

TOWN OF WALLKILL PLANNING BOARD

MEETING

JUNE 7, 2006

MEMBERS PRESENT: G. Lake, W. Capozella, R. Carr, A. Dulgarian, T. Hamilton,
C. Najac, H. Ross

MEMBERS ABSENT: None

OTHERS PRESENT: J. Bacon, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - **COUNTRY COMFORT HOMES** - 3 LOT
SUBDIVISION - Evergreen Drive (36-2-55.12) #03-06

G. Lake: M. Hunt read the Public Hearing notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 600 Route 211 East, in said Town, on the 7th day of June, 2006 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Country Comfort Homes, 125 Homestead Lane, Otisville, New York 10963 for approval of a three lot subdivision located on Evergreen Drive, Middletown, New York under Section 249-26 of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

G. Lake: Your name for the record, please.

C. Johnson: My name is Charles Johnson.

G. Lake: Do we have his mailings?

M. Hunt: Yes.

G. Lake: Bring the Board up with what you've done since the last time you were here, please.

C. Johnson: We're proposing a three lot subdivision on Evergreen Drive. It is in the HC zone, Highway Commercial. The three lots vary in lot sizes. Each home will have individual wells and septic.

G. Lake: Let me go through the Board before I open this Public Hearing.

R. Carr: I will wait.

W. Capozella: I will wait.

C. Najac: I will wait.

T. Hamilton: I will wait.

G. Lake: I will open this Public Hearing at 7:41 P.M. Do we have anyone? Is there anyone who wishes to speak on this application?

J. Weiss: My name is James Weiss. I live on Evergreen Drive bordering the property. What I would like proposed is on the borderline I would like a buffer or leave the tree line for my privacy, is all. That's all.

D. McGoey: Could you show us where your property is?

J. Weiss: It is along the north border.

G. Lake: Are there any trees there now?

J. Weiss: Yes.

G. Lake: Anyone else from the Public?

MOTION to close this PUBLIC HEARING at 7:44 P.M. made by R. Carr and seconded by W. Capozella.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

C. Najac: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

G. Lake: Mr. McGoey's comments, do you have them with you?

C. Johnson: Yes I do.

G. Lake: Do you want to go through them?

C. Johnson: Yes. The first one is concerning a six inch water main. They want an eight inch water main and we will show that. Item #2 concerns the water service connection detail. That we have gotten from the Water and Sewer Superintendent and we will show that on our drawing. Item #3 a general note to be placed on the plan of the mechanical drawing, we will do that. Item #4, the type of street trees have not been specified. We haven't shown any street trees along the road as of now but we're will to show those if that's what the Board wants.

G. Lake: Yes. We actually have a standard, I believe. It's something we started a few years ago. And obviously, you do have a resident that does have a certain amount of trees already showing around his property and between now and when you come back in I will have Mr. McGoey check that before we sign off on the maps.

D. McGoey: The property is under the ownership of James Weiss.

G. Lake: There already is a pretty good screening of pines and stuff out there.

C. Johnson: Item #5 is no road profile has been shown. We did show it on sheet S-2. We will clarify it and label it and put it on the proper sheet that it should be on. But, we did show the profile.

G. Lake: Okay.

C. Johnson: Item #6, the curb detail. We will also provide that on the detail sheet for the driveway details. Item #7, an open cut detail that we have and will show it on the future submittal. Item #8. The Highway Superintendent wants the T turn around to be open and without curbs. We had a conversation with the Highway Superintendent and he went back to see the open ends on the T turn around. He wants to see sheet flow off the end. We're also showing a large area for the T turn around, one hundred by thirty four which will provide more area for storing snow and moving the trucks around. Item #9 is an iron pin to be provided. We will show that in a future submission. Item #10. The existing sewer line that runs through our right-of-way and we're getting it surveyed. If it runs up from Keystone Park and Blueberry Mountain is only services them and we're going to show it on a future submission and provide an easement for that, if necessary. Item #11. The septic systems must be reviewed by Eustance & Horowitz and we will have that to them as soon as we can.

D. McGoey: The stormwater management comments. My office is recommending that you try a stormwater detention pond. There are other means of controlling stormwater.

C. Johnson: We definitely will make the stormwater pond and do some ditches and swales.

G. Lake: Mr. McGoey, on the next page, the stormwater. Does he hand those to you?

D. McGoey: That's what I just asked him. They will comply.

G. Lake: Basically you need to have a pre-construction meeting with the Highway Superintendent.

C. Johnson: Okay.

G. Lake: I will go through the Board.

A. Dulgarian: I'm sorry I was late.

H. Ross: Nothing further.

R. Carr: As you enter the street, the building on the right hand side.

C. Johnson: Yes.

R. Carr: It's just unclear here. How does the entrance enter right now because that's all pretty open?

C. Johnson: Right. We will be putting curbing in.

R. Carr: Where do they enter now?

C. Johnson: They enter, this is all gravel at this point. They can still enter off of this road.

R. Carr: Right now they pull in and it's all wide open.

C. Johnson: Right.

R. Carr: Are they going to be pulling in now off of Route 17M? You can take a look at that because when I looked at it is all open. The other thing this road is thirty feet paved?

C. Johnson: Yes.

R. Carr: I don't know that they need a thirty foot wide paved road.

G. Lake: I think it's going to be twenty four feet wide with three feet on each side.

D. McGoey: No, it's got curbs.

G. Lake: Okay. I think it's up to the Board.

R. Carr: I mean for three houses, that's a lot of paving. And, the last thing I would say is there are tons of very large trees. I would like to see a delineation of tree clearing especially along the front of this driveway. There are some very large maple trees there.

C. Johnson: Okay.

G. Lake: There probably should be a curb cut some place.

R. Carr: That's kind of what I was asking because right now . . .

G. Lake: Yes, because right now it's just a free for all.

R. Carr: And, they can pull over to here. It's very difficult to see on here.

G. Lake: Mr. Carr is right. The way they come in you could probably clean it up for everybody.

W. Capozella: This proposed road, that's a private road, right?

C. Johnson: It's a Town road.

W. Capozella: It's going to be a Town road?

C. Najac: I agree with Mr. Carr on the width of the road for only three houses.

C. Johnson: We will have our meeting with the Highway Superintendent. I know he did have a recommendation of thirty feet wide.

G. Lake: That's usually because that's what we ask for but I think in this case Mr. Carr is correct for only three homes. Anything else Mr. Najac?

C. Najac: Nothing further.

T. Hamilton: I think the main thing is leaving what growth we can on this site, marking the mature and larger trees to make sure they are still there. Is the Highway Superintendent going to meet with him because he had a problem with one of the swales, his last remark?

C. Johnson: We will discuss his issues with him.

G. Lake: Anything else Mr. Hamilton?

T. Hamilton: Nothing further. Mr. McGoey, don't we usually have a lot of these things already on this map before it gets to the Public Hearing?

D. McGoey: Not all the time.

T. Hamilton: Some of these are pretty standard items that we ask for.

C. Johnson: Most of the comments were minor.

G. Lake: Okay, the twenty four foot width instead of the thirty foot width, what's the Planning Board's wishes on that? The consensus of the Board is for twenty four foot road width. You had your Public Hearing. We're going to take a vote in a minute. You going to give us a curb cut. You're going to save as many and the Board wants to see between now and Final the mark out of the trees to be saved. We would like to see as many saved as we could.

C. Johnson: We can get those trees surveyed and on the plan with no problem.

G. Lake: If this Board has nothing else, then

MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments and this Board's comments made by T. Hamilton and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

C. Najac: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for PRELIMINARY APPROVAL subject to all of Mr. McGoey's comments and

this Board's comments made by H. Ross and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

C. Najac: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

2. **COUNTRYSIDE MEADOWS** - 13 LOT SUBDIVISION - Shawangunk Road (3-1-23.2) #26-04

G. Lake: Your name for the record, please.

A. Pacione: My name is Mr. Pacione representing the applicant. The Engineer on the project is home recovering from surgery and he apologizes for not being here this evening but we believe most of the issues have been resolved relying on Mr. McGoey's letter of May 31, 2006.

G. Lake: Mr. McGoey?

D. McGoey: Yes.

G. Lake: Do you have comments?

D. McGoey: This subdivision was reviewed by our Town Planning Conservation Consultant with recommendations and although the subdivision layout is was considered by the applicant. I guess it's up to the Board if they want to give the Conservation Board a little more time.

A. Pacione: We have the letter from the Conservation Committee. They did advise Mr. McGoey and this Board to protect the wetlands. We will certainly plan to meet with them. We would like you to consider Preliminary Approval tonight subject to the Conservation Committee's findings.

G. Lake: Who said that?

A. Pacione: I do.

T. Hamilton: That's why we have a commission to help advise us.

A. Pacione: I'm only suggesting it. They're three page letter concerns mainly the use of the wetlands. For the past two and a half years we've already gone into quite detail with Mr. McGoey and this Board. We certainly intend to meet with them and discuss with them.

R. Carr: I would rely on the Conservation Commission.

G. Lake: I'm going to have to ask Mr. Bacon a question. Mr. McGoey's other comments and did you get a chance to look at the Highway comments?

A. Pacione: Not a problem.

G. Lake: You have no problems with any of the Highway Superintendent's comments?

A. Pacione: None at all.

G. Lake: Mr. McGoey's comments? The drainage district maintenance, is that all taken care of?

D. McGoey: It's not yet. We really have to talk to Mr. Lippert to see how he wants to do it. Tonight, we're only recommending Preliminary Approval.

A. Pacione: Mr. McGoey, the agenda says Final. Maybe that's why there's some misunderstanding.

G. Lake: Mr. Bacon, if we continue on and give him Preliminary we can also continue to meet with the Conservation Commission so if we feel there's changes to make do we still have that right to get those changes?

J. Bacon: It depends how substantial the changes are and with a Preliminary Approval being granted, that's the official end of the SEQRA process. There's more flexibility in asking the applicant to minimize the impacts before Preliminary Approval is granted. Once Preliminary Approval is granted then the lot count is pretty much set.

A. Pacione: Can I make a suggestion?

G. Lake: Sure.

A. Pacione: You can certainly make any of the conditions required by the Conservation Commission as a condition or a note on the Final approval. Believe me, there's nothing there that we haven't already considered. We will meet and address with them. The major focus of that letter is on

wetlands and we really have explored that in quite some detail already. You can make it a condition of Final Approval of what ever they require.

G. Lake: Let me see what the Board feels comfortable with. Any other time Mr. LaBruna is here and I'm sure if he was he would be talking to us. Just out of respect, if I'm asking that man to do things. Our question I think right now, we're going to table this and put him on the next agenda so we can talk to Mr. LaBruna and fill us in on his committee. He is asking us to table until the next meeting.

A. Dulgarian: I think we have to table it to get the Conservation Committee's input.

H. Ross: I agree.

R. Carr: I think it should be tabled.

W. Capozella: I agree.

C. Najac: I agree with tabling it but I do have a question. Do we take special consideration to the number of lots because of this? If this had no wetlands, the number of lots in the project would probably be okay but because of the wetlands. There would be a reduction because of the wetlands?

G. Lake: Sure. They got caught up in the moratorium and then they also got caught up in some of the changes that we made. We have struggled along with the applicant making sure we do the right thing.

T. Hamilton: I agree on tabling.

G. Lake: Do we need a time waiver?

A. Pacione: We considered that the last time we were here.

G. Lake: What we will do, we will put you on the very next agenda which would be July 5, 2006.

G. Lake: Anything else?

MOTION to TABLE for further review to get more input from the Conservation Commission and to be placed on the July 5, 2006 agenda made by T. Hamilton and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

C. Najac: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

3. **SALADINO** - 2 LOT SUBDIVISION - Extension to Final - Scotchtown Collabar Road (20-1-3) #36-05

G. Lake: Your name for the record, please.

J. Nosek: My name is John Nosek with Roger Ferris Engineering & Surveying.

G. Lake: Go ahead.

J. Nosek: We're requesting a three month extension to Final Approval. We just got done with the Town Engineer's review of the septic system. We received our inspection and we're

just kind of running close on the time so to make sure that we don't go over we're requesting a three month extension.

G. Lake: Okay, so basically you're tied up with another agency.

J. Nosek: We should be finishing up in the next couple of weeks.

R. Carr: What about the wall?

J. Nosek: As far as I know, the Highway Superintendent still wanted it moved back.

G. Lake: I will go through the Board.

A. Dulgarian: I have no problems.

H. Ross: No problems.

R. Carr: No problems.

T. Hamilton: No issues.

C. Najac: No problem.

W. Capozella: No issue.

MOTION for a THREE MONTH EXTENSION to FINAL APPROVAL made by R. Carr and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

C. Najac: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

4. **SAWKA** - 5 LOT SUBDIVISION - Extension to Final - Hubbard Road (6-1-24.3) #48-02

No Show.

5. **BIASI** - 2 LOT SUBDIVISION (Re-approval) - Howells Road (22-2-56.2) #14-03

G. Lake: Mr. McGoey, do we have to set a Public Hearing for this again?

D. McGoey: Hold on a second.

G. Lake: This hasn't been done for a two. Has it been over ten years? Your name for the record,

please.

C. Foti: My name is Cecil Foti with Fusco Engineering. I would say, yes.

G. Lake: You're here for a re-approval. We do have a couple of new members. Why don't you just explain what you want to do here?

C. Foti: Basically we have eight and a half acres on Howells Road with an existing dwelling. We are proposing to subdivide this eight and a half acres into basically lot #2, a five and a half acre piece. The proposed home will have an individual well and septic.

G. Lake: Do you have Mr. McGoey's comments?

C. Foti: Yes I do.

G. Lake: Why don't you go through them?

C. Foti: Basically, on item #2, we show the same note that Mr. Johnson showed.

D. McGoey: It doesn't mean it's right.

C. Foti: No.

G. Lake: Is that okay, Mr. McGoey?

D. McGoey: Yes.

C. Foti: Item #8, the grading detail?

G. Lake: Why don't you go to item #3 instead of jumping?

C. Foti: I have no other problems.

G. Lake: Okay, the site distance? I want to get it on the record what you're doing.

C. Foti: Right.

G. Lake: The bulk table setback formulas okay?

C. Foti: Right.

G. Lake: The soils formula, is that on there yet?

C. Foti: No. It wasn't put on when we copied Mr. Johnson's plan.

D. McGoey: It was on a previous plan.

C. Foti: Right, and basically when we copied this over to our format that just wasn't put on there.

D. McGoey: It was under the old zoning.

G. Lake: The wetland certification?

C. Foti: We will ask them to put a date on there.

G. Lake: Eustance & Horowitz review of the septic system?

C. Foti: I personally did the joint or the supervised joint inspection with Eustance & Horowitz and it did pass. We handed the results to Mr. Johnson and we will re-submit it to Eustance & Horowitz.

G. Lake: Item #8, the roadside grading, what's that Mr. McGoey?

D. McGoey: That's the typical Highway cross section of the roadway grading within the right-of-way. This never had a Public Hearing so it would be a minor subdivision.

G. Lake: Has it been over ten years?

C. Foti: Yes. The comments from the Highway Department, as long as it doesn't affect the site distance, I see no reason why the driveway couldn't be shifted over fifty feet to the left.

G. Lake: Okay.

C. Foti: As long as it doesn't affect the site distance.

G. Lake: Let me go through the Board.

A. Dulgarian: Nothing further.

H. Ross: Not clear.

G. Lake: He doesn't have the approval with Eustance & Horowitz but they address that and at that point.

A. Dulgarian: I think this is what happens when you copy generic notes from maps to maps.

G. Lake: Right.

C. Foti: Basically the sanitary design is Fusco Engineering design and the notes that go with that basic design are on there.

R. Carr: I really have no problems with the project. I do have certain reservations about approving where everything falls on Mr. McGoey's shoulders to make sure that everything that should be there when we see it by the time of final approval.

W. Capozella: I have to agree with Mr. Carr. The other thing I noticed is it's a copy and isn't it supposed to be signed or something? Don't we need to have the survey signed where it says I hereby certify that this is a revised map?

C. Foti: Mr. Johnson was the surveyor of record and basically we're helping him to get this project through.

W. Capozella: Doesn't he have to sign the plans?

G. Lake: Yes.

W. Capozella: These little things add up.

D. McGoey: It should be signed by the surveyor.

W. Capozella: That's my only comment.

D. McGoey: We're only at Preliminary.

W. Capozella: Okay but it's something that has to get done.

C. Najac: Nothing further.

T. Hamilton: Mr. McGoey it kind of through me off when they mentioned that they were copying Mr. Johnson's plan. I guess they copied it and never looked to see what was there and what wasn't there and adding stuff. Mr. McGoey, the original approval, where all those conditions met?

D. McGoey: They only had Preliminary Approval previously. They needed Eustance & Horowitz approval and as of June 15, 2006 there were five issues.

R. Carr: What about the site distances?

C. Foti: Basically they are on there but they are listed in the manner that Mr. Johnson listed it. Now, the reason for copying Mr. Johnson's maps is Mr. Johnson's map was hand drawn and we were

working with him to get this project through.

D. McGoey: The site distances was on the old map but it wasn't certified to AASHTO standards.

G. Lake: Anything else Mr. Hamilton?

T. Hamilton: Just as long as we can get these all taken care of.

G. Lake: Yes. I have to agree. I don't understand with a simple two lot subdivision with so much being left off. I really can't. This is here for a subdivision.

D. McGoey: He's got to come back here for Final Approval for this subdivision. You're only giving him a re-instated Preliminary Approval.

G. Lake: Okay.

MOTION for PRELIMINARY SUBDIVISION RE-APPROVAL subject to all of Mr. McGoey's comments and this Board's comments made by A. Dulgarian and seconded by W. Capozella.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

C. Najac: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

6. **DRAKE ROAD** - 2 LOT SUBDIVISION - Drake Road (22-2-56.2) #59-05

G. Lake: Your name for the record, please.

D. Margatta: My name is Dan Margatta with Hudson Valley Surveying & Engineering.

G. Lake: Go ahead.

D. Margatta: I have a two lot subdivision off of Drake Road. I had a meeting with your Engineer and put the notes on the plan that were required and did all the necessary adjustments on the plans. I haven't received any comments since the last time.

G. Lake: I will go through the Board.

A. Dulgarian: I have a problem with a flag lot. I still believe that the road frontage should be measured at the front lot line.

H. Ross: I agree.

R. Carr: The only thing that I had a question on was the lot #2. Will that be done sometime in the future?

D. Margatta: When construction takes place, that's the limit of the clearing.

R. Carr: How do I know what that is now? I'm just curious now. I want to know where you're going to clear.

D. Margatta: We're going to clear with the minimum amount of disturbance as possible. We want to try and keep it as wooded as possible.

R. Carr: Okay.

D. Margatta: That will be done during construction.

W. Capozella: The bulk table talks about the minimum requirement is two acres in RA. Does the three acres apply to this.

D. Margatta: It's based on the septic.

D. McGoey: I think the ordinance says up to ten acres.

T. Hamilton: Wasn't that only for the agricultural sub-districts and what ever and what about the normal lot sizes in RA.

D. McGoey: Any subdivision ten acres or less . . .

T. Hamilton: Look under subdivision.

G. Lake: While that is being checked . . .

C. Najac: Nothing.

T. Hamilton: Comments from the Highway Superintendent.

G. Lake: Did you meet with them yet?

D. Margatta: Yes.

G. Lake: When did you meet with them?

D. Margatta: I believe (not clear).

G. Lake: How are you making out there?

D. McGoey: I'm not sure where it is in the book. Yes. Prior to September 2005 less than ten acres can be developed under conventional under 249-19.

G. Lake: So, it's okay.

MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments and this Board's comments made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

C. Najac: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for TWO LOT SUBDIVISION approval subject to all of Mr. McGoey's comments and this Board's comments made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

C. Najac: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

7. **GOLDEN TRIANGLE** - SITE PLAN/SPECIAL USE PERMIT - Acceptance of Findings Statement - Silver Lake Scotchtown Road (40-1-16) #74-02

G. Lake: Your name for the record, please.

L. Wolinsky: My name is Larry Wolinsky representing the applicant. We're here tonight for the consideration of the SEQRA Findings Statement which has been revised considerably in conjunction with comments from the Planning Board and your consultants.

G. Lake: Right. We sat down and went through everybody wishes and they worked out everything we asked for at the last meeting. Correct me if I'm wrong Mr. Bacon, but it was looked at to this Board's satisfaction.

J. Bacon: We worked it out at the last work session.

G. Lake: Mr. McGoey?

D. McGoey: I'm just looking. Item A-1 on the evaluation form requiring a check off. There was a correction made at the top of the page regarding Exit 120. And, the acreage question.

T. Miller: It's just a calculation based on numbers that are in the Draft Environmental Impact Statement.

G. Lake: I will go through the Board.

A. Dulgarian: I don't have any questions.

H. Ross: Nothing.

R. Carr: I have to commend everyone on this. I believe now everyone is comfortable.

W. Capozella: I just have a couple of quick questions. On Page 10 you talk about the SPEDES permit and that has to be submitted prior to any construction?

L. Wolinsky: Correct.

W. Capozella: Does the Town get a chance to look at that also?

L. Wolinsky: The Town will look at the stormwater pollution prevention plan and that's what the SPEDES permit actually is, that and the erosion plan.

W. Capozella: On Page 12 in Phase 1 when you talk about long term effects of the heating and hot water systems that there's no real adverse affect there. Should be improve what type of heating it is, whether it's gas, oil or a combination because some of them do have.

L. Wolinsky: I think that the volume of the emissions from that particular was a small volume and therefore was not significant.

W. Capozella: On Page 25 and I did mention it in the work session we had about when we have the water and sewerage hooked up, I would also like to see something from the Fire Department.

L. Wolinsky: There is a letter that was received within the last thirty days which I have seen from Mr. Smith which confirms that there is sufficient sewer and water capacity to service the project. The letter was obtained by Lorraine Potter from Lanc & Tully. If you don't have it in your files I can certainly give you a copy first thing tomorrow morning.

C. Najac: No comment.

T. Hamilton: Mr. Bacon, no approvals in Phase II until we get something in writing.

J. Bacon: Does the applicant have the necessary guarantees that construction of the modifications to the Route 17 Exit 120 improvements will be completed and the construction of the Route 17 Exit 120 interchange must be guaranteed prior to the issuance of final approval for Phase II.

T. Hamilton: It's also in the findings on the bottom of page four and five, is the wording correct on

that?

J. Bacon: Yes. The Chairman would not sign the maps until the Board was satisfied that they have the proper guarantee.

G. Lake: I just wanted to make sure. This goes back a long time. We've been working on this for a considerable length of time. We decided way back when that this project needed this exit on Phase II on to Route 17.

MOTION to ADOPT the FINDINGS STATEMENT made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

C. Najac: Abstain

G. Lake: Aye

MOTION CARRIED. 6 AYES, 1 ABSTAIN

8. **DUSO** - 2 LOT SUBDIVISION & LOT LINE CHANGE - M & M Road (14-1-103.2 & 104.13) #24-06

G. Lake: Your name for the record, please.

J. Nosek: My name is John Nosek with Roger Ferris Engineering & Surveying.

G. Lake: Go ahead.

J. Nosek: This is a two lot subdivision. We had come back in the Fall for a three lot subdivision which was approved by the Board. What we're looking at to do is to further subdivide lot #1 into two lots. The parcel is thirty five acres. The house will be situated up in the front.

G. Lake: Do you have Mr. McGoey's comments?

J. Nosek: Yes I do.

G. Lake: Are you going to have any problems?

J. Nosek: Item #1 is just a general comment. Item #2 is requesting a greater area. We are notifying the owner that any disturbance of the wetlands may require a permit from the Army Corps of Engineers. That's not a problem. We will add that. Item #3 is septic system approval from Eustance & Horowitz which we understand once we get Preliminary Approval from this Board. Item #4 is a note to be placed on the plans regarding the Highway Superintendent meeting prior to a Building Permit. Item #5 is a note requiring the removal of the existing two story frame building prior to the issuance of a Building Permit for lot #2. A similar note should be provided for the barn on lot #2. We will also add that note.

G. Lake: I will go through the Board.

A. Dulgarian: Nothing right now.

H. Ross: Nothing right now.

R. Carr: What was approved before? Mr. Nosek showed Mr. Carr.

J. Nosek: The wetland flags go behind the house and all the way down to the back.

R. Carr: Note for no further subdivision?

J. Nosek: Yes. We have a note.

R. Carr: I have nothing else.

W. Capozella: Nothing at this time.

C. Najac: Nothing right now.

T. Hamilton: Nothing.

MOTION to schedule a PUBLIC HEARING for September 6, 2006 made by R. Carr and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

C. Najac: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

9. **FARMLAND ESTATES** - SUBDIVISION - Lot #3 - VanAmburgh Road (31-1-15.22) #137-04

G. Lake: Your name for the record, please.

J. Nosek: My name is John Nosek with Roger Ferris Engineering & Surveying.

G. Lake: Go ahead.

J. Nosek: This is a further subdivision of a lot that was approved by the Planning Board, I think it was lot #3 of the Farmland Estates which had the existing dwelling on it. You will see on our sketch lots A and B we're looking to do possibly a flag lot in the back given that there's an existing dwelling for lot A. However, based on the new zoning we don't meet the minimum requirement of three acres and the soils formula although I would say that the soils are very good. If it's possible to go before the Zoning Board of Appeals, we would like to try and do that.

G. Lake: Okay.

A. Dulgarian: I recommend that we send him to the Zoning Board of Appeals and that we deny him at this time.

R. Carr: Isn't this the same issue we just talked about with ten acres.

D. McGoey: It was part of a previous subdivision.

R. Carr: This was approved in August 2005.

J. Nosek: So, is it two acres instead of three acres.

A. Dulgarian: That's what he's telling us so I don't think you need to appear before the Zoning Board of Appeals.

T. Hamilton: Are you sure?

D. McGoey: I think maybe our Attorney should take a look at that a little closer. This was a lot that was approved during the moratorium.

G. Lake: You know what, let Mr. Bacon research this.

W. Capozella: Nothing.

C. Najac: Nothing.

T. Hamilton: Nothing.

G. Lake: We're just going to make a motion . . .

A. Dulgarian: I think we should call a vote.

G. Lake: That's what I'm saying, to send him to the Zoning Board of Appeals.

A. Dulgarian: With a recommendation.

J. Nosek: If it's determined that I don't need a denial wouldn't it make more sense to give the Attorney an opportunity to review it? I'm just concerned about being denied if I don't need a denial but need zoning.

A. Dulgarian: I have no problem referring him to the Zoning Board of Appeals.

MOTION to refer applicant to the ZONING BOARD OF APPEALS made by R. Carr and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye
T. Hamilton: Aye

C. Najac: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

10. **BAUM** - 9 LOT SUBDIVISION - VanAmburgh Road (31-1-17) #111-02

G. Lake: Your name for the record, please.

J. Nosek: My name is John Nosek with Roger Ferris Engineering & Surveying.

G. Lake: Go ahead.

J. Nosek: This is a subdivision that the Board has seen a couple of times. It was, at one point in time it was nine lots with a conservation but the Board decided they didn't like the conservation so we've since revised it to an eight lot subdivision meeting the requirements of three acres per lot. We've gotten rid of the concept of the conservation and as a result of that we lost a lot. Three lots will have access off of Miller Road. We've got one lot accessing off of Route 211 and then the other three lots accessing off of VanAmburgh Road.

G. Lake: Miller Road, isn't that a seasonal road?

J. Nosek: Yes. That's a seasonal road. There's a negotiation with the Town. I think it's pretty firm that between Mr. & Mrs. Baum and the adjoining property owner Mr. Wolf that the two of them will bring the road up to Town standards with the exception of pavement. The pavement would be done by the Town, widen the road, do the grading, do the drainage. It would bring it up pretty much to a Town road specifications. We would replace the culvert accordingly. Mr. Baum and Mr. Wolf would enter into a private agreement as to who would be responsible for what. That's one of Mr. McGoey's comments and we would have that ironed out prior to a final approval but bear in mind we do have to get a Public Hearing and we do have to go the Health Department.

G. Lake: Right.

J. Nosek: It's going to take us some time.

G. Lake: Before I go to the Board, Mr. McGoey's comments. Will you have a problem with any of them?

J. Nosek: The only one that I need to discuss. I did speak to the Attorney regarding the issue of the guest house behind the existing lot. I think he had checked it out. I spoke to you and you had double checked it out and called me back and your opinion to me was that by telephone that because that's an existing guest house that we would not need a variance from the Zoning Board of Appeals. That was the determination that was given to me on the telephone. Mr. McGoey is bringing up that question again and I really need a resolution on that because the guest house has a long time resident that's back there. The problem is that it's directly behind the existing house and it's a two bedroom and there's really no way that we could possibly subdivide it off in the future. You can see, it's directly behind the existing home and it's a long time resident who lives there. The other interpretation that I got and I need some finalization on that because the whole subdivision hinders on this.

J. Bacon: I think Mr. McGoey's problem with it is that if that ever were going to be subdivided in the future by getting variances from the Zoning Board of Appeals that it wouldn't be that difficult to re-arrange you lot lines right now so if you give that lot #3 six acres from one to the other so that if that ever happens you would have it.

J. Nosek: I was just going to pull out the latest map. I don't have the latest map.

G. Lake: So, they're both existing right now, correct?

J. Nosek: Yes. They are both existing lots. We could take more wetland area off of here and here in order to make that six acres if that's what the Board feels we should do. We can certainly do that. It's going to kind of make an awkward lot configuration for that lot. Right now, they're larger boxed shaped type lots that I'm going to end up kind of a long narrow piece into that and I don't know if that's desirable or not. If it is, we will certainly look into that.

G. Lake: I think Mr. Bacon maybe do a little more investigation for us since it is already there. I really don't have a problem with it.

R. Carr: I would agree with you.

A. Dulgarian: I also agree.

H. Ross: I agree.

W. Capozella: I think it's a great idea and I don't see a problem.

C. Najac: I agree.

T. Hamilton: No problem.

G. Lake: Let me go back to the Board.

J. Nosek: The rest of the comments are straight forward and I have no problem.

G. Lake: Mr. Dulgarian, do you have any other comments?

A. Dulgarian: No. I think everything can be resolved.

H. Ross: I have a few concerns.

C. Najac: What is he doing with the road?

J. Nosek: Widening the road.

D. McGoey: The driveway pavement, the developers will widen it, put in the shoulders, put the base down and put the big box culvert in.

W. Capozella: On lot #4 do we need to put anything down on this map. I know there's a stream going through this.

J. Nosek: It's probably a un-named tributary to that.

W. Capozella: Do we need to put anything as far as because it is a stream?

D. McGoey: What's your concern?

W. Capozella: You're just showing the house now. Later, with sheds or anything else.

D. McGoey: We could have a note on the plan for no improvements on each of the lots.

C. Najac: Nothing further.

T. Hamilton: Nothing further.

MOTION to schedule a PUBLIC HEARING for September 6, 2006 made by R. Carr and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

C. Najac: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

11. **CIESLEWITZ** - 2 LOT SUBDIVISION - Hufcut Road (12-1-96) #30-06

G. Lake: Your name for the record, please.

D. Yanosh: My name is Dan Yanosh representing the applicant.

G. Lake: Go ahead.

D. Yanosh: To clarify what I'm doing here, one of Mr. McGoey's comments was to you give you one that had no contours and stuff on it. What I did was I brought out the next marker to show you exactly what exists today and what we plan on doing. This was a subdivision we worked on before and cut one lot off in the middle a couple of months ago. The pink line defines the lands of Hufcut right now the way it is. That was approved by the Planning Board about eight or nine years ago. The trailer is off. The proposal then would be to, Hufcut is down to 1.4 acres so when you give them 1.42 in the blue area we will cut off another three acre lot in the green area. This fifty foot strip that runs along the easterly side of those two lots would be owned by lot #2, that would be his road frontage for now. In the event that Mr. Cieslewitz wants to subdivide more land in the back, that fifty wide strip would go back to Mr. Cieslewitz to develop his road and to develop the rest of the property.

A. Dulgarian: Technically it's not so much a flag lot as a right-of-way.

D. Yanosh: It is a flag right now so it would be flag. It would be more than two acres. It would be almost a four acre lot. Once Mr. Cieslewitz does something else with the rest of his property that would become part of his road.

G. Lake: Where is the house that's being built now?

D. Yanosh: Showed Mr. Lake.

G. Lake: So, theoretically this road can change and we can have lot, lot, lot. Have you seen the County letter? That's exactly what they're saying, what's going to happen?

D. Yanosh: It's hard. We have a lot that's long and skinny. We have wetlands in the front and wetlands in the middle. If I were to do a conservation easement with two acre lots, the layout may look like something here.

G. Lake: Basically, the County is saying we should look at this as a whole package. This map over here was using the conservation formula. I don't think that's the intent of the law to screen down one side and just project the owner.

D. Yanosh: Again, the wetlands go through the middle of the property. It splits it in half so, what do you do with it? We have to conserve that wetland area.

J. Bacon: Mr. Yanosh, you may want to meet with the Conservation Board on Monday.

D. Yanosh: Okay. I can do that.

G. Lake: Like I said, as far as just looking as this two lot and what you intend to do in the future.

D. Yanosh: I can do something like that.

G. Lake: You can meet with the Conservation Board but I don't know if, in my mind, this proposal would fit in and maybe down size it. If you had something on the Thompson side, I could understand it.

D. Yanosh: I'm limited now. I have to show you a sketch of a conventional subdivision. One thousand feet comes about to the end of this proposed green line here. And, I can't do much more with it unless I get a waiver from the Town. It's a weird shape piece of property.

G. Lake: Mr. Dulgarian, any other comments?

A. Dulgarian: No. I like the idea.

H. Ross: I would be concerned about the road.

R. Carr: Nothing else.

W. Capozella: Nothing else.

C. Najac: I would like to see more buffer.

T. Hamilton: Nothing else.

G. Lake: You've heard the comments from the Board. I think it would be interesting. I don't know whether the Conservation Law would work on this.

MOTION to TABLE for further review made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

C. Najac: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

12. **POND RIDGE MEADOWS** - 10 LOT SUBDIVISION - Route 211 (49-1-85.1) #118-04

G. Lake: Your name for the record, please.

J. Atzl: My name is John Atzl representing the applicant.

G. Lake: Go ahead.

J. Atzl: This is a thirty four acre parcel on the south side of Route 211 about half a mile west of County Highway 78, I believe. We've submitted a three acre conventional plan, a two acre conventional plan and then two cluster development plans. The cluster plan on sheet #4 has a cul-de-sac with a length of thirteen hundred feet which exceeds the maximum of one thousand feet. On lot #5 we have a temporary turn-around which does co-ordinate with that one thousand foot maximum length of the cul-de-sac. Each lot will be served by individual septic and wells. They would be single family dwellings. We qualify for the two acre under the Town's new zoning code. Actually, both the layouts on drawings #4 and #5, the clusters, have fairly expensive conservation

areas around the perimeter of the site. What we also tried to do along the roadway, if you notice, is the existing stone wall. We're trying to keep them intact and just open them up only where driveways would be crossing them. I guess we're here to see which plan you like and how we shall proceed.

G. Lake: You have one cul-de-sac, that's how long?

J. Atzl: The one on sheet #4 is thirteen hundred feet.

G. Lake: And, the other one?

J. Atzl: The other one is one thousand feet with a temporary turn-around with the right-of-way extending to the south property line.

G. Lake: Right.

A. Dulgarian: I don't know if, what I'm going to say was the intent of the conservation district but I think it should be looked at. I don't know why we're still keeping the same front lot lines. When you have that much property and you want to make that different look. I understand the conservation easement around the outside but why does it have to be so close to the road, a traditional subdivision? Why can't it be set back to give it the deeper look. I don't know what the proper word is.

G. Lake: Right, and right now I think this is probably as close as we've seen to what the new conservation law is probably looking for where the project is condensed down in the middle of the property. As far as mixing up the dwellings and pushing them back and forward, this is only here for sketch at this point. As I said, I think this is the closest we've seen of what the conservation board wants.

J. Atzl: If you notice the buildings on all these lots are rather deep so the houses, as part of one your conditions, some houses sit forward and some sit back.

R. Carr: I don't know. I'm looking at this at to me it's in a temporary form at this stage. It looks like a regular subdivision but smaller. I think part of the idea, I mean you could put . . . I would think that somehow you would need to protect the character. This is a tough spot because this it's all open.

J. Atzl: Right.

R. Carr: Is there a tree line?

J. Atzl: There are some tree lines along the stone walls, yes.

R. Carr: I can't tell from this

J. Atzl: The track resource plan.

R. Carr: Yes.

G. Lake: We have that.

J. Atzl: That's the as is condition.

R. Carr: I can't tell from this. I see the wall and I don't know . . .

J. Atzl: If you notice about say ten foot on either side of the wall there is a tree line. There are actually some more on the easterly side of the southeast corner of the parcel.

R. Carr: And, this tree line that's coming down around the middle?

J. Atzl: That's only around the stone wall though. That's only for a distance of twenty or twenty five foot.

R. Carr: Well, it just seems to me that, and could be that this piece of property is just so . .

J. Atzl: I think the other thing that does give it character is really the stone wall to break it up.

R. Carr: Even if the lots were smaller if there could be a way to move them move to the back of the property and somehow utilize what exists there. It looks to me like it's a regular subdivision.

J. Atzl: There are woods along Route 211 also.

D. McGoey: Are you going to be able to see your subdivision from Route 211, possibly not.

J. Atzl: Possibly not during the summer. During the winter you would probably see.

H. Ross: I'm concerned about the land.

J. Atzl: As you're going down Route 211 you won't look down and see a straight road. The road makes a left turn.

W. Capozella: I think trying to do a buffer zone with what you have . . .

G. Lake: It's only here for sketch.

C. Najac: I like the thought or the intent of the open space. If lot #4 could be moved back off of Route 211, the one lot that's close.

J. Atzl: Right.

C. Najac: But, the rest of the parcel, the tree line that's there stays.

J. Atzl: That's where the road construction and everything will remain along Route 211.

C. Najac: As far as the conservation subdivision, you still have a long way to go here and if you do a conventional subdivision the houses should be put back also.

T. Hamilton: That's what happens. People buy big lots because they don't want to be on top of their neighbors so it depends on which way you look at it. The conservation thought going around is a good idea. I think a lot of the areas that we thought we were going to get and see is more the wood areas where most of this project would be hidden but this particular parcel doesn't have any of that but we are getting the open space. When it's open like this I don't know what else you can do with it.

G. Lake: I think the Board as a whole seems to think it will work. I think we should set up and have (not clear) on Monday and have him come in to a work session.

A. Dulgarian: I just want to commend Mr. Atzl on giving us the conventional, conversion, and conservation giving us stuff to work with. A lot of people don't come in with that much information.

MOTION to TABLE for further review made by A. Dulgarian and seconded by T. Hamilton.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

C. Najac: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES