

TOWN OF WALLKILL PLANNING BOARD

MEETING

FEBRUARY 7, 2007

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

MEMBERS ABSENT: None

OTHERS PRESENT: J. Bacon, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - **WALLKILL TOWN CENTER** - 3 LOT
SUBDIVISION - Schutt Road (50-2-58.1) #85-06

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

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 99 Tower Drive, Building A, Middletown, New York 10941 in said Town on February 7, 2007 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Four C's II LLC, PO Box 55, Mountainville, New York 10953 for approval of Minor Subdivision, Schutt Road Extension in Wallkill Town Center under Article 3, Section 4, Paragraph G of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

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

J. O'Rourke: My name is John O'Rourke with Lanc & Tully Engineers. We're here tonight for a proposed three lot subdivision in the Wallkill Town Center. It's a commercial subdivision. Basically this is an extension of a previous subdivision since the applicant has done since 1996 and again in 2001. Basically we're breaking off the approved Site Plan lots for the office building and the restaurant which was approved back in May. We're creating three lots. The office building in the rear portion is 2.36 acres. The restaurant pad site in the front is 1.76 acres and then the remaining lands yet to be developed is 6.26 acres. Basically this is done for financial purposes. It will be a invisible line subdivision. Nothing changes with the approved Site Plan. Nothing with the Circuit City, the Price Chopper or any of the other restaurants all are on individual lots based on the Town Board clustering approval granted back in the late 1990's.

G. Lake: Thank you. Let me go through the Board before we go to the Public.

A. Dulgarian: After.

H. Ross: After, please.

R. Carr: I will wait.

W. Capozella: After.

C. Najac: I will wait.

T. Hamilton: After.

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

MOTION to close this PUBLIC HEARING at 7:38 P.M. 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

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

J. O'Rourke: Yes we do.

G. Lake: Go ahead.

J. O'Rourke: The first comment and actually the third comment which references the Planning Board Attorney, we have submitted the easement and maintenance agreements again part of the original subdivision back in 1996 for the department review and is satisfied with everything.

G. Lake: Are you satisfied with those?

J. Bacon: Yes. On number #1, that was a subdivision approval which was approved in the late 1990's?

J. O'Rourke: Yes.

J. Bacon: Is that something you forwarded to me?

J. O'Rourke: Yes. We submitted it to the Town and also to Mr. McGoey. I probably have another copy of it here but we submitted the resolution that they had approved.

J. Bacon: And, the second one?

J. O'Rourke: The second one requested that sidewalks that are shown on the approved Site Plan along Schutt Road Extension and the sidewalk from our building to the Senior Citizen Housing. That was on the approved Site Plan so, we have to do that but I did show it on this subdivision plan as well.

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

A. Dulgarian: I'm just trying to find that sidewalk.

J. O'Rourke: On the bottom of the small plan that I gave you, it's not on the large one. It's on the approved Site Plan. We didn't originally show it on the Site Plan but if you look at the . . .

A. Dulgarian: Is that the dotted line?

J. O'Rourke: Yes. There's a dotted line along Schutt Road and then there's an open line between the office building. That was part of the approved Site Plan for that development.

A. Dulgarian: I understand. Now, that goes from the entrance to the Senior Center to where?

J. O'Rourke: To, on our property line right through here.

A. Dulgarian: Why doesn't it continue in front of Charlie Brown's to take it right to the entrance of Price Chopper?

J. O'Rourke: No. If you remember when this first came up these had all been approved. We're only in front of you for this portion.

A. Dulgarian: And, you're also adding on a lot line and subdividing in front of Charlie Brown's so, it is before us correct?

J. O'Rourke: No. This is already subdivided off. It has nothing to do with the Charlie Brown's parcel. That's an existing lot itself.

A. Dulgarian: I doubt if we will get Charlie Brown's to do that.

D. McGoey: There is another application in before us for that lot.

A. Dulgarian: The Charlie Brown lot?

J. O'Rourke: Yes. We're actually scheduled in February.

A. Dulgarian: Is it a stand alone or a strip mall?

J. O'Rourke: No. You will actually see this in two weeks and we would anticipate that's when you're going to ask for the sidewalk.

A. Dulgarian: Never mind.

G. Lake: Anything else?

A. Dulgarian: No.

H. Ross: I have nothing.

R. Carr: I have nothing.

W. Capozella: Just for the subdivision and nothing else?

J. O'Rourke: That's correct.

C. Najac: I have nothing.

T. Hamilton: Mr. Bacon, the previous subdivision you said was what year?

J. Bacon: Late 1990's. I do have the deeds and stuff . I have to find the clustering agreement.

T. Hamilton: What I'm questioning is, at that time when they got that clustering approval from the Town Board, how many lots were they looking to subdivide. Now, they have one, two, three . . .

J. O'Rourke: If I may . . .

T. Hamilton: Now, there's a total of six lots that they are talking now which isn't what they asked for in 1990 when they got it..

J. O'Rourke: It was 1996. The entire parcel was clustered allowing zero lot lines at that time. And, at that time we did an entire drainage analysis for the entire site. We designed the two basins both in front of the Senior Center and a cluster for the entire site. Even at that time we were having zero lot lines so there was no mention of one lot or two lots. At that time there were no lots. It was the entire site.

T. Hamilton: Wasn't that when you wanted to separate Circuit City and the Price Chopper and the retail and now you're asking for three more.

G. Lake: Is that why you keep coming back to us every time?

J. O'Rourke: Yes, for the subdivision.

D. McGoey: While he's looking for that, the Board received a letter from the Orange County Department of Public Works about a couple of concerns. They apparently either overlooked these issues when we approved the Site Plan for the office building and the restaurant.

G. Lake: What are they, Mr. McGoey?

D. McGoey: Well . . .

G. Lake: I mean, are they big issues?

D. McGoey: They want a traffic study to evaluate whether they need a left or right turning lane coming out of that entrance drive and they want us to look at the stormwater. I don't think the stormwater is a problem but I agree with Mr. O'Rourke that it was done for the overall site. What I'm going to suggest is that these issues be addressed as part of the next Site Plan if the applicant agrees to that so we don't hold him up.

G. Lake: The County is saying that or the Town?

D. McGoey: The County is asking for the traffic study.

T. Hamilton: You're saying, what next Site Plan?

D. McGoey: The Site Plan that will be before us for the family shop.

T. Hamilton: It's almost like we couldn't get the sidewalk to go past Charlie Brown's because that wasn't the application before us. Now, they're coming back for that but now you're looking to do a right turn lane for the other lot that isn't before us?

D. McGoey: What I'm saying is the applicant agrees to do it as part of the next Site Plan.

T. Hamilton: Okay, as long as we . . .

J. O'Rourke: We actually agreed. I contacted Mr. Kennedy because I was a little surprised when we got those comments because they were certainly on the approved Site Plan, not on the subdivision. We've already forwarded him the drainage and we stated to him that we would do a traffic study. Realistically, there's not a right and left turn lane into the Wallkill Town Shopping Center. Certainly it's not going to warrant that. We have no problem doing the traffic study. I think he was annoyed because honestly they missed it. I went through the records. They were "cc" on the previous Site Plan and then the Negative Declaration and the Resolution they were "cc" so, obviously the County knew about this over a year ago and for some reason it missed their files. We have no problem doing either one of those as part of the Site Plan for which we will be back in February.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: Just waiting to see what Mr. Bacon will say about that resolution.

J. Bacon: Well, the last sentence says that “this offer is basically is not to be considered in any manner as an endorsement by the Town or in the subdivision criteria (not clear).” It will be considered not a description of the property.

G. Lake: Mr. Bacon, you haven’t seen this before this?

J. Bacon: No. It’s the first time.

J. O’Rourke: This was submitted to the Planning Board with the original application. That’s actually what I ripped off and handed in this evening. Go back to the original application.

J. Bacon: Out of the plans, the oldest I have is 2006.

J. O’Rourke: To be honest, I think it was actually submitted twice because one of Mr. McGoey’s comments on his first comment letter had requested that we re-submit it.

G. Lake: I mean, we’ve done this before but without . . .

T. Hamilton: My whole thing is with three extra lots now the descriptions of these three lots are you adding them to that resolution and setting up cross easements and where they are.

J. O’Rourke: The easements that were originally drafted at that time are for the entire parcel. So, whether we take out one lot or twelve lots that subject parcel is still responsible. We’ve been working with this for ten years in this shopping center without any problems.

J. Bacon: Then my concern is that how is the Planning Board to do an extra subdivision beyond what the resolution talked about.

J. O’Rourke: They’ve done that twice since then. And, I will be honest, we’ve waited three months to get in front of this Board for a Public Hearing.

G. Lake: Listen, I think we’ve done this time and time again. I don’t have a big problem with it but to be on the safe side we have to table it and let Mr. Bacon figure this out. That’s my feeling.

Unidentified Person: I have to have this in place. We were put off for three months and there

were no comments. I have to have this approved.

G. Lake: I understand but by the same token if our Attorney cannot turn around and give this Board a direct yes or no we would not be held. You cannot ask this Board to turn around and do something.

Unidentified Person: We submitted the paper work. I don't know what else I have to do.

G. Lake: Neither do I. I have to apologize for that. What do you guys what to do? We can table it until he has time to research it.

J. Bacon: It's up to the Board. Mr. McGoey is . . .

D. McGoey: I agree with you Mr. Lake. We've done this, not just on this property but we've done it on several other properties. I don't think this is a big deal.

G. Lake: I just don't know what to do. To ask the Board to do something that our Attorney isn't quite sure of. Listen, I don't have a problem with it. I'm willing to take the chance. I don't want to put the rest of the Board in that position. So, it's up to you guys. Do you want to move with it subject to straightening this out or we can table it and get them back on as soon as we can so Mr. Bacon can research it and give us an opinion.

R. Carr: Can I ask Mr. Bacon, what is your question with this?

J. Bacon: I just want to have a chance to research it. I don't mind you voting this with a subject to if Mr. McGoey doesn't have a problem. This document right here was not the document that I had.

R. Carr: But, is there is particular, you said there were a certain number of lots that were allowed?

J. Bacon: It doesn't say.

Unidentified Person: We were given a clustered approval by the Town Board.

J. Bacon: This doesn't say that. This resolution states that "this authorization is not to be considered in any manner as an endorsement by the Town.

G. Lake: Okay, hold up. Let me go through the Board and find out what you want to do. Mr. Dulgarian do you want to move it or table it?

A. Dulgarian: What happens if . . .

G. Lake: I'm just asking a question, so we can make a motion.

A. Dulgarian: I can't answer that unless, what happens if we do it subject to and he finds something wrong? We've already approved it or it's not approved until he . . .

G. Lake: I believe the subject to would have to be resolved or they would have to come back.

A. Dulgarian: I don't have any problem with it then as long as we are covered.

H. Ross: I have no problem with a subject to.

R. Carr: I have no problem doing it with a subject to.

W. Capozella: No problem.

C. Najac: No problem.

T. Hamilton: As long as we give it a subject to.

G. Lake: Does anybody have anything else?

MOTION for a NEGATIVE DECLARATION subject to all comments from Mr. McGoey and this Board's comments and subject to Mr. Bacon checking the zero line lot approval 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

MOTION for THREE LOT (3) SUBDIVISION subject to all comments from Mr. McGoey and this Board's comments and subject to Mr. Bacon checking the zero line lot approval made by H. Ross and seconded by W. Capozella.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

2. PUBLIC HEARING 7:35 P.M. - **SL ENTERPRISES** - STE PLAN/SPECIAL USE PERMIT - Howells Road (49-1-25.3) #33-06

G. Lake: Public Hearing started at 7:54 P.M. M. Hunt read the Public Hearing notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 99 Tower Drive, Building A, Middletown, New York 10941 in said Town on the 7th day of February, 2007 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of SL Enterprises, Inc., 41 Howells Road, Middletown, New York 10940 for approval of Site

Plan and Special Use Permit located on 41 Howells Road adjacent to the intersection of Ingrassia Road and Howells Road under Section 249-39 of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

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

T. DePuy: My name is Thomas DePuy with DePuy Engineering.

G. Lake: Okay.

T. DePuy: 5L Enterprises, we're proposing an eleven hundred square foot addition to their existing facility which will have offices and a conference room. Additionally, we're also looking to clarify the use on this site to motor vehicle repair which was concluded at our work session at the last meeting. Additionally, we will be including the site around the proposed addition for parking. We're also going to do some landscaping along the roadway as was requested. And, we're also and have actually have already completed putting the diesel tanks in a containment structure. Basically, that what they're proposing to do on this property.

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

A. Dulgarian: After the Public.

H. Ross: After the Public.

R. Carr: I will wait.

W. Capozella: After the Public.

C. Najac: After the Public.

T. Hamilton: After the Public.

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

D. DelPizzo: I just happen to live behind this gentleman's proposal. He sent me a nice registered letter to let me know what they were doing and I'm just curious to know exactly what they were doing since my property is diagonally behind them. It was just to satisfy my curiosity, are they going to continue on their building that they're doing where they have

their trucks and stuff?

G. Lake: Mr. DePuy, why don't you point this out to the young lady actually what they're doing?

T. DePuy: Yes. This is the existing facility. We're going to put an addition on here and then we're just improving the parking area around here and do some landscaping.

D. DelPizzo: And, where is the driveway?

T. DePuy: The driveway is here.

D. DelPizzo: I thank everyone for their time. Thank you.

G. Lake: Thank you. Anybody else?

MOTION to close this PUBLIC HEARING at 7:58 P.M. 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

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

T. DePuy: Yes.

G. Lake: Go ahead.

T. DePuy: I think the only question was . . .

D. McGoey: That they add some additional evergreen trees and planting in the front that supplements the hardwoods in the winter.

G. Lake: So, they just need to beef it up a little bit?

D. McGoey: Yes.

G. Lake: How about the side by the one driveway next to Ingrassia Road as far as a little landscaping goes there also by that one driveway. That's pretty barren.

T. DePuy: We're proposing right along here (showed the Board). We're probably going to have to set them back a little bit because of the road.

G. Lake: Right.

T. DePuy: And then, they will be here also.

G. Lake: Let me go through the Board.

A. Dulgarian: I agree with Mr. McGoey on the additional landscaping. I think, though, that the site is going to be greatly improved with the actual storage designated area. I also think that the motor vehicle goes hand in hand with that. I really don't have any problems.

H. Ross: I welcome the additional landscaping.

R. Carr: Nothing else.

W. Capozella: Nothing. It's an improvement.

C. Najac: It's definitely an improvement.

T. Hamilton: Nothing further.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

T. DePuy: Do we need a resolution for the use change as a Special Use Permit?

G. Lake: Why don't we do it separately then?

MOTION for SPECIAL USE PERMIT for MOTOR VEHICLE REPAIR 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. - **SB REALTY** - SITE PLAN/SPECIAL USE PERMIT (Revision) - Crystal Run Road (60-1-22.11) #80-06

G. Lake: Public Hearing started at 8:02 P.M. M. Hunt read the Public Hearing notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 99 Tower Drive, Building A, Middletown, New York 10941 in said Town on the 7th day of February, 2007 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of SB Realty Corporation for approval of a Site Plan to convert an existing warehouse into partial retail space at the premises located at Crystal Run Road, situated on tax lot no. 60-1-22.11 under Section 249-40 of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

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

K. Woodruff: My name is Keith Woodruff from Pietrzak and Pfau.

G. Lake: Okay.

K. Woodruff: We're proposing a Site Plan approval for the three uses on the retail space for the Manhattan Leather and Oak. We've added more parking toward the one side of the building. We've also added the fire lane requested by the Fire Department and the Building Inspector.

G. Lake: Before I go to the Public, let me go through the Board.

A. Dulgarian: After the Public.

H. Ross: I will wait.

R. Carr: I will wait.

W. Capozella: After the Public.

C. Najac: After the Public.

T. Hamilton: After the Public.

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

MOTION to close this PUBLIC HEARING at 8:04 P.M. made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

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

K. Woodruff: Yes I do.

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

K. Woodruff: Sure. Item #1. The mixed use. The retail space is going to be used for the Manhattan Leather and Oak. The medical offices are already existing and the warehouse is going to be for the Manhattan Leather and Oak facility.

G. Lake: Let me ask you something on the retail use. Is that a use for more storage or that's going to be used as a store location?

K. Woodruff: It's going to be new store location.

G. Lake: So, retail in the sense of the word is you're going to come in, go shopping.

K. Woodruff: Correct.

G. Lake: And, walk out with something.

K. Woodruff: Item #2. We are currently seeking Fire Department approval. Item #3.

G. Lake: Hold up on that. Have we gotten any response from the Fire Department?

M. Hunt: No.

G. Lake: They were sent to them but we have had no response. Okay, go ahead.

K. Woodruff: Item #3. We've added the landscaping from the previous request. We can add the several flowering hard trees and any other requests that the Planning Board has. Item #4. We're currently seeking the Highway Department approval.

D. McGoey: The Highway Department doesn't really have anything on this.

K. Woodruff: Item #5. We can add the existing concrete right-of-way monuments and iron

pins. That's basically it.

G. Lake: Let me go through the Board.

A. Dulgarian: A couple of things. What are you going to be selling in this retail store or is it for Manhattan? Is it furniture?

K. Woodruff: Yes.

A. Dulgarian: Where are the customers going to load? Are they going to have to go to the back of the building?

K. Woodruff: Well, there's currently two loading spaces in the front of the building. It's my understanding that they do have a delivery service and they have small box trucks.

A. Dulgarian: In the front of the building those loading spaces, where are they located?

K. Woodruff: They're towards the northeast. There's a concrete ramp in the front of the building.

A. Dulgarian: Okay. You're calling that the front of the building. I was going from the parking lot, being the front of the building. That's not the case?

K. Woodruff: No. That's basically right where the door would be to access the retail space.

A. Dulgarian: But I'd have to go from the parking area to the other side of the building?

K. Woodruff: There's parking spaces in the front of the building and they can just walk across into the building itself.

A. Dulgarian: I have just one question for Mr. McGoey. Maybe I haven't noticed it before but when do we use partial calculations on parking? I thought we rounded it off and if we do doesn't that change the formula?

D. McGoey: We round off at the end.

A. Dulgarian: Pardon me?

D. McGoey: We round off at the end. We total everything and then if we have a partial, we then round it off.

A. Dulgarian: Oh, okay. I have no other issues.

H. Ross: I'm okay with it.

R. Carr: I'm okay.

W. Capozella: There's no lighting?

K. Woodruff: I'm not quite sure what the original lighting details are.

W. Capozella: You're not adding anything?

K. Woodruff: No. We won't be adding any additional lighting.

C. Najac: No comments.

T. Hamilton: No comments.

G. Lake: The only thing I have and I can't remember if I asked you at the last meeting but I thought it was going to be like a storage. I don't remember asking about the retail. The problem that I do have with it a little bit is that it's in the middle of our office, professional research zone now and my fear is that it's just going to start opening up. I know it's across the street but I personally just don't think retail belongs there anymore. With that comment

D. McGoey: Could I make a suggestion and because of the fact that they do have the warehouse there, it should be restricted it only to retail and the sale of that merchandise and it isn't opened up to any other retail.

A. Dulgarian: How about only for that applicant? Mr. Bacon, can the language be just for that applicant?

J. Bacon: I think tying it to the warehouse (not clear).

G. Lake: My only problem is we have another nice office building next door. I don't have a big problem with it but I have a little problem opening up that door at that location. Crystal Run Road has been protected over the years and that's all. It's just my thoughts.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

J. Bacon: The motion is that the condition is that the use now be affiliated with the warehouse.

G. Lake: Tied directly to the warehouse and I think they can provide that note.

J. Bacon: Yes.

MOTION for SITE PLAN/SPECIAL USE PERMIT subject to all of Mr. McGoey's comments and this Board's comments and putting the language on the plan tying the retail with the warehouse 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: Nay

MOTION CARRIED. 6 AYES, 1 NAY

4. **BIASI** - 2 LOT SUBDIVISION (Re-approval) - 74 Howells Road (49-1-6) #14-03

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

C. Foti: My name is Cecil Foti with Fusco Engineering.

G. Lake: You got approval for this, back when?

C. Foti: I'm not quite sure.

D. McGoey: February, 2004 and 2005 and 2006 all Preliminaries.

G. Lake: All of these Preliminary, he never got final?

D. McGoey: Not as far as I know.

G. Lake: Why didn't this ever get final, do you have any idea?

C. Foti: Basically, is had something to do with the engineering.

G. Lake: Any significant changes from the original map?

C. Foti: No. Basically we redid the sanitary design.

T. Hamilton: Mr. McGoey, on that Preliminary approval was subject to the Board and all comments. Are all those taken care of?

D. McGoey: The site distance in accordance with AASHTO standards, have you done that?

C. Foti: Yes.

D. McGoey: The bulk table must show the setbacks and the areas of both lots, they've got that. Wetlands to be certified.

C. Foti: 2005.

D. McGoey: Drainage details in accordance to the Highway Department, they've got that. It looks like they've satisfied everything.

G. Lake: Is this for Preliminary tonight?

D. McGoey: We can do final.

G. Lake: Let me go through the Board.

A. Dulgarian: Nothing.

H. Ross: Nothing.

R. Carr: Nothing.

W. Capozella: Nothing.

C. Najac: Nothing.

T. Hamilton: Nothing, as long as everything has been taken care of.

G. Lake: Well, I think what we should do there is just do it subject to Mr. McGoey re-checking the maps to make sure everything was brought up to date. Is that satisfactory?

C. Foti: Right. It really received a second comment from Mr. McGoey that I would like to respond to. What has happened is item #1 on the easement. Basically I took that site line off and the site triangle is not required and basically I have photographs showing the existing driveway (not clear). The thing is that . . .

G. Lake: What did you say you took off the plans?

C. Foti: The site triangle. By the time I looked at the plans and to get them ready for Eustance & Horowitz I noted the site triangle was actually covering the roadway and so, I went down there and took a look at the site and I sent somebody down there with a camera and there's actually nothing wrong with the site distance.

G. Lake: We're still going to pass it subject to Mr. McGoey's comments.

C. Foti: Right.

G. Lake: And, in the old comments that you had if that triangle is on there and if Mr. McGoey feels it has to be put back on, are you willing to put it back on?

C. Foti: Oh, absolutely. Comment #2, I just would like to talk about that. The site is entirely wooded and here again the photographs show the. If the Board would be satisfied with a note be place on the plan. There are plenty of trees on that site over six inches.

G. Lake: And, what does the note say?

C. Foti: Basically, significant trees greater than six inches in diameter should be shown and preserved where practical. We will show the clearing limit lines and put a note that when ever practical we will try and save any tree over six inches.

D. McGoey: I don't have a problem with it just as long as there aren't any major trees within the driveway, etc.

C. Foti: I have no problem with that.

G. Lake: You will put that in the form of a note?

C. Foti: On the plan.

G. Lake: Okay. Does anybody have anything else?

MOTION for a NEGATIVE DECLARATION subject to 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 TWO LOT SUBDIVISION approval (FINAL) subject to Mr. McGoey's comments and this Board's comments made and Mr. McGoey reviewing the original plans by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

5. **POUND RIDGE** - 10 LOT SUBDIVISION - Route 211 West (49-1-85.1) #118-04

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

J. Atzl: My name is John Atzl with Atzl, Scatassa & Zigler.

G. Lake: Go ahead.

J. Atzl: This project was actually before this Board last summer at which time we got some positive feedback from the Board and suggested that it be sent up to your Planner in Albany. We did and we went on a field visit over the summer and she sent a report in towards the end of last year, I believe it was October. She came up with a completely different plan and we were very surprised. We feel that we secured and tried to save as much of the natural features that are out there including on the east side of the site. If I may show you where her layout actually comes in.

A. Dulgarian: Coming in at the gate?

J. Atzl: Yes. She's coming in at the middle of the site. One of Mr. McGoey's comments was that we locate the wetlands which we have. The wetlands are located on this side of the lot with wetlands here and over in this area over in here. We've located those on the map. Five or six lots are over here and we don't even think we meet the bulk requirements because of the wetlands. Our plans show the wetlands in the conservation easement.

G. Lake: How much other land do you have that would be in the conservation easement? Don't you need a certain percentage?

J. Atzl: Yes.

G. Lake: Do you meet that also?

J. Atzl: We meet that criteria. One item that we don't meet is the length of the cul-de-sac but we've also submitted a plan drawing #5 that with a "T" turn-around and a right-of-way going through the property to the south. The only problem with that is you end up with two huge lots down toward the southern portion of the site. That's why we like this layout much better.

D. McGoey: It may make sense to put a "T" turn-around and connect this road to properties. Eventually there may be a road.

J. Atzl: The turn-around layout that we did submit does conform to the one thousand maximum length of the cul-de-sac. This is one of the ones that the Board looked at last summer.

R. Carr: Which one is this?

J. Atzl: Sheet #4 of #5. Sheet #5 shows the "T" turn-around with the shortened cul-de-sac.

R. Carr: What you're saying it's the potential it's going to connect to another road?

D. McGoey: Yes. Pilgrim Corners Road. If you look at the area location map on the first sheet in the upper right hand corner .

G. Lake: We sent this up to Behan for their idea about if this met the conservation subdivision and so forth. Everybody has had a chance to look at that again. I know it's been a while. I guess the question is on that, do we want to shove everything to one side which she did but then I guess would it meet the minimum bulk requirements for the lots. I don't think there are any measures there. Since this is here for sketch I guess their looking for

more guidance so they can continue on to finalize the layout with the changes. Do they work on this one or do we want to go with what the Planner sent back down.

J. Atzl: If you recall the last time we were before this Board, the Board liked the layout that we had submitted. The question was whether they like the one with the shorter road and the houses a little bit more together with the two lots at the end or the spread out one which is drawing #4. Actually we got very positive feedback from this Board.

D. McGoey: Just three points. Most of the things that Behan wanted like preserving the oak tree and so on can be done but what we haven't done is put all the houses on one side of the road. Some of the alternatives have a house somewhat close to Route 211 behind those existing trailers that front out to Route 211. I think that would present an undesirable situation because they would be in the back yard of those houses. So, I'm suggesting that you get the houses as far away from Route 211 as you can.

J. Atzl: And, we have no problem. We can meet the two hundred foot buffer as required along Route 211.

G. Lake: Okay. I guess we have to give them a little direction. Do you like this one or something like this.

A. Dulgarian: I have a question.

G. Lake: Go ahead.

A. Dulgarian: Do any of these maps show that first stone wall as you come on to the

property? The only one I see is the one on the top of the hill or I should say in the middle of the road. There's one about one hundred feet or so off the road.

J. Atzl: That probably wasn't picked up on the aerial topography with the trees. You mean the one just inside?

A. Dulgarian: Yes.

J. Atzl: Yes. That was not identified.

A. Dulgarian: Didn't you guys go on the site?

J. Atzl: Yes. We did the boundary surveys. They didn't locate all the internal walls.

A. Dulgarian: The reason I ask is that would give us a better idea of how close you're actually to that road in we knew where that stone wall was.

J. Atzl: Which road are you talking about?

A. Dulgarian: Route 211. The wall goes parallel with Route 211.

J. Atzl: Yes. I was out there.

A. Dulgarian: But I want to know how far off the road it is.

J. Atzl: My recollection is it's not that far off the road.

A. Dulgarian: We were looking for some sort of indicator of where that was on the map to show the relationship to the first house that's across the street when we were out there freezing yesterday but we couldn't find it on any of the maps.

J. Atzl: Like I said, we have no problem meeting the two hundred foot buffer and that whole area, the whole tree area along Route 211 except for the roadway will stay intact. In other words, you would only see the roadway.

A. Dulgarian: So, these are well behind that stone wall?

J. Atzl: Oh, yes.

G. Lake: Which one are you looking at?

D. McGoey: Drawing #4.

H. Ross: I have a problem with this with what Behan advised.

G. Lake: Mr. McGoey, can you explain that?

D. McGoey: What's that?

G. Lake: Behan's rationale pushing them to one side?

D. McGoey: They can comply with that.

R. Carr: What was her rationale for that?

D. McGoey: I don't know. I do have to agree she made those lots much smaller I'm not sure how practical it is.

G. Lake: Okay. This is here for sketch.

R. Carr: Those lots on the west side in the southwest corner there are wetlands along the perimeter of the property.

G. Lake: I'm just trying to find out where you want to go with this. Now, this is just here for sketch. That's all we're talking about. Like I said, if you like Behan's, that's alright too.

R. Carr: Can I just ask a question? If this was on a conservation subdivision, because to me it doesn't meet what I think of as a, and I think I said this the last time, it just doesn't meet the intent of what a conservation subdivision was supposed to be. We're looking at choices here and none of them are truly a conservation subdivision. Outside of them keeping the big oak tree what are they doing? You're buffering and staying off the road but I don't know whether it complies as a conservation subdivision. It's a very conventional plan.

A. Dulgarian: I agree.

R. Carr: So, I don't know.

A. Dulgarian: The conservation what you're keeping is stuff you can't develop any way.

R. Carr: Yes.

J. Atzl: We submitted conventional subdivision plans along with the conservation plan.

R. Carr: Right and I couldn't really see much of a difference between them.

J. Atzl: Well, there's less road under this plan. We're protecting the homes. The wet side is all in the conservation easement.

R. Carr: How long is this?

J. Atzl: That cul-de-sac is thirteen hundred feet.

R. Carr: The conventional plan showed what?

J. Bacon: How many lots?

D. McGoey: The conventional plan shows ten.

G. Lake: Anything else, Mr. Carr?

R. Carr: No.

W. Capozella: I just have a question as to whether this is a legitimate capitalization of the lot.

J. Atzl: We meet the criteria.

D. McGoey: Yes, he does meet the criteria.

C. Najac: It does not look like a conservation subdivision. It looks like a regular subdivision that is off the road and keeping a buffer on the edges. Are we saving enough property and is there a percentage?

D. McGoey: He does meet the requirements.

G. Lake: Anything else, Mr. Najac?

C. Najac: I like the way these plans show the four on the other side but I would like an explanation as to why and how everything is on one side.

J. Atzl: I believe we wanted about four months for that report. We were here back in May I believe. I met with them in June and we didn't get their report until October.

C. Najac: I remember the first time you were here because I went out there to look.

J. Atzl: I believe the discussion the last time we were here also was whether you wanted a neighborhood type of development with the houses closer together or spread out.

G. Lake: I think that's the down fall of the conservation subdivision because the Orange County Health Department hasn't given us any kind of idea what they would set.

J. Atzl: Yes. We still have to go with individual wells.

G. Lake: Right.

J. Atzl: And design the septic systems.

G. Lake: I don't think the individual wells are the problem as much as the septic systems and how to solve that problem.

J. Atzl: We have been out there. We did some test holes and the lots that we show on both sides of the road have very good percolation results. Some of the ones on the west were kind of questionable. We feel we can get septic systems in there but there are very good percolation's on the east side.

T. Hamilton: Mr. McGoey, what was that about changing that cul-de-sac to a "T" so it could be picked up later?

D. McGoey: So, it could be extended to the other property and maybe hopefully connect to Pilgrim Corners Road.

J. Atzl: Actually the cul-de-sac that we're showing is only a temporary cul-de-sac. That will go away upon the development.

D. McGoey: So you could make it a "T" turn-around?

J. Atzl: Yes.

G. Lake: My comment is going to be protect the wetlands and stay away from them a little bit more. Drawing #4 does make a little more sense in that aspect. I guess the Board feels that drawing #4 is the better of them all. As I said this is only here for sketch. You have Mr. McGoey's comments.

J. Atzl: Yes.

G. Lake: I would suggest and I will go back to the Board before but I would suggest call up and get on another work session now that you know which direction you're going. What do you think Mr. McGoey? Bring them back to another work session first?

D. McGoey: Yes.

G. Lake: Before we act?

D. McGoey: There are a lot of details that have to be answered.

G. Lake: Let me go back to the Board for any further comments that you would like them to do.

A. Dulgarian: I'm not in love with any of them but I suppose drawing #4 is the best of the worst.. I understand what he's saying about the clustering hinging upon (not clear). I think we're limited.

G. Lake: That's where I think everything we're trying to do, that's where the downfall is.

A. Dulgarian: I don't know. Like Mr. Carr said, if this is one intended to be but it's surely not what I intended it to be.

H. Ross: I basically agree with everything that Mr. Dulgarian said. It's only here for sketch but seems problematic to me.

R. Carr: Again, I just don't see it as a conservation subdivision. I don't know what the answer is.

W. Capozella: Nothing at this point.

C. Najac: Not clear.

T. Hamilton: Drawing #4 is the better of the rest.

G. Lake: We can table you for further review. Call the office and get on another work session so you can work on these comments and anything the Board has said.

MOTION to TABLE for further review made by H. Ross and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

6. **GOLF RIDGE ESTATES** - SUBDIVISION REVISION LOT 8 (2 LOT) (FINAL APPROVAL) - Sands Road (42-2-48) #58-02

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

J. Nosek: My name is John Nosek with Roger Ferris Engineering & Surveying.

G. Lake: Go ahead.

J. Nosek: This application received Preliminary Approval quite some time ago and was in with the Health Department. We received their approval and submitted that and we're back before you now for Final Approval.

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

A. Dulgarian: Other than Mr. McGoey's comments, I have nothing.

H. Ross: Nothing.

R. Carr: Nothing.

W. Capozella: Nothing.

C. Najac: Nothing further.

T. Hamilton: Highway Superintendent's comments.

D. McGoey: Yes, he has to comply with those.

J. Nosek: Just a couple of minor comments.

G. Lake: You have no problem with any of the highway comments?

J. Nosek: No.

G. Lake: This has been around.

MOTION for TWO LOT SUBDIVISION on LOT #8 (FINAL APPROVAL) subject to all of Mr. McGoey's comments and this Board's comments made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

7. **JOHNSON** - LOT LINE CHANGE - 375 Howells Turnpike (13-1-37.1) #106-06

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

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

G. Lake: Go ahead.

D. Yanosh: This is a lot line change. We're converting 1.44 acres from the Besaw property and wraps around the Johnson property. No new building. We're just changing the lot line from one spot to another.

G. Lake: I will go through the Board.

A. Dulgarian: I don't see where it causes any situation. It probably makes the subdivision look cleaner.

D. Yanosh: We moved a lot line years ago. It was inside the wall or something like that way back when. We moved the line, you see the line now between the two of them behind the stone wall so people would have control of the wall. I believe that lot line change was back in 1995. Again, we're just exchanging 1.44 acres from one place to another.

A. Dulgarian: Besaw is 38.1 and Johnson is the one next to it that's sitting in the backyard.

D. Yanosh: Correct.

H. Ross: Nothing.

R. Carr: Nothing.

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

C. Najac: Nothing.

T. Hamilton: Nothing.

G. Lake: Do we need a Negative Declaration on this?

D. McGoey: Yes.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for LOT LINE CHANGE subject to all of Mr. McGoey's comments and this Board's comments made by A. Dulgarian 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. **DR. LEE** - SITE PLAN/SPECIAL USE PERMIT (Garden Center) - Neeley Street
(50-1-16) #104-06

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

D. Yanosh: My name is Dan Yanosh surveyor and Dr. Lee part owner of the property.

G. Lake: Okay. Mr. Bacon, is he going to need a Public Hearing for this?

J. Bacon: A Special Use because of the outdoor sales, yes.

A. Dulgarian: Is this the old Piccolo property?

D. Yanosh: It's on the corner of Neeley and Silver Lake Scotchtown Road. Dr. Lee has an office upstairs and he uses it once in a while for his own personal business. We have a Site Plan approval for the change in the garage into an art studio. He's in and out. He's not making much money so he would like to start some cut flowers, and bring flowers up from the City put them out on display. He had a Building Permit a year and a half ago that had garden center on it also. He did. He had a temporary Certificate of Occupancy for a garden center. Started working on it and all a sudden the Building Inspector said he didn't have that approval and had to come back for a new Site Plan approval. He put everything away.

G. Lake: He had a temporary Certificate of Occupancy for a garden center?

D. Yanosh: Yes.

Dr. Lee: My artist studio doesn't make much money.

G. Lake: So, basically you're going to have an office in the house. Are you going to have an apartment in the house?

D. Yanosh: Yes. Downstairs will have an apartment.

G. Lake: You're going to have an art studio in the garage and now you also want a flower center or a garden center so basically that will be outside. I know last year you had a lot of

stuff outside. So, there will be four uses on this one property?

D. Yanosh: Right.

A. Dulgarian: Where is he cutting the flowers?

D. Yanosh: He brings them up from the City.

A. Dulgarian: No, I mean where's the office for that?

Dr. Lee: Inside the art studio.

D. Yanosh: The same person is going to run it.

A. Dulgarian: So, there's two uses in that building.

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

D. Yanosh: Sure. Also, a legal comment more than anything was whether we need a Public Hearing.

D. McGoey: Except for the billboard.

D. Yanosh: The billboard he put a note where the display is for his paintings. We can move it back. Does that need a sign permit from the Building Department, do you think?

D. McGoey: I would imagine.

G. Lake: Let me go through the Board.

A. Dulgarian: I don't know. I would look at Counsel and Mr. McGoey to tell us what we need to be looking at on this. It seems awful busy and one hand it's kind of quaint but on the other hand it's kind of busy. What are we opening ourselves up to? I would like to hear what they have to say.

J. Bacon: You could put a condition on the number of uses on the lot.

D. Yanosh: Again, you go out anytime during the day I don't think anybody (not clear). There's not much traffic for the artist studio. We're not talking a high volume of traffic.

G. Lake: It is pretty busy there. I will go through the Board. We will have to schedule a Public Hearing, that is correct Mr. Bacon? We have to have a Public Hearing on this?

J. Bacon: Yes for outdoor sales is a Special Use Permit in the HC zone.

G. Lake: Let me go through the Board so you get their comments. Anything else, Mr. Dulgarian?

A. Dulgarian: My only other question is, the cut flowers they're only going to be for that site or you're going to . . . I see these all over at gas stations, are you looking for other or is it just for your use?

Dr. Lee: Yes. (Not clear).

A. Dulgarian: So your answer is just for that site?

Dr. Lee: Yes.

D. Yanosh: They will truck them in and sell from that site.

H. Ross: I agree that it is a little busy.

R. Carr: To me I don't really see a problem. It does seem like a lot of uses but I don't know how many people would go to the artist studio. I go by there all the time. I don't think it will be that big of a problem.

W. Capozella: Does he have parking and everything for that?

D. McGoey: Yes he does.

W. Capozella: Nothing else.

C. Najac: Nothing.

T. Hamilton: My only comment is to keep the place in order so that at the end of the season the shelving were all over the parking lot. It was a mess there. You're going to do it right on the corner where everybody sees it, let's keep everything in order so it looks nice.

G. Lake: I don't have anything further. I still think it's a good use. I agree with Mr. Hamilton.

MOTION to schedule a PUBLIC HEARING for March 21, 2007 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

9. **HOOTERS** - SITE PLAN (Extension to Final Approval) - 357 Route 211 East (50-1-33.2) #156-04

Cancelled.

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

G. Lake: We have to talk about Tower Self Storage down the street. Mr. Bacon, come on up. Tower Storage, down the street. We have to rescind the approvals and schedule a Public Hearing, is that correct?

J. Bacon: Yes.

G. Lake: When I found out about it we went back as much as we could and MaryLynn didn't find anything.

MOTION to rescind all previous approvals 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 to schedule a PUBLIC HEARING for March 21, 2007 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