

TOWN OF WALLKILL PLANNING BOARD

MEETING

JUNE 21, 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. - **QUICKWAY** - Lot #5 - 3 LOT SUBDIVISION - Tower Drive (41-1-121) #113-05

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 21st 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 Albert Frassetto Enterprises, 2 Park Way & Route 17S, Upper Saddle River, New Jersey 07458 for approval of a three lot subdivision for property located at Tower Drive, Middletown, New York, which premises are identified in the Town of Wallkill tax map as 41-1-121 and 41-1-96.2 under Section 249 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: Tell us what you've done since the last time and give us a brief description and then I will go through the Board before we go to the Public.

M. Blustein: Since the last time we appeared before the Board, the layout of the project remains essentially the same. We are in receipt of your profession's comments on the map. We are prepared to address all those comments on the plan and the revisions that are required subject to any additional matters that might come up this evening, the result of either your comments of the Public comments. The subdivision remains the same, three lots. The principal known use at this time is a hotel for the lot #1 portion. The remaining two lots are indicated in the balance of the application document as full build-out. Those uses are basically considered a worse case for stormwater management purposes and future impact

to the site. They would be subject to change for any particular tenant that would be selected for those parcels.

G. Lake: Let me go through the Board before I go to the Public.

A. Dulgarian: After the Public.

H. Ross: After the Public.

R. Carr: I will wait.

W. Capozella: Nothing right now.

C. Najac: I will wait.

T. Hamilton: I will wait.

G. Lake: I will open this Public Hearing at 7:35 P.M. Do we have anybody?

MOTION to close this PUBLIC HEARING at 7:36 P.M. 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

G. Lake: Just to let the Board know, and it's not here tonight obviously but we did when he was talking about all the comments we did have a meeting with all the professionals, I believe two Monday's ago and those answers will be coming at a follow-up. It's only here for the subdivision right now. Just so you know, the landscape architect, Mr. Bacon, Mr. McGoey and myself were there.

A. Dulgarian: Having not seen any comments from Mr. McGoey on this I would like to hear input on what's going on here. The only thing that I question is at what point do we allow a subdivision.

We kind of like to know what's going on first.

D. McGoey: Mr. Lake, do you want me to go over a few of those topics?

G. Lake: Yes, why don't you just so everybody knows. They've indicated as far as landscaping goes right from the Banta project clear up to the new Town Hall. Mr. McGoey will go through a few of them right now.

M. Blustein: If I could just jump in real quick. We're just looking for a couple of lines on the map. The whole Site Plan approval would be met down the road with all the landscaping.

A. Dulgarian: I understand but those lines on the map kind of limits where everything is going to go and what it's going to look like.

M. Blustein: Understood. I'm just saying, you're not approving anything now.

D. McGoey: The landscape architect hasn't given us her comments yet but some of the things that she brought up during the meeting was that she would like to see a cul-de-sac or some type of turn-around within the subdivision so that when people go in they can get turned around without having to go into someone else's parking lot to get back out. She recommended sidewalks throughout the subdivision as well as along Tower Drive from the Banta project up and that was something we recommended also. We recommended a traffic study for Tower Drive and various intersections. We want to look at traffic situations, the traffic light, coordination of the traffic lights all the way up the hill. Water service continues to be a question of ours because the water storage tank is basically the same elevation as the hotel unit. We needed additional details of public improvements. I have some general notes about some of the public improvement details and the Highway Department.

T. Hamilton: I think one of the main things is that we were talking about the stacking that's happening on Route 211 now trying to make that left up on Tower and we were possibly looking at another lane or something to alleviate that. It backs up now all the way into the other lane. It was one of the things that I noticed and Mr. Lippert has a lot of comments.

G. Lake: And, basically it's also about the lining up of the lights. I don't know if that has helped you.

A. Dulgarian: It helped me. There are many concerns.

H. Ross: I would like to see the end result of the project.

R. Carr: Is there a reason, normally we do the subdivision on something like this right up front. Right now it's just one large plot and to have Site Plan changes throughout that process maybe it could be done a separate way. I'm just saying it seems like we're going before the horse this early in

the process.

M. Blustein: All I would respond to is that we're just looking for the Site Plan for the hotel site and not the second or third lot because we don't have any intended use for them right now. As your engineer stated, we're maximizing it out in terms of the planning so that at the worse case scenario in terms of impact to the Town but what we're looking for is to move forward with the hotel site first because that's the first and intended use that's going to happen there.

R. Carr: In terms of the time line you're looking at that, the hotel is the only thing that we're looking at right now, how does that time in with developing the whole integrated portion?

M. Blustein: That will all be addressed in the traffic study which will go along with the Site Plan for the hotel. We're going to take into account not only these three lots but we're going to take into account the new Town Hall traffic. In addition the project that has recently appeared as a concept just behind Hannaford's. We will be also looking at the various traffic hot spots that has been raised by the Board that are already known to us out in the area. We agree that traffic is certainly part of the issue and we're moving forward in that direction to alleviate the concerns. The hotel is what is before you with a Site Plan. To get that, we have to have a subdivision of the property and the Frassetto's understand that as well and recognize that they 're being left with two lots. We will work with them to come up with useable lots as well.

R. Carr: Is there a benefit to doing the subdivision right now versus?

M. Blustein: The Frassetto's aren't doing those. It's a separate person that's building the hotel. Obviously they can't do it until they have a lot. It's just part of moving forward with our buyer as the first step.

R. Carr: Okay.

M. Blustein: We can't do anything until the parcel is divided.

W. Capozella: On the three lots, this is going to be the Final subdivision of that, there's no further subdivision?

D. McGoey: They could change the lot lines. That's always a possibility.

T. Hamilton: They may want ti but there's nothing saying they can't.

C. Najac: I have nothing at this time.

T. Hamilton: In fact on what Mr. Carr and Mr. Dulgarian said I can see worrying straightening these lines now after listening to the applicant where he's interested right now more or less in developing

both out parcels. I remember looking at a work session where the applicant came in with an office building on the top and this high retaining wall with landscaping and so forth. What happens now when you take that one piece? You're going to develop a parcel that sits toward the back of this piece. So, if that only gets developed now and we don't know when the other two are going to get done you're driving through an un-developed area in the front of the other two parcels. Since they don't have any plans now on exactly what they want to do now, how does that affect the retaining wall that's going to hold up the area behind the hotel and probably runs across through the other lots so, how is he going to do that now? I mean, to develop one way in the back and the Public is driving through two un-developed areas to get back to this nice hotel. We have to know how this whole thing is going to be developed right up front to make this thing work and blend in the way we want.

M. Blustein: The retaining wall, Mr. Hamilton, is going to be on the hotel site so, that's going to be the first developed site. We've been before the Planning Board in a work session two Monday's ago for this site where we brought in the fancy pictures on top of the hill. That office building we're moving forward with that. That's not on this site. As you say, that's above the retaining wall on a different site that we're actively pursuing that. We were at the work session with Mr. McGoey, Mr. Lake and Mr. Bacon last Monday so, we're trying to co-ordinate both the office building that's not part of these three lots and the hotel. We're trying to co-ordinate everything with the landscape architect to have everything tie in to make this and as Mr. Lake has referred to, this is going to be the jewel of the Town. This is right in the heart of the Town and we're looking to tie it all in to make the Town proud of this location.

T. Hamilton: Yes, but you're saying you're going to tie it all in to make it but right now you're only concerned with one lot in the back. We want to see how this whole thing is going to be laid out in the front. We still haven't decided if that's the way we want the layout. To me, it's only a sketch before us right now. We need to check the parking layouts to see how one runs into the other and so forth. We don't know if we've accepted the sketch that was given to us. In fact, the retaining wall was also being used for the lot up on top and not have a steep slope to get to the parking garage or what ever so, these other lots all rely on what happens on this bottom and each one has to be tied into there now before we can say yes.

M. Blustein: Part of the problem with that is that your code under the new law that the Town is proposing says you have to get an approval and you have to build it out within a year and if you don't finish it within three years they're talking about taking away the approval. We don't have a use for these sites yet. We have a use for the hotel site but we don't know what's going to go down there and if we can in for approval for that today, in a year if we didn't start building it, it would become void and we would have to start all over any how so, we can't co-ordinate all three lots when we don't know what we're going to do.

T. Hamilton: In fact, on that, when was that law passed?

M. Blustein: I just know it was before the Town Board as proposed.

T. Hamilton: A lot of things have been proposed here that haven't been passed.

M. Blustein: But the law is you have to have substantial construction within one year.

T. Hamilton: If you read the law completely there are other ways around on how you want to phase it and what ever else so you're not locked into it. There's ways around it but we don't know this site. None of us have really approved how this layout is going to be.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

G. Lake: I think we had seen this general layout. As far as the site in the back, the retaining wall would be on the hotel property, is that correct?

M. Blustein: That is correct.

G. Lake: And, that it would be built at the time of the hotel. I think another thing between now and Site Plan, and you're right Mr. Hamilton. We do have a situation right now where we have a big lot in the middle of a restaurant and other hotels and it kind of looks junky. There's nothing saying that by the time they come back that we couldn't ask for some kind of maintenance to be maintained going to the back. It's just an idea to throw out while we're doing this.

R. Carr: I would say Mr. Hamilton brought up a good point and that can be covered in the Site Plan. I would say we did see this at least once. It's a very large project to me and a very promising project. I can see, I don't way to be saying it's not a good project but I can see given the subdivision that it can be changed at the time of Site Plan but I do think it has to be looked at very closely whether it's just the hotel site right now just because it is so promising.

M. Blustein: I don't think the applicant expects anything else but you taking a long hard look when you're doing the Site Plan but we've gone to a couple of work sessions and expressed our willingness to try and work with you and your professionals to make it what you want it to do. I don't see that being a problem.

R. Carr: We haven't even really looked hard at the project. We've just seen this as a sketch tied in with the other project up on the hill.

G. Lake: I can tell you at that work session we had we did look at everything. Again, this is only here for a three lot subdivision but I'm sure if the Planning Board wanted to sit down and have them come back in, I'm sure they would be willing to do that. It's up to you, if you want to come in on a Monday night.

T. Hamilton: One quick thing. On this lot #3 where it says restaurant, why does it show a hash section that the retaining wall runs through the other lot if it's all on the hotel site?

M. Blustein: There will be an extension. Because of the terracing it will occur across to that. I spoke incorrectly.

T. Hamilton: I knew it went further than just the hotel. It went past behind the other lot.

M. Blustein: The wall in its entirety is intended to be built at this time.

G. Lake: I think we would have to do that when they did the hotel, we would have to almost insist on them doing that wall.

M. Blustein: The applicant is going to build the wall. When the wall goes up, it will be in it's entirety.

G. Lake: Mr. Dulgarian, anything else?

A. Dulgarian: Yes. I want to make a comment on where everybody is going with this. I have a lot of respect for Mr. Blustein and I know what he is trying to do. Having said that, I cannot separate subdivisions from Site Plan. It's something that's going to have impacts down the road. We, as Planners, we have one shot to do it right and then it's that way forevermore. I always tend to err on the side of caution. I really would like to go a little deeper on some of the issues that Mr. McGoey had raised. I have no problem with them phasing it once they get subdivision.

G. Lake: Then let me ask what they want to do then if we table it. We have to get them to waive the sixty two day frame and do you want a work session with them to come in and go over the whole project? Would that make everybody feel better or do you just want to call the vote? I don't think anybody is against the project.

A. Dulgarian: Oh, not at all.

G. Lake: But, we have to do something tonight.

D. McGoey: I think we should have a work session along with the traffic consultant and the landscape architect there also to talk over the overall project all the way up the hill.

G. Lake: It's up to the whole Board. Shame on me for not, I guess, informing everybody that we were meeting on this but whatever you want to do. If that's what the Board wants, let's do it and move on then.

A. Dulgarian: I'd be willing to do whatever it takes to move the project forward except for voting for subdivision approval tonight.

H. Ross: As it is now, we would be approving the driveway location as it is now?

G. Lake: Well, that would come in during Site Plan. The only thing they're here for tonight is the three lot subdivision.

R. Carr: I'm on the offensive because we still have Site Plan. I do feel that this particular type of project, I would feel more comfortable if we sat down in a work session and I'm not against the project. I just think before we start changing lines.

M. Blustein: I know you guys all have regular jobs and we met during the day two weeks ago and we did all this. Is there a way that we can have a work session at an evening where you will all be there because we kind of did this?

G. Lake: I will get to that. I was just feeling what the Board wanted to do. We're going to set that date right now if that's what they want.

W. Capozella: I just have a question. If I was to approve this and they wanted to come back and develop the hotel first and I like the maintenance idea agreement. Basically, what we're worried about is looking at a couple of empty lots but if they come back to build the hotel and we say we want the maintenance agreement and we want this part here landscaped and whatever, do we have control over those other lots or once we do it he can do whatever he wants with that lot and forget these two?

G. Lake: As long as you don't say yes, you have a certain amount of control.

W. Capozella: I'm assuming that if I say yes tonight that I could still say to them when you come in to develop this piece of property we still want this to work.

G. Lake: You can do that at Site Plan. The only thing they're here for tonight is the three lot subdivision.

W. Capozella: Okay.

G. Lake: We really got off track a little bit but they're here for a three lot subdivision. The decision you're making now if you want to tie it with Site Plan on all three lots, I'm not sure what the answer would be to that as far as developing all three without knowing what tenants.

C. Najac: I just don't have all the details at this point.

T. Hamilton: When they agreeing to the three lot subdivision the way it's proposed with the access going straight up through the middle back to the hotel. One of the sketches that I did look at shows access from the other two lots on to that hotel lot drive that comes in and out of here. So, if they're looking to do one without . . .

M. Blustein: Lots #2 and #3 would both join into that road.

T. Hamilton: How do we do it then if we're not doing Site Plan and this together, how can they come back later with another owner of one of the other lots saying he's got approval to go in through the hotel lot to get access: It is tied together with the subdivision the way it's drawn because the access can alter the hotel lot.

G. Lake: So, you're leaning towards a work session?

T. Hamilton: Yes.

G. Lake: The Board wants a work session. Mr. McGoey, what date do we have? Before I ask for a motion to table it, we are on summer schedule so the earliest you're going to get back is August 16, 2006. Do you agree to waive the sixty two day time frame?

M. Blustein: Yes. Mr. Frassetto has no problem with granting the extension nor does he really have a problem with presenting the idea as a whole to everyone so you would feel more comfortable with it so the sooner that we can do it, the better.

D. McGoey: We have a work session on Monday, June 26, 2006 if you want to carry over to early evening. How about 5:30 P.M.?

T. Hamilton: Back on that same thing. That's been one of my best peeves for all the years I've been on the Board is when they hold work sessions during the day and you have either one Planning Board member or two Planning Board members and the applicant gets the idea that the whole Board is in agreement with what was spoken about at that meeting. That's why anything of this size we should have the work sessions in the evening when we can all get there. It's only fair to the applicant because he's getting the wrong impression.

MOTION to TABLE for further review and to have a work session on Monday, June 26, 2006 at 5:30 P.M. with the whole Board and all the professionals and the applicant did waive the sixty two day time frame made by A. Dulgarian 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. PUBLIC HEARING 7:35 P.M. - **ROSSI** - SITE PLAN/SPECIAL USE PERMIT - Silver Lake Scotchtown Road (40-1-15.221) #84-04

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 21st 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 Frank Rossi, 24 Connors Road, Middletown, New York 10941 for approval of Site Plan for a commercial building located at Bahrenberg Road and Silver Lake Scotchtown Road under Section 8224C 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.

D. Yanosh: My name is Dan Yanosh the surveyor for the project. We have some drawings on what the building is going to look like. This is a ninety eight hundred square foot building on a 1.9 acre site in the PID zone on Silver Lake Scotchtown Road, Bahrenberg Road and Route 17. We went back to the Zoning Board of Appeals for a variance for our landscaping buffer. The six months expired. We got our variance last Monday. So, that's all taken care of. The drainage is all taken care of. We did get a comment letter back from the landscape architect. She wanted some more trees along the front with more shade trees. The building itself will be the same type of material all the way around the building. Silver Lake Scotchtown Road, which really would be the back of the building is going to have four doors in the back for emergency access. We will put some trees in that area to screen those doors a little bit. The facade of the building will look the same all around. It will look the same all around.

G. Lake: Let me go through the Board before I go to the Public.

A. Dulgarian: After the Public.

H. Ross: I will wait.

R. Carr: I will wait.

W. Capozella: I will wait.

C. Najac: After the Public.

T. Hamilton: After the Public.

G. Lake: I will open this Public Hearing at 8:08 P.M. Do we have anybody to speak on this?

MOTION to close this PUBLIC HEARING at 8:09 P.M. made by R. Carr 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

G. Lake: Go ahead.

C. Ciccone: We tried to design it for four sides. The site itself, actually the grade and the slope of the site is steep so we tried to address it. As you come up Silver Lake Scotchtown Road you have an elevation at a minimum of .584 and the lower on Silver Lake Scotchtown Road is .578 so the idea was to keep the building as clean as possible but also to hide anything in the design of the building. What we did is we referenced the site for the materials in a modern way. We're using the traditional type of materials for a rustic look. Just to get an idea basically a stone base and lumber as exposed and also some types of metal roofing. Basically the building is to be viewed from all sides. That's the way we did the design for this.

G. Lake: Thank you. Mr. Yanosh, do you have Mr. McGoey's comments?

D. Yanosh: Sure.

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

D. Yanosh: The variance was granted again last Monday. I don't know if Mr. Lippert has any more comments but I did talk to Mr. Lippert about the turn-around. That's what he wanted. I didn't get anymore comments from him at all. I met with him about the shoulder and the rest of the stuff. All he wanted was the restoration of that corner on our side. He wasn't looking for us to do anymore pavement because hopefully the other person that comes in will do his work on his side of the road and everything will be taken care of at the same time. Since we're in here first with this . . .

D. McGoey: Does he want you to post a bond for half the road?

D. Yanosh: He didn't mention that. We will take care of our side and when the next person comes in he addresses his side.

D. McGoey: Does that mean your half of Bahrenberg Road?

D. Yanosh: From the edge of the road of pavement where it is now to the new curb we will put down new blacktop and clean that area up there.

G. Lake: Can we have him get together with Mr. Lippert and see if they can agree?

D. McGoey: Okay.

G. Lake: Obviously we can't get this to him tonight.

D. Yanosh: Again, we couldn't just clean the whole thing up. We will do half the road.

G. Lake: You're basically agreeing to meet with the Highway Superintendent to go over that?

D. Yanosh: Correct, no problem at all. The water line from Scotch Valley, I talked to Mrs. Potter from Lanc & Tully. I guess they're still in the process of getting their approval. So, what we've done so far is we can put a well on the property temporarily in the back to serve our building and once the water line comes in we will tap into it.

D. McGoey: You will have to check with the Health Department. I don't think you can put a well on the site.

D. Yanosh: For so many people, I think you can put something on. I will check with Mr. Rother to see if it's acceptable and verify it with the Health Department. Again, the landscape architect sent us some comments. She wants more shade trees on the property.

D. McGoey: No. She wants you to maintain those three existing trees which means you may have to change your entrance driveway.

D. Yanosh: Which means, Mr. Lippert didn't want those trees because they're in the right-of-way.

G. Lake: It is in the right-of-way and I've talked all the time about this.

D. McGoey: They are in the right-of-way?

D. Yanosh: Yes.

G. Lake: Verify that and if Mr. Lippert wants them removed, I can't see us going against the Highway Superintendent.

D. Yanosh: We will address that with the landscape architect and add more shade trees in the back. She wanted some more screening in the back. The strip around the dumpster, we have on the new set of plans. Mr. Rother took care of that one. I haven't heard anything from the Fire Department. The handicap signage, we do show on the plan where it's going to be and a detail of the no parking in the tow-away zone. We show the architectural elevations. The main entrance of the building will move to the front from Bahrenberg Road. The only access out the back will be the emergency accesses and we will show a sidewalk around there and where those doors are.

D. McGoey: I need to see where those doors are on the Site Plan.

D. Yanosh: Yes. We will put that on. All the entrances to the building will be from the front and both sides. The back exists will be just for emergency access only but we will show a sidewalk and where they will be on this plan we just completed.

G. Lake: On those trees, contact Mr. Lippert and Behan and maybe get a conference call. Let me go through the Board.

A. Dulgarian: I don't have any problem with the project but I do have some questions. The sidewalks, we have on the opposite side of the road?

G. Lake: Scotch Valley I think is going on that side.

A. Dulgarian: So, Scotch Valley is building sidewalks in front of their property?

G. Lake: Right.

A. Dulgarian: On this parcel?

R. Carr: Up on top.

A. Dulgarian: What is that going to connect to?

G. Lake: It's part of trying to get Silver Lake Scotchtown Road done but it will stop a little further from this project. That's something we've been working with Scotch Valley on is try to get the sidewalks.

A. Dulgarian: My second question is on the stormwater retention. Again, the ponding is going to be right across. Is this just going to be a grassy area or what are we going to be looking a there?

D. Yanosh: You asked that question before. It's going to be a grassy area.

A. Dulgarian: Will it be a mowed area instead of vegetation?

D. Yanosh: Correct. I think another of Mr. McGoey's comments was maybe screening that a little bit more with some more trees off of Silver Lake Scotchtown Road.

A. Dulgarian: My last question, the architectural design of this building, I don't know what it goes with and I don't know. The building in the back of this that was proposed, we were going to do peaks and stuff to keep the country look with the barn and now we're looking at this very nice building but I don't know that it goes with anything out there. I just question that design. I have no problem with that size of building and going where it is and the uses. That's all I have.

H. Ross: Unable to hear.

R. Carr: How did you address the landscape architect's comments?

D. Yanosh: We're going to re-submit back to her plans showing where more shade trees would be. Most of the things she's looking for is more shade trees on both sides of the building and with the entrances is what she was looking for. We will talk to her and also talk to Mr. Lippert about the big trees.

R. Carr: My comments on the big trees again. I would ask the Board to give a recommendation that the big trees be maintained. I understand Mr. Lippert might be considering widening this road but I have no idea why because it's not going anywhere.

D. Yanosh: He worried about maintaining that tree and the tree falling down. He wants the trees to be owned by the people. That's why you clear that right-of-way. Everything has to be clean to the right-of-way line so there's no trees in that right-of-way at all. So, if the limbs fall on someone's vehicle or something like that it's not the Town's tree. It's a liability with the tree in the right-of-way and not the fact that the road may be widened.

G. Lake: I believe the Town Board passed something with the Highway Superintendent that said we would clear twenty five feet from the centerline of the road. Correct me if I'm wrong Mr. McGoey?

D. McGoey: I don't know.

R. Carr: I can really appreciate it being a liability issue. That's a tough thing to get around. But we try to preserve the Town Master Plan, rural roads and then we take all the trees down. Outside of that, the architectural scheme it doesn't go with that property. Other than that, I don't have any problem.

W. Capozella: I don't have any really additional comments but I do agree with Mr. Dulgarian as far as the building scheme. It does look great and kind of stands out. And, there will be a lot of homes and developments all up and down that road maybe they can look at that again.

C. Najac: I do have a question on sidewalks. You talked about sidewalks around your building.

D. Yanosh: Correct.

C. Najac: Sidewalks on this road but they will be on the other side?

D. Yanosh: No sidewalks along the road. The sidewalks they were talking about was on Silver Lake Scotchtown Road.

C. Najac: Okay. And, that would be on your side?

D. Yanosh: That's the one that Scotch Valley is doing. They're the ones that were required to put that sidewalk in and not us. It was part of their approval.

T. Hamilton: Maybe they can take another look and maybe there could be some changes. My other question is the fact that this is a Public Hearing for a Special Use Permit in the PID what special uses do you need? What are you asking for? I see on here you have retail, office space, service space and such. All of these are Special Use Permits. This is in the PID zone. I haven't heard of what Special Use Permits he's even asking for.

D. McGoey: Anything that falls under those categories.

T. Hamilton: Did they ask for Special Use Permit for retail, office space and service space and personal services?

D. McGoey: I believe they did.

T. Hamilton: I didn't hear once during the Public Hearing what was going in there. The parking was all figured out?

D. McGoey: Yes.

T. Hamilton: No eating, drinking?

D. McGoey: No eating and drinking.

D. Yanosh: The parking calculations are set up for five thousand square feet for the office space, retail space and service space have the same requirements would be the remaining of the use of the building. We're doing probably the maximum required for any type of building.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: I see some spots here that don't have labels on. I just want to make sure that we're covered for the parking. He said he figured it to the maximum.

D. McGoey: They have to stay within the parking limits.

D. Yanosh: Like I said the office space is one space per three hundred square feet so that's a smaller number. That's less space than you're going to need.

T. Hamilton: Okay so then you're going to be limited to that square footage of office space. I just want to make sure we're covered with what you're listing.

G. Lake: I understand where Mr. Hamilton is coming from.

D. Yanosh: Again, there's no telling what the uses are going to be. We don't have tenants lined up yet. I wish we could.

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

A. Dulgarian: Nay

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Abstain

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES, 1 NAY, 1 ABSTAIN

MOTION for SITE PLAN/SPECIAL USE PERMIT subject to all of Mr. McGoey's comments and this Board's comments made by W. Capozella and seconded by T. Hamilton.

A. Dulgarian: Nay

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Abstain

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES, 1 NAY, 1 ABSTAIN

3. PUBLIC HEARING 7:40 P.M. - **GORDON WALLKILL** - LOT #1 - SITE PLAN/SPECIAL USE PERMIT - Crystal Run Road (60-1-68.1) #78-05

G. Lake: I will ask M. Hun to 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 21st 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 Gordon Wallkill Associates, LLC, for approval of a proposed twenty four thousand square foot medical offices, health related facilities, and office building with parking and ancillary facilities at the premises located at the south side of Crystal Run Road, approximately four hundred feet west of Goshen Turnpike, situated on tax lot no. 60-1-68 under Section 249-38 and 249-40 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: Go ahead.

M. Blustein: My name is Michael Blustein and with me is Daniel Siegel for the applicant.

G. Lake: Bring us up to date since the time.

Unidentified Person: The plans have been revised as per the previous comments from the work sessions. The project is received access from the existing entrance for the adjoining medical office building which fronts on Crystal Run Road. The building will be served by a six inch water service which comes off the existing service running through the entrance road. It will also be serviced by a six inch gravity sewer main running out to the existing sewer main running along the other parcel. The project has been designed in regard to stormwater as per the Department of Environmental Conservation stormwater regulations. The pond has been oversized considerably for water quality treatment purposes. The professional/medical use twenty four thousand square foot building, two-stories. All the parking has been designed as per the more strict parking requirements. There's thirty seven (37) parking spaces to be adjoined to the medical office building and we are providing five (5) extra parking spaces.

G. Lake: Basically there's shared parking going on. Before I go to the Public, I will go through the Board.

A. Dulgarian: Not at this time.

H. Ross: I will wait.

R. Carr: I will wait.

W. Capozella: After the Public.

C. Najac: After the Public.

T. Hamilton: After the Public.

G. Lake: I will open this PUBLIC HEARING at 8:33 P.M. Do we have anybody on this?

MOTION to close this PUBLIC HEARING at 8:34 P.M. 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

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

Unidentified Person: Yes I do.

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

Unidentified Person: Certainly. The first comment the parking was designed on more strict regulations as far as parking for the two uses.

G. Lake: Is the whole building going to be medical?

M. Blustein: It's designed so that because of the parking we put enough parking for the medical use but it could be anything in the office space.

G. Lake: The medical use being the big one.

D. McGoey: You designed it for the parking but you have to say on the cover sheet what those uses are going to be.

G. Lake: Is that going to change the parking calculations?

D. McGoey: No.

Unidentified Person: The landscape plans were submitted. They were revised as per the comments on the landscaping which we received at a work session. The architectural . . .

G. Lake: Which, we just passed around.

Unidentified Person: The setback dimensions. We can show those on the revisions to the plan. I believe it's fifteen foot back from the front property line. We can look into the water service as a preference. We haven't really received any comments from the Water and Sewer Superintendent. I met with the Fire Chief and the actual water service was revised as per that meeting and we will now have a Knox box and the fire hydrant.

D. McGoey: The water service, the Water Superintendent requires basically what I'm asking.

Unidentified Person: We can revise that. It won't cause any hindrance. Item #8, we will provide the cut sheet and detail for the lighting. The additional snow storage, I don't know if the Board has had a chance to look at the auxiliary snow storage we provided.

G. Lake: Mr. McGoey, is that satisfactory?

D. McGoey: I think they have plenty of room on the back of the site for snow storage even though they only show a small area that can be expanded.

T. Hamilton: Is that wet back there that they have to worry about putting the snow back there?

D. McGoey: They have a wetland buffer but they can still put snow there.

A. Dulgarian: In the buffer?

D. McGoey: Sure.

Unidentified Person: I believe we're showing the snow storage outside of the buffer also.

A. Dulgarian: But, he's just saying you may require more area so, I'm just asking.

Unidentified Person: In regard to comment #10 we feel the stormwater quality has been designed so it won't have an impact on that stream if that's something.

D. McGoey: We need more detail because the stream goes right by it. You would never know looking at the Site Plan.

Unidentified Person: We will look at that. Item #11, the Conservation Board comments. The water quality portion of the stormwater pond was, I believe it's over triple sized than what is required by the Department of Environmental Conservation. A good portion of the stormwater runoff is also conveyed through a riprap swale which will move sediments prior to going into the pond. One of our hesitations about additional stormwater treatment because it's more maintenance. The stormwater has also, the pond was designed by New York State Department of Environmental Conservation Regulations and the area of the pond.

G. Lake: You're saying that the retention pond and the stormwater management is about three times the size?

Unidentified Person: Correct

G. Lake: Mr. LaBruna, what did you want?

S. LaBruna: It's basically an additional treatment area by the island. I know it's two or three times required volume. We're concerned about the water quality.

Unidentified Person: The one concern about the bio-retention in the islands is just a portion of it.

S. LaBruna: Basically some landscaping.

G. Lake: Why don't you. We will do it subject to. Meet with the Conservation Board.

Unidentified Person: Absolutely.

G. Lake: This might be a trade off. Take the time on Monday to follow up with them.

Unidentified Person: Okay.

G. Lake: I think that's the best thing to do. I will go through the Board.

A. Dulgarian: Mr. McGoey, did this other lot have it's own stormwater approved?

D. McGoey: No, they couldn't tie it in.

A. Dulgarian: I like this. It is tied into the corner lot as far as everything. I don't think there's anything big there. I have no problem approving this subject to the latest comments and our comments this evening. As far as the stormwater runoff, it is a concern but not a big concern of

mine so, I have no problem approving it subject to.

H. Ross: I'm comfortable with doing it subject to.

R. Carr: I would like to have the landscape architect.

W. Capozella: Nothing further.

C. Najac: Nothing further.

T. Hamilton: Mr. McGoey, the reason I questioned a deli is because the sign is in this lot.

Unidentified Person: I apologize for that.

MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments, this Board's comments and your meeting with the Conservation Committee on Monday made by A. Dulgarian and seconded by R. Carr.

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 SITE PLAN/SPECIAL USE PERMIT subject to all of Mr. McGoey's comments, this Board's comments and your meeting with the Conservation Committee on Monday 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

4. **QUICKWAY** - LOT #10 - SITE PLAN (Re-approval) - Tower Drive (41-1-100.12) #26-00

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

M. Blustein: My name is Michael Blustein.

G. Lake: I guess you're here for a re-approval?

M. Blustein: I guess it's really an extension of an existing approval as opposed to a re-approval.

G. Lake: Okay. Mr. Bacon, do you want to explain this?

J. Bacon: Yes. The Planning Board has (not clear). Then six months expiration would have applied. The Planning Board does not deem the project large in scope then the one year expiration applies.

M. Blustein: As a matter of fact, the larger scale projects you actually give Preliminary Approval and then you have a Public Hearing before the Preliminary then you give the Preliminary Approval and then you have another Public Hearing and you grant Final Approval. Those are the large in scale projects like shopping malls, large apartment buildings. This is one site approval and it clearly calls for a one year approval.

G. Lake: Mr. Bacon and I had a discussion the very next day and Mr. Bacon asked me to put them back on.

J. Bacon: Yes. If this satisfies the Planning Board then you can grant a one year extension.

G. Lake: Any other comments from the Board.

J. Bacon: Yes, the one year extension.

M. Blustein: Mr. Lake, why don't we run it from May 16, 2006 which was when you granted the

Special Use Permit in order to tie them together.

MOTION for a ONE YEAR EXTENSION of SITE PLAN APPROVAL to run from May 16, 2006 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

5. **CHURCH OF INGLESIA EMMANUEL** - SITE PLAN/SPECIAL USE PERMIT (Re-approval) - Cottage Street Extension (40-1-21.2) #35-00

Cancelled.

6. **WALDEN SAVINGS BANK** - SITE PLAN - 2108 Route 302 (8-8-5) #12-06

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

J. Tarolli: My name is John Tarolli and with me is Gill MacKay with Walden Savings Bank.

G. Lake: Since you were here last, why don't you tell the Board what has transpired.

J. Tarolli: We have finalized the Site Plan as best we could in accordance with Mr. McGoey's initial comments. One major element that's different here is that we had a provision for a temporary bank on the site that has since been removed from this application. This is strictly for the removal of the Cuban Restaurant and the house on the adjacent parcel and to use both of those parcels for the construction of the Walden Savings Bank as shown. Essentially, the footprint of the restaurant and the bank are pretty much the same. We touched the plan up and submitted a landscape plan and added a number of details to the plans to answer the recent comments of Mr. McGoey.

G. Lake: You say now the temporary bank is off the site?

J. Tarolli: Yes.

G. Lake: Mr. McGoey, we have (16) comments. Have you had a chance to, or do we need to go through everyone of these?

J. Tarolli: How about we discuss the ones, we agree to all of them except maybe three or four that we need to discuss.

D. McGoey: Why don't we deal with those then.

J. Tarolli: Okay. Items #3 and #4, Mr. MacKay has met with your Highway Superintendent and has worked out an arrangement.

D. McGoey: Do you agree? He wants Creamery Road widened. He wants drainage control at the intersection to control the ponding problem. Are those the things that you talked to him about and agreed?

G. MacKay: Yes. We talked about the twenty five foot taking from the center of Creamery Road. I spoke to John about the drainage. I guess the issue that's coming up, we can put a drainage pipe in front of the property, that's not a problem. I believe Mr. Lippert had said that the Town would put a storm drain at the end to connect to our place and put another drain at the far entranceway but then it would dead-end to the property line and I'm not too sure where it's going to solve the problem.

J. Tarolli: We had . . .

T. Hamilton: Do you have his comments?

J. Tarolli: We don't have those with us.

T. Hamilton: Do you want to take a look at them?

J. Tarolli: I think rather than take the Board's time, Mr. MacKay met with Mr. Lippert and they talked about a number of issues. There's a certain amount that we can do. We will satisfy Mr. Lippert. I'm not saying we will do the drainage work or pave on Creamery. There are certain things we are going to do on Creamery Road but we need to apparently discuss it with him once more.

G. Lake: Not to be a pain but to leave that much out hanging. I personally and I don't know how the rest of the Board feels, I don't mind doing it subject to if you're telling me you will work with Mr. Lippert and our engineer's out there and do what we ask any other applicant to do. I don't think I could recommend to the Board to negotiate something and we don't know what that is.

G. MacKay: I will tell you that the bank will give the land, that's not a problem. We are putting a drainage pipe in front. We don't have a problem relieving some of the drainage for ourselves but once again we don't want to run it all the way down the road obviously.

G. Lake: And, I don't think. This Board doesn't ask people to do that and I don't think Mr. Lippert is asking that.

J. Tarolli: The way we would like to leave it is in the end Mr. Lippert has to sign off on our Final Site Plan. So, at worst we're going to do everything he says in his letter. From our initial meeting we didn't think that all of these items needed to be done. That's a little more than we came away with so, we need one more opportunity to talk to Mr. Lippert and in the worst case, we're going to do everything he's got in his letter. He made concede and work with us and back off on a few items. If not, we don't come back with his letter of clearance you're not going to sign the plan.

T. Hamilton: We usually wait for Mr. Lippert to tell us, yes he's satisfied with what he sees on the plans. That then becomes part of our approval. I think we should get this straightened out with Mr. Lippert before.

J. Tarolli: The problem we have, if it were restricted to Creamery Road we probably would do the extra pavement. He's thrown us down the State right-of-way. He's putting us back six months in time. We put a pipe in the State right-of-way, we do paving up the edge of the State right-of-way. Where we have an entrance now from Creamery Road. We also have an entrance on our site that has been used. He's asking us to do work in a State right-of-way which really hurts the bank. That's the problem we have, not that we don't want to do that.

We would like to negotiate with him and perhaps we can negotiate to put a bond up to do that work and when and if it gets approval by the State, it will go in, something along those lines.

T. Hamilton: We need that in writing.

G. Lake: I have to apologize to you. I know what you're saying when you get involved with the State. Mr. McGoey, let's come back to that.

J. Tarolli: We're down to item #8 and we will leave that for now. The sidewalk issue. Item #9, there's a note on the plan about the existing pole. Right above the pole you will see a note that says provide underground service and remove this pole.

D. McGoey: Okay.

J. Tarolli: Item #10, the signs will be labeled and we will put a stop sign at Route 302. Item #11, the dumpster we have a detail. They would like to put the dumpster and take it to the very back of the parking lot with a generator they're going to supply with an enclosure and the buried fuel tanks. Put all three at the very back here and do a landscape island.

D. McGoey: We just need to see it on the Site Plan.

J. Tarolli: We will show that. The landscape plan will be modified to show the one large structure and will be suitably landscaped. We will consecutively number the plans. The lighting fixture, I think you were looking for the one under the . . .

D. McGoey: Canopy.

J. Tarolli: We did submit it to MaryLynn but it may not have gotten to you.

D. McGoey: You need to transpose this on the plan.

J. Tarolli: No problem. Did Eustance & Horowitz send you a letter on the sewer?

M. Hunt: No.

J. Tarolli: I apologize. He assured me two weeks ago that he would get it to you. The landscape architect, we don't have any current comments. Did you get comments today?

D. McGoey: No. They were supposed to be here. We will get them to you as soon as possible.

J. Tarolli: Instead of concrete monuments, the code doesn't provide for it but we will put an iron pin. There are a few corners not marked and we'll amend the Site Plan and the corners will be set.

D. McGoey: They should be concrete. We require everybody to use concrete.

J. Tarolli: You may require it but for Site Plan, for new subdivision lots, they're required.

D. McGoey: The Planning Board requires it.

G. Lake: If they're not there, you can put them in.

J. Tarolli: Between concrete and iron pins, that's the point.

G. Lake: You're talking in the front, right?

D. McGoey: Right-of-way, State right-of-way and the Town right-of-way and then the back corners of the property iron pins.

J. Tarolli: Okay. The problem we have in the Town right-of-way the deeds call for iron pins. It's not appropriate to pull something that's in a deed and replace it with a concrete monument. If it's a new lot that you're creating to put the concrete monuments is fine because you're creating the

corners. Any unmarked corner we can mark with a pin, that's no problem.

D. McGoey: Mark those concrete monuments if it fronts on a Town or State road.

J. Tarolli: So, the only one that's missing is the one near the neighbor's driveway which encroaches so we can't put a concrete monument there. The other one is marked by deed, as shown with an iron pin on Creamery Road. Now, when we give the Town a new strip, we will have something down here.

D. McGoey: Okay. Sidewalks? I don't think there are any sidewalks out there now.

J. Tarolli: No.

A. Dulgarian: Hopefully it's going to generate a lot of traffic and it is a safety issue.

J. Tarolli: Let me comment for the applicant here. In this section, from the gas station to Eustance & Horowitz, all the lots are developed. There are virtually no vacant lots so, if you put them on one and none of those other lots are going to likely come back unless they have restaurants that go bad, for Site Plan approval you're going to have a stretch of sidewalk with nothing else. The appropriate way to do this, the Master Plan says this is a good idea. The Town can form a sidewalk district and they can be bonded over a period of time. If all the property owners say no it's not to our advantage. The Master Plan is a good idea but maybe it shouldn't be done but there's a good appropriate way to do it once and for all have a district that maintains it, shovels it, keeps it in a proper working condition and you have participants. To do it in this section it will be a dead-end piece of sidewalk that will not likely be shoveled and there are no vacant lots here. I don't think it makes sense to make them do it when everybody else is built and not likely to do it.

C. Najac: Wouldn't it be nice to do it anyway?

J. Tarolli: Yes, but it's not going anywhere.

G. Lake: Let me go through the Board and let me see what they want to do.

A. Dulgarian: I am a big supporter of sidewalks and this particular one I could be on the offense. He brings up some very good points. When we did it in front of Price Chopper and stuff we do have the opportunity add to that in the very near future. At this particular project yes, maybe not. If I had to make a decision tonight I would say it really doesn't need it. The house being knocked on the corner, you just have a little landscape feature out there on the corner?

J. Tarolli: Yes.

A. Dulgarian: I think this will be a good project. My only qualm, if you will, and I agree with Mr. Hamilton that subject to. I don't know that we have all the information from Mr. Lippert.

H. Ross: I agree with Mr. Dulgarian on that subject to the Highway Superintendent. I think putting sidewalks on this site will be setting a precedent.

R. Carr: I certainly think sidewalks are a good idea. He did bring up a good point but I don't know if anything else would ever happen. And maybe it's something the Town Board should look at. My biggest concern and I don't know what the solution is either is the additional traffic at that location. I don't know what can be done on that. As far as the project goes, I like the project and I would like the landscape architect to review it. I think it would be a nice looking project. I could go either way on the sidewalks.

W. Capozella: Sidewalks. In all honesty, I don't see the overall advantage of a sidewalk going to nothing. Normally I would say sidewalks but I kind of like sometimes in country and rural areas not to have sidewalks and I don't see the advantage on Route 302 at this point. The rest of the project I have no issues.

C. Najac: Overall I like the project. I have a couple of other questions. This is one of the sections (not clear). As far as people using sidewalks there, kids live on the road across the street that run across the street and maybe we do need sidewalks. I know at this point we don't have the okay from the State. Yes, everything is built up already and unless somebody comes back in we can't force them to and I personally will get to the Town Board and in fact, I think I'll ask this Board to write a letter to the Town Board stating that we want the Town to make a decision as to whether or not we want to push for sidewalks. There's good and bad and I see your point and I'm glad you brought it up. I do have a question on your sewer system.

J. Tarolli: Yes.

C. Najac: You're removing the existing septic tank?

J. Tarolli: There are two sewer systems so we only need one of them. We've demonstrated to the Town's engineer that the one under the parking lot, call H2O, means it can take a garbage truck without flushing. That system is more than adequate for the bank including a one hundred percent reserve area because the employees use a very limited amount of water during the day. The restaurant used a large amount so they actually had two systems.

C. Najac: What septic system?

J. Tarolli: One system is more than adequate and that's the letter we expect to get from Mr. DeWinter saying he's reviewed it and it's acceptable.

C. Najac: That's my question.

J. Tarolli: It percolates into the soil.

G. Lake: The one in the parking lot is sturdier. I also used one very similar to that right next door.

J. Tarolli: In fact, Eustance & Horowitz certified that it was built in accordance with the approved plan prior to them getting their Certificate of Occupancy.

T. Hamilton: I think on the sidewalk end, I think the best route to go in that area is to have the Town Board to do some type of a sidewalk district especially since the Town Board has a nice new road that goes into the Town Park, Creamery Road that goes into the Town Park. Neither one has a sidewalk on it and there are a lot of kids that walk to the park. And, as far as waiting for the State on Route 302 there's no reason why we couldn't get the applicant to reserve a portion of his property off the State right-of-way to run a sidewalk like we did for the Banta project. The making of a district in that area is the only way to go.

G. Lake: As far as the sidewalks go, I'm on the same as Mr. Hamilton basically. We have asked the Town Board in the past about doing sidewalk districts and it hasn't been done, and we can do it again. I can tell you years back there was a big movement in Circleville for sidewalks and I can't tell you why they weren't done but it was shot down by all kinds of people.

T. Hamilton: It was the maintenance and the liability concerns.

G. Lake: At this point, I said in the beginning if the Town was to go out and form a district, it would make sense. That's our biggest problem throughout the Town and that's why we have all piece meal sidewalks. In Circleville, I don't think it makes any sense. As far as the traffic issue, I don't have a problem letting Mr. McGoey make sure that the Highway Superintendent is getting what he wants. It's up to you. If you decide to table it on that one factor, you're talking . . .

A. Dulgarian: If you're comfortable subject to Mr. McGoey . . .

G. Lake: Yes. I think Mr. McGoey knows what this Board wants. It's an engineering thing. I wish I had talked to Mr. Lippert more about it and unfortunately two things happened. The same with the landscape architect, we can do that subject to but. Our experts have to realize we can't get things two minutes before a meeting either. I'm not trying to pick on anybody but it's not fair to the applicant's either. Unless you want to throw another meeting in, otherwise this goes to September on that one issue. It's up to you on what you want to do. I think Mr. McGoey has the capability and if you want Mr. Hamilton there to go over it with Mr. McGoey in this case.

A. Dulgarian: I will agree to that.

J. Tarolli: We have an opportunity based on your procedure and if not we will come back in

October.

MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments and this Board's comments and working out the traffic mitigation with Mr. McGoey, Mr. Hamilton and Mr. Lippert 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

MOTION for SITE PLAN approval subject to all of Mr. McGoey's comments, this Board's comments and working out the traffic mitigation with Mr. McGoey, Mr. Hamilton and Mr. Lippert 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

7. **MATULLO** - 2 LOT SUBDIVISION & SITE PLAN - Howells Road (49-1-25.42) #28-06

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

D. Yanosh: My name is Dan Yanosh, surveyor for the applicant.

G. Lake: Go ahead.

D. Yanosh: He has a 4.37 acre parcel on Howells Road which was subdivided back in 1986. He has a sheet metal business. He does sheeting and air conditioning. The existing building would be on lot #2, 2.28 in the Highway Commercial zone and lot #1 would be 2.09 acres. We meet the zoning requirements for the lots. One of Mr. McGoey's comments was the Site Plan for the building on the property and I talked to Mr. Matullo and he's not really interested in doing it now. He would rather just subdivide it in half and if a buyer comes along it would be the buyer's responsibility to do a Site Plan. We will do some soils testing out there to make sure the property can sustain a septic system for that lot for as many people as we're going to need and we will have to limit the use. All he's looking to do now is a commercial two lot subdivision. I have a note on the plan, note #8 that states that we're going to show a proposed building and driveway, parking, septic and well but again, in the event that someone wants to come back for Site Plan it notes that he has to come back here for Site Plan approval.

G. Lake: Mr. Yanosh, you mentioned this is in a commercial zone?

D. Yanosh: Highway Commercial Zone.

G. Lake: That wasn't changed from MI?

D. Yanosh: No. It's been Highway Commercial forever.

A. Dulgarian: Is this right next to 5 L's?

D. Yanosh: Yes.

G. Lake: I was just under the impression it got changed. I will go through the Board.

A. Dulgarian: Mr. Yanosh, are you sure this is not a mistake? That line looks like it runs down the center of the property. How come there is a well in the back, is it existing?

D. Yanosh: It was probably when they moved the house.

A. Dulgarian: We just talked about a subdivision but not going on with the intent of the additional building.

H. Ross: I have no problem.

R. Carr: I have no problem.

W. Capozella: I have no problem.

C. Najac: Nothing.

T. Hamilton: It's just a subdivision.

G. Lake: Mr. McGoey's comments?

D. Yanosh: Septic review from Eustance & Horowitz and giving the plan to Mr. Lippert about the widening of the road in case.

D. McGoey: And, take the proposed building off the subdivision.

D. Yanosh: Do you want to keep this in your files?

D. McGoey: Yes.

D. Yanosh: So, I will take #8 off the plan.

T. Hamilton: The septic system?

D. Yanosh: I have to go to Eustance & Horowitz and design a septic system for it.

T. Hamilton: Yes, but we don't know what the use is. How do you design it if you don't know what the use is?

D. McGoey: He's showing a sketch plan use so at least we know it's good for that.

T. Hamilton: Okay.

G. Lake: He would have to come back anyway.

T. Hamilton: Just so that the applicant knows that if he's coming in with a different use he might have to re-design the septic.

D. Yanosh: Correct. Again, the percolation rate will say how many people we can have on that site.

MOTION for a NEGATIVE DECLARATION 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

MOTION for 2 LOT SUBDIVISION approval 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

8. **DECKER RESTORATION** - SITE PLAN/SPECIAL USE PERMIT - Bloomingburg Road
(3-1-33.1) #109-05

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

T. Gottlieb: My name is Timothy Gottlieb from the office of Joseph Gottlieb, Professional Engineer. I'm Bruce Decker.

G. Lake: Okay. Tell us what you want to do.

T. Gottlieb: What we're proposing is the construction of two model log homes. Mr. Decker has a franchise for log homes and he would like to have two models up at the rear of the property. It's in the Blue Flame Propane building. He has an office in that building.

G. Lake: So, you're basically going on the same lot or on a separate lot?

T. Gottlieb: On the same lot.

G. Lake: Isn't there a warehouse of some kind there?

D. McGoey: There's a body shop going in there.

G. Lake: A body shop also?

D. McGoey: Yes. If you read my field review comments, it's item #13.

G. Lake: Yes, I saw that. There's also a couple of signs on the building. One of them is media plastic and quick strip. I have no idea what that is. And, a Falk Davis Restoration.

D. McGoey: What you're doing is body work on cars?

T. Gottlieb: No.

G. Lake: Let me tell you something. First off, unfortunately there is a certain amount of history with this. I know there was an insulating business.

Mr. Decker: I had that warehouse.

G. Lake: Now, there are a couple of other uses. Basically, you're going to have to get back to another work session. You're going to have to define everything that is there. You will have to meet the parking regulations and do a regular Site Plan for what uses are there, and then you're going to have to make sure those uses fit in the zone. There's an auto dealership of some kind or somebody rebuilding cars or doing auto body work. You don't have an approval for that.

Mr. Decker: It has nothing to do with me.

G. Lake: It's one property. I will go through the Board. As far as taking action, we can't.

T. Gottlieb: That, we understand.

G. Lake: I will go through the Board.

A. Dulgarian: My concern would be the view from Route 17. I understand what he wants to do and it can be done well. My issue is about the number of uses existing on this piece of property and the other thing would be what type of signage. Obviously, he's trying to pull off Route 17 so, what's that going to end up looking like.

Mr. Decker: We are near Exit 118.

H. Ross: The multiple uses I have a concern.

R. Carr: Initially when I looked at this, the log homes would look great but the rest of the property with cars, etc. is less appealing. The other problem that I see is you're going to be having traffic passing a propane tank. And, you're taking trees down in the buffer in the back of the property.

T. Gottlieb: Most of those trees are of small calliper, there's not a lot of big ones.

R. Carr: I'm concerned about not seeing that building from Route 17.

T. Gottlieb: We had planned on providing a landscaping plan.

Mr. Decker: I want it to look nice, also.

W. Capozella: I have a couple of things that I would like you to address as far as the models go. Some type of maintenance agreement or something because they're not really homes. You're going to have to take care of them or something like that. I know it's up to you to take care of them.

Mr. Decker: I'm trying to attract customers.

W. Capozella: Right. The other thing is, I don't know if you should address it or not. What if you do go out of business and there's a couple of shells there, what happens to those? Do they get torn down? Do they get built into homes? We may get stuck with something that's not really a home. It's something to address. That's my concern, it's not like I'm against it. I understand the concept of what you're trying to do.

G. Lake: Anything else, Mr. Capozella?

W. Capozella: No.

C. Najac: I am concerned about the traffic near the propane tank.

T. Gottlieb: We could probably look at that and put a divider or something that will protect it. Is it a safety issue?

W. Capozella: I would say, yes.

T. Hamilton: My first question is how does this fit in the zoning, building homes. I don't see anything that lists that type of use. I mean, where does it fit and where does it say it can be done.

T. Gottlieb: If it's a Special Use Permit you can put a condition on it that if the business goes belly up (not clear).

T. Hamilton: I don't see where it's even listed as a use in that area.

G. Lake: I think you heard the Board's concerns and Mr. Hamilton is right as far as just up the road on the other side we have four or five places that started out the same way and ended up with people living in them. I think you have a lot of work to do yet. As I said, we do have a lot of history on this property. I would say get back to another work session and we will try and get a couple of members there and in between now, you don't own this property?

Mr. Decker: No.

G. Lake: You're going to have to get a . . .

T. Gottlieb: I have a land lease pending approval.

G. Lake: You will need an owner's endorsement to be here.

T. Gottlieb: I did that.

G. Lake: I wasn't sure.

S. LaBruna: You also need to show the wetlands on the site.

T. Gottlieb: It basically follows that little swale in the back.

S. LaBruna: Yes. I figured it would.

A. Dulgarian: You said, there's no water or electric in these?

Mr. Decker: Electric. I'm going to put in lighting.

A. Dulgarian: There's no water?

Mr. Decker: No.

A. Dulgarian: Where's your office?

Mr. Decker: It's right by the gate on the way in.

A. Dulgarian: So, you're office is going to be in that building?

Mr. Decker: Yes.

MOTION to TABLE for further review made by A. Dulgarian 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

9. **SPENSIERI** - SITE PLAN/SPECIAL USE PERMIT - Bloomingburg Road (4-4-4) #08-05

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

M. Sandor: My name is Michael Sandor with MJS Engineering. I'm here representing the applicant who owns this property. This property used to be an electrical motor business.

H. Ross: Isn't this they were working on and the Building Inspector came and shut them down, is that the one?

M. Sandor: No. Actually we had an application before the Planning Board several months ago and we were back and forth with Mr. McGoey. Let me explain. There was damage at the back of the building.

T. Hamilton: Then, you remodeled the front.

M. Sandor: Well, what we wanted to do was to stabilize the building and we had a permit to put a new roof on it and do the structural work. I believe we also got a permit to finish putting the windows in and finish the building out.

G. Lake: What does he want to do with it?

M. Sandor: He wants to create office space. It's an existing building. There's broken pavement in the front that will be redone. There is an access to the back of the building. I do have an elevation which has also been submitted to the Building Department. This would be what the front would look like. Architectural plans have been submitted to the Building Department. I received Mr. McGoey's comments and I guess just reviewing them. I have no problem with any of those comments except I just want to clarify #3. There is an access driveway on the side of the property that's existing to access the roll up door to the basement

portion to the property. The property drops off and there is an access to the back of the property.

G. Lake: What are you going to use that for?

M. Sandor: Just to access the storage from the basement. That would not be an occupied spot of the building, just for storage. The landscaping plan, I took a look into it. Landscaping is proposed along the left hand property line as well as on the right side of the building. There's really no other room for the landscaping.

A. Dulgarian: What is in the back of that building right now?

M. Sandor: It's just a couple of big trees. I haven't been out there in three months or so.

D. McGoey: There's construction debris on the site.

A. Dulgarian: I know the property but this is one of those projects that you could put the front in the rear and have one handicap spot in the front. Nobody has to back out on to Route 17. Here's our opportunity to fix this up front and I would love to see the parking in the back. It would be a whole lot safer.

R. Carr: The building isn't that far off from the road.

W. Capozella: Other than the other comments, I have nothing.

C. Najac: No comments.

T. Hamilton: I have a concern about driving over the septic.

D. McGoey: It's under their existing parking lot.

G. Lake: The one they put in there I would assume was for an office. I have to agree with Mr. Dulgarian. If you're going to put an office on this, first off there are a lot of comments to be resolved none of which seem serious. My own personal opinion, it's just a safety issue and an opportunity on this to pull out straight look up right and left and go instead of backing onto the County road.

M. Sandor: I may get other spots back there. I have one spot back there already, maybe I can get a couple more but I have to review it again.

G. Lake: I don't know how the rest of the Board feels.

T. Hamilton: Maybe look at where he's filling in that pond, also.

G. Lake: Do you want him to take another look? Take a look at it and get back to Mr. McGoey and we will get you back on as soon as possible.

M. Sandor: Okay.

MOTION to TABLE for further review made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

C. Najac: Aye

W. Capozella: Aye

TOWN OF WALLKILL PLANNING BOARD

JUNE 21, 2006

G. Lake: Aye

MOTION CARRIED. 7 AYES