

TOWN OF NEW WINDSOR

PLANNING BOARD

March 11, 2015

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

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

VERONICA MC MILLAN, ESQ.
PLANNING BOARD ATTORNEY

JENNIFER GALLAGHER
BUILDING INSPECTOR

CAMMY AMMIRATI
PLANNING BOARD SECRETARY

ABSENT: HENRY VAN LEEUWEN

MEETING AGENDA:

1. Windmere MHP
2. Guardian Self-Storage
3. Tractor Supply sub.
4. Tractor Supply retail building

REGULAR MEETING:

MR. ARGENIO: I'd like to call the March 11 regular meeting of the Town of New Windsor Planning Board to order. Everybody please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

ANNUAL MOBILE HOLE PARK REVIEW:

WINDMERE MOBILE HOME PARK

MR. ARGENIO: Welcome everybody. First item on tonight's agenda is mobile home park reviews, Windmere Mobile Home Park. Somebody here representing this? What's your name sir?

MR. JOHNSON: Richard Johnson

MR. ARGENIO: How many units do you have in your park?

MRS. GALLAGHER: A lot.

MR. JOHNSON: 96.

MR. ARGENIO: Where is this, Jen?

MRS. GALLAGHER: Off Mt. Airy Road.

MR. ARGENIO: Has somebody from your office been out there?

MRS. GALLAGHER: Yes.

MR. ARGENIO: What do you have to say?

MRS. GALLAGHER: Great, we have no problems.

MR. ARGENIO: Did you bring a check for the benefit of the town in the amount of \$575?

MR. JOHNSON: Yes.

MR. GALLAGHER: Motion for approval.

MR. FERGUSON: Second it.

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

ROLL CALL

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

March 11, 2015

3

MR. JOHNSON: See you next year.

MR. ARGENIO: See you next year.

REGULAR ITEMS:

GUARDIAN SELF-STORAGE (15-02)

MR. ARGENIO: On to the regular items. First regular item for the tonight Guardian Self-Storage. This application proposes an amendment to a prior approval to construct two storage buildings in lieu of three buildings on the previously approved plans. The application was reviewed on a concept basis. What's your name, sir?

MR. RIEDLE: Mr. Chairman, members of the planning board, Frank Riedle, I'm with Guardian Self-Storage.

MR. ARGENIO: You're one of the owners?

MR. RIEDLE: Not me, my cousin is, Kelly Riedle Hardisty, she's the owner.

MR. ARGENIO: Are you an architect or engineer?

MR. RIEDLE: No, I work with Kelly in her office.

MR. ARGENIO: Can you tell us what you're thinking about?

MR. RIEDLE: Yes, this is the one of the sheets from the site plan that was approved back in 2000, shows for the construction of an office and there was going to be a total of nine buildings erected. We have constructed the office building and the first six buildings here. What hasn't been built out are these three. We made an application--

MR. ARGENIO: You know what, let me just get to the right page here.

MR. RIEDLE: This is the old site plan.

MR. ARGENIO: Okay, so what should we be looking at, site grading, utility plan?

MR. RIEDLE: What you can look at next the way it looks like now is the demolition and the existing conditions plan this is the way it looks now, the three buildings are not here. The industry has changed, instead of building three regular self-storage buildings, we'd like to erect two temperature controlled buildings. And they'll go in the same area as where the other

three buildings were going to go, they were going to go right here. That's our proposal. One building is--

MR. ARGENIO: So what do you have in those buildings like suites or--

MR. RIEDLE: Self-storage units but inside there's hallways, it's temperature controlled, today people like to have temperature controlled more so than just having cold storage cold in the winter very hot in the summer.

MR. ARGENIO: How many stories?

MR. RIEDLE: One.

MR. ARGENIO: Do you have garages, bay doors for somebody who may want to store their car?

MS. HARDISTY: Well, not inside self-storage no because there's no access from the outside that will be large enough for a car but this looks like a regular self-storage building just all interior. We maintain the temperature between 50 and 70 degrees.

MR. BROWN: Is this the same as the one on 32?

MS. HARDISTY: Isn't Jerry's a high-rise? Yes, ours is the same thing but the one in front is a high-rise, this looks exactly like a regular self-storage single level access but the outside it just you have to enter it into the inside from a door to get inside, we just keep it, you know, warm and cool.

MR. ARGENIO: Jerry's Self-Storage has the same thing.

MR. BROWN: They're four stories high.

MS. HARDISTY: This is a single level.

MR. ARGENIO: At ground level you go in and you go like down a hallway and left and right, I think there's like --

MS. HARDISTY: Ours is on 32 but I guess I'm thinking about the, there's a climate controlled building in front but it's two stories, this will not be.

MR. BROWN: But they have bays in the one on 32.

MS. HARDISTY: Yeah.

MR. ARGENIO: That forward building on 32 that's all temperature controlled.

MS. HARDISTY: It is, we're not going to have anything like that, just a regular self-storage building.

MR. RIEDLE: We have situated the building so that all setbacks are complied with so no variances are needed. Any other questions that we might be able to field that the board may have?

MR. ARGENIO: Let's have a look at it, I don't know. How much grading is going to be required to do these buildings? Are you at pad site elevation already?

MS. HARDISTY: I don't think there's much grading right now. It's been a little bit of time since the engineer's had the topo done so we're looking like there's not going to be too much.

MR. RIEDLE: Not going to be a lot, it's practically at grade level now.

MS. HARDISTY: There's a couple little knobs that you might see just high elevation soil has been stored at one point that will just be pushed off.

MR. ARGENIO: And your driveway has kind of what I would call a reverse crown where as the drainage goes right down the center looks like?

MS. HARDISTY: Yes, that's something that will be moved, one of the underground drainage pipes will be replaced so the building is over top of it, it will go back into the retention pond.

MR. RIEDLE: We have supplied a certification from our engineer that the retention pond that was already placed on the property will be sufficient for the extra impervious surface.

MS. HARDISTY: I don't think there's any extra from the impervious surface from the original plan.

MR. RIEDLE: Maybe not.

MR. ARGENIO: When you built the original pond you built it of sufficient size to allow for expansion?

MR. RIEDLE: Correct.

MS. HARDISTY: Well, we had built it so yeah the entire site was built out.

MR. RIEDLE: Instead of three buildings we're going to do two.

MR. ARGENIO: Okay, just give us a moment here. Mark has some comments. Do you have a copy of Mark's comments?

MR. RIEDLE: I just received them, Mr. Chairman.

MR. ARGENIO: Who's your design engineers at Chazen?

MS. HARDISTY: Chris LaPine (phonetic).

MR. ARGENIO: It looks like you do have a little, little bit of additional paving.

MS. HARDISTY: Possible.

MR. ARGENIO: Mark, your comment number six says that we can in fact take lead agency, there are no other involved agencies.

MR. EDSALL: I'm not aware of any other approvals needed other than the planning board's approval. As indicated the storm water exists, we just want to make sure that we have some type of an analysis submitted to show that there's adequate capacity but I don't believe that requires any DEC approval.

MR. ARGENIO: Okay, so we're free to do that this evening?

MR. EDSALL: I believe so.

MR. ARGENIO: Danny, go back a couple pages please, looks like the plans are relatively complete. Mark, are you seeing the same thing that I'm seeing?

MR. EDSALL: Yes, they're in good shape. There's some information that was on the original approved plan that I'm looking to have carried over onto this plan cause historically the planning board looks to have the amendment plans fairly reflective of the information that was on the approved plan, so some minor

information to carry over but the plans are in good shape.

MR. ARGENIO: Mr. Riedle, come over here and look at my drawing here for a second. What is this right here? I'm at the top of drawing three of five for the benefit of the members top left building top of the building, what's going on there with that?

MS. HARDISTY: No idea.

MR. RIEDLE: I don't know either.

MR. ARGENIO: Not that it's of any particular problem.

MR. RIEDLE: I don't think that's on the plan. I don't have an answer.

MR. ARGENIO: It's connected to that dashed line around the back of the building, what's the dashed line?

MR. RIEDLE: It's the proposed work limits.

MR. ARGENIO: For some reason they're cutting into that hill, I don't think it's of any particular relevance.

MR. RIEDLE: Well find out.

MS. HARDISTY: We'll find out what it is.

MR. ARGENIO: If anybody sees fit, I'll accept a motion that the Town of New Windsor Planning Board declare itself lead agency for the Guardian Storage plan.

MR. BROWN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded that the planning board declare itself lead agency for Guardian Storage. Roll call.

ROLL CALL

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

MR. ARGENIO: Mark, it seems as though I've read through your comments and seems as though a lot of these things are clean-up items. You're affirming the pavement detail, you're affirming the bollards detail, you must of had some time on your hands.

MR. EDSALL: Wanted to keep you busy on the weekend reviewing it.

MR. ARGENIO: I want to read this, Mr. Riedle, from Mark's comments. The prior approval includes requirement that the roadway areas within Liner Road be dedicated to the town. This plan depicts the property lines to the center of the road of the town road which is inconsistent with the prior approval. The applicant should confirm the status of this dedication.

MR. RIEDLE: That's number three, no, actually, Kelly and I were just discussing that before we went into some of the other comments and we don't know the status of that but we'll find out if something has to be done we'll comply.

MR. ARGENIO: What's your first name?

MR. RIEDLE: Frank.

MR. ARGENIO: Who's Herb Riedle?

MR. RIEDLE: My uncle, her father.

MS. HARDISTY: That's my father.

MR. ARGENIO: We need to hear from county. Has this been referred yet?

MRS. AMMIRATI: No.

MR. ARGENIO: I don't see any reason why we can't refer this, this looks like a fairly thorough set of plans. Mark, would you agree with that?

MR. EDSALL: Yes.

MR. ARGENIO: Any problem with that you guys? Everybody's nodding no, they don't take exception to that. I don't have any other questions. Do you guys, Mark, anything in particular you need to be drawing our attention to here?

MR. EDSALL: One thing we should confirm and if the board has no objection if this is within 500 foot of the town line with Newburgh and I believe it is we'll also make the 239-NN referral to the Town of Newburgh just so we don't have any procedural errors. But as you indicated, Mr. Chairman, there's really nothing glaring as a problem with the application, just need to add some information, clean up a couple things and it's in good shape.

MR. ARGENIO: Danny's pointing out Mark's comment number five, the board will need to determine if there's any need for a fence surrounding the storm water pond itself. Was there a fence on the original plan, anybody know?

MR. RIEDLE: Not to our knowledge.

MR. ARGENIO: Mr. Riedle, I do know there are some residential homes down that block, they're what, they're, I won't comment on what they are, you probably know what they are better than me.

MR. EDSALL: If the integrity of the fence is continuous around the perimeter that might suffice for protection obviously.

MR. ARGENIO: You're referring contiguous around the whole facility?

MR. RIEDLE: Yes, there's a fence around the entire facility, just not around the detention pond itself.

MR. GALLAGHER: Only way in is through the electronic gate?

MR. RIEDLE: Right.

MR. EDSALL: It's a matter of whether or not if someone who comes to authorized access to the site brings somebody with them but that's a stretch so I just wanted to point it out that it's fenced around the perimeter.

MR. ARGENIO: Awful stretch. Anybody else disagree?

MR. GALLAGHER: I'm fine.

MR. ARGENIO: So you do have a security fence around the whole thing. Dave, do you have anything else on

this?

MR. SHERMAN: No.

MR. ARGENIO: Harry or Howard.

MR. FERGUSON: No.

MR. GALLAGHER: No.

MR. ARGENIO: Anything you want to ask us?

MR. RIEDLE: Are we ready to schedule a public hearing?

MR. ARGENIO: Mark, you're not speaking to the public hearing here, is it mandatory for this application?

MR. EDSALL: No, it's waivable, it's their first visit so I didn't get into public hearing site plan, public hearings are optional and this is just an amendment.

MR. GALLAGHER: Did we have one at the beginning?

MR. ARGENIO: What I was going to say was that there was buildings scheduled to go in the approximate location of what's shown here already in association with the approved plan and I don't know if anybody has been down Liner Road lately but I was down there recently when we did the Wal-Mart construction quite a few years back and, I mean, I think there's two homes down there maybe.

MS. HARDISTY: I don't even know, the only home I know is the one this fellow has been here for years and I've never seen him.

MR. GALLAGHER: Make a motion to waive public hearing.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that we waive the public hearing for Miss Riedle and the Guardian Self-Storage site plan amendment. Roll call.

ROLL CALL

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

MR. ARGENIO AYE

MR. ARGENIO: I think it's appropriate to waive it.

MR. RIEDLE: Thank you.

MR. ARGENIO: You have approval, you're just changing them ever so slightly.

MR. RIEDLE: Yes.

MR. ARGENIO: We need to wait for the county and you have a couple very minor things you have to look at. What else do you have, Mr. Riedle?

MR. RIEDLE: That's it.

MR. ARGENIO: Mark, anything else? Veronica?

MR. EDSALL: Just for the minutes the original buildings were actually closer to the residents.

MR. ARGENIO: Thank you for coming in, have a good evening.

TRACTOR SUPPLY COMPANY (14-13)

MR. ARGENIO: Next is Tractor Supply Company in Vails Gate. The first item on the agenda is the minor subdivision and then we'll look at site plan. This application proposes subdivision of the overall parcel into two lots, one for development as part of the companion site plan application and the second parcel for future development. The lots will be served by a shared commercial accessway. The plan was previously reviewed at the 24 September 2014 planning board meeting. What's your name?

MR. IVES: My name is Rodney Ives, I'm with Naierala Consulting, we're the engineers for DMK Development.

MR. ARGENIO: Okay, Mr. Ives, go ahead, who's your owner?

MR. IVES: Well, the owner of the property MCD Properties.

MR. ARGENIO: They're the guys in Pennsylvania?

MR. IVES: Yes, they are, my client is DMK Development out of Muskegon, Michigan, they just moved but out of Michigan, they're a Tractor Supply developer.

MR. ARGENIO: So go ahead.

MR. IVES: Right now it's about, the parcel's about 10 acres and I realize there's some discrepancy between what the county tax maps show and what is actually the recorded deed for this parcel. The tax map show this as being two parcels but I checked and rechecked with the surveyor and the recorded deed is actually just one 10 acre parcel. So the surveyor's telling me we do need to go for a subdivision rather than just a simple lot line adjustment. The proposal is to have a shared accessway of, we have lengthened it or widened it to 65 feet, the initial proposal is for a 50 foot wide access easement, the reason we have adjusted that width we're trying to avoid some utility pole relocation for the driveway. That relocated the driveway, to get the driveway within the easement we had to widen the easement to 65 feet. Additionally, we have a cross access easement with Pro-Build now, MCB has come to an agreement with that SY Realty I think is the owner of the Pro-Build site because currently their driveway encroaches on the MCB parcel and to get everything to

work we have proposed to close that driveway to continue to give Pro-Build access to their site on the south end we're going to provide some cross access.

MR. ARGENIO: So you have two driveways now, is that right?

MR. IVES: Correct. But the way their site is set up I don't have a good aerial of it, they have tractor trailers come in on the south end into their fenced-in yard, circulate around to the north side and then exit their site on the other side. So to be neighborly let's say we're going to provide them with--

MR. ARGENIO: What's up with the buildings on your property, that's a little bizarre?

MR. IVES: Yeah, we have through the about six, seven months what I've learned third hand through my client is that SY Realty originally owned this parcel and they sold it to MCB. Well, MCB they told MCB that, you know, the buildings were not on their parcel but then they sold them as a 10 acre parcel, do the layout, plot it out, the buildings do actually go there.

MR. ARGENIO: At some point in time some particular due diligence was not done by somebody.

MR. IVES: Right, and they're actually MCB has been aware of this for some time the encroachments and in this time lag since I was here I think was in September MCB has had discussions with SY Realty as far as compensation lot line work.

MR. ARGENIO: What are you going to do?

MR. IVES: I'll have to return back to them to finalize what's going to happen cause what I've heard a few things is that the piece that, of the frontage that isn't part of our subdivision might get sold to SY Realty, they might do a lot line adjustment to make it coincide with our easement line the northerly boundary, those are some things that have been from my end thrown out there, let's say, nothing concrete.

MR. ARGENIO: We don't need to go round and round with it, certainly something that's going to need to be tightened up. Do you have somebody with you here?

MR. IVES: No, I don't.

MR. BANNON: My name is Jim Bannon, I'm one of the partners in MCB properties.

MR. ARGENIO: Mr. Bannon, why don't you come forward, this is not a public hearing.

MR. BANNON: Just here to lend some support in case there was any questions on any of the issues.

MR. ARGENIO: Have we met?

MR. BANNON: Yes, my partners are Jim Millett and John Connell, they live in Pennsylvania, I live here in New York.

MR. ARGENIO: Yes, so you're here for?

MR. BANNON: We've been in contact with SY Realty, when we originally bought the property, Strober King family owned both the parcel on Pro-Build now and the parcel we bought and in the transition they didn't realize that their buildings were over on ours. We're going to have to resolve the issue with them, probably a simple lot line change and they're going to purchase that property, we don't feel it's going to be an issue even if we have to subdivide the current property we're still obtaining the parcel that's in question, Tractor Supply's parcel will still be cut out.

MR. ARGENIO: You know you sound like you're selling the planning board. It's fine from where we're sitting and again I'm only one member from where we're sitting our concern typically would be just you've got to figure it out, make sure that everybody's on the same sheet of music. You being here, Mr. Bannon, normally it's very unusual for somebody to speak if it's not a public hearing but you guys are together you own the property so as such you're speaking and we just, our interest is just that it's worked out and that we don't end up in some kind of a feud, Hatfield and McCoy with shotguns over the fence.

MR. BANNON: Actually, we have a number on the table now that push come to shove we're just trying to finalize a couple things.

MR. ARGENIO: Thank you.

MR. BANNON: Thank you.

MR. ARGENIO: Send my regards, good guys.

MR. BANNON: I feel the same way.

MR. ARGENIO: Okay, go ahead. We don't need to talk about that anymore, just got it figured out, certainly seems as though the red carpet is rolled out. You guys have any questions? What do we need to do procedurally Mark or Veronica, any action we need to take tonight?

MS. MC MILLAN: I think we're still waiting on the lead agency coordination.

MR. EDSALL: Lead agency's out, we've heard back from county, that really deals with the site plan primarily.

MR. ARGENIO: We'll get to that.

MR. EDSALL: It's great Jim was here tonight, we understand that's being worked out, that's good news. We now know that it's a single lot even though the county tax maps or application shows two. So that's good. Disregard all the references to lot line change, we'll treat it as a subdivision. Procedurally I would suggest you decide if you want to have a public hearing on the subdivision, it's a minor subdivision, you can waive public hearing.

MR. ARGENIO: You know what, I'm going to tell you something, this is for the record members' consideration, normally on something like this simple basic hello goodbye but at some point in time I think because of where it is there needs to be a public hearing or something and it can be on the site plan and we can roll it altogether if we're able to from a legal perspective. I don't see not having a public hearing on this type of development.

MR. GALLAGHER: Overall development, yeah, I agree.

MR. ARGENIO: Right there close to Five Corners, typically that's what we do. I would think that's where this is headed, unless these guys outvote me and disagree with my opinion which would be fine as well. So the question to the professionals is can we ball all that up into one public hearing here?

MR. EDSALL: Formally you run them separately because in this case the public hearing is so minor in nature and relative to the site plan I'd suggest you, when you

notice the public hearing just so it's going to be a combined public hearing for the minor subdivision and site plan.

MR. ARGENIO: Do you guys disagree?

MR. BROWN: No.

MR. FERGUSON: I agree.

MR. SHERMAN: I'm fine with it.

MR. GALLAGHER: Do you need to act on it with this or next application?

MR. ARGENIO: We'll act on it with the next application. Go ahead whisperer.

MS. MC MILLAN: Just commenting with regard to Mark's comment number two on the draft maintenance agreement for the shared commercial accessway, we'll need to cover that either in the subdivision application or within the site plan approval.

MR. ARGENIO: Needs to be covered in the subdivision application in my opinion.

MS. MC MILLAN: Yeah, I agree.

MR. EDSALL: I want to make sure that the subdivision plat shows all easements so it's easier to locate them for sales but we'll cross reference them off the site plan.

MR. ARGENIO: That's your job, take care of it.

MS. MC MILLAN: It would be helpful, I know you mentioned before that you have cross access easement now with Pro-Build, it would be helpful to see that in terms of finalizing.

MR. IVES: We have all the easements described, I even think, I don't know if it's in the description as far as like the maintenance agreement between the three parties.

MR. BANNON: It's there.

MR. IVES: So it's already been established.

MS. MC MILLAN: That will be a condition that we'll need to take a look at.

MR. EDSALL: One easement that I brought forth in the comments, I'm not sure where one or both is because the drainage from the proposed lot one is discharging onto lot two, I'm sure Mr. Bannon would want to address at this point reserving the right for that drainage to run through so that when he sells lot two for development there's some prescribed ability for lot one to continue to discharge in some manner.

MR. ARGENIO: That sounds reasonable.

MR. EDSALL: Think a little bit about that how you want to handle it, I don't know what's planned.

MR. BANNON: Well, I know there is a water retention on their parcel and we own the back portion and we're going to hold onto that, you know, we'll certainly accommodate to our retention system in the back, I don't think it's going to be a stumbling block. I'd like to give it to Price Chopper so they can use it for retention and maybe redevelop some of their parcel that would be an option but that's just thinking down the road.

MR. IVES: What happens right now just the topo everything kind of flows to the west so we just at the lowest point of our property line we're just discharging and--

MR. EDSALL: We can handle that with a simple note indicating that lot one has the right of continued discharge and when lot two is developed they can't obstruct and must maintain a flow outlet, that way you can deal with it however you want when you build on that lot.

MR. ARGENIO: Just as long as it's not blocked off, do whatever you want to do. Okay, what else on the subdivision? Let's move on.

MR. IVES: From my end that's it.

MR. ARGENIO: Let's move on to the next application.

TRACTOR SUPPLY COMPANY (14-14)

MR. ARGENIO: Next is Tractor Supply Company site plan. This application proposes site plan for the 19,097 square foot retail establishment on the 4.75 acre parcel. The plan was previously reviewed at the 24 September 2014 planning board meeting. Mr. Ives, you've here to represent this as well?

MR. IVES: Yes, I'm okay.

MR. ARGENIO: What say you?

MR. IVES: From the plans we have submitted back in September we have done quite a bit of work. One of the things you have we've done on site was to do some more test pits to determine earth work and whatnot so that kind of is the timeframe of September to March. What we have, what we initially proposed again was northerly and southerly access with the northerly access being on the shared commercial drive, parking up in front for 77 cars, yeah, and that's the, or 79 cars, sorry, Tractor Supply they usually shoot for 70.

MR. ARGENIO: What's their typical store size, what's their perfect store size/

MR. IVES: This is it, this is their typical 19,097 square feet with the 15,000 square foot outdoor storage area or fenced outdoor display area is what they call it with parking for approximately 70 cars.

MR. ARGENIO: So you're happy you didn't do the residential, the housing that you wanted to do before?

MR. BANNON: At this point we're happy.

MR. ARGENIO: Assuming this comes together, see, Jim, time is not your enemy all the time. Go ahead.

MR. IVES: And so we have the, I'll just point out the three angled parking spaces, those are for cars or trucks with trailers so they can easily travel into the fenced-in display area which will allow them to load up and then exit the site. All of the storm water is in the western portion or the rear of the site. We have bioretention areas, we've found it's easier to maintain the quality control by doing them in three separate cells rather than in one big one. And those will discharge into a dry detention basin.

MR. ARGENIO: Are they fenced?

MR. IVES: We're not proposing fence and these, the bioretention area's six inches of standing water maximum and that will be, it's designed to discharge or to infiltrate through the soil media within two days.

MR. ARGENIO: You have some sort of sand?

MR. IVES: Yeah, it's peat moss organic material cause these will be planted. The reason we go bioretention versus something more simple we get the runoff reduction volume, now as of March 2011 DEC requires us to design a site with green infrastructure practices to reduce the amount of runoff coming from a developed site so the bioretention areas give us that credit cause we're allowed to take trees which soak up about 40 percent of the water.

MR. ARGENIO: So explain that to me, what does it mean that you have a credit?

MR. IVES: Well, maybe credit's the wrong term.

MR. ARGENIO: You're meeting the requirements?

MR. IVES: Yes, what we have to do is go figure out what the water quality volume for the site is. And the goal of the SPDES permit is that we reduce or you implement practices that will reduce the water quality volume to zero. But they understand that on every site that's not possible because of the soils space whatever their constraints are on this site, we happen to have soils are a constraint so then what we have are these various, the storm water design manual has various green infrastructure practices and they each say well, if it's designed just to throw a number out, if it's designed for one acre foot the runoff reduction volume that we get out of that would be .4 acre you get 40 percent of your credit to get to that ultimate goal.

MR. ARGENIO: So this bioretention system helps you reach your goal and your calculations we'll vet out with Mark and let's get passed this.

MR. IVES: Correct, and then just downstream of that is a dry detention basin that will temporarily store water during the 10 year, 100 year event but it will drain dry.

MR. ARGENIO: Okay.

MR. IVES: For connecting to municipal water systems big thing there is because of the elevations of the site we do need to install a pump station which we're proposing in the northwest corner of the building so that we can connect to the municipal system and we'll pump into a manhole on our site first so then it's just gravity into the town system.

MR. ARGENIO: So you're going to lift it inside, you're going to have forced main up to the manhole and gravity out of the manhole?

MR. IVES: Yes.

MR. ARGENIO: Why does it say forced main?

MR. IVES: Forced main from the pump station, I'm sorry, we'll go from the building it will go gravity.

MR. ARGENIO: It's the reverse of what you said.

MR. IVES: Yeah, it is.

MR. ARGENIO: Gravity to the lift station and you're lifting it from the lift station to the road.

MR. IVES: No, this part here is gravity, here's our pump station, here's our private manhole, we're going to lift it up to this manhole so then we can then from this manhole go gravity out into the municipal system.

MR. ARGENIO: Just short of the road.

MR. IVES: Reason we do that is we don't want to place water into the municipal system.

MR. ARGENIO: Get it. You have domestic water on your side of the road?

MR. IVES: No, we have to bore under the road, we're proposing a six inch main, I've talked to the fire inspector, I forget his title, we do have to locate a hydrant on site, he asked us to do that.

MR. ARGENIO: Which you have not done?

MR. IVES: No, we have not done that but he didn't care where it was, just wanted it on our side.

MR. ARGENIO: Do you have to increase the size of the water main to do that?

MR. IVES: No, we're showing six inch water service that's for fire supply.

MR. ARGENIO: Okay, let me just get to something that's jumping out at me a little bit here. We're going to go right to Mark's comment, I want to read it word for word to you. As previously noted, the front elevation parapet/gable wall above the entrance has a height exceeding that permitted by code, it would appear that a variance is required for this element. In addition to this various variances also appear necessary for the proposed signs depicted in drawing C13. Where you at with those two items?

MR. IVES: Well, with the building I need to go back to my client and I, one of two fixes, one would involve the owner as far as adjusting the subdivision line to meet the setback but the other would be to lower the parapet.

MR. ARGENIO: I don't know which setback it doesn't meet.

MR. IVES: This one right here side yard setback. We can, just being a civil engineer not an architect, I think we can lower the parapet.

MR. ARGENIO: What about the sign?

MR. IVES: I have to go back to the sign, there's a consultant that does the signage, I'll have to go back to him with the town code.

MR. ARGENIO: So it's not your intent to go to zoning to seek waivers, it's your intent to make the appropriate adjustments so it meets the code?

MR. IVES: That's my intent.

MR. ARGENIO: Probably would be the best idea.

MR. IVES: Whether that's my client's intent I'll have to circle him back with that.

MR. ARGENIO: Lot of circling going on, had somebody circle me today.

MR. IVES: The other thing I'll bring up real quick, not real quick, it's the elephant in the room.

MR. ARGENIO: Let's not go there yet.

MR. IVES: Okay.

MR. ARGENIO: Mark also has a comment here that your driveway pavement seems to be quite light. I can't imagine you not agreeing with that, you're proposing 10 inches of sub-base, two inches of binder, inch and a half of top. My driveway's made out of that, you can do better than that.

MR. IVES: Well, that is a, I know our geotech recommends more than that but I will say this is the cross-section my client likes.

MR. ARGENIO: I bet he does.

MR. IVES: I'll have to go back to him.

MR. ARGENIO: Why don't you do that?

MR. IVES: I certainly will.

MR. EDSALL: Mr. Chairman, the only let's call it mandated cross-section is for the shared commercial accessway.

MR. ARGENIO: I didn't say that, I meant to say that.

MR. EDSALL: Well, yeah.

MR. ARGENIO: Not parking lot, the concern is the commercial accessway drive where the truck traffic is.

MR. EDSALL: No, that's the critical area as far as compliance with town standards. The rest is what the board believes and the applicant is willing to make which is reasonable for the loadings that are anticipated for this type of use but the shared commercial accessway has to have the pavement cross-section the structure of a town road.

MR. ARGENIO: It would seem to me again, Mr. Ives, that even if the parking lot is two inches of binder, inch and a half of top does not seem like a substantial pavement but in the parking lot you do what you need to

do. I would certainly want a little bit more than that but whatever, go ahead, continue, not on to what you were going to say, do you have anything else?

MR. IVES: Well, I guess the, as I read through Mark's comments real quick the question there's one on page six under number three the one, two, third bullet as far as we recommend layout and detail be included in this drawing set to address the configuration of the northwest side of the--

MR. ARGENIO: Number three?

MR. IVES: Under number three on page six bullet three, yes, we--

MR. ARGENIO: What are you looking for there, Mark?

MR. EDSALL: We have found it beneficial to even if it's not going to be built as part of this to just depict the orientation of the extended road. And in this case, we would show how we're going to cleanly separate this stub for truck turnaround from the continued shared commercial accessway just so that we show that that's where the road is going to extend if we're going to have some, again, well, he includes dashed lines.

MR. IVES: So Mark and I discussed this, I was, my fear with that comment he wanted me to do an actual layout for the back parcel.

MR. EDSALL: No, normally these roads we establish the road as part of the first person in the door so I just want to depict it so that when Jim comes back with the next phase we can say this is the layout of the road that's already been approved by the planning board, going to show it if there's going to be ornamental trees that normally we'd landscape it like a road.

MR. ARGENIO: I got it. Before Mr. Ives gets to where he's going in a moment, I'm pretty sure I know where he's headed as the discussion continues just for the benefit of the members I just want to read a couple of excerpts from the County of Orange reply for this site plan application. And Cammy, would you please e-mail this to the rest of the members?

MRS. AMMIRATI: Sure.

MR. IVES: Can I get a copy?

MR. ARGENIO: That's fine, give him a copy as well. They're commenting on the traffic, the proposed located on New York State 300 Five Corners and they tell you what other streets are there 32, 94, they tell us that the traffic has increased by more than 75 percent from 1980 to 2000 so the traffic went up in 20 years, wow. They're suggesting that we require a connection between this project and Price Chopper. Now, I've been on this board for a little while, Mark, how do we do that, how do we compel the neighbor, how do we force the neighbor? Let's pretend it was we wanted to do that, how would we force the neighbor to make that connection?

MR. EDSALL: As you know, we've tried it in other locations.

MR. ARGENIO: And?

MR. EDSALL: We've been dismally unsuccessful.

MR. ARGENIO: Abysmally unsuccessful.

MR. EDSALL: We can't, we can't make two property owners cross connect traffic. However, we could mention to Mr. Bannon that the County Planning seems to think that that's a good idea, if there's any prospect of it he may want to consider it and talk to his neighbor. I don't know that we can require it.

MR. ARGENIO: You do what you want to do with that.

MR. BANNON: Just a question to clarify if I did talk to Adrian there's still another curb cut going in on our parcel, they want to alleviate that parcel or are they trying to connect?

MR. ARGENIO: Connect to Price Chopper.

MR. BANNON: But are we still going to have two curb cuts and a connection?

MR. ARGENIO: No.

MR. EDSALL: I don't know that the County Planning Department is up to date and up to speed as it may be with the progress Mr. Ives has made with the DOT.

MR. IVES: I can assure you cause it just happened today.

MR. EDSALL: Unfortunately, it's great that the Planning Department is talking about traffic and they're making very regional general comments but Mr. Ives is talking to the DOT about this site, the curb cut's very specific so I think the best information is what Mr. Ives will tell you shortly.

MR. ARGENIO: Mark, help me understand just a little bit here we're going to digress just a little bit, I don't want to go on and on but just ever so briefly specifically the letter says Orange County Planning has received this above-referenced site plan and has determined that the intended land use has potential to cause intermunicipal and county wide impacts. Can you elaborate on what you may or may not know about that, possibly you have some insight that I don't have?

MR. EDSALL: Well, I believe the county's authority is to review projects relative to intermunicipal impacts and regional impacts.

MR. ARGENIO: Where is the intermunicipal impact with this?

MR. EDSALL: I don't know how this intermunicipal or county wide impacts with this application, I don't.

MR. ARGENIO: Just was wondering if there was some insight that you have that I don't have.

MR. EDSALL: I don't see it.

MR. ARGENIO: Last thing I wanted to mention for the benefit of the members you guys have a copy of this letter to consider and that's why I'm not going on and on about it, under their comments as well says landscaping, I'm going to read word for word, we advise the town that the proposed landscaping along the edges of the parking lot and its aisles will be insufficient to block the heat rising from the pavement in the summer months. So when you guys get the letter, you'll see it and you can think about it and we'll talk about it more if we need to, if anybody sees the need. So Rodney, share with the members what you and I discussed along with Mark, please. Guys, as you all know, typically, we don't like to have an applicant come and throw a set of plans at us the night of the meeting,

I've gone wild over that before as you guys know. But Mr. Ives he literally heard from DOT today on his curb cuts so he took the liberty to color up a plan and he wants to verbalize what they're asking him to do and he asked me if before the meeting if that would be okay and I told him I think it would be okay. So that said, go ahead.

MR. IVES: Okay--

MR. ARGENIO: Is that right?

MR. IVES: Well, the only thing I would say it's not the DOT asking me to do it, they're telling me. Basically, they're not going to approve the southerly curb cut, they're going to just give us the one access. So what we would propose in response to that is that this area in red is the pavement that's shown on the site plans that you have that would go away, traffic from the, going through the fenced outdoor display area would be routed obviously then to take a right and come out to the main access.

MR. ARGENIO: And I also suggested to Mr. Ives when he was showing that to me in the lobby that it seems to me that that entrance should be bigger, single entrance God forbid a car should catch fire in the intersection.

MR. BROWN: Now you're going to have trucks using the same entrance as the cars.

MR. ARGENIO: You need room, man.

MR. IVES: Well, DOT did say, Michael Sassi, he's the permit coordinator for the region, he's the one I was talking to, he did say since given the amount of truck traffic that will be here not just from Tractor Supply but possibly to the west there and definitely with the Pro-Build site they'll probably allow us to widen that, their standard is 24 feet.

MR. ARGENIO: For the record, I think this is a mistake and I'm going to tell you why I think it's a mistake because I'm going to tell you what you're doing, you're taking cars and you're forcing them into a driveway with a whole host of tractor trailers, trucks, lumber trucks and all kinds of other stuff. I think it's a big mistake, only my opinion, I don't know what we can do about it if anything but I think it's a mistake, you're mixing things that if you have the opportunity

to separate them they're a good thing to separate.

MR. IVES: My client would agree.

MR. ARGENIO: Do you agree, Mark, make sense?

MR. EDSALL: I agree and I think that the curb cut that they're eliminating is quite a bit back from the normal cueing distance from that intersection that I didn't see that as being a problem.

MR. ARGENIO: I agree.

MR. GALLAGHER: I see tractor trailers having a hard time just getting out of the intersection with one there.

MR. ARGENIO: Yes, and you have the cueing issue here, Danny, coming out of here and you have people cueing up here, I mean, it's just not, I don't think it's the right thing but, you know, they've always tried to combine entrances, eliminate entrances, whatever, blah, blah, blah. And then Jim, you're going to do something with that property in the back, somebody is going to do something with the property in back, put that traffic in there too.

MR BANNON: Right.

MR. ARGENIO: Mark, anything we can do, say or--

MR. EDSALL: Well, we do have that potential upcoming meeting with Mr. Sassi on overall issues, we might be able to just share our observations with him.

MR. ARGENIO: And possibly he has some insight that we're missing, as I said about the county thing, is there some insight that you have that I don't have, Mark.

MR. IVES: Well, what he explained to me the concerns he has is that apparently the five light intersection there's 500 accidents a year at that intersection and he's concerned about the emergency services, basically, if you average that out, it's one and a half a day plus or minus so there's a lot of safety issues along this corridor which I can see.

MR. ARGENIO: I don't want to argue with you here, it's not the venue but there's property along that corridor

that we can't make disappear and people have the right to develop, like Jim Bannon and his partners and your client, they have the right to develop the property. If the DOT's that concerned about it they should be making improvements on that intersection at Five Corners, that as Jim Petro said very clearly at the last meeting every traffic movement there and I think he's correct operates at a movement at F or below, I think he's right, I'm not positive but I'm pretty sure he's right, I'm going from memory from the Hannafords application but every movement is F or worse. Whatever, I don't want to debate it so let's move on to Harry and Howard, you guys have any other thoughts? A lot of stuff got tossed out there in the past few minutes.

MR. BROWN: They have a suicide lane there and that's dangerous as it stands right now.

MR. ARGENIO: I agree, that's why it's euphemistically referred to as a suicide lane.

MR. BROWN: Any way they can come up with a dedicated left turn only right turn which would eliminate people driving down the middle of the road.

MR. IVES: What I see the issue is with that is just a number of, yeah, you'd have to have a taper.

MR. BROWN: They come right down that center lane and under normal conditions it's dangerous, in the rain it's out of hand.

MR. IVES: Yeah, there's not enough room in there to get required tapers to allow space.

MR. ARGENIO: There's too many driveways, I would think.

MR. IVES: That would preclude putting in a dedicated left turn alternating for whatever.

MR. BROWN: It's an old saying, accident waiting to happen.

MR. ARGENIO: David, do you have any thoughts?

MR. SHERMAN: No, not right now.

MR. ARGENIO: Danny?

MR. GALLAGHER: Nothing right now.

MR. ARGENIO: Let's tie this public hearing up, Mark or Veronica, any reason we can't pull that together and schedule it, forget that, how about lead agency and things of that nature?

MR. EDSALL: Lead agency, the letter's out, but as you know, the County Planning has gotten back to us so lead agency you could close out most likely at the public hearing the time should of expired by then. As far as the plans as indicated they have put a lot of work in to make the plans very complete, I went through thoroughly to get all the minor comments listed, I'm sure Rod will have all those resolved. So I think it's in good shape for a public hearing if you want to authorize it.

MR. GALLAGHER: Make a motion we authorize Traffic Supply Company's public hearing.

MR. FERGUSON: Second it.

MR. GALLAGHER: Combination of site plan and subdivision.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded we schedule a public hearing. Roll call.

ROLL CALL

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

MR. ARGENIO: Veronica, what else procedurally?

MS. MC MILLAN: Just, Mr. Chairman, with regard to comment number four on the shadow parking, Mark points out there is a method for establishing performance guarantee for that position which would utilize a developer's agreement for so we can work with the applicant to get one of those done. I'm going to give the applicant my card so we can start to work on the easements and the commercial access agreement as well

as this developer's agreement.

MR. IVES: Okay.

MR. ARGENIO: Okay, Rodney, got anything else?

MR. IVES: No.

MR. ARGENIO: Jim, got anything else?

MR. BANNON: I don't, I'd be happy to do what I can as far as easements, I'll talk to Adrian, I'd like to talk to Sibby would a right-hand turn only on the lower access be feasible there.

MR. ARGENIO: You know I'm not a traffic engineer but you heard from Mr. Brown, I expressed concerns specific and I expressed general concern, I mean, anything that anybody could do to improve that situation, I get what Rodney's saying, there's curb cuts every 150 feet it seems in that corridor and with that type of thing it becomes awful difficult to put those isolated lanes in.

MR. BANNON: Right.

MR. EDSALL: I don't see any possible way.

MR. BANNON: Just like we did at Walgreens where you come out towards the light you can only make a right-hand turn.

MR. ARGENIO: Are you referring to in the private right-of-way, not in the public right-of-way?

MR. BANNON: Entering onto 300 then you're flowing with traffic, you still get left on the northern one, I don't know.

MR. EDSALL: We'll talk to him.

MR. ARGENIO: We should mention that to Sassi when we see him.

MR. GALLAGHER: I don't like tying in with Price Chopper, everybody is going to use the parking lot.

MR. ARGENIO: It's against the law to do that, you're not allowed to duck a traffic control device.

MR. GALLAGHER: Everybody goes around the bank and uses

that other exit when it stacks up inside Price Chopper now so I can see them going through this parking lot and just trying to get to that.

MR. EDSALL: And they cut from Route 300 to Route 94 to the parking lot as well.

MR. ARGENIO: That's what I was referring to right out is a good idea.

MR. BANNON: Traffic involved can wait.

MR. ARGENIO: What else? Anybody else? Okay, Rodney, you're done, thank you for coming in.

MR. IVES: Procedurally just if I may for the--

MR. ARGENIO: Call her.

MR. EDSALL: She'll take care of it.

MR. ARGENIO: Okay, anything else you guys? Veronica?

MS. MC MILLAN: I don't think so.

MR. ARGENIO: Motion to adjourn?

MR. BROWN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth
Stenographer