR. ATKINSON: Sure, this is what kind of view--

MR. ARGENIO: Let's see a plan view of sorts, there you go, that's good.

MR. ATKINSON: So a couple changes that have been made since the original plan was approved back in 2008 revolve around parking. The original plan had 415 approved parking spots. This plan now represents 460 approved parking spots so it's an addition of 45 spots of which we're requesting to 50 of them to go in a shadow parking. Those are located in this location and this location which will bring us back down to if that was approved back down to 410 which would be on the original approval of 415. On top of that we have also relocated the clubhouse and the pool that were located in this vicinity into building two eliminating the amount of disturbance in the vicinity of a wetlands that's in this location so reducing the impact to the site.

MR. ARGENIO: Give me the parking numbers again.

MR. ATKINSON: So 460 is what's on the current plan, 415 is what was on the plan in 2008.

MR. ARGENIO: And does that number include the shadow parking?

MR. ATKINSON: The 460 includes it.

MR. ARGENIO: What's the shadow parking?

MR. ATKINSON: Shadow parking is 525 in each location.

MR. ARGENIO: So without building the shadow parking, what's the count?

MR. ATKINSON: Four hundred ten.

MR. VAN LEEUWEN: How many units?

MR. ATKINSON: A hundred eighty-three.

MR. ARGENIO: Go ahead.

MR. ATKINSON: Those are the two changes, the only two changes. The only change to water and sewer was the elimination of the clubhouse, was the sewer line that came down from the clubhouse and the water line that came down to reduce the impacts to the wetlands in that location as well. Other than that, everything else has stayed pretty much identical to what it was in 2008.

MR. ARGENIO: Do you guys have any questions on this? I think it's substantially the same as what we saw last time you were here, is that right, Michele?

MS. BABCOCK: That is correct.

MR. VAN LEEUWEN: I'm not very crazy about the shadow parking, I mentioned that before.

MR. ARGENIO: Yeah, we did tighten that up a little bit, Henry, based on your comments. Mark, can you please just elaborate a little bit as to where we landed with the shadow parking requirements relative to bonding and such percentage of completion of units when the bonding's required, et cetera, do you have notes on that, Mark?

MR. EDSALL: Yeah, I think we've discussed the bonding requirement that would be in place at 75 percent I believe it was of completion which would guarantee the construction of all the parking. But the bond would remain in place for not less than three years after the issuance of the last C.O. So at that point, you could do a legitimate determination if the parking is working cause it would have been fully occupied for three years. I think it's a reasonable approach, a lot of municipalities are heading in this direction because of the storm water regulations.

MR. ARGENIO: And it's a difficult thing, Henry, again, without getting into a protracted discussion about it we have the letter from county because they're within 500 feet of the state highway and county is telling us local determination. But one of the things they're saying is make less parking cause they're concerned about impervious surface. So that said, I'm going to look to my right, Harry and Howard, is there anything specific you want to discuss before we open it up?

MR. FERGUSON: Just got a question, maybe I missed it, between building five and six, is that a break there between?

MR. ATKINSON: That's a break, it's an open area that remains an open space.

MR. FERGUSON: Grass?

MR. ATKINSON: Yeah, grass.

MR. ARGENIO: On the 20th day of November 2014, Cammy compared 13 addressed envelopes containing notice of public hearing for this application. They were mailed out to the folks within proximity to this project, the list was provided to her by the assessor. At this point, we're going to open up the public hearing, if anybody has any questions or would like to comment on this application, please raise your hand and be recognized. The gentleman in front please come forward, your name and address for the stenographer?

MR. FLORIO: My name is Tom Florio, 2450 Route 32.

MR. ARGENIO: What's your last name?

MR. FLORIO: Florio. I just had a couple general questions on the access on Route 32. I'd like to know what the distance is between the north side of my driveway, Advanced Automotive and the southern most of my neighbor's driveway?

MR. ATKINSON: Distance between here and here, this is a 30 scale drawing so you're looking at from center to center you're looking at about 55 feet from the outside edge where the car will be sitting you're looking at about 25 feet to the entrance coming in.

MR. FLORIO: And so that's already been approved by DOT?

MR. ATKINSON: That has been approved by DOT with a left turn lane as well, we're just waiting for the left turn in coming down 32.

MR. FLORIO: And there will be no turning on this side?

MR. ATKINSON: No turning.

MR. FLORIO: In other words, no turning lane?

MR. ATKINSON: Negative, negative.

MR. FLORIO: And this is a retaining wall?

MR. ATKINSON: Correct.

MR. FLORIO: How tall will it be?

MR. ATKINSON: In that location?

MR. ARGENIO: Excuse me, Mr. Florio, speak up a little bit so the stenographer can hear you please.

MR. FLORIO: I was inquiring about the black line if it was a retaining wall and if the access is going to be cut which means the edge of my property would have--

MR. ATKINSON: It will be cut, it will be cut on the actual property, not your property but on the adjacent property and in that location the wall varies between three and six feet.

MR. FLORIO: And is there going to be a fence that will be installed?

MR. ATKINSON: There's a fence shown on top of the wall.

MR. FLORIO: Any screening?

MR. ATKINSON: There's a bunch of landscaping as well.

MR. FLORIO: Nor any cut here that requires a retaining wall?

MR. ATKINSON: Negative. Let me show you actually that there's minimal landscaping just bushes and a tree, no cut on that side.

MR. ARGENIO: What's your concern, Mr. Florio, specifically?

MR. FLORIO: Well, once I see that there's going to be three to six foot dropoff, I was concerned that it's a potential for--

MR. VAN LEEUWEN: Accident?

MR. FLORIO: -- accident.

MR. ARGENIO: Code would dictate that they're going to have to put a fence up of sorts there.

MR. FLORIO: And then any other screening?

MR. ARGENIO: Mr. Florio, where you would be standing if you're facing the wall Mr. Atkinson?

MR. ATKINSON: If you're facing the wall, the wall is going to be in this location here and it's going to be

the high side is actually his property.

MR. ARGENIO: So if you're standing in the road, you'd be facing the wall so you're not going to be looking at the wall Mr. Florio, you would see the fence. What type of fence are you proposing?

MR. ATKINSON: We have a couple different variations, looking at six foot vinyl type fence, I've got a photo here, really up to--

MR. ARGENIO: Show that to Mr. Florio. What do you think of that?

MR. FLORIO: Not bad. And then along the back edge of the property here?

MR. ATKINSON: Along the back edge of the property we're not anticipating putting a fence there, that might be dependent on what the board's determination whether or not this parking lot needs to be placed there.

MR. ARGENIO: If you don't have the dropoff, you probably don't need the fence.

MR. ATKINSON: If this parking lot is approved as shadow parking never gets constructed, this will be just as it is, this whole property as it stands right now back to this location.

MR. ARGENIO: As it is grass?

MR. ATKINSON: Grass and trees right now.

MR. VAN LEEUWEN: It's wet.

MR. ATKINSON: It's wet, actually in this area here, yeah, this is actually dry, there's a small wet spot here and then there's wet.

MR. VAN LEEUWEN: What's the business you own?

MR. FLORIO: Advanced Automotive.

MR. VAN LEEUWEN: Oh, okay.

MR. ARGENIO: Anything else, Mr. Florio?

MR. FLORIO: I think that was it. The only other

concern being DOT approved, it's a moot point at this point in time but I just thought that was a little close to three driveways with parking for over 410 cars and 410 cars are not going to leave and return at the same time but that's a lot of traffic being so close to the driveways.

MR. ARGENIO: Thank you.

MR. FLORIO: Thank you.

MR. ARGENIO: Anybody else? Yes, ma'am, please come forward.

MS. MC DONALD: Hi, Barbara McDonald, 13 Height Drive, I abut the property. My question is I wanted to know how far from my property line is there a setback?

MR. ATKINSON: There's a fence that's going to be off your property approximately three and a half to four feet and then there's going to be in that location there a very small little landscaping wall and there will be some landscaping as you can see a couple trees that will be placed in there and a couple shrubs as well.

MRS. MC DONALD: So my stone wall will not be touched?

MR. ATKINSON: Stone wall will not be touched unless it's actually on the other property.

MRS. MC DONALD: Half and half.

MR. ATKINSON: What we're intending to do was restack the stone wall on one side to be able to get the fence in so it would be touched only on the side that's their half.

MRS. MC DONALD: If it's the three and a half feet from the property line you really wouldn't, would you?

MR. ATKINSON: That depends, that wall in some places is broken down, right?

MRS. MC DONALD: I noticed when I looked at the crash gate.

MR. ATKINSON: That's only for emergency access.

MRS. MC DONALD: Be for sure only for emergency access?

MR. ARGENIO: It's an interesting comment you make, Mrs. McDonald, because as I said before, county has the right to comment on this, County Planning and they're recommending that we actually open that but the thought of the planning board was to have it as a crash gate for safety purposes so you folks aren't interrupted by the vehicular traffic that this would generate so it will remain a crash gate if that's your question.

MRS. MC DONALD: Yeah, I mean, I was just saying because there used to be one here by Knox Village and the people were using, the people above us up here it's their driveway but the people in Knox Village were using it as a short cut.

MR. ARGENIO: There will be a gate there.

MRS. MC DONALD: So at times we had the Indianapolis 500 going through so I'm worried about that extra traffic that would be there. I guess that's about it. Like how high are the buildings?

MR. ATKINSON: The maximum height on the peak of the building is 48 feet.

MRS. MC DONALD: Now, are there windows facing my side?

MR. ATKINSON: There are a couple windows, that's this building here.

MRS. MC DONALD: I'm here.

MR. ATKINSON: I just want to show you on this side you'd have some windows, yeah.

MRS. MC DONALD: That's all.

MR. ARGENIO: Thank you. Anybody else?

MR. VAN LEEUWEN: I'll make a motion to close the public hearing.

MR. BROWN: Second it.

MR. ARGENIO: Seeing no hands, motion made and seconded that we close the public hearing.

ROLL CALL

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

MR. ARGENIO: Thank you folks for your respectful and very productive commentary. You're going to follow through on that fence, Mr. Atkinson?

MR. ATKINSON: Yes, I am.

MR. ATKINSON: The fence is actually shown on the plan and if the board's okay that's the fence that we'll provide.

MR. ARGENIO: Do you guys take exception to that?

MR. BROWN: No.

MR. ARGENIO: From where I'm sitting if the neighbors are happy, I'm happy. Danny?

MR. GALLAGHER: No. The only thing I have a question about the fence, is the shadow parking behind Advanced Automotive you were mentioning that the fence would be there if or if not?

MR. ATKINSON: There's no fence shown right now. As I said, it's actually on the same grade there are some trees and some shrubs that are going to remain along that property line if it's something that the board would like to--

MR. GALLAGHER: I think we need to decide if the fence is up if the shadow parking goes up.

MR. VAN LEEUWEN: Yeah, I think that should be fenced, correct.

MR. GALLAGHER: Otherwise--

MR. ARGENIO: So let's be clear, so the fence is not required if the shadow parking is not built?

MR. GALLAGHER: They're not proposing it right now.

MR. ATKINSON: That's actually parking for the property in the front though so, I mean, you're going to have cars parked and--

MR. GALLAGHER: Without a fence we're looking at a parking lot.

MR. ATKINSON: A parking lot looking at another parking lot and trash dumpster there, I think in the back there's a dumpster.

MR. GALLAGHER: It would be walking out into another parking lot, correct?

MR. ARGENIO: That's what it sounds like. What are your thoughts?

MR. FERGUSON: There will be no trees?

MR. GALLAGHER: Is there landscaping blocking in between?

MR. ATKINSON: There's an existing tree cover right there now.

MR. GALLAGHER: Now you're proposing stone wall go around or no, there was a stone wall coming in, correct off of, now, does that same stone wall wrap around behind in between?

MR. ATKINSON: Negative, it ends before.

MR. ATKINSON: That's where we are at less than a foot and the wall goes out to, varies between three to six feet along this direction, there's no wall along the back side the way it currently stands.

MR. ARGENIO: What drawing number?

MR. ATKINSON: I'm on drawing A-1 all the way in the back.

MR. ARGENIO: This doesn't show the landscaping.

MR. ATKINSON: There should be three full sets.

MR. ARGENIO: I want to read a couple things into the minutes because the shadow parking issue was something that one of the members hesitated with a little bit. Just for the benefit of everybody, Michele, you and you, Mr. Atkinson, relative to the shadow parking, I want to read Mark's comments. The applicant is proposing to avail themselves of Section 300-60H of the

code which permits the shadow parking. Planning board must consider that the area of the shadow parking is suitable for use at a future time. Seems as though that's the case, Mark, yes?

MR. EDSALL: Yes.

MR. ARGENIO: The landscaping of the shadow parking area must be appropriate and what we had asked for just a flat grass area with no trees or anything that needed to come down at a later date. The shadow parking area can be used for, cannot be used for any other purpose and must be reserved for such purpose and appropriately depicted on the plan. So we're clear, you're not going to build anything there, it's just going to be grass?

MS. BABCOCK: That's correct.

MR. ATKINSON: Correct.

MR. ARGENIO: The method of establishing a performance guarantee in the event the spaces must be constructed as well as an appropriate evaluation time to assess the need for the additional parking spaces. So what I think we said earlier was that 75 percent threshold of C.O. issuance will be the threshold at which we'll be looking for the bond and Mark will determine the amount of the bond that we're looking for for that parking. And from the issuance of the last C.O., we're going to hold that bond for three years. Michele, you good with all that?

MS. BABCOCK: Yes, we are.

MR. ARGENIO: Pretty much. So you still have some other things you need to do. Where are you at with CAMO and/or John Agido with your sewer?

MR. ATKINSON: As far as sewer, we have the revised plans that we'll be sending out by Friday making a revision. There was a request, I think the only change for, if I'm wrong with this, was the only change was getting that one building into the terminal manhole and we showed it going beyond that so we were able to do that. I'll have the plans updated for that. So from a sewer perspective we're just updating the actual sewer engineer report to be resubmitted back to the town engineer.

MR. ARGENIO: You're working on that?

MR. ATKINSON: It's done, I was waiting on a comment that came in today.

MR. EDSALL: Mr. Chairman, we did have a joint meeting with John Agido from CAMO, myself and the applicant several weeks ago.

MR. ATKINSON: The 14th of November.

MR. ARGENIO: Okay, you guys have any, to my right, Howard and Harry?

MR. BROWN: No.

MR. ARGENIO: Danny, okay with the parking?

MR. GALLAGHER: Yeah.

MR. ARGENIO: So you need to get squared away with the sewer, it seems as though we're over the shadow parking issue and we can move forward. The ball's in your court I guess is what I'm saying. Anything else, Michele?

MS. BABCOCK: No. I think that that is the only outstanding issue. So at this point, the next step we're really looking for from the board is to make a consistency determination with respect to SEQRA and of course grant site plan approval for the project.

MR. ARGENIO: Well, I don't know about site plan approval. I think you should get yourself buttoned up with this other stuff, you know, your sewer, your call, it's outside agency, your sewer and such, but I think the big hurdle was the parking, wouldn't you agree?

MS. BABCOCK: That's correct. The sewer is honestly it's a minor revision as to where the project, where the building was going to tie in.

MR. ATKINSON: It's just actually moving a building tie-in from the location we had right now is less than 10 foot to an actual manhole.

MR. EDSALL: Mr. Chairman, Taylor and I were just discussing the SEQRA determination and what we'd like to do is actually prepare a formal resolution given the size of the project that can be prepared for the board for the January meeting and tee this up for all the

necessary actions in January.

MR. ARGENIO: Gentlemen, it would seem to me that it's consistent.

MR. EDSALL: Yeah but--

MR. VAN LEEUWEN: I think that should be all taken care of before we give final approval.

MR. ARGENIO: That's okay, I'm announcing my thoughts from a SEQRA perspective the project I think is substantially similar to that which was presented originally however long ago.

MS. BABCOCK: And in order for the board to make that determination, I have submitted a long form Environmental Assessment Form along with a narrative identifying each area of the project and identifying where there have been changes and showing that there is no adverse environmental impact based on the changes that have been proposed.

MR. ARGENIO: Okay, thank you, Michele. So Mark, I think what I'm hearing from you guys to my right, the professionals, is that there are some details that we need to get buttoned up here, I think the heavy lifting is behind us so--

MR. EDSALL: Clearly, the one I was concerned about was the board has not dealt with the shadow parking on past applications because it's new in the code. So that was the one that was, seemed to be the greatest struggle but we're passed that I think at this point we need to just prepare the resolution for the consistency and reference the information Michele pointed out in the EAF and tee it up for action in January.

MR. ARGENIO: I think that's probably the smart thing.

MR. VAN LEEUWEN: I think so.

MR. ARGENIO: You should get your ducks in a row Mr. Atkinson, get your sewer squared away. Michele, you're good to go. And I think that we're, you see where this is going. We'll put, Cammy, please put them on for the first meeting in January. Mr. Atkinson will get his plans cleaned up, sewer taken care of, we'll get the resolutions done and we'll send you guys on your way.

MS. BABCOCK: Very good, thank you.

MR. ARGENIO: Thank you very much.

MS. BABCOCK: Happy holidays to you all.

MR. ARGENIO: Happy holidays, thanks so much.

REGULAR ITEMS:

TEMPLE HILL APARTMENTS (14-19)

MR. ARGENIO: Regular items, Temple Hill Apartments. I see Mr. Mandelbaum in the audience for Temple Hill.

MR. PIETRZAK: I'm Vince Pietrzak here for Temple Hill.

MR. ARGENIO: Wait, Vince, hold on one second please.

MR. PIETRZAK: Sorry.

MR. ARGENIO: Okay, next on tonight's agenda is Temple Hill Apartments. This application proposes subdivision of the lands associated with the Temple Hill Apartment site plan into six lots. Plan was previously discussed at the 2 October 2014 planning board meeting. And at the risk of speaking for you, Vince, or Mr. Mandelbaum, this is more, this application is more of a legal application than a subdivision application. It's my understanding that Mr. Mandelbaum wants to cut this thing up for financing purposes and such, and the heavy lifting is really behind us on this application. So I don't want to speak for you, Vince, but Vince or Jonah, please go ahead.

MR. MANDELBAUM: You sent us to the ZBA for a variance and we were in front of the ZBA a couple days ago which we received our variance approval which there's a letter in the file and that's where we are now.

MR. PIETRZAK: What happened, part of the site plan we had it separated, you got the senior housing down below and each building is going to be on its own lot. We have no problem meeting the requirements for the senior housing project to the north, we have two buildings for the work force housing. Zoning required this to be on the five acre, the work force housing as is was required to be on a five acre lot with the road dedication, this lot ended up being less than five acres, 4.8 approximately.

MR. ARGENIO: What are the lots, one of the lots or both of them?

MR. PIETRZAK: Both. Alright, now, with the financing we wanted to recreate the separation between the two buildings. Nothing changed on the site plan, we're just creating separate tax lots for the financing. We

got the variance from the zoning board on Monday now we're back to see you guys.

MR. ARGENIO: Any questions?

MR. BROWN: Same plan we approved?

MR. MANDELBAUM: We haven't changed one inch.

MR. VAN LEEUWEN: I make a motion to approve.

MR. ARGENIO: The only problem, I'm with you, but by statute we're obligated by law to have a public hearing on this which is a waste of time, it's a waste of stamps but by law we have, that's what we have to do.

MR. VAN LEEUWEN: Okay.

MR. ARGENIO: You can see this is a legal--

MR. VAN LEEUWEN: Didn't you have a public hearing?

MR. MANDELBAUM: We had many public hearings at the planning board for the site plan but now this is for the subdivision.

MR. ARGENIO: I said the same thing.

MR. BROWN: Was there a public hearing at the zoning board?

MR. MANDELBAUM: Absolutely.

MR. ARGENIO: I said the same thing. Guys, guys, let me speak please, I said the same thing to Mark and Dominic when we spoke of this a couple days ago guys. We had the public hearing at the zoning board, we meaning the town had a public hearing, why do we need to do this and waste board time? And the response from Dominic was that Jerry, you can't waive it, it's by law you have to do it so--

MR. MANDELBAUM: We don't have a problem, I'll be in Florida, he'll be here, I'm happy.

MR. VAN LEEUWEN: Even the audience agrees with you.

MR. ARGENIO: So you guys have any questions, Danny, any questions?

MR. GALLAGHER: No.

MR. ARGENIO: Doesn't get more basic. So if anybody wants to make a motion to schedule that public hearing.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded.

ROLL CALL

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

MR. ARGENIO: Mr. Mandelbaum, we'll schedule a public hearing.

MR. EDSALL: Mr. Chairman, just so we don't get hung up with any timing with Orange County Planning when it was referred to planning for the zoning board, we did a joint referral so we've gotten it out of the way for this board as well so we don't have another clock to worry about.

MR. PIETRZAK: Appreciate that.

MR. MANDELBAUM: Thank you very much.

MR. ARGENIO: Thank you for coming in tonight.

MARTINEZ SUBDIVISION (14-16)

MR. ARGENIO: Martinez subdivision. The application proposes subdivision of the 1.6 acre parcel into two single-family residential lots. The plan was previously discussed at the October 8, 2014 planning board meeting. We added this late in the game in the interest of keeping our calendar up to date and efficient, that is our planning board calendar. So Mr. Minuta is here to represent this, what do you have for us, Joe?

MR. MINUTA: Good evening, Mr. Chairman and the board, Joseph Minuta from Minuta Architecture representing the project. We were previously before you for this site plan subdivision and we have since been to zoning and received all of the necessary zoning variances for the property. And we're back before you to hopefully seek your approval of this subdivision.

MR. ARGENIO: Have there been any changes to the plan, Joe?

MR. MINUTA: None.

MR. ARGENIO: Alright, I want to just touch on--

MR. VAN LEEUWEN: Is this your office, Joe?

MR. MINUTA: No, no.

MR. ARGENIO: This is Riley Road, do you remember this application? It was just off the corner, corner of Riley and 94.

MR. MINUTA: That's correct.

MR. ARGENIO: Mark has a note here I want to read it to you, Joe. The plans depict a water and sewer service for the new residence. However, based on the topo, I believe an injector pump will be required for sewer. The appropriate detail and notes must be added to the plans. Plans would be subject to CAMO approval and then Mark has the verbiage for the note. Do you have a copy of Mark's comments, Joe?

MR. MINUTA: I do now.

MR. EDSALL: I'm giving them to him right now.

MR. ARGENIO: Taylor or Mark?

MR. MINUTA: Here's the plans for the pump station.

MR. ARGENIO: I don't want those, give them to somebody else. Mark or Taylor relative to that lift station, what is that, Mark, it's just a pump in a pit, is that correct?

MR. EDSALL: That's all it is, it's a pre-manufactured package unit that just is a lift station to pump from the house which is below the sewer in all likelihood up to the sewer. The reason this note is required it's based on I'll call it a negotiation that might have occurred between myself and DEC years ago because they objected to the private pump stations being installed without a clear definition of who has to maintain them.

MR. ARGENIO: This note, I think this note allows the Town of New Windsor to go in and effect repairs or replacement of the lift station in the event that the owner doesn't maintain it or repair it if it breaks down.

MR. EDSALL: It only allows the town if the town deems it a health hazard and it doesn't mean that the town has an obligation and it doesn't mean the town is going to do as their, the first course of protection it also says the Orange County Department of Health normally we would call the health department and so you folks have a problem, there's a health hazard within our town.

MR. ARGENIO: So in the event of public safety, health or welfare, we can go in and effect a correction?

MR. EDSALL: And we add the comment that allows for the back charge if the town or the county has to act against the property.

MR. ARGENIO: Here's where I'm going, you walked right into it, my question is and it's mainly cause I'm curious, is let's pretend that a repair did need to be made and let's pretend some type of repair was made and it costs a hundred dollars, what's the remedy to get the hundred dollars?

MR. EDSALL: The town can get a judgment, add it to the tax bill.

MR. ARGENIO: It's added to the tax bill so it does

have teeth, that's where I was going with all that. Okay, that was my question. Anybody else have any questions on the sewer?

MR. VAN LEEUWEN: No, you asked them all cause you've got the answers.

MR. ARGENIO: I got the answer, I thought that was the case with you, I was not positive. If anybody sees fit, I'll accept a motion that we declare ourselves lead agency.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

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

MR. ARGENIO: If anybody sees fit, I'll accept a motion we declare negative dec.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board declare negative declaration under the state SEQRA law. Roll call.

ROLL CALL

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

MR. ARGENIO: Mark, Taylor, what else is to this? It seems to me this is a fairly simple application.

MR. EDSALL: Just for the record, it's gone to County Planning, we did get a local determination.

MR. ARGENIO: Local determination from County Planning,

it was the shortest letter we've ever gotten from the County Planning Department.

MR. VAN LEEUWEN: So moved.

MR. ARGENIO: Just one thing, I thought we waived the public hearing for this, Mark, but you're telling me we haven't?

MR. EDSALL: I have no record that it had been waived so I think you should just have motion.

MR. VAN LEEUWEN: I'll make a motion to waive the public hearing.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion to waive public hearing. Roll call.

ROLL CALL

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

MR. ARGENIO: Anything else guys, professionals? Joe, do you have anything else?

MR. MINUTA: I do not, just note that he has, I'm going to need to add to that plan.

MR. ARGENIO: Give that back to him, waste another tree, Joe.

MR. MINUTA: Thank you, sure.

MR. ARGENIO: Punish you next time for that.

MR. VAN LEEUWEN: Motion for final approval subject to Mark's comments.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion has been made and seconded that we offer final approval to Martinez minor subdivision represented by Joe Minuta subject to Mark's comments which include the addition of the note as announced

in his comments. Roll call.

ROLL CALL

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

L & M MERTES REALTY, LLC (14-15)

MR. EDSALL: Lastly L & M Mertes Realty, somebody here for this? I see Mr. Drabick coming up. Where is your client, Mr. Drabick?

MR. DRABICK: They're not here tonight, they must of had something else.

MR. ARGENIO: What do you have, Steve?

MR. DRABICK: At the last meeting we were basically waiting for response from County Planning on this which I believe has come through.

MR. ARGENIO: Yeah, I think I have that too, it's local determination as well I think.

MR. EDSALL: Yes.

MR. ARGENIO: Yes.

MR. DRABICK: And the only other minor change at the last meeting there was request of the board here to add a note such that because the office is going to be moved into the proposed new building that the existing trailer there be removed and in talking to the owners what they would like to do is just convert that to another storage trailer.

MR. ARGENIO: Yeah, okay, the only thing that I'm going to tell you is any action we do or do not take tonight is going to be subject to your owners getting a C.O. for those trailers. Now, Jennifer called me again earlier this evening and we spoke at length about that and for the benefit of the members what she had suggested and Mark said it as well to me was that those trailers they do help screen the applicant's processes that he's doing on the site. So to leave them there probably is not the worst thing. But unfortunately, your applicant when he bought the property he bought the property with the trailers in place and there's no C.O. for them. October 8, 2010 I have a memo here from the building department. Dear Sir/Madam: Sent to the previous owner, 12 x 50 trailer was constructed in the above-referenced property without the proper building permit. The owner of the premises many need to file for the proper permit in order to receive a C.O. Doesn't mean it's livable space, just means it needs to get done. I have another similar letter on

February 11, 2011, need to file. Public hearing waived. Guys, anybody have any questions? This is the one if you guys recall the applicant hired X, Y, Z Surveying, I don't remember who it was, but they made a mess of the plans. Mr. Drabick came in and cleaned it up and he did, seems as though he did a pretty fine job.

MR. VAN LEEUWEN: There's trailers here too and whatever this is this is to be relocated, okay, they're going to be gone but this is what he wants to keep.

MR. ARGENIO: Correct.

MR. VAN LEEUWEN: Instead of moving them that's going to hold up your--

MR. DRABICK: In lieu of obtaining if we remove them there's no need to seek the C.O.s, correct?

MR. ARGENIO: Say that again.

MR. DRABICK: If we remove those two, these two trailers.

MR. ARGENIO: I don't know why you wouldn't get the C.O., it's an application fee.

MR. DRABICK: That's basically it.

MR. ARGENIO: It's no big deal.

MR. DRABICK: Well, I just want to give them--

MR. EDSALL: Yeah, and we can even have a note on the final plan they need to be removed if a Certificate of Compliance is not obtained within 60 days or 90 days, just a note.

MR. DRABICK: Just want to give them an option.

MR. ARGENIO: We're not asking you to stick your client's head out.

MR. DRABICK: Okay.

MR. VAN LEEUWEN: These are all trailers too, what about them?

MR. ARGENIO: What about them, they exist, use them to

store his stuff.

MR. VAN LEEUWEN: Then he should have C.O.s, no?

MR. ARGENIO: Yes.

MR. VAN LEEUWEN: Well, we're talking about these, okay, these are going to be eliminated and this as far as I know that storage trailer is going to stay.

MR. ARGENIO: Jennifer will handle it.

MR. VAN LEEUWEN: Alright. I know she'll handle it, not worried about that.

MR. ARGENIO: They need to get C.O.s for the trailers, they're temporary, don't have foundations, not like it's a permanent structure.

MR. VAN LEEUWEN: Right.

MR. ARGENIO: And Mr. Drabick did the right thing, he showed them, he surveyed the site, he didn't try to buffalo us along.

MR. DRABICK: Right, the goal was to show basically what's there now.

MR. ARGENIO: No, you did the right thing and again, your client's going to have to get squared away with Jennifer, I don't think it's heavy lifting. Mark, is that correct? That's how it was represented to me by Jennifer.

MR. EDSALL: Yeah, it's fine and we can have the plan processed by adding that note.

MR. ARGENIO: Do you guys have any questions on this? Harry, do you have any question, Howard?

MR. BROWN: No.

MR. ARGENIO: Danny, I'm sure you're aware of it, Jennifer must of mentioned it to you, you see her after hours is what they tell me.

MR. GALLAGHER: Yes, I'm okay with it.

MR. EDSALL: Mr. Chairman, just on the county--

MR. ARGENIO: If anybody sees fit, have we assumed lead agency on this already?

MR. EDSALL: Yeah, before you do the negative dec just to respond to one of the county's comments on storm water management they're commenting about adding 6,000 square foot of impervious surface. The reality is that I'm advised that the area where the building's going is compacted gravel that's been there for years, it would seem to be impervious now. So given the minor nature of the change, I don't know if we need to open up a full storm water review.

MR. ARGENIO: Got it.

MR. EDSALL: I'm sure the fire inspectors do periodic reviews to make sure that the vehicles are not discharging contaminates.

MR. ARGENIO: They're at my business twice a year without fail. Anybody sees fit, I'll accept a motion we declare negative dec under the SEQRA process.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

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

ROLL CALL

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

MR. ARGENIO: Anything else, Mark, other than--

MR. EDSALL: Just adding that note and I think they're good.

MR. DRABICK: Not a problem.

MR. VAN LEEUWEN: So moved.

MR. ARGENIO: Mr. VanLeeuwen has made a motion for final approval for L & M Mertes Realty site plan subject to the owner getting a C.O. for these temporary

trailers that are all over the property and adding a note to the plan that's going to say, Mark, what's the note going to say?

MR. EDSALL: Note is going to indicate that the applicants must obtain the necessary I think they're Certificates of Compliance for the trailers within 90 days stamp of approval or they must be removed.

MR. DRABICK: Within 90 days.

MR. ARGENIO: Okay, Steve?

MR. DRABICK: Yes.

MR. FERGUSON: Second it.

ROLL CALL

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

MR. ARGENIO: Steve, thank you, you have final approval, tell your applicant best of luck and it's all good.

MR. DRABICK: Thank you very much and have a happy holiday.

DISCUSSION

VAILS GATE TERMINALS

MR. ARGENIO: Mark, can you please share with the members where we're at and give us an update relative to Vails Gate Terminals and the desire of the Town of New Windsor Planning Board to hire a professional to counsel us in the safe handling and storage of propane, more specifically the safe handling and storage of propane as it relates to this facility at Vails Gate Terminals?

MR. EDSALL: Yes, the board recalls that the fire inspector's office, the building inspector's office and our office all during the last several months were attempting to obtain some technical support from the State of New York to make the safety and compliance evaluation of the Vails Gate Terminals site. We were I hate to say very unsuccessful notwithstanding that the board upon review of the memorandum from the fire inspectors and from the chief of the department for Vails Gate Fire Department noting safety concerns the board because of safety and because of traffic concerns declared a positive declaration for the Vails Gate Terminal site plan application. Pursuant to that, the chairman in turn began pushing me to try to find an independent consultant that the board could use as a specialist consultant to assist in reviewing the upcoming EIS. Just to let you know, I found what seems to be a very good prospect, the gentleman is a licensed professional engineer in New York State, has a consulting firm, engineering firm that's very specialized in nature. He happens to also as I understand it be on the National Fire Protection Association NFPA Board that in fact wrote several of the appropriate safety codes and I believe including NFPA 58 which is the section that rules on this application. So I spoke with him today, he was in Georgia, we're going to talk more, he's also going to recommend a specialist purely on the safety side, he's more on the mechanical and the technical side of the tankage and construction. So I hope to have back to the board in January the full information on the two consultants and a proposal for their services to be provided. I will coordinate it with Taylor and Dominic and the chairman and hopefully have something very firm for you in January.

MR. ARGENIO: Guys got any questions? You're on that,

right, Danny, you're keyed into that?

MR. GALLAGHER: Yes.

MR. ARGENIO: Okay, anything else?

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

MR. VAN LEEUWEN: Motion to adjourn.

MR. EDSALL: Other than Merry Christmas.

MR. ARGENIO: Merry Christmas everybody.

MR. BROWN: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth
Stenographer