

TOWN OF WALLKILL PLANNING BOARD

MEETING

JANUARY 7, 2009

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

MEMBERS ABSENT: None

OTHERS PRESENT: J. Bacon, W. Eustance, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - **MID VALLEY STOVE & FIREPLACE** -
150-170 Carpenter Avenue (50-2-37.1) #49-08

G. Lake: Public hearing started at 7:39 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 99 Tower Drive, Building "A", Middletown, New York 10941 in said Town on the 7th day of January, 2009 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Michael A. Gurda (Mid Valley Stove & Fireplace), 41 Dolson Avenue, Middletown, New York 10940 for approval of a retail store and/or service establishment, located on the southerly side of Carpenter Avenue behind the old Caldor Shopping Center under Section 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: Your name for the record, please.

J. Dillin Jr.: My name is James Dillin Jr. representing the applicant.

G. Lake: Okay. Give us a brief description since the last time you've been here and then I will go through the Board and the Public.

J. Dillin Jr.: The property is located on the southerly side of Carpenter Avenue. It's in a Highway Commercial Zone. It has an existing one thousand square foot building on it. We're proposing a stove and fireplace retail business. Improvements for that would basically be for the parking lot area which is the striping and . . .

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

A. Dulgarian: After.

H. Ross: After

R. Carr: I will wait.

W. Capozella: After.

C. Najac: After.

T. Hamilton: After the Public.

G. Lake: Is there anyone from the Public who wishes to comment on this application?
Hearing none,

MOTION to close this PUBLIC HEARING at 7:40 P.M. made by H. Ross and seconded by T. Hamilton.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

G. Lake: Why don't you just hold that up to the board so the Board can take a quick look?

J. Dillin Jr.: What I did here was I took some pictures and some of the comments from the

last meeting were the landscaping on the site. This picture right here is showing right on the property line by the Alto Music building. It is landscaped along the front there with trees and evergreens. This is looking at the same point towards our building here with the same type of landscaping along the front. Obviously it needs to be pruned out but it's all existing along the front. I took a couple more shots looking further down the road and you can see the trees and the evergreens down the roadway. This shows the other building and the parking lot. This one is looking on the property looking back towards the old Caldor building and looking through the landscaping at the Caldor building.

G. Lake: We will come back to that. Do you have Mr. McGoey's comments?

J. Dillin Jr.: Yes I do.

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

D. McGoey: Item #2. Do you have any problem with the note about the sidewalk?

J. Dillin Jr.: No, I have no problem.

D. McGoey: As long as we're on item #2, those lights that are unshielded on the site, how do you propose to handle those?

J. Dillin Jr.: We're showing a proposed light that actually goes down, straight down to the parking lot. The existing hub lights that are on those poles and other poles on the site will be removed.

D. McGoey: Do you have a problem with noting that on the Site Plan?

J. Dillin Jr.: No.

D. McGoey: And, if you can get an indication that the lens on the site are flat on the bottom so they won't shine on the houses.

G. Lake: Outside storage?

J. Dillin Jr.: We're not going to have any outdoor storage. There is an existing shed where the overhang is we can use that as our storage area. It's really just a shed.

G. Lake: It's already there.

J. Dillin Jr.: Yes. It's already there.

A. Dulgarian: We're more concerned about pallets and little stuff that's related to shipping.

J. Dillin Jr.: There will be no outdoor storage.

G. Lake: Your dumpster?

J. Dillin Jr.: We have a dumpster. We just have to note the evergreen inserts.

G. Lake: You're not going to have a problem with that?

J. Dillin Jr.: No.

G. Lake: Now, you're landscaping before I go through the Board. I think you're going to need to pick up the code under 249-100 and basically what the Board has been asking people to do is, yes we realize there is some on the site but we have a new landscape code and at least bring it up to that or try to exceed it. We're finding out it's a great benefit for anybody that's done it, not only for them but also for the Town.

J. Dillin Jr.: This site really just needs to be upgraded and cleaned up really as far as the landscaping. I have looked at the code and I'm not sure. We have existing areas. I don't know if we're creating more landscaping areas but everything is pretty existing there.

G. Lake: Well . . .

D. McGoey: Beef it up a little bit.

G. Lake: Yes, and normally we get the normal landscaping plan. Like I said, before we sign off we can handle this?

D. McGoey: Okay. I think the number of trees probably meets the code.

G. Lake: Right.

D. McGoey: But he needs some lower shrubs and bushes between the hardwoods.

G. Lake: Even though you're showing them here I know when I went by and they might be

there but might be destroyed. It's easier to build that back up again.

J. Dillin Jr.: You're asking for a little more detail on the landscaping?

G. Lake: Right. Show what's there and what exactly can be saved. Some of that stuff I don't think you will be able to save. Let me go through the Board.

A. Dulgarian: I think it's a good use for a pre-existing building. What they're looking to do there is going to have a very low impact of traffic. They have plenty of room there. I would like the note on the map about outside storage. The landscaping, I don't think they have to go nuts. Again, they have stuff there but I do believe it does need to be filled in a little bit. It's something that we're asking of every applicant that comes in with a pre-existing building. I have no problem approving it subject to Mr. McGoey check off on the landscaping.

H. Ross: I agree on a little more landscaping. Just make sure that the snow storage is figured out so it doesn't end up on top of any landscaping.

R. Carr: I concur with everything.

W. Capozella: I like the idea of something going in the building.

C. Najac: It's good to have the building occupied. Just a concern about outdoor storage. It just concerns me because I have yet to see any of these places that do not have something outside. Where are you going to put the firewood, pellets, etc. If you need to have outside storage tell us now.

T. Hamilton: I agree.

M. Gurda: My name is Michael Gurda. I believe they're considering the existing hitting station and kind of like a shed where we would be using for outside storage. That would be where the pellets would be put.

A. Dulgarian: So, it would be inside your accessory building?

C. Najac: I just want to make sure that if you need it you tell us.

T. Hamilton: Mr. Bacon, can we waive a certain amount of the landscaping?

J. Bacon: I don't remember.

T. Hamilton: I thought somewhere we had the ability to waive some.

G. Lake: I don't have anything else to add.

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

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for SITE PLAN subject to all of Mr. McGoey's comments and this Board's comments made by T. Hamilton and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

2. PUBLIC HEARING 7:35 P.M. - QUICKWAY ENTERPRISES - SITE PLAN/SPECIAL USE PERMIT - 64-68 Route 17K (1-1-67.22) #56-08

G. Lake: Public Hearing started at 7:50 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 99 Tower Drive, Building "A", Middletown, New York 10941 in said Town on the 7th day of January, 2009 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Quickway Enterprises, Inc, for approval of retail sales of Wood Furnaces and Accessories under Section 249-27.1 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.

T. Persaud: My name is Teek Persaud.

G. Lake: Give us a brief description since the last time you were here.

T. Persaud: Just looking to get a Site Plan approval for permission for car sales and wood stoves.

G. Lake: I will go through the Board and then to the Public.

A. Dulgarian: After please.

H. Ross: After.

R. Carr: I will wait.

W. Capozella: After.

C. Najac: After.

T. Hamilton: After.

G. Lake: Is there anyone from the Public who wishes to comment on this application?
Hearing none,

MOTION to close this PUBLIC HEARING at 7:54 P.M. made by W. Capozella and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

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

T. Persaud: Yes.

G. Lake: Okay, the fence. You're going to propose a five foot fence?

T. Persaud: It's existing.

G. Lake: It is there? Are you making it any bigger?

T. Persaud: No.

T. Hamilton: Is it the same size?

T. Persaud: Yes.

G. Lake: Do you guys want him to do anything with it. Mr. McGoey has a comment about the evergreen inserts?

T. Persaud: It's kind of hard to do the evergreen inserts because it's five feet below the blacktop so it's just a waste.

T. Hamilton: The fence is below the blacktop?

T. Persaud: The blacktop sits up here to the embankment.

T. Hamilton: Yes, but you can still see everything coming up Route 17.

T. Persaud: We would have to be putting up a eight foot fence or higher then. I don't think you want that.

T. Hamilton: We want it screened so we won't see anything on the site.

R. Carr: Just from Route 17 you're looking to . . .

T. Hamilton: We usually make them do the whole thing.

G. Lake: Right. You know what, Mr. McGoey if we can get it Route 17 in the back so they can see it from the front and people walk down to look at the products.

D. McGoey: If he fixes that one side.

T. Persaud: That's not a problem.

G. Lake: So, you will put that on the plan?

T. Persaud: The back is covered by the trailer so, just the one side?

G. Lake: Right.

D. McGoey: The cars?

T. Persaud: There were five parking spaces.

D. McGoey: It's not screened.

G. Lake: The Board understands that they would want to walk down and look at the product maybe before they talk to a salesperson but we still want to try and screen it from Route 17. The landscaping, Mr. McGoey's last comment. It's what it is. Let me go through the Board.

A. Dulgarian: Normally I don't like so many uses on a piece of property but this thing is so big and I don't think that there's a whole lot of interference businesses. I give you guys credit trying a lot of different things especially with the environment that we're in now. So, I really don't have a problem with the type of business, the location of the property or anything like that. My question to you guys is the fenced in storage area is the only place the stoves are going to be . Are you going to have a furnace lit so the customers can see and if so, what's protecting a kid from going up and touching that? Are you just going to have furnaces sitting there?

T. Persaud: No. We have one operating there. You can put your hands on it. It's not hot.

A. Dulgarian: Really? Okay, so in this storage area . . .

G. Lake: That's operating right now?

T. Persaud: Yes.

G. Lake: There's one operating right now behind the diner.

A. Dulgarian: And, you're storing the rest around that?

T. Persaud: Yes.

H. Ross: Is that by the proposed display that we first saw?

T. Persaud: No. It's in the fenced in area.

A. Dulgarian: Okay. I'm done with that. Mr. Lake, as far as landscaping I know the front as you said, is what it is and I have absolutely no issues there. Didn't we just have something Mr. McGoey along Route 17 maybe the display houses or something where we asked them to put a couple of pines from Route 17 just to change the look to improve the Site Plan? I would have no problem throwing up a few but not elaborate but just some plantings where

this new area on the Site Plan is going to be. Other than that I think it's good and it gives

him more money on his property and it will have no negative impact on the surrounding area.

H. Ross: Basically I concur with Mr. Dulgarian. I agree with a little touch up for the landscaping. That's all I have.

R. Carr: Yes. There's a lot going on there but I don't think that there is a high impact by it. I just don't see it as having that much of an issue.

W. Capozella: I don't have anything.

C. Najac: Nothing else to add.

T. Hamilton: My only question to you Mr. Persaud, what about all the other tractor trailers and stuff that is parked way in the back there?

T. Persaud: Customers that we have.

T. Hamilton: Customers? Some of them have been there for an awful long time. Now it seems more are in there.

T. Persaud: We allow them because they're not allowed in trailer parks and other housing developments. They ask to park there.

G. Lake: Okay, you have some guys that park there who live elsewhere and leave them there?

T. Persaud: Yes. A lot of them are regular customers.

T. Hamilton: Your existing storage trailer, what's in that?

T. Persaud: I have some building stuff.

T. Hamilton: What?

T. Persaud: Building stuff for when I do a project.

T. Hamilton: Restaurant stuff? I remember when you got approval . . .

T. Persaud: Stoves, refrigerators, coolers, etc.

T. Hamilton: And, no more wood stoves on the top of trailers?

T. Persaud: No.

T. Hamilton: That's all.

G. Lake: Mr. McGoey, should we handle in some way this overnight parking or since they're licensed tractor trailers that are coming and going. I'm assuming that's what is back there. You know what, I think because they're licensed . . .

T. Hamilton: I'm concerned we may be opening up a can of worms doing this.

D. McGoey: I can see it being a problem if they were using the required parking spaces but they're not.

G. Lake: I think we would be doing more damage than good. If it becomes an issue that's what we have the Building Department for. That's my opinion. Anything else, Mr. Hamilton?

T. Hamilton: No.

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: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for SITE PLAN/SPECIAL USE PERMIT subject to all of Mr. McGoey's comments and this Board's comments made by H. Ross and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

3. PUBLIC HEARING 7:40 P.M. - **DICKEY'S BBQ** - SITE PLAN/SPECIAL USE PERMIT - 300-320 Route 211 East (50-2-35) #61-08

G. Lake: We have to re-schedule this Public Hearing because of the newspaper.

MOTION to re-schedule a PUBLIC HEARING for January 21, 2009 made by H. Ross and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

4. **FAIR OAKS COMMERCIAL S/D** - SEQRA Scoping - Shawangunk Road
(31-1-112) #90-07

D. McGoey: I have excused myself on this application.

G. Lake: I will accept it. Your name for the record, please.

A. Wilkinson: My name is Alexis Wilkinson with Reilly Associates and I'm representing Fair Oaks Realty for a commercial development.

G. Lake: Okay.

A. Wilkinson: Our purpose tonight is to get the Board's contention on the SEQRA scope. We've diligently been meeting and having work sessions since we were last in front of you with Mr. Lake, Mr. Eustance and some of your other key personnel. Basically we feel that we've established a reasonable scope and your comments have been addressed. Your concerns were outlined in a letter prepared by Mr. Eustance on November 14, 2008. At this time we're looking for some feedback from you and the Town Board.

G. Lake: We did talk to Mr. Eustance and he has satisfied us to this point. Let me go through the Board to see if they have any other comments or questions and then I think we can . . .

A. Dulgarian: I have nothing to add.

H. Ross: No but I think . . .

G. Lake: I'm going to go to Mr. Bacon about that.

R. Carr: Nothing.

W. Capozella: Nothing.

C. Najac: Nothing.

T. Hamilton: I will wait for Mr. Bacon.

G. Lake: Mr. Bacon, before we turn it over to Mr. Eustance for a minute.

J. Bacon: One comment.

G. Lake: This is something new.

J. Bacon: The wildlife and endangered species and the Board has had to rely on the New York State Heritage letter who feels you may need an on-site wildlife service.

W. Eustance: Is it the wildlife or . . .

J. Bacon: I would say you get somebody who is familiar enough with both because they talk about wildlife and not necessarily plants or animals. You want to make sure that you have somebody who sees something like endangered plants knows it.

T. Hamilton: If there is an endangered species of an animal or something they're there because of the type of plants or something to eat in there. It has to work together.

A. Wilkinson: Right because it might be a habitat for something.

J. Bacon: Whoever you get should be knowledgeable enough such as a certified biologist that will be able to cover that ground. Just make sure you get somebody who is qualified.

G. Lake: This just came down so I figured to get it out of the way right now instead of waiting

A. Wilkinson: I did have one question that I just wanted to bring to the Board's attention is that it appears to me that there might be something. We have Mr. Lippert's letter and it seems as though some of the comments that are listed are not for our project so we were just asking for some clarification. Just to give you a couple that was immediately brought to my attention where is talks about where Road "A" and Road "B" intersect with Shawangunk Road should be clearly referenced on the plan set and additional certification should be provided indicating that the proposed site distances meet or exceed AASHTO Standards, and the centerline locations should be staked in the field to allow for visual observation of the

existing conditions by this office. We're not proposing any access point on to Shawangunk Road. I just wanted to bring that up because it just might be a misunderstanding.

G. Lake: No. I think what that is about is we have another project up behind you and I think that its more about some kind of dedicated road improvement going down that side but to be honest with you, I will have to get back to you. I realize and I think ths Board realizes that you had never talked about going out that way but I think he might be looking at a road widening to be worked out.

A. Wilkinson: Well, just for the record in Mr. Eustance's letter we did have input from Mr. Lippert and item #4 we believe addresses what concerns that he would like us to look at. As a part of our project we would be looking at one of our lines. We know that we will be doing something within the right-of-way. Mr. Lippert had that we definitely refer to the maintenance, etc. for the stormwater.

T. Hamilton: I think he's looking more or less to be able to maintain twenty five feet from the centerline down that road.

G. Lake: Well, yes.

W. Eustance: I think that is what he's asking.

G. Lake: Right. Normally, which I thought we already talked about from the centerline of the road for dedication when and if the road is going to be improved and, I believe that's what he is talking about.

W. Eustance: Mr. Chairman, would that be a standard quick claim on the twenty five feet?

G. Lake: Mr. Bacon how do we handle that now?

J. Bacon: It is usually a gratuitous offer of dedication.

C. Najac: That road is a part of your project . . .

A. Wilkinson: There is a little drainage . . .

G. Lake: I think we have time to look at that

H. Ross: Is it for (not clear).

G. Lake: Yes, that's what it is for basically. Let me go through the Board.

A. Dulgarian: No. It's still good.

H. Ross: I agree.

R. Carr: Nothing.

W. Capozella: Nothing.

C. Najac: Nothing now.

T. Hamilton: Nothing.

G. Lake: Mr. Eustance, do you have anything else?

W. Eustance: No. Basically we've had several discussions. As I see it, it's a matter of Lead Agency unless you have anything?

G. Lake: No. Do you have anything else for us right now?

A. Wilkinson: I have a note from the attorney. There is one lingering thing. It's actually in the scope. I just wanted to put it in front of the Board and that was the cul-de-sac issue. I think we had resolved it with discussions with your Attorney that because it's a commercial development . . .

J. Bacon: The way the code reads is that the one thousand foot cul-de-sac refers to residences. It doesn't apply to a commercial subdivision. If there are other reasons why the Board may feel the road should be shorter whether it's safety, fire, ambulance or whatever it is you can then ask for a shorter road but if not what they have is okay then . . .

G. Lake: Okay. And, they do have the ability to come off Gillen Road to use the access.

J. Bacon: And, in the Environmental Assessment Form, Part 3 that will be addressed as to the pros and cons and to look at all the issues.

G. Lake: Okay. So, you're basically ruling at this point that it's okay?

J. Bacon: There's nothing in the code.

G. Lake: Let me ask the Board if anyone has a problem. I think we've all seen the layout and know what it is.

A. Dulgarian: If Mr. Bacon is telling me that, that's the interpretation of the code on commercial clustering. I just don't have a plan here to look at to see how that cul-de-sac would look so I want the option . . . I'm just saying that if he says it's fine and it's legal I'm good but I reserve the right to look at that.

J. Bacon: It's not prevented by the code but if there's factors that and if you hired Mr. Kalus and came in and said there is a real safety problem, then . . .

A. Dulgarian: If you're just asking me to accept Mr. Bacon's interpretation absolutely but I still reserve my right to review it.

H. Ross: I agree.

R. Carr: And, I think that's what the scoping process is about.

W. Capozella: I have nothing further.

C. Najac: Nothing further.

T. Hamilton: Nothing further.

G. Lake: I personally don't have a problem with it and I have personally talked to the Board and also both the Bloomingburg and the Circleville Fire Districts about this project. If everyone is comfortable we can accept this and become Lead Agency.

MOTION for the Planning Board to become LEAD AGENCY and to accept this for scope made by T. Hamilton and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

5. **249 HIGHLAND AVENUE LLC** - SITE PLAN/SPECIAL USE PERMIT - Highland Avenue (39-13-4) #96-06

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

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

G. Lake: Go ahead.

S. Plass: We're proposing a Site Plan on an existing building located on Highland Avenue, at 249 Highland Avenue. Currently there are two existing uses for the parcel and we're proposing two additional uses. The existing uses are a Chinese Restaurant and a service garage. The proposed uses are a grocery store and a salon. We've had a couple of work sessions and straightened out our parking requirements. At this time we have provided three more than we require. I have Mr. McGoey's comments.

G. Lake: You can go over them.

S. Plass: Okay. Item #1. The curbing and pavement detail should note that the surface course and base course will be asphalt. We will add that note to the plan. Item #2. The shields for the building mounted light does not sufficiently conceal the lens. The three inch return will only cover a portion of the lens. Item #3. A catalog cut should be submitted for the file of the lighting fixtures to verify that the lens will be concealed for the free standing light. We will clarify the detail information. Item #4. The Planning Board should review the limited amount of landscaping proposed for acceptability. The landscaping, to start with there is very little out there. We've tried to propose at least some type of landscaping. Item #5. We requested in our comments of November 10, 2008, that a note be placed on the plan requiring Building Department approval of the sign. We have noted the note on the plan.

G. Lake: Mr. McGoey, did we ever straighten out that back with the garages?

D. McGoey: They are shown as business #1 and business #2.

G. Lake: Okay.

D. McGoey: We know that there is more than one business that is going to use that garage. One additional thing. The Water and Sewer Superintendent wants the grease trap upgraded to the current standards.

T. Hamilton: Is the (not clear) taken care of?

D. McGoey: As far as the grease trap? They have to provide the current standards and upgrade. It is for the Chinese Restaurant.

G. Lake: Yes, but there's no reason if they're going to put a sink or something in instead of running a line over to it.

D. McGoey: That business will generate grease so it should be an exterior grease trap.

G. Lake: I just want them to understand that. I will go through the Board.

A. Dulgarian: This property was in various conditions of disrepair as far as the parking lot. There were open culverts in the back. The catch basin on the other property had water running into it. My question for the applicant is your showing parking spot #54, isn't that an enclosed area? That's not open space.

S. Plass: Actually, that's a . . . Yes, it's an indoor parking spot for the small office.

A. Dulgarian: So, you're not counting that enclosed building as part of the square footage in the parking calculations?

S. Plass: It doesn't go by square footage. It goes by how many bays and the existing garage was existing.

A. Dulgarian: There is about four electric meters on the side of that building.

S. Plass: I believe there are three.

A. Dulgarian: Again, it was a year ago that I was there.

S. Plass: There's three individual circuits and actually we do have three extra spots.

A. Dulgarian: I was wondering why the apartment (not clear).

S. Plass: It's just for the individual office.

A. Dulgarian: Mr. Lake my concerns again are the conditions of the parking lot. Again, there's some open culverts over here. Also, on the landscaping here, we have a real opportunity to add just a little bit. I guess this island will help here. Is this another planted area over here by the property line on the west right along the road?

S. Plass: Yes.

A. Dulgarian: What is that right there?

S. Plass: Actually there's no pavement there.

A. Dulgarian: Those are my biggest concerns. Mr. McGoey if you remember what that was like out there?

D. McGoey: Yes.

A. Dulgarian: I have no problem with the uses but right now somebody could fall in that particular area.

H. Ross: I agree with Mr. Dulgarian but (not clear).

R. Carr: Right in the front where there's parking is there any curbing?

S. Plass: Well, there's not really much curbing.

R. Carr: And there's not any curbing here. I just question having parking right there. It just seems to me to have parking . . .

S. Plass: That's kind of where they park right now and most of it is for the Chinese take out.

R. Carr: To me, that just . . .I don't know.

S. Plass: Maybe . . .

R. Carr: And now you're going to add another use there. It just seems like an awful lot right on that corner.

S. Plass: Maybe we could eliminate these and put a spot back here where the curbing island is and put the sign over here.

R. Carr: Something like that. I don't know how the rest of the Board feels and Mr. Bacon I think we have the ability to take some leeway as far as the parking goes because I really don't think they need all this parking.

S. Plass: That would still give us thirty five.

R. Carr: Right. I don't want to take away that little bit of vegetation for a parking space.

S. Plass: What if we did some type of a vegetated island right in front of the building and put the sign where the sign is located and put a parking spot there.

R. Carr: I like that idea and I would just ask and I don't know if we have this leeway.

T. Hamilton: There's street parking . . . Right in front of the Chinese take out you show two existing planters. Move them out to the curb line where they can't get in there.

G. Lake: Go ahead.

R. Carr: That's it. Other than that I have no problems.

G. Lake: So, you're going to work on that?

S. Plass: Yes.

G. Lake: Now, let me ask you about the parking Mr. Bacon. What happens if they come up with a couple short? Do we have the leeway to bank it and if we say they need it they will have to put it back in?

J. Bacon: I think we have done that.

G. Lake: I believe we've done it a couple of times.

J. Bacon: I think as long as they agree to it.

G. Lake: They way they can eliminate just those actually because we've got three extra now, she's saying.

D. McGoey: They would be only one short.

G. Lake: This way we can declare that they will bank it and if they need it back they will have to put it back in.

S. Plass: So if we do that then do you want to move the sign or leave it where it is?

G. Lake: Leave it for now. We're going to bank that extra parking spot. And then, you will put a note on the plans saying that we're backing that so that in case in future you may need it. We've done that in a couple of places and I think it works. Anything else, Mr. Carr?

R. Carr: Nothing.

W. Capozella: I don't have any issues with the uses and I'm in agreement with the parking lot. It's there and it needs to be cleaned up

C. Najac: This is our opportunity to get it right. On the right side of the property what can you do for landscaping?

S. Plass: I guess we can add some stuff in there. There's not a whole lot of space but I guess we can try and get some shrubs in.

G. Lake: Anything else, Mr. Najac?

C. Najac: And, the office is that part of the grocery store?

S. Plass: It's an office for the grocery store, correct.

G. Lake: Anything else, Mr. Najac?

C. Najac: No.

T. Hamilton: The only other thing that hasn't been brought up is where are you putting the snow.

G. Lake: We can have them designate #13, #12, #11, etc.

T. Hamilton: And, they're going to carry their refuse and garbage from the Chinese Restaurant all the way over to where the dumpster is located.

S. Plass: That's what they are doing now.

T. Hamilton: It doesn't look big enough to handle everybody.

S. Plass: We can try and put a second one in but I don't know where. Perhaps I can make it bigger. I don't know.

T. Hamilton: Do you see how far away they are from the dumpster?

D. McGoey: Yes. I see the distance. I think the size is probably okay. Maybe the dumpster can go next to the parking space #53.

J. Bacon: Mr. Lake, the idea of reducing the parking is allowed by the code.

G. Lake: What do you want to do, move the dumpster closer Mr. Hamilton?

T. Hamilton: No. I didn't think that sized dumpster for the businesses that they have there is going to be large enough besides being far away.

G. Lake: Take it out of #1.

S. Plass: Okay.

T. Hamilton: There has to be room for those trucks to back up.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

A. Dulgarian: Is there a residence or something on the site?

S. Plass: No. There used to be but the apartments are now gone.

A. Dulgarian: They're not going to be used then?

S. Plass: No.

G. Lake: Anything else, Mr. Dulgarian?

A. Dulgarian: No.

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 A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

MOTION CARRIED. 7 AYES

MOTION for SITE PLAN/SPECIAL USE PERMIT 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

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

6. **INDIA TEMPLE** - SITE PLAN REVISION - 347 Bloomingburg Road (3-1-109)
#44-08

Cancelled.

7. **SCOTCH VALLEY** (Silver Lake Ridge Condominiums) - SITE PLAN/SPECIAL
USE PERMIT - Silver Lake Scotchtown Road (99-1-1 thru 56) #06-03

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

J. Queenan: My name is John Queenan with Lanc & Tully Engineering & Surveying, representing the applicant. Also with me tonight is Mr. Garland also representing the applicant.

G. Lake: Go ahead.

J. Queenan: Before you tonight is a property that I think is very familiar to the Planning Board. It's been in for almost six years in some fashion or another. I don't know if the Board recalls it was previously named Scotch Valley and had a thirty nine lot subdivision along Silver Lake Scotchtown Road. Since that time we have obtained a Final Approval some time ago and left that lapsed and we've been pursuing a seventy unit condominium Site Plan. We were last before the Board in September when we were discussing the traffic and school aged children for the thirty nine lot subdivision. Since that time we've had a comprehensive undated traffic analysis that shows the thirty nine lots and the seventy eight townhouse units the latest traffic data along that road. Mr. Garland has also prepared a school aged children for the Town of Wallkill not utilizing (not clear) numbers but actually what has come (not clear). He's also here tonight to tell you about that report. What we're hoping for really is you agreeing on the school aged children and the traffic so we can move forward to the Final Site and do the conservation analysis.

G. Lake: Okay. Why don't we get real quick right on the school concerns. I think I did see that.

E. Garland: I have additional copies of the report if anyone needs it.

G. Lake: Why don't you just give us a couple and I will pass it down.

E. Garland: Sure. There are two reports. One was sent down in December 2007 and had the school age projection. This report is October 2008. The December 2007 report takes into account the school age projection. We used an average projection of 1.06 for the school and meant for single family homes. The projection for the single family homes out of the Rutgers Report which we used was .091. When we analyzed some projects back in 2004 and 2005 single family homes in the Town of Wallkill and the Wawayanda area, we came up with the exact same number from a select group of projects. However, we used 1.06 as a slightly higher number based on the number of Public school aged children we would anticipate for this area. We also at that time took a look at the enrollments for a typical multi-family project with a two and three bedroom mix as was proposed and we came up with a number .264 children for a two bedroom, .6 for a three bedroom and the seventy eight units that averaged .35 per bedroom. The Planning Board reviewed the report and requested some more detailed numbers for specific projects in the Town of Wallkill. When we took a look at those projects we came up with numbers on (not clear). Did I give you a copy with markings on it?

A. Dulgarian: I hope so. No sir, I don't believe you did. Oh, here it is. It's nicer than the other one.

E. Garland: I had made some notes in that report. We were asked to take a look at two particular projects and they were Stevens Manor and Imperial Ridge and Imperial Gardens. The numbers for Stevens Manor came out to .42 school children per unit for one hundred sixty units and was sixty seven school children. The Imperial Ridge project of two hundred forty four units there was a very high number of .89. All the other numbers of the other projects we looked at, ten projects in the Town. We also looked at four projects out of those ten that were townhouse projects more similar to what the applicant was proposing. Most of the others were garden apartments. It was also interesting. We took a look at some of these projects from a few years ago and the original report and I noted that in 2004 to 2005 when we looked at Cambridge Manor which has thirty two units it had .09 school children per unit. The latest study which was three years later, last year was .28 so it went from .09 to .28. Country Squire Apartments of fifty two units went from .29 down to .19. So, these numbers will change based on the school year, people moving in and out. These are all

averages that have come from the school districts. In the cases of the 2004-2005 report and the 2007-2008 report all these figures were gathered by working directly with the schools, the bus garages which had the records of all the students being dropped off at various stops. That's basically where we got our number from today. Years ago we used to be able to go into the school district and get the actual addresses of all the students, grades, a lot of information and a lot of details. That information is no longer available. We have to rely on what the school bus garage officials give us. If you've got any questions I would be happy to answer them. I've been doing school reports now since sometime in the 1960's.

A. Dulgarian: Are you ready for your question?

E. Garland: Yes.

A. Dulgarian: First off. I can appreciate the amount of work you guys did on that. I like the way its done. I like how all the numbers come together and how it's broken down by everything from units to what ever. My question is not to diminish the report but if we're doing a cross section of the Town of Wallkill developments how come none of these are in the Middletown School District?

E. Garland: Well, the two projects we were asked to do were in the Pine Bush and Goshen Districts.

A. Dulgarian: I understand that.

E. Garland: And,

A. Dulgarian: But we were trying to get a cross section of the Town of Wallkill school children per dwelling analysis and I know of several that are in the City of Middletown School District and I think the numbers would be a little higher. I just wondered why they weren't used in this study.

E. Garland: There was no reason. The numbers were in the other districts and then I just took other projects nearby in that same area and we took projects that were similar to this development. There was no reason to go into the Middletown area.

A. Dulgarian: Yes. Like doing an assessment it's going to be very similar to what you're doing for this project as to the one used but for our use the entire Town, I wouldn't have liked a little bit better cross section on the ones like on Silver Lake Scotchtown Road and

some of those behind the former Rickel's. Again, I'm not taking away the amount of work from what you did here. It's excellent.

T. Hamilton: Isn't this project in the City of Middletown School District?

E. Garland: I believe it is, yes.

A. Dulgarian: Is it?

E. Garland: Yes it is.

A. Dulgarian: So, the one that's being built in the City District the whole comparison are in the Pine Bush and Goshen Districts.

E. Garland: In the original report we did a couple of projects that were in Middletown, Water's Edge and Lake Ridge Estates. Water's Edge was ninety four units at .89 school children per unit. Lake Ridge Estates, thirty one and five school children 0.16 school children per unit. I'm not sure that those are real comparable's though.

A. Dulgarian: Okay. That's the only question I had on that.

H. Ross: My biggest concern is (not clear). I think the layout here is going to collect students (not clear).

J. Queenan: That's something that we discussed with the Board.

H. Ross: Students aren't going to come out to the road.

J. Queenan: It also factors in, there was a future right-of-way that the Board wanted here back into this property. We had discussed several times at work sessions that it would be public up to this point.

H. Ross: My concern is that the road is a busy roadway and where ever the bus will stop, I feel sidewalks would be necessary.

R. Carr: The number of dwellings, does that account for a condominium unit? It doesn't distinguish between whether it's a conventional two bedroom or three bedroom or does it?

E. Garland: Yes, that's the unfortunate problem. We weren't able to get the details as to whether . . . We actually know how many children came out of each project. We don't know how many children came out of a two bedroom units or the three bedroom units within that project. We just estimated the numbers that would come out based on the number of two and three bedroom units. We don't know those figures.

R. Carr: Certainly that could account for some of the disparities between children per dwelling with more bedrooms.

E. Garland: You would think it would but I took a look at all of these numbers because some of them were very high. There wasn't anything that unusual about the projects where there were a lot of bedrooms or few of them. We had projects with all two bedroom units and they came close to .89 school children per unit. We had mixes of two's and three's that went down as low as .2 or .3 per unit. We tried to look at it in terms of the cost of the units and a number of other variables. There was nothing that we could determine outside of the one project on Woodland Park where the units are about ninety five years old (not clear). They are less expensive per unit as townhouses and some of the other units and probably for that reason there are more school children per unit because presumably those units are affordable. Other than that there was nothing we could pick out. There were garden apartments, the same year and built the same year, the same style. The prices were about the same and the numbers were dramatically different. Imperial Gardens and Imperial Ridge, those units are in pretty decent shape. They were much higher than similar units right nearby. I have no idea why. Most of the units were two bedrooms.

R. Carr: And, on this project you're proposing two and three bedroom units?

E. Garland: These would be fifty nine two bedroom units and nineteen three bedroom units. In terms of the cost per unit, the cost of the school district it would be a net profit from the townhouses as compared to the single family units basically because of the number of school children and this is quite common. We would anticipate that it would be the case here also.

R. Carr: My other point is what makes this again, a conservation subdivision? Is that what we're looking at?

J. Queenan: Yes. We will come back to that.

R. Carr: I will wait.

W. Capozella: I always liked the single family dwellings but now it's going to condominiums and now we're going to see nothing but condominiums up and down that street. There is no doubt in my mind that this project will have a larger impact than the original thirty nine units. In looking over the traffic report and you're talking about the total impact and now with all the other developments going on around there, I don't know why you said fifty five there when you will be having seventy eight units.

J. Queenan: The fifty five from the traffic report I believe is for the original subdivision that was approved.

W. Capozella: Now, we're talking about seventy eight units.

J. Queenan: Seventy eight condominium units.

W. Capozella: Still, it doesn't gauge the units regardless of whether that equals fifty five single family homes or it doesn't.

J. Queenan: I don't think it was preparing for fifty five but at one time (not clear) . . .

W. Capozella: When I was looking at something like this I'm saying the numbers don't match. Again, my point is it does not compare to the higher unit count..

G. Lake: Anything else, Mr. Capozella?

W. Capozella: No.

C. Najac: I also have a concern about the proposed condominium count versus the thirty nine single family.

G. Lake: Right now it's only here for sketch so they can get those numbers if that's what you're worried about..

C. Najac: That was my concern and it would be nice if we had the proper numbers and the other question is have you discussed affordable housing? I mean we're looking at the original at thirty nine units to this one of seventy eight units. I'm sure you can handle a couple of affordable units.

J. Queenan: That's something we did discuss at a work session. The applicant is still waiting to see how the rest of the Board would like to go. If it's feasible and then we can discuss the affordable housing mixed into the project.

C. Najac: It might also change your numbers.

T. Hamilton: We work hard to get numbers down to where we feel comfortable with and my other thing is the same owner we've worked hard to get the project across the street and now we're facing a phasing because of the market and the way things are going but now you're coming in here from thirty nine units to seventy eight units directly across the street. Why not hold off to see how you make out across the street before you start to go through all of this.

J. Queenan: That's the applicant.

T. Hamilton: I still don't like the phasing on any of the projects. I'm concerned of where the busses will pick up the children and are you going to have some sort of parking for the parents that will drive out to the road because a lot of the smaller kids, parents aren't going to allow to walk all the way. There are a lot of unanswered questions. I just don't like the increase in the number of units.

G. Lake: A couple of weeks ago we did ask for the widening just for that reason. As the project moves on I guess we can handle that. When we finally gave this the okay, I was kind of shocked when you came back and changed it. I fully understand it. I don't have a big problem with it being it that section of Town next to another one.

T. Hamilton: And, he just about doubled on the numbers.

G. Lake: True. And, it's market driven without a doubt.

T. Hamilton: How can it be when they asked for phasing on the other side because the market isn't there? How can this be marketable?

G. Lake: I think that's why they changed it from the single family homes because of the current market. I think you've heard the Board. I think you heard the Board as far as phasing. They have a concern there. I don't think they want to be surprised and have you come back and if you decide it will have to be phased I think we need to know that up front this time instead of getting a little bit of a surprise and asking for phasing. I think Mr. Najac came up with an excellent thing as far as having some affordable housing in here if possible.

I would sure like to see that. I would like to see it tied into the Orange County figures. I believe Orange County has an actual figure that you can tie it to.

J. Queenan: If we did some affordable would we have to approach the Town Board?

G. Lake: Now, I think if you want to approach the Town Board you're looking at a higher density and I'm saying you should be able to look at it and come back here first before you go to the next step there. See if you can give us a couple or four and work it in. I know projects have been done like that.

J. Queenan: How many buildings (not clear).

D. McGoey: That's only in the particular zone and if you're looking in those zones for a density bonus you're volunteering affordable housing and not looking for a density bonus.

G. Lake: I just think he can get it done without going to anybody and if we can get a few out of there and shift the costs around a little bit. I just think it's a doable thing and at the work session maybe I'll talk about it. Mr. Dulgarian do you have something else?

A. Dulgarian: Yes. Mr. Garland kind of flipped it over to us when we were looking at the school children report. Mr. Carr brought up a very good point. If you're seeking a conservation subdivision requirements don't we usually get a map saying that this is what I'm allowed to do and this is what I want to build and here's the difference and the reasons why I deserve it. We didn't go through any of that did we? This is sketch and this is where we should be finding out if we want to go along with that and move forward. We're talking about numbers of units and all that. That's all based on the two different subdivisions that are allowed. We don't even know that.

J. Queenan: I was actually going to get into that next.

A. Dulgarian: I mean we were getting ready to wrap it up.

J. Queenan: As you can see this is the proposed layout that we have now. All the density is in the back.

A. Dulgarian: Where's your map showing the traditional layout?

J. Queenan: That was the one that was approved. As you can see we had development through the wetland corridor here, and we crossed the wetlands twice.

A. Dulgarian: Yes, but that's not approve-able now with your wetlands, correct?

J. Queenan: This is the map that this Board approved.

R. Carr: But, it's not approve-able now.

D. McGoey: This did have Preliminary Approval.

R. Carr: But it's nothing now because it has expired.

J. Queenan: It's expired but this was the plan that was approved.

R. Carr: But under the new regulations you can't have a cul-de-sac.

J. Queenan: Where is the cul-de-sac? There's no cul-de-sac.

R. Carr: That's not a cul-de-sac? It has one way in or out.

G. Lake: No.

J. Queenan: This would be considered . . .

G. Lake: Wait a minute. We talked about that one day Mr. Carr but that doesn't apply because when they did that it was not a cul-de-sac.

R. Carr: Okay. But to me this is no different than the loop at the end of a road. What's the difference here? There's no turn-around but you've got one way in and isn't this what we talked about measuring it from . . .

G. Lake: No.

J. Queenan: It was called a lollipop.

R. Carr: Thank you.

G. Lake: The other night now, you're right. When and if the new code is adopted you would measure from Silver Lake Scotchtown Road to the farthest point in. But for now, today, what he's telling you right now that was allowed when we approved this and that's what he is working on.

R. Carr: But it has expired. It's gone. It means nothing today.

J. Queenan: What I'm saying, I'm taking what was approved as what we could build.

R. Carr: You could not build that today.

J. Queenan: Was there new regulations?

R. Carr: This is how old?

J. Queenan: This was approved last year. It had Conditional Final.

R. Carr: I'm just saying that can't be built today.

J. Queenan: Are there new regulations?

R. Carr: Regarding the cul-de-sac?

G. Lake: This isn't a cul-de-sac though. I don't care what you want to call it. Listen was that done under the present code?

J. Queenan: Yes.

G. Lake: The code that we're using right now.

A. Dulgarian: Mr. McGoey is this still existing? Can that be done today?

D. McGoey: I don't believe so. Not according to what Behan said.

G. Lake: He just said that he designed that under the present code that we're using, not an opinion but under the present code.

J. Bacon: This is a residential subdivision. The one thousand foot cul-de-sac was approved in the 2005 package.

G. Lake: It's not a cul-de-sac. I'm not trying to defend the guy. I'm just trying to figure out how many lots he could get.

D. McGoey: You weren't using this for your density plan?

J. Queenan: No. We were making a comparison.

D. McGoey: Why don't you show your density plan with a multi-family?

J. Queenan: Just so you know, for the conservation we will put everything to the rear of the property preserving seventeen acres in the front of the property. I was not aware that the code had changed.

G. Lake: It has not changed.

J. Queenan: Then, this meets the current code.

J. Bacon: We talked about this on Monday whether or not in looking at the conventional whether you get the credit of the one thousand foot . . . The other one that we did was measured from the furthest point to the public road.

J. Queenan: We still have to do the conservation analysis that Mr. McGoey had commented on. We have to show the aerial and what we have there. This was the layout that we would like to go with because most of the development is to the rear of the property. We can buffer it from Silver Lake Scotchtown Road and from Route 17 and we felt that would probably meet your accommodations. It will basically protect everything in the front and not disturb the wetlands.

A. Dulgarian: How are you buffering it from Route 17? You're not doing any planting.

J. Queenan: That would be up to the Board.

G. Lake: What else guys? This is only sketch.

A. Dulgarian: I didn't mean to set it back but I just wanted to know how they got from one to the other.

G. Lake: Anything else Mr. Ross?

H. Ross: I have a problem with the calculations.

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

R. Carr: No.

G. Lake: Mr. Capozella, do you have anything else?

W. Capozella: No.

C. Najac: Nothing else.

T. Hamilton: Mr. McGoey, on the calculations . . .

D. McGoey: I have to check on the density.

T. Hamilton: Mr. Bacon, Mr. McGoey's comment #6 which indicated we should discuss with the Planning Board Attorney whether this project should be considered under the newly proposed conservation subdivision regulations being entertained by the Town Board.

J. Bacon: His comment was that you might want to look at what's going on right now with the new regulations. We just want to give you notice that things are in the works and might change what are given right now. You might want to get a copy of it so you know what might be coming down.

C. Najac: That's one of the possibilities. It will give us a little bit more flexibility. The new conservation subdivision is to preserve from the road. It's up to you whether or not . . .

J. Queenan: If I might just add the applicant simply wanted to not put a lot of work right now into developing plans. The regulations are currently changing we certainly will have to follow them and we will work with the Board to get an acceptable project.

M. Jeremias: My name is Michael Jeremias. I would just like to address a couple of comments that were raised. First of all, ownership is of different partnerships. I'm a local person. It is under different partnerships. The issue of phasing. This is new that the financial situation going on in the world especially over here. We are here to ask the Board to help us out. We probably put in about over three hundred thousand dollars in development but unfortunately the economy and the regulations involving getting loans is just impossible for the builders. I believe that what we're proposing for this new plan which is really no greater than the many other consultants that. The economy is what it is. It's a piece of property that we've owned for years and have paid taxes on and the previous owner for ten years. We would like to ask you to help some in getting this approved right away.

G. Lake: I think you understand you're here for sketch. I think the Board members brought up all the other issues so for one, you have to jump on some of this stuff now. And for two,

you know this Board has done phasing before. It's nothing new to us. We understand but let's get it up front this time. I fully understand what happened across the street and now you came back and wanted to phase that. I also understand Mr. Hamilton's comment, which was is going to go while you're building the other one. Basically what we're looking at right now is to agree with that sketch so he can move forward. I think I already mention other things about working out affordable housing. The other thing, which I know you're not here for but I'm going to tell you anyway. Our code states that you can use the land of any rolling hills on that back side if the Board decides to move forward instead of making a few flat pads. Try to save the features and I think try to make it interesting. We have a couple places now in the Town where they've used the topography to their advantage. I know we're a little early to talk about this.

MOTION to accept this as SKETCH

R. Carr: Don't they first have to provide the conventional layout to get the proper density?

D. McGoey: I agree with Mr. Carr. We still need work sessions to nail down the layout to make sure it complies.

W. Capozella: What are we going to gain?

D. McGoey: To make sure that their convention layout for a multi-family project and not a single family complies with the neighborhood and also to get the resource map down so that everybody is happy with it.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

8. **OMNIPPOINT** - SITE PLAN/SPECIAL USE PERMIT - 254 Wisner Avenue
(74-5-1) #66-07

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

C. Bonomolo: My name is Cara Bonomolo and I'm with the law firm of Snyder & Snyder who is representing the applicant. Omnipoint is before you on the application for a Site Plan and Special Use Permit approval for a wireless telecommunication facility on the property located at 254 Wisner Avenue. The facility will have a one hundred forty one stealth cellular tower with six panel antennas mounted therein and will not be visible from the exterior. The cabinets would be placed at the base thereof within a secured fenced area. In support of the application we have submitted to you a number of documents that were filed by your Fire Departments and subordinates including a radio frequency affidavit from the Omnipoint Frequency Engineer which demonstrates the need for this facility to remedy insufficient coverage. The ARM emissions compliance report which certifies that the facility will operate in accordance with regulations regarding radio frequency emissions and structural certification which certifies that the facility will be constructed in accordance with all post structural standards. We did meet with your consultant at a work session back in November and at that meeting it was recommended that we look at an alternate location particularly the Orange County Fairgrounds property. We had previously reached out to the landlord at that property without anything said but since November we have had additional conversations with the Orange County Fairgrounds and the landlord has indicated a willingness to negotiate an agreement and we are in the process of doing that. I think that we would like an idea from this Board this evening whether there is a consensus that the Orange County Fairgrounds property would be preferable and viable an alternative location.

G. Lake: My question unless it's been changed and I don't know, I thought it had to be one thousand feet from any residences.

D. McGoey: What they are presenting proposing is non-conforming.

G. Lake: Then, they would have to appear before the Zoning Board of Appeals?

D. McGoey: They would have to unless they moved the location across the street.

G. Lake: Can they still meet the one thousand feet from the residences?

D. McGoey: They can on the fairgrounds site.

R. Carr: Where on the fairgrounds will you be willing to put it?

C. Bonomolo: I'm not exactly sure.

A. Myl: My name is Aaron Myl with T-Mobile. We have looked at a possible location on the fairgrounds. If you were to enter the fairgrounds in would be towards the rear of the property.

G. Lake: Okay. And, you've already investigated going on to other towers?

C. Bonomolo: There are no existing towers in the area that would provide the coverage to the areas that gap. We looked at the existing building to go on and we believe that's located at the intersection of Wisner Avenue and (not clear) about fifty feet and that fifty foot height is not of a sufficient height to provide the necessary coverage.

A. Dulgarian: How far are you from the Troop F location?

C. Bonomolo: I'm not familiar with where the Troop F tower is.

D. McGoey: It's on the other side of Route 17.

C. Bonomolo: On the other side of Route 17?

D. McGoey: Crystal Run Road.

C. Bonomolo: I'm not sure if we're located there already. Is that at 65 Crystal Run Road?

D. McGoey: I believe so.

A. Dulgarian: That has a lot of users on it.

C. Bonomolo: We're already located on it.

D. McGoey: It doesn't give them coverage in the area that they're targeting.

G. Lake: There's a tower on Route 17M, that's no good?

A. Dulgarian: That's a lot further away.

G. Lake: I think you have a lot of comments. First off, this Board at this point if you decide to stay where you're at we will have to send you to the Zoning Board of Appeals.

C. Bonomolo: Okay.

G. Lake: Which I don't know. I don't want to speak for another Board. If you can work out a site on the fairgrounds soon and make it work I think that would be the way to go instead of a variance.

A. Dulgarian: There is even higher ground over there also and less populated.

G. Lake: Let me go through the Board to see if they have any other comments.

A. Dulgarian: Alternate location.

H. Ross: I concur.

R. Carr: I think the fairgrounds is a much better location and it would avoid a lot of problems because this is a very tight site and it will keep it away from the houses.

W. Capozella: I agree.

C. Najac: I agree.

T. Hamilton: I agree.

C. Bonomolo: We will continue to work with the fairgrounds landlord. If it's possible, I don't know if we can put ourselves on the next agenda and give you an update. If we can't move along with the fairgrounds fairly quickly then we're going to have to move forward with this location even if it's being done simultaneously.

G. Lake: Okay. The only thing I want to inform you of is that just because you might go

before the Zoning Board of Appeals to get relief it doesn't necessarily mean this Board is going to approve the Site Plan.

C. Bonomolo: I understand.

G. Lake: I would say, call back and get on another work session with our consultant if you want to continue on with this Board.

C. Bonomolo: Okay.

G. Lake: At the same time look for an alternative site and check with our consultant and then we will get you back on.

C. Bonomolo: 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

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

9. **BEEM REALTY/KELVASA** - LOT LINE CHANGE - Howells Road & Route 211

West (32-1-31.31 & 31.32) #06-03

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 subdivision was approved by the Board back in 2007 and filed in March. It consists of a 4.22 acre lot and a ninety acre parcel. The parcel is over on Route 211 West and Howells Road. The deal is Mr. Kelvasa was promised a two and half acres and it should have been done back then. We're just transferring two and a half acres from the Beem property which is the ninety acre parcel over to Mr. Kelvasa to be added to his 4.22. There will be no new buildings just a transfer of land one from the other.

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

D. Yanosh: Yes. There is nothing. I am pretty sure both applications have been signed.

D. McGoey: I have no problems. It is an improvement.

G. Lake: I will go through the Board.

A. Dulgarian: Nothing.

H. Ross: Nothing.

R. Carr: Nothing.

W. Capozella: Nothing.

C. Najac: Nothing.

T. Hamilton: Nothing.

G. Lake: I have nothing.

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

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

10. **COOPER** - SUBDIVISION (Final) - Route 302 (10-1-2.21) #29-05

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

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

G. Lake: Go ahead.

D. Yanosh: We were here in December. We had two items to take care of on the subdivision. Everything has been addressed. We have a letter from Eustance & Horowitz on the septic systems being approved. Once everything gets done tonight I will send the plans up to the Department of Environmental Conservation to have them signed. I will sign sheet #3 and then we will go out and figure out how much it's going to cost to fix the road.

G. Lake: Mr. McGoey, are you okay with this?

D. McGoey: Yes. We will need a bond.

G. Lake: I will go through the Board.

A. Dulgarian: Nothing.

H. Ross: Nothing.

R. Carr: Nothing.

W. Capozella: I'm okay.

C. Najac: No problem.

T. Hamilton: No problem.

G. Lake: Is this for final?

D. Yanosh: Yes.

MOTION for FINAL 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

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES