

TOWN OF WALLKILL PLANNING BOARD

MEETING

JANUARY 18, 2006

MEMBERS PRESENT: G. Lake, W. Capozella, A. Dulgarian, T. Hamilton, H. Ross

MEMBERS ABSENT: R. Carr, P. Owen

OTHERS PRESENT: J. Bacon, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - SOHAN LAL - GAS STATION - SITE PLAN/SPECIAL USE PERMIT - East Main Street & Carpenter Avenue (74-9-2) #132-04

G. Lake: Public Hearing started at 7:32 P.M. D. Vega read the Public Hearing notice.

D. Vega: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 600 Route 211 East, in said Town, on the 18th day of January, 2006 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Sohan Lal, P.O. Box 4491, Middletown, New York 10941, for approval of a gas station and convenience store 200 feet north of the intersection of Carpenter Avenue and East Main Street on Carpenter Avenue, in the Town of Wallkill under Section 249-26 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: We received the mailing notices. Your name for the record, please.

J. Wortmann: My name is John Wortmann representing the applicant.

G. Lake: Do you have a map of the Site Plan for the board?

J. Wortmann: Yes.

G. Lake: Okay. Give us a brief description of what you want to do since the last time you were here.

J. Wortmann: The property is located approximately two hundred feet to the northeast of the intersection of East Main Street and Carpenter Avenue, plus or minus 1.12 acre lot. Actually, there's an existing garage there, we are proposing a lot line change at the center of the larger Currier & Lazier property near the existing lot on that one lot line we're proposing a gas station/convenience store with the building of just a little over three thousand square feet with the required parking.

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

A. Dulgarian: After the Public.

H. Ross: After the Public.

W. Capozella: I will wait until after.

T. Hamilton: After the Public.

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

MOTION to close this PUBLIC HEARING at 7:38 P.M. made by A. Dulgarian and seconded by T. Hamilton.

A. Dulgarian: Aye

H. Ross: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

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

J. Wortmann: Yes I do.

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

J. Wortmann: Hydrant detail. We will provide that. I did speak with Mr. Smith over at the Water and Sewer Department today and the only thing he asked for, he gave me the make and model to specify the hydrant and asked for a cast iron tapping sleeve. It would be the standard wet tap, shut off valve and a four and a half inch main valve fire hydrant. We will provide the detail for that. The diesel pumps. We did provide in our drawing set a turning radius. It showed how basically straight fire trucks would be able to access the diesel pump. We're not anticipating anything larger that is indicated on the plans other than a thirty foot straight body truck. It's not going to be for tractor trailers. Basically we're looking at the moving trucks, car carrier type truck. The very occasional automobile that burns diesel. That's the only thing we have at this point for customers for the diesel pumps. There is no (Not clear) on that part of Town right now. It's part of my client's business

plan to go off of that to his customers. Both the Site Plans and the traffic reports that we prepared for the Board, we indicate that a seventeen foot distance between the truck and the nearest car at that pump as opposed to the configuration that we have here now, where he is now, the Getty Station, they have the diesel pumps as part of the normal gasoline pump island. Basically, when a truck is there it blocks everything. It blocks all gasoline dispensing at that particular time if the trucks happens to be there. It's going to be an occasional use. We don't think we're going to be more than a couple of trucks a day in there getting diesel fuel. We really don't think it's going to be more than that. Item #3. On that particular item, we looked at the plan again and we would be more than willing if we have the space to do it to basically rotate the current wide, to make that twelve feet up to fifteen feet would be acceptable I guess. We have more than enough to basically locate that curb and that should make that travel lane acceptable.

D. McGoey: I don't know how you're going to. You need more than twelve feet certainly.

J. Wortmann: Right.

D. McGoey: To get a car out you need at least twenty feet, to back a car out safely without hitting somebody.

J. Wortmann: A normal travel lane for let's say a one-way parking lot, is roughly fifteen feet. We're not going to be looking at twenty feet for a travel lane because people are still waiting to back out. You gain a couple of feet. For the sake of argument, the average car is maybe sixteen feet. You're going to gain a couple of feet at the end of that car so if we rotated that over let's say five feet and picked up fifteen, seventeen and eighteen feet. I mean, it's up to you but I think we can make it work. I don't know if I'm going to get twenty. That might be tight. That's the only thing. I will give you as much as I can.

D. McGoey: First of all, the average is twenty five.

J. Wortmann: For two-lane traffic.

D. McGoey: Right.

J. Wortmann: This is basically one-way.

D. McGoey: You just can't back a car out safely.

J. Wortmann: I agree with that and I'm saying I would be more than willing to relocate that curb but I don't know if I'm going to get twenty, that's my only concern. I think we could probably get around seventeen or eighteen but twenty may be a little tight.

D. McGoey: Okay.

J. Wortmann: Item #4, that's really just up for discussion by the Board I guess. I will skip item #5 and I will let Karen Arnt answer that. Item #6. The architectural elevation, we did have him provide some coloration to the architectural elevation that was part of the plans. He did make some modifications from a previous submission. I was hoping he would be here, he's not, to discuss what he's doing here but basically we've gone from the split face block configuration to I believe it's a clapboard wood siding. He had some architectural details on the fascia to the east. That was all included in the architectural plans submitted at a prior submission. This is the color scheme that he's looking at here, something in the area of a greenish-yellow or whatnot.

G. Lake: Mr. Dulgarian, did you have any comments, hold that up for a second please?

A. Dulgarian: On that?

G. Lake: Yes.

A. Dulgarian: I like this. We've actually seen some of these commercial buildings with vinyl siding but this is different. "Coupla," is that?

J. Wortmann: Yes.

A. Dulgarian: I like that. It gives it a different look. It does look a little different.

J. Wortmann: I don't see on here, it almost looks like the architect, shows browns. I think that would add to the overall features of the building and dress it up sufficiently. It almost looks like that was what he was driving for.

A. Dulgarian: Mr. McGoey just brought up a good point on the canopy. You have no elevation on the canopy and it doesn't match the building. Is it going to be some kind of steel looking thing?

J. Wortmann: I think that was one of the comments.

G. Lake: We will come back to that.

H. Ross: Very nice architectural. I have no problem.

W. Capozella: No problem with that.

T. Hamilton: I did notice also that the first plan they had showed windows all the way down almost to the sidewalk level. And, I know when I go by these other ones you see all the stuff piled up inside the building and they have raised that up now so we won't have that view. It looks about two feet.

J. Wortmann: Yes, I believe it was two feet.

G. Lake: Good.

T. Hamilton: Do you have (not clear).

J. Wortmann: The only thing I did was I did an elevation through here and it is just your standard canopy. I mean, if you want something that's a little bit different in terms of and this is not part of the formal submission. We hadn't been asked for it until now. I just put something together more for the Public Hearing purposes just to give you an overview of what it's going to look like with landscaping, etc. Certainly there's different types of canopies with different type of roof structures and stuff like that. We don't have a problem with providing something that is more in character with the building. I don't think that's an issue.

G. Lake: I think we would like to see that.

J. Wortmann: Okay.

G. Lake: I'm not even sure you have to come back maybe just review that with Mr. McGoey.

J. Wortmann: The Department of Public Works details. We did receive approval on the tenth of August for the driveway permit from them. I think I provided the letter to the engineer the last time. The Board should have received a copy of that. We discussed the issue on the canopy. We discussed that. Item #10. The fire department asked for a clear marking of the sprinkler/stand pipe connection. I did call them. We did do his call out on the Site Plan submission.

D. McGoey: We would like to see where the siamese connections are.

J. Wortmann: Okay. That's no problem. Again, that's really more architectural than it is engineering and we will talk to the architect. Would it be sufficient that we provide it on the building elevation?

D. McGoey: No, on the Site Plan.

J. Wortmann: Okay. Any issues with landscaping, I would like to have Karen Arnt address those.

K. Arnt: My name is Karen Arnt, Landscape Architect. I think someone questioned the landscape over the corner of the East Main Street and this area here. What I did was put four trees that are existing that will remain. I show five large trees to create a park like atmosphere. I have heavy shrubs by the parking area to hide the parking area.

A. Dulgarian: Who will maintain that area?

K. Arnt: This area belongs to.

J. Wortmann: I think the agreement here was that the applicant would be responsible.

A. Dulgarian: Is it on the plans anywhere?

J. Wortmann: I don't know if it absolutely has to be on the plans but we will certainly add that on. I would have to go back and look.

A. Dulgarian: Why wasn't that included as part of your parcel?

J. Wortmann: Just the idea was to leave it as open space.

A. Dulgarian: You could have done it as part of your property and we would have somebody tied into the responsibility of it. I never understood that.

J. Wortmann: I think it was just basically leave it as open space and leave it with the parent parcel.

K. Arnt: Does anyone have any questions?

A. Dulgarian: I do. The retention pond in the back, how is that going to be screened and what is it going to look like? We're just looking at some sort of grassy depression because it's quite wet back there. I can't see it ever being dry.

K. Arnt: We have a couple of pine oaks, as well as well as large growing shrubs. I would probably be longer grass that would be there.

A. Dulgarian: What about on Hulse Avenue?

K. Arnt: Back in here?

A. Dulgarian: Correct.

K. Arnt: There are plants existing.

A. Dulgarian: Now, the existing trees are going to be removed along Carpenter because of the sidewalk?

K. Arnt: Yes.

A. Dulgarian: And evergreens will be replanted?

K. Arnt: We show eight trees.

A. Dulgarian: And, what type are those?

K. Arnt: There's a pin oak, pear tree, two red maple trees.

A. Dulgarian: Any evergreens, so we have something year round?

K. Arnt: On the corner here, I show them.

A. Dulgarian: Oh, that's the three in the far corner but nothing along the sidewalk?

K. Arnt: I didn't want to put something that would grow huge and have branches going toward the sidewalk area. These trees grow up tall and the shrubs will help. We're a little tight in here.

A. Dulgarian: That's all I have.

H. Ross: It's a very nice landscape plan. I also like the sizes of the landscaping. It is a nice job.

W. Capozella: I like the landscaping. Again, I think Mr. Dulgarian hit on that one section as far as who is going to maintain it. I like the idea of it but again how long is it going to stay that way?

K. Arnt: One of the reasons is because I didn't want to block their view.

W. Capozella: I guess then the question is it's not your property, right?

K. Arnt: No.

W. Capozella: And maybe it's going to stay that way and that's the hard thing for me to get through.

K. Arnt: I think the owner is here. I don't know if you would want to clarify it now.

G. Lake: I don't know. The main crossing in front you would have to come back to this Board eventually if he decided to do something right there. We were going to put a maintenance agreement on there saying that they would maintain it so, I mean, that will always be there for us. The point is well taken, I have to agree with you.

T. Hamilton: As long as we get a legal document that says whose going to maintain it and that it will be maintained.

J. Bacon: I think as long as it's clear on the Site Plan before people buy that, the Building Department . . .

T. Hamilton: Even though it's another lot, different owner?

J. Bacon: It's on the Site Plan and goes through that property.

T. Hamilton: It's part of that subdivision that it's maintained.

J. Bacon: It should be noted on the Site Plan for whoever buys the property knows.

A. Dulgarian: I agree that if it says it on the Site Plan it is the responsibility of the other property owner but my question is does this other property owner know that it's his responsibility. I don't want to take the applicant's word for it that, oh, he's going to take care of it unless we have something in writing. I believe that if the document says so, we actually have it.

G. Lake: That's exactly, I think, what we're going to do, is the owner of this facility is going to agree and will have to provide that documentation to Mr. Bacon and it will be put on the map.

A. Dulgarian: Okay.

D. McGoey: Mr. Lake, we still have the detail of the candle lights.

J. Wortmann: I know. I will provide a cut sheet of the candle lights.

T. Hamilton: The architect is not here yet?

J. Wortmann: Not that I know.

T. Hamilton: Isn't that who was going to give us the architectural rendering of the canopy and so forth?

J. Wortmann: We want to go with something that's a little more character and in line with the building.

C. Interrante: My name is Ciro Interrante, the architect for the building. You've heard about a sloped canopy if that's what you desire.

G. Lake: I think, for one, you weren't here at that time, we just didn't want to have a little block building especially on East Main Street where it's starting to develop into an office corridor or a Doctor corridor and while we're talking about the canopy, a sloped canopy may not be the safest thing in the world but what we're asking for is basically to try and tie it into the building color wise and the roof lines a little bit.

C. Interrante: What we've done on some projects is the sloping section is about three or four feet high typical to a fire suppression system plus satellite dishes and so on. Typically they are three or four feet and also has a mansard type sloped area above the surface and it's enough.

T. Hamilton: And, the lighting?

C. Interrante: The lighting, this company specializes (not clear). This is the first time I'm hearing about it.

G. Lake: We don't want it to be in the middle of the day to just blind everybody. Mr. McGoey, what . . .

D. McGoey: The lighting should be recessed so that they're not.

C. Interrante: Typically, the stations like to have the light.

G. Lake: Why don't you get together with Mr. McGoey. He can tell you what standards he's asked for up and down the corridor of East Main Street, Route 211 and you can work out . Is that fair enough?

D. McGoey: Yes.

G. Lake: And you can work out the lighting scheme.

T. Hamilton: I know we've been talking about it because we see a lot of the canopies that are here now and we're really not too pleased with the way the lighting was, they protrude down from the canopy. Granted, the ones on East Main Street is near the pump but the ones that are not recessed they give light everywhere else that we don't want. We want the fixtures to be recessed so they light straight down. Most of them now are four to six inches below the canopy and is lighting up the whole neighborhood.

C. Interrante: There are fixtures that are flush and you don't see the lens.

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

A. Dulgarian: Yes I do. First off, the things I like the way the sidewalks came out, the landscaping. I like what they did on the elevation. That stuff worked out okay. I have some minor issues that I think can be worked out. Among them, the maintenance agreement on the corner lot which we already hashed. The lighting on the canopy and the design of the canopy. Another thing that can be worked out is snow storage. I know she said something about putting the snow in the back. We

need to have a designated snow storage area on this map so the landscape or whoever does the plowing on the southerly side doesn't just push it over to the landscaping that this applicant just spent a whole bunch of money on. The problem is as you all know speaking to the applicant mainly is we ask for all this landscaping and then all the snow plow guys cover it up and knock it down and the next year. This is going to be something we're going to start enforcing and you're going to have to replace that stuff. So, we need a designated snow storage area on this map somewhere. That's the minor stuff that can be fixed. The major stuff, I still have a problem on this site. I agree with Mr. McGoey on the diesel fuel. I don't like it. The left out situation on the southerly exit, they wanted to fill that left hand turn with signage. Am I correct on that assumption?

J. Wortmann: I don't believe we have to be honest with you. If you want it we can do it.

A. Dulgarian: I'm saying, what are you doing to keep people from going out of the southerly exit?

J. Wortmann: Striping and signage. Obviously a stop line here. I think for the most part people do what they are would rather park closer to the building versus the parking areas down here. I think for the most part the traffic flow through the parking lot is going to be in this direction any way, either through here or here. I think for some of these parking up here back up and attempt to go out this way. I won't say it's unlikely. The way the site is laid out it really lends itself to, this is the quickest way out of the parking lot. So, if I'm parked here, I'm going to back out. I don't think we have a restriction on a left turn.

A. Dulgarian: You're saying you don't need a no left turn because there's no exit?

J. Wortmann: Yes.

A. Dulgarian: That's not an exit, it's an entrance.

J. Wortmann: The exit is here.

T. Hamilton: The next one up.

J. Wortmann: There's no left turn here.

A. Dulgarian: I don't mind a no left turn out of the other one but . . .

J. Wortmann: I don't think we have that sign in there for a no left turn.

A. Dulgarian: My question basically is if that's an entrance only, I know you don't use a no left turn but what's stopping people from using it as an exit and you're telling me through signage and striping.

J. Wortmann: I think the general practice flow of the lot is going to be in this direction.

A. Dulgarian: People being what they are will be looking for the closest exit toward the direction they're heading. We had this issue in front of Chili's, Gander Mountain and all over the place no matter how much curbing and signage. Let's move on. On site flow, when your fuel truck is filling the in the ground tanks by my looking at this the cars have to go through the gas pump area to get to the store?

J. Wortmann: Not necessarily. We actually have a pretty significant travel lane in this area here. They don't have to go through the gas pumps. They can go right through here to this parking lot and it lends itself.

A. Dulgarian: Isn't he filling right there?

J. Wortmann: I'm sorry.

A. Dulgarian: Isn't he refilling right there?

J. Wortmann: Right.

A. Dulgarian: So, what's he going to do, drive around the truck? How much room do you have there?

J. Wortmann: Seventeen, eighteen minimum.

D. McGoey: Had a discussion with Mr. McGoey.

A. Dulgarian: Mr. McGoey says it's sufficient. My other question is truck that delivers goods to the store, how does he get there and what does he do?

J. Wortmann: He goes in the same way as everybody else through here and back to here.

A. Dulgarian: How does he get back there, what does he do back in all the way?

J. Wortmann: No. He can pull in and back out this way because there's plenty of room to be able to do that.

A. Dulgarian: He can do what?

J. Wortmann: He can pull in straight and then back out again.

A. Dulgarian: Yes, but if he pulls in straight, the back of his truck is not facing the building.

J. Wortmann: That's going to be up to the delivery person but he can certainly back in. I don't think that's a problem.

A. Dulgarian: Backing in is poor planning. I mean, he's got to go back in from the front of the store all the way into the back of the store.

J. Wortmann: Personally, I think he can pull in and if he needs to turn around he will be able to do so.

A. Dulgarian: Is there room for that?

D. McGoey: It depends on the size of the truck.

A. Dulgarian: If it is anything like across the street it's an eighteen wheeler and that would block the gas pumps. This is ridiculous.

J. Wortmann: I was thinking about a standard box type delivery truck. I wasn't thinking about large vehicles.

G. Lake: Is this a chain or an independent?

J. Wortmann: Independent.

G. Lake: I do think there's a big difference between Cumberland Farms who has merchandise shipped from a central warehouse. I can tell you an independent, never.

A. Dulgarian: You don't think so, it's not an issue on this site?

G. Lake: If this was a Cumberland Farms, I think you would have a good argument. Because he's independent, he's going to have smaller trucks for delivery.

T. Hamilton: The other station they have at this time, they might not own the building, but they are independent and they're all smaller box trucks.

A. Dulgarian: I will take your input. I just know what I have seen.

G. Lake: Cumberland Farms and Stewart's, 7-11 yes.

A. Dulgarian: This is a good opportunity to get it right. My last thing is about the signage or something to maintain the flow of the way the cars come in?

T. Hamilton: It shows on here.

J. Wortmann: Pavement markings.

A. Dulgarian: I mean, at the pumps.

J. Wortmann: Oh, I'm sorry. Oh, one-way signs.

A. Dulgarian: Because your ground markings in the winter aren't going to be seen and they may go in the wrong way.

G. Lake: That's right.

J. Wortmann: We can put a one-way sign on either side of the pump islands.

H. Ross: Nothing.

W. Capozella: I will start with what Mr. Dulgarian had brought up about the trucks and I know you mentioned about the box truck. I just noticed this morning I'm going by a small convenience independent store and there's an eighteen wheeler for Budweiser and an eighteen wheeler for Koor. The delivery is tying up the whole row, because they can't even pull in. I'm going to agree with Mr. Dulgarian because a tractor trailer going in there is a good possibility.

G. Lake: Not that I'm arguing but there's a big difference between an eighteen wheeler I think like Mr. Dulgarian was talking about and these Pepsi delivery trucks and these Koor delivery trucks.

W. Capozella: The two I saw were pretty long.

G. Lake: I'm not arguing that point but they're really not what Mr. Dulgarian was referring to.

W. Capozella: Today, they're going to put all the recyclables, so they may have bigger trucks.

T. Hamilton: That's beer deliveries, but the other stuff is in smaller vehicles.

W. Capozella: The other issue that I'm not totally clear on and that would be coming in and out Carpenter Avenue and taking a left hand turn coming in there and you talked about a proposed third lane.

J. Wortmann: Yes.

W. Capozella: Obviously that lane is not that big right now and I don't know if this drawing reflects what's there now or you're actually going to make that larger.

G. Lake: Where are you talking about?

W. Capozella: Coming down Carpenter Avenue.

T. Hamilton: You're talking about the roadway crossing the other lane.

J. Wortmann: There is a left hand turn. You take a left hand turn on East Main Street.

W. Capozella: Right now, if you get in that lane or you want to go all the way to East Main Street you have to wait for everybody to get out of your way. In other words, you're coming down here right now if you were on that road right now you would see that, okay, I want to take a left. I want to go out East Main Street towards Gervic's. There is a left hand turn but if you're going to make people turn into his, the people that want to go left will have to swing around those cars and make a traffic mess. That's a concern of mine.

J. Wortmann: I would say two things and it goes back to (not clear). That's probably the worse case scenario. I don't think that's going to happen. Having said that, somebody coming down here, there's a left turn lane. You're correct. They're going to make a left turn, regardless. We're not going to see a significant backup. I don't see that as a problem. I believe that this is a true representation of the striping that's there. This is the way it is. The County did review this and they didn't have a problem. They asked for moderations to be corrected.

W. Capozella: I will say, originally you showed a sketch of fifty five feet but again when we go to the main map it shows two hundred. Okay.

T. Hamilton: I agree with what Mr. Capozella is saying. On the smaller sketch, what he shows is sixty five feet which is probably the one turn but the actual footage from the driveway to the traffic light is two hundred five feet.

J. Wortmann: I think I indicated in the narrative that it is two hundred feet plus or minus.

G. Lake: Mr. Hamilton, do you have anything?

T. Hamilton: Beer, I've never seen it at the sight here. The trucks that they have at the existing site now has all been smaller box trucks. It's never really hindered their driveway where they backup now and it's a lot tighter over there at the existing site. There is a lot more room here than what they have right now.

G. Lake: Anything else?

A. Dulgarian: Yes. One other little minor thing. On your dumpster enclosure area?

J. Wortmann: Yes.

A. Dulgarian: You show it with a chain link fence. I think it should match the building. It should be something similar.

J. Wortmann: In coloring, you mean?

A. Dulgarian: In material and color.

J. Wortmann: Okay.

A. Dulgarian: Something to match the architecture of the building and the canopy.

J. Wortmann: No problem.

A. Dulgarian: Mr. Lake, and the only other thing I have is that the snow storage area, they didn't say yes or no. Is it something we're going to be put in as a subject to type of thing?

G. Lake: We will do that. Basically we're telling you it will have to be done before the plans are signed off. So, when he get this back and Mr. McGoey checks it out to make sure everything is on the maps, and only then, will we sit down and sign it.

J. Wortmann: Are you looking for something for the landscaping setback from the curb line or are looking for something on the property?

G. Lake: Looking for a place so we don't destroy the landscaping.

A. Dulgarian: Our problem right now is these businesses in Town are ruining their landscape or taking up designated parking areas with the snow storage. We need to snow a designated snow storage area that doesn't include either one of those.

T. Hamilton: In fact, the Landscape Architect even mentioned that one of the reasons she didn't put shrubbery on the northerly end of the parking lot was so they can push the snow in that area.

A. Dulgarian: Correct.

T. Hamilton: So, let's make that the snow storage area.

A. Dulgarian: Exactly and once you designate one, then they can't push it over on the southerly side.

G. Lake: Do you have anything else?

W. Capozella: Are we going to subject to either existing pictures. The architect for the canopy mentioned something about existing. He had already done some sloping or something like.

G. Lake: Basically it would be subject to all of Mr. McGoey's comments and this Board's comments and he will have to comply with the next set of plans with all our comments implemented.

W. Capozella: Okay.

A. Dulgarian: Where are we at with the diesel pump? I mean, I still don't like it.

T. Hamilton: How much do they need to be able to get in and out of there without interference?

D. McGoey: I think larger trucks are going to be fueling there. I don't think it's going to be that small U-Haul truck that they show on the plan.

T. Hamilton: Do you think that if they moved that diesel fuel up to that front island part, it would be better than where it is now?

D. McGoey: No. I would recommend taking the diesel fuel off.

J. Wortmann: We would like to have it but (not clear).

G. Lake: I don't see it as a threat when I go to places that have diesel.

H. Ross: I'm not sure that you won't know until there is a problem.

G. Lake: There really is no place to move back. To put it on the gas aisles, if you dedicated one of the pumps for that, we're sure you will eliminate any kind of truck traffic underneath the gas pumps, depending on the height. If you want to do that, it would be a compromise. You said this was for small vehicles if that's what he's after. That's what he does now.

T. Hamilton: I thought they had to move it from where they showed it.

G. Lake: I don't care.

J. Wortmann: I don't think he can put it back here actually because of the setback requirements.

H. Ross: If you had the corner lot in your plan, you would have all the room in the world.

J. Wortmann: Getting back on that, I think part of the reason was, the number 1.1 acre.

W. Capozella: I actually kind of like the idea of the pump where it is away from the other ones. In saying that and in terms of the footage I do agree with Mr. McGoey and I would like to see. I don't know, there's no way he can get a couple of extra feet.

J. Wortmann: What we're going to do, we're going to rotate here to basically meet the ten feet. The truck isn't going to get any closer to the pump. The only other thing we can do is we can square this off and then he would have slide it in and back out. I don't know if that would be a compromise either.

G. Lake: Okay. Let's call the vote.

MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments and this Board's comments made by T. Hamilton and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

MOTION for a LOT LINE MODIFICATION made by H. Ross and seconded by W. Capozella.

A. Dulgarian: Aye

H. Ross: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

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

A. Dulgarian: Nay

H. Ross: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 4 AYES, 1 NAY

2. PUBLIC HEARING 7:35 P.M. - **GLOBE CONSTRUCTION** - SITE PLAN/SPECIAL USE PERMIT - Stony Ford Road & Slaughter Road (61-1-20.2) #31-05

G. Lake: Public Hearing started at 8:23 P.M. D. Vega read the Public Hearing notice.

D. Vega: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 600 Route 211 East, in said Town, on the 18th day of January, 2006 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Globe Contracting LLC, P.O. Box 3088, Middletown, New York 10940, for approval of a storage of machinery and equipment on Slaughter Road (SBL 61, 1, 20.2) nearest to Stony Ford Road under Section 249-27 of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

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

J. O'Neil: My name is James O'Neil representing Globe Contracting.

G. Lake: Do you have your mailings, and the publication as it appeared in the paper?

J. O'Neil: Yes.

G. Lake: Go ahead. Give us a brief description?

J. O'Neil: Sure. The property will be used for a storage area on both sides of Slaughter Road at approximately four hundred feet of Stony Ford Road. The area has a high embankment. The access is off of Slaughter Road.

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

A. Dulgarian: After the Public.

H. Ross: After.

W. Capozella: After.

T. Hamilton: After the Public.

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

MOTION to close this PUBLIC HEARING at 8:28 P.M. made by T. Hamilton and seconded by G. Lake.

A. Dulgarian: Aye

H. Ross: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

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

J. O'Neil: Since the last one?

G. Lake: Dated January 9th. Mr. LaBruna, do you have a comment on this? Come on up, please. The first comment actually pertains to the Conservation Board. Mr. LaBruna is Chairman of that Board.

S. LaBruna: The site as it is now definitely is an improvement from the last one they had. Myself and members of the Commission still don't feel comfortable having construction vehicles parked within that one hundred year flood plain and I would just like to submit to the Board some of comments from the last plan regarding stream protection. There are a number of assorted ones here so I would just like to submit them.

G. Lake: Okay. Can you just give us a quick, what we're going to read in this since this is the Public

Hearing?

S. LaBruna: Basically, it stresses the importance of preserving our streams and the areas along the streams in the Town of Wallkill. One of the first goals in the revisions of the Master Plan is for protection of streams and wetland areas from development. I don't have a problem so much with the storage of vehicles on the other side of Slaughter Road. I'm just primarily concerned with the stream and any vehicles that are within a one hundred year flood plain. I went out to the site today and there are two construction vehicles already on the site maybe ten feet away from the actual water line and closer to the flood plain. So, I'm already concerned that vehicles are already there that close. Basically, our feeling is there shouldn't be any construction vehicles parked within that one hundred year flood plain.

G. Lake: Thank you.

J. O'Neil: We did address the Conservation comments before we did the new site plan. We have crushed stone very close to the stream. We pushed it back twelve feet and then we changed it to about twenty five feet. All vegetation will be maintained along the stream bed. We have shown the fence. The large trees will be preserved. We're far away from the stream. The vegetation will not be disturbed. We believe that the stream won't be affected.

G. Lake: The fenced in area?

J. O'Neil: I'm not sure. All this is drawn to scale.

D. McGoey: No. The contractors don't go out and scale the map. We would like to see what the dimensions of the parking lot area and where the fenced in area is.

G. Lake: So you want to actually see numbers.

D. McGoey: Numbers, yes.

G. Lake: From one side of the parking area to the next.

D. McGoey: Correct.

G. Lake: I agree with you there.

J. O'Neil: Erosion control devices should be installed for the protection of the adjoining stream. We can do that.

D. McGoey: We need to see a detail on the map such as the silt fence while you are constructing.

J. O'Neill: Absolutely. We will add that to the plans.

G. Lake: Item #4 from the Conservation Commission in regard to potential for pollution of this stream from parked vehicles. That's just going to be a gravel road, is what they're proposing?

D. McGoey: Right.

J.O'Neill: Crushed stone. The crushed stone is going to be recessed so it's going to be a recessed area in there. There should not be any pollution to the stream.

G. Lake: I'm assuming because of the Conservation Commission is concerned as well, if the fuel goes into the stream. How do you protect it with a gravel base?

D. McGoey: There is no protection really. There's no pervious liner underneath to catch it. It can potentially go into the stream.

J. O'Neill: If I may, any parking there we will have a catch basin to cover from entering the stream.

T. Hamilton: Not with today's standards. Now you have to treat the runoff.

D. McGoey: Depending on the size of the parking lot. This particular lot doesn't fall under the regulations but a larger parking lot would have to treat.

G. Lake: I will go through the Board.

A. Dulgarian: I don't particularly like this project but I don't think I have anything to hang a denial on. It is a permitted use. I don't like it but there's nothing I can put on it.

H. Ross: I'm concerned about the stream. It is a permitted use in the M-I. I understand that it's M-I at the time but I thought it was either next to or immediately to the area that was recently changed.

G. Lake: I believe this section out towards the Goshen Turnpike is M-I.

T. Hamilton: I think the last sketch that I saw I thought the RA and the M-I line was actually at Slaughter Road.

G. Lake: Yes.

T. Hamilton: One side or the other. He's on both sides so I'm not sure where that line is going to be but the one I saw was that they were going to change toward Slaughter Road. This is not new equipment. These are construction equipment that are used on job sites and so forth and when that equipment comes back to the yard, they're covered with stuff. They don't wash them off and hose them down before they leave the job. They sit in the yard and any time it rains that stuff is going to wash off the trucks and eventually it will hit the stream. That's the only problem I have is how to

protect that stream with the vehicles parked so close.

G. Lake: Just let me go back.

W. Capozella: My concern is with the stream section of it. Again, I think Mr. Hamilton hit it and that's exactly where I stand also. I don't care which vehicles you use you're going to have some diesel fuel, you're going to have oil. What about filling these vehicles? Do they get filled on the site? You're going to have some leakage. With the stream that close that is definitely a concern about catching. There's no doubt in my mind that some of that will get to the stream. That section of the site concerns me the most. Again, with spillage, we're not even sure how these get filled, when they get filled. We're not showing anything as far as holding gas or what ever but they still have to have someplace they have to fill. The oil has to get changed or added.

J. O'Neill: Usually at the construction site they wash them down so the roads don't get tracked with debris. They should be clean before they come in.

A. Dulgarian: What's in the storage trailer?

J. O'Neill: It could be small sections of culverts.

A. Dulgarian: There's no drums of fuel being store inside?

J. O'Neill: No, absolutely not.

G. Lake: Is there any outside storage of any kind besides the vehicles?

J. O'Neill: No.

G. Lake: I think the Board from the beginning has been pretty honest in their reservations on this site when it comes to wetlands and the stream. I'm really not sure how comfortable I am with it either yet. I can call the vote. I just want to give you your options. I can call the vote and what happens, happens. I think there still is a little concern about fuel, grease or whatever running off into this other parking lot. You can waive your time frame, go back to another work session and maybe talk about better protection for the environment out that way, that's up to you. You have to do one or the other. You can go back and talk about maybe some kind of fabric under the stone to do a better job of protecting the environment out there.

J. O'Neill: May I make a comment?

G. Lake: Sure.

J. O'Neill: I've had three work sessions so far. If having the trucks parked near the stream, and that

appears to be the only issue, we will move that.

G. Lake: Again, I realize you've been back to these work sessions but again, I'm telling you I think from the beginning this Board has been very up front and has shown and expressed several times about their feeling about this site. This map, what we do tonight, has to be based on this map. I don't believe we can just turn around and say, you don't use the other side. It's your call. I can call the vote or waive the sixty two days and go back to a work session and then tackle this problem next to the stream. Am I correct in saying that, this map is what we're dealing with tonight?

D. McGoey: Unless the Board says they won't approve the other side of the road, then approve it that way and have them modify the site plan before the Chairman signs it.

J. O'Neill: We will do that if it's acceptable to the Board.

G. Lake: Does everybody understand?

A. Dulgarian: Do you have enough room just with the one lot?

J. O'Neill: Yes.

MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey's comments and removing the parcel next to the stream and to modify the Site Plan to show that made by A. Dulgarian and seconded by W. Capozella.

A. Dulgarian: Which would be the south side, right?

G. Lake: Which means you have to modify the site plan to show that.

A. Dulgarian: Are we outside the one hundred year flood plain with that fence?

D. McGoey: Yes.

A. Dulgarian: Aye

H. Ross: Aye

T. Hamilton: Can I just bring up one thing first? Mr. McGoey, does he meet the size now for that lot if he only does one?

D. McGoey: I think it is a pre-existing non-conforming lot size.

T. Hamilton: Okay.

W. Capozella: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

MOTION for SITE PLAN/SPECIAL USE PERMIT subject to all comments made in the Negative Declaration made by A. Dulgarian and seconded by W. Capozella.

A. Dulgarian: Aye

H. Ross: Abstain

W. Capozella: Aye

T. Hamilton: Quick question. Mr. McGoey, being it's a smaller lot does he have to go to the Zoning Board of Appeals to get that variance on the smaller lot?

D. McGoey: I don't think so. He has the right to use a pre-existing small lot.

T. Hamilton: To put anything on it?

D. McGoey: If he decided to put a building on it, he couldn't meet the setbacks.

T. Hamilton: I just didn't want to do something and then . . .

G. Lake: This is exactly why he should have gone back to a work session.

J. Bacon: The road is a natural divider so it's up to Mr. McGoey to say whether or not this complies.

D. McGoey: Because there's no building, there's no lot coverage. It's zero.

T. Hamilton: That's it.

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 4 AYES, 1 ABSTAIN

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

G. Lake: Mr. Bacon, before the applicant gets up here,

J. Bacon: Yes.

G. Lake: Did you review this to see if we're going to have to re-schedule a Public Hearing? His time frame ran out. He received a couple of extensions.

J. Bacon: It's a Special Use Permit. He needs to have a Public Hearing. Also, my question was whether or not he has to submit a new application and pay the required fees. That's something that's clearly in the zoning code. Before the Planning Board can take any action, that's a clear requirement.

G. Lake: So, you're saying he has to re-apply?

J. Bacon: Yes. What that section says, Mr. Lake, is Preliminary Site Plan approval shall expire in six months after the date of the action. No further Planning Board action shall be taken after such expiration until a new application and filing fees are submitted.

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

C. Mead Jr.: I'm representing Inglesia Emanuel.

G. Lake: Did you re-apply with a new application?

C. Mead Jr.: As far as we know, we have. We had paid fees in excess of five thousand dollars are being held by the Town of Wallkill. Now, whether or not those applied to the application in question I couldn't be certain at this time.

G. Lake: The new application would have to be filed for this meeting.

C. Mead Jr.: Prior to this meeting?

G. Lake: We found out that you ran out. I believe you got two and a half years worth of extensions if I remember correctly. When your last one ran out and you realized you had to come back, did you file a new application?

C. Mead Jr.: I'm not prepared to answer that. I'm not one hundred percent sure on that.

G. Lake: Can we at least set him a Public Hearing down the road and then let me bring in the paper work tomorrow?

J. Bacon: The problem is it's an action. Setting a Public Hearing is doing something. Unfortunately, you have to be consistent.

G. Lake: Okay. Unfortunately, we're going to have to table you until you get a new application in. Come in the office tomorrow to get that done. In the meantime, just try to get all your comments of January 9th.

C. Mead Jr.: Yes. I have them. We can't address any of this?

G. Lake: No. Unfortunately, you should not have even been here tonight. Mr. McGoey, are you going to need another work session?

D. McGoey: Yes. We have quite a few issues. They did some changes out there.

C. Mead Jr.: Can we address his comments or not?

G. Lake: No. We're going to have to table you because you do not have an application in.

C. Mead Jr.: We don't have an application so you have to table us?

G. Lake: Right. We don't have a choice.

C. Mead Jr.: So, we can't answer any questions?

G. Lake: Sorry. Tomorrow, go into the Planning Board office, file an application and get on a work session. As soon as you get through the work session we will get you back on as soon as possible.

C. Mead Jr.: Getting back on the calendar for . . .

G. Lake: As soon as . . .

C. Mead Jr.: For what, re-approval? Is that correct?

D. McGoey: When you come in we will schedule a Public Hearing at that time.

J. Bacon: Do you have Mr. McGoey's comments?

C. Mead Jr.: I have his comments right here.

D. McGoey: So, when you come in to the work session, we will talk about these comments and then we will put you on an agenda.

C. Mead Jr.: Okay. That's good.

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

A. Dulgarian: Aye

H. Ross: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

4. **HOOTER'S RESTAURANT** - SITE PLAN/SPECIAL USE PERMIT - Route 211 East (50-1-33.2) #156-04

G. Lake: Mr. Bacon, again Mr. McGoey's comment before we get too crazy here while these people are setting up. Discuss your item #2 on your action, Mr. McGoey please so he can give an answer.

D. McGoey: The Planning Board attorney should advise as to whether a Special Use Permit is required. If so, a Public Hearing must be held.

J. Bacon: It's a question I was going to ask Mr. McGoey. Currently there's eating and drinking on the site but the question is this is an additional eighty nine hundred square feet of eating and drinking that's not in there now. It was retail and now it's eating and drinking. So, it's basically an expansion of what is on the site. It looks like it's a doubling of the existing eating and drinking so I would say that a Public Hearing should be held on the expansion of the Special Use.

G. Lake: So, you're saying, yes, we do need a Public Hearing?

J. Bacon: Yes.

T. Hamilton: Mr. Bacon, when we have applicant's come in with say a strip mall and so forth they

come into us and they'll ask for all the different special uses so they didn't have to come back again if they get a different use in there that was covered. So, they actually have the eating and drinking on that whole site. When they come in to us with a specific applicant we pick up the new regulations with the new square footage and make sure to give them another store in the complex for the same thing. We make sure that they have parking to cover that extra square footage but the use is given to that whole parcel. We've had them list ten different uses when they come in for the Public Hearing and list them all so they don't have to actually have to come back each time one store moves out and another one moves in. The only difference is we make sure that the parking calculations cover with eating and drinking which takes more parking. That's what we pick up now but I didn't now we would have to do a Public Hearing.

J. Bacon: You know, it's really the Board's discretion on this. If they were going to convert the entire site to eating and drinking establishment and a Special Use requirement and found out it should be visited. Does it affect property values? Is it in character with (not clear). So, if the Board decides that the expansion of eating and drinking does not drive to a level where it warrants a Public Hearing. That's up to the Board. It's not illegal for the Board to make that determination.

G. Lake: Okay. Let's see what they have to say and then we can talk about it. Your name for the record, please.

K. Moreno: My name is Kevin Moreno. I'm here for the applicant. We're requesting approval for a new restaurant at an existing retail space in a multi-tenant shopping center. It's a change of use for the space from retail to a restaurant use. We're fitting the whole interior for the restaurant and some exterior improvements for the restaurant's appearance. Because of the change of use, it's driving a lot of requirements to satisfy the site and site improvements and our Civil Engineer Mr. DePuy is here tonight.

T. DePuy: I will just go over the site a little bit. In order to accommodate the change of use we're going to develop some additional parking will be in the rear here and Fitzgerald Drive and also there's an area here where they sell Christmas trees off. We went back through and re-calculated all the places in the mall to make sure that there was adequate parking for the new zoning. There's two hundred fifty one parking spaces required. That's what we have provided. There's also at least fifteen parking spaces in that count which actually exist on the leased parcel to the drug store. There's a cross easement that this area has also. That will be part of the overall count.

G. Lake: You're going to provide that agreement?

T. DePuy: Yes. That agreement is going to be forwarded to you. Just some other issues when these two parking areas were developed, we're going to be providing a large underground storage for detention. We do have an increase of flow. That area will have large twenty four inch pipe through here which will have control to let the water out over a slow period of time and we will also have some large underground piping which will also have control in order to prevent any increase of runoff in those areas.

G. Lake: Is anything going to happen out in front of the building itself or is that basically what we're looking at?

K. Moreno: The existing building has a flat roof elevation with a wrap around front. It has a brick gable on the building. We're proposing to replace that brick gable with two gables. We will be adding (not clear) roofing on top of the canopy and replacing the existing store fronts in front of the restaurant space with some paneling, above windows. The windows themselves will actually be garage doors that can be open in the summer time. The front of the building with the garage doors here and we would be building a new partition about sixteen or twenty feet into the store so that in the summer time when the garage doors are opened as an outdoor eating area.

G. Lake: Outdoor eating area within the building?

K. Moreno: Within the building. Also, there's no sidewalk in front of this portion of the building. Our plans call for (not clear). Handicap improvement for parking and the fire lane.

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

T. DePuy: Yes. The first one is the applicant should respond to the comments from the Planning Board's landscape architect. We have gotten those and I also talked to her. She had some issues about trying to re-configure the parking lot with the adjacent property but I discussed it with her. It's a hard thing to do because those have already been developed. I did go over some landscape issues. She had wanted us to screen along here because it's residential here and here so we scheduled some additional evergreens and other trees in this area along with low lying shrubs and also try to clean up this area around here in this parking lot so we're going to add some additional trees in there. She did discuss about planting trees out in the Route 211 corridor but I told her the problem with that is the State may prevent us

from doing that for site distance purposes so we are going to look at putting additional planting here and also here. Item #3, the width of the entrance and exit from the newly proposed parking lot near Fitzgerald Drive are to be shown. We will provide those dimensions. Item #4. The Planning Board attorney should . . .

G. Lake: We already talked about that.

T. DePuy: Item #5. The Planning Board should discuss snow storage. I think the only area that we have, and that's why we did all this landscaping is to store some snow back in this area here. That's the only area that's really available.

G. Lake: Can you label that?

T. DePuy: Yes. Item #6. The site plan continues to be unclear with respect to existing versus proposed parking. This should be clarified. We will clarify it. I think our hatch was too light. We have two new areas and we're also re-stripping some of the areas. Item #7. The handicap sign must read tow away zone. We will provide that on the new drawing.

G. Lake: And then you have the stormwater comment. Mr. McGoey, is that you?

D. McGoey: What's that?

G. Lake: The stormwater comment. Are you satisfied?

D. McGoey: Yes we are. The details have to be provided on the plan.

T. DePuy: Yes.

G. Lake: Is there any other cross easements as far as shared parking goes that you know of?

T. DePuy: Not that I know of. I think there were only the fifteen.

G. Lake: I will go through the Board.

A. Dulgarian: Why is there two different colors? Do we have a choice?

K. Moreno: Colors?

A. Dulgarian: On the front elevation.

K. Moreno: It was printed this way for elevations.

A. Dulgarian: Mr. Lake, part of my concern is, I do like the front elevation. The sides are acceptable also but the rear is very visible from Fitzgerald Drive and I think it should be the same all the way around.

K. Moreno: That's why I brought these pictures. The rear of the building is consistent from end to end. The opposite end of the building has a longer sign on it. Basically from the front corner around the side of the other corner is all grey.

G. Lake: I think that's what we're looking for.

A. Dulgarian: I didn't see that letter from our landscape architect. I don't have it in my packet. Basically, what does that say Mr. DePuy. She wants it beefed up in the back, you said.

T. DePuy: Yes. And then, around that other parking area. We did some landscaping in the front, around there and then on the backside.

G. Lake: Mr. McGoey, do you have access to understand what was in this letter from her? Do you have it in your file and you can double check it for us?

D. McGoey: I can, yes. I'm going to confirm it with her.

G. Lake: I was just trying to clear that up.

A. Dulgarian: You're showing an existing dumpster enclosure in the back but I don't see what it's going to look like on the plan. Again, something similar to match the building, if it's grey in the back, grey.

T. DePuy: I think we indicate to re-build the one that's there.

A. Dulgarian: There would have to be some type of enclosure.

T. DePuy: We will provide a detail for that.

A. Dulgarian: What did you say about the snow storage?

T. DePuy: The only area that we have back in this area.

A. Dulgarian: Let me explain that. I know it's not your applicant's problem per se. It's everybody but again what's happening all over, they're taking up parking spaces, they're causing safety hazards, they're knocking down the landscaping and we're going to be enforcing that so we need designated snow storage areas and it's got to be large enough to handle. Are we looking for just enough snow storage area for the required parking or how does that work?

D. McGoey: It's for the whole site.

G. Lake: Part of the problem is this is only a portion and maybe in the future at a work session we should address this then and put the whole complex on notice.

A. Dulgarian: Oh, yes.

G. Lake: It's kind of hard to beat up one tenant.

A. Dulgarian: Something reasonable?

D. McGoey: Something reasonable and maybe a note on the plan which indicates intended

additional snow can be stored.

G. Lake: He did say he was going to.

A. Dulgarian: Every time we get a restaurant in Town one of the issues we face is waiting, a waiting area. I don't see any sort of drawing of what the inside of this is going to look like for a designated waiting area.

K. Moreno: The entrance to the building here would have an inside waiting area. The size of this restaurant at eighty nine hundred square feet is significantly larger than a typical restaurant of five or six thousand square feet. There won't be much waiting.

A. Dulgarian: And a lot of the patrons will sit at the bar while their waiting and also have that room.

K. Moreno: And, we have the ability to add more on the sidewalk. We have plenty of space to add more.

D. McGoey: They had mentioned that.

G. Lake: We have done that at a couple of places, Steakhouse, Friday's, Outback where we asked them to put benches.

A. Dulgarian: And realistically what Mr. McGoey said, when you look at one of these places there's always people outside smoking. Other than that, it's going to improve the situation of the area.

H. Ross: The only question I have is where is the parcel on the boundary between the two parcels?

T. DePuy: Showed Mr. Ross.

H. Ross: Is that part of Aldi's?

T. DePuy: Yes.

G. Lake: Listen, you have to speak up otherwise it's not getting on the tape.

A. Dulgarian: Mr. DePuy just briefly tell us the condition of this parking lot and what you're going to be doing to it for improvements. I know there's a situation out there.

T. DePuy: What we're going to do, besides improving this new parking area here and this over here we're going to pull back through here and we're going to patch any pot holes. We're also going to seal in cracks and remove any algae in the asphalt and then we're going to do an overall (not clear) in here and re-stripe the whole area when we develop the rest of the parking lot. There will be some

removal of some of the parking lot in here and here because there will be some re-grading here. This is slightly elevated in this area. I need to ask the Board for that underground pipe there. This will probably be about three feet higher than this parking lot.

A. Dulgarian: This is not on your site but maybe you can show me a little bit on the condition of the entrance off of Route 211 East.

T. DePuy: We have an entrance at this point.

A. Dulgarian: No, up further. That will be used to come to your site, I imagine quite a bit.

T. DePuy: Yes. That is a natural flow.

A. Dulgarian: What kind of shape is that in, just out of curiosity?

T. DePuy: There is an area right here that we may have to repair a couple of pot holes.

A. Dulgarian: Mr. McGoey, is there anything we can do to improve that.

D. McGoey: He has improved all but just the one lot due to the layout of the parking lot.

A. Dulgarian: And, this borders straight where the holes are?

T. DePuy: Yes.

W. Capozella: I don't really have so much on this one. It's a restaurant and a retail area. We have restaurants up and down this whole corridor.

T. Hamilton: Mr. McGoey, one thing, I didn't see any rendering or light pole types or what it's going to look like because if you look at the existing site when these high type poles I don't think we need that. I don't see anything here for lighting other than showing where the poles are.

D. McGoey: You're not putting in new lighting in the parking lot, are you?

T. DePuy: I have two new lights. They're going to match what's out there.

D. McGoey: You're going to match what's out there?

T. DePuy: Yes.

T. Hamilton: So, that's a proposed light pole?

T. DePuy: Yes.

T. Hamilton: I show six . . .

D. McGoey: Oh, yes. We have to see the detail of these.

T. DePuy: We can provide that. We're actually eliminating one of the real high lights that are out there.

T. Hamilton: Good.

D. McGoey: Are they the shoe box type and try to keep the lights to a three foot minimum?

T. DePuy: Yes.

T. Hamilton: Isn't there something on the height now also?

D. McGoey: I don't think we established the height.

T. Hamilton: We just don't want it to go any further than the parking lot.

D. McGoey: Right.

T. Hamilton: Mr. DePuy you mentioned in the front about the landscaping out towards Route 211 East?

T. DePuy: Yes.

T. Hamilton: You kind of lost me on that where the State . . .

T. DePuy: Yes. The landscape architect wanted us to go out by the curb on Route 211 East but I told her to cancel. They won't let us put any trees out in that median area.

T. Hamilton: What about just in front of your parking spaces?

T. DePuy: We can put some low lying shrubs in there.

T. Hamilton: What are the ones you're showing in there now, three feet.

T. DePuy: Those are small.

D. McGoey: Why couldn't you put some flowering pear trees out there?

T. DePuy: We can look at that. I will make sure they're far enough back so we're not blocking any site distance.

T. Hamilton: It should be looking at the plan. Mr. McGoey, what about that sidewalk that shows the concrete walkway out in front of the drug store on Route 211 and then it just ends? Can we at least extend it to this portion?

D. McGoey: I see that. I will have to take a look at it. It's a concrete pour.

T. Hamilton: It shows a blank spot.

D. McGoey: They don't even show curbing.

G. Lake: Is there a concrete walk there on Route 211?

T. DePuy: Yes. It doesn't go anywhere. It's partly brick, partly concrete.

G. Lake: The State did some of that.

T. DePuy: And then it just dead ends, at that corner. It doesn't go anywhere.

T. Hamilton: I don't have anything further.

G. Lake: We still have to discuss if we have to schedule this for a Public Hearing.

A. Dulgarian: I don't think so.

T. Hamilton: We've always done it the other way, give them the uses and when each one comes in, we make sure that the square footage of each particular use covers what we need for parking and what ever regulations are required.

G. Lake: Here, we have an opportunity along Route 211 to use a shopping mall, not only for this project but the one across the street. I don't believe we need the Public Hearing.

A. Dulgarian: I agree.

G. Lake: Mr. McGoey, you will check the lighting?

D. McGoey: Yes I will.

G. Lake: In conformance of what we're looking for?

D. McGoey: Right.

MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments and this Board's comments made by A. Dulgarian and seconded by T. Hamilton.

Unidentified Person: Mr. Chairman, can I say something?

G. Lake: It's not a Public Hearing.

Unidentified Person: I know but I want to know what qualifies for a Public Hearing and how could somebody from the Public request one?

J. Bacon: What the regulations say is that for every Special Use Permit there has to be a Public Hearing. This is a modification of an existing Special Use Permit which allows an eating and drinking establishment in the same complex. So, the Board has to determine whether or not the change is so significant or has some type of meaningful purpose that they felt that a public comment would be warranted. As Mr. Hamilton was saying was that what the Board normally does for a shopping center that allows a certain number of uses within that shopping center so that it is covered by the original Special Use Permit. I think you've heard that the Board has been fairly concerned about the landscaping and what they normally do to improve the site. The applicant has to comply with all of our engineer's comments and that's why there was so much discussion on landscaping and the stormwater runoff.

Unidentified Person: Can I say something?

G. Lake: It's really not a Public Hearing.

Unidentified Person: I just want to make a comment that we spent an hour talking about architecture on a convenience store and when my wife comes out of the grocery store and has to look into a huge Hooter's sign, that is an issue for me personally as well as other people in this community. I see no showing on what the sign is going to look like. And, if I went down that street with my children and explain to them that this is an ordinary restaurant, that's going to be difficult to do.

G. Lake: We can lay that out outside and have them look at it.

A. Dulgarian: Aye

H. Ross: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

MOTION for SITE PLAN approval subject to all comments made in the Negative Declaration made by A. Dulgarian and seconded by T. Hamilton.

A. Dulgarian: Aye

H. Ross: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

5. **DUNKIN DONUTS** - SITE PLAN/SPECIAL USE PERMIT - Sullivan Lane & Crystal Run Road (60-1-46) #116-05

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

R. J. Smith: My name is R. J. Smith.

D. Higgins: My name is David Higgins from Lanc & Tully.

G. Lake: Go ahead.

R. J. Smith: I'm here this evening on behalf of representing the property owners, Sylvio & Linda DiOrrio and the applicants, the Berlin family. What I would like to do is just give the Board a little bit of background on this property and how this came about because it's part of a larger picture and is warranted. When we first met with the DiOrrio's on this property which is actually about twelve acres and some other land that comes with it. The property itself is on the corner of Sullivan Lane, Crystal Run Road, right across from Crystal Run Care and directly across from Ballard Road, that undeveloped area on that corner and immediately adjacent to the Crystal Run Corporate Park. In working with the DiOrrio's, which decided they wanted to sell the property we recommended several things. First of all that they needed to do some base line engineering to evaluate what the site can accommodate and then in addition to that we made the DiOrrio's aware of the Town's long

standing desire to have a design where the re-construction of Exit 122 would include a loop around behind Crystal Run Corporate Park and hook into the signalized intersection at Ballard Road. And, the fact that the Town and the County for years has lobbied for what is referred to as alternative 2-C which has that loop, has that loop configuration as opposed to what was appeared to be the State's preference 2-E which did not just re-build the existing. As a result of several meetings we were able to at least get an indication of what we believe from the Department of Transportation is a modification 2-C(1) where they designed the interchange such that it can accommodate and there's a stub here so that either privately or locally, public or local involvement that loop can be built. It appears to be one way or the other, that design is going to be there. In fact, at one point very early on the design called for 2-C called for a re-alignment of Ballard Road such that it's perpendicular to Crystal Run Road. It is now at an angle. Since then, Crystal Run Corporate Park has been built and obviously that cannot be done now because of chopping away half of the parking area. What we suggested is to the DiOrrio family is that in designing the use of this property and in acknowledging the Town's desire and those plans that are in the works that we should first address that and we addressed that by proposing a re-alignment of Sullivan Lane. I show that re-alignment.

G. Lake: Let's talk about this half acre site. I realize and I think the Board realizes that the re-alignment of Sullivan Lane.

R. J. Smith: This site became as a result of that re-alignment and what happened is the DiOrrio family has agreed to dedicate that strip of land so that it can be accomplished. That created the site. By dedicating a sixty foot wide strip that bi-sects this property leaves the balance of the property on the easterly side of Sullivan Lane which is a subject of a plan application that's in the process. That left this residual approximately one acre site.

T. Hamilton: One acre? It says forty three thousand but you need sixty thousand according to the zoning.

R. J. Smith: Correct but it's a non-conforming lot.

T. Hamilton: Well it's not because it hasn't been made into a lot. You're creating a non-conforming lot. It isn't a pre-existing, non-conforming.

R. J. Smith: We can not create by not re-aligning Sullivan Lane and leave it as one whole parcel.

G. Lake: Wait. We also have right across . . .

D. McGoey: Yes. There's a medical office building proposed on the other side.

G. Lake: You're one hundred percent right. You really have to dedicate that but by the same token you're also aware (not clear).

D. McGoey: My comments say I think it's a little pre-mature to entertain beyond a sketch plan a proposal for the site. I thought I would bring it to the Board so that I wanted the Board to give a thumb's up or thumb's down for the type of use at this particular intersection.

G. Lake: Right.

D. McGoey: I think the Board and the Town Board has been leading towards medical offices and professional offices. This particular intersection is extremely busy and we don't even know what Sullivan Lane is going to look like or how it should be configured. I think it is a little pre-mature.

R. J. Smith: With regards to these comments and the Board is aware we had work sessions on the re-alignment of Sullivan Lane. At Mr. McGoey's suggestion we met with the Department of Transportation and had their input. The development of the office site has done all the surveying on Crystal Run Road, Ballard Road and submitted a design and that's been referred to the Town's traffic consultant. So, that's being scoped out and that re-alignment is being addressed and accommodated. Again, we can avoid the non-conforming lot by just not . . .

G. Lake: Right, and then we can just wait and see what happens. I agree with you on that. I think we're here for sketch to get an opinion from the Board at this time if we think this is a good idea and if we like it. Even if we like what's happening on this. Where this little piece of land sits. First of all I will be quite honest. With this building, you're asking for this use up by Holiday Inn, across the street from the Mobil and up by Outback or one of those, I would be on board but in the part of our office district myself, I have to look long and hard to consider it. That's my own opinion. I think you need a lot of variances and we can go on and on. I just want to be honest with everybody up front now that as I looked at it I don't think it's an ideal spot. That's my own opinion.

R. J. Smith: What ever goes here, one thing we wanted to do is ask the Board to refer us to the Zoning Board of Appeals so we can start that process in requesting the variances that we need for this otherwise it is a non-conforming lot.

G. Lake: Right. Let me go and get everybody's opinion so they know if the rest of the Board is happy then we can continue.

A. Dulgarian: Well, I understand the want of having it there but with the type of development we're looking at in that corridor right now is (not clear). Having this use would be tremendous. I don't know if can maintain the pattern of development that we've been trying to achieve out in that corridor. I just believe that the intensity of this use is too great for where it is. I tend to agree with Mr. McGoey. I can't reason having it there. Strictly from the Planning point, I don't know that this would fit in that area.

H. Ross: I agree. I'm very concerned about the traffic impacts. The Dunkin Donuts in the Town of

Newburgh, these people getting their coffee in a hurry next to a highway is very problematic. The Department of Transportation does say a lot of different things.

R. J. Smith: This is not the Department of Transportation.

H. Ross: What did they say about the Sullivan loop?

R. J. Smith: No, that's not Department of Transportation. This is a Town project.

H. Ross: Crossing the highway for that, we still don't know. When I think what's going on that road now with school busses, etc. it is very busy.

W. Capozella: Just looking at this project there's two things obviously that come to mind and that is the usage and the traffic. As far as the traffic goes, again I looked at it and said there's going to be more congestion. Obviously we have other projects going there that are traffic related. From there I could find myself some room to say okay, the traffic I may be able to buy off on. The main concern comes back to the usage. Is that the usage that we want in there? I would say right now at this point there are concerns about having it.

T. Hamilton: My first statement would be the twenty some years that I've been on the Planning Board, I don't ever remember us entertaining some sort of creating any type of non-conforming lot. We never have. In any subdivisions we've ever done, we've never made or subdivide where we're creating a non-conforming in that subdivision. The other statement is I have not seen the plan for the so-called medical office building that is going on this other half. I haven't seen any plans here or the Planning Board members and not knowing and then seeing this tonight and they already spoke to people about realigning it and this is what is left. The subdivision is a Planning Board decision and I don't know where they got this. They should have come to the Planning Board first and run this by the Planning Board. We are the ones that approve subdivisions. None of the other Boards do. Even with that small lot if it was pre-existing I've been to some of the other Dunkin Donuts. The one on Route 211 where we had them do so many parking spaces for that size. You can't get in that to find a parking place. Now, here's a smaller lot that requires forty four parking spaces and they're providing thirty one. We went by our regulations and we see the regulations don't even work and now they even want to cut it down even more. The other thing is not knowing exactly how the realignment of the exit off of Route 17. To have a building there and to find out that the way it's going to line up is a new building will be needed in order to have it work right.

R. J. Smith: To clarify that, we did make application. We had work sessions with the Planning Board.

T. Hamilton: With who?

R. J. Smith: With the Planning Board.

T. Hamilton: Mr. McGoey.

R. J. Smith: Yes.

T. Hamilton: How many Planning Board members were at those work sessions? The Planning Board makes the decision. Mr. McGoey advises us on technical comments, subdivisions.

R. J. Smith: We were sent to him first.

G. Lake: Right, for sketch. And they're here strictly for sketch. That's the first step. We send you there to save time.

R. J. Smith: Again, I just want to clarify. This is something that theoretically we could develop the whole site now and not accommodate the re-alignment of Sullivan Lane just like across the street with Crystal Run Health Care where they didn't accommodate the re-alignment of Ballard Road.

T. Hamilton: You still have to get approval from us. And, if we have any indication of pattern of development which we could go by on here, knowing that we're looking, we can ask for certain items.

G. Lake: I think you have the feeling of the Board. I understand that you have talked across the hall about the re-alignment but I know myself, I just don't think this type of use belongs there. We have worked very hard in that corridor and I think we have a good thing going there and I think to protect the Town one of this Board's obligations. If this were up the road a quarter of a mile or down Goshen Turnpike but here I don't think.

R. J. Smith: Can I ask a question of the Board do they want us to pursue this re-alignment or to forget about and just develop the whole site?

G. Lake: Of course not and the re-alignment obviously is always going to be in our minds no matter if you come in and try to put a building from corner to corner. We all realize that the whole area and we've all been involved in it, Mr. Hamilton and myself, the longest the Board has been involved and realizing the State and what they want to do out there.

R. J. Smith: Again, this is not the State that wants to do this.

G. Lake: I realize that.

R. J. Smith: The State's not going to do this.

G. Lake: I realize that but it all ties back to the exit. We will always be talking about this. That's just the way it's going to be. This is the way it is. This won't be the first time we've talked

with applicant's knowing that things have to be adjusted as part of the process. I think the Board is being very honest up front about that facility being on that site.

R. J. Smith: Okay. I still don't know if whether we should the re-alignment or not. I'm getting a direction from the Board that it's not something that . . .

G. Lake: I mean . . .

R. J. Smith: We can design a building but you can always build the road through the lot as opposed to doing the re-alignment now.

D. McGoey: You've got the tail wagging the dog. Sullivan Lane is going to be re-located as part of a larger project. It's probably going to be re-aligned along with the other medical center, that extra parking lot on the other lot.

R. J. Smith: It doesn't have to be.

D. McGoey: It doesn't have to be.

R. J. Smith: The medical center can just go across.

D. McGoey: I think what the Planning Board is telling you is that they will probably ask you to reserve a strip of land for the re-alignment of Sullivan Lane.

G. Lake: Fifteen or seventeen years ago when the Galleria came in, we asked them to reserve lands for the tunnel they're now talking about on both sides. Ten years ago a party came in and wanted to put a building in the middle of what we felt was going to interfere with that tunnel. We have to look ahead.

R. J. Smith: We acknowledge. We didn't want for you to ask us. We did it now up front.

G. Lake: That's right. Listen, we appreciate it but I think like Mr. McGoey said right now, it needs more time and more information.

D. Higgins: I think we agree actually that the review of the map right now was premature with Sullivan Lane. The Board has been very straight forward about this proposal for this use. The one thing I just wanted to be clear about is the Board's response here tonight, would this be essentially a denial or a call to the Zoning Board of Appeals so that the applicant, if they so choose, and at their own risk at this time approach the Zoning Board of Appeals for consideration of the variances that will be needed. We understand that the Planning Board does have concerns in not granting an approval yet of the application but the applicant may wish to proceed with the application with the Zoning Board of Appeals.

G. Lake: It's been my experience through my years being here, the more people involved the harder it gets for everybody. I think we gave you. Myself, I'm not going to let you go to the Zoning Board of Appeals at this time.

T. Hamilton: Mr. Bacon, we couldn't even refer them to the Zoning Board of Appeals because these lots don't exist so, we know what variances. There are no two lots. There's one little piece forty three thousand square feet. It's non-existent because they do not have a subdivision. It's one big parcel is all we have right now. There's nothing to go to the Zoning Board of Appeals for.

J. Bacon: It's in such a preliminary stage.

G. Lake: Thank you.

NO ACTION.

6. **SPIAK** - RETAIL & LAUNDROMAT - SITE PLAN/SPECIAL USE PERMIT - Carpenter Avenue (74-10-2.1) #97-05

Cancelled.

7. **WALLKILL TOWN CENTER** - SITE PLAN/SPECIAL USE PERMIT - Schutt Road (50-2-58) #53-04

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

D. Higgins: My name is David Higgins with Lanc & Tully Engineering.

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

D. Higgins: Basically we're here tonight representing 4 C's 2 LLC for the proposed construction of a restaurant located in the Price Chopper Supermarket project. The building is located on the left of Charlie Brown's Restaurant when you go on in approximately six thousand square feet in size. I believe the application has been brought before the Planning Board recently. There were some comments that Mr. McGoey had regarding those technical in nature. I believe there's a legal question as to whether or not a Public Hearing is required for the application. The other building that's proposed in the application is an office building located to the left and rear side of the Price Chopper Super Center with the furniture store. It's proposed as a back office building. It may be a medical building or something like that. It would be a 9:00 A.M. to 5 P.M. type with very little traffic. That's a seventeen thousand square foot office building.

G. Lake: I just find that back office in an odd spot. What happens if, will there be other uses for that building besides office? Do they have somebody that wants to use that office building?

Unidentified Person: Yes we do.

T. Hamilton: What are they doing, the office building only?

A. Dulgarian: No, a Currabba's.

T. Hamilton: What about the restaurant?

G. Lake: I was just talking about the office in the back.

T. Hamilton: Because I saw two on here.

G. Lake: I just find a little funny spot for that office building, that's all. You have several comments here.

D. McGoey: Yes.

G. Lake: I don't think we need to over those. We need to get you back to another work session.

G. Lake: Let me go through the Board to get their comments.

D. McGoey: You can get the Board's comments about the location of the restaurant.

A. Dulgarian: At this point, well I do agree that there has to be a Public Hearing because the office has not been on this. When the applicant comes back my areas of concerns are going to be the proposed stormwater quality area and the streams right there. I want to know how it is going to be treated with blacktopping again. The little stream known as the Masonic Creek is right off the project. Restaurants, we always talk about what it's going to look like inside waiting area, outside benches, where the dumpster enclosure is going to be and the elevations of the buildings. I think it fits. I like the fit of the Currabba's with the Charlie Brown. I kind of question the office building in a retail development. It is kind of unusual. I don't know that we've done that anywhere else.

G. Lake: I did mention this to Mr. McGoey. If we didn't have the housing right there.

A. Dulgarian: Which doesn't belong where it is.

G. Lake: Right. I'm kind of looking is this going to start turning into office.

A. Dulgarian: The main thing is it's kind of off the road.

G. Lake: Right. The retail is in line.

A. Dulgarian: Besides all of Mr. McGoey's comments mine are going to be how the stormwater, how the flow of traffic on site is going to be and the elevations of the buildings, etc. This gentleman wanted to make a comment on the office building.

Unidentified Person: Yes. The office building being there is unique because we've tried to develop the rest of the site with retail for a long period of time. We found an office tenant and it will be a nice very low intensity building to round out the development of the site.

A. Dulgarian: Is there some kind of elevation of the building and the architecture where some how it fits and won't stick out?

Unidentified Person: Yes. I think it will look better.

G. Lake: It's also going to be in the back so, they could really landscape around it and almost hide it.

H. Ross: The proposed seventeen thousand square foot building, is that a two-story building?

Unidentified Person: It's a one-story.

G. Lake: Anything else?

H. Ross: Do you have a proposed tenant for the restaurant?

Unidentified Person: Yes. It's Currabba's.

G. Lake: Mr. Capozella, any comments now, they'll be going back to a work session.

W. Capozella: The restaurant I think, Mr. Dulgarian always sits on the restaurants. I like to see something like that for all the new ones. The ones that already pre-existing buildings, we have a problem with. As far as the office building, I don't have to say that I'm about ninety nine percent in favor of it. I think the use is a great shot and I understand the concern about blending in that area but my general comments are that I would be in favor of it.

T. Hamilton: Mr. McGoey on that Orange & Rockland easement, can that go that close to that building the way it shows?

D. McGoey: I think they're talking about the relocation of it, is that right?

Unidentified Person: No.

D. McGoey: I guess we have to look at the easement agreement to make sure because it comes up to the top of the sidewalks.

T. Hamilton: Mr. McGoey, another question. When this site was in weren't we looking for something at one time like an emergency road that went to that nursing home in the back?

D. McGoey: We have an emergency connection.

T. Hamilton: Where is it here?

D. McGoey: That is not on this site plan. It goes through the hi-rise in the back and then it goes up out of their parking lot.

T. Hamilton: Okay. I thought it was on this truck road.

D. McGoey: What we did have for the sidewalks being that this site.

A. Dulgarian: That little property that exists between the two driveways, what is that?

D. Higgins: This property here?

A. Dulgarian: Yes.

Unidentified Person: That's still part of the development.

A. Dulgarian: Is anything going to be done on that?

Unidentified Person: We're trying to come up with something.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: Yes.

G. Lake: The only thing I have just like we did on Charlie Brown's, we asked for all four sides because of the high view of the building to be somewhat the same.

D. Higgins: All four sides to be the same.

G. Lake: If you look at Charlie Brown's, they have their dumpster kind of exposed out back and if you go by there now, they kind of blended in that whole building to go right around that thing. We

have to schedule you for a Public Hearing. Mr. McGoey, work sessions, how far out are you?

D. McGoey: February 15th.

MOTION to schedule a PUBLIC HEARING for April 19, 2006 made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

8. **ADF DESIGN** - SITE PLAN REVISION - 26 Scotchtown Collabar Road (45-2-1) #101-05

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

D. Yanosh: My name is Dan Yanosh surveyor for ADF Design.

G. Lake: Go ahead.

D. Yanosh: It's an existing building on Scotchtown Collabar Road, they're in the business of cabinet making and he wants to put an addition on the back of the building. We're in the M-I zone. It's really a spot zone that was probably created years ago. We will be adding some more parking. He's going to take care of the sewer line and all the rest of that stuff. The biggest problem we have is with one of Mr. McGoey's comments about the setbacks. It's a one hundred foot setback from the R-2 zone. I was just reading this new POD overlay zone thing also. Again, we're adding on to the building so, I guess we will have to go to the Zoning Board of Appeals for a determination before we go any further.

G. Lake: What's the percentage of that addition you're putting on?

D. Yanosh: About six thousand feet.

G. Lake: Isn't there something in the zoning less than fifteen percent? Couldn't he just go through the Building Department? They would probably send it back to us anyway.

T. Hamilton: It's over the percentage. He has existing twenty two thousand.

G. Lake: So, basically you want to go before the Zoning Board of Appeals?

D. Yanosh: I don't want to but I have to.

J. Bacon: Make it clear that by the new zoning, you may not be covered.

D. Yanosh: The zoning says one hundred feet. I have to figure this stuff out also. The problem is, I will be honest with you. I was in front of the Zoning Board of Appeals last Monday night with the Fini proposal on Bellevernon Avenue. I told them I had to change my application because the new zoning that came out in December and the Zoning Board of Appeals did not have this in their hands.

A. Dulgarian: What happened with that application?

D. Yanosh: I'm going to make my variances a part of the new zoning. We have a Public Hearing next month but the Zoning Board of Appeals did not have a copy of the new regulations.

T. Hamilton: When is that work session?

D. Yanosh: Monday.

G. Lake: Let's get you to the Zoning Board of Appeals.

MOTION to refer the applicant to the Zoning Board of Appeals made by A. Dulgarian and seconded by W. Capozella.

A. Dulgarian: Aye

H. Ross: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

9. **ALLEN** - SITE PLAN/SPECIAL USE PERMIT (Revision) - Allen Lane (3-1-7.2) #47-01

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

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

G. Lake: Go ahead.

D. Yanosh: This is a site plan that was approved by this Board in January 2002. We had to come back in 2003 because of a time lapse. We got the Building Permit in July of 2004 and they're ready for a Certificate of Occupancy now. We have a Certificate of Occupancy for the building but we have a problem with some of the site plan stuff that was done. Do you want to see the existing site plan? Hopefully they didn't change anything between last week and tonight. He added a small retaining wall in the back because of grading to block the wall from Tetz in the back here. He changed some of the parking a little bit to make it fit.

J. Bacon: Mr. Yanosh, do you have an extra plan?

T. Hamilton: The Building Inspector went out there and didn't like the site work.

A. Dulgarian: Is that what happened.

D. Yanosh: The building is okay. It's the site work that's not. We've been going over this from the beginning with the fence placement, the driveway, the road. All these little details going through here Merv has a problem signing off on it.

G. Lake: Mr. McGoey's comments.

D. Yanosh: Yes.

G. Lake: Do you have them?

D. Yanosh: Sure. I have no problem with them. The size of the building. In the original site plan there was a roof going to be put up in the back. We did make the building probably about twenty four percent bigger than what the plan was. Now, it's seventy five deep versus the sixty feet it started with. We're okay with the setback. The plan you have in front of you today was as of the January 12th. He added a wall in the back, the paved area for the handicap parking is there. The access drive was revised. It is a little tight in there but there are two uses in that building so I split the parking three spaces on one side and three on the other. This is a construction unit. There's no people coming in and out. It's just parking for employees. I show enough ample room now space

between the handicap space and the other ones. The stock pile areas will stay back where they are right now. If you've been out there, the area is all sandy gravelly material. There really isn't much grass and lawn out there except where the trees are. You can drive into the back where the storage piles would be. The retaining wall was built because of the grading that happened when they extended the building back a little bit further. It's probably about two and a half feet high. It really makes it look a lot nicer in there. The storage trailers are there for the equipment that they want to put into the building but they can't move them until they get their Certificate of Occupancy. The trailers will be removed once they get the Certificate of Occupancy.

D. McGoey: The trailers will be removed from the site.

D. Yanosh: Right. Once they get the Certificate of Occupancy.

T. Hamilton: Are you going to give him a time limit?

D. McGoey: Thirty days.

G. Lake: From the time of the Certificate of Occupancy for the building.

D. McGoey: I don't have any particular problems. It still conforms to the context of the originally approved. He just added the square footage and then we found the storage trailers.

A. Dulgarian: What would make you add twenty five percent more footage without coming back for a simple modification?

D. Yanosh: Some of it was there was a shed back here in the first place. He closed that shed.

A. Dulgarian: I think it's still okay.

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

A. Dulgarian: No.

H. Ross: Nothing.

W. Capozella: Nothing.

T. Hamilton: Nothing.

MOTION for a MODIFIED SITE PLAN with removal of storage trailers within thirty (30) days after receiving his Certificate of Occupancy for the building made by A. Dulgarian and seconded by W. Capozella.

A. Dulgarian: Aye

H. Ross: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES