

TOWN OF WALLKILL PLANNING BOARD

MEETING

FEBRUARY 4, 2009

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

MEMBERS ABSENT: None

OTHERS PRESENT: J. Bacon, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - **O & R** - SUBDIVISION & SITE PLAN/SPECIAL
USE PERMIT - Shawangunk Road (3-1-44) #23-06

Cancelled.

**MOTION to re-schedule PUBLIC HEARING for March 4, 2009 made by R. Carr and
seconded by A. Dulgarian.**

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

2. PUBLIC HEARING 7:35 P.M. - **FAIR OAKS BUNGALOW** - SITE PLAN-
Shawangunk Road (3-1-46) #33-07

G. Lake: Public Hearing started at 7:33 P.M. E. Morris read the Public Hearing notice.

E. Morris: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York will be held at the Town Hall at 99 Tower Drive, Building "A", Middletown, New York 10941 on the 4th day of February, 2009 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Fair Oaks Estates LLC, 246 Seigel Street, Brooklyn, New York 11206, for approval of a Special Use Permit and Site Plan for the Fair Oaks Redevelopment, located at 310 Shawangunk Road, on the southwest corner of New York State Route 17 and Tarbell Road, under Sections 249-38 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.

L. Wolinsky: My name is Larry Wolinsky from the law firm of Jacobowitz & Gubits on behalf of the applicant. Also with me is Leonard Jackson from Leonard Jackson Associates the engineer for the project. This is a re-development of an existing bungalow colony facility and has been before the Board a number of times and we're here for a Public Hearing this evening.

L. Jackson: I'm Leonard Jackson a professional engineer representing this project. This project is a re-development of the Fair Oaks Bungalow Colony. This project entails knocking down all the old units, instructing new units. The units will be constructed to meet the New York State Building Code. It is a bungalow colony and a seasonal use. The project will include a new roadway system, a new sewage treatment plant, a new water supply system. We anticipate a number of units as about the same as they are now for a total of eighty four buildings or units. We anticipate also that the population will be approximately the same as it is today. In fact, we anticipate that some people who are using of this facility will in fact become owners for some of these units. In fact, most of them. At least that's the intent of the owner. By the way it's a thirty four acre site. The entire roadway system will be reconstructed. The swimming pool will be reconstructed. The recreational areas will also be constructed. There will be two and a half acres of ball fields on the facility. The project needs to meet the Department of Environmental Conservation water quality requirements, stormwater runoff and water quality renovations. Your engineer has provided.

G. Lake: Hold up on the comments please.

L. Jackson: Okay.

G. Lake: I think, the time of use. You mentioned it's going to be the same as it is now basically?

L. Jackson: It is a seasonal use. Occasionally some people will come up for the various holidays and so forth and will probably stay just a night. The question was brought to me about what would happen to the sewage treatment facility and would it be functioning. It will be functioning year round because I'm told its better to keep it running than shutting it down. Yes, we anticipate individuals over the winter but it is a seasonal use. There is no intent to have it be year round.

G. Lake: Okay. As far as your water, again I'm asking you these questions because I think they just need to be defined a little bit and is better for the public at this point. The old water, are you going to be using the same wells that you've been using?

L. Jackson: We will be using those wells. The water supply will have treatment because of a certain amount of contamination from the sewage disposal fields. Those will be eliminated with the sewage treatment plant.

G. Lake: Explain that a little bit, what you will be doing with the sewage.

L. Jackson: Well, right now there's a sub-surface disposal in the area and in fact found a certain amount of contamination of the water system in the existing wells from the sub-surface disposal. The sub-surface disposal will be eliminated. A sewer system will be constructed within the infrastructure, a collection system and that collection system will lead to the sewage treatment plant. The sewage will be treated and meet all the New York State Department of Environmental Conservation requirements for discharge. So, there will be no sub-surface disposal.

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

A. Dulgarian: I will wait.

H. Ross: After.

R. Carr: I will wait until after the public.

W. Capozella: After.

C. Najac: After.

T. Hamilton: After.

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

D. Ainbinder: My name is David Ainbinder. I happen to be a son of parents who built this place originally. I'm just a little concerned when they say seasonal but its going to be open year round. We have a horrible traffic problem on the road right now. People zoom by our house at fifty miles per hour and we have children and animals that could be run over. I'm a little concerned as to where the sewage runoff is going to be built. Usually it goes into a lake or a body of water. There's no stream on the site that I know of. These are some of the concerns that I have. I regret that I haven't been here sooner. I'm not against the project. I just want to make sure that its not going to have a greater impact on our lives that it already has. There are some problems with the existing place now that didn't exist when my family owned it. Those are some of my concerns.

G. Lake: Okay. As far as the seasonal end of it and we talked numerous times with the applicant and I will let maybe them answer, numerous times about whether they were going to extend it or not. Numerous times they have told us they are not going to extend it anymore than what it is used for now except that as the gentleman said tonight that maybe on certain holidays. As far as the sewer goes, I'm going to have their engineer explain that. I'm not an engineer and we will let him do that after if there is anybody else who would like to speak. Is there anyone else who would like to comment on this application? Okay. Nobody else. Why don't you come back up and explain the sewer end of it because I had a feeling it would be a concern.

L. Jackson: I'm sorry but I'm not a sanitary engineer but the sanitary engineer has designed a sewage treatment plant which must meet strict New York State Department of Environmental Conservation requirements. The sewage will discharge to the lower area where the lake currently overflows and crosses over Shawangunk Road. The degree of treatment is a very highly degree of treatment which is required by the New York State Department of Environmental Conservation.

A. Dulgarian: Mr. Lake, where is that located on the map, the treatment?

L. Wolinsky: Showed the Board on the map. Mr. Lake, I just wanted to further elaborate that

this estuary level of treatment is the highest level of treatment that the Department of Environmental Conservation requires which allows the discharge into the stream and to infiltrate after its treated and into the ground without further. It's the strictest and highest requirements that the Department of Environmental Conservation has for the discharge.

L. Jackson: There's a lake there and it does overflow.

D. McGoey: It appears that the outlet goes across Shawangunk Road and then across the property across the street which is now under your review for the commercial subdivision and then across Gillen Road and then down into the wetlands down below.

G. Lake: One more time for the Public. Hearing none,

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

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

L. Jackson: Yes I do. There are several comments that are requesting more detail and we will submit them. There are some comments that I think require some discussion. I've highlighted them. Item #1. The Highway Superintendent has requested that Shawangunk Road be widened as part of the project. We will certainly contribute whatever our share to

that improvement is. We don't know what the improvements are yet. I believe in discussion that Orange & Rockland Utilities will take out the hump in the road and until we know what the improvements are but I would suggest we have a meeting with all the parties involved and then we will come to some conclusion in that regard. Item #2. The Site Plan shows a one hundred foot required side yard on Sheet #2 however, the rear decks or porches encroach on the one hundred foot setback. We had no intention of doing anything that requires a variance. We want to comply with all of the zoning codes. We've read the code and perhaps we need an interpretation. The code says to measure the yard for the setback from the property line to the building and we're not aware that a patio is part of the building. The patios are on grade only.

D. McGoey: You're right.

L. Jackson: Now, if it's a deck because sometimes the rear of the building is higher, if it's a deck we weren't sure, we thought the deck was not part of the building because I think it said in the code that if it was covered and perhaps we should ask the Attorney for what the answer is and we will comply. But we don't think the deck is part of the building either.

T. Hamilton: I think the only deck that is more or less not covered is one that is only less than twelve inches above the ground. Anything above that falls under the Building Department. In a normal residential area a deck twelve inches above the ground is not covered by it.

L. Jackson: Whatever the determination is we will comply. Item #3. We continue to have a concern for the hazard associated with the close proximity of the water quality basin #2 to Units #41 and #42 as noted in our comments of December 2, 2008. I'm not sure what that hazard is. We surrounded that basin with a fence.

D. McGoey: Well, you're going to have children there.

L. Jackson: I think the fence will do it. I will discuss that with the owner to make sure. Item #4. With respect to the Phasing plan on Sheet 15, we should discuss the need to construct the sewage treatment plant and sewage collection system as well as water facilities as part of Phase I. We will finalize the phasing. There's no question that Phase I must include the sewage and water systems and Phase I must include recreational facilities. We will clarify that with the intent is to make sure that when the first Phase opens up all the facilities will be ready to operate. We would clarify that on the plan. Item #16. Sight distance has not been certified at the entrance drive at Shawangunk Road in accordance with AASHTO Standards at prevailing speed as previously requested. We have a site distance on one of the turns when you exit this location, I think is an "A". The site distance is only adequate for twenty five

miles per hour road because of the hump in the road. It's been there and we haven't changed the location of the entrance. So, the solutions are first I understand that perhaps Orange & Rockland Utilities as part of their work on Shawangunk Road is to eliminate the hump in the road and that will make the site distance better. If that's not the issue I suggest that since no other practical way for the site distance other than removing the hump, I would suggest that perhaps we post the road at twenty five miles per hour which does satisfy the requirements. I'm not sure where that's going to go.

G. Lake: First off, Orange & Rockland Utilities their project might not happen for a few or up to five years from the last work session that I was at for them. Again, you're going to have a meeting with the Highway Superintendent?

L. Jackson: Yes.

G. Lake: We just can't change the speed limit on the road.

L. Jackson: I understand. I wasn't sure how that had to be done.

G. Lake: Part of your meeting with the Highway Superintendent would be obviously to straighten that issue out between now and the time you come back. I'm not even sure he can change that without going through a lot of rigor-morale

L. Wolinsky: The Town Board can change it.

G. Lake: I'm not sure of that.

L. Wolinsky: I'm sure of it but it will need the approval from the Department of Transportation.

G. Lake: Right.

L. Wolinsky: And usually the County weighs in as well. Everybody kind of weighs in.

G. Lake: I'm just saying the Town cannot go out and just post a sign.

L. Wolinsky: No, they can't. They would have to go through a process.

G. Lake: Through the Department of Transportation.

L. Wolinsky: It would have to be done by the letter of the law.

G. Lake: Just put that on your table and when you meet with Mr. Lippert and maybe we can have it late in the day and we will have one big meeting.

L. Jackson: Item #19. We should discuss whether any of the patios or decks to the rear of the buildings are to be above grade or otherwise slab on grade. We will clarify that.

G. Lake: Okay.

L. Jackson: Item #20. We should discuss the use of basement levels. When I graded these buildings there are some areas where the foundations had to be so tall I extended the foundation which then led me to the conclusion that they have a space underneath the dwelling that can be used for storage. That's the intent and no there is no intent to use that as a living area. I'm sure the attorney's will write that out that they won't be used as a living area.

G. Lake: That has always been considered habitable space by this Board in the past because it can be turned into bedrooms or like another apartment. I think that's something that the attorney's can start talking about because that's something we've always depended upon to layout. I think we've always considered it to be habitable space.

L. Jackson: The next question will be then is the count of the units. We certainly don't want additional units and they have been resolved. So, the question is if one unit then becomes bigger and you call it habitable and if it does we would still meet the code with regard to the number of units and the density. Maybe that can be a solution.

G. Lake: Okay.

L. Jackson: Item #21. A floor plan of all floors of the dwelling unit should be provided for verification of the number of habitable rooms including the basement level if proposed to be habitable space. This relates to the previous discussion. I guess we will have to resolve that. The rest of the comments are detail related.

G. Lake: Let me go through the Board.

A. Dulgarian: I guess the main question I have, we've seen this quite a bit and it sure has improved from the initial viewing of it. Talk to me a little bit more about the sewage

treatment plant. We had a local community that had to take over one, Blooming Grove, I think. Mr. McGoey is this bonded or something if it ever fails.

D. McGoey: That's something that would be up to the Board and it has bonding for the maintenance purposes of that treatment plant.

A. Dulgarian: Well, I think that's to me as one member. I'm no brained. I mean, hasn't it been proven and you would know better than me that some of these regardless of how state of the art they are at the moment fifteen or twenty years from now it might not be doing what it's supposed to do. Am I wrong, was it Blooming Grove that had to go in and spend taxpayers money to correct another development?

D. McGoey: Yes. It's happened in every community in Orange County.

A. Dulgarian: Then we have to learn from that. That's all I have at the moment.

G. Lake: G. Lake: Tell me, is this going to be a condominium project at this location?

L. Wolinsky: Yes.

A. Dulgarian: If Mr. Bacon or whomever can figure it out, I just think its our opportunity to protect the rest of the residents.

G. Lake: Anything else, Mr. Dulgarian?

A. Dulgarian: No.

H. Ross: Yes, that is one of my concerns. There would have to be a condominium association for this project.

L. Wolinsky: Correct.

H. Ross: I wish I could say that I knew of a packaged plant anywhere in America that started out private and then was taken over by a municipality. I would be very concerned that the Town doesn't inherit a system because something went wrong. I'm just afraid with this number of units with this type of treatment it may become difficult to maintain over time. I also have a concern with the basements proposed in some of the units because somebody may wind up saying you can live in the basement, come up for the summer. The road is also a concern.

R. Carr: I have reservations with the treatment plant. Mr. Wolinsky maybe you can help me because I know from the very beginning my difficulty with this was also the seasonal nature. A bungalow colony which didn't have heat and you couldn't live there year round and now because of the codes these will be heated, what protection does the Town have when all of a sudden they're being used year round?

L. Wolinsky: It becomes an enforcement issue like any other zoning violation. We gave you a letter specifying the details of the use which we agreed to have as a condition of approval. I don't have the letter right in front of me but we discussed that at the last meeting and I think everyone, I left that meeting that it was resolved.

R. Carr: I recall that. How does the Town report?

L. Wolinsky: If someone is in there year round and the Town gets wind of it, it gets enforced like any other zoning issue with a notice of violation and to court in order to remedy the situation.

R. Carr: I agree that the intent is there but I think it's a very difficult hurdle.

L. Wolinsky: The only thing I said with this particular population it would highly be unlikely taking the risk of coming here year round. The place is operating now and it's not a problem. I realize the units aren't winterized. That doesn't stop someone from plugging in space heaters and things like that. It is an enforcement issue. We've agreed to put in all the documents and the deed all the disclosures.

R. Carr: To give us the approval?

L. Wolinsky: Exactly.

R. Carr: It would be difficult to say to somebody that you've been there too long.

L. Wolinsky: Quite honestly, and in fact there could be someone who comes up and uses that allegation. True, the Town isn't going to send a cop to monitor that but if it became a problem and a neighbor or somebody saw they could bring it to the Town's attention and then they would have to enforce it. I think that's the best and only way.

J. Bacon: Well, if you can think of some penalties up front that would be to them so that the members of the association . . .

G. Lake: Anything else, Mr. Carr?

R. Carr: I didn't recall on this the subject of phasing. I don't recall ever talking about the phasing.

L. Jackson: That was one of Mr. McGoey's comments. I don't know that the applicant's are planning on doing all the units at the same time. One thing that we know is that the sewage treatment plant, water system and recreational facilities are first. The service roads will be there first but the number of the units they can construct initially I'm not sure.

R. Carr: Okay.

L. Jackson: We will work that out.

L. Wolinsky: We will find that out. I'm not sure it is going to be finished but I think Mr. McGoey was raising the comment in the context that if it is phased when the improvements should be done.

R. Carr: Okay. If, and along with that then just and I would be curious to know are all the units being taken down in the first phase and also just in terms of from a construction phase.

L. Jackson: When we pin down exactly what the intent of the applicant is we will pin down those answers. Frankly I would think and at this time I would think they would probably knock the whole place down and put the infrastructure in because some of the roads go through where the existing buildings are.

R. Carr: Okay.

L. Jackson: We will pin that down.

R. Carr: Thank you.

W. Capozella: In addition to the bonding or what ever you're going to do and if their water system fails and the Town has to take it over because of maintenance concerns, the same scenario. Just something from them saying that they will take care of it.

C. Najac: It looks better each time I see it. I think it would be a good idea if what they're proposing for the water system and sewage treatment plant is also reviewed by our Water & Sewer Department to see what they're proposing is something that they may have some input in.

T. Hamilton: Now, the old septic, sewer system?

L. Jackson: Gone.

T. Hamilton: Removed?

L. Jackson: Yes.

T. Hamilton: Any re-mediation for any contamination in the ground and what ever?

L. Jackson: As a matter of fact there is some contamination in the water system so, the re-mediation of the removal or elimination of the septic system and the casing of the water system. As far as the re-mediation for abandoning the septic system I don't believe it meets the requirements.

T. Hamilton: The septic tanks, leach fields and what ever else, everything is still there and nothing is contained.

L. Jackson: As a matter of fact we should find out from the Department of Environmental Conservation what their requirements are. Technically the leach fields they're fields that discharge into the ground and there's no reason to pull them out. In theory the renovation of the soils will take care of the sewage. As far as the septic tank it may be in our interest to get rid of the septic tank and I haven't looked to see how the new infrastructure will affect the septic tank but I will look into it.

T. Hamilton: Mr. McGoey, will you look into that further?

D. McGoey: Yes.

T. Hamilton: There should be something written in the Home Owner's Association writing down these rules so they can regulate and take care of the place before it would have to come to us.

L. Wolinsky: Absolutely.

T. Hamilton: I mean it shouldn't be always to come to Town Hall to have the zoning official to go out. The Home Owner's Association they always take care of them.

L. Wolinsky: It would become a violation of the by-laws.

T. Hamilton: We should have a copy of that to see how it will be handled by the Home Owner's Association. I know we also were talking about the speed limit and site distance. I don't even know if we can go down that low unless it's in a school zone or something like that. I could be wrong but for some reason . . .

D. McGoey: I don't know. The Department of Transportation is the one who makes the changes.

L. Wolinsky: We'll discuss that when we meet with the Highway Superintendent. Keep in mind this is an existing situation already and we're trying not to increase the intensity. Whatever we can do to improve it we will.

L. Jackson: The location where we have the site distance problem is twenty five miles and not thirty. It's the same location. We haven't changed the location or the road. It's an existing situation.

T. Hamilton: Let me tell you if I look at all of those nice pictures of the houses that will be put in there they're not even close to the amount of rooms and stuff that the bungalows had so the intensity is definitely going to change on that road.

L. Jackson: Hopefully when we reach the Highway Superintendent we can work something out to improve the situation.

T. Hamilton: That's all of my comments.

G. Lake: Just to touch on the septic tank and I realize you're abandoning the septic tank and leach fields. Myself I just think you ought to either destroy them or take them out. I just think it becomes a safety issue. I don't know how many you have out there.

L. Jackson: I'm not sure myself. I happen to agree with you.

G. Lake: Well, you know it may not show up for five, six or ten years. I just think you're asking for trouble and I think they should come out. As long as you're putting a whole new system in get rid of the old stuff. The only other thing, have you made contact with the Fire Department out there yet and I believe it's Bloomingburg?

L. Jackson: I wish I could tell you.

G. Lake: You're going to have time. Just make another effort to speak to them so we can get their comments. I thought we had one on a stand pipe going into that lake. We're also going to be looking at the landscaping.

D. McGoey: I have a copy of their comments. They did ask for a dry hydrant and improvements to the road for the increase in traffic.

G. Lake: Okay. Does the Board have anything else? Okay. You've heard the comments from the Board. Your Public Hearing has been closed. We will need a motion to become Lead Agency.

L. Wolinsky: Not yet because the thirty days haven't elapsed. The notices went out a little late. We can take care of that the next time.

H. Ross: Who is reviewing the septic plan? Is it the Department of Environmental Conservation's responsibility?

L. Jackson: Yes.

H. Ross: We're going to become Lead Agency but we won't be reviewing the septic?

L. Wolinsky: You're welcome to review it as well. They will be the ones who will issue the permit.

G. Lake: The license for the packaged plants comes from the Department of Environmental Conservation. Mr. Najac had a good idea. Why don't you drop off a copy to our Water and Sewer Superintendent. He may or may not comment. I don't know.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

3. PUBLIC HEARING 7:40 P.M. - 125 LAKE AVENUE REALTY SITE PLAN/SPECIAL USE PERMIT- Route 302 - (22-3-4.1) #29-08

G. Lake: Public Hearing started at 8:12 P.M. E. Morris read the Public Hearing notice.

E. Morris: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York will be held at the Town Hall at 99 Tower Drive, Building "A", Middletown, New York 10941 in said Town on the 4th day of February, 2009 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of 125 Lake Avenue Realty, LLC, 27 Downing Street, New York, New York 10014 for approval of a Site Plan and Special Use Permit for a Commercial Recreation, Service and Repair Shop, and Warehouse, and a permitted use for a Public Use, located at

2618 Route 302, 500 feet west of New York State Route 17 under Article 249-38 C of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

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

D. Yanosh: My name is Dan Yanosh surveyor for the applicant and also with me is the owner of the property..

G. Lake: Go ahead. Give us a brief description telling us what you want to do.

D. Yanosh: This is an existing building on Route 302, the old Rich house building originally. The applicant is a preserver of old antique fire trucks. If you go through the building now it's ninety percent full of old antique trucks. He collects them. He repairs them and shows

them in shows. He takes them all over the country. He would like to have the Public look at them. We have an area in the back to add on a little service station so he can work on them. When they come in they're pretty old and battered. He fixes them up and re-paints them and whatever needs to be done. After he's done he puts them on the showroom. A couple of times a year he would like to have a show. You see all the extra parking we have out here. We went to the Zoning Board of Appeals and received a variance for that. We do have some overflow parking which we don't want to install right now, just make it grass and dirt and if he does have a big function some day we can use that parking.

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

A. Dulgarian: I will have comments for after.

H. Ross: Later.

R. Carr: I will wait.

W. Capozella: After.

C. Najac: After.

T. Hamilton: After.

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

B. Zareski: My name is Bruce Zareski. I am the President of the Catskill Firecats. We are a group that shows the nation the trucks throughout the United States. We, the Firecats are based here in the Town of Wallkill in the hamlet of Circleville. A contingent of the members are here tonight in support of making this facility a bone-fide fire apparatus museum. We are the local chapter of "Spampa" which stands for Society for the Preservation of Antique Motor Fire Apparatus of America. Spampa is a national and international group of fire truck collectors. It is an educational historic non-profit corporation chartered by Regents of the Education Department New York State Department of State. They are headquartered in Syracuse, New York since 1968. There are active Spampa chapters located in nearly every United States state and are charged with the stewardship of collecting and preserving American made fire apparatus. The Catskill chapter is the local regional chapter of Spampa. Catskill chapter itself is chartered through Spampa on February 23, 1974 again preserving antique fire apparatus therefore preserving an important part of our American heritage. This is a long passion and an obsession. We collect real life fire trucks, sometimes it's hard to

believe. I just noticed a sign in the back behind you, I guess the incorporation of Wallkill was in 1772. We have trucks that are pretty old, not quite 1772 but in the late 1800's of fire apparatus. In some cases they have already been restored. Our chapter consists of approximately eighty five members including two founding members and approximately somewhere around fifty five active and associate members along with a Board which consists of a President, Vice-President, Secretary and Treasurer all of whom are here tonight. The last thirty four years the Catskill Firecats have held their annual fire truck show muster competition right here in the Town of Wallkill from Davidge Park to Orange County Park to downtown Middletown and now to the grounds of the Route 302 site. We generally bring in anywhere between three hundred to five hundred visitors into the Town of Wallkill. As a tourist attraction the museum alone would bring visitors who not only will stay in local hotels. He owns many rare one of a kind fire apparatus. I also should mention that Andrew Leider and (not clear) are also members of the Firecats. We are proud and honored to be associated with them. I'm here for Firecats. Our membership is your commitment and enforcement for approval of the museum of the facility on the Route 302 location. Our long term goal is to coincide with Mr. Leider's plans to realize the community commitment to make our two hundred and forty plus fire truck collection a bone-fide fire apparatus museum and also open to the Public. Conceivably this will be the largest single museum collection of fire apparatus anywhere in the United States and of course it would become a local tourist attraction. That's our expectations. We the Firecats already have fielded the numerous inquiries throughout the continental United States of America. I should also point out that the current collection of two hundred and forty plus apparatus has served communities and maybe right here in the Hudson Valley including Orange County, Ulster County, Sullivan County, Westchester and others. We the Firecats also participate in a lot of the local events including the annual Circleville, Middletown, Montgomery, Port Jervis and Warwick parades. We've performed exhibitions and demonstrations at local fairs and carnivals. As a matter of fact we are appearing at the upcoming two day fire expo at the fairgrounds. We've participated at the local 9/11 ceremonies. We've participated at the dedication of the Veterans Memorial Park and monument and we are currently collecting and itemizing and storing clothing at the facility for burnout victims in the Ulster, Orange and Sullivan County areas. I should also point out that Mr. Leider's collection of fire apparatus has been featured in the New York Times, on radio and television and even non-syndicated news programs. He's also featured in national periodicals such as Fire Apparatus Journal and other periodicals as well. We would like you, of course, to approve this facility as a museum. We've also had some of the apparatus featured in some Hollywood movies as well. Again, I ask you to support this project in the affirmative. It has been and will continue to be a showcase for the Town of Wallkill. Thank you.

G. Lake: Thank you. Is there anyone else who wishes to comment on this application?

Hearing none,

MOTION made to close this PUBLIC HEARING at 8:21 P.M. made by H. Ross and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

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

D. Yanosh: Sure. Item #1. That is not a problem. Item #2. We're going to just clean up the areas that will be paved and right now we have no plans to re-surface the area, just clean it up and stripe it the way it should be striped where we show it. Again, the areas in the grass when we have the big shows like the fairgrounds or anyplace else we will put the lines down to park the cars at the location. Item #3. I did deliver to Mr. McGoey a couple of weeks ago a letter about the stormwater management plan and our septic design approval from Eustance & Horowitz. The basis of the design even though there are only five employees there, the septic system is designed to hold one hundred people. Any type of big events that he will have he will have the portable john's out there. We have no problem doing that.

G. Lake: Are you going to add that to the Site Plan?

D. Yanosh: We will put that note on the Site Plan. The Fire Department so far, I haven't received any comments. They may want a truck once in a while for mutual aid. The landscaping plan there was a sheet on the back of the plan. We did dress up the front of the building and the sides. There's a flag pole in the front corner there. We will dress that up a

little nicer. Again, it's an existing building and the existing trees will remain. We will try to beautify it up a little bit with landscaping.

G. Lake: Did you check it out to the new code?

D. Yanosh: Yes. She's looked at that.

D. McGoey: I don't think so. She only screened the entrance and the front parking. She didn't do anything to the front.

D. Yanosh: The back and the sides. We can put something else in the front of the building.
A. Leider: The building is between two houses, one of them I own and the other my next door neighbor's. You have approximately a twenty foot hill which is then covered with a tree line. So, the only thing is to add more trees within that tree line and that covers the entire part of the property from the point where she stopped the landscaping to the end. You can't see the building due to the hill.

G. Lake: The last time the applicant was here the Board did ask was to protect the homes even if you do own it or don't own it at this point to give a little buffer between the two houses that were in front of you so maybe you need to do just that little bit. Let me go through the Board.

A. Dulgarian: I think it's a good use out there. It's low impact. It sure isn't going to change the characteristic of the neighborhood. Again, it's nice to see something happen to that building. This will continue to remain under private ownership and you won't be looking for any kind of historical status or anything where you're off of the tax rolls or anything?

A. Leider: Well, the museum itself will be hopefully a not-for-profit status.

A. Dulgarian: On this whole parcel?

A. Leider: For the museum itself.

A. Dulgarian: Which is . . .

A. Leider: Which is the entity within the building. We really haven't thought of it as far as transferring the property but the entity within the building that will be housing it as a museum. That will enable us to receive apparatus from other Towns and municipalities that they could otherwise not give us as a not-for-profit.

A. Dulgarian: Mr. Bacon, are we looking to take an industrial piece of property off the tax rolls?

J. Bacon: Nothing prevents them in the future from having it registered as a non-for-profit.

R. Carr: But the churches don't pay taxes.

D. Yanosh: The entity itself, the museum itself will be tax exempt but the building and grounds will pay taxes on it like he does today.

R. Carr: It doesn't matter if he owns it or if it's not-for-profit.

A. Dulgarian: I'm looking for clarification if that's the fact then I'm more comfortable with that than removing it from the rolls. So, that's not going to happen then?

J. Bacon: I'm not sure.

A. Dulgarian: I'm good.

H. Ross: Mr. McGoey, maybe he can beef up the area of the downward slope . . . I also wish for you the best of luck.

A. Leider: Thank you.

R. Carr: The service bay in the back. Is it only for the trucks stored here?

A. Leider: Yes.

R. Carr: You have one hundred and twenty thousand square feet and you're going to add on?

A. Leider: What we want is a goal to have a full restoration plan area and if we put in a spray booth and other equipment, the existing portion of the building is not really suited for that part of the process. We would probably have to make it from concrete or rock and it would be rather difficult to put that in the existing building. Right now we can repair the trucks on the far right side of the building. Once we start the restoration work and you get into the regulations from the Department of Environmental Conservation with spray booths and other mechanical work we need another building. That's why we wanted to reserve that for the future.

R. Carr: I think it's a good use.

W. Capozella: I don't have a problem.

C. Najac: Now, I have more questions on the service area. You're looking for spray booths and other equipment. Will you be letting the Fire Department of the chemicals you will be storing and if you're looking for a full station we're also looking at oil, grease, etc.

A. Leider: We will have to put a separator in and that's why we really can't do that in the existing building.

C. Najac: Steps have to be taken for safety and your list of chemicals should be available for the Fire Department so they know what you have on site. I have no further questions.

T. Hamilton: Most of the questions have been asked. Just one thing. With a building that size is there any reason why you have vehicles covered up outside of the building?

A. Leider: Actually the building is full however, what we're trying to do is moving some of the vehicles off site. At that point once this is operating there will be nothing outside.

T. Hamilton: Okay because normally we don't allow outside storage. I see some that are covered in blue tarp's and it really doesn't look that well.

A. Leider: We will get them out of there.

T. Hamilton: And the rest, where will they go?

A. Leider: They will be taken back.

T. Hamilton: And the mobile home parking along the side?

A. Leider: That was in the building when we got the building. And we have not yet figured out how to dispose of it yet. We pulled it out of the building after we asked for former owner and he said it wasn't his.

T. Hamilton: And the other uses that I brought up the last time regarding Liberty Pest Control. I see them up against the side bay doors and I don't know what they're doing there.

Why aren't they across the street?

A. Leider: They're still in the middle of renovations. Once that is done they will go back.

T. Hamilton: That's all.

G. Lake: Mr. Yanosh, I think Mr. Najac brought up a good thing. Make note that the service bay will need to get all the proper permits and put that right on the plan.

D. Yanosh: Okay.

G. Lake: If the Board has nothing else, then . . .

MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments and this Board's comments made by W. Capozella and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

4. **EL BANDITO** - SITE PLAN REVISION - 536 East Main Street (50-2-7.2) #74-08

Cancelled.

5. **MAPLE FIELDS** - SITE PLAN/SPECIAL USE PERMIT - Schutt Road (72-1-12) #51-08

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

R. Winglowitz: My name is Ross Winglowitz representing the applicant.

G. Lake: Go ahead.

R. Winglowitz: We were here before the Board in October. We have comments from Mr. McGoey's office and I would like to go over those with the Board. First of all, I would like to address comment #6. We requested that the as of right density plan be made a part of the conservation plan set for review. There were talks about and in discussion at the October meeting and one of the reasons we kept the November work session was confirming that this conforms with your zoning requirements and has been laid out accordingly. We went over that at the last work session with your consultants and they all agreed that this did comply with the zoning. It was a little confusing to have a conservation density with condominiums.

G. Lake: You're telling us this plan we're looking at now can go as is normal or a conservation subdivision?

R. Winglowitz: It conforms to a conservation subdivision.

G. Lake: But where is the as of right plan?

R. Winglowitz: This is the same plan again. The reason is because it's a condominium it's treated a little differently. It's the density calculations that come up with the as of right density and the density based on the deduction of your wetlands, your steep slopes, your easements it does the calculation. We originally, if the property is one hundred eighty acres, after we deduct forty four acres of wetlands and steep slopes; so that's all deducted out divided by the conservation requirements to keep the one hundred and ninety eight condominiums that we're permitted to put up. With the single families, they are treated a little different obviously. These lots need to conform with the conservation subdivision and they do. These lots conform with the conservation density. These conform with the conservation density based on your net area calculations and the open space meeting the conservation density requirements that are required under the code which is the amount of open space, the amount of build-able open space and that's on the plan.

G. Lake: I'm losing something and I apologize for that.

R. Winglowitz: It's confusing.

G. Lake: What I'm asking is if you were not going to use the conservation density bonus how many would you have?

R. Winglowitz: That would be a different plan entirely.

T. Hamilton: Usually we ask for both to compare.

G. Lake: I think the zoning asks for that and I think that's what . . .

R. Winglowitz: Under subdivisions, yes. This was the confusion and while we all came to the conclusion that this was the correct plan. Under the subdivision there would be a conventional plan showing un-opened space. This is our conventional plan in accordance with your conservation density requirements. The remainder meets your open space requirements. That's the way we read the ordinance.

D. McGoey: I think the Board is right that the ordinance says that you have to show a plan as of right which would be the conventional subdivision with lot sizes in accordance with I believe a Type I?

R. Winglowitz: That's where the confusion is. It refers to a Type II.

D. McGoey: Type II. I'm sorry.

R. Winglowitz: What this is it follows the Type II.

D. McGoey: Okay. So, that is as of right, that subdivision?

R. Winglowitz: Yes.

D. McGoey: Okay. And the other calculations for the multi family is with the square footage per dwelling unit. How many units can you get using the square footage of the dwelling unit?

R. Winglowitz: According to the Type II using the net area.

D. McGoey: And, is that the thirteen thousand fifty square foot?

R. Winglowitz: Correct.

D. McGoey: And, that would allow you two hundred and fifteen units.

R. Winglowitz: Correct.

D. McGoey: And, you are proposing two hundred and seventy.

R. Winglowitz: Correct.

D. McGoey: Okay.

A. Dulgarian: Is that taken in consideration of the single family area also, or no?

R. Winglowitz: That is actually deducted out of that calculations.

J. Bacon: The calculations on the thirty one acres of area from the flooding how much of that is in the buffer?

R. Winglowitz: It does not include the buffer.

Unidentified Person: Yes, but that's not the whole project.

R. Winglowitz: There's a little pond. The buffer is not included.

J. Bacon: Do you have a map of . . .

R. Winglowitz: A map showing the steep slopes and the wetland area. It's on the plan itself. Each slope is exclude-able from the wetlands. The wetlands boundary is shown. The acreage and the wetlands are shown.

G. Lake: Okay. I guess the question is and maybe I'm the only one not getting it yet.

A. Dulgarian: No you're not.

G. Lake: But, I don't know why you're calling it a conservation plan. Then why not just develop it under a conventional layout?

R. Winglowitz: This is in compliance with your Type II requirements. It is permitted as right from what I understand.

A. Dulgarian: Would the single family houses be on those sized lots?

R. Winglowitz: Under Type II they are. If we preserve the open space those lots would comply. If we didn't preserve the open space then we would need larger lots.

A. Dulgarian: So, the whole reason you're calling it a conservation plan is for the single family homes?

R. Winglowitz: And because we've preserved the open space, right. In order to use the thirteen thousand square feet here we need to have that percentage of open space.

G. Lake: But I believe. Listen, unfortunately we're just going around and around. You're not the only one so don't feel bad. I don't think anybody said you could do this under the conservation but what you didn't do according to the new zoning is show us what that property could support under the regular regulations or whatever you want to call it, as right before you use the conservation formula.

R. Winglowitz: I was just telling the applicant so I don't know.

D. McGoey: What they're saying is that's what this plan shows.

G. Lake: Well, those fifteen lots wouldn't be allowed in a regular subdivision.

D. McGoey: When you do the lot count you use Type II lot sizes.

R. Carr: For the single family?

D. McGoey: For the single family.

A. Dulgarian: But it's only for the single family that he calls it a conservation but in order to get to conservation you have to show a standard build-out.

D. McGoey: But you don't have to use here.

A. Dulgarian: Okay. But to get to the conservation subdivision you must first show it as a conventional.

D. McGoey: No. You would use two acre lots. That's the way it reads.

R. Winglowitz: In the RA zone.

D. McGoey: Yes. Three acres or more but when you do your as of right subdivision plan you use two acre lots to show that you can develop it with a one thousand foot cul-de-sac without waivers.

R. Carr: Even if it's over ten lots?

D. McGoey: No. It has the advantages of a conservation subdivision because your lot count is based on two acre lots and not three acre lots. And then you can reduce that two acre lot down to a thirty two thousand square foot lot.

G. Lake: Okay. Mr. McGoey, your comments.

T. Hamilton: Can I ask one quick question.

G. Lake: Sure. Go ahead Mr. Hamilton.

T. Hamilton: You're colored map here?

R. Winglowitz: Yes.

T. Hamilton: What is this in this area of the single family?

R. Winglowitz: That's the conservation.

T. Hamilton: You don't have a legend on the plans that shows that.

G. Lake: Wait a minute.

R. Winglowitz: Mr. Lake, would you like to have me go through the rest of Mr. McGoey's comments?

G. Lake: Go through them quickly and then we will let the Board tackle this and go on from there.

R. Winglowitz: At the meeting with your planning consultants they brought up a comment the plan. This central area I thought it was good planning in having in laid out. He also asked how can we configure it to be built in a better way by a better view shed in to this open space. This will be the main entry as you come into the site. What we've done more or less is to pull these buildings apart and reconfigure the entry. We originally had the tot lot over here and they thought it was too remote. We put the tot lot play area next to the club house pool. This backs up to a nice green space here. All these units now back up to this green courtyard. We've lined it up so we have a view shed into this. We will have an entry feature here. As you come in the main entry road you will have an entry feature and a view into the green area between the buildings. We thought that was a good combination. We originally had the playground over here and we moved it in response to their comment. The other comment that was brought up at the meeting was unit #14. This was on your plan as a six unit building and extended over into this tree line here. We've cut this back to a four unit building now and are able to preserve this double row tree line. We were preserving the one row and we're now able to preserve the second tree row line here.

A. Dulgarian: Where are you making up the units?

R. Winglowitz: It actually went here where the tot lot was and the tot lot was moved near the club house. We think that works better to preserve the tree lines here. We're able to

preserve this tree line in this field area, these two tree lines in here and we've now preserving these two tree lines also here and here as well. These units have been laid out as you can see in the aerial photograph. Item #3. Mr. McGoey's concern about the relationship of the back of these units into the wetland buffer. We've set them at twenty feet, that's what all the builders that we work with. Twenty feet of useable space in the back. So we've set them at twenty feet and we believe that we can grade that. It would be a drop grade. So when they leave the back it would be pretty close to grade. We will commit to provide and we won't know that until we do the grading plan, but we will commit to provide twenty feet of useable space outside and it's pretty much the standard of all the builders.

G. Lake: Where about? Let me tell you we just did one and I think we got caught.

R. Winglowitz: Over here by Middletown?

G. Lake: A similar situation. I'm not sure that twenty feet is a backyard. I would like to know where I can go look at some at twenty feet.

R. Winglowitz: There are some in Newburgh. That's what they're looking for, the minimal when we do a design. They want twenty feet taking into consideration a ten foot patio and they want ten feet beyond that.

G. Lake: I know you have all that over land back there but that just doesn't seem to be a lot to me. I realize what you're talking about but I have to think about that one. I will be honest.

R. Winglowitz: It does seem to work pretty well.

G. Lake: I'm just giving you my opinion up front.

R. Winglowitz: Parking. Mr. McGoey mentioned about providing parking off street rather than having cars backing into the main road. What we've done is provide perpendicular parking and we require three spaces per dwelling unit. We think this is the appropriate way to do it. It can be accomplished in some locations but not all locations. We may have to go into some tree lines to accomplish it. We don't think it would be appropriate to do that. Sidewalks. The Planning Board should discuss the need for sidewalks within the project and also along Schutt Road connecting Canterbury Knolls and other projects. The current sidewalk at Canterbury Knolls ends right at the property line. We do provide sidewalks on one side of the street throughout the project. Connecting these would be problematic because there's a wetland that comes right up to the edge of the street here and then there is forest issues between here and here. These are older homes here with trees and banks right up to

the edge of Schutt Road. If connecting is something the Board is looking for I can take another hard look at it. It would be along way from here.

G. Lake: Okay.

D. McGoey: I think once the roads have been cleared up and . . .

R. Winglowitz: I don't know how to accomplish it but I would be happy to look at it to see if it could be done. Item #7. The Sewer Superintendent requested that the applicant contact Canterbury Knolls directly to discuss the joint use of the pump station at Canterbury Knolls. The Town does not wish to take ownership of any of the pump station or force main facilities. It may be necessary for the applicant to construct an entire new pump station and pump wastewater up Schutt Road to an acceptable location within the Town's gravity collection system. Mr. Ingrassia said that he had been here on an emergency basis helping them operate their pump station. We will talk to them to see if there is anything we can do jointly that may be a benefit. If not, would it be specifics that you would want to know on the pump station and strict controls on how it was designed and how it's going to be operated in the future.

G. Lake: Does the Town own the Canterbury Knolls?

R. Winglowitz: No. It's still owned by the Home Owner's Association.

D. McGoey: We've maintained it for a while at the direction of the Supervisor, the previous Supervisor and then when the new Canterbury Knolls came in we had them put in a pump station.

G. Lake: I'm going to rely on the Sewer Superintendent.

D. McGoey: He didn't care too much for it.

R. Winglowitz: We will have to make sure that . . .

G. Lake: Does it even have the capacity?

R. Winglowitz: That was his concern. He has to look at that.

G. Lake: I think it's getting complicated.

R. Winglowitz: Yes.

G. Lake: I think it should stand alone.

R. Winglowitz: Item #8. We recommend that the water main be sufficiently sized to handle not only the Maple Fields development but other development along Schutt Road and Genung Street and for the potential with interconnection with the City of Middletown's water supply as an alternative water supply source. I think there is a ten inch main, I will try and find out for sure. We have no problem maintaining the existing size of that main to our intersection with Schutt Road. In the interim it may be private for the project of the extension of the trunk main down to the site we will be maintaining the existing size and we're not going to reduce it. You're proposing wells in the single portion of the subdivision and we think you should have central water for those lots also. We've been speaking about it at the work session we thought about ending our water main here and that these homes would be serviced by individual wells because there is a significant difference where the end of the main would be. Item #9. We do not recommend the use of private wells for the single family homes as presently being considered by the applicant. Center sewer should also be provided to the single family homes. The Sewer Superintendent requested that provisions be put into place which avoid the future problem with the Home Owner's Association or some other agency coming back and requesting that the Town take ownership of the water and sewer system as occurred at Canterbury Knolls.

A. Dulgarian: What are you doing with the sewer?

R. Winglowitz: The sewer we would have no choice. We would have to take that and pump it up to here. It would probably be a low pressure sewer system. Collect it and pump it up to a manhole.

A. Dulgarian: You would have individual wells on a twelve thousand square foot lot?

R. Winglowitz: It doesn't differentiate and since we have sewer we can do that. There are no separation requirements.

G. Lake: How far is the Middletown main?

R. Winglowitz: That I don't know. The sewer line is up here.

G. Lake: Yes, but the project across the street.

R. Winglowitz: The apartment project.

G. Lake: I think you almost have to. I think it's foolish to put those houses on individual wells when you have options to connect to a main by either crossing your property up to them or entering into a inner-municipal agreement with Middletown to serve them and it would be that much closer to making a loop not only for your project but it would be eliminating dead ends in there.

R. Winglowitz: We will take a look at that.

G. Lake: Yes. I don't think you're that far away from Middletown, if anything. With fire protection why would you want them hanging up there when a hydrant can be right there. I actually think it's a plus.

R. Winglowitz: I will take a look at that. Finally item #10. We requested that an engineering report be prepared verifying the capacity of the Town's sewage treatment plant and downstream collection system. When this project was brought into the sewer district by the Town Board we were approached by . . .analyzing the system. Mr. Ingrassia does have a copy and it is also in the Environmental Impact Statement. The analysis was that we could not, if we're going to pump the sewer going to the same location at Canterbury Knolls we would have to go one manhole over further and connect into the system.

G. Lake: Let me go through the Board to get their comments. Mr. Dulgarian, do you have anything more at this point?

A. Dulgarian: Yes. Mr. McGoey what are we looking to accomplish tonight?

D. McGoey: Sketch only.

A. Dulgarian: Well, at this point I will tell you I really don't like this project whether it is to the letter of the conservation subdivision its sure not to the intent of what we were presented with what a conservation subdivision is going to look like in the Town. I'm very concerned about the severity of impact it will have on traffic at the intersection of Genung Street, Schutt Road, Airport Road and Dolsontown Roads. It looks like we're building on the only areas that is build-able and you're really packing them in. As far as taking advantage of everything and building the single family homes up there it's just like you're packing one hundred pounds in fifty pound bag. I understand it's sketch and I know right now the applicant says he's meeting all requirements but to me I don't like it. That's all I have.

H. Ross: I basically concur with Mr. Dulgarian. The interior roads are you proposing Town

roads or private roads and where are the school busses going to stop?

R. Winglowitz: I haven't contacted the school district yet. It would be part of the process.

H. Ross: I will tell you they will stop on the Town road. I agree with Mr. Dulgarian about the shoe horning in of as many houses you can possibly build on the dry portions and falling into the wet portions and back under the power lines. I would like a plain language paragraph from you fellows regarding what way a normal person would see anything being conserved here. And, just because you're within your rights it doesn't mean I have to like it or vote for it. That's all for now.

R. Carr: I have already said my problem is them calling this a conservation subdivision. Just clarify it for me. Mr. McGoey, if this were not a conservation subdivision the townhouses can go where they are and the single family can go right there?

D. McGoey: No.

R. Carr: They cannot.

D. McGoey: They would have to be on larger lots.

R. Carr: Okay. Then I guess that's my problem. I don't like them in a conservation subdivision because it really doesn't look like a conservation subdivision and it wasn't intended for a conservation subdivision. I actually don't mind the townhouses. I think there is a lot going on there. I do have a problem with the single family homes being jammed in. Most of what's being conserved here couldn't be built on anyway. There's no way to get any build-able land in the back. It's the build-able land that should be conserved. That is what I think a lot of people have a problem with. This is not what was intended as a conservation subdivision. The intent of the conservation subdivision is not that you could squeeze houses into smaller lots and that's the problem. As far as the changes made I like those changes and other than it is really tight the townhouses I don't mind them. I just don't like the way the single family homes are. Mr. Dulgarian brought up a good point in regard to the traffic. That whole area has grown so much and the traffic on Schutt Road is pretty bad already.

W. Capozella: The amenities for the project, the clubhouse, etc.

R. Winglowitz: The clubhouse, pool and play area. The clubhouse would have an exercise room as well as bathrooms and so forth for the pool area.

W. Capozella: That's all I have for now.

C. Najac: I have to concur with Mr. Dulgarian.

T. Hamilton: School busses won't go in on private roads and where will those busses go. I don't call this a conservation subdivision either. You mentioned bringing that water line from Canterbury Knolls, where would that go?

R. Winglowitz: Currently it ends right here and we would extend the truck main as it exists out to our entrance drive and then we would be servicing off of that.

T. Hamilton: Something exists that far now?

R. Winglowitz: It ends right here and we would extend that out.

T. Hamilton: In the road?

R. Winglowitz: Yes, in Schutt Road.

T. Hamilton: Now you have to dig that up to get that line in there. Is there any reason why you can't put sidewalks in?

R. Winglowitz: It wouldn't be as long as we could locate within the roadway.

R. Carr: Just one more question. Just regarding the sidewalks. There was another case on Silver Lake Scotchtown Road where the applicant put the sidewalk on the other side of the road.

G. Lake: I think you're going to be asked to put sidewalks in and somehow you're going to have to look at that. Anything else, Mr. Carr?

R. Carr: No, that's it.

G. Lake: Okay. You've heard the Board. I kind of agree with Mr. Carr on calling this a conservation subdivision and it's not really your fault. My only other thing is I was out by it the other day trying to see where you're going to come out and I know we've talked about the site distance but your entrance way and when you continue to develop that I'm going to be pretty interested in seeing how that comes out and there's no reason for a project this big to just jump out at us and sell us on the project and giving us your best impression.

R. Winglowitz: This is an entirely wooded area and I guess part of the benefits of the site itself is that the units won't start until about a couple hundred feet beyond the edge of the road.

G. Lake: Right.

R. Winglowitz: This is all wooded and we would probably have to cut through that. I don't see the benefits of providing for the entrance. It kind of precludes the view shed right in. You're won't be able to see the entrance in this location.

G. Lake: I'm not asking you to design it. I'm just telling you I will expect you to show it to us a rendering or something just like the buildings. The Board will want to see what they would look like also to see how it drops in. As far as your entrances goes, I think you're going to be changing that somehow a little bit for a school bus stop down there. That's what we've been asking for so I think you've heard from the Board. I'm just going to table you at this time and send you back for another work session and take care of any additional comments from the Board and the remainder of Mr. McGoey's comments. Then we will proceed from there.

MOTION to TABLE for further review made by R. Carr and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

6. **VANDENBERG** - 5 LOT SUBDIVISION - Pocatello Road (66-1-7) #71-08

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

A. Fusco: My name is Al Fusco representing the applicant.

G. Lake: Go ahead.

A. Fusco: This is twenty two acres on Pocatello Road and it has quite a bit of frontage. There are a couple of out parcels adjacent to it. What we've shown is five lots from two acres in access of five acres and one is even larger. What we've done is we have shown it in relationship to the topography. One of the things that we have also done is made it into a larger scale because it's a little tight and that was one of the comments that Mr. McGoey had. We're trying to proceed on this and we would like to try and get to Sketch plan. It's a very typical subdivision and does meet the requirements of R-2. We're looking to proceed with this. We've done some initial percolation tests and they are satisfactory in general. We do have appropriate separation distances and we feel that the project will comply with the Town ordinance. We do have some comments from Mr. McGoey that I can address and in addition to that I just saw some from the Highway Superintendent which again we have no issues with.

G. Lake: Go through Mr. McGoey's comments.

A. Fusco: The first one I just mentioned is that we owe him a larger scale on this. We just didn't have time to put it together between the work session and the meeting but we will get that out to him so everything is a little clearer particularly the details. In addition to that we want the soil delineations and we will make it very clear. We have it in a couple of areas and it was very unclear so we'll clarify that and show where the soils are. We did look at the bulk table and we have the lot frontage as two hundred feet which I think it is. We went back and forth on it.

D. McGoey: You don't even show the lot frontage in your bulk table.

A. Fusco: Okay. Lot width, you want lot frontage?

D. McGoey: Lot frontage in the code the same as lot width.

A. Fusco: Okay. I misunderstood. We'll show that. We do have in excess of two hundred feet on all of them. The shortest one is 201.5 and most of them are in excess of two hundred feet. In relationship to lot #3 we had previously two hundred on the frontage but as you go

back to the lot width there was a skewed angle and we came up with 199. We did change that but we didn't dimension it so it's clearer. We added two feet to the lot frontage and made it two hundred and one but we didn't dimension it on the new plan but I will. Also, we did not put down the prevailing speed on that. We did do our site distance based on it but we did not make a note of it. We will be verifying that with radar equipment. We have had an issue with that in the past how that gets verified but we will proceed on that basis and will get the prevailing speed. We're looking for sketch.

G. Lake: Basically guys, he's here for sketch. We will be sending him back to a work session.

A. Dulgarian: Isn't that the property raw sewage was dumped on?

D. McGoey: I think that was further up the road.

A. Fusco: I'm not aware of any.

G. Lake: I will go through the Board.

A. Dulgarian: I have nothing at this point.

H. Ross: Nothing.

R. Carr: Nothing.

W. Capozella: The Town was there doing something with the water runoff coming down Pocatello Road. How much they did I don't know.

C. Najac: Nothing.

T. Hamilton: Nothing.

G. Lake: Get back to another work session and check on the runoff I think Mr. Capozella brought up a real valid point as far as runoff and stuff down onto these properties. That's my only comment.

MOTION to TABLE for further review made by T. Hamilton and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

7. **110 JEMS LLC** - SITE PLAN/SPECIAL USE PERMIT (Pharmacy) -110 Crystal Run Road (60-1-64) #03-09

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

C. DeHaan: My name is Chris DeHann from DeGraw & DeHaan Architects.

G. Lake: Okay.

C. DeHaan: My client is proposing taking an existing office that was formally Gerald Associates, an engineering office and splitting the space into two spaces, one being an office and the other in the front portion for a pharmacy about thirteen hundred and fifty square feet. We have met with Mr. McGoey in a work session and in that meeting there were a number of items that we needed to take a look at. One of them was to provide the parking lot calculations for the site based on the new use-age for the building. We did that. We did come up short on parking by nineteen spaces short but the owner of the property also owns the property behind it. We also did the parking calculations for that also and they have more than ample parking there so the idea of providing shared parking agreement from one lot to the other would have contiguous parking.

G. Lake: Mr. Bacon or Mr. McGoey, we have had situations similar?

J. Bacon: Is there any retail on the site at all?

D. McGoey: There is none. The nursery and a medical office.

G. Lake: Unfortunately when they did the new code this is one of the things that they put in requiring a Public Hearing. I will go through the Board. Mr. Dulgarian, do you have anything?

A. Dulgarian: We're just scheduling the Public Hearing?

G. Lake: I guess so.

A. Dulgarian: Unfortunately like you said it's part of the process.

C. DeHaan: Understood.

A. Dulgarian: Absolutely the type of use we're looking for in that corridor. I have no problem with it. I have more of a problem with the shared parking. It's just a matter of the Public Hearing.

H. Ross: Nothing at this point.

R. Carr: Nothing.

W. Capozella: Nothing.

C. Najac: Nothing.

T. Hamilton: Mr. McGoey, anything in the works about the widening of the road?

D. McGoey: Sullivan Lane is going to be done by the Department of Transportation as part of Exit 122. I think they're going to line up Sullivan with Ballard somehow. The traffic signals will all be coordinated as part of the new work. That will be done by the Department of Transportation.

R. Carr: Are they going to go all the way around to Ballard Road?

D. McGoey: No. They're not going to put that road in but they're going to line Sullivan Lane up with that.

R. Carr: To where? It's going to line up and not go anywhere?

D. McGoey: But right now those people come out to an un-signalized intersection. It's kind of unsafe.

G. Lake: I don't have anything.

MOTION to schedule a PUBLIC HEARING for March 4, 2009 made by W. Capozella and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

8. **AGAPE LOVE MISSION CHURCH** - SITE PLAN (Change of Use - O'Haire Road (46-1-76.1) #01-09

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

J. Pryce: My name is Jessica Pryce representing Agape Love Mission Church.

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

J. Pryce: Yes I do.

G. Lake: Are you going to be able to take care of those comments between now and your Public Hearing?

J. Pryce: In speaking with David Higgins an engineer and the information that I gotten is that we have eleven feet dimension from the property line to the parking area that's required that needs to be put on the map. And as far as the handicap is concerned he said that he would move that over and to include on that the proper language.

D. McGoey: The only thing I think the Board might have a concern is with the landscaping.

J. Pryce: And I did take pictures.

D. McGoey: Okay. Why don't you start those down so they can look at it.

J. Pryce: I will be happy to do that.

G. Lake: I will go through the Board.

A. Dulgarian: What is the intended use?

J. Pryce: A church.

A. Dulgarian: And it will be strictly a church?

J. Pryce: Yes.

A. Dulgarian: Is there going to be any . . . What type of hours will it operate and any on site living quarters?

J. Pryce: No. As we are now. Just Wednesday evening 7:00 to 9:00 and Sundays

A. Dulgarian: It's strictly worship.

J. Pryce: Yes.

A. Dulgarian: Do we meet the parking?

J. Pryce: Yes. We show it on the Site Plan.

A. Dulgarian: I have no problem with the location and the impact on that Mr. Lake. Again, I

just want to make sure that there won't be any on site living quarters or anything like that. Is there any Sunday School or anything like that where children day care that will be attending?

J. Pryce: Just for worship.

A. Dulgarian: Mr. Lake, I'm done. I have no other questions and I have no problem with it.

H. Ross: Eighteen parking spaces is enough for you?

J. Pryce: Yes. That's for the future.

R. Carr: The back parking spaces, are they currently paved?

J. Pryce: Yes it is paved there.

D. McGoey: They will be adding to it.

J. Pryce: We will be adding gravel also in the near future. We did that in advance.

R. Carr: Okay. Years ago I was out there and couldn't remember if it was paved.

W. Capozella: Nothing.

C. Najac: Nothing.

T. Hamilton: Mr. McGoey, the parking spaces don't have to be paved?

D. McGoey: Anything over twenty spaces and over.

T. Hamilton: Will their parking spaces be enough?

D. McGoey: They have a lot of lawn back there.

T. Hamilton: Will there be any changes to the building at all?

J. Pryce: No.

G. Lake: Unfortunately we've been struggling a little bit with the new zoning that just came into effect last year and in one section it says and I was hoping to approve you tonight but we

can't because we need to hold a Public Hearing because of the law. Just have Lanc & Tully check the new code on the landscaping. You just may have to add some.

MOTION to schedule a PUBLIC HEARING for March 4, 2009 made by H. Ross and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

9. **FEDELE** - LOT LINE CONSOLIDATION - Fair Oaks Road (22-2-4 &5) #02-09

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

A. Trochiano: My name is Anthony Trochiano with Pietrazak & Phau representing the applicant..

G. Lake: Go ahead.

A. Trochiano: We're here proposing a lot consolidation of two lots into one lot for a new building. The site is off of Fair Oaks Road.

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

A. Trochiano: Yes I do.

G. Lake: Why don't you go through them?

A. Trochiano: The first one talks about the lot consolidation purpose. The second comment we have no problem on the septic system approval from Eustance & Horowitz. The third we were asked to get a variance for lot width before we submitted to Eustance & Horowitz for the septic review. Item #3 talks about the variance on the project. Item #4 we have no problem on the sight distance and details for acceptability by the Highway Department. We have no problem with that. We will verify that the sight distance are certified according to meeting the AASHTO standards at the prevailing speed. Item #6. We would recommend that a twenty five foot lot consolidation offer of dedication be noted on the plan.

D. McGoey: That should be a gratuitous offer of dedication.

A. Trochiano: Yes.

G. Lake: I will go through the Board.

A. Dulgarian: Nothing.

H. Ross: It's okay as far as I can see.

R. Carr: I'm good with it.

W. Capozella: I'm okay.

C. Najac: No problem.

T. Hamilton: Okay.

G. Lake: I don't have anything.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for LOT CONSOLIDATION subject to all of Mr. McGoey's comments and this Board's comments made by H. Ross and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED.

10. **SCHLEIER** - 5 LOT SUBDIVISION - 237 Derby Road (21-1-44.32) #09-08

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: We brought her down to four lots, three new ones and the existing house. It's here for sketch and I talked to her about a private road. I've told her it's the best way to go. I'm going to try and convince her again. The Board would probably like to see a private road versus a Town Road.

G. Lake: I just think you're going to have a tough time getting approval from the Highway Department. I also think on your client's part the difference in building that and a real road and I don't think you need to convince her on that and approach the Town Board for the open development.

D. Yanosh: All I can say is if the Town Board is methodical in their approvals. It takes them awhile. The applicant was looking to get this sold to somebody quickly because of finances. I will talk to her about that. Again, one comment was about the legs around the A" T" turnaround. You accepted that with another subdivision that the cul-de-sac be ten feet outside the property line. I haven't labeled it but it does make the two hundred feet all the way around.

J. Bacon: I'm asking whether or not he can take the lot frontage without using both sides of the road. Lot frontage you're talking about using both sides of the road for a single lot frontage. This is the same thing.

G. Lake: Yes but in this particular case.

D. Yanosh: We only have two lots that would go with that and lot #4 would have two hundred feet frontage ten feet off of the property line and the other lots would be the same thing. The cul-de-sac circle with the "T" turnaround was the Town law to begin with.

G. Lake: And, if he goes to the open area development with the Town and the Highway Department.

J. Bacon: I think the ten feet will be okay.

G. Lake: We've talked about the private road.

D. Yanosh: Probably what you're going to do is give me a recommendation then to the Town Board for a private road so I can make the application as soon as possible to get on an agenda and then we will finish the rest of the details as we move along.

D. McGoey: You can get Preliminary Approval from the Board so you can get the septic review while you're waiting for the Town Board.

D. Yanosh: Okay.

H. Ross: You're going to try and get the open development for the private road?

D. Yanosh: I will try my best.

G. Lake: I think you have two options. You can go back and say that's our recommendation or you can go down and see Mr. Lippert show him this and see what he thinks about it and to see if he would be thrilled about taking this road on or not.

D. Yanosh: If it were my opinion I would go with a private road myself.

G. Lake: How long would this end up being? Would this be as long as Henderson Drive in Circleville?

D. Yanosh: It would be a little bit shorter than Henderson Drive.

G. Lake: I would think he would much rather see that as a private road. Mr. Dulgarian, do you have anything else?

A. Dulgarian: No. I kind of like the project.

H. Ross: I agree.

R. Carr: I agree on the private road.

W. Capozella: Is there anything about lot #3 no more build-able.

D. Yanosh: We do have a map that is signed by the Department of Environmental Conservation.

D. McGoey: I think what Mr. Capozella is saying we want the note on the plan.

D. Yanosh: I will put the note on the plan.

C. Najac: Nothing.

T. Hamilton: Nothing.

MOTION to TABLE for further review with a letter to the Town Board for open development made by A. Dulgarian and seconded by W. Capozella.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES