

TOWN OF WALLKILL PLANNING BOARD

MEETING

JANUARY 17, 2007

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

MEMBERS ABSENT: None

OTHERS PRESENT: J. Bacon, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - **HAIR BY SEBO** - SITE PLAN/SPECIAL USE PERMIT - 795 Route 211 East (43-2-22.11) #43-04

G. Lake: Public Hearing started at 7:30 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 17th day of January, 2007 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Sebaedin and Sevdija Parlapanov, 799 NYS Highway 211 East, Middletown, New York 10941 for approval of a Site Plan for special permitted use for an eating and drinking establishment, located on the North side of NYS Route 211 East, approximately 800 feet West of Goshen Turnpike, under Article 249-39C 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: Name for the record, please.

D. Yanosh: My name is Dan Yanosh for surveyor for Hair By Sabo.

G. Lake: Just, since you were here last, bring the Board up..

D. Yanosh: We did some changes to the drainage out in front. We're looking for landscaping. I did get comments back from the landscape architect today. We have no problems taking care of the situation that she brought up. I did submit to the New York State Department of Transportation for their approval. I talked to Mr. Haiken in Poughkeepsie and haven't heard anything back from him yet. I do have a rendering of the building. We're going to add on to the existing Hair Salon to the walkway across the front with a facade in the front. Eating and drinking would be inside of the building probably along the walkway.

It's going to look a little bit better than the way it is right now. It will clean up the lot next door and do the landscaping that's required.

G. Lake: Let me go through, anybody on the Board at this time?

H. Ross: After.

R. Carr: I will wait.

W. Capozella: After.

C. Najac: I will wait.

T. Hamilton: After.

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

M. Oster: I live at 68 Scotchtown Place. I'm directly in the back of the said premises. In fact, I was one of the original owners of the said premises. I am definitely against it. There is not enough parking facilities because there was a variance on the original. We owned it as a flower shop, my ex-husband and I. So, I would like to know where they're going to put the cars for the eating and drinking establishment. As far as the landscaping goes, Mr. Sebo removed the existing shrubs that were there that my husband and I had put in and that the Town had requested. We moved in January of 1989 and they wanted a cash bond to be put up, which we put up at that time for the landscaping to be done, which was done. The people removed those shrubs on the curve of Route 211 and never have replaced them. I don't know how the parking situation is going to be addressed and I don't think there is enough room for any additional parking. The facility as a hair salon, the parking is towards the back. There are times that there are cars that are not parking legally as it is. That's all I have to say.

H. Mulligan: I just recently purchased a home at 70 Scotchtown Place which is directly behind this place. I have a whole list of concerns. I'm a single parent and I can't imagine having anything that involves this backing up to my property line. That is a huge concern of mine. In addition to that, food brings trash; trash brings rodents; rodents will come onto my property. That is a huge concern with additional dumpsters to be concerned about especially in the summer. The smell of that trash, food trash especially, is going to be bad. In addition, the deliveries. I mean, you know that food deliveries are at night. That's when the deliveries happen and I would hear everything. Really my back bedroom backs up to this property. I don't want to have to deal with drinking. You can see from this parking lot they could see

into my home.

G. Lake: I really don't think it's a drinking.

H. Mulligan: It's food and it's drinking the notice says.

G. Lake: But, I mean it's not a bar if that's what you're thinking.

A. Dulgarian: Came in at this time.

H. Mulligan: Okay. It's still food. You're still going to have the deliveries of food and they're still going to have the food waste every day and also that's going to decrease my property value. I just bought this house. I have plans to put in over eighty thousand dollars of improvements in this home. That is going to bring my property value down. I bought it knowing that it was a hair salon which doesn't bother anything right now but the increase of traffic which the addition is going to have is not good for my property value. And, I'm also concerned about the hours of operation. Right now the salon has set hours of operation but this will automatically increase the hours of operation. I am hugely opposed to this. Thank you.

G. Lake: Do you want to answer a couple of those questions now, Mr. Yanosh? The hours of operation, maybe you can explain it a little better as far as the addition and how it goes along with the hair salon. As far as the landscaping goes, we sent that up our own landscaper and I think I'm very confident with the plan which they're going to have to follow up to replace whatever they did take out. I did a count on the added trees and about forty shrubs and I don't know how many trees so the landscaping will be taken care of, I can tell you that much. Mr. Yanosh, go ahead.

D. Yanosh: What we're doing is we're adding on to the building where it exists today with a bakery and a coffee shop. It's not going to be a bar or a liquor store or anything like that. The use of it is going to be if you come in to get your hair styled and cut hopefully you will walk next door to get a cup of coffee, Danish or pastry. A small bakery shop. No liquor, etc. He does own the lot next door, the vacant lot that's there. He's combining the two lots together and provide more parking for the whole site. The parking calculations are for a restaurant type facility. We do meet the code. According to garbage, we do have a dumpster on the area will back up to Mr. Rowe's property back here with a chain link fence with slats in it. Again, a bakery; donut, rolls, pastry and whatever nothing to do with fruits and vegetables. That will be it, just a bakery shop and not a diner type facility.

G. Lake: The hours, what are they now?

D. Yanosh: What they are now, they will be connected to the hair salon.

G. Lake: Anybody else from the Public? Hearing none,

MOTION to close this PUBLIC HEARING at 7:48 P.M. made by R. Carr and seconded by W. Capozella.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

G. Lake: Let me go through the Board. Do you have Mr. McGoey's comments?

D. Yanosh: Yes.

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

D. Yanosh: Department of Transportation as I said, we submitted to them. They're reviewing it now. I haven't received anything from the Fire Department. The parking calculations again, I used for an eating and drinking establishment which is one per fifty square feet of patron area plus the two hundred square feet of the other area. If you go to a drive in at hamburger and donut sites, we're not that type of a situation. Again, the use is going to be for a haircut and styled and go next door and sit down and have a cup of coffee, cappuccino, pastry and whatever. That's the real use of the building.

D. McGoey: Unfortunately that section of the ordinance specifically says bakery, including fast food drive-in and restaurant and that's why I said that.

J. Bacon: How many parking spaces did you calculate?

D. Yanosh: If you do one per fifty square feet of area, you need twenty eight for the bakery itself okay, which is an exorbitant amount and the hair salon use at twelve with a total of forty two together.

H. Ross: So, you would still need . . .

D. Yanosh: Seven (7) additional spaces. It's not a drive-in or take out type of business. The combined use would be a hair salon and coffee shop.

H. Ross: If you can do one, you can do the other.

D. Yanosh: Have your hair done and then have a cup of coffee, etc.

H. Ross: The total on your parking spaces?

D. Yanosh: We would have by the code need forty spaces.

D. McGoey: Thirty three plus seven.

H. Ross: The minimum is thirty three?

D. Yanosh: Right.

R. Carr: How many spaces are there right now?

G. Lake: Let me go through the Board. Mr. Dulgarian?

A. Dulgarian: Please come back to me.

H. Ross: That's a large amount of impervious surface. The approval we would be considering at this point would be a bakery and not a pizza establishment, per se. This would be something normally associated with a breakfast hour. Talking about times, it would normally be a daytime more than the evening.

D. Yanosh: You can go to a Starbucks and different places later.

H. Ross: I'm concerned about whoever it may be of a concern.

D. Yanosh: No problem.

R. Carr: On the whole, I don't think it's an improper use. I don't know how you can split. I think it opens up. If you have any type of a food facility, it can be used at some point in the future for say, they wouldn't have to come back here, to serve if they were to get into something that would serve alcohol, am I correct?

D. McGoey: We've placed restrictions on cases before.

R. Carr: I would like to see some type of a restriction on the hours of operation. Regarding the parking, I kind of say that's a legal matter and an interpretation from the Zoning Board of Appeals for that permitted parking. How much parking is there now?

D. Yanosh: Ten.

R. Carr: It is a considerable increase in parking. Personally I'm not in favor of just taking over everything. To me, it's sufficient parking but legally there are people who can make that determination.

J. Bacon: The code states, eating and drinking establishments, including fast food drive in, drive-up and drive-through especially product specialty hamburgers. Donuts, pizza, deli-counter, ice cream, bakery, etc., that would be the higher . . .

R. Carr: So, under that it would be thirty three spots?

J. Bacon: It would be forty.

R. Carr: So, then it doesn't meet the code. So, if it doesn't meet then that's another issue and the other issue is as far as the landscape architect's comments. There are a lot of comments. I will tell you that if he did all that I would be very happy.

G. Lake: He just said he would.

R. Carr: I think that would greatly enhance the looks of the property. That's it.

W. Capozella: I will start with the landscaping. It is addressed on the northern boundary. We do have the questions about the landscaping. If anything, the landscaping is going to be much improved. The number of improvements here for the landscaping that his gentleman is going to have go through to meet the landscaper's requirements. And, on your side where you were talking about fourteen shrubs and trees alone, just in that northern border area they're adding in that area. As far as the uses go, the uses are applicable to this area to the zoning code. I don't really have an issue with that. I understand there is a little bit more traffic concerns. I guess the only question I really have right now is the parking issue.

C. Najac: The project looks like something that would work. We do have the parking which we have to do something about that. I do have some concerns on lighting. I want to make sure that the lighting is not facing any of the residents.

D. Yanosh: Oh, no. Everything . . .

C. Najac: And, that everything that is lit up is dimmed after closing hours so that these people won't have these bright lights shining toward them.

D. Yanosh: There's existing lighting on the hair salon which is motion detector lights which come back to the adjacent party than the residential areas. The back of the addition faces the back of Greg Rowe's property and there is a security light back there which will shine down to the bottom down that way. We're quite a way away from the properties back there and also the screening of additional pine trees will help too. The rest of the lighting on the left hand side of the building shines toward Greg Rowe's property. The lighting in the front of the building will be underneath the eave inside the walkway area and will shine right down. Nothing will be added on to the side and the space near the residential areas.

C. Najac: And my last topic is sidewalks. I know it's not a statement but I want to get it in so that when we get the approval from the State, you will put the sidewalk in because people are walking there now.

D. Yanosh: I'll ask the State if they want us to put on in and, there's nothing else down there but . . .

C. Najac: Somebody has to start it. We already have permission from the County so, now we need to work on the State.

G. Lake: If, when the State gives us permission you will put it in?

D. Yanosh: Yes.

C. Najac: Not now but when the State says yes, we want you to know that you will have to put one in.

G. Lake: Anything else, Mr. Najac?

C. Najac: No.

T. Hamilton: On the side of the hair salon where it says proposed employee parking.

D. Yanosh: Yes.

T. Hamilton: That's new parking?

D. Yanosh: That's existing. Everything is existing back there on that side.

T. Hamilton: Oh, but it says proposed.

D. Yanosh: That's why I mentioned it as employee parking.

T. Hamilton: Are there variances for that?

D. Yanosh: You got me. They use that parking now to go back in. That's why there's a back door to get to the back of the building.

T. Hamilton: I don't see any variances listed for this property.

D. Yanosh: I don't know of any.

T. Hamilton: There has to be a twenty five foot landscape buffer for the R-2 zone in the back that has to be landscaped.

D. Yanosh: It's an existing building. I will check. I will check out any variances received before.

T. Hamilton: Now, it's going to have to come up to what our code says now.

D. Yanosh: The existing parking area was there before. I'll check on the variances.

T. Hamilton: You're changing the whole Site Plan. You're adding parking. Let's bring everything else up to code the way it's supposed to be or show the variances received before.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: And, the parking regulations. I'm just reading what the book says that we have to go by.

D. Yanosh: I understand.

T. Hamilton: You go by what the book tells us.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

G. Lake: Mr. Yanosh? Mr. Dulgarian, I'm sorry.

A. Dulgarian: That's okay. First, conflicts on the parking spots. I don't like the parking spots around the back of the building either. I think you should be able to have that (not clear). Always in the effort to meet code, Mr. Yanosh will use spots where ever he needs to. This is using the existing curb cut, right? Nothing additional?

D. Yanosh: We're making it bigger.

A. Dulgarian: I mean, it's existing?

D. Yanosh: It's existing.

A. Dulgarian: I don't really see a problem with the use or the location or anything like that. I would recommend that the applicant does seek a variance. I agree with Mr. Carr. I don't think we need to be blacktopping the entire Town. I understand the code. The code is there. The Zoning Board is there to seek relief when we think the code doesn't apply to a particular application and I would recommend that to try and go for thirty three or even thirty two. I support Mr. Najac on the sidewalk. I will even take it a step further. I think we should seek to address the State now and see if they would let him to do. To put up all that landscaping that we're asking for and then to put a sidewalk right through the middle of later on down the road is going to be quite costly. If proper research is done now, I know at some point they're

going to want a sidewalk there or we're going to want a sidewalk there. My suggestion is to really research it now and if you can be allowed to do it now, the landscaping goes hand in hand with the sidewalk. That's about it.

D. Yanosh: I don't think that the landscaping is going to interfere with the sidewalk. As you can see, the landscaping is on my property. There is room between my property line and the curb that's out there now, that's where the sidewalk would go.

A. Dulgarian: Okay. So, it's not going to go through any of that. It's going to go right on the opposite.

D. Yanosh: The opposite side. Again, it has to be in the proposed right-of-way. I have no problem with that if they want it. If the Board wants it now . . .

G. Lake: I think putting the sidewalk in at the time that the State says, let's do it. I think that's the way to go out there for a couple of reasons. One, we don't know what the State has in mind for that section of Route 211 as far as are they going to widen it. Two, three, five years down the road they might decide to widen the road out past Goshen Turnpike and then narrow it down again. So, I think it's just been a awful long process to try and get the State to say what might happen there but if we get the applicant to agree to put it in at the time that it is allowed, I personally think that's the better step to go.

D. McGoey: Mr. Lake, that should be noted on the plan also. That way, it's part of the Site Plan.

G. Lake: Right. Now, let's get back to this parking issue at this point. How did you come up with your numbers of spaces because there seems to be some confusion. Did you use the variance that was already allowed on the other side or is it just what you could fit? If that's

the case, I happen to agree with the rest of the Board I would rather see him go to the Zoning Board of Appeals and not try to squeeze in that many more parking spots.

T. Hamilton: And, I don't believe he should be sent to the Zoning Board of Appeals because it has been meant technically it's either a hardship through the applicant creating his own hardship by putting this type of operation in there that needs that many parking spaces. Let's putting something in there that meets the existing code now without having variances. It's a pre-existing building, you might have a shot at it. Do something that meets the zoning.

G. Lake: How was the parking done?

D. McGoey: I can explain. There's two categories in the parking regulations under Section 249-12. One is an eating and drinking establishment which this Board has always considered a sit down restaurant and not fast-food. The other category is based on one space per one hundred fifty square feet of restaurant area and then one for two hundred square feet of other area. The eating and drinking, bakery and donuts is one per fifty square feet of gross extra. That's what added the seven additional spaces.

D. Yanosh: It's a minimum of twenty (not clear).

G. Lake: So, he has less spaces.

D. McGoey: He's seven (7) short. If the Board agrees with Mr. Yanosh and it's a straight eating and drinking establishment as a sit down restaurant, he's okay. But, if it's a donut, etc. he's not.

H. Ross: The added spaces, I don't know. If one out of every fifteen cars turning up Route 211 to buy a donut at this place as opposed to someplace else, then he would need that much more blacktop. It's not a good solution. I would like to see this side even more enhanced buffering along the back property line. And, I'm also concerned about Mr. Dulgarian's comment regarding the double parking spaces. There should be a road for emergency vehicles, etc.

D. Yanosh: When you look at the eating and drinking establishments, what's a diner? Is a diner an eating and drinking establishment?

H. Ross: According to what Mr. McGoey said, that would be considered a sit down restaurant.

D. Yanosh: It's a sit down restaurant with one space per fifty feet of patron area. A diner would be in that category, a sit down restaurant. How many people walk into a diner, pick up a coffee and a hard roll and walk out.

H. Ross: How many?

D. Yanosh: A lot.

A. Dulgarian: With all due respect to Mr. Hamilton, I understand where he is coming from. Going to the Zoning Board of Appeals, the Zoning Board of Appeals is an adjustment for when it comes to area variances. Our Attorney and Engineer can correct me if I'm wrong but

if you're looking for a use variance then that's a serious hardship that you've created. Area variances are commonly asked for, commonly given for properties that just do not meet current code, for whatever reason. If you want to put a house on a lot that is not up to code at this point you just don't the guy you're trying to put up too big of a house. A lot of times it's a reasonable sized house and he goes to seek relief in the form of an area variance. Now, I do agree that there are a lot of cases where the applicant comes in and just is trying to put too much on a piece of property. I know that's up to our interpretation. I don't think this is one. I would have no problem referring him to the Zoning Board of Appeals for a variance on reduced parking. I don't think that is a hardship and that's just my opinion. And, if I were on the Zoning Board of Appeals I would give it to him.

R. Carr: Yes, if I can just follow up on that and also what Mr. Ross said. I don't really think it needs more than thirty three or thirty two spots that are there but having said that I would say either send him to the Zoning Board of Appeals or a referral or for an interpretation.

H. Ross: One question. How many employees in the hair salon?

D. Yanosh: I don't know right now. Five or six, at least.

G. Lake: First of all, I don't think we're going to take any action tonight. If you want to send him to the Zoning Board of Appeals, do you waive the sixty two day time frame?

D. Yanosh: Yes.

G. Lake: Do you guys want to send him to the Zoning Board of Appeals?

A. Dulgarian: Is the Board happy with everything but the parking?

G. Lake: Well, . . . I think we need the interpretation on the parking, yes. Everything else, we kind of agreed to.

D. Yanosh: Also, to check on the variances on the buffer area.

D. McGoey: Also, the limitation on alcohol.

A. Dulgarian: I don't have any problem making a motion for him to go to the Zoning Board of Appeals and seek a variance for the parking.

G. Lake: Mr. Ross, do you have a problem with that?

H. Ross: I will second the motion.

J. Bacon: You can deny him. If you're interpreting the code as . .

G. Lake: I have a motion.

A. Dulgarian: Mr. Bacon, we have the right to send him, correct?

J. Bacon: Yes.

MOTION made to send applicant to the Zoning Board of Appeals made by A. Dulgarian and seconded by H. Ross. A. Dulgarian, either an interpretation or for a variance.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Nay

G. Lake: Aye

MOTION CARRIED. 6 AYES, 1 NAY

MOTION to TABLE for further review made by R. Carr 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

D. McGoey: Can I just say one thing to Mr. Yanosh and the Board. Having determined the parking spaces that are close from the twenty five feet you may want to get a variance for more than thirty three. You may want to have thirty one.

2. PUBLIC HEARING 7:35 P.M. - **HIGHLAND PARK** - 2 LOT SUBDIVISION - Scotchtown Collabar Road (29-1-55) #108-02

G. Lake: Public Hearing started at 7:30 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 17th day of January 2007 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Highland Park for approval of a two 2 lot subdivision under Section 249-8 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.

A. Fusco: My name is Al Fusco with Fusco Engineering representing the project.

G. Lake: Bring us up to date since the last time you were here.

A. Fusco: Yes, Mr. Chairman and members of the Board. This is basically a piece of land of 8.24 acres. We had previously requested this to become a three lot subdivision but through the process we reduced it down to two lots the parent lot and one other lot. There was one additional lot. We have been before the Board before and at work sessions. We again

believe that we now comply with the requirements for a two lot subdivision. We did receive comments in relationship to the last submittal. We are prepared to address those. In fact we made changes on the plan. Obviously I'm not going to give those to you now but you would be able to review them at your convenience. We also have photographs that we can show you to demonstrate the access to the property as well as the wetland issue. There was some allegations that there was disturbance of wetlands. We had our Landscape Architect go in and look at the proposed location of the property. We also have a letter from the Landscape Architect in relationship to it and I believe we're actually disturbing something up to .01. Once the approval is given at least it will still be under .1. That's all I have for the presentation.

G. Lake: I think the disturbance unless my eyes are lying to me a little bit was ditches draining it off.

A. Fusco: That's correct.

G. Lake: I understand it's down to two lots now but; anybody from the Board before I go to the Public?

A. Dulgarian: After the Public.

H. Ross: After the Public.

R. Carr: I will wait.

W. Capozella: I will wait.

C. Najac: I will wait.

T. Hamilton: After the Public.

A. Fusco: The disturbance is shown on the plans.

C. Najac: So, you're showing one ditch going away from that but I thought I remember seeing three or four.

A. Fusco: I don't believe so. We have photographs that we can show you.

R. Carr: There were definitely at least two or three.

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

F. Estenes: My name is Frank Estenes. I live at 202 Scotchtown Collabar. I know the gentleman here you remember very well I spoke on this a couple of years ago I think. There is a bad ditch going across that runs this way, back down like a football field and smack down the middle. Now, there is a lot of growth coming up through there. I'm only a layman not a professional here but in my estimation I hike back here, that is a lot of wetland back there. A couple of concerns. Since then and they should be here, my neighbor, there is a house. I was concerned with the drain off and where this water is going to go because my house is high and my neighbors is downhill. This water is laying this way and it's already saturated over there. Now, there's a new dimension in there. There's a big house already with a pond that's there for the drainage for that drainage that was coming down and this might disturb that and they might go under water. I don't know. I know one thing, that ditch is still there and still runs down. It's still wet. It's still mud. My concern is that they bear the burden of the proof that you people ask them to do because then there's no recourse for this. But, I can tell you the other thing with this is Scotchtown Collabar Road and, this is another issue. That sits down like this. Here's Scotchtown Collabar, you go down into those lots it goes like this. I don't know how people on the curve, we've already had two fatalities there, now people are going to start coming up and unless they level that off to the road somebody is going to be coming in and out of a hole and if you know the curve there that comes up, people are going to be going in and out of that. And last but not least, my well. My well water I've had problems over there and the only thing I want to know is if this goes through and my well goes dry, tell me who I call, who do I call this guy or that guy because I have problems already with my well. I've checked with well drillers on this issue. It may not be related to my neighbor but that's a very serious concern of mine and I've spent a fortune over there on well, water, etc. So, I think the big issue for you people to concern yourself with is the wetlands back there and the drainage or lack of drainage and where that drainage is going to go. Thank you.

G. Lake: Anybody else?

MOTION to close this PUBLIC HEARING at 8:22 P.M. made by R. Carr 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

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

A. Fusco: Yes I do.

G. Lake: You know what before you go through those, why don't you answer or talk about the drainage a little bit more, what's been done because I'm almost sure especially after you refreshed my memory that there was at least three ditches and then there was a big concern about the swale between the existing property and the neighbor property. Maybe you can just refresh my memory on that.

A. Fusco: Well,

G. Lake: What is going to happen any additional runoff and what did happen with the other ditches that we saw that one time?

A. Fusco: One of the things in relationship to the drainage. There is an existing dwelling, an existing sanitary sewer and a pond that really abuts the neighbor. The new lot is really surrounded by the lands of Palisades Park Commission. That's one thing I want to point out. In relationship to the drainage, basically we put in a single one family dwelling and a small driveway. Actually the yard area around it will be minimized because it is a little bit close to the wetlands and we will make sure we are under the .1 disturbance for that yard area. But, I don't believe that any additional drainage is going to be impacted by this project. The ditches were put in there without our knowledge, of course. The developer moved forward and was looking for three lots. We came back and looked at the location of those, we did indicate that we're going back to two. One of the things that had been mentioned and I know from Mr. McGoey's comment. We did have Mr. Torgensen go in there. We will have a letter from him we were not privy to because it wasn't ready for submittal which indicates

that the disturbance would be basically limited to ditches. There is no other disturbance. We don't believe that the drainage is going to be going offsite on to the other property in any manner in addition to what already is now.

G. Lake: Okay. Let's go through Mr. McGoey's comments.

A. Fusco: This is the most recent. Item #1. The wetland consultant must submit their findings in regard to whether filling has already occurred in the wetland and if so, if the wetland disturbance has been included in the calculations. We attached a letter from Mr. Torgensen who recently visited the site and I have that available for you if you want it now or with the next submittal. It does indicate that we do not have any fill on the area. Item #2. The septic system must be reviewed and approved by Eustance & Horowitz. We attached a letter with the next submittal to you indicating that we will send it to Eustance & Horowitz for review. Item #3. Comments from Orange County Department of Public Works must be reviewed and addressed. Attached find a letter addressed to Orange County Department of Public Works requesting a review. So, we're requesting that as per Mr. McGoey's comment. Item #4. The seal and signature of the licensed land surveyor must be present on the plan. That will be placed on the map. Like I said, I have Mr. Torgensen's letter here and a photographic journal which shows you pictures of the site in that regard. You can have it now or I will send it to you tomorrow for the next meeting.

G. Lake: How about, do you have the curb cut from the Orange County Department of Public Works, yet?

A. Fusco: No, we do not. We sent that to them along with a copy of the plans.

G. Lake: Mr. McGoey, do they ask for the prevailing speed when they do these curb cuts?

D. McGoey: I don't have the answer.

A. Fusco: What we did, is we had it posted at fifty five miles, with prevailing sixty. It shows the site distances. They have been given that, whether they ask for it or not, they're getting it.

G. Lake: Okay. Let me go through the Board.

A. Dulgarian: I have a question for Mr. Fusco. You say you have a current letter from Mr. Torgensen?

A. Fusco: Yes.

A. Dulgarian: When is that dated?

A. Fusco: January 3, 2007.

A. Dulgarian: On the map you have that the wetlands were delineated by Mr. Torgensen back on March 25, 2005.

A. Fusco: That's correct.

A. Dulgarian: Was that submitted with this plan?

A. Fusco: For clarification, the delineation was submitted. We were asked specifically and the letter that we received from him is only in regards to any fill placed on the site.

A. Dulgarian: Mr. McGoey, do you have a copy of that delineation from 2005 to compare to what is currently going on there?

D. McGoey: That's on the map but I didn't see the report.

A. Fusco: He commented and we got the letter. We sent it in to Town Hall.

A. Dulgarian: So, that's just a couple of lines here on Phase I. Mr. Lake, I really don't have a problem with the subdivision per se. My questions would be upon the wetlands and what past disturbances have been done and I have absolutely no problem deferring that to Mr. McGoey. I think that's his field of expertise. Other than that I have no issues.

H. Ross: I agree with Mr. Dulgarian. One question about the drainage on that portion of the parcel. Is it all downhill from there or is there another rise?

A. Fusco: It goes down.

H. Ross: That's all I have.

R. Carr: Back when this first came in, it was three lots.

A. Fusco: Correct.

R. Carr: The houses went along to what's to the side of this house?

A. Fusco: That could be.

R. Carr: As I'm looking at this and the way this was delineated and I don't have the old map but it looks like the wetlands is right beside the house as well as behind.

A. Fusco: That's correct.

R. Carr: So, what were we looking at that time that would have houses through the wetlands.

A. Fusco: That was prior to the delineation. It was shown in an area that was wetlands and that's why we dropped one of the lots.

R. Carr: The plan we're actually looking at is the wetlands when delineated with nothing about the wetlands there?

A. Fusco: It wasn't delineated to this degree. One of the things that Mr. Torgensen did I have pictures you can look at if you want to see it but there are basically a lot of hardwoods

in here and they looked at it vegetatively the first time and then they looked at it hydraulically and came up with a larger wetlands than originally.

R. Carr: Obviously someone must have realized that it was pretty wet to go through all the trouble of doing all that ditching. Certainly, I don't have a huge problem with the one lot. I still have a problem, I guess squeezed in. You have a driveway at over thirteen percent and the question now is do you have enough space coming out of a thirteen percent driveway. The house sits way down below the road. A curve that doesn't show as much here as it does when I'm driving but I'm still not really happy with the lot size and everything. I do have concerns about what I'm looking at in terms of where the wetlands are because what we were looking at before those houses would have been sitting in the wetlands. This is so close. You can't get any closer to the road. I don't know.

A. Fusco: One of the things that was recommended by the Landscape Architect and right now we have a disturbance of .01. We can still go to another .09 to give more rear yard area to give them a little more room around the house.

R. Carr: Who came up with the wetland disturbance?

A. Fusco: Mr. Robert Torgensen.

R. Carr: Okay. And, I don't know I will let Mr. Lake get to that. The ditch itself might only have been twenty acres, I wonder what the affect of putting additional wetlands and draining the wetlands.

W. Capozella: My concern is with the drainage. Who really maintains that ditch now that it will be part of this subdivision and if this ditch has any affect to the previous property there and including everybody else's property. I guess at this point who maintains it because if anything it's going to affect the house that's right there more than anybody else. I think that's the concern. I don't know how to address that.

A. Fusco: I can address it to the Board.

G. Lake: Let me get through the Board.

W. Capozella: The other thing you show on the plans the site distance that was also brought up tonight. I don't know how you're going to get that number.

T. Hamilton: There's a curve there past that. If your property line from that driveway to the edge of your property line is only two hundred fifty nine feet. That's where the road starts turning. How are you going to see twelve hundred some feet?

A. Fusco: It could be with the vertical and horizontal but I will re-check that.

G. Lake: Anything else Mr. Capozella?

W. Capozella: No.

C. Najac: I don't have a problem with the size of the lot. I don't know when we're concerned about who will be maintaining the ditch my question is what happens if the ditches are filled back in? Because that's what is going to happen. If you have a ditch and you don't maintain it, eventually it fills itself back up because everything else around it flattens out. At some point that homeowner will be rather upset because their house (not clear). As far as I'm concerned that's part of our duty to make sure that we protect the people that are going to live there. You will have to prove to me that those ditches don't add. I'm really concerned about that.

T. Hamilton: The ditch that's in there now they had a good walk through when they walked and that ditch probably made it to that house then it shifted the wetlands by that ditch.

C. Najac I just want to add that I believe they're were more than one ditch.

G. Lake: At least three if not four. Anything else, Mr. Hamilton?

T. Hamilton: No.

G. Lake: Mr. Fusco again, I went out and saw the ditches and I have to agree I don't know what damage was done and I'm not saying you were involved back then.

A. Fusco: I understand.

G. Lake: I do have a little concern about the site distance. I have a little concern about the fifteen percent slope in the driveway. I realize you're allowed, I think, a little more than that even but coming out on that particular road, actually I think you're only allowed twelve. Is it twelve on driveways?

D. McGoey: Driveways, yes.

G. Lake: Ten.

D. McGoey: Ten is recommended but you don't want to go over twelve.

G. Lake: Right. This house is over it. I agree with Mr. Carr, that it's stuck in there. Really, it looks to me into the wetlands. If you want to call it a disturbance but I think as of right now I know I probably couldn't support this. I didn't support it when it was here two years ago. I don't know if you want me to table it right now and go back and work a little bit on it and come back or I will call the vote. I think there are a lot of unanswered questions and I know it's a difficult piece but I will tell you right now which way I'm leaning. Like I said, to give somebody a fifteen percent driveway especially on that road, I just couldn't support that with good conscience. If you want us to table it, I will table it. If not, we will call the vote.

T. Hamilton: Mr. Lake, that driveway for one thing we don't know if the Town is going to approve it where it is, then what happens?

G. Lake: Well, right. That's why I asked before if the County had seen it.

A. Fusco: If I may, Mr. Chairman. I think there are some issues you deserve some answers to. One is the County site distance issue. Also, we have made a new submittal but obviously

I have to fine tune it a little more. Obviously now is not the time for me to go through all pictures. What I would request is that if it could be tabled I will submit a revised set of plans and try to get the driveway down to twelve percent and I believe that we can show you mitigation for most of the items that were brought up. I believe the ditching was not really for the benefit so much from this parcel but it was for the disturbance. I think that's what the developers were probably looking at with the ditching because that's basically where the third house was going to be. This area is already when we bring it up it will be above the ditches so that confirms about the ditches being filled in and what not would not be a problem with this dwelling in this location where it would have been in the third lot. So, I'm going to ask that it be tabled and get some additional information for it for review and more forward in that regard.

G. Lake: Do you waive your sixty two day time frame?

A. Fusco: Yes I will.

G. Lake: We have closed your Public Hearing. I don't want to say that we can't open it but I want to make sure that you waive the time frame. I don't have a problem with tabling it at this point.

J. Bacon: Just one thing. Mr. Torgensen did the delineation you said?

A. Fusco: Yes he did.

J. Bacon: Give the Board his qualifications and has the Army Corp of Engineers been contacted at all?

A. Fusco: Yes.

A. Dulgarian: In that time, I would like to see if you can give us his opinion on pre-existing conditions and the post-ditching. What a lot of the Board members brought up makes a lot of sense. If he's going to build this property up, what you're doing is building it up and wetlands you're not allowed to fill but the draining ditch is going into the wetlands. I want some kind of an interpretation on what happened there and how we substantiate it.

MOTION to TABLE for further review made by R. Carr 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

3. PUBLIC HEARING 7:40 P.M. - **FIORILLO** - TWO FAMILY - SITE PLAN/SPECIAL USE PERMIT - 24 Mud Mills Road (40-1-17.2) #29-06

G. Lake: Public Hearing started at 8:41 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 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Laura and James P. Fiorello, 22 Mud Mills Road, Middletown, New York 10940 for approval of a Site Plan for two-family home, 24 Mud Mills Road, Middletown, New York approximately 400 feet north of Silver Lake Scotchtown Road, under Article 249-20-C-12 of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

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

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

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

D. Yanosh: We went to the Zoning Board of Appeals and got variances for lot area and lot size back in August for a Site Plan for a two-family to be built on the property. Again, this is a lot that was approved by the Planning Board back in 1994. The applicant could have put a house on there yesterday, last week, last month. They could have put a house on the property

and put a driveway in.

A. Dulgarian: What kind of a house?

D. Yanosh: Any kind of house. This was a subdivided lot. I have the filed map from back in 1994 from their first subdivision.

R. Carr: Why are you here then?

D. Yanosh: Now, for a two-family.

A. Dulgarian: I asked you if it was approved for a two-family.

D. Yanosh: No, I'm sorry, a single family. It was approved for a single family home back then. The lot next door to the south, there's two houses on the existing lot. The house in the front is a single family. The one in the back is a two-family house existing. That was approved with the subdivision back in 1994. What we did since the last meeting, we located all the trees on the property for the proper screening. We got the comments from your engineer and from the Highway Superintendent. We have no problem with any of his comments. Again, this applicant could have built a house. The one question we always had was the size of the building and what facade they would like to go with. Again, I don't think the size matters in the house. We would like to leave it the same size as shown here but that's up for discussion.

G. Lake: I will go through the Board before the Public.

A. Dulgarian: After the Public.

H. Ross: After the Public.

R. Carr: Just one thing before the Public. What is different from this plan from the last time other than the trees?

D. Yanosh: We located parking a little bit, put the sewer lines through and with the existing houses next door and the driveways.

W. Capozella: I will wait.

C. Najac: I will wait.

T. Hamilton: I will wait.

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

MOTION to close this PUBLIC HEARING at 8:45 P.M. made by R. Carr 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?

D. Yanosh: Yes I do.

G. Lake: Can you go through them?

D. Yanosh: We have no problem with any of these comments. What are you looking for on the driveway stuff. I need to understand that one a little bit.

D. McGoey: You have very limited. I don't have any utility poles. I don't have any ditch lines. There's no topography.

D. Yanosh: The front is pretty flat. There's not much there.

D. McGoey: Okay.

D. Yanosh: I will look at that.

D. McGoey: And, the Highway Superintendent had some comments.

D. Yanosh: His comments I have no problem with. The site distance, the driveway has to be where it is by the approved subdivision plan. I will address that with Mr. Lippert and the details required by him. I have no problem having it stamped by an engineer. The easement for the garage I have no problem at all with the barn. They own the lot next door. I will put an easement to indicate they can get in there and access the parking from the other side. Moving the driveway further to the south and eliminating those trees would shorten my site distance around the corner so if that's what is required we have no problem doing that.

G. Lake: I will go through the Board.

A. Dulgarian: Nothing's changed since the last few times I saw it and I was opposed to it the last two times and I feel the same way.

H. Ross: The comment from Mr. McGoey about the oak tree?

D. Yanosh: I can move that driveway down to the south in order to save that.

H. Ross: You don't show the site distances because the driveway cut is already approved?

D. Yanosh: It's an approved subdivision. I can show the site distances but it's an approved divided lot right now.

H. Ross: My concern is do I have want to put one family at risk for a lousy site line or should I double the risk and put two-families in. Why should I risk two homeowners instead of only one.

D. Yanosh: You don't know how many cars, how many kids will be pulling out of there in the first place. You're looking at stopping something that has the minimal requirement. You can't limit how many people.

H. Ross: You may have it by right but I would like to see the numbers.

G. Lake: Anything else, Mr. Ross?

H. Ross: I'm done.

R. Carr: Where is the driveway next door?

D. Yanosh: Showed Mr. Carr on the map.

R. Carr: I still feel like it's very intense type of development right there.

D. Yanosh: What would you look for to make yourself more comfortable?

R. Carr: Somehow, not having this right on top of the other house. I mean it's nothing. Right now, you're running the driveway and this house is there and you're going to have a two-family here. It's too intense. When I was out there looking at it, this house would be right on top of the other house.

D. Yanosh: We meet the zoning. We meet the requirements.

R. Carr: But, now we're going to make it a two-family versus jamming it up as a single family but now you're going to make it a two-family and I don't know that it makes the situation better.

G. Lake: Anything else, Mr. Carr?

R. Carr: No.

W. Capozella: You got a variance from the Zoning Board of Appeals for area size so that you can fall within a two-family house?

D. Yanosh: The problem was when the property was subdivided in 1994 the zoning was different. The zoning then had smaller sized lots and smaller setbacks so, the variance was to allow us to build a house on this property to meet the new zoning. The other variance that we got was to keep the barn in the front yard. The stipulation in the subdivision back in 1994 that the barn was supposed to come down. We got the variance to use that barn as an accessory use in the front yard.

T. Hamilton: You went to the Zoning Board of Appeals for that barn as an accessory use. Doesn't that access the other piece of property and not the one that the house is on?

D. Yanosh: She's going to use it for her own storage.

T. Hamilton: The barn?

D. Yanosh: Yes.

W. Capozella: Who owns the road to the barn?

D. Yanosh: The family owns both lots right now. She is going to live in here and has antiques that she will store in that barn. She wants to use that barn for storage. That will be her own barn. It's on her property. What Mr. McGoey requested was to give her an easement to that. The doors to the barn are on the other side of the building, that's all.

W. Capozella: A right-of-way?

D. Yanosh: We will give an easement. We have no problem with the easement.

G. Lake: Anything else, Mr. Capozella?

W. Capozella: No.

C. Najac: The existing lot, I don't have a problem with putting a house there but I have a concern with it being a two-family.

T. Hamilton: I have a problem with this.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

D. Yanosh: The issue here is not that it's fifty by fifty or fifty by forty but the Board has an issue with a two-family house.

A. Dulgarian: How many two-family houses are around it?

D. Yanosh: Again, the one next door is a two-family.

A. Dulgarian: Is that an approved two-family?

D. Yanosh: What?

A. Dulgarian: Is it a pre-existing two-family?

D. Yanosh: Yes. It was approved in 1994 when the lot was subdivided.

A. Dulgarian: Was it an approved two-family?

D. Yanosh: Yes. Again, up the street and even across the street there are condominiums, townhouses and the rest of the stuff will be built in that same area. You go around the corner and another project is in front of you now with high density zoning also. So, it really is not out of character with the neighborhood itself.

G. Lake: You've heard the Board.

D. Yanosh: I can talk to the client to see if he still wants a two-family or not. My client is looking to have a two-family house there is what they're looking for. Again, we can get a building permit for a single family. We can go to the Building Inspector with the Site Plan and can build any sized house with no problem at all because they meet the code and everything is in place. The issue with the Board here I guess is the fact that you don't think a two-family fits here. I guess the only case I can make is that next door there is one with two houses on the same lot. We are not out of character with the neighborhood.

G. Lake: Okay. I will call the vote.

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 A. Dulgarian.

A. Dulgarian: Nay

H. Ross: Nay

R. Carr: Nay

W. Capozella: Nay

C. Najac: Nay

T. Hamilton: Nay

G. Lake: Nay

MOTION CARRIED. 7 NAYS

MOTION for SITE PLAN/SPECIAL USE PERMIT (Two-Family) subject to all of Mr. McGoey's comments and this Board's comments made by T. Hamilton and seconded by R. Carr.

A. Dulgarian: Nay

H. Ross: Nay

R. Carr: Nay

W. Capozella: Nay

C. Najac: Nay

T. Hamilton: Nay

G. Lake: Nay

MOTION CARRIED. 7 NAYS

4. **STICHMAN** - LOT LINE CHANGE (Re-approval) - 3 Baldwin Hill Road (44-1-96)
#98-05

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

L. Stichman: My name is Lou Stichman. I live a 3 Baldwin Hill Road in Middletown.

G. Lake: Okay. You need a re-approval for . . .

L. Stichman: Just a line change. It's already been approved. The engineer's messed up on the, a lot of things on the plan. The County. I'm in the middle of an argument, I feel. The Town of Wallkill has it done one way and the County wanted it done another way so they

made me redo it and they made me come in front of you again. There's no difference in that whatsoever from the last.

G. Lake: Okay, so basically you're just wrapping up . . .

L. Stichman: Correct.

G. Lake: The final.

L. Stichman: We had to make the scale bigger. They left out some things.

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: Mr. McGoey, have you checked out that there are no changes?

D. McGoey: Yes.

G. Lake: Mr. Bacon, what do we have to do, six months?

T. Hamilton: It's a re-approval.

J. Bacon: The old one lapsed.

MOTION for RE-APPROVAL of LOT LINE CHANGE subject to all comments from the last time he was here made by R. Carr 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. **GOLDEN TRIANGLE** (Covered Bridge) - SITE PLAN/SPECIAL USE PERMIT - 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 on behalf of the applicant. With me this evening is Lorraine Potter from Lanc & Tully, our Civil Engineer and Phil Griely, our Traffic Consultant. We last appeared before the entire Board on this project in September at which time there was a substantial list of comments from Mr. McGoey and the Board and suggested that we go back to work sessions and resolve much of those comments which we have done in the ensuing months. We've met with Mr. McGoey, three or four times and have whittled down the list which we can go through this evening.

T. Hamilton: Mr. McGoey, do you have comments because we don't have it?

G. Lake: Why don't we just go over them, if you don't mind. I know that most of them have been solved.

D. McGoey: Some of them. Behan must submit their review comments. Similar evaluation of the on-site recreation as to whether it's satisfactory. Behan has recommended that the roadway width be reduced from thirty feet to twenty four or otherwise reduce the number of reserved parking spaces. That particular issue I my recommendation would be to reduce the amount of parking spaces, leave the entrance drive at thirty feet because that it going to be used as the main entrance.

A. Dulgarian: What was her theory behind that?

D. McGoey: To create more open space area. Mr. Sells to submit comments in regard to the traffic improvement plans. The environmental findings of this project as a requirement in consideration of several alternatives for the improvements of Mud Mills and Cottage Street which has already been constructed by Kabro, the construction of a signal at Bert Crawford and Silver Lake Scotchtown Road just the other side or construction of a traffic signal at Maltese and Bert Crawford Road to be coordinated with the Route 211 signals. I believe it will be the recommendation of Sells that we construction the Maltese and Bert Crawford signal in light of the accidents at that location. They recommended a right-of-way lighting to Silver Lake Scotchtown to improve site lines. Subdivision plans to be submitted with Site Plan on a separate sheet but also included in the Site Plan set. We need dimensions showing the setback between the project and the right-of-way line. At the work session of December 27, 2006 we requested the applicant provide a letter from the Department of Transportation indicating their concerns with regard to the construction on the new Route 17 exit ramp which would be part of Phase II. To further reinforce the Board, that the feeling is it should be done as part of Phase II. The applicant should find Behans comments from December and any additional comments between received from Behan. Sewer and water lines connecting to Silver Lake Scotchtown Road is still pending. The HOA document should be prepared between Preliminary and Final Approval and given to the Planning Board and the Attorney. The issues with respect to the Attorney General's Office be resolved between the Building Department before they get Preliminary. The appropriate notes and maintenance commitments in regard to storm water management facility should be provided on the Site Plan. We did receive some comments from the attorney in regard to storm water. So, the applicant should address those on the plan. Comments received from the Conservation Commission, Highway Department, Water and Sewer Department and Fire Department should be received.

G. Lake: Did you guys . . .

L. Wolinsky: I think I should go through and let you know where we are. I don't want the Board to get the impression that this are still open items.

T. Hamilton: I didn't want to interrupt Mr. McGoey while he was reading his comments but . . .

L. Wolinsky: Let me go through my version because it was our expectation tonight to get our Preliminary Approval. We've been working real hard on this one. I don't have a lot on the

issue of recreation fees. That issue deals with the fact of whether we should be entitled to the statutory discount on the recreation fees because we're providing on-site recreation. The issue there is whether we're providing enough. We were asked to provide a standard which we did and it was provided as of November 20, 2006. We still have not had a response back from Behan on that. However, recreation fees are not imposed until time of Final Approval so if Behan still wants to way in on that we have no problem with that. Mr. McGoey talked about whether his recommendation was with regard to either decreasing the roadway or taking away some of the reserved parking spaces. We have no problem with either. They were both, the roadway width as Mr. McGoey pointed out has to do with the connection of the new road but also I believe it was something that the Fire Department probably wanted when it was first looked at and the number of reserved parking spaces. The additional parking spaces that we provided was done originally at the request of the Board. So, either way we have no problem with that. It's up to the Board. The traffic improvement plans by Sells, he's had those plans for quite a bit of time now. We haven't received any comments yet. I expect the nature of his comments will be very technical and again, we would have no problem of entertaining those comments between Preliminary and Final. Item #4 on what the traffic mitigation is, that's up to the Board. I anticipate that we would be drafting a Sells agreement, that's typically done between Preliminary and Final. The items #5, #6, and #7 are all related to plan modifications have been completed and are on the set of plans that are before you that were submitted on January. With respect to the letter from the Department of Transportation confirming that we're moving forward with the Exit 122 modifications. We have that letter. I will just read the first in part to the Board. The letter first starts out by acknowledging the traffic mitigation that we're doing locally and then goes off and talks about the major improvements. It says, "at this time the applicant for Golden Triangle is finalizing work for the department on the advancement of the new Town connector road on Route 17, Exit 120 interchange modifications requested as part of Phase II." We responded to Behan's comments on December 22, 2006. There were no additional comments received since that date. The major portion of the comments were pretty much requested in comments (not clear). Orange County Health Department approval for the water line is in process. Items #11 and #12 and #15 relate to HOA issues which must be done between Preliminary and Final approval. Mr. McGoey is correct. We have received a letter from Mr. Guertin today. Basically he's going to want to look at the plan and then the easements that are generated for the HOA document. In this case, it's the HOA. That will be the maintenance for the storm water. So, he's going to want to verify that it complies with the Town of Wallkill Drainage Ordinance. Comments received from the Conservation Board, Highway Department, Fire Department received and addressed. Nothing additional has been received. All these departments comments in the long process. Oh, I'm sorry with one exception. We did receive a comment letter from the Highway Department. All the comments are very technical in nature. The drainage review comments that are here I think are essentially from

the Town Engineer basically saying that the responses from his previous comments are now in the proper order and they're okay with what we prepared. That's pretty much it so, I think we've done everything we possibly can at this point in time for the Preliminary Approval. And, then we will clean up some of these legal issues between Preliminary and Final.

G. Lake: Let me go through the Board.

A. Dulgarian: What are we looking to accomplish tonight?

G. Lake: I think they're at the stage of Preliminary Approval so they can continue. I think, our decision is, the traffic mitigation. I think we should try to give them some direction of which one.

A. Dulgarian: So, we're looking at Preliminary tonight subject to that?

G. Lake: Right.

A. Dulgarian: First off, Behan's comments about reducing the imperious surface. Although I know it's well intended. If we can't do it with the driveway I don't like the idea of doing it with the visitor parking. I know Mr. Hamilton brings that up every time we get a project of this size. You always end up with people out on the road. As much as I hate seeing them on commercial and retail sites, I think it's kind of necessary here. I would be leaning towards neither the narrowing or the loss of the excess parking. If the one mitigation has already handled the traffic light, I think the next most important one is at Maltese Drive. We've had that conversation before. It's a three way stop and very dangerous. I think that is the next important one. The rest of the stuff I kind of roll over to Mr. McGoey. For me, I don't know about anybody else. And, I just have one kind of stupid or maybe obscure question for the applicant. What is the covered bridge? Are you talking about the little eight foot thing over the, you know, isn't that your signature covered bridge? I mean, you have a little covered bridge where.

L. Potter: It's just the name of it. Originally it was where we were crossing over and it's extremely expensive.

A. Dulgarian: How many units are in there?

L. Potter: Ninety.

A. Dulgarian: And, we get an eight foot covered bridge. I'm disappointed. That's all.

H. Ross: I agree. I also agree that Maltese Drive should be the next traffic signalization mitigation.

R. Carr: I agree with the lighting. There was one thing and I think we're too far along in it now to really go through it but the comments about the clubhouse. After seeing it, it would have been (not clear) but it does make sense that if that were someplace else. The project has come a long way and I have no problem with it.

W. Capozella: How is the recreation going to be handled because there seems to be a question mark of what the applicant is going to pay?

L. Wolinsky: We have 1.05, as I recall acres of various recreation which far exceeds the standards.

W. Capozella: What I'm saying is before we give Preliminary Approval, how will recreation be handled?

L. Wolinsky: My point was that your code says if there's no recreation provided you pay "x" amount of dollars and if there's recreation provided you pay "x" dollars. The question is whether the recreation that we have provided fits the lower dollar figure or not. Your recreation fees is an issue for Final Approval but not at Preliminary.

R. Carr: Behan's review.

D. McGoey: Yes. Behan's review is on the natural standards.

J. Bacon: We went through this whole issue with MKA.

G. Lake: Right.

W. Capozella: Well, it can be addressed between now and Final approval?

G. Lake: Yes. I guess between now and Final you decide is if they've provided enough and that's what Behan was checking.

W. Capozella: I just have one other question about the road as far as taking a right, a left turn going in. When you're coming up that Silver Lake Scotchtown Road, I brought it up before. I'm not still clear of whether it's been really been totally addressed.

P. Griely: Just the shoulder area. The easterly or northeast access which will be the new

Town road, the right-of-way has been set back to incorporate that. I will call that the easterly or northerly access.

W. Capozella: Okay, the access where you have more room.

P. Griely: Correct. At that location it's better for a right turn in the future. The one closest to the tunnel, there is no separate widening there.

G. Lake: Anything else Mr. Capozella?

W. Capozella: No.

C. Najac: I have a question about the use of that road. I haven't seen this before.

P. Griely: It's referred to as a new Town road but in reality.

C. Najac: That all ties in with Exit 120?

P. Griely: The interchange modifications for that.

C. Najac: And you're client has more or less agreed to that?

P. Griely: Yes. As part of Phase II that was a requirement and we've been advancing forward toward the design with the State and the Federal Highway Administration. There is a detail response letter in the environmental document.. The latest letter is a confirmation that we're finalizing with them.

C. Najac: When is Phase II scheduled to get started?

P. Griely: Part of that is drive by, it's a commercial project. So, part of it driven by tenants because it's very expensive to build the road and the interchange modifications but

C. Najac: And my last has to do with sidewalks. I'm asking for sidewalks across Silver Lake Scotchtown Road through the tunnel and down Bert Crawford Road.

T. Hamilton: And, that is going to be a new Town road?

G. Lake: It's going to be dedicated.

L. Wolinsky: Oh, yes.

T. Hamilton: And, giving up the excess parking we've been trying to push for those for visitor's to park somewhere instead of the roadway.

G. Lake: I agree also as far as the parking goes and the width of the road. And, also the Maltese and Bert Crawford should be the next mitigation. Now, the Department of Public Works comments. Do you have the newest?

L. Wolinsky: Yes.

G. Lake: Any problems there?

L. Wolinsky: No.

R. Carr: I have no problem waiving the additional parking but I also agree that the road should be narrowed, not only to reduce the imperious surface but I think when you make these roads that wide people just drive faster. It's a small little neighborhood and I think the wider the road is, the faster people are going to drive on it. That's my opinion on that.

A. Dulgarian: I also agree with Mr. Carr. I don't know how you would balance that.

G. Lake: Mr. Bacon, do we have to give this a Negative Declaration?

J. Bacon: No.

MOTION for PRELIMINARY APPROVAL

L. Wolinsky: Mr. Chairman, we need a Special Permit and then Preliminary Subdivision and Preliminary Site Plan. Those are the three items that we need.

G. Lake: Mr. Bacon, can we do it all at one time or do I have to separate them?

J. Bacon: You can do them all at once.

MOTION for PRELIMINARY APPROVAL for SITE PLAN, SUBDIVISION and SPECIAL USE PERMIT for PHASE I only made by H. Ross and seconded by A. Dulgarian.

J. Bacon: And, they might also have different expiration times.

L. Wolinsky: That I'm painfully aware of.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Abstain

G. Lake: Aye

MOTION CARRIED. 6 AYES, 1 ABSTAIN

6. **RING SPORTS EQUIPMENT** - SITE PLAN - Dunning Road (78-1-55) #87-06

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

K. Duggan: My name is Kevin Duggan with Fellenzer Engineering representing Ring Sports Equipment.

G. Lake: Go ahead.

K. Duggan: What we're proposing tonight is a Site Plan. This is the old vacant building on Dunning Road. It's been vacant for two or two and a half years. My client is looking to move in his sports equipment as a retail store. It's a permitted use in the zone. The issue in front of us now is that it also requires to have a five thousand square foot minimum for retail in that zone and the existing building is somewhere between two thousand and twenty four hundred square feet. We have a list of items from Mr. McGoey but one of the things we're going to need to do tonight is for us to be sent to the Zoning Board of Appeals for considering an undersized building for this use.

G. Lake: He already was at a work session. Mr. McGoey, are you going to need him back to

another work session between now and the Zoning Board of Appeals?

D. McGoey: Yes.

K. Duggan: We anticipated doing that.

G. Lake: Let me go through the Board. We have to send him to the Zoning Board of Appeals.

A. Dulgarian: Yes. What are you going to be doing there? What kind of sports equipment?

K. Duggan: Just general sports equipment.

A. Dulgarian: Nothing done on site other than selling the products?

K. Duggan: That's my understanding.

A. Dulgarian: The rest can be addressed later.

H. Ross: Bicycles and stuff would be part of the equipment?

K. Duggan: Yes. I mean, all sports equipment. They might be putting together a basketball hoop and things like that.

R. Carr: Nothing.

W. Capozella: Nothing.

C. Najac: Nothing.

T. Hamilton: The looks of the building?

K. Duggan: Basically, he might spruce it up a little bit to make it a little bit more presentable. He generally wanted to keep the landscaping as is but he can modify that.

MOTION to refer applicant to the ZONING BOARD OF APPEALS made by C. Najac 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

7. **KELVASA** - 2 LOT SUBDIVISION - 379 Howells Road (32-1-31.3) #105-06

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

D. Yanosh: My name is Dan Yanosh surveyor for the project.

G. Lake: Go ahead.

D. Yanosh: It's an existing ninety four acre property in the RA zone and Highway Commercial zone on Howells Road, County Highway 18 and Route 211 West. There's an existing one-family house on it right now with frontage on Howells Road. The proposal is for a two lot residential subdivision. Lot one will have the existing house on it, 4.22 acres and the lot #2 will be vacant at this time of ninety acres and not for residential use at this time.

G. Lake: I will go through the Board.

A. Dulgarian: I have nothing.

H. Ross: Nothing.

R. Carr: Nothing.

W. Capozella: Nothing.

C. Najac: Nothing.

T. Hamilton: Nothing.

MOTION for a NEGATIVE DECLARATION subject to all comments made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for 2 LOT SUBDIVISION approval subject to all comments made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

8. **BRUCE'S CARPETS** - SITE PLAN - Bloomingburg Road (1-1-61.1) #91-06

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

D. Yanosh: My name is Dan Yanosh, surveyor for Bruce's Carpets.

G. Lake: Go ahead.

D. Yanosh: This is an existing piece of property here on County Highway 76 across from Route 17K at the Orange County and Sullivan County border of Bloomingburg. They had bulbs in there at one time. They moved out and Bruce's Carpet moved in. I guess we need a Special Use Permit or just an approval to be in there. Even though it's zoned Ra it was a commercial use for several years and we're going to continue that non-conformity. I guess the zoning allows it as long as you're in before a year. The bulb outfit, ADR Bulbs moved out in July.

G. Lake: So, it's been less than a year?

D. Yanosh: Yes.

G. Lake: Mr. McGoey, your comments? I know usually if something has left and it's less than a year and it's kind of the same use as before, warehousing and selling bulbs and stuff there before.

D. McGoey: Warehouse, retail, etc.

G. Lake: Let me go through the Board.

A. Dulgarian: Other than that, I mean, other than a determination of what it's going to be I think it's a great use for that building. There's been a business in that building before. We haven't had any problems. Other than that, I don't have any problem.

H. Ross: I agree with Mr. Dulgarian except some input from our Landscape Architect. It goes along with the character of the neighborhood.

R. Carr: I have nothing.

W. Capozella: It's an empty building and hopefully it will be presented even better than it is now and it is a good use for that building.

C. Najac: Nothing.

T. Hamilton: Nothing.

G. Lake: I don't have a problem with this building. It's been like a commercial use for as long as I can remember.

J. Bacon: Any major alteration or construction on the building?

D. Yanosh: I don't believe so.

G. Lake: Can we give a motion for a non Negative Declaration and a non-conforming use?

J. Bacon: Yes.

MOTION for a NEGATIVE DECLARATION subject to all comments made by A. Dulgarian 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: Now, what do we call the use? Is it a special use, non-conforming?

J. Bacon: The use right now is non-conforming, correct?

G. Lake: Yes, partially.

J. Bacon: As long as he's not doing any structural alterations so, he's not enlarging or reconstructing.

G. Lake: I'm not sure.

MOTION for continuation of non-conforming use for sales and warehouse 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

9. **BOWENS AUTOMOTIVE** - SITE PLAN/SPECIAL USE PERMIT - 766
Bloomingburg Road (Change of Use) - (301073) #98-06

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

J. Nosek: My name is John Nosek with Roger Ferris Engineering and Surveying. With me is Mr. Bowens, the applicant for the project.

G. Lake: Go ahead.

J. Nosek: This application was before the Board a few years back and approved by the Planning Board. The approval had expired and now Mr. Bowens is interested in developing the site very similar to what was previously approved. Actually I think what we're proposing is actually a little condensed version of the previous Site Plan approval. The parking is the same. The building layout is the same. It's not quite as long as it was before. We shortened it up as well as shortened up the vehicle storage area outside the display area. Landscaping is essentially the same as is the storm drainage and so forth. What Mr. Bowens is looking to do is to have an operation that will cover his towing service establishment of towing, etc. He does have equipment, trucks that he would like to keep inside the building. As you can see on the plans we show the garage doors as well as an automotive service space for automotive repair. That's basically what he's looking to do. I think it's very similar to what the Board had approved before. I think it's less intensity certainly in the area of site disturbance that we had proposed before.

G. Lake: Mr. McGoey, was this at a work session?

D. McGoey: Yes.

A. Dulgarian: What was this approved for before, refresh my memory?

J. Nosek: It was previously approved as an automotive repair, sales, service and equipment vehicles storage facility. A repair station as well as automobile sales and service. We're certainly looking to do the automobile service. I don't think we're going to be looking for sales as much but definitely he wants to use the building for his equipment.

A. Dulgarian: There was another one before us right up there on the corner, right. This one's further down.

D. McGoey: Just down from the intersection of York Road with the old Route 17M.

A. Dulgarian: Right. That's what sticks out in my mind. I really don't have anything on this.

G. Lake: We're setting a Public Hearing tonight.

H. Ross: Are you having the sales use?

Mr. Bowens: I'm not looking to do sales.

J. Nosek: We're not looking for sales. We do want to have automotive repair.

H. Ross: But, not sales.

J. Nosek: Not sales.

R. Carr: We're just setting a Public Hearing.

W. Capozella: You're going to be having trucks and traffic coming in and out.

J. Nosek: This was all reviewed previously when we had the original R & R site entrance. We have a forty foot wide entrance so, it's very wide.

W. Capozella: Why don't I just show you? Nothing else.

C. Najac: Nothing.

T. Hamilton: Nothing.

MOTION to schedule a PUBLIC HEARING for March 21, 2007 made by R. Carr 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

10. **TOWER SELF STORAGE** - SITE PLAN/SPECIAL USE PERMIT - 233 Tower Drive (40-1-67) #55-04

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

A. Fusco: My name is Al Fusco representing Tower Self Storage.

G. Lake: Go ahead.

A. Fusco: We have been working with Mr. McGoey and I believe we're getting extremely close to whittling down all of his comments in relationship to this project. We have been working diligently on it and I believe that most of the comments are very easily doable. At this time we also have the comments from Cynthia Behan in relationship to the landscaping. Generally we don't have much issues with it however there is one area that we need to discuss with the Board in relationship to the fencing. One of the comments that we had previously was that you had wanted the evergreen slats in the fencing, which we have now provided to you in the plans submitted. At the last work session she strongly recommended that the evergreen inserts in the chain link fence requested by the Planning Board not be a requirement and she wanted vinyl covered chain link fence with vines such as ivy or honeysuckle planted at the bottom of the fence.

G. Lake: Let's solve that real quick. As far as I'm concerned, we sent you away the last time asking for the evergreen slats before.

A. Fusco: Correct.

G. Lake: I personally think, and I will go through the Board. I think it will definitely be a nightmare to maintain.

A. Dulgarian: And, what about the winter?

G. Lake: That's my opinion. And, Mr. Dulgarian just brought up another issue regarding the winter months. I don't know how you guys feel.

A. Dulgarian: With you, Mr. Lake.

H. Ross: No problem.

R. Carr: No problem.

W. Capozella: No problem.

C. Najac: No problem.

T. Hamilton: No problem.

A. Fusco: Other than asking for that, she asked for more trees, this and that and the other in one area and she wanted seventy six or seventy five plants. We have no issue with the rest of the comments. We've gone through all of his comments. We have no problems with taking care of them. We've had Department of Public Works comments to be incorporated and they're mainly about the pavement in the driveway and things of that nature. We put in all the Highway Department notes. In relationship to the Fire Department, I don't ever recall getting a specific list from the Fire Department but it was brought up in work sessions that the items were in relationship to hydrants and siamese connections and things like that. Also, in relationship to the driveway around it. The Building Inspector indicated what the Fire Department probably would want and I don't recall getting anything specifically.

G. Lake: No, you didn't because we would have had it in the file.

A. Fusco: Other than that, I have absolutely no issues with any of Mr. McGoey's comments. In fact, half of them are pretty much done already. We have no issues with any of them.

G. Lake: That's what I wanted to hear. I will go through the Board.

A. Dulgarian: Mr. McGoey, are they ready?

D. McGoey: Yes.

A. Dulgarian: Sounds good.

H. Ross: Nothing further.

R. Carr: I have no problem.

W. Capozella: I'm okay.

C. Najac: I'm more concerned about the lighting.

A. Fusco: Okay.

C. Najac: You show some fixtures and are they the reset type and are they also dimmers. The place is not going to be opened at dusk.

A. Fusco: That's correct.

C. Najac: So, is there a way at nine o'clock at night those lights can be dimmed so they wouldn't affect anybody?

A. Fusco: They do have a shield on them so they are shielded. They do not have the dimming, I believe but we can add that.

T. Hamilton: What we're getting at is we don't need to have the place lit up all night. And, you won't have outside storage?

A. Fusco: Absolutely. You need some light for security. We will see that they are dimmed down around ten o'clock at night.

G. Lake: Mr. Hamilton?

T. Hamilton: Nothing further.

MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments and this Board's comments made by R. Carr 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

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

11. **ORANGE REGIONAL MEDICAL CENTER** - SITE PLAN/SPECIAL USE PERMIT - Sketch - East Main Street (78-1-77) #60-06

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

W. Becker: My name is Wayne Becker. I'm representing Orange Regional Medical Center. I'm here tonight with Jack Marinas from Tim Miller & Associates. Donna from Lanc & Tully and Phil Griely from Collins Engineering. I appreciate the opportunity to come before you. I know we're last on the agenda. What I wanted to do from my prospective is to give you a little update about the new hospital project since the last time I was here. We're working on a variety of fronts and I sort of want to put that into prospective with the local planning process. First of all, New York State Department of Health certificate with the application. We submitted that to the Department of Health in August. We're actually going to Albany tomorrow before the project review committee. There is a positive

recommendation, a support of recommendation from the Department of Health to that project review committee. So, we expect approval for the project at that level. That step goes to the State Hospital Review and Planning Counsel February 1, 2007. We expect a positive recommendation carried over to that and then last is the Public Health Council so, we expect New York State Department of Health approval as early as April of this year. We're also working on a financial plan. The financial feasibility has been completed and we essentially have the capacity to fund the project but what's most important is that in the newspaper you probably read that we received a grant in the amount of 24.6 million dollars from the New York State Department of Health. It's probably in my history the largest health care grant in the history of New York State. This 24.6 million dollars is matching funds for the project. What it will allow us to do is not put an increase of costs but what it will allow us to do is to facilitate financing and we would have support because it really is our obligation. The third front is really working on campus issues. We're working with the local municipalities. We've met with County government from Mr. Diana, the County Executive to the Legislators. We've worked with some organizations like the Orange County Partnership and essentially come up with an appropriate plan for the Goshen and Middletown campus. We're also in the process of performing an appraisal on both of those properties as part of that process. And last but not least we're working with HP Builders (not clear). We've gone from schematic designs and design development. That process is almost complete and we will be getting that into a working document. My purpose really is just to let you know about the approval process and what we're working on with you. I will turn it over to Mr. Marinas from Tim Miller & Sons.

J. Marinas: Mr. Chairman and members of the Board. I've prepared the Draft Environmental Impact Statement that you have, prepared according to the outlines in the summer and per the SEQRA requirements. We really use your professionals with reviewing the document but we just wanted to come before you and answer any questions that you have. The Draft Environmental Impact Statement, as you know, looks at the direct effects of the project on the construction site and indirect effects on the surrounding community as well as mitigation measures for any impacts that have been identified. The board that John O'Rourke from Lanc & Tully has shows our Site Plan. East Main Street on the edge that the site entrance is coming in from with a traffic light controlled entrance and the second entrance from the end of Midway Park Drive. The development is located in the central portion part of the site not only preserving some of the wooded areas on the periphery of the site. Of the sixty one acres about thirty eight acres would be affected by grading activities. The plan preserves, as I said, the peripheral areas. The wetlands are located generally in the center of the site and stretch around to the northern portion. We would have about a quarter of an acre of impacts in Army Corp of Engineer jurisdictional wetlands. The Draft

Environmental Impact Statement looks at a range of issues from visual impacts to social economical impacts. We have renderings that you can see in the document. Our project architect from HP is also here if you have any questions on this. We looked at land impacts for instance, zoning as well to see that the project will be compatible with the predominately medical and office uses that are located along East Main Street and related uses that are located on Midway Park Drive. The project also would facilitate the recommendations of the comprehensive plan which creates a campus for a medical research district in this part of the Town. The project is pursuant to a special permit in the Planned Interchange District. We looked at traffic in the Draft Environmental Impact Statement. We have a number of mitigation measures that are proposed. In addition to the light we proposed some (not clear) on East Main Street in the vicinity of Midway Park Drive as well as the signalization changes on East Main Street. The uses for the Horton campus and Goshen campus are described in the Draft Environmental Impact Statement for options of what come of those campus's. We also looked at a light industrial alternative with the Wallkill Distribution Center which is now considered in the contact of the full sixty one acres of the project site. So, with that, I won't take up much of your time tonight. We will certainly be back and we look forward to comments from your engineer and your planning staff.

G. Lake: We, at this point, plan on setting a regular meeting of the whole Board with just the hospital, ourselves and a few of our experts we've already contacted. I don't have that date with me tonight but we will get that to you and maybe just have a work session with everybody involved we really would like to bring in. Everybody knows the biggest issue is traffic down there. Some how we have to find out from the State and the County and since you're going to Albany, maybe you can put pressure on the exit process down here which will help everybody. With that, I'm just glad you came in and brought us up to date. Again, I know we reserved work session space for you at every work session. So, I think we should get you in for a full Board work session to go through the Draft Environmental Impact Statement.

D. McGoey: Mr. Lake, may I ask that when they come in they provide a power point presentation.

P. Griely: As part of the Draft Environmental Impact Statement we can set up as part of the power point program a simulation that we set up for the whole corridor.

G. Lake: Before I go through the Board to ask any questions, I don't know whether Mechanicstown sent you a few comments but I will give you this now that you're here, a couple of comments that they have sent so far. Mechanicstown, as you know, is your primary fire protection rather than the City of Middletown where you are now. Mr.

Dulgarian, do you have anything you would like to ask?

A. Dulgarian: I think it's great. I still have to finish reviewing the document. Again, just to reiterate, it's going to be very hard for me to be part of the approval process without Exit 122 either being done or slated to be done or something. The traffic on East Main Street is just (not clear) and I can't picture it being approved without Exit 122 being done or in process or something along those lines.

H. Ross: Yes. I like what I've heard so far. I have the same concern everybody else has with traffic. I frankly do not see that you guys will be any more popular in Albany than you are this week and if you can move the Department of Transportation faster than us. You have to find a way around that. We can't approve it unless something is in place with a time line. It's not that we really don't want to move you forward, it's just that needs to be answered. I have one concern about fire stuff and erosion control. I looked at the comments from the fire company and I notice they didn't mention aerial trucks just for a seven story building and I'm glad they're not asking for that. My assumption would be to design the building with fireproof stairwells where you don't have to look for the truck.

R. Carr: Obviously the main issue is traffic. Storm water is another issue. The other issue for me and I just wanted to bring it up tonight was really the landscaping. Has this been sent up to Behan? I can't imagine it hasn't but I haven't seen anything?

J. Marinas: I don't know.

R. Carr: I would say we should definitely have that done because I thought I had seen something at one point from a draft standards for parking.

D. McGoey: We haven't seen the landscaping.

R. Carr: I saw something that was address but any way, there was something a couple of months ago about islands and also irrigation but to me the project is great and it's great for the Town. To me I would like it to look as inviting and it should look that way. It shouldn't be too much asphalt that's not enough. The islands, I don't know. I think the project looks great and I think we can work through all the issues but I just would like you to take a look at that.

J. Marinas: We did speak about the landscaping and they're coming out with new standards for the Town and we were in compliance with those.

R. Carr: I tell you what. It was surprising to me and I compliment you on the Draft Environmental Impact Statement. You referenced several questions to the draft standards and we don't know them.

J. Marinas: We following up with them.

R. Carr: My compliments to you as far as I've gotten through the Draft Environmental Impact Statement. It's very easy to read.

W. Capozella: Mr. Carr pointed out a few things and what ever we can do to get the real design going obviously for you and for the Town. Again, the application, obviously would be Wallkill Water and Sewer. We should be looking for a letter from Mr. Smith, even though the Draft Environmental Impact Statement says you have adequate water and sewer, we should get a letter from him. Other than that, no problem.

C. Najac: I continue with the traffic and the amount of asphalt. Have you considered underground parking to eliminate some of the asphalt?

J. Marinas: Underground parking would be an expense that might be prohibited for such a facility. I think that was considered. We have opportunity on the site and land is available.

C. Najac: And, you expect to preserve thirty acres?

J. Marinas: And, approximately twenty one of those acres would be of impervious surface.

C. Najac: How much of that total would be left undisturbed?

J. Marinas: About a third of the site, twenty four acres would be undisturbed.

T. Hamilton: The one question I have here is the amount of space that you're going to have in this hospital between Horton and Arden Hill and is the difference because I hear a lot of talk that the waiting time is getting longer and longer in the emergency room for the testing and so forth. The hospital might look beautiful but let's make it work because the longer you have to sit there for tests in the emergency room and so forth, you're going to run out of parking spaces. And staffing. More people will be trying to get in there and no spaces will be available due to people waiting.

W. Becker: I can address that. It's related to older infrastructure and it really can't accommodate the volumes we have had.

T. Hamilton: That's what I'm saying. Let's make this one work.

W. Becker: Let me just give you one example is that in the emergency room alone, if you take the Horton campus, the Arden Hill campus and combine those two. What we're proposing is an emergency room facility in this new hospital with a fifty treatment bay facility. That's more than the capacity we have now. As far as testing goes, the radiology testing that is very important will be right in the center of the emergency room, also to facilitate admission and discharge from that area. We are taking those things into consideration. We're aware of it. I don't think it's a staffing issue. I think it's a process issue and a facility issue.

R. Carr: One more thing. Have you at all looked at a different type of asphalt (not clear).

J. O'Rourke: Initially we did look at it. We're proposing the typical asphalt. We can look into it further. The problem with that is in the winter months it doesn't work and it freezes over and the other thing is it seems from initial reports that it breaks up easily as well. Basically the impervious asphalt doesn't seem to work.

A. Dulgarian: Wouldn't that get clogged sooner?

J. O'Rourke: It gets clogged with sand. The first year it's great and then typically after that it doesn't work because either it's clogged in the winter basically because of ice and snow packing and actually unless you're sweeping it constantly and cleaning it constantly, the pores end up basically filling up with sand and dirt and not working and tends to break up.

R. Carr: I heard it on "NPR" and said it is being used.

J. O'Rourke: They are. There's a lot down in Pennsylvania and Maryland, now they're up here. They are basically five years ahead of us typically with the technology in New York State and now basically they said no more sand filters because they're not maintained and they don't work. It's the same thing with the asphalt.

R. Carr: That's it.

G. Lake: Gentlemen, thanks for coming in and we will let you know the date when we will get everybody together with just you and us to go through everything. Thank you.

