

TOWN OF WALLKILL PLANNING BOARD

MEETING

JANUARY 19, 2005

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

MEMBERS ABSENT: None

OTHERS PRESENT: D. Brodsky, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - **CRYSTAL RUN ASSOCIATES** - Building #6 - SITE PLAN/SPECIAL USE PERMIT - 95 Crystal Run Road (60-1-52.22) #02-04

G. Lake: Public Hearing started at 7:30 P.M. M. Hunt read the Public Hearing notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 600 Route 211 East, in said Town, on the 19th day of January, 2005 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Herbert Albert, LLC & Crystal Run Associates, 90 Crystal Run Road, Middletown, New York, 10941 for approval of 95 Crystal Run Road - Site Plan and Special Use Permit for new office building located at the intersection of Ballard & Crystal Run Roads (North side of Crystal Run, West side of Ballard) under Section 249-13, 249-28 and 249-40 of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place.
S/Gary Lake, Chairman

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

P. Abt: My name is Peter Abt and Architect for the project. With me is Jeff Chumard.

G. Lake: Mr. Abt do you want to bring us up. I know you had a work session. Can you bring us up to date from that time?

P. Abt: We had a work session and I think we resolved most of the earlier comments. We have a comment sheet from January 10th that has some twelve comments remaining that we will discuss tonight. I will just briefly read and describe the project. It is at 95 Crystal Run Road. It's an approximately twelve acre site at the intersection of Crystal Run Road and Ballard Road. It's a proposed four-story office building under twenty thousand square feet with five hundred sixty three parking spaces. Part of the project includes improving the intersections on Crystal Run Road that are related to the Crystal Run Corporate Park buildings. We also made changes in improvements to the proposed entrance on Ballard Road where a light is

proposed. Revised plans have been submitted. The entrance to Ballard Road is proposed to be signalized and it would allow left hand turns from both directions. The landscape plan which is shown here has been supplemented with additional trees. Basically I had done a presentation of the overall design at the last Planning Board meeting that we attended but basically the landscaping design is similar to the other buildings at Crystal Run. The large scale trees are at the perimeter of the site. They include firs, evergreens and spruce. We've added quite a few since the work session. The landscaping, in addition to that are deciduous and flowering trees and small scale shrubs that screen the parking terrace up the hill towards the building. The building sits on the high point of the site. We've made some improvements to the drainage through the drainage study and the site pond. Mr. Chumard, do you want to say anything?

J. Chumard: Based on the last work session meeting we had on January 12th we modified the outlets for the stormwater detention basins at the rear of the property to control the outlet flows so that any erosion would be minimized off the property toward Route 84. We revised the plans to show that.

G. Lake: Thank you.

P. Abt: One thing I want to clarify also. There is no proposed eating and drinking here. There may be a cafeteria for employees but there would be no eating or drinking for the public or for people outside of the building. The Special Use Permit is for the offices.

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

A. Dulgarian: Nothing at this time.

R. Carr: I will wait.

T. Hamilton: Was the drainage report submitted because the Highway Superintendent indicates in his memo that he hasn't seen it yet?

D. McGoey: There was a drainage report submitted. We had comments from September on that.

T. Hamilton: Because I know in the memo we received today from the Highway Superintendent he's questioning he still needs the drainage report. That's all I have right now.

G. Lake: Is there anyone from the Public who has comments on this application?

MOTION made to close the Public Hearing at 7:41 P.M. made by T. Hamilton and seconded by R. Carr.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 4 AYES

G. Lake: Do you want to go through Mr. McGoey's comments? Just let me fill the Board in on this. At the work session there was a whole bunch of them and I think they corrected that twenty some and I think these were the one's that were the latest ones?

D. McGoey: Some of them are similar.

A. Dulgarian: What are we looking to accomplish tonight? Just to get the Public Hearing closed?

G. Lake: That depends on you guys. We can go right through to approval.

T. Hamilton: What is the status of Lead Agency on here?

G. Lake: We did send that out and thirty days has gone. Before we go to the Negative Declaration we would have to do that.

T. Hamilton: Okay.

D. McGoey: Back in May we sent out Notice of Intent to become Lead Agency. I believe on October 6, 2004 we accepted Lead Agency.

G. Lake: We did do that then?

D. McGoey: Yes.

G. Lake: That is also indicated in the record. Go ahead. Why don't you go through the comments?

P. Abt: Item #1, the ten foot offer of right-of-way on both sides of Crystal Run should be a gratuitous offer and has been shown on the plans. Item #2, an easement will be required from Westage on the opposite side of Ballard Road. That's for the proposed light at Ballard Road. The owner, Herbert Albert has been trying to arrange a meeting with Mr. Petrillo of Westage and hasn't been able to do so. We still think that we will be able to obtain an easement. If not we will have to use a cantilever light system which will be more expensive to build but if we're unable to obtain the easement we will use a cantilever light pole. Item #3, We recommend that a left turn lane be

provided on Ballard Road in the southerly direction to allow left hand turns at the signalized intersection with Crystal Run Healthcare which is presently prohibited. The plans have been changed to show that. The light we're talking about is here.

A. Dulgarian: What page would that be?

P. Abt: This is page 9 of 15. This is a new drawing I have.

A. Dulgarian: We don't have that?

P. Abt: You may not have this.

J. Chumard: It is a new drawing made in response to the work session meeting that we had earlier.

P. Abt: This drawing shows a left hand turn lane at the intersection to allow turning into Crystal Run Healthcare. Item #4, with respect to eating and drinking, it would be not be opened to the Public but only open for the occupants and that's stated on the drawing. Item #5. We requested that the lighting levels be reviewed in areas around the site. We are working on that reducing the light levels. Item #6, the wattage of the lights should be shown and is shown. Item #7. We recommended additional evergreens be put between the hardwoods along the frontage of Ballard Road and Crystal Run Road particularly at the corner. The darker trees in the colored site plan were all added. It is a pretty dense landscaped plan. Item #8, the Town specifications for curbing requires that the under grade be shown in a different location than the detail sheet. That's been changed on the plan. Item #9. (Not clear) will be provided prior to final signature.

J. Chumard: Mr. Lippert is seeing to these details. I spoke to him recently. Item #10, the detail for the pavement to be tied together. I spoke to Mr. Lippert, and those details will be provided. Regarding item #11, the Engineer to resolve the potential problem for the stormwater discharge to the detention basins in the State right-of-way of 84. We've revised the outlets to address this issue.

P. Owen: Came in at this time.

P. Abt: Item #12, Mr. Blustein has prepared the cross easements for access between the parking lots and drainage. They have not been submitted yet to the Planning Board Attorney but they are prepared.

G. Lake: Mr. McGoey, on item #6, you say wattage. Did you want wattage or did you want the candle at the bottom?

D. McGoey: I asked for a reduction of the foot candles in item #5 and Item #6, I also need to know the wattage.

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

A. Dulgarian: I don't know. I had a lot of problems with this with the drainage report and the turn on Ballard Road.

P. Owen: I kind of feel the same way Mr. Dulgarian does. They are somewhat minor technical things that have been explained to us. I have a lot of confidence in Mr. McGoey to review it.

R. Carr: I agree. On the other hand, as I understand it in terms of the water drainage, that's towards Route 84 on that side and it sounds like something that I have the confidence in Mr. McGoey that it satisfies him. In terms of the left turn lane, how is that being accomplished, I would like to see it? That is in the new plan?

J. Chumard: Yes it is. The newest plan shows a proposed dedicated left hand turn lane into the twelve acre project. As you come down the road from the bridge, we did not show a dedicated left hand turn into the Westage property to Crystal Run Healthcare.

R. Carr: Now there is?

J. Chumard: Now there is. At the last work session it was requested that we show that.

R. Carr: And, that's being accomplished how?

J. Chumard: Actually it may require additional pavement but it does not. It would require getting rid of the curbed island that exists there at the entrance to Crystal Run Healthcare.

A. Dulgarian: Whose's going to do that?

J. Chumard: (Not clear).

R. Carr: I agree with what Mr. Dulgarian had said but on the other hand I think in this particular case, I think it's a good project and the traffic and the stormwater have been addressed.

W. Capozella: Can you give me another minute.

T. Hamilton: Mr. McGoey, my one question is with those new turning lanes has any thought been given to when ever they do the new Exit 122 is anything going to have to be changed whenever they come across the other Albert property and tie straight into Ballard? What's going to happen there? Are we going to have to change everything to make it line up and fit or did we look at that already?

D. McGoey: We don't know yet anything that the traffic signal will add to Crystal Run and Ballard. It may have to shift because if you remember they wanted to make that intersection more at a right angle so, that may shift and we may take a piece of the corner of the Westage property. I don't think

it will come up as far as this intersection.

T. Hamilton: Okay. I just didn't want to have too much stuff having to change later. As long as the right-of-ways are there that we can accomplish it.

G. Lake: Wasn't there something a little different that we saw coming up?

D. McGoey: Yes. They don't want to build that.

T. Hamilton: Every time we see it, it's different. Mr. McGoey, the underground, like the treatment of the stormwater and so forth on the Crystal Run site, everything seems to be up and are they are going to maintain? I know it's a new type of system that we haven't really seen but maintenance wise?

D. McGoey: Maintenance, I truly believe it is all underground.

T. Hamilton: I know because I went to the seminar in Poughkeepsie on it and that's more or less what they're mandating.

A. Dulgarian: How do you know (not clear)?

T. Hamilton: And, according to the new regulations it's up to the Town to police it. Everything is pushed onto the Towns now from the Department of Environmental Conservation.

A. Dulgarian: But this now meeting everything as far as you know?

D. McGoey: Pretty much. We had a couple of questions on the stormwater management which I believe have been taken care of.

T. Hamilton: The rendering, this is going to match the other existing buildings?

P. Abt: Yes.

T. Hamilton: I haven't seen a rendering of it.

W. Capozella: The question I had was about the traffic coming in. The traffic coming from the Mall on Ballard Road, you're not showing. We talked about that.

J. Chumard: This is what's new here.

W. Capozella: Okay.

J. Chumard: What we're showing is a future ten foot right-of-way gratuitous dedication along this

property which is 95 Crystal Run Road extending back to 85 Crystal Run Road and through 85 Crystal Run Road and on the other side of the Albert's property which is 90 Crystal Run Road.

W. Capozella: I mean, you're not going to do anything with it other than the right-of-way for now?

J. Chumard: Correct.

G. Lake: Anything else, Mr. Capozella?

W. Capozella: No.

D. McGoey: Are the Albert's willing to contribute to the slip ramp as the other projects have for the traffic in the corridor for the future?

G. Lake: That was a yes?

P. Abt: Yes.

G. Lake: I just wanted to get it on the tape. Anything else from the Board? I was at the work session so, I think what we do have is history here with the other project that they had built along there and we had Mr. McGoey on the technical stuff. The Lead Agency, we did do already Mr. Capozella. I know you saw that on your paper.

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

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

W. Capozella: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

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

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

W. Capozella: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

2. **INTERNATIONAL FLEA MARKET** - SITE PLAN/SPECIAL USE PERMIT - 2618
Route 302 (22-3-4.1) #59-04

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

R. Krahulik: My name is Robert Krahulik, the Attorney for the applicant. With me tonight is Lawrence Torro, our Engineer and the Architect.

G. Lake: The last time you were here, I think there were quite a few unknowns as far as where the market was going to be, what the fire load of the building was going to be. I think there were also some questions about storing antique cars and there was a whole variety of things so, since the last time maybe you can tell the Board what's going to be permanent or not permanent. Maybe just give us a brief from all those comments the last time you were here. I know we're only setting the Public Hearing tonight.

L. Torro: There is an on-site pond. This pond was originally proposed to pump water to the site. The pond is adequate for the storage of the site.

G. Lake: So, you're going to re-vamp that old pump house and re-build that thing and the rest will be a supply for the sprinkler system?

L. Torro: Right. We will provide the sprinklers throughout the building.

D. McGoey: Will you provide that note what is proposed to be done?

L. Torro: Sure.

G. Lake: Are you going to tap into the main?

L. Torro: No.

G. Lake: You're going to re-build that old fire pump house and use the pond that was built and, you're going to verify if it's deep enough and big enough yet?

L. Torro: That's correct.

G. Lake: Okay.

L. Torro: Actually what's shown is an alternate that connects now to the State Highway.

G. Lake: How about the interior? The last time you were here we were talking about a lot of floating walls and I just didn't think the Building Department would allow that.

L. Torro: A portion of the building will be occupied. The front entrance to the building that comes into a corridor through the building to individual areas for display. Some of them are smaller areas, some are larger areas. We will also have a somewhat of a display area.

G. Lake: This portion that you show here, how much is this in that building?

L. Torro: Sure. This section of the building will remain unoccupied. We would return to the Board for approvals for that area at a later date.

G. Lake: So, that side won't be used for storage anymore?

L. Torro: No.

G. Lake: That was one of the impressions that we got the last time. That is was going to be something of a warehouse for antique cars, etc.

L. Torro: The use would be approved for (not clear)..

G. Lake: Do you understand what he's saying? If we approve this Site Plan, you go next door. They're going to see we approved a warehouse and you're saying at this point, that's not the case.

L. Torro: We agree with that.

G. Lake: Okay.

A. Dulgarian: So, basically we're only looking at the left side of this building looking out from the road.

L. Torro: That's correct.

A. Dulgarian: Right now that parking lot, has that been blacktopped?

L. Torro: A portion has been blacktopped.

A. Dulgarian: Is there any curbing?

L. Torro: No. The other half of the parking lot is crushed stone.

A. Dulgarian: This use we're looking at, are there specific hours of operation for this use, an everyday thing or a weekend thing?

R. Krahulik: It is certainly contemplated that it would be open seven days a week. What the exact hours of operation are, I'm not sure.

A. Dulgarian: But it's definitely not just a weekend thing?

L. Torro: No.

A. Dulgarian: That's all I have right now.

P. Owen: The broken areas of the blacktop, that's going to be paved?

L. Torro: Yes.

P. Owen: What about the entrance?

L. Torro: I believe in the front there will probably be curbing.

P. Owen: That also should be shown on the plan. That's all I have for now.

R. Carr: What did we require right next door there, a couple of lots down?

A. Dulgarian: We never got that far.

G. Lake: We never got that far because (not clear). I think that whole strip along Route 302 should be looked at by the Department of Transportation.

R. Carr: Are we setting a Public Hearing on this?

G. Lake: Right. That's what we're doing.

R. Carr: I have nothing further.

W. Capozella: It just seems like rather than just be used a lot, it's going to be used a lot. Like you're saying, seven days a week and you're coming in off of Route 302 into your place in there. It's been abandoned for a long time. No one has been in or out of there. It's hard to tell how you're going to get in and out of this place (not clear).

T. Hamilton: I think we need something more specific that we can look at to see how it's separating the existing building with a line showing exactly what's happened. The outdoor display area, exactly where is it? I see it marked here.

L. Torro: There is no outdoor display area. That's just an open area.

T. Hamilton: No outdoor area. Mr. McGoey, on the size of what this parking lot will have to be the parking will have to be pretty extensive to use this. How is this going to be affected now with the new drainage that has to be done and the treatment of the stormwater especially with the wetlands that are around there that have to be protected?

D. McGoey: If the site disturbance is deemed one acre they have to comply with the new regulations.

T. Hamilton: They're going to have to disturb because eighty percent of that parking lot is grass and stone and they're almost going to have to disturb the whole thing and show us a parking lot on the way it's going to be. I want to see how that stormwater is going to be handled.

D. McGoey: The existing paved surfaces, I don't think that qualifies as calculation as part of the disturbance. If they have to disturb it down to the base then they will have to.

T. Hamilton: I'm worrying about runoff, not just them disturbing that soil to put the new blacktop and what ever in it but the water that's going to run off that existing blacktop, where is it going to go, how is it going to be treated, so that we're not disturbing the wetlands that are all around that property.

D. McGoey: What you're saying is you want to go above and beyond the Department of Environmental Conservation regulations?

T. Hamilton: Why put our head in the sand when we know that we're going to have more runoff off

of this new parking lot than what's been there for years now that it's been empty. Let's catch up and do it right. You're going to have traffic coming in there all the time, seven days a week now and where is the water going to go? I can't tell from anything from the plans that I have here what's going to happen and how big it is. The other item is, the amount of people that go to these flea markets, what about the sewer facilities? The old plan had not nearly as many employees in that building. What's going to happen to upgrade that to accommodate all of these people?

D. McGoey: That's part of my question so they have to verify how they would handle it.

T. Hamilton: I've been to other malls that were changed to flea markets and you don't dare go into any of them restrooms because they can't handle it. I don't want that to happen here where we're going to end up with porta potties lined up and down through the parking lot where in the middle of the summer you can't even walk by them let alone open the door and go inside.

D. McGoey: Okay.

T. Hamilton: There isn't enough information here for me even to figure it out.

G. Lake: Maybe another thing, with the amount of wetland that is around it, we do have a Conservation Committee now in this Town and surely this should be forwarded to them.

T. Hamilton: Yes.

G. Lake: And, I think that's they're expertise where we can get something back from them by the Public Hearing date.

T. Hamilton: Yes, but I think with the amount of blacktop that's going to have to go in to accommodate. You see all the booths that are in here, we're going to have a lot more cars from the people that are going to buy from here. Where's that water going to go? What's it going to affect? There's nothing here to check that out.

L. Torro: Just to clarify this. We are not going to disturb or take out any additional vegetation. The parking is shown on existing asphalt and broken up stone and asphalt. We're not doing any clearing of vegetation to accommodate that. If you're talking beyond the Department of Environmental Conservation regulations than we need some guidelines how far you want to go.

T. Hamilton: We can do that.

G. Lake: I think what he's asking for is what is the new flow going to be. Obviously it's broken up blacktop and just gravel. You're going to blacktop now but right now that's not runoff. Once you re-blacktop it that's going to become new runoff and I think that's what Mr. Hamilton is getting at.

T. Hamilton: Yes.

G. Lake: That new runoff and the amount of traffic that's coming in that will end up down in that and there are considerable wetland behind that. Anything else, Mr. Hamilton?

T. Hamilton: Have we come up with some kind of figure on parking spaces?

D. McGoey: He has the parking calculated.

T. Hamilton: From what I see on that sketch, there's not enough parking there.

L. Torro: With regard to the parking, originally the application was described as a flea market. The concept was changed a little bit.

T. Hamilton: Well, tell us.

A. Dulgarian: If you're talking a furniture store, it's totally different as opposed to a flea market.

T. Hamilton: This is the first we've heard of this.

A. Dulgarian: We see all those booths and all these little square areas with a vendor in each, you're talking about a lot of space for furniture.

L. Torro: The parking would be lesser than for a flea market.

T. Hamilton: But, we didn't know that. I think they should go back and bring us back the correct information with drawing that have what we can look at before we look at it again. This just wasted my time here because what we looked at here is not what they're proposing now.

D. McGoey: In the parking calculations, he shows forty thousand square feet for the retail space and thirty thousand square feet of furniture store.

G. Lake: Mr. Dulgarian, did you have something else?

A. Dulgarian: Yes. This sketch for the layout, is that what we're really looking at then? And the furniture would be where?

L. Torro: In different areas.

A. Dulgarian: The amount of vendors in here could be roughly the amount of display areas you show here?

L. Torro: Vendors in the term that they have a lot for sale.

A. Dulgarian: I will tell you what question I'm leading to before you explain. Where are these guys going to unload, right here at this breakdown of the shipping area?

L. Torro: Again, our understanding is that it would come in by van.

A. Dulgarian: Big boxed trucks. Right because you don't want it to interfere with the general public. If it is in this breakdown area that's where you have your four handicap spaces. That's something you should look at.

L. Torro: On the left side of the building there are some existing doorways that can be utilized.

A. Dulgarian: Right, but none of them say that it's for loading.

G. Lake: Mr. Hamilton, are you done?

T. Hamilton: I'm done.

G. Lake: My other comment is the two houses up front. Those people really put a lot of work in those two little homes up there and I really think we really need to have some extraordinary screening. I understand your client may own one of them now or is in the process but still are homes and they've done a nice job. If you're going to leave them, I think we need some extra screening up there. Another thing, is the Department of Transportation. I live out that way and I know that section very well. Since that new bridge has gone in, with the other businesses in the area, the movements are just crazy. I know you're down from it a little bit but I would like to see something from the Department of Transportation as far as what they're thoughts on that is. There's a lot of action that happens there. A lot of crazy things. I see it every day. I thought I mentioned that the last time you were here. I know there was a lot that we did mention but I would like to see their comments and if it's going to make it worse or better. Any other comments from the Board? Do you have any problems with any of Mr. McGoey's comments? Are you going to be straighten everything this Board has said out and these comments before the Public Hearing?

L. Torro: I'm not sure if we will get anything back from the Department of Transportation by the Public Hearing.

G. Lake: At least get a telephone call in. I think you need to make an effort to re-contact the fire department out there, the Circleville Fire Company. They did mention a couple of things to me. I thought they were going to try and get a letter in but they didn't. I do know they did contact me directly on that on a couple of things. If you think you can be ready, we do have an opening on March 2, 2005. It doesn't give you a lot of time. The plans have to be back in better detail for the Board.

T. Hamilton: Mr. McGoey, a shopping center wouldn't cover this?

D. McGoey: Let me take a look at it.

T. Hamilton: When reading the shopping center it sounds like it fits better than retail.

G. Lake: Do you think you will be ready by March 2, 2005?

L. Torro: I think so.

G. Lake: The plans will have to be in to the office fifteen (15) days ahead of time. Mr. McGoey, are you going to want to try in a work session again with this?

D. McGoey: We probably should.

G. Lake: Call in tomorrow and she will try and squeeze you in.

MOTION to schedule a PUBLIC HEARING for March 2, 2005 made by R. Carr and seconded by A. Dulgarian.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

W. Capozella: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

G. Lake had to leave the meeting at this time.

T. Hamilton took over as Chairman for the rest of the meeting.

3. **TRIPLE L BUILDERS** - 2 LOT SUBDIVISION - Prosperous Valley Road (61-1-27)
#143-04

T. Hamilton: Your name for the record, please.

T. Ptak: My name is Thomas Ptak and with me is Jeff Lyons. We're requesting approval of a two lot subdivision. This was a three lot subdivision but we took another look at it and brought it down to a two lot subdivision. The front lot is about four acres and the remainder which is the flag lot in the back is almost thirteen acres (not clear). As Mr. McGoey had said it was originally a three lot and we reduced it to a two lot. The culvert under the existing driveway, are you saying that. I know you had a comment back. I think what would alleviate that would be just to divert the drainage from the driveway to the back. There is an existing culvert.

D. McGoey: It is a pretty significant flow. Are you saying it won't cross the driveway?

T. Ptak: I don't think it will cross the driveway. I will take a look at it again.

D. McGoey: Okay.

T. Ptak: If the Board wants us to maintain the stone walls we have no objection to that.

D. McGoey: Is the Board in favor of keeping the stone walls?

T. Hamilton: Yes please.

T. Ptak: When this was originally subdivided, as far as the long lines going to the back, they really didn't follow the stone walls. Evidently, they just (not clear). Item #6. As far as no further subdivision note, we would rather not put that on the map. We had looked at doing three lots and at the time of the work session we reduced it momentarily to two lots.

D. McGoey: That could be a problem because you don't have enough room.

T. Ptak: Agreed, but suppose someone wants to buy say ten acres off the back.

D. McGoey: You're not creating another building lot.

T. Ptak: Yes, and I don't think that we really would want to.

T. Hamilton: We're looking at to protect ourselves. We're not looking at somebody for buying that individually and look for a right-of-way down through the other parcel when it's not wide enough. So, what we're saying is we can live with it if it's sold off later where it would go through a different lot and not create another individual one.

T. Ptak: I'm not willing to put another driveway through there.

T. Hamilton: Not without our approval, you won't.

T. Ptak: They would have to come back and the Board, even if we put no further subdivision on the map, the Board still has the authority to change that. Either way, it's still up to the Board.

R. Carr: What's the problem? If it says it, you have to come here anyway so, it doesn't matter.

T. Ptak: We could run into a confrontation if they wanted to sell the property.

T. Hamilton: Just a thought now, we would actually be creating a landlocked piece of property if we do it.

D. Brodsky: Unless some how obtain another access strip.

T. Ptak: Not that we intended to do it and not that it could easily be done but somebody could buy the back piece to a neighbor, etc.

D. McGoey: The Planning Board has established a policy pretty much that the length to width ratio exceeds that which is recommended in the subdivision regulations, they put that restriction on all the lots. That's where it came from.

T. Ptak: Also, subject to Eustance and Horowitz and Mr. McGoey's comments.

T. Hamilton: Mr. McGoey, what about the site distance? Mr. Lippert is saying that there might be a reason for a site distance easement to the curb in the road.

D. McGoey: I was out there and I didn't see a problem. We should probably have him show the site distance and verify it.

T. Hamilton: Do you have what Mr. Lippert said?

D. McGoey: Yes I do.

T. Ptak: There's a driveway directly across the street.

MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey's comments made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

W. Capozella: Aye

T. Hamilton: Aye

MOTION CARRIED. 5 AYES

MOTION for 2 LOT SUBDIVISION approval subject to Mr. McGoey's comments made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

W. Capozella: Aye

T. Hamilton: Aye

MOTION CARRIED. 5 AYES

4. **BAHRENBURG ROAD DEVELOPMENT** - SITE PLAN/SPECIAL USE PERMIT -
Bahrenburg Road (40-1-34) #48-04

T. Hamilton: Your name for the record please.

G. Gottlieb: My name is Gary Gottlieb. I'm here with John Lanc, Victor Caruso and Alan from Alan Gary Development. Just a brief overview on the project. This project is on Bahrenburg Road off of Silver Lake Scotchtown Road and entails the revitalization and renovation of the old barn structure into a current modern structure for the selling of oriental antiques, home furnishings, furniture and turning the remaining piece of the property into state of the art self storage center completely automated and that's just a brief overview of the project.

T. Hamilton: Do you have Mr. McGoey's comments?

G. Gottlieb: Yes.

D. McGoey: Do you have a problem with any of them?

G. Gottlieb: No.

D. McGoey: Item #3 is something that I think the Board may need to discuss. The Zoning Board asked that the billboard be removed from the existing building and the applicant wishes to replace that billboard with another billboard on the property.

G. Gottlieb: I can clarify that. We were going in front of the Zoning Board and one person had asked about the billboard on the building. He asked if we were willing to remove it and we said no. We would like to be able to receive a permit to put up another billboard on the property the same size. We asked initially on this project to put in an application for a permit to construct a self-standing billboard which was turned down. I said we would be willing to remove the billboard from the building if a permit was granted for us to construct another billboard on the property the same size and we could get the approval. That's actually what was discussed with the Zoning Board of Appeals. It wasn't that we had to remove the billboard except we were trying to get approval to move the billboard off the building.

A. Dulgarian: So, what are you proposing now, to leave it on the building?

G. Gottlieb: No. We're proposing that we would follow through on that. I don't know where that is going to lead us in terms of the Federal or the State. We're looking into that. It certainly wasn't an issue in terms of their approval for this project. Certainly they didn't make that condition on the approval of the project.

A. Dulgarian: So, is this something you're still going to pursue?

G. Gottlieb: Certainly, we would like to have a self standing billboard but in terms of whether or not we're going to get an approval from the Building Department here or not.

T. Hamilton: What are you looking to put on that billboard?

G. Gottlieb: Right now, (not clear).

A. Dulgarian: If it's going to block something that we want to do with the view of the aesthetics from Route 17.

T. Hamilton: I know most of those regulations on pre-existing billboards, like he was saying, he has the right to have them. I believe that you can repair them but I don't think there is anything in the regulations that says you can move them. You can only repair what's there. I don't think you can erect a new one somewhere else. That's probably what his problem is going to be but my problem is if he's looking to advertise other entities with it, then what are we going to do for signage on his store buildings which has to be approved by the Building Department also. It will become a Catch-

22.

G. Gottlieb: There is existing signage on the barn itself now other than the billboard.

T. Hamilton: But, that it not for a retail store. It's not for this applicant for that store.

G. Gottlieb: Certainly we would agree not to put any more signage toward the store on that side of the building that's already covered by the big billboard but this building has existing

signage on it on one side. Certainly we would have some kind of signage promoting the business.

T. Hamilton: We're looking at renovating and modernizing this whole building. I don't think we're looking to keep every sign that's out there pre-existing and the building has been falling down and everything else. We're looking to make it better without all these oddball signs that are completely around that building. He's still showing the old Christopher Street on one side of it. What are you proposing on the other side? It doesn't show anything on this drawing.

G. Gottlieb: We're not at that point yet but certainly we would propose a sign on at least two faces of the building. At the end of the building here and on this end of the building here.

R. Carr: When you say the business, do you mean the business in the barn?

G. Gottlieb: No. It would be to identify ourselves.

T. Hamilton: Isn't there something in the regulations as to what size of the building the signs can be on?

D. McGoey: Yes.

T. Hamilton: We're going to have to figure out which way is the front and the back of this building. Before the Public Hearing, we want to see what it's going to look like. Mr. Dulgarian, do you have anything else?

A. Dulgarian: Refresh my memory. The last time we saw this, I thought we weren't too keen on the storage in the back but now it comes back looking about the same.

G. Gottlieb: The issues were the setbacks and we were granted variances by the Zoning Board of Appeals in terms of all the setbacks that were reflected for the self storage in terms of the project.

T. Hamilton: You were talking, Mr. Dulgarian, about screening.

A. Dulgarian: Yes, I'm looking at the screening but I thought we had a berm.

D. McGoey: A berm would help it.

T. Hamilton: I think one of the items we were looking at was a great rendering of what those storage buildings are going to look like.

G. Gottlieb: In terms of the rendering we had a work session with Gary and Mr. McGoey and we showed some ideas. We decided in terms of the storage buildings we would develop the storage buildings to make it (not clear). Storage buildings are general in nature. They're not much different but generally in terms of coloration we would reflect any color that the Board would want but in terms of the storage buildings they are basic.

T. Hamilton: I think at the Public Hearing we're going to be looking at a rendering on those also to see them. What happens is you have to remember you go to a work session where you have one Planning Board member and one Town Engineer. It does not mean that will comply with the other six members that are here. We are the deciding voters on yes and no on what goes in there. We haven't seen these items. Right now we don't have any renderings so we don't know what you're looking to put on there. There's nothing for us to say yes or no to without seeing it. For that Public Hearing, let's have all of this stuff so we can look at it.

G. Gottlieb: We certainly will have the renderings for the Public Hearing.

T. Hamilton: Do you have anything, Mr. Owen?

P. Owen: No.

T. Hamilton: Do you have anything, Mr. Carr?

R. Carr: No.

A. Dulgarian: Is the side yard pre-existing/non-conforming?

D. McGoey: Yes.

A. Dulgarian: Did you receive variances on it?

G. Gottlieb: We received variances on the setback of the self storage.

R. Carr: I'm still not crazy about the self storage units there. If it's going to be there it will have to be well screened and this is another one of those things where I don't know. I love the idea of fixing up the old barn.

G. Gottlieb: The only side that you would ever see is the storage units by the highway. Traveling down Route 17 you definitely would not see this.

R. Carr: I look at it everyday from Silver Lake Scotchtown Road. How do we protect ourselves that the barn gets done (not clear).

G. Gottlieb: The Zoning Board of Appeals made a condition that the barn be completed simultaneously or prior to the self storage facility. That was one of their conditions of the approval, that the barn be completed prior to the self storage. We plan on doing the whole project all at once.

T. Hamilton: Do you have anything Mr. Capozella?

W. Capozella: I think we talked about the good and the bad. I have a comment basically about the fence or what ever. I know we're saying we may not see it or what we're going to see. We're talking about a twelve foot fence and maybe we would like to see something that blends in a little bit. I know we talked about it before.

T. Hamilton: Twelve foot fence, where's that?

W. Capozella: I think it's twelve feet, maybe I'm wrong when I read this.

T. Hamilton: I don't think our zoning allows twelve feet.

W. Capozella: When I looked at it before I thought, but it's going to be a fence.

G. Gottlieb: Around the self storage will be fenced.

W. Capozella: Twelve foot high chain link fence detail.

T. Hamilton: It says it on the plan. We will have to check our regulations on the height of the fence and how high we can go.

D. McGoey: The Highway Superintendent also had comments. I will see that you get a copy.

G. Gottlieb: We met with the Highway Superintendent. We discussed two items with him. One was your comment of moving the curb back five feet from the road.

D. McGoey: Right.

G. Gottlieb: He thought that was fine so, we're going to do that. The area back here is actually not our property. He wanted a turn around. We said we would try and coordinate with the State because they actually own this property.

MOTION to schedule a PUBLIC HEARING for April 6, 2005 made by R. Carr and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

W. Capozella: Aye

T. Hamilton: Aye

MOTION CARRIED. 5 AYES

5. **NY PETERBUILT** - SITE PLAN/SPECIAL USE PERMIT - Weld Road & M & M Road (3-1-30) #145-04

T. Hamilton: Your name for the record, please.

J. Myro: My name is Jay Myro, the Attorney for the applicant. With me is Chris Renata who is with Rother Engineering. This is our first appearance in front of the Board. We've had a work session with Mr. McGoey. This is a proposal for the developer of the property to build a rebuilt sales parts and service. The applicant has other sites. The applicant is currently in contract to buy the site.

T. Hamilton: Mr. McGoey, is there anything outstanding on these comments that the applicant has to take care of?

D. McGoey: I think the big issue is that they get together with the Department of Transportation to find out whether they will allow them to (not clear) and whether the Department of Transportation is going to change that ramp configuration as part of the Interstate 86.

J. Myro: We were concerned at the work session that the interchange may be upgraded. The references on the map is from the Department of Transportation.

D. McGoey: They were not approved?

J. Myro: No. We just put on the map what the Department of Transportation is proposing to do.

D. McGoey: They're going to re-align M & M Road also?

J. Myro: Yes, to my knowledge.

T. Hamilton: Mr. McGoey needs some kind of paper work to show that and exactly what they're talking about.

C. Renata: We could take that off the map. I think Mr. Rother put it on there because at the work session we were concerned as to whether the realignment and the redevelopment of the interchange might include some appropriation of our land which would kill this deal. We found out that it won't. The extent of the realignment and the renovations of the interchange is not going to affect us.

D. McGoey: Okay. Can we get the documentation to us?

C. Renata: I talked to Mr. Rother this morning.

D. McGoey: The other big issue is if the wetland issue is also a Department of Transportation issue also.

C. Renata: We're going to contact the Department of Transportation. I think that's note #6 in your comments.

D. McGoey: Yes, and also item #7.

C. Renata: We will get you that information from the Department of Transportation also.

D. McGoey: Item #8 is a major drainage area going across that site which he doesn't represent on the plan.

C. Renata: That pipe will be relocated to accommodate the drainage.

D. McGoey: It looks like it goes right through the existing building.

C. Renata: It does.

T. Hamilton: Shouldn't we have him come back to you at another work session and straighten all of this out before it comes back to us? This is sketch only but I think the rest of the Board agree that we would like to see what happens after these modifications and items taken off, the wetlands and also the documentation from the State before we go any further.

C. Renata: As far as the wetlands on the site we are fairly comfortable that the lots are large enough.

T. Hamilton: Mr. McGoey, the Highway Superintendent has comments on turning radius and so forth with trucks accessing it.

D. McGoey: Yes.

T. Hamilton: Plus he wants to see the drainage plans also.

D. McGoey: Yes.

A. Dulgarian: I think what he was looking for was a little guidance. I'm glad they came in at an early stage. I have no problem with that type of business going there. Before you come back, what I would be concerned with is we're always. I know what you're thinking is a plus, the proximity to Route 17 we're looking at nice landscaping, nice screening, that type of thing. Your visibility is your plus but also we're not going to hide it but we're going to make it look as good as possible. Also, you're showing ten spaces for the big trucks. If this is sales and service you're going to need a lot more parking spaces for your customer's trucks, your delivery trucks, your for sale trucks and the parking requirements because of the size of the building go by passenger cars and this really doesn't pertain to you a whole lot other than some workers coming in there. I think that needs to be addressed. As Mr. Hamilton said, your turning radius is important also because of the type of business. You don't really have display areas marked out here either.

P. Owen: The site distance will also have to be looked at. It's a narrow road and a lot of people take that turn on the opposite side. That should be taken into consideration also especially where that entrance is.

R. Carr: Mr. Dulgarian said it all.

W. Capozella: I think one of the comments that was hit on was is the outside usage. Obviously you're going to be retailing items. We would like to see where that's going to be and how that's going to be located and what the real plans are going to be.

C. Renata: In order to have a significant amount of sales at this site it would have to be expanded. This really is primarily parts and service.

T. Hamilton: We're not looking for any outside storage of old truck parts and so forth. We want to know where that stuff is going to be stored that we don't see it.

C. Renata: There wouldn't be any outdoor storage of anything.

MOTION to TABLE for further review made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

W. Capozella: Aye

T. Hamilton: Aye

MOTION CARRIED. 5 AYES

6. **MIDDLETOWN HONDA** - SITE PLAN MODIFICATION - 84 Lane (78-2-11) #164-04

T. Hamilton: Your name for the record, please.

J. Bergman: My name is Jerry Bergman with Eustance & Horowitz. Back in 2003 when this was approved we did bring up to the Planning Board that we trying as part of the back parcel adjacent to the site for storage. Unfortunately we were not able to do that at the time. We are now under contract to purchase that piece of property. We're in to propose new car storage in the back and used car storage and display on the side along 84 Lane. We're proposing a total of three hundred and thirty four parking spaces. That includes already existing for the present dealership itself which was previously approved. Of that one hundred thirty four spaces will be standard parking spaces. That would be used car storage along 84 Lane and around the front and the back. One hundred ninety six spaces would be storage spaces which are a little smaller and the same size that was approved previously on this site which would be I believe sixteen spaces. We do know that some of the employees are parking at Gander Mountain at this time. Unfortunately or fortunately, depending on who you are when this dealership opened Honda themselves, the company themselves gave this dealership two hundred fifty additional new cars that weren't inspected yet. They had to find a space in the Town temporarily to store those cars. They did ask for some of their employees to temporarily park in the back of Gander Mountain. Once this is approved there will be no more parking at Gander Mountain. There will be no buildings or structures on this site. This site is parking lot only. We have not submitted the lighting and landscaped plans as of this date. They both are completed. This site is fenced in the back. We did propose a chain link fence.

T. Hamilton: Can you show us what it's going to look like?

J. Bergman: I can do that. There are no other utilities proposed for this site with the exception of stormwater. All stormwater will drain to the southern corner of the parking lot where it will be picked up. The design does comply with the standards. The stormwater presently running through the site will continue to run straight through the site.

D. McGoey: I just need to figure out how you're getting in and out of that structure.

A. Dulgarian: When it comes back, I would like to see either topography or elevations especially in

the back. He's talking about a retaining wall. I'm sure there's going to be fill involved there.

J. Bergman: There should be a grading plan.

A. Dulgarian: Okay but that still doesn't give us an elevation on how high that's going to be compared to that road in the back.

J. Bergman: Zero to six feet.

A. Dulgarian: Can you get us a rendering of what that's going to look like?

T. Hamilton: With the fence on it.

A. Dulgarian: I would like to see that to see what it's going to look like.

J. Bergman: There is a detail on the fence.

A. Dulgarian: Your employees in this case made us look pretty bad on us because I got hammered by a lot of people in the Town stating how could be approve that doesn't have enough parking requirements. When you come back I would like to see actual figures on what's going to be parked where. I want to know how many employees are here. Where are the employees will be parking. How many new cars, used cars display areas. Where the customers are going to park for service. I want that all spelled out so that we don't run into this problem again.

J. Bergman: Most of that is going to take place on this application.

A. Dulgarian: This parking lot does not stand alone. The only other thing I have is that Mr. Lippert was concerned about the quality of the road. He stopped me and we talked about that issue. That's all I have for right now.

J. Bergman: Does he want to see 84 Lane completely re-done?

D. McGoey: No. He's concerned about the additional traffic on it because of the soft areas that we found.

A. Dulgarian: And, it's been dedicated to the Town.

D. McGoey: No. We gave payment. It's part of the State Highway. The Town only maintains it. He is concerned about the additional truck movement on that and how that's going to impact the soft pavement.

P. Owen: Other than Mr. Dulgarian's comments.

R. Carr: I have nothing now.

W. Capozella: There was a comment in here in Mr. McGoey's notes about the right-of-way, the fifty foot right-of-way and I was trying to figure out is that . . .

J. Bergman: The fifty foot right-of-way is a right-of-way that Lowe's gave to Off Tract Betting which occupied the site prior for access to get to 84 Lane.

W. Capozella: Where is that on here? You don't show that.

J. Bergman: We do show it if you look under the existing conditions. It's this right here. It was an access from this site to get over to 84 Lane.

T. Hamilton: This is going to be consolidated then?

J. Bergman: Yes.

T. Hamilton: Now, Mr. McGoey, how many surprises are they going to find when they dig in that corner because that was a dumping ground when Wal-Mart in. What is stable to put blacktop on and what isn't and what's been buried there? I believe that's where a lot of the stuff was dumped.

J. Bergman: I understood it came from when they built Lowe's.

MOTION to TABLE for further review made by P. Owen and seconded by A. Dulgarian.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

W. Capozella: Aye

T. Hamilton: Aye

MOTION CARRIED. 5 AYES