

TOWN OF WALLKILL PLANNING BOARD

RE-ORGANIZATION

JANUARY 4, 2006

G. Lake: Good evening. The first thing we have to do before we get started tonight is the Re-Organization Meeting. We will start nomination for Chairman.

A. Dulgarian: I move that Gary Lake be Chairman. W. Capozella seconded the motion.

**4 Ayes, 1 Abstain**

G. Lake: The next nomination is for Vice Chairman.

R. Carr: I move that Thomas Hamilton be Vice Chairman. A. Dulgarian seconded the motion.

**4 Ayes, 1 Abstain**

G. Lake: The newspaper, The Times Herald Record will be our official newspaper. Our meetings will be the First and Third Wednesday's of the month. Work sessions and extra meetings, if needed, will be every other Wednesday of the month. Motion to continue with Dick McGoey and his firm for our Consulting Engineer. T. Hamilton moves the motion and seconded by R. Carr.

**5 Ayes**

G. Lake: Motion to continue with James Bacon as our Attorney and his firm. A. Dulgarian moved the motion and W. Capozella seconded the motion.

**5 Ayes**

TOWN OF WALLKILL PLANNING BOARD

MEETING

JANUARY 4, 2006

MEMBERS PRESENT: G. Lake, W. Capozella, R. Carr, A. Dulgarian, T. Hamilton

MEMBERS ABSENT: P. Owen, H. Ross

OTHERS PRESENT: J. Bacon, D. McGoey

1. **GOLDEN TRIANGLE** - SITE PLAN/SPECIAL USE PERMIT - Acceptance of FEIS for Public Distribution - Silver Lake Scotchtown Road (40-1-16) #74-02

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

L. Wolinsky: My name is Larry Wolinsky with the Law Firm of Jacobowitz & Gubits. We're here on behalf of the Golden Triangle project.

G. Lake: This is a continuation of our meeting that we had last month where a few questions came up and we followed that up with a work session that was published in the newspaper and held in this room I believe a week ago this past Monday. Let me go through the Board unless you have comments.

L. Wolinsky: Let's bring you up to date since our last work session. We did provide some additional information. I'm going to hand out this information. You have already seen it but this would be for your convenience this evening.

T. Hamilton: It hasn't changed from what we got?

L. Wolinsky: No. With respect to school children and the multiplier, what we did from the last meeting is we modified the FEIS to include a range of students and incorporated the worst case scenario based on the multiplier that was generated for the Canterbury Knolls project. That resulted in an upgrade in the range of students from I think approximately twenty two to around forty two.

T. Hamilton: What's the first part of this? This, we didn't have.

L. Wolinsky: The first part is the traffic.

T. Hamilton: It is different from what we had.

L. Wolinsky: It should not be different.

T. Hamilton: I don't have that.

L. Wolinsky: It should not be different.

G. Jacobowitz: Yes, just a couple of pages is different.

L. Wolinsky: I wasn't aware of that. It says here we sent this on January 3, 2006. You must have just received it yesterday. But all the traffic does, Mr. Hamilton, is clarify that we're adding an additional possibility for mitigation to the traffic light at Maltese Drive and Bert Crawford Road. That hadn't been there before. That's now one of the options that the Town elected to have the developer undertake. Those are the two main items that had to be incorporated which we've now done and hopefully we're ready to have this document accepted for distribution.

G. Lake: Let me go through the Board.

A. Dulgarian: The three issues I had, not in any particular order was with the Maltese intersection. Another concern of mine and I don't know that it's been totally addressed and I would like the rest of the Board's feeling on is the left turn, is the entrance off of next to the tunnel? We were talking about no left turn contemplated out of that because of vehicle stacking next to the traffic light. I support that. I don't think there should be a left turn out of there. And, then back to the school situation. You said that you agreed, we talked about agreeing to the Canterbury Knolls figures, what was that?

L. Wolinsky: 24.7, almost 25.

A. Dulgarian: Okay, I can live with that. The figures I got from the schools was a .52 and the old figure we got from the schools was a .51. My only question is, and I would like to get the language for it in the final. On page 6-6 you're saying that the school district will

realize an annual surplus of over eight hundred thousand dollars a year. I believe that is incorrect. You're using a figure of six thousand per thousand per student.

L. Wolinsky: Yes. That's the amount that it costs to educate a child attending the Middletown School District.

A. Dulgarian: The figure I got from them today was fourteen thousand one hundred fifty dollars.

L. Wolinsky: Per student?

R. Carr: That can't be.

L. Wolinsky: What was that amount again, Mr. Dulgarian.

A. Dulgarian: Fourteen thousand one hundred fifty for 2005-2006. I can verify that but . .

L. Wolinsky: If that's the number we will substitute that number in there.

A. Dulgarian: Now, my follow up question is the proposed revenue generated by this project now, you're showing the entire project for that figure or are you showing just what we're looking at.

L. Wolinsky: Phase I.

A. Dulgarian: Phase I alone is going to generate.

L. Wolinsky: I asked the same question myself.

A. Dulgarian: Because the figures I got from the School Board say that the impact is going to be six hundred sixty two thousand two hundred twenty two dollars and you're telling me that your obligation is going to be 1.06, that's the tax revenue from this.

L. Wolinsky: As I understand it, the range of net fiscal surplus from the school has been used between eight hundred thousand on the low side to nine hundred twenty two thousand on the high side. So, even if it's fourteen thousand per student, as you say, you will verify.

A. Dulgarian: You will have close to four hundred thousand but it's still a surplus. It's foreign to me that a housing project would generate this.

L. Wolinsky: For multi family condominiums usually do generate a surplus. A single family detached usually does not.

A. Dulgarian: Mr. Chairman, what I'm saying is I would like to see these figures corrected. I would like to see them within reason. If they can correct those figures.

L. Wolinsky: Can you tell us who at the School Board you spoke with?

A. Dulgarian: Mr. Estrada of the School Board. I will give you a copy of this. We found a few errors in it but the figures I gave you are correct.

G. Lake: I'm curious about that. I'm kind of shocked at the total amount per student. That came

from a Board member or the Business office?

A. Dulgarian: From the Board.

R. Carr: Even in the DEIS, I think they're figure was around twelve or thirteen thousand but subtract out Federal Funding and whatever so, it's not that big of a difference.

A. Dulgarian: But what they don't take into consideration is the children that go to a private school, the district pays for that. I think if you use these numbers the document is more accurate.

L. Wolinsky: By the way, I believe our original information was generated from the School District.

A. Dulgarian: It was and I have some of that here, also. I saw that.

L. Wolinsky: But we're happy to include that number and address that as a condition of acceptance of the FEIS. We will get that sorted out before we circulate the document to the involved agencies.

A. Dulgarian: Let me go back a little bit. The DEIS figure of one million sixty seven thousand one hundred forty eight dollars in annual property tax revenue, that's just for Phase I?

L. Wolinsky: Correct.

A. Dulgarian: Is that possible?

L. Wolinsky: What page are you reading from?

A. Dulgarian: I'm looking at 6-6.

L. Wolinsky: I'm going to call the gentleman up from Tim Miller Associates because we're going transgressing from legal to planning now and I just want to make sure I'm giving you the right information.

Mr. Jacobowitz: What number are you looking at?

A. Dulgarian: I'm looking at 6-6, second paragraph from the bottom.

Mr. Jacobowitz: Page 6, sir?

A. Dulgarian: Yes. I would like to have those numbers reviewed but it's still way off.

Mr. Jacobowitz: We will confirm all the numbers before it's circulated.

G. Lake: The fear is that if we turn around and accept this now and these numbers don't prove out

how do we make them come back and redo the acceptance to this document?

J. Bacon: Mr. Wolinsky said they wouldn't circulate it until it was corrected.

G. Lake: But, that is a big number that's different than anybody on this Board was thinking of and now they're both agreeing. We know that the numbers don't add up to what's being said. This Board, how can I sit here and say to this Board we've been working on this as long as we have, how can this Board accept it and then turn around and say you check it.

D. McGoey: Mr. Lake, why don't you delay it until later in the agenda and let these other applicants come forward and let them check their numbers and put them back on.

L. Wolinsky: We have to get back to the office to do that.

T. Hamilton: Mr. Dulgarian, on page 6-6 you're talking?

A. Dulgarian: Yes.

T. Hamilton: What was that number you were talking about?

A. Dulgarian: Third paragraph down, almost near the end it says 1.067 million.

T. Hamilton: That's the general property taxes. It doesn't say school.

A. Dulgarian: Were these totals combined and is it just for Phase I or the whole project?

T. Hamilton: But does the property affect?

A. Dulgarian: I don't know but it's under the school section.

T. Hamilton: Yes, but it says property.

A. Dulgarian: I understand that.

Mr. Jacobowitz: If I could, as I understand it this figure is for Phase I, the total property taxes.

A. Dulgarian: So, school taxes is not split out of the property taxes and when you're saying there's an eight hundred thousand dollar surplus you're not taking into consideration what the Town tax is covering.

L. Wolinsky: The Town taxes are addressed separately.

A. Dulgarian: Yes, but you can't say there's an eight hundred thousand dollar surplus in the school

budget if you're using both taxes.

G. Lake: Let's get back to that 1.067. So, you're saying that figure represents total taxes?

L. Wolinsky: Right.

G. Lake: Okay.

L. Wolinsky: Total taxes combined with the Town tax and the School tax.

A. Dulgarian: Well, what we're saying is . . .

G. Lake: Mr. Dulgarian's point is . . .

A. Dulgarian: Six hundred and sixty two is the responsibility of what's generated, what's going to be needed by the school to support this by these figures and you're saying that an eight hundred thousand dollar surplus, that's incorrect. That's not even close.

G. Jacobowitz: Mr. Chairman, may I put in my too sense.

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

G. Jacobowitz: My name is Gerry Jacobowitz, I'm with Mr. Wolinsky. Mr. Dulgarian is right. It is fourteen thousand but that's gross. The budget of ninety two million and there's six thousand eight hundred students. Divide that, it's fourteen thousand.

A. Dulgarian: How many students?

G. Jacobowitz: Six thousand eight hundred fifty one students for the 2005-2005 enrollment.

A. Dulgarian: The figure now is seven thousand plus.

G. Jacobowitz: Well, now this is June. September's enrollment would be higher. There's always a jump in September. Sixty eight fifty one is June of 2005 and the gross school budget is ninety two million six fifty one. Roughly divided, that's fourteen thousand per student. The local share which is what is involved in the cost benefit ratio of whether this is a good project or a bad project is using the net which is forty three million four sixty nine, that's local share raised by local taxes on all the property. When you divide it you come out to about a little less than seven thousand per student local share of real property tax to pay.

A. Dulgarian: Where are you getting sixty eight fifty one from?

G. Jacobowitz: I'm getting this from page 6-3 of the community service section of the revised.

A. Dulgarian: In your DEIS, you're showing sixty five eighteen.

L. Wolinsky: Yes, we moved them up because of the passage of time between the DEIS and the FEIS. They were re-verified again in June of last year when we did the FEIS. If I understand what Mr. Jacobowitz was saying, the fourteen thousand is including all the State and Federal Aid as well which is not (not clear). We have to carve that out.

R. Carr: We have to make sure.

G. Lake: Hold up please.

J. Bacon: You have to make sure that you don't include that in the local costs.

R. Carr: The cost per student you've stated as fourteen thousand.

L. Wolinsky: It changes on a yearly basis.

G. Jacobowitz: Local share goes up and State share goes down. I've studied it over twelve years, it varies anywhere from ten to twenty percent over twelve years in four school districts. I didn't do Middletown. The State share went down a percentage and the Local share went up. The numbers we're using are the last available. School enrollment is up as Mr. Dulgarian said and the budget is ninety two million is the budget that was probably adopted for the school year 2005-2006 which is nearly up.

A. Dulgarian: It says 2004-2005 is ninety two million. I do agree with what you're saying about the aid. That needs to be taken off but by the same token your figure of 1.06 is incorrect because you included the property taxes. To do this correctly, you're going to have to discount the State Aid, you're going to have to figure out what percentage is property and then the amount of school and then we will look at that number and see how the math works.

L. Wolinsky: I think I'm going to take Mr. McGoey's offer just to step back for a second, take a few agenda items and let us come back. I want to read through this and make sure, because I'm not understanding that it's incorrect. So, I want to try and see for myself.

G. Lake: Okay. We're going to table this for a few minutes.

L. Wolinsky: Just before you do that, is there anything else on the traffic?

W. Capozella: I have one question on the traffic which I don't see from the recent work session that we had about making a left coming onto Silver Lake Scotchtown Road. You have two entrances but we wanted to, we had discussed about having just a right hand turn.

L. Wolinsky: Right.

W. Capozella: I just don't see that mentioned here and you mentioned in item #3 the road widening, which is a great idea. However, we talked about at that road widening the second entrance, the furthest one so, we don't get interference with the entrance.

L. Potter: Excuse me. Just to clarify that. That was an issue that was taken care during the Phase I, the Site Plan and not in the FEIS.

L. Wolinsky: We will get back.

G. Lake: We will table this for a bit and continue on with the agenda schedule. Come on back up.

L. Wolinsky: I really do apologize about this. We went back out there and we went through it and there is a mistake. The one million sixty seven thousand eight hundred forty eight dollars was the total annual for the entire residential portion of the project. That should not be in that rotation. So let me take you through the school tax numbers so we will give you what the right numbers are. Just to take you back to the beginning. Nine dwelling units the assessor signed a market value of this project of eighteen million seven hundred fifty thousand dollars. It has an equalization rate of 27.52 and a tax rate of \$55.95 per one thousand dollars. When you apply the equalization rate to the market value that yielded a total assessed value to the residential portion only of five million one hundred and sixty nine thousand three hundred seventy five dollars. If you apply the \$65.95 per thousand tax rate against that, that makes the total tax revenues generated to the school district three hundred and forty thousand eight hundred and ninety five dollars.

A. Dulgarian: That's a lot less.

L. Wolinsky: But, we're still in good shape here. When we applied the amount of the cost per school child, we then come up with a range depending on our range of the number of kids, we come up with a range of, in the best case scenario, at the lower end of the range one hundred and forty five thousand nine hundred and thirty five dollars.

A. Dulgarian: Where are you getting these numbers from?

L. Wolinsky: That's the . . . Those numbers . . .

A. Dulgarian: (Not clear) .47.

L. Wolinsky: We're still using a cost per student of six thousand.

A. Dulgarian: How do you get that?

L. Wolinsky: The six thousand eight hundred and fifty one dollars?

A. Dulgarian: Yes.

L. Wolinsky: We spoke about that earlier. That was the school district cost that had to be raised by tax revenue, less the Federal and State aid.

A. Dulgarian: Okay.

L. Wolinsky: The fourteen thousand we have to correct.

A. Dulgarian: Yes, but if take, okay, the total budget was ninety two million six hundred thousand. 42.4 is what's derived from the taxes so, I did do the math but if you took that percentage and took that percentage of the fourteen is would give you a more truer figure of what the cost would be.

L. Wolinsky: That's not the way you do it though.

A. Dulgarian: No.

L. Wolinsky: You take the total . . .

A. Dulgarian: I didn't mean to interrupt you but while I have this train of thought, you're telling me that the fourteen thousand one hundred fifty dollars per student, now that figure is not taking into consideration State Aid.

L. Wolinsky: That includes the State Aid.

A. Dulgarian: I'm sorry. It doesn't take into consideration that it's been deducted.

L. Wolinsky: Correct.

A. Dulgarian: And we know ninety two six million is the total budget and then we know that 43.4 or whatever million it is, is what's derived from taxes. So, there is a percentage. I'm saying use the same percentage to take off of the 14.1.

G. Jacobowitz: It has to come out exactly the same, either way you do it. You have sixty eight hundred kids. You have a nine two million dollar budget. The cost per kid, fourteen thousand one

hundred and fifty. You take forty two million, which is the local share to be raised, divide by sixty eight hundred, you come out to sixty five hundred per kid. It's got to come out exactly the same.

R. Carr: The only difference is a is a division of five. They're saying that the one you have to discount as opposed to the first.

G. Jacobowitz: That's year to year. In other words, you don't get less aid because you have more or fewer kids. You get less aid because the package of time the State is cutting down on the percentage of dollars, not gross dollars as you said. The gross number stays the same. The State won't give you less, but they give you less of the total by percentage.

J. Bacon: Also, I think because the taxes of the Town usually go up and so they cut down on the State Aid based on the higher assessment.

A. Dulgarian: So at .74 students per household minus the units you came up with forty two students?

L. Wolinsky: No. The range of students went from forty two, was the high end and I believe twenty three was the low end.

A. Dulgarian: You're using .47.

L. Wolinsky: .47 comes out to forty two students.

A. Dulgarian: And, you're using that figure, how much per student?

L. Wolinsky: I believe it was six thousand three hundred and forty five dollars. That's the cost per student to be paid by taxes, you multiply that by 42.

A. Dulgarian: And, what did you get?

L. Wolinsky: With forty two and I think we came up with roughly two sixty six four ninety which left you a net fiscal surplus on a yearly basis of seventy four thousand four hundred and five dollars.

A. Dulgarian: So, we went from eight hundred thousand dollar surplus down to a seventy four thousand dollar surplus.

L. Wolinsky: Yes.

A. Dulgarian: At least, we're going to get the document is getting corrected.

L. Wolinsky: I'm telling you this morning and these guys will vouch for me, I saw that number and I

call them right away and I said the numbers don't make sense.

A. Dulgarian: That's all I have Mr. Chairman. It's a lot better.

L. Wolinsky: What we would like to do is correct this and have you allow this to be accepted as complete on condition that we correct the numbers, notify Mr. McGoey and make sure everything is okay and make sure you guys are okay with it and then if they are, we will then circulate it.

A. Dulgarian: I think the important thing is (not clear).

T. Hamilton: Can we do a vote on this?

J. Bacon: Yes. It's now within the range that's going to be subject to Mr. McGoey and others. And, it doesn't get circulated until that's been done.

G. Lake: Are you okay with it, yes or no?

J. Bacon: Yes. Unless the Board has other issues now is the time to bring it up. The problem with the figures seems to be a lot better than they were.

G. Lake: Mr. Carr, do you have anything more?

R. Carr: No.

W. Capozella: You have a lot of school numbers. I will make a comment about the school numbers and unfortunately I don't have that exact number but I do believe if you really wanted an exact number they would post in the Record once a year what that number is per school district. Every school district in the paper and I believe Middletown last year was a seven thousand number but unfortunately I don't have that available. If you wanted an exact number I'm sure it would be easy to get from the Record.

L. Wolinsky: The issue is when you're going through the EIS process, it always takes a long period of time and things are continuously changing on a year to year basis.

W. Capozella: I can deal with it.

L. Wolinsky: I think the important point is that the realm of accuracy. These are not specifically accurate. There is a range there but I think we're within the range of accuracy. Also, the revenues that we generated for the units are based on values that were set a couple of years ago. Those values have now risen substantially. So, our numbers are conservative. I think we're in the realm of reality here.

J. Bacon: Also, the Board will have the opportunity due to a comment period and the review period to discuss the findings. The findings statement will be the final.

G. Lake: Anything else, Mr. Capozella?

W. Capozella: No.

T. Hamilton: One thing, on the latest document that you gave us tonight on 1-3. Mr. McGoey, do we really want on the project site for the commercial phase that consists of retail, office, hotel, restaurant and other related uses. We haven't approved anything for that Phase II. Do we want them to say that in this document?

D. McGoey: You're talking about in the FEIS, what page are you on?

T. Hamilton: This new sheet he just gave us, the first page.

L. Wolinsky: The traffic memo.

T. Hamilton: We haven't approved any uses for that other Phase. Do we want it to say that on here?

G. Lake: He has to come back.

T. Hamilton: But here he's saying full project site, commercial phase consists of this.

L. Wolinsky: Yes, but it says future development though. It doesn't say current development. We assessed that like we discussed at the work session, we assessed that generically and just pointed out in his memo that we're going to have language in the Statement of Findings that makes it clear that we haven't gotten any kind of land use approvals for that Phase II.

T. Hamilton: That's why that percentage threw me off saying, it's almost like saying that they got the approvals for those uses.

D. McGoey: If you look at the context of the whole document, that they don't have approvals.

T. Hamilton: I didn't want to get stuck.

L. Wolinsky: I think that would be less protective because you want to see here future development. That's the key language here to show that it's not current. If you just say project site for commercial phases instead someone might think that we're applying for that now and we're just looking at it from the environmental standpoint now.

D. McGoey: I don't think we have to change it.

J. Bacon: If it says future, it's up in the air and may or may not.

A. Dulgarian: Did you guys, you know how we talked about that left turn lane.

D. McGoey: That's part of the Site Plan.

G. Lake: I know myself we talked about it. I would like to see it.

L. Wolinsky: Mr. Griely said he has no problem with it. So, it's not a problem for us.

G. Lake: Okay. You have the modifications that you're going to make to correct the numbers and I applaud Mr. Dulgarian for the homework he did on that. I have to congratulate him for that. At that point you will get this out in circulation.

L. Wolinsky: Yes.

G. Lake: After it comes back and we take a second look at it to make sure that. Can we do this subject to that, or what should my wording be for the motion to accept the FEIS, seeing that we have to check these changes.

J. Bacon: I think that we want to see the modifications that were made tonight and we would finalize those modifications.

L. Wolinsky: I would say subject to the changes identified tonight in the school district calculations as reviewed and verified by Mr. McGoey, Mr. Bacon, and the Planning Board and then we will circulate after that.

G. Lake: I don't remember since I've been on the Board.

A. Dulgarian: I've got some issues.

L. Wolinsky: I'm not uncomfortable at all. You've identified on the record what the appropriate and accurate information is. All it is Mr. Dulgarian, is putting the correct data in the document.

J. Bacon: The Board has to be satisfied with it.

G. Lake: So, this won't go out until after all the corrections have been made and then, how long, can we give thirty days? When is the next work session?

L. Wolinsky: The next work session is on Monday but it's probably a bit premature at this point. We had a work session on the findings on Monday but let's just be clear on what acceptance of the FEIS means. The FEIS when it's accepted as complete, you then have the DEIS and the FEIS which

is EIS ready for decision making purposes. There's a ten day period that you cannot take any action on the document. That is a cooling off period. In other words, it's a period that you're not allowed to vote on the project within that period. Technically, it's not a Public comment period. In other words, although we can circulate to

all the involved agencies, there's no further Public Hearing or comment period on the EIS. The next thing is the Findings Statement.

J. Bacon: It's not required but you could have a Public Hearing. It's Public consideration for the involved agencies and technically not a Public comment period.

A. Dulgarian: I think in the scope of what we're talking about in this complete document the corrections are fairly minor. I'm comfortable with doing it subject to it being reviewed.

G. Lake: I'm just looking for the ten days.

L. Wolinsky: We're at least a month away I think.

G. Lake: That's what I mean.

L. Wolinsky: We will get those corrections done right away and submit it as soon as possible.

J. Bacon: Mr. Wolinsky, would you prefer a thirty day period instead of a ten day period?

L. Wolinsky: Before a decision is made?

J. Bacon: No. If there are agencies that may have comments. We're probably not expecting any but . . . It's a big project.

L. Wolinsky: I think it's going to take thirty days to be honest to wrap up the findings. I don't have any objections with that as long as we're working diligently. We can work on that during that period.

G. Lake: Yes.

**MOTION to accept FEIS subject to certain changes and a re-review by Town Consultants and this Board made by A. Dulgarian and seconded by T. Hamilton.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**  
**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

2. **MACKENZIE** - 2 LOT SUBDIVISION (Final) - Beverly Drive (14-2-37) #35-04

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

D. Getz: My name is David Getz.

G. Lake: Go ahead.

D. Getz: We last appeared about a year ago, I think with a proposed two lot subdivision right at the end of Beverly Drive. Since that time we've had our septic systems reviewed and approved by Eustance & Horowitz, provided additional survey data and a few minor changes to the plan but the layout and the design is very similar to what you saw at that time.

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

D. Getz: Yes.

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

D. Getz: Item #1 relates to the approval of the sewage disposal system by Eustance & Horowitz. They wrote a letter June 29, 2005 to your Board with that approval. I have a copy of that if you need that. Item #2, Mr. McGoey I think there is a typographical error in that.

D. McGoey: Yes. We wanted a "defined" drainage not a divined.

D. Getz: That's a minor change. I think Mr. McGoey would agree that we can extend that a little closer to the Beverly Drive cul-de-sac. Item #3 relates to the proposed rail trail and access to it and in response to Mr. McGoey's request we proposed to add to the last of our notes wording something like this in addition to having access to the rail trail, it's proposed within the right-of-way of Route 17 parallel to lot #2.

D. McGoey: I want it so that the property owners know that there's going to be trail along there also.

G. Lake: And, how do they get from there back, through an easement?

D. McGoey: From the State right-of-way.

T. Hamilton: Do you know that it's going out to the State right-of-way?

G. Lake: It's been a while. Did we get that okay from the State?

D. McGoey: We didn't get it. Part of it is the Town's consultants.

G. Lake: So, we're assuming that it can be done?

D. McGoey: Yes. I don't know how we can ask these property owners to agree to it from their lots so, if they don't get it there would have to be an access to the rail trail at other locations.

G. Lake: I realize that. This is kind of at the end of it and I brought this issue up when they very first came in just for this reason because this is like the one end that somebody in the Town has been working on now for five or six years and I know on another applicant down further before we granted him anything, we made sure we had a way to the rail trail down past the schools not long ago. So, it's not a new issue and I'm starting to wonder, for #1, what good is this parking lot if they can't get to it. That was my concern when they first came in.

D. Getz: Item #4 relates to the parking area of lot #3 is not in an area for development around the cul-de-sac where the applicant is proposing to dedicate additional land of about a half an acre for parking and access for the trail. We should discuss when the timing of that dedication would occur. The applicant is willing to work at any time table you prefer. Mr. McGoey, regarding the timing of that dedication for lot #3 the applicant is flexible.

J. Bacon: Can you read that item again?

D. Getz: Lot #3 is the parking area and then an additional six parking spaces are shown, the applicant is offering to dedicate that area, about half an acre to the Town for those purposes and he's flexible as to when it would be dedicated.

J. Bacon: (Not clear), a year later.

T. Hamilton: Mr. Bacon, wouldn't that hinge on how it's going to access from that lot to get to the rail trail and if he don't know how it's going to get from there to the trail we better hold off on that.

J. Bacon: Have discussions been taking place on the State right-of-way?

G. Lake: I thought somebody was supposed to because this did come up when this first came in. The Town has, I think, a half million dollars to start spending and trying to develop this. The question was brought up was how are we going to get back there and Mr. McGoey just

recommended about down the State right-of-way. My question there was tonight did we get that okay from the State.

D. Getz: It's probably with the Engineer at Clough Harbour and he was surprised. I talked to him about a week ago. The Town did apply for that and it was turned down but they were appealing it based upon his past experience, the amount of distance from the highway to where the access would be, is more than sufficient than he's seen on other entrances where it was approved. I can't tell you what's going to happen but when I was here the last time my understanding was that this approval of these two lots was not subject, was not conditional on the Town getting that access.

D. McGoey: Where does it say that?

D. Getz: It was just a discussion.

G. Lake: The Highway Superintendent had a couple of comments about the driveway proposal and detail. Have you talked to them at all?

D. Getz: Was it regarding the pavement section?

G. Lake: The detail. There's three items on his letter.

D. Getz: I will read this.

G. Lake: And then he talks about the stormwater runoff.

D. Getz: Yes. Mr. McGoey's comment on the drainage swale I think relates to the same issue. There's plenty of slope across there. We can address that. I'm sure the applicant would be agreeable.

J. Bacon: If the State is going to object to that access.

D. Getz: They said no.

A. Dulgarian: Not only that but there may be wetlands in that area.

G. Lake: Did you want to say something, Mr. McGoey?

D. McGoey: No. I was always under the impression that the Town was going to take care of getting that easement from the State. The applicant was generous enough to give us the parking area. I had just thought that Mr. Lippert was going to get it straightened out.

T. Hamilton: Mr. Lippert didn't say anything in his comments.

D. McGoey: I don't know, maybe it wasn't done.

A. Dulgarian: I have no issues at all with this lot. They went above and beyond to give us the parking area, it's up to us to take care of it at our end.

R. Carr: I can't see holding the applicant up because of this issue. The one thing, I have a good question. I thought we had agreed not to have the parking lot paved. It's a rail trail.

D. McGoey: The Board had said they would allow the parking area to be gravel.

R. Carr: And the other thing, it may take a long time to get the easement.

W. Capozella: A quick question on the septic system for lot #1. You're calling out for a Dozen tank, what is that, a pumping station basically?

D. Getz: Yes. It's a pump chamber. It's a pump tank due to the elevation.

W. Capozella: Is that different? It's a pumping station.

D. McGoey: No.

D. Getz: That's just a term that's used.

W. Capozella: Okay.

T. Hamilton: I agree. If the Town is looking to have these rail trails, they have to be a little bit more aggressive of getting the right-of ways to get to them. I don't feel we should hold up this applicant.

G. Lake: The rail area down in that area is paved right now. Are you going to leave that as is? You're not doing anything?

D. Getz: That's right. In the earlier version we actually proposed a big circle there and Mr. Lippert I think or someone from the Board or Mr. McGoey directed us to have something more like this.

D. McGoey: You may want to keep that "T" turnaround that's on the lot #1 side. I will talk to Mr. Lippert about that.

G. Lake: I'm actually looking for snow removal Mr. McGoey.

D. McGoey: Right.

G. Lake: I think with the new parking lot there they will need someplace to push the snow.

**MOTION for a TWO LOT SUBDIVISION (Final) subject to Mr. McGoey's comments and this Board's comments made by A. Dulgarian and seconded by W. Capozella.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

3. **NEWMAN** - 10 LOT SUBDIVISION (Final) - Foster Road (44-1-42) #121-02

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

M. Siemers: My name is Mark Siemers.

G. Lake: Go ahead.

M. Siemers: You've seen this project many times. We received Preliminary Approval a while back. We actually had a couple of extensions on it. Since then we have received our Health Department approval. We did have to submit to New York State Department of Environmental Conservation for a temporary buffer disturbance to install the curtain drains. That was requested by the Health Department. I spoke to the representative at the Department of Environmental Conservation a couple of times and he had told me before I received the letter that everything was okay and we were getting our approval and then I got a letter back with three minor comments which I actually turned around and sent back to them. I took care of Mr. McGoey's comments that are here and I also took care of Mr. Lippert's comments that were outstanding. And, tonight we would like to ask for conditional final approval, conditioned on these comments.

D. McGoey: Did you see the most recent Department of Public Works comments?

M. Siemers: What's the date of them?

R. Carr: Today.

M. Siemers: No. Thank you. The second one, we show the proposed monuments. I have shown the street sign, that's no problem, if it's not on there already. We did do the entire drainage study which

shows the discharge. That drainage study was accepted. The Department of Environmental Conservation actually reviewed it and accepted it and people from Mr. McGoey's office reviewed it

D. McGoey: I will have to verify that.

M. Siemers: The proposed road has curves but the street that it's entering onto does not have curves.

G. Lake: Unfortunately, we just received these comments today. I thought we did discuss that way back when.

M. Siemers: The last comment I can add a note to the plan.

G. Lake: Okay. Mr. McGoey's comments, do you have any problems with any of those comments?

M. Siemers: No. They're actually taken care of.

G. Lake: I will go through the Board.

A. Dulgarian: We were just questioning the clearing limits or old growth trees. I don't see any of those markings on the plan.

M. Siemers: One of the comments from the Department of Environmental Conservation was to add clearing limit lines, has been added.

A. Dulgarian: Can you please show me?

M. Siemers: Yes.

A. Dulgarian: Mr. Lake, I have no problems doing it subject to him giving it to Mr. McGoey but I just think it's important that we get it so nobody should be going in there and rake the land. Other than that, I have no issues.

G. Lake: I think on this piece they will do it exactly.

A. Dulgarian: But, still you never know.

M. Siemers: I held the disturbance limit line fairly close to any grading that's going to be done.

G. Lake: Anything else, Mr. Dulgarian?

J. Bacon: On Mr. Dulgarian's point, the way to really ensure that it is referenced, is to file the map

with a deed stating the clearing limits. The Homeowner really has to see that.

G. Lake: We will worry about when they start building.

J. Bacon: There should be a note on the plan.

G. Lake: Right.

R. Carr: Nothing.

W. Capozella: Nothing.

T. Hamilton: Nothing.

J. Bacon: The problem there is that the Building Inspector is not going to know about what's going on the site until somebody comes in to build. We should figure out a mechanism to make sure that doesn't happen.

T. Hamilton: The Building Department should have a set of our plans that show where these houses are going to be and that clear cut line should show on that set of plans.

J. Bacon: If they violate that.

G. Lake: Okay.

**MOTION for 10 LOT SUBDIVISION (Final) subject to Mr. McGoey's comments, the Highway Superintendent's comments and this Board's comments made by A. Dulgarian and seconded by R. Carr.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

4. **STONY FORD FARM/ZEFFIRO** - LOT LINE CHANGE (Re-approval) - Stony Ford Road & Stage Road (61-4-39.21) #35-05

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

H. Brisky: My name is Hank Brisky representing the applicant.

G. Lake: Go ahead, what do you need tonight?

H. Brisky: I believe the owner overlooked and didn't file the plan. It was over the sixty two days and I would like to ask for a re-approval of the lot line change.

G. Lake: Mr. McGoey, this lot line change?

D. McGoey: Is this for Zeffiro?

G. Lake: Yes. They didn't file it. Has there been any changes on this at all?

H. Brisky: No.

G. Lake: So, he's looking for a re-approval of what we did on August 3, 2005.

D. McGoey: The easements for the shed and the pavement area..

H. Brisky: Everything is okay.

G. Lake: Do we have to give it a Negative Declaration again and everything?

J. Bacon: When this was approved I wasn't here. I wasn't aware that there were easements. I don't think that was done. Your Attorney never drew up any easements or did that ever happen?

H. Brisky: I'm not aware of that.

J. Bacon: Because the Site Plan that was approved talked about the easement to the shed and the pavement area and that it would be included in the deed.

G. Lake: Do you need to see that before we sign off on this?

J. Bacon: No.

G. Lake: But he does need it for the Building Department.

J. Bacon: Unless the Board re-tracks that as a requirement from the Site Plan, it's a requirement of your approval. I understand it doesn't bother them that there's an encroachment, that's perfectly fine but nothing prevents them from buying that and having it omitted from the title report.

G. Lake: I would think that we would want to approve it exactly as it was back in August and the easements he will have to get.

J. Bacon: You will need to provide that to my office so I can look at it. It's not a biggy. It's a requirement of the Board.

**MOTION for RE-APPROVAL of LOT LINE CHANGE subject to this Board's comments and Mr. Bacon's comments regarding the easements made by W. Capozella and seconded by R. Carr.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

5. **TENKATE** - LOT LINE CHANGE - 59 Alton Road (8-8-8.2 & 9) #112-05

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

D. Yanosh: My name is Dan Yanosh and with me is Kevin Tenkate who owns the property. We have two map parcels existing for many years, an existing house on one of them. Mr. Tenkate wants to put an addition on the house. We want to combine the lots together and were told to come to you for a lot line consolidation.

G. Lake: So, you're just removing that one lot line?

D. Yanosh: Correct.

G. Lake: The new lot will be how big?

D. Yanosh: 1.59 acres.

G. Lake: I will go through the Board.

A. Dulgarian: No. I think it's an improvement.

R. Carr: No issues.

W. Capozella: No issues.

T. Hamilton: No issues.

G. Lake: Do we have to give this a Negative Declaration?

D. McGoey: Yes.

**MOTION for a NEGATIVE DECLARATION made by A. Dulgarian and seconded by R. Carr.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

**MOTION for LOT LINE REMOVAL made by A. Dulgarian and seconded by R. Carr.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

6. **LAKE VIEW ESTATES** - LOT LINE AMENDMENT - Bert Crawford Road (51-1-2.21) #29-02

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

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

G. Lake: Go ahead.

J. Nosek: Basically we're here tonight requesting an amendment to the approved subdivision plan that was approved this Board back in August 2005. Just to let you know what's going on, there's only one change to the map. The maps that you have are identical to the previously approved maps with the exception of the previously approved lot line change on the lands of Fogarty which we had negotiated with Mrs. Fogarty to take a small portion of her land and in exchange give her a portion of the land through that fifty foot wide strip. Sometime between Preliminary and Final approval, Mrs. Fogarty sold the property to a Mr. Rivera who is the current owner shown on the map now. Mr. Rivera for some reason does not wish to do the lot line change so, we have the maps shown now as the lot lines currently exist and we're asking for a new approval because the previous approval shows the lot line change. We indicated to Mr. Rivera that it's in his best interest but they do not want to do it.

G. Lake: Doesn't he have a driveway down across that?

J. Nosek: There is a driveway. There's an easement which goes over the driveway that is in place but we were proposing to actually give them the land and they do not want to do it.

G. Lake: Okay. But, the easement is already in place now?

J. Nosek: Yes. That's correct. That's the only change. Mr. McGoey was looking for some clarification on the lot line change and the issue with the hydrant, that was brought up the last meeting and I was under the impression that because there is a hydrant right through lot #6 right down to the road right in front of it. That it made no sense to put another hydrant less than two hundred feet away so they backed off having us put the hydrant at that location.

G. Lake: Is there up in the cul-de-sac?

J. Nosek: There's one in the cul-de-sac, yes.

G. Lake: There is one in there.

J. Nosek: Yes.

G. Lake: Somebody from Silver Lake did mention that to me. I couldn't remember. I think that's what they were looking for, the one up in the cul-de-sac. I will go through the Board.

A. Dulgarian: I don't understand Mr. Rivera's position but I have no problem with this.

R. Carr: I agree.

W. Capozella: Nothing.

T. Hamilton: Nothing.

G. Lake: I have no comment.

D. McGoey: We will have to get confirmation from the fire department that they don't want that hydrant.

J. Nosek: That issue came up when we were before the Board and if you looked at the Rivera property you will see right in the front to the right, there's an existing hydrant and I thought it was not valid to put another hydrant further down the intersection. That was our conversation.

D. McGoey: I'm talking about the intersection. Their comment said they wanted one there.

**MOTION for a LOT LINE CHANGE back to the ORIGINAL line made by A. Dulgarian and seconded by R. Carr.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

7. **HARLAND WOOD** - 2 LOT SUBDIVISION - Route 17M & Western Avenue #85-05

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

K. Carmichael: My name is Kenneth Carmichael with Eustance & Horowitz..

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

K. Carmichael: I've revised the plan to show two separate driveways which was item #1. I talked to the client and he agreed to go with two separate driveways, one off of Route 17M and the other one off of Rhode Island Avenue. The blackened area is the area which will be closed off to separate the driveways. Item #2, the water and sewer detail has been added to the plan and we've also entered into a sewer service connection. Item #3, was the highway about the opening permit which is not required for this lot. Both services are within the lot. Item #4 was Mr. McGoey brought up a possibility of a water easement across lot #1 to the existing house just in case it's needed in the future. He's got a well and he wants to use it.

G. Lake: Okay, the easement is going to be there?

K. Carmichael: The easement is going to stay there, yes.

G. Lake: I think it's a better deal for everybody. I will go through the Board.

A. Dulgarian: The only two issues I had with this project is that the driveways come out to the main roadways and that the garage is going to be removed so it's not closer to the road than the house, so I have no problem.

R. Carr: No problem.

W. Capozella: It's an improvement.

T. Hamilton: No problem.

G. Lake: I don't have a problem.

**MOTION for a NEGATIVE DECLARATION subject to all comments made by T. Hamilton and seconded by W. Capozella.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

**MOTION for a TWO LOT SUBDIVISION subject to all comments made by T. Hamilton and seconded by W. Capozella.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

8. **LEARY** - SITE PLAN/SPECIAL USE PERMIT - HOME OCCUPATION - Howells Road (32-1-23.1) #102-05

**Cancelled.**

9. **SALZANO** - LOT LINE AND 2 LOT SUBDIVISION - York Road (3-1-104.21) #113-04

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

S. Plass: My name is Susan Plass.

G. Lake: Go ahead, tell us what you want to do.

S. Plass: This is for two lot changes and also a two lot subdivision. There are three tax lots and after this it will be four. The trailer is on it's own lot.

G. Lake: Does this need a Public Hearing, if there's three lots.

S. Plass: It's only a two lot subdivision and a two lot line change. We did a lot line change for these two lots, they used to be tiny.

R. Carr: It's a lot line change.

J. Bacon: It sounds as though it's a minor subdivision.

G. Lake: It's a two lot subdivision, period. You don't need a Public Hearing. That's how we've always done it.

J. Bacon: My only question is,

G. Lake: She's saying it's going from two to four lots.

S. Plass: It's going from three to four lots.

R. Carr: Questioned the lot line going through the pond.

J. Bacon: Does this comply with the new zoning regulations?

S. Plass: By the zoning that I have shown.

J. Bacon: Two acres, two hundred feet wide, three hundred depth. I don't know if it's changed.

S. Plass: Did it change in the last month?

T. Hamilton: Yes.

S. Plass: I don't have the new zoning.

D. McGoey: Let's table it for further review due to the new zoning requirements.

S. Plass: I guess I need to come in and pick that up.

Difficulty with tape.

**MOTION to TABLE for further review with respect to new code changes made by A. Dulgarian and seconded by R. Carr.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**T. Hamilton: Aye**

TOWN OF WALLKILL PLANNING BOARD

JANUARY 4, 2006

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**