

TOWN OF WALLKILL PLANNING BOARD

MEETING

JULY 5, 2006

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

MEMBERS ABSENT: T. Hamilton

OTHERS PRESENT: J. Bacon, D. McGoey, S. LaBruna

1. PUBLIC HEARING 7:30 P.M. - SCENIC VIEW - 2 LOT SUBDIVISION - Scotchtown
Collabar Road (19-1-8.12) #47-03

G. Lake: Public Hearing started at 7:35 P.M. 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 5th day of July 2006 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Scenic View Developers, Inc., for approval of a two lot subdivision north of Cross Road on Leif Haven Court under Section 249-19 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: Did we receive the mailings?

M. Hunt: Not yet.

G. Lake: Do you have your mailings?

W. Norton: Yes sir.

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

W. Norton: My name is William Norton representing the applicant.

G. Lake: Bring the Board up to speed what you've done since the last time you were here and what

you want to do.

W. Norton: Basically, this is a lot in an existing subdivision that originally was seventy eight acres in size. What has happened since is the subdivision, the subdivision to the north of us has dedicated a road to the Town which is Leif Haven Court and the developer would like to cut the line off on the back of the existing lot (not clear). The subdivision shows a proposed road.

G. Lake: The remaining land in the back, what's your plans for that right now?

W. Norton: We brought a future subdivision plan which shows the existing subdivision to the north, the proposed subdivision to the south. Our subdivision that we previously had approved and we showed the proposed future road as well as an alternate road. We're basically showing an additional seven lots on the proposed.

G. Lake: But that's not for this time.

W. Norton: No.

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

A. Dulgarian: Nothing.

H. Ross: Nothing.

R. Carr: I will wait.

W. Capozella: I will wait.

C. Najac: I will wait.

G. Lake: Is there anyone from the Public who wishes to comment on this application?

J. Macagne: I'm with Cross View Realty. I am the project that's next door to him and I would just like to look at this map and see what his future plans are. I just want to thank the Board because I just would like to see what in the future would be happening and how this developer plans on using his property. That's it. Thank you.

Dr. Rosenberg: Good evening.

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

Dr. Rosenberg: For the record my name is Dr. Frieda Rosenberg at 93 Elise Drive, Middletown, New York. I just want to go on Public record because I haven't had a chance to see any of these changes although we did come in to Town Hall, my husband and I, about two weeks ago and I wasn't able to see that. I just want to go on record on behalf of our entire community. There are twenty six homes between Melissa Drive and Elise Drive that we are absolutely opposed to making that a Public thoroughfare. We have probably well over fifty (50) little children on the road and I just hope that the Planning Board seeks alternate routes as opposed to disturbing a situation that would be a safety situation in addition to the wetlands that now exists.

G. Lake: Just take note that right now that green section is not proposed. All he's doing is a two lot subdivision and when and if they do come back that it will go back to a Public Hearing because of the pre-existing and multiple lots.

Dr. Rosenberg: Thank you.

G. Lake: So, the Public will know when that does come back.

Dr. Rosenberg: I appreciate that.

MOTION to close this PUBLIC HEARING at 7:40 P.M. made by R. Carr and seconded by W. Capozella.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

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

W. Norton: Yes.

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

W. Norton: Basically the only major comment was the wording on note #5 which talks about the language on the reservation for the future road. I think it's something that the Town Attorney can hash out.

D. McGoey: Does your client have a problem?

W. Norton: Changing the language? The language that's on there now is the language that was on the original final subdivision map.

G. Lake: Let me go through the Board.

A. Dulgarian: I have nothing else on the subdivision.

H. Ross: Nothing on the subdivision.

R. Carr: Nothing.

W. Capozella: I guess just the subdivision is a build-able lot or something and it can't be further subdivided, the one that's 7.4 acres?

D. McGoey: It can be further subdivided.

W. Capozella: It can be further subdivided even after?

G. Lake: You're talking about the remaining seventy three acres?

W. Capozella: No, the 7.4 acres. The one he's splitting off now.

D. McGoey: I'm sorry, the answer would be no.

G. Lake: Anything else, Mr. Capozella?

W. Capozella: No.

C. Najac: Nothing on the subdivision but I would like to see these two guys work together on the proposed road.

G. Lake: Again, right now it will go through a full review when and if like it was brand new. There would be Public Hearings, the whole nine yards and everybody would know about it. Notices would be sent out again just like they are now. All we're doing now is a two lot subdivision.

C. Najac: What happens if the proposed road does not go through?

W. Norton: All of this is being done in the hopes that they get the future road.

C. Najac: If they don't get the future road?

W. Norton: Then we have a seventy acre lot.

C. Najac: Then you have a seventy acre lot that you can't do anything with. Don't we have a limit on the length of the cul-de-sac?

W. Norton: We have footage on Elise Drive that borders our property. It is a Town road so it could be used as one building lot.

C. Najac: I'm just trying to look at the big picture and not little pieces at a time. I just want to be sure there may be other options.

G. Lake: This was in quite a while ago. How this came about is we have three individuals wants to do something and we want to make sure that we just didn't have forty driveways jumping down on Scotchtown Collabar Road.

C. Najac: Not clear.

G. Lake: At the time there wasn't anything proposed to connect it.

C. Najac: No, but what I mean the other properties from that point.

G. Lake: So we got them all together to see what could be done and couldn't be done and just trying to make sure that a certain amount of safety could be built in at this point and that we can still build on.

MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments and then straightening out the language made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for a 2 LOT SUBDIVISION subject to all of Mr. McGoey's comments and then straightening out the language made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

2. **SAWKA** - 5 LOT SUBDIVISION (Extension to Final) - Hubbard Road (6-1-24.23) #48-02

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

E. Johnson: My name is Ernest Johnson representing the applicant. We're looking for an extension on this five lot subdivision on Hubbard Road. What happened was we had a maintenance agreement on part of the road that had to go through before we could do any of the other stuff. It was sent through the other Attorney and I lost tract. Your new Attorney got it all straightened out and now we're at the point where we have to get the septic signed off by Eustance & Horowitz.

G. Lake: Mr. Bacon, are you satisfied that we can give him an extension?

J. Bacon: Yes.

G. Lake: Let me go through the Board.

A. Dulgarian: If he's entitled to it then I would recommend it. I have no problem.

H. Ross: I have no problem.

R. Carr: I have no problem.

W. Capozella: I have no problem.

C. Najac: I have no problem.

G. Lake: Mr. Bacon? He had his letter in before tonight's meeting.

J. Bacon: No problem then.

MOTION for a SIX MONTH EXTENSION to FINAL made by H. Ross and seconded by W. Capozella.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

3. **FIORILLO** - 2 FAMILY - SITE PLAN/SPECIAL USE PERMIT - 24 Mud Mills Road (49-1-17) #29-06

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

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

G. Lake: Go ahead.

D. Yanosh: This is a request for a two-family house in the R-2 zone on Mud Mills Road. The lot acreage is .708 acres. This lot was created by a subdivision approved by this Board in 1994. The old zoning back then was ninety foot of frontage and a smaller lot size. He has a Special Use Permit for a two-family house but since the zoning has been changed over the years, we need some variances from the Zoning Board of Appeals before we can proceed any further.

G. Lake: Let me go through the Board.

A. Dulgarian: I think it's very ambitious for that size lot. I understand the wanting of a two-family home. My other concern is that the accessory building when ever you get into a two-family home, the accessory building would have to be accessory to something.

H. Ross: I'm concerned about the lot size.

R. Carr: Are there any other two-families?

D. Yanosh: I'm sure.

G. Lake: I know you have to go to the Zoning Board of Appeals. Mr. McGoey's comments?

D. Yanosh: No problem.

G. Lake: Again, you heard the Board. You can maybe get the variances from the Zoning Board however, it does not mean this Board necessarily has to go along with them.

D. Yanosh: Correct.

G. Lake: They may give it to you but I just want everybody to know right now that this Board might not. I just want to make sure that's up front and everybody knows that.

D. McGoey: I have one more thing. That barn constitutes a space and it is non-conforming.

D. Yanosh: That's another variance we would be seeking. We thought about tearing it down but it does have some sort of value. It's a nice old barn. If she wants to fix it up a little bit or do something with it but before we come back we will see what we can do with that barn.

G. Lake: Can we send him to the Zoning Board of Appeals?

D. McGoey: If you want to refer him to the Zoning Board of Appeals with a recommendation.

A. Dulgarian: We will send you and you will either get a denial or a referral.

D. Yanosh: I went to the Building Department and we already have a referral to the Zoning Board of Appeals. We have an application in to them already, yes.

MOTION to TABLE for further review until action from the Zoning Board of Appeals made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

4. **COUNTRYSIDE MEADOWS** - 13 LOT SUBDIVISION - Preliminary - Shawangunk Road (3-1-12.32) #26-04

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

L. Torro: My name is Lawrence Torro representing the applicant. The last time we were here one of the issues that was requested was that we meet with the Conservation Commission for suggestions and recommendations which we've incorporated into the plans. We met with the Highway Department and we incorporated what he needed into the plans.

G. Lake: Mr. LaBruna, I know you did meet. Do you have any further comments on this?

S. LaBruna: I will go over a little bit on what we talked about.

G. Lake: I think you were one of the main reasons we tabled him.

S. LaBruna: I appreciate that. First off, we discussed the feasibility of doing something a little different on the site. Everyone was a little wary on the way it was so we were looking to do a conservation subdivision as was discussed with the Planner for the Town. We had mentioned the possibility of using a shared septic system for this project. In this case, with the number of units on the site it wasn't really feasible. We discussed a number of other ways to protect the wetlands on the site one of which was signage that would explain that no further disturbance of the wetlands would take place. It was important because we understood that only a tenth of an acre was going to be disturbed but everybody felt that the way it was being subdivided we were going to have further disturbance down the road and we felt additional signage might help that. We discussed additional culverts in areas where the driveways were crossing the wetland areas and we also discussed a different type of septic system. I'm not really familiar with the new types. What we want is to have it placed at fifty foot intervals to the wetlands and the commission also felt it would also put the homeowners on notice that there was a wetland and it was protected and we would come up with some language for that as well. And in the cul-de-sac, there was some additional driveway culverts instead of a one eighteen inch culvert in order to keep continuity of the water flow. The septic systems closer to the wetlands from the other ones but we incorporated what is called the Elgin system which is approved by the Orange County Health Department and because of the design of the system it takes up less area so we were able to move it in away from the wetland limits and the limited disturbance around the wetlands on those specific lots.

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

L. Torro: Yes I do.

G. Lake: Go ahead.

L. Torro: The additional detailing on the widening from the Department of Public Works. As far as locating the swales . . .

G. Lake: Have you met with Mr. Lippert on that?

L. Torro: Yes. He was on the site and also issued a memo that it was acceptable. The Drainage District the Town will have to work out.

G. Lake: Does the Highway Superintendent want that?

L. Torro: Because we're utilizing the swales there's no need for a detention facility. It seems he that he was okay with not a district but I mean we will try to get something in writing from him on that.

G. Lake: Okay.

D. McGoey: He was concerned about the maintenance of the proposed water dry swales.

L. Torro: I'm a little confused. When I spoke to him in the field the memo he issued that day was acceptable and now I see the comment today. I don't know if he's seen the latest plans or somebody else is reviewing the plans with him. I don't know if they've spoken in a while. In his memo he indicated that the swales were acceptable.

G. Lake: Mr. McGoey, that's something he can get straightened out?

D. McGoey: Yes.

G. Lake: The monuments?

L. Torro: That's fine. We will just label each individual one.

G. Lake: The site distance?

L. Torro: As far as the certification on the horizontal and vertical datum we have the information on it. The standard certification we will get from Mr. McGoey.

G. Lake: Let me go through the Board.

A. Dulgarian: What kind of lighting will we have?

D. McGoey: The street lighting detail? Are you going to have a street lighting district?

L. Torro: Actually we didn't know if we were going to do a lighting district or not. That was one of the issues we were going to go to the Town Board with before Final. If we require a district then obviously we will do the standard lighting, whatever is required.

H. Ross: I agree on the lighting for safety.

R. Carr: This has been around for a long time and you've done a lot. I really feel you're pushing a lot of different homes in there. I think it's a lot to put in there.

W. Capozella: Is there curbing?

L. Torro: No curbing in the cul-de-sac.

C. Najac: The lighting issue. I believe in the lighting as a safety issue. I would like the lighting to become part of it. A lot of the homes are set way back. Lot width along the roadway all the way down to the cul-de-sac, I see fifty one feet.

L. Torro: The minimum frontage required is fifty feet but the lot width is measured at the house.

A. Dulgarian: In the RA people like to go to bed earlier. I don't know much about that but it's in a very rural area. I don't think it's needed out there either but I also think of it as a safety issue with people coming home especially during the winter time. I don't know whether there's a way to put a timing on the lighting system.

G. Lake: Most of the time we're not looking at forty or fifty feet apart. We're probably looking right at the end on most cul-de-sacs unless it's in a heavily populated area. We've always sent it to the Town Board as a safety issue. Anything else, Mr. Dulgarian?

A. Dulgarian: No.

G. Lake: Yes, this has been around for a long time. Do you want the lighting district, that's historically what we've done?

A. Dulgarian: It is a safety issue.

R. Carr: I would say yes.

W. Capozella: Yes.

C. Najac: Yes.

G. Lake: They would go to the Town Board, right?

D. McGoey: Yes.

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

W. Capozella: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for PRELIMINARY 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

W. Capozella: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

5. **STAPLES** - 2 FAMILY - SITE PLAN/SPECIAL USE PERMIT - 8 Clark Street (52-4-6)
#99-05

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

K. Staples: My name is Katharine Staples and with me is my husband John.

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

K. Staples: I want to make our house a legal two-family.

G. Lake: Now, you say legal two-family. Is it already a two-family?

J. Staples: We bought it as a mother-daughter.

K. Staples: We bought it as a mother-daughter.

G. Lake: It was that way when you bought it?

K. Staples: When we bought it. We haven't changed anything about it. We wanted to put a deck on the back of the house and went before the Zoning Board of Appeals last year and the Building Inspector came back and said it was a two-family house and it has to be brought up to legal status before they would issue a permit for the deck. We got the variance for the deck and last month we got the variance for the lot size. We came here in between and weren't supposed to be here and had to go back to the Zoning Board of Appeals and now we're back here again.

G. Lake: And, that's all that you went to the Zoning Board of Appeals for?

K. Staples: Yes.

G. Lake: Basically it was already a two-family?

K. Staples: Yes.

G. Lake: I will go through the Board.

A. Dulgarian: I understand the situation that they're in and I really feel for them and they tried to do everything right. They did absolutely nothing wrong. They went through the proper procedures for the deck but I can't be partial to approving a two-family on a lot size that small.

K. Staples: It's been that way for eight years and hasn't been a problem.

A. Dulgarian: I'm just saying the precedence it would set for me as one Board member to vote for a two-family on a sixty foot lot and that is my problem.

H. Ross: It is a small lot for a two-family.

R. Carr: I wouldn't have a problem.

W. Capozella: I do have a problem with it and I understand the circumstances. The fact that it is pre-existing and probably other homes out there that are pre-existing with a second kitchen. The problem is that there may be other homes in the area that never got approval for the same situation.

That's my feeling right now and that's what I'm afraid of.

K. Staples: We won't be able to build the deck without approval.

W. Capozella: Whether we make it a two-family or one-family.

J. Staples: The deck has been approved by the Zoning Board of Appeals and the Building Inspector turned it down because it wasn't a legal two-family.

G. Lake: We still have to schedule a Public Hearing for this. If it gets denied, the second apartment has to go.

K. Staples: When the house was sold to us and because we had an entrance into the other section of the house it was perfectly okay.

G. Lake: Let me finish with the Board.

C. Najac: I didn't know the story and I feel for them.

K. Staples: The house next door is two-family also and that's legal.

A. Dulgarian: That's legal?

K. Staples: The house next door, yes. It's closer to the lake.

G. Lake: Okay. We will have to schedule a Public Hearing.

D. McGoey: I'm a little confused by the variances. First you have a variance for a two-family dwelling?

K. Staples: Because of the lot size. That's why we were in front of the Zoning Board of Appeals.

G. Lake: Anything else?

A. Dulgarian: In between now and the Public I'm wondering if Mr. Bacon can come up with some alternatives that may along the lines of this house would never be allowed to be sold as a two-family in the future but perhaps it could retain it's status now because of what the situation is. That would alleviate us from approving it as a two-family technically because once it's sold it goes away. I know that kind of strange grounds but this is strange circumstances. I feel for these people but without a clause like that or something. I don't know if that's something you can check out Mr. Bacon?

J. Bacon: I can look into it.

A. Dulgarian: Hopefully it will protect the Town in the future, I don't know.

G. Lake: Basically, you've heard from the Board.

MOTION to schedule a PUBLIC HEARING for September 20, 2006 made by H. Ross and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

6. **GOSHEN GREENS** - SITE PLAN - Inwood Road (44-1-42.2) #14-06

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

J. Quinn: My name is John Quinn from Lanc & Tully Engineers.

G. Lake: This a project for a forty nine condominium Site Plan. The site is located along Inwood Road and Foster Road. The site contains eleven building sites with forty nine building units. Access will be along Foster Road as well as a connection to the existing Hillside Village. The utilities would be municipal water and sewer.

G. Lake: Your connection to Hillside Village?

J. Quinn: Yes.

G. Lake: Have you made that arrangement with them or talked to them or is there already an

agreement already out there?

J. Quinn: It's an agreement. This piece was probably Phase II of Hillside and for ever reason it just never got built and then Hillside Village had sold it.

G. Lake: One, two or three bedroom units?

J. Quinn: The site will have two and three bedroom units. Mostly two bedroom units, I believe seventy five percent and three-bedrooms would be twenty five percent. Eleven buildings consist of a mix of four units and five units. The four unit buildings will probably mostly be all three-bedrooms with double two car garages.

G. Lake: Let me go through the Board. Mr. McGoey had a bunch of comments here. This is only here for sketch, correct?

J. Quinn: Yes. I took a look at them. Basically the architectural elevations are being prepared. We're researching the easements. The type of recreational facilities (not clear).

J. Bacon: You may want to look at the Town Code as to how much space you would need to set aside for that.

J. Quinn: Right now the applicant will have an area basically in the center and right now it would be about ten thousand square feet. As we move further along we will specify the type.

D. McGoey: Yes. The Conservation Board hasn't looked at it yet.

G. Lake: I would recommend your meeting with the Conservation Board. Contact Mr. LaBruna and find out when you can meet with him.

J. Quinn: Okay.

G. Lake: Let me go through the Board.

A. Dulgarian: I like Mr. McGoey's comment about possible shared retention. I don't know that the connection between the original project of this is a good thing. The problem is that when this road comes through there is a sixteen inch buffer into this lane. You can't pull out. I'm just concerned about that as a safety issue. You have all the stuff with the conservation as far as erosion control and all that covered. The other thing is the recreational facilities of the existing project are they going to be used by this project also? And, the vegetation along Route 211, I know it's not part of this project but I just want to make sure that's not going to change either.

H. Ross: I have nothing at this time.

R. Carr: I just have a question from the conservation subdivision.

W. Capozella: Just looking at open spaces of development in terms of traffic, stormwater, landscaping, etc.

C. Najac: I have a concern about the existing project with the road improvement. There is quite a slope.

J. Quinn: The way the easement was written was sewer and water so the home owner's association.

G. Lake: Anything else Clark?

D. McGoey: I talked to the applicant at the work session about having fee simple ownership.

J. Quinn: I'm not sure how that's going to work.

G. Lake: Is this going to have a home owner's association?

J. Quinn: Yes.

D. McGoey: The other thing, sidewalks.

G. Lake: I don't particularly like both sides. I think they're short on parking. Most outfits that come in are always short on parking. Landscaping, we've come down heavily the last couple of years. You can get the name of our landscape architect from MaryLynn and have that between now and the next time you come in. As far as the recreation goes, we want them to stand on their own. I don't see using anybody else's facilities. I think it's a liability insurance wise and everything else. That's all I have. You heard the Board's concerns are. Try and get back to another work session to get some of these answered. Anything else?

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

7. **MACKENZIE** - 2 LOT SUBDIVISION (Extension to Final) - Route 17 (14-2-37) #35-04

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

D. Getz: My name is David Getz representing the applicant.

G. Lake: You're looking for an extension to final?

D. Getz: Yes.

G. Lake: How come?

D. Getz: The MacKenzie subdivision on Beverly Drive for two lots. We had conditions of approval. Many of those have been met. The surveyor has done his work. I believe the only remaining items for the applicant's attorney to draft up for the road dedication with the Planning Board attorney and that's been delayed.

G. Lake: How about the septic? Are you going to Eustance & Horowitz on that?

D. Getz: Yes and it was approved.

G. Lake: Is this your first extension?

D. Getz: Yes.

G. Lake: I will go through the Board.

A. Dulgarian: Nothing.

H. Ross: Nothing.

R. Carr: Nothing.

W. Capozella: Nothing.

C. Najac: Nothing.

MOTION for a SIX MONTH EXTENSION on 2 LOT SUBDIVISION made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

8. **JUSAITES** - 2 LOT SUBDIVISION - Blumel Road (41-1-15) #21-06

G. Lake: You're here for sketch only?

K. Carmichael: I'm here for a two lot subdivision. We would like to separate 9.5 acres from fourteen acres. She lives in the house now and wants to sell off roughly ten acres. I did a sketch plan because Mr. McGoey had asked for it. That is a separate plan.

G. Lake: Okay.

D. McGoey: That was done so you could see lot #1 and lot #2.

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

K. Carmichael: My name is Kenneth Carmichael representing the applicant.

C. Najac: What he did was to overlay it to show what could be done. Is there an access?

K. Carmichael: Yes there is. There was a fifty foot strip left.

G. Lake: I will go through the Board.

A. Dulgarian: As far as the subdivision I don't have anything. In regards to the sketch plan, I do have concerns.

G. Lake: I think he did this just to show what could be done.

H. Ross: The subdivision I have no problem with.

R. Carr: Yes, I agree.

K. Carmichael: These lots conform to the code as far as acreage.

R. Carr: It would be a problem coming up that hill with that turn.

K. Carmichael: Just so you know, I didn't want it this way. We did check the site distances in both directions at the speed.

A. Dulgarian: Was that at posted or prevailing speed?

K. Carmichael: At posted speeds. I know whoever takes it over will have to do additional work.

R. Carr: How many times are there cars that go off the road down around that turn? I have no problem subdividing that off.

W. Capozella: I have no problem with the subdivision.

C. Najac: No problem with the subdivision.

G. Lake: The sketch plan it was possibly could be done.

K. Carmichael: Just so you know, whoever does this if you go onto the low side of this property you drop this way and if you go around the other side you have the reverse problem.

G. Lake: I think the Board just doesn't want you to walk out and say we thought this was a good sketch. No way. Mr. McGoey's comments.

K. Carmichael: The property has been tied into the monuments and will be set.

G. Lake: Are you tied to the Town?

K. Carmichael: Yes.

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 W. Capozella.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for a 2 LOT SUBDIVISION subject to all of Mr. McGoey's comments and this Board's comments made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

9. **ORCHARD ESTATES** - 5 LOT SUBDIVISION - Fair Oaks Road (14-1-72) #87-02

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

D. Getz: My name is David Getz representing the applicant.

G. Lake: Go ahead. Tell the Board what you would like to do.

D. Getz: You have seen this layout in a sketch form at our last meeting. We have since provided a lot more detail on the stormwater system and septic system. We've met with Mr. McGoey and the Highway Superintendent to discuss the project. I received Mr. McGoey's comments this past week and there are a few of them I would like to discuss, if you would like me to do that.

G. Lake: Go ahead.

D. Getz: Comments #2 and #5 both refer to the possible application of a conservation subdivision for the property. We would prefer not to go through those steps unless you really feel it's necessary. It's a five lot subdivision on approximately thirty two acres and the average lot size is over six acres. The homes are grouped into the center of the site so we do provide a buffer to Fair Oaks Road and to the neighboring properties preserving the natural wetland area in the back. So, I think we're accomplishing many objectives of the conservation subdivision and the applicant would be willing to offer a no further subdivision rights. You may remember a former layout that had a lot more density.

G. Lake: I don't know how the Board feels about that.

D. Getz: Comment #4 refers to some zoning district information. I'm not sure. Mr. McGoey said the Planning Board attorney should advise.

D. McGoey: The problem is the information isn't there.

D. Getz: Comment #6 refers to the two hundred foot setback. In this case from Fair Oaks Road and it mentions removal of vegetation in this area with the exception of that required to construct the roadway. Due to the slopes and the topography of the site, we're also proposing some stormwater facilities for the front of the property we show on sheet #3. So, I want to clarify with comment #8 also. Once we clarify that we would be allowed to construct that stormwater layout within the front two hundred feet and we would offer to screen it with vegetation.

D. McGoey: I will look at it.

G. Lake: I'm not saying he needs to screen it.

D. Getz: I did notice in the conservation regulations show that stormwater facilities are allowed within that conservation area. The only other comment I wanted to bring up is comment #11, the

width of the proposed roadway. Way back a couple of years ago we did meet with Mr. Lippert to discuss the project with the five lots that we show now and it was his recommendation of twenty four feet wide was fine. I have not spoken to the fire department. We would certainly prefer to keep the road at twenty four feet instead of thirty feet if that's acceptable to you. It's a low density in the number of homes. Keeping the rural character, twenty four feet is acceptable in many of the Towns. We would like to keep that.

G. Lake: Are we talking curbs out here?

D. Getz: Yes. Right now the road is proposed with curbs.

G. Lake: The twenty four foot road. I always looked at Heritage Crossing with a twenty four foot road which it just seems to be so narrow. With a couple of people parking on the road, it's tough. I can see it both ways. I'm just not a good fan of a twenty four width road any more. I know that's the way some people want to go again. I'm willing to keep the twenty four foot road with three feet of blacktop on each side however, it's up to the Board.

R. Carr: I would go along with it. You're talking about five houses.

G. Lake: We still have to schedule a Public Hearing and we can give him some direction.

D. Getz: So, if we do the twenty four feet and then the shoulder of three feet? Does it have to be a paved shoulder?

G. Lake: We usually get it paved.

H. Ross: I agree with the plan.

W. Capozella: There are no curbs or sidewalks in that area anyway. I would be in favor of not having curbs and sidewalks.

C. Najac: I would be in favor of sidewalks.

D. Getz: And, the road width?

D. McGoey: Are you going to pave the shoulders?

G. Lake: I want paved shoulders but the rest of the Board says twenty four feet is fine.

A. Dulgarian: Is that curbing also a diverted device for stormwater runoff?

D. McGoey: Curbing yes.

A. Dulgarian: Then you have to have a swale out of that right-of-way because if you need to get over.

G. Lake: That's why we don't normally do twenty four. We've always asked for the thirty feet. What else do we have to talk about here? You're going to have to do something else about the runoff now?

D. Getz: Yes. We will direct it to the same area but will have to pick up along the swale. The potential basin location will not change. I think those were the only comments I wanted to bring up.

D. McGoey: He should meet with the Conservation Board.

G. Lake: He has time.

MOTION to schedule a PUBLIC HEARING for October 4, 2006 made by A. Dulgarian and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

10. **GOUDREAU** - 2 LOT SUBDIVISION - Prosperous Valley Road (6-1-29) #36-04

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

S. Plass: My name is Susan Plass representing the applicant.

G. Lake: What do you want to do?

S. Plass: We have a sixteen acre parcel and they were going to subdivide into two lots. We've kind of been back and forth with it. I tried a couple of different schemes. I met with the Department of Environmental Conservation because there's wetlands in the front and in the back of the parcel. At their suggestion we combined our driveways into one and then we split it once we leave the wetlands. So, this is our finest scheme that we want to go with.

G. Lake: How much wetlands do you cross?

S. Plass: We cross four thousand square feet.

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

S. Plass: Yes.

D. McGoey: Item #4 could be an issue.

S. Plass: Yes. I have to go back out there just to make sure.

G. Lake: You haven't done that yet?

S. Plass: No. I never had a chance to get that done. I'm sure we will need about nineteen feet. We're trying to utilize the cut that's out there already.

G. Lake: Mr. McGoey, is she going to . . .

D. McGoey: I'm not sure.

S. Plass: We were trying to align it with the existing cut.

D. McGoey: Okay.

G. Lake: How about the stone wall, are you going to be able to save that?

S. Plass: Yes. We moved the house and I think a note on the plan to preserve the walls where ever possible as well as the trees. These are some things that have been added since you received the plans.

G. Lake: The dedication strip, twenty five feet from the centerline?

S. Plass: Yes.

G. Lake: And, preserve the larger trees?

S. Plass: There will be minimal clearing of the trees. There are really very few large trees. There's a lot of underbrush.

G. Lake: You're not going to disturb any other wetlands except that one piece?

S. Plass: No. The rest is in the back. We're not going to disturb anywhere else.

D. McGoey: Has the New York State Department of Environmental Conservation reviewed this?

S. Plass: Yes.

G. Lake: I will go through the Board.

A. Dulgarian: I would love to see on the map that the remaining wetlands can't be encroached or built on.

H. Ross: I agree. Signage on not encroaching the wetlands may be a good thing.

G. Lake: I guess you can put in stakes and say nothing to be built beyond this point because of the wetlands.

R. Carr: I don't have anything.

W. Capozella: The only thing I don't like is I'm not an advocate of shared driveways from personal experience. I would like to see an easement for that.

C. Najac: I just want to make sure you have all the easements necessary.

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S. Plass: Yes.

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 R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for a 2 LOT SUBDIVISION subject to all of Mr. McGoey's comments and this Board's comments made by R. Carr and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

11. **DRAGO** - 2 LOT SUBDIVISION - Drago Road (36-1-74) #19-04

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

S. Plass: My name is Susan Plass representing the applicant.

G. Lake: Go ahead.

S. Plass: This is a two lot subdivision. At the time of the original subdivision which goes back to 1991 this was combined into one lot. There was an urgency to get it approved and they combined it

into one lot. He wants to subdivide it now.

G. Lake: Does it meet the zoning?

S. Plass: It meets the zoning for a lot.

G. Lake: How about the whole thing? Has it been more than ten years?

S. Plass: It's been more than ten years.

G. Lake: Now, this is also on an open development area?

S. Plass: Yes.

G. Lake: What I'm asking is did you go back to the Town Board to add this lot to the open development?

S. Plass: No. We haven't been back to them.

G. Lake: Do we need for her to do that?

J. Bacon: Yes.

G. Lake: This is probably the largest open development we have in the entire Town. This is quite substantial.

A. Dulgarian: Explain the open development.

G. Lake: An open development is when the road is not owned by the Town. The Town Board grants the right for them to have this road and it only has to be up to rural specifications or something of that nature and then there are maintenance agreements formed by all lots and that's how the road is maintained.

A. Dulgarian: So, it's almost like a homeowner's agreement?

G. Lake: Yes.

D. McGoey: When this was originally approved, it was approved as a Town road. The developer built the road without the Town Engineer inspecting it. Mr. Patenaude refused and did not want to take it over as a Town road. It was recommended at that point that they go to the Town Board and get an open development approval.

G. Lake: I couldn't remember.

R. Carr: What did you go to the Town Board for?

S. Plass: I misunderstood what you were asking for. You asked for two things. The maintenance agreement between all the home owner's.

G. Lake: We're going to ask for that also.

S. Plass: And, that it was actually accepted to be an open development area.

G. Lake: But it was accepted for a certain number of lots, to my knowledge. My attorney just indicated that you need to go back to the Town Board and have this added before we can act.

S. Plass: Okay.

A. Dulgarian: The only change is the number of lots, nothing else?

S. Plass: Yes.

G. Lake: Am I correct is assuming that?

J. Bacon: That they have to go back to the Town Board?

G. Lake: To have that added to the open development?

J. Bacon: I believe so.

MOTION to TABLE for further review for the applicant to return to the Town Board to add the additional lot in the Open Development District made by A. Dulgarian and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

TOWN OF WALLKILL PLANNING BOARD

JULY 5, 2006

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES