

TOWN OF WALLKILL PLANNING BOARD

MEETING

FEBRUARY 15, 2006

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

MEMBERS ABSENT: P. Owen

OTHERS PRESENT: J. Bacon, D. McGoey, S. LaBruna

1. PUBLIC HEARING 7:30 P.M. - **ALTA EAST** - SITE PLAN/SPECIAL USE PERMIT - Route 302 & Route 17M (22-3-54) #88-03

G. Lake: Public Hearing started at 7:34 P.M. M. Hunt read the Public Hearing notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 600 Route 211 East, in said Town, on the 15th day of February, 2006 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Alta East, Inc., P.O. Box 2201, Middletown, New York 10940 for approval of a two lot commercial subdivision and special permit and site plan approval for a gasoline filling station with convenience store and other accessory uses on proposed lot #1 and a truck dealership and repair facility on proposed lot #2 located on New York State Route 302 and New York State Route 17 Eastbound Ramp, Town of Wallkill, Tax Map Section 22, Block 3, Lot 4.2 located in the PID Zoning District. 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. Cappello: Good evening. My name is John Cappello. I'm here on behalf of the applicant.

G. Lake: Introduce anybody that's going to speak so we get it on the record, please.

J. Cappello: My name is John Cappello. I'm an Attorney with Jacobowitz & Gubits. I'm here on behalf of the applicant, Alta East. I also have with me Lorraine Potter from Lanc & Tully, Phil Griely from John Collins Engineering and Mark Dombal from Alta East.

G. Lake: Give us a description of where we are at this point.

J. Cappello: This application has been before the Planning Board over a couple of years now. The property is located at Route 302. This is the entrance and exit ramp of New York State Route 17. We have also shown the proposed for the future improvements. What we're proposing is a two lot subdivision on about a twenty three acre piece of property with a three acre lot facing Route 302.

We would create that lot and have five pump islands and a diesel pumping island, an approximately five thousand four hundred square foot convenience store.

The rear lot is twenty acre plus and will remain undisturbed. There would be approximately fifteen thousand square foot car dealership and the repair facility will be located on the property on the lot. Phil Griely of John Collins Engineering will explain the configuration of the traffic on Route 302. As I said before, the Planning Board and the Zoning Board of Appeals for various issues over two years now. We have included the buffer area on the other side of Route 17. What we've done here, this is an aerial shot. If you look at this area over here, this is the lot and the developed area and then you can see it here. This would be the entrance. There will be a substantial buffering remaining from Route 17M and the development of this area. This is the area where the gas station would go and one of the comments from the Landscape Architect was to locate any significant trees on the site. We have significant trees located at the rear of the property and would remain undisturbed. We also show photographs and it is quite a distance from any of the owners on Beverly Drive. Water, sewer, septic, stormwater plan, we have responded to those comments. We were asked to provide an elevation to the Board. This is the elevation of what the convenience store would look like. Split block, similar appearance to the facility that's on Route 211, On the Run by Taco Bell. I know the Board had concerns. One of the concerns was the status of the entrance and exit ramp off of Route 86. I will now ask Phil Griely.

P. Griely: Good evening. My name is Phil Griely with John Collins Engineering. The site plan that you have in front of you reflect the proposed modifications to the Route 17 ramps. We have met with the Department of Transportation over a year ago to get those plans and work with them to incorporate the design for the modifications. The plan is to improve the radius so that we meet the Interstate Standards. The access to this site has been located away from the interchange in order to provide separation distance. Again, this was all submitted to the Department of Transportation and their comments have been worked in the drawings. One of the issues as part of the site development review, we had prepared a traffic impact study which looked at existing traffic volumes, future traffic volumes here. We looked at each of the each of the uses that are proposed on the site in terms of traffic generation and looked at an evaluation of how traffic would flow to and from the facility. As part of that, to build a right turn lane for the traffic coming from (not clear). That has been reviewed. The earlier plan, the Department of Transportation had some comments on it and suggested

changing that in terms of where the radius would start and end. That has been worked into the current plans. As part of the review and also we were asked to look at accident data. We obtained from the Department of Transportation records the latest three year period of accidents in this entire strip of Route 302. There were a combination of various types of accidents, some run off of the road, some rear ended, some because of the alignment of the current ramp. We tried to keep away from these ramps and to handle flow into the project. That's pretty much the extent of what we were looking at and what was incorporated into the plan.

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

A. Dulgarian: I will wait until after the Public.

H. Ross: I will wait.

R. Carr: I will wait.

W. Capozella: I will wait.

T. Hamilton: I will wait.

G. Lake: Is there anyone from the Public who wishes to comment on the application? Let me explain how we're going to go about this. It's not a debate. Come up and give us your comments. We want to hear what to have to say about the project. You guys live there. They will respond after you guys have given your comments so we don't get this back and forth and lose track of what we're trying to do here tonight. With that, Theresa Wright.

T. Wright: Thank you. My name is Theresa Wright and I live on 28 Beverly Drive, Middletown, New York. Of course, you know that is a dead end street, a cul-de-sac at the bottom so we have to enter and exit all the time on to Route 302 which is only a two lane highway. That's why we're concerned about this project and the traffic that it will bring. I know the job of the Planning Board is to provide a quality of life for the people in the surrounding area and if the people are opposed to a project they should be heard by the Board which is what is giving us all a chance to do right now. This area, Exit 119, does not have a true clover leaf interchange to handle the traffic of this proposed development. Route 302 is only a two lane road with a very high volume of traffic and there are many accidents there including many school busses that comes through the area. I have been a resident of Beverly Drive for over forty years and I've seen many accidents in this area. Each year it is more difficult to exit and enter our road which is, as I said, a dead end road. The increased traffic would only increase accidents especially with a high volume of trucks and tractor trailers entering and exiting Route 302. There are no lights in this area and we have cross traffic now when turning left onto Route 302 from Route 17 East. You're coming from Middletown, the Galleria, and you go up and you want to make a left hand turn on Route 302. And, also when entering Exit 119 when you're on Route 17 West. If you're heading on to Route 17 West you have to cross Route 302 no matter which way you look at it. Besides the traffic congestion, the people of Beverly Drive do not want to look at a twenty four hour, more than likely, truck stop in our back yard. There will be noise, bright lights, diesel trucks running probably twenty four hours or all hours of the night, pollution and a definite change in the landscaping and the view. We do not want or need a diesel six or eight pump or twenty pump gas station as I think they're projecting to have, restaurant, deli, convenience store, truck repair and dealership in our backyards. I am opposed to this project and well as my husband, Charles Wright, and I will like to have some of the others speak. I, thank you. And, also I want to say that I spoke to the Vandermolens, John and Bruce Vandermolen. They're in Florida right now but they asked me to put a word in for them and say they are opposed. They live just across the street from me and this will be in their backyard also. Also, I just want to address

some issues. What about employment? Is this project going to employ a lot of people? Are they going to be full-time people getting benefits? Most of the convenience stores and gas stations, you just put a credit card in and off you go. They don't hire that many people. Will this gas station, deli, convenience store project, truck stop, is it going to be an increase in crime? Are we going to need security there? Will the Town of Wallkill Police have to patrol the area twenty four hours a day? We rarely see them on Beverly Drive because we don't have that much crime on our street or in our backyards. How about water usage? They mentioned water. Are they drilling their own well or are they taking water from the Town of Wallkill? That's what I want to know. Thank you very much everyone.

C. Pelella: My name is Christine Pelella and I live on Beverly Drive as well. Mrs. Wright raised a lot of the same issues that I'm concerned about mostly traffic, crime because truck stops I do now does bring rip rack. We live in a very good neighborhood. We have a neighborhood watch. I'm concerned about people coming in and out of that project, also congestion coming off of Route 302. In the last few months I've seen, maybe, fifteen accidents and it's already a big problem getting in and out of the street. If this is going to come in to play, I think it's going to pay a major part. As well, as we have children on the street. There's a lot of other issues such as the buffer. Twenty four hour trucking is noisy, there's a lot of pollution. The water is another concern. Mrs. Wright touched on a lot of

things that I'm concerned about. We hope this will be all addressed tonight and mostly, that I am opposed to this whole project.

F. Carmine: I also live on Beverly Drive. I've been there twenty nine years. I'm in agreement with everybody else also. One of my main concerns is this diesel accessory. First I heard it was four diesel pumps, two diesel pumps, eight diesel pumps. I'm definitely against a truck stop all night. That's my main concern because I've been mislead. I showed up at the Zoning Board of Appeals meeting. One of the first meetings that I showed up at the few people of Beverly Drive. We said we would like to be notified of any other meetings coming up. We signed our names down on a piece of paper with our address. We were told we would be notified. I'm the only one that showed up for the other one. I didn't get notified. I just heard word of mouth. I've lived here all my life. I just heard there was going to be a meeting. I showed up at the meeting. I got lucky and I was the only one here. So, my main concern is that I don't want to be mislead. First I heard it was going to be a truck stop. Then I heard it wasn't going to be a truck stop from the people that are building this project. I just want to know what's going on. That's my concern and I'm definitely against it. If I'm going to be mislead I'm definitely against it. Thank you.

S. Bassi: I own the gas station right across the street from this and I believe they were in about three years ago. I believe this will hurt my business. All the trucks coming in, they make "U" turns and bring crime. We live in the country. It will bring more crime to the area.

A. Palmer: Good evening. I live on 39 Beverly Drive. I've been there forty years. I am opposed to

this. The volume there, we can't get our kids on and off the school bus safely because of the traffic there. It's just not a business to come into the area.

G. Palmer: How are you doing/ My name is Greg Palmer. I live on Beverly Drive as well. Most of the issues have been addressed already. One other thing that I am concerned about is the weight of the bridge. The constant use of tractor trailers going over the bridge over Route 17. Who's going to pay for the bridge? On Route 211, McDonald's is open twenty four hours a day now. You have all kinds of people hanging out in the parking lot. What's this going to bring? Are we going to have people hanging out in this parking lot all night? I'm opposed to this project.

A. Keese: I'm Arlene Keese. I live at 61 Beverly Drive. I've lived on Beverly Drive since the mid 1960's. I'm opposed. A lot of people spoke about their concerns are also my concerns. The noise, traffic, the volume is bad. I don't think it's right for our neighborhood. We don't want Route 302 looking like Route 211. You have Martini's, you got McDonald's all rolled in one coming right off our street. The Dunkin' Donuts wasn't allowed to go in. That's only three tenths of a mile from the Holiday Inn because you didn't think it fit. This is one tenth of a mile from Beverly Drive for this monstrosity. I think it's going to be an eyesore and I'm opposed. My sister lives at 61 Beverly Drive. That's her house. I reside with her. She works at night. She also has my same opinions. Thank you.

G. Lake: Thank you.

A. Keese: Who is required to be notified? As far as I know, Greg Palmer was?

G. Lake: It's three hundred feet from the property lines.

A. Keese: Okay. Greg Palmer was notified. Nobody else, we weren't notified. I was just wondering.

G. Lake: Wait a minute. I want to explain it right now. Yes, it is three hundred feet. I did roughly go through the list of names that were sent out. Now, I do not have the map with the little wheel that we use in the Town Hall to verify the three hundred feet. Unfortunately, and I'm only guessing, we will check it before we take action but that wheel gives them the outline of the property owners they must notify. Okay. Now, seeing that you have an exit ramp, Route 17 and then, you know, and I think you live down at the end.

A. Keese: I don't think we should probably be notified.

G. Lake: You might be just outside that three hundred feet.

A. Keese: Right. I would say so.

G. Lake: As, most of Beverly Drive might be.

A. Keese: Well, Arthur Palmer, the last time wasn't notified. He wasn't here to sign it.

G. Lake: We will definitely check that first.

A. Keese: I just don't want it to continue.

G. Lake: It will be checked before we sign off or do anything with this.

A. Keese: Okay. We all know about because we're all opposed.

G. Lake: Right. And, in the law and I will check with our attorney. You're here so, being that it was in the newspaper and you're here that almost satisfies the notification but that three hundred foot we will definitely check.

A. Keese: It makes you wonder though.

G. Lake: I already heard from the Zoning Board of Appeals meeting. I heard there were some questions on that. You also beat me in bringing it up. We will definitely check that to make sure they did the proper notification. Anybody else at this time? I think a lot of comments came up, some might be rumor, some might not be. I think some of the things we really need to clarify might be the truck sales office as I understand it more than a truck stop. I think the other thing that might need a little better clarification and I was going to ask you to do this any way is that you did mention several uses. Instead of just a convenience store I thought you said eating and drinking, which has different regulations. I think the first thing you need to do is really, let's talk about the truck sales or whatever it really is.

J. Cappello: Okay.

G. Lake: I think we have to put that rumor or whatever. This Board needs to understand is it a truck stop, is it for sales, is it for repairs and sales. The time of operation and I think one of the comments was the lighting. You're a little bit high on some of the lighting. So, why don't you just concentrate on the trucking at this point and let's straighten that out.

J. Cappello: I would like to straighten out one other thing. The notification that was sent for the Zoning Board of Appeals. We were criticized for not sending out notices for them either within the three hundred feet. We had them checked. We also had a second set of mailings that I handed to you that showed you those people got served by mailing. Everyone who signed that letter did, additional and beyond the three hundred feet were sent notices of this hearing. We went beyond the ruling. This is part of the misconception that are being said. We tried and will continue to try to address the concerns of everyone in a reasonable manner but we have to work on the same set of

facts. The issue of the truck stop is we never told anyone that this was going to be a truck stop. Pilot is a truck stop. They have places where truckers can go and sleep. This is strictly a truck dealership and a repair facility. It's not a twenty four hour facility. It's not anything like that. It's a place where people go and lease a truck or buy a truck, not where truckers go and sleep overnight and shower and go to a restaurant. The convenience store . . .

G. Lake: Let's stay with the trucks for now.

J. Cappello: Also, I have with me Walter Pierstat with me who will be the operator so he could probably give you more specific information.

G. Lake: It's been at least the last couple of years that we've worked on this. It was my understanding that the other shop is going to remain.

W. Pierstat: Yes, I own the other shop. It will stay right where it is.

G. Lake: The hours of operation roughly?

W. Pierstat: Roughly 7:00 A.M. to 6:00 P.M.

G. Lake: And, don't take me wrong when I ask these questions. I just want to make it clear to the public. When you go out at night to pick something up, will it come to this yard or will it go to your other yard on Route 17M?

W. Pierstat: Where ever we have room for it. Most of the repairs will still be at the existing location.

G. Lake: Okay. When I asked you that, I think part of the concerns are that three o'clock in the morning the lights are going to come on.

W. Pierstat: It won't be a lot. There will be a person who goes in and out with a wrecker at night or in and out of the service truck. It's one person. How often does a wreck happen, once every three months, once a month? It's not heavy traffic in and out all night long. It's not.

G. Lake: Wait a minute. They didn't say anything when anybody else was speaking. I'm trying to get the information as clear as possible. Please, refrain from talking so you hear everything. Let's give them the same courtesy that I wanted them to give to the residents. Let me go through the Board. Again, we're just on the trucks, that end of it right now.

A. Dulgarian: I'm very familiar with his operation. I'm sure it's going to be done professionally here but the questions for me to ask are the same questions we ask an auto facility to do similar things. If there's sales, where are the sales spots. If there is towing, where are the towing vehicles parked. If there is, let's say wrecks brought in, where is the spot on the Site Plan for those to be

stored. Any outside storage of other products but those are the things that we require of all the auto facilities. This is the same thing but a little larger. So, that's what I'm looking for on this. I don't question that it's going to be nice and professional but this is the stuff we always look for and I don't see it.

G. Lake: Anything else, Mr. Dulgarian?

A. Dulgarian: No.

H. Ross: Also on this facility the mitigation of the wetlands impact.

G. Lake: We're going to have Mr. LaBruna speak on that. I was just waiting to get some of these issues out of the way and then because a couple of meetings ago or two months we did ask Mr. LaBruna of the Conservation Commission to look at it.

H. Ross: That's my primary concern.

J. Cappello: Just for the record, we are . . .

G. Lake: You have to speak up. Take the microphone with you.

J. Cappello: The wetlands are located on the site of the New York State Department of Environmental Conservation wetlands. So, there's not only wetlands but also a one hundred foot buffer. We have no facilities being drained into or any disturbance in the wetlands or in the one hundred foot buffer.

G. Lake: We will come to that. Let's stick to one we're working on. I'm sorry. I don't mean to . . . Mr. Carr, just on the truck end of it right now.

R. Carr: I agree with everything that Mr. Dulgarian said. Just one question, the facility if it's closed at night. Do you think ten spots here and a gate . . .

W. Pierstat: Are you talking about the existing?

R. Carr: In Newburgh.

W. Pierstat: It's not a twenty four hour parking place.

R. Carr: Okay. Thank you.

W. Capozella: Yes. I have a couple of questions. Now, what is the height of the building?

W. Pierstat: It has a twenty foot ceiling. I don't have a picture of it of these are the specifications for the building. It has a twenty foot ceiling.

W. Capozella: So, this is twenty feet. I agree with Mr. Dulgarian. I looked over the plan. Normally on types of plans like this, normally we have something in the notes here saying about outside storage, vehicles, time limits and so forth. Those are the type of things that we normally see. Just for clarification now when we're talking trucks, we're talking eighteen wheelers?

W. Pierstat: Dealer trucks only.

W. Capozella: Okay.

T. Hamilton: I would have liked to have seen the rendering of this building. I mean, they brought one in for the convenience store but I don't see anything for this. I would like to see what we're going to look at from Route 17 and Beverly Drive, what that building is going to look like. I know you reference the enclosure for that truck building is on the Route 17 side. You mentioned the wetland and the one hundred foot buffer with nothing going into it but yet on the plan here in the one hundred foot buffer it shows an emergency spillway coming into that one hundred foot buffer.

G. Lake: We will come back to that, Mr. Hamilton.

T. Hamilton: And, the hours. When you say from 6:00 in the morning and 7:00 at night and then all of a sudden we hear that you have wrecks coming in anytime during the night so, it does become a twenty four operation.

G. Lake: On the back garage, no fuel back there whatsoever except for what you're going to be using on your own personal?

W. Pierstat: We're not going to store any fuel at all.

G. Lake: No fuel at all.

W. Pierstat: No.

G. Lake: So, basically you're looking at a showroom for new trucks and you're looking at a repair garage and you're still looking at the Route 17M operation. Is the bulk of the repairs going to be done.

W. Pierstat: We're keeping our original building. It's staying where it is.

G. Lake: Let's move on then.

A. Dulgarian: Would you have any problem with all after hour towing going to the other site until the morning when you open up and then bringing it to the property?

W. Pierstat: No problem at all. We're keeping our existing site.

A. Dulgarian: That may solve one of the problems that we have. Can that be put on the plans? I don't know but nothing will be brought to that site after hours. It will go to the existing site and then when they open up they can bring it over and store it.

G. Lake: That's certainly something on the table.

A. Dulgarian: I'm done through that part.

G. Lake: Let's talk about the multiple use, convenience store, restaurant. Like I said, let's clear that up on exactly what it is going to be. Are the multiples uses going to be, what I think, like On the Run places are?

M. Dombal: It will mainly a convenience store and they will possibly have something like a prototype of a Dunkin' Donuts probably on the side of it.

G. Lake: Separate entities?

W. Pierstat: It's going to be a standard convenience store as there will be a deli in the building. There will be no sit down or eating on the premises.

G. Lake: So, it's safe to say it's going to be very close to the one on Route 211?

W. Pierstat: Very similar.

G. Lake: So, we're not looking at two individual operations, we're looking at an operation.

W. Pierstat: Our plan is to have one person operating the store, running a convenience store selling gasoline.

G. Lake: Now, hours of operation.

W. Pierstat: It will be twenty four hours.

G. Lake: The number of gas pumps?

W. Pierstat: There's five pumps and there's one diesel pump that's being activated from both sides and it has a remote built on it. So, if you look at the plan and you're not familiar with the operation it looks like there's three dispensers there but there's actually two pumping positions and we can

pump to a truck from either side but in no case would you ever pump more than two vehicles at the same time.

T. Hamilton: What about the auto part?

W. Pierstat: Excuse me?

T. Hamilton: The auto part, gasoline?

W. Pierstat: There's five dispensers and each can be activated from either side.

T. Hamilton: Either side, so that's . . .

G. Lake: Did you receive a variance already for your canopy?

M. Dombal: Yes.

J. Cappello: I think part of the confusion is people are looking what's in the drive-through area on the plan it shows the canopy columns which they are thinking are pumps.

G. Lake: So, we're looking at a total of six dispensers?

M. Dombal: Yes.

G. Lake: Six dispensers, two on each.

R. Carr: Ten cars.

G. Lake: Right, ten cars. Mr. Dulgarian?

A. Dulgarian: As far as that goes, I don't see any stacking issues. It just seems to me that with all the talented people they have here they didn't supply us with a floor plan of this building to look at. I have no issues really.

H. Ross: You mentioned a one hundred by . . .

M. Dombal: Fifty four hundred square feet. It should be right on the Site Plan.

A. Dulgarian: No it's not.

M. Dombal: It's not?

H. Ross: We were trying to figure it out. Again, ten cars could be filling at once?

M. Dombal: Yes.

R. Carr: I have nothing further.

W. Capozella: Just a question about the . . . Now, the diesel pump that you have those are for the big trucks to go in. I'm just trying to figure out going in and out.

M. Dombal: You see the dispenser in the middle. That's the primary dispenser and you can enter the right side or the left side. There's also no overnight parking on the facility. No showers, none of those things.

G. Lake: Anything else, Mr. Capozella?

W. Capozella: No.

T. Hamilton: Mr. McGoey, on other convenience stores even from recent ones that we've done, haven't we always requested the stacking to show how the cars come in.

D. McGoey: They did provide us with some kind of an access plan in one of the submittals.

P. Griely: I believe there was a plan that was presented that showed the turning radii. I know it was. We reviewed it at one of the work sessions. It showed the stacking. It showed the drain traps for the trucks also.

D. McGoey: I do have one question about the diesel pump. You say there's a primary island in the middle? What are the other two islands for?

M. Dombal: There for the tractor trailers.

D. McGoey: So, you could conceivably get four trucks in?

M. Dombal: No. The way the computer works in the middle, is if you're going to need one of the outside pumps it's using the computer in the middle so you could not access one of the other side dispensers. Some straight trucks like Boar's Head Trucks, they have tanks on both sides so they can take a trip down to the city and back. So, they can fill both tanks at the same time but they're not using what we call a master pump. It's a single pump in the middle.

G. Lake: Mr. Hamilton, anything else on that? I just want to get Mr. LaBruna.

T. Hamilton: We're going to do the landscaping or not?

G. Lake: We're going to open it up to general comments right after we're done with Mr. LaBruna.

T. Hamilton: One of the things with the rendering of this building here, I know I requested on one of the other applicants previous to this. I don't like and I think the Board might agree with me is the windows all the way down to the top of the sidewalk because what happens is, if you look at the ones on Route 211, you see everything that's stacked from the floor right on up. We may ask this applicant to raise that up and to have the same siding as whatever else so the windows don't go all the way to the ground.

M. Dombal: I thought we put (not clear), all the window grates to break all that up.

T. Hamilton: But they still pile the six packs of soda and what they sell is all lined up right behind that window that we have to look at from the road and see all that stuff piled up. This way, to have it closed it off, we don't have to look at it. Will it not have any glass in it?

M. Dombal: The grates take away from that visual impact.

T. Hamilton: Block it off or blank in between so we don't see it. What's going to stop us from seeing six packs and whatever stacking they do. It will save you on your heat and everything else.

G. Lake: Mr. LaBruna? He is the Chairman of the Conservation Commission and because of the amount of wetlands, we did send it to him. He will be submitting a report in writing but since he's here I'm going to ask him just to give us something.

S. LaBruna: Just a couple of weeks ago I did get a copy of the stormwater pollution prevention plan. There's a large amount of wetlands on this site. Essentially the parking area obviously with vehicles fueling. It's important that we look at it carefully. It does have the one hundred foot buffer. They did incorporate a bio-retention area in the area of the site of the convenience store. However, only a small amount of the actual runoff from the site due to the grading will actually get over to that bio-retention area. The way it's sloped, only a small area in front of the convenience store will actually flow into that area. The rest of the catch basins in the rear of the convenience store and in the back of the site it all goes directly into the catch basins and then into the retention ponds. We will be submitting written comments that are more technical. As I said, we just got the comments from the stormwater pollution plan and we should have that in a couple of weeks. I know in the past we've had problems with kind of older gasoline tanks and I know your facility probably has double layer protection but I'm wondering if there's anything else that we do to handle as far as fuel spillage.

D. McGoey: They haven't explained to us what type of tanks they're using.

S. LaBruna: Okay. We will talk a little more on that. That's all.

A. Dulgarian: Mr. LaBruna, can you explain again how we felt the topography directed the flow, where are we talking about, the convenience store?

S. LaBruna: Yes by the convenience store. You can see the grading, do you see the 616 line?

A. Dulgarian: Yes.

S. LaBruna: And, then you move down it's 614. The flow is kind of towards the bottom left hand corner.

A. Dulgarian: Correct.

S. LaBruna: Not very much will be flowing into the bio-retention area. The rest will flow to the rear catch basins. They may be able to incorporate additional bio-retention areas on other locations on the site. There are a couple of other options here.

A. Dulgarian: Okay.

J. Cappello: When the commission meets, would it be possible if our engineers came to the meeting instead of waiting for letters? To sit down with you and say, maybe we can do it this way.

G. Lake: We kind of like it to go through our engineer so we will have that full information and the Board gets to approve that information. Now, surely Mr. LaBruna, I'm assuming he's willing to meet with anybody but the bottom line is, you know, it still has to come back to a work session.

J. Cappello: We understand but maybe with his comments we can sit down and say we can talk about this and that.

S. LaBruna: Once we submit the comments, we can go from there.

G. Lake: Mr. Dulgarian?

A. Dulgarian: I don't really have a problem with the storage of fuel on site but anything to address spills at the pumps should be addressed.

G. Lake: We're going to give them that time because I think you told me you got it two weeks ago.

S. LaBruna: Yes. I don't think that's the issue.

G. Lake: He's our expert to check.

A. Dulgarian: It's more of a containment issue than a runoff issue.

G. Lake: Right. Mr. McGoey's comments, do you want to go over those? Like the first one is the Department of Transportation.

J. Cappello: They have been copied everything.

D. McGoey: I haven't seen anything in writing from them.

J. Cappello: They should have cc to the Planning Board.

D. McGoey: I've seen one letter that had to do with the ramp, that's all. Have you gotten more letters from the Department of Transportation?

J. Cappello: We had a letter from November that gave specific comments relative to the design of the right turn lane and I can give you the exact date, I believe it was November 2005. Those plans were then re-submitted with them. I don't believe that we got written confirmation but they did review that.

D. McGoey: The one I have is August 2005.

J. Cappello: Obviously an attachment came because it was very specific..

L. Potter: It was November 2, 2005 and a copy was sent to the Planning Board.

D. McGoey: We haven't seen an architectural rendering of the canopy and the truck dealership.

J. Cappello: We have a photo with the canopy.

G. Lake: We kind of ask every gas station as of late in this corridor to start giving us a little better imagination. I think we're asking for an architectural of building. We probably did talk about it already. It's time to kick it up a notch. That's what we've been telling people. It's not just this applicant. Every applicant for the past year that has come in, we have asked for it. It time to bring it up to make it look a little nicer if possible.

J. Cappello: We will look into it and get something to you.

D. McGoey: Do you have any problems with the landscaping?

J. Cappello: Well, the issue with significant trees, but I don't think you would want it in the area of serving but, we will . . .

D. McGoey: Take a look at it.

J. Cappello: We will confirm that. Does the Board have to make a decision in relationship to the buffer on the west side of the site? I understand a buffer is necessary. We can put an evergreen screen there.

G. Lake: I think that's something we can bring up to Mr. LaBruna and have him look at it.

D. McGoey: How about the spacing of the deciduous trees.

L. Potter: Can't hear. The trees along here are actually forty feet on center but if the Planning Board wishes we can provide additional.

D. McGoey: How about the islands. I think they recommended in the islands also.

L. Potter: From what I understand they were talking about in the bio retention area, the trees that are budded are not in the bio retention areas. Specifically the other island is near the septic system area and no additional planting can be put there.

D. McGoey: I think she was recommending buffering the buildings themselves. More trees of each variety and additional vegetative buffering of the proposed buildings.

L. Potter: We don't have any additional green areas around the building specifically to add any.

D. McGoey: I think that's her point.

L. Potter: We will take a closer look at that.

D. McGoey: Lighting, lighting, lighting. I said in the beginning there was too much lighting.

L. Potter: We were only (not clear) to the current submission.

D. McGoey: I said it all along.

G. Lake: The truck dealership?

D. McGoey: They haven't calculated the parking spaces and they haven't shown as Mr. Dulgarian said earlier where the new vehicles are going to be parked and where the vehicles for repair will be parked.

L. Potter: On the plan, if you look closer, there are thirteen spaces in this area. It's noted on the plan, maximum of ten repair storage spaces which is in this area and three additional for show.

D. McGoey: Can you label the ones for show?

L. Potter: Yes we will.

D. McGoey: The parking calculations will have to include the service space.

L. Potter: Okay.

J. Cappello: One of the things I want to discuss with the Board because this application has been proceeding again and we want to create the two lots at and some point where as far as the actual Site Plan that the gas station may be a little bit ahead of the facility, we ask the Board potentially conceptually is this a build-able lot and works with a building of this size with the details that we have provided. While we're waiting for some of the details, we may ask for creating the subdivision and the Site Plan for one use and then the other later. Hopefully we will be able to do both of them.

G. Lake: Yes. We're going to do the two lot subdivision anyway?

J. Cappello: Yes.

G. Lake: So, what you're saying, one might not get built right way, the other one might but I guess I have to check with Mr. Bacon because he might run out of any approvals if the one is not built.

J. Cappello: It's not anticipated but it could be a month or two.

G. Lake: A month or two is different. If you go a year, then you're back to square one. I just want everybody to know. Let me go through the Board.

A. Dulgarian: General?

G. Lake: Yes.

A. Dulgarian: First off, I have a lot of little things here but are we going to go through the whole . . .

G. Lake: It's a Public Hearing. We should probably decide if we want to close the Public Hearing and if we do, do you waive the sixty two day time frame?

J. Cappello: Yes. We will do our best to get our approval in sixty two days.

A. Dulgarian: Are we talking about closing the Public Hearing now?

G. Lake: Yes, let's close the Public Hearing or keep it open.

A. Dulgarian: I don't have a problem with closing the Public Hearing.

H. Ross: I prefer to leave the Public Hearing open because of the numerous comments.

R. Carr: I have no problem closing the Public Hearing.

W. Capozella: If we close the hearing and there were a couple of questions that the public asked.

G. Lake: They will be answered between now and the time they come back. Just so everybody knows, even if we do close the Public Hearing you still have ten (10) days for written comments to send it in. They will still have ten days and write in anything they think of after tonight.

W. Capozella: Okay.

T. Hamilton: No problem with closing the Public Hearing.

MOTION to close this PUBLIC HEARING at 8:41 P.M. made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Opposed

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES, 1 OPPOSED

A. Dulgarian: Obviously, we're going to take no action at this point but some of the stuff that I'm going to be looking for next time that is missing out of this packet is the on site flow. We talked our fencing around the repair facility. I want to know how high the fence is, where the gate is, what the fence is going to look like. Is it shielded with the pine. I would like the building dimensions on this map plus the elevations of the buildings and the canopy like we spoke of. I would like to see what the computer or what this facility is going to look like from the residential neighborhood. There's a lot of blacktop here and there's a lot of wetlands here. I don't see anyplace for snow storage. The

parking for the dealership, she touched on it but repair, sales, employee parking, garage and storage.

You didn't mention storage. If he takes the trucks to the other facility initially and then brings them to this site, a lot of those are wrecks, that's not a repair but storage. So, that has to be on here also. I want to see a better lighting plan and last and most important and I don't know how we can resolve this but the Route 302 situation is a problem. We don't exactly know what to do with it at this point.

The truth of the matter is it's in the PID zone. This is probably a reasonable impact for what could go there. It's up to us to make it as good as possible. I had a brief talk with Mr. McGoey on the way in. It's very hard to get them to agree to some kind of future mitigation on Route 302 but what Mr. McGoey suggested is a one-year Site Plan approval, when the time comes, a renewable Site Plan approval so other projects come in and we determine what the mitigation is. I mean, we have a couple of other things that may happen out there and at that point, we can say your portion of the mitigation is going to be this. If we let him go now without that renewable Site Plan or some other plan to help mitigate the traffic situation on Route 302, we lose. So, we can't say put aside a certain amount. I think that has to be somewhat open ended so when some of this other stuff goes in, then we will know what the contribution will be. There has to be something done on Route 302. The problem is, we don't know exactly what and whatever impacts are going to be until the other projects come forward. I would like to see that addressed to some extent. I just want to thank the Public for coming and speaking, we do take everything that you say into consideration. We are residents also. I've lived here my whole life. It's just kind of a tough position we're in. This is what it is zoned for. We try to make it as comfortable as possible and the first lady that spoke if I had anybody on my side I'd like her to speak for me. That's all I have. I think they have a lot of homework to do. I know it's been around a while. We're missing a lot of stuff on this.

H. Ross: The only question I had have we heard from the Circleville Fire Company at all on this?

D. McGoey: January.

H. Ross: I would like to see that. The landscape architect's comments also.

R. Carr: No problem. Overall, the lighting needs to be addressed also the landscaping. I believe on the landscape architect's points are having the landscaping near the building, rather than having blacktop right up to the sidewalk, etc. If you could just add some landscaping to make it attractive for everybody who goes by. I don't have an answer for it, the traffic on Route and at that intersection in particular. It's a tough situation. I don't know but I can't imagine that you could have a one year renewable approval. It's a tough intersection. Also, the landscaping and the lighting issue.

W. Capozella: I guess in general I would like to see, like I said, I mentioned about closing the Public Hearing. The concerns about the Public and some of the questions they raised. I think some of them as far as the traffic is concerned. There is a concern about coming out of Route 17 and taking a left coming over the bridge and so forth. I don't know exactly what the litigation of it is but I would like that cleared up. There are just some things that are not totally clear as far as it goes but again,

addressing some of the public's concerns.

T. Hamilton: I think what Mr. Capozella was hitting on, we were just looking at, is coming out of your driveway on to Route 302 at that intersection, you're showing this striped area. In other words, what happens now? Everybody's got to go cross over that striped area, is that even legal to make people cross?

P. Griely: That was on the State plan. That was before the driveway was there. There would be a break in that striping. What happened was, the plan that was pulled from the State had their striping.

T. Hamilton: Past your driveway?

P. Griely: Yes. That was one of your comments.

T. Hamilton: Just a little thing on the landscaping. On the east side, where you show this expansion area towards Route 17?

L. Potter: Over here?

T. Hamilton: Yes. You don't show any landscaping in there whatsoever.

L. Potter: That is the area for the septic system.

T. Hamilton: That's coming right off the ramp and that's a very visible spot and right now you don't show anything. I believe the rest of the Board kind of hit on everything else. We want to see the renderings of what it's going to look like from Route 17 coming off that ramp, the back of the building. The main entrance is probably on this side. We want to know what it's going to look like. That picture of the canopy on one of our other applicants that came in where we made them fix up the building, we wanted something on the canopy that blended in with the roof line or whatever of the building. We just don't want to see this metal band. You can add on the top to help in blend in with the building itself.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: That's all I have.

G. Lake: I think we got a lot done. I think you have an idea what the Board wants to see by the next time you come back. My only other comment is Route 302. I've been saying it from day one on Route 302. I know I even talked to Mr. Griely a little bit about Route 302. I go to Seekamp's quite a bit in the morning and I sit there and shudder that I'm not going to get rear-ended. I'm not saying it's your fault. I'm not saying it's anybody's fault there. I think the State, it's a wacky intersection right there. I just think you have to do a little bit more convincing for me on that Part of our job is public safety. The total public safety is part of our job and I just think Route 302 needs to be

addressed somehow. Like I said, we go there in the morning and shudder everything we go to Seekamp's Lumber coming from the Pine Bush area.

P. Griely: We tried to incorporate the State's changes there and we will look at it again.

G. Lake: Okay. You've heard the public's comments. We will expect an answer between now and the next time you come back, maybe another work session, You heard this Board's comments. Some of these comments may be worked on a little harder at work sessions. With that, just to the Public. The Public Hearing is closed but you do have ten days for written comments. You can send them in to the Planning Board and then we will also tack those comments on as we review them to the applicant if there's anything new that needs to be passed on. With that,

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

2. PUBLIC HEARING 7:35 P.M. - **LeBARON** - WAREHOUSE - SITE PLAN/SPECIAL USE PERMIT - Goshen Turnpike (60-1-24) #49-05

G. Lake: Public Hearing started at 8:53 P.M. M. Hunt read the Public Hearing notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 600 Route 211 East, in said Town, on the 15th day of February, 2006 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Chester LeBaron, 65 Spring Street, Goshen, New York for approval for a warehouse project on Goshen Turnpike adjacent to Wallkill River, Section 60, Block 1, Lot 24 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. Do you have the mailings as it was in the newspaper?

L. Frizzell: They were turned in. My name is Lee Frizzell, architect for Chester LeBaron. The property sits on Goshen Turnpike where it meets the Wallkill River about nine and a half acres. The proposal includes a fourteen thousand square foot metal building warehouse which is intended to hold Mr. LeBaron's car collection. The property has an access drive which leads down to the Town of Wallkill Watershed Facility behind it. We will be utilizing that access drive to get to the road. We would come off that small parking area there and we will be providing some landscaping between that and the building. We also have a driveway that comes around the back for the overhead doors. That's about it.

G. Lake: Okay. 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.

T. Hamilton: After the Public.

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

MOTION to close the PUBLIC HEARING at 8:59 P.M. made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

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

L. Frizzell: Yes.

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

L. Frizzell: Absolutely. The first comment pertains to the stormwater detention pond which we had initially in this area over here between the access drive and the building itself. However, after receiving earlier comments we've (not clear) it was apparent that we had difficulty reaching elevations. The pond actually comes in just on the other side of the access road. So, it was difficult for us to get proper drainage from this area where we could get it. So, what we did, was we have a small detention pond here and then we have another detention pond to cover the drainage for the building itself. That was the main reason why we removed the detention pond.

D. McGoey: The only problem I have is to provide some screening along the County Road.

L. Frizzell: Right. We do have some landscaping between the pond and the road. We are fairly close to the property line. So, it depends if we can put some landscaping over the property line or how that falls within the County roadway or some fencing.

D. McGoey: The landscaping you have, maybe you could add something between them or put bigger trees.

L. Frizzell: Right through here?

D. McGoey: Right.

L. Frizzell: Absolutely.

R. Carr: It's just a shame without that there (not clear).

L. Frizzell: We did prefer to be in this location. This was the only spot that we have that would work for us. The second comment is the grading contours around the detention pond. My engineer is working on that. Comment #3, the sewage disposal system. That was moved for two reasons. It was originally over in this area here. We did move it back to the rear of the building and the reason being was the main detention pond location and also Eustance & Horowitz on the septic design itself was that they wanted the reserved area to be directly adjacent to the primary septic design area without the roadway. We didn't have the room to put the system here and what necessitated goes back to this area here.

D. McGoey: Do you have any problems with putting the note on the plan about no storage of toxic materials?

L. Frizzell: Yes. I need some clarification in terms what does that mean from the building intent to store snow. We don't have a problem with that but we don't intend to store toxic materials there. Is a five gallon tank of gas considered toxic material? What is the . . .

D. McGoey: Yes. I think he is more interested in you selling the building and having someone else come in there and using it for storage of fertilizer or something along those lines.

C. LeBaron: Do we still have to come before the Board for this?

D. McGoey: Well, not necessarily but a warehouse is a warehouse and they may not come back to the Board.

A. Dulgarian: Anything with storage of materials you would have to come back for. There's no body work or stuff like that happening?

L. Frizzell: Not, that I'm aware.

D. McGoey: I'm just asking that the planting in the front. Get rid of the car stops.

L. Frizzell: Yes, we will. They are temporary railroad ties barrier.

D. McGoey: Are they labeled?

L. Frizzell: They're labeled, yes.

D. McGoey: A catalog cut of the hubble walpak unit should be submitted for review to review the lens is not exposed below the housing.

L. Frizzell: Showed Mr. McGoey what he has. This is the cut on the down lighting.

D. McGoey: And, it was never indicated that the easement, it was never report that the access be indicated as a gratuitously of dedication of offer to the Town. Do you have a problem with that?

C. LeBaron: Yes I do slightly. I've had the property for quite a while. It's got a nice value to it and the cost of the building is going way over budget and I don't want to sell my cars to build this building. I'm looking to work something out if I could possibly get a sewer line or a water line from the Town and swap it even for the use.

T. Hamilton: That's a Town Board issue.

D. McGoey: I will talk to Mr. Smith first.

C. LeBaron: I don't know if water or sewer is even available.

L. Frizzell: We have water out there in the street which we're tapping into actually for the service to the building.

D. McGoey: What are you asking the Town, to waive the tapping fee?

L. Frizzell: No, there's no sewer line out there yet the property does lie within the sewer district. We would prefer not to have to go to a private septic system.

D. McGoey: Where would you tap into the sewer?

C. LeBaron: Where ever it is brought in closer to the building.

D. McGoey: You want the Town to bring in the sewer line?

C. LeBaron: Yes.

G. Lake: I think you have to work this out then. This is a little bit of a surprise and we can't make that kind of bargain. I wouldn't even venture to letting this Board to bring it up to a vote.

C. LeBaron: Is the property zoned now with water and sewer?

G. Lake: But I think, if I understand what you're saying is that you want the Town to run the sewer line and tap it for you and you want to swap off the land that they've been using to get to the water plant.

C. LeBaron: Yes.

G. Lake: Right. That's not even close to the realm of this Board. I have to recommend to this Board that we table this. Your Public Hearing is closed. So, you won't have to do that again. I'm going to have to ask you to waive the sixty two day time limit for action or else we will have to take action maybe tonight. You can go back and discuss this with the Town Board.

C. LeBaron: What other proposal would you suggest?

G. Lake: I make no proposals on that kind of deal that you may want to work out with the Town Board. That's up to them. This Board can't do that.

C. LeBaron: There's got to be some value on that land.

G. Lake: I'm not arguing that with you one way or the other.

C. LeBaron: I have it appraised and, . . .

G. Lake: You're talking to the wrong Board. You need to talk to the Town Board and the Water and Sewer Department and not this Board about that type of an arrangement. This Board can't even do that. So, do you agree to waive the sixty two day time limit? Your Public Hearing is closed. That gives you time to go talk to the Town Board.

C. LeBaron: Fine.

G. Lake: Let me be known on the record that he did say it was okay and fine that he's waiving the sixty two day time limit.

MOTION to TABLE for further review so he can talk to the Town Board made by T. Hamilton and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

3. **LEE** - SITE PLAN REVISION (Hair Salon) - 349 Route 211 East (50-1-32) #80-05

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

J. Clearwater: My name is James Clearwater. I'm a Land Surveyor with MJS Engineering. I'm here on behalf of the applicant.

G. Lake: Go ahead.

J. Clearwater: This applicant is proposing to rent or lease a portion of the existing building and

received Site Plan approval back in 2001. Currently it's a two thousand square foot building on an existing lot of about a third of an acre. There's two existing retail establishments there, a liquor store on the east end of the building and a convenience store on the west side which is being proposed to be renovated for a hair salon. Like I said, this is an existing building on an existing site, everything there exists on the parking. There's nineteen (19) parking stalls that could fulfill both purposes. Using the formula from the code, the nineteen spaces is sufficient for the two uses. I know Mr. McGoey had some comments.

G. Lake: Yes, do you have them?

J. Clearwater: Yes.

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

J. Clearwater: The first comment we already discussed.

G. Lake: The landscaping.

D. McGoey: Did you bring in the photographs?

J. Clearwater: Yes, we did. As you know, the applicant is a tenant, not the owner.

G. Lake: Right. The sign will have to go through the Building Department.

J. Clearwater: Right, that's not a problem. What ever is on the code, we will comply.

G. Lake: And, the dumpster enclosure.

J. Clearwater: The dumpster is there in the parking lot.

D. McGoey: That isn't a problem. I just wanted to make sure that it didn't take up any required parking spaces.

J. Clearwater: The code requires nineteen (19) and there's nineteen stalls.

D. McGoey: Okay.

G. Lake: I will go through the Board.

A. Dulgarian: Seems to me the intensity of the use would be less than a convenience store. I don't think there would be more traffic. Don't they need some variances?

T. Hamilton: Variances for what?

A. Dulgarian: For the width?

H. Ross: I don't have anything.

R. Carr: I have nothing.

W. Capozella: Again, we talked about the landscaping. Is there just a little something we could do there? If we can improve it a little versus what it looks like now, I think that would be a plus. As far as the usage, I don't have issues.

A. Dulgarian: That's kind of must, I think. Hopefully the tenant can go to the owner and say this is what I need to get in there.

Mrs. Yozzo: It looked really good there. Right now it's the winter so those pictures show there's nothing there now but in the summer there's a lot of flowers and plants there and it looked really nice.

J. Clearwater: What would the Board suggest is needed?

A. Dulgarian: We usually ask for a couple of flowering trees, like the Bradford pears.

G. Lake: I think that's something you can go back to the landlord with. We understand that she is not the owner. Maybe just get a little greenery for the winter. You're right, during the summer it is different. That's what we've been looking for, to get a little some for this time of year. I will go through the Board.

A. Dulgarian: I have no problem with doing it subject to.

G. Lake: Mr. Capozella?

W. Capozella: I'm okay.

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 W. Capozella.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for SITE PLAN REVISION (Hair Salon) 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

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

4. **KUNIS/WHITE** - SITE PLAN/SPECIAL USE PERMIT - REVISION - Dunning Road (50-2-41.1) #75-03

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

M. Blustein: My name is Michael Blustein for the applicant along with Brett Kunis, one of the owners.

G. Lake: Okay. Tell us what you want to do.

M. Blustein: You should all be familiar with this. It is the Frosty Ice Cream store on Dunning Road near Route 211 East. The ice cream store is opened and existing. The Site Plan that was approved for the ice cream store and a farmers market on the other side of the parking lot. What we're looking to do is to change the farmers market into a bagel store. The reason we're here is to modify the Site Plan we're asking to combine for each lease, there's sixty spaces required. I'm going to score the existing spots. The only thing you really have to address is the shared parking and when you get right down to it when you think about a bagel store and an ice cream store they're at the place

different times so they can share the parking lot. They're never there at the same time. The bagel store, everybody is there in the morning and by lunch time it clears out. The ice cream store doesn't open until eleven thirty and they don't get busy until five thirty or six o'clock. So, really what we're looking for is a modification to the site plan and there's a section in the code that provides shared parking if the uses don't co-exist.

G. Lake: On the parking that you share , do you meet the parking?

M. Blustein: Yes, there's thirty five required, each use has more than enough parking. Mr. Kunis has just submitted a bunch of material to the Board. We have one gentleman here with us tonight and has been in the bagel business for a long time.

Mr. Fleishman: I've been in the business for about thirty years.

M. Blustein: In the package that Mr. Kunis handed out the first page talks about the hours of the bagel store and the hours of the ice cream store, when each one is busy and when each one is not busy. When the bagel store is going to be busy up until twelve thirty or one thirty, the ice cream store, one or two people get there to set up at eleven thirty but nobody shows up to an ice cream store until later in the afternoon and well into the evening. One of the only reasons that the ice cream store requires so much parking is they have that nine hundred square foot canopy and the provisions of the Board was that if the canopy was enclosed enough to make it so that the square footage required new calculations of the parking. And our position towards that is really if you think about it people come up for a milk shake, they want it, get it and then they leave. The people who actually sit down and occupy the parking spots are using the nine hundred square feet. They come out after dinner, come out as a family. They come and sit after dinner. They come out after the movies. The people that are going to occupy the parking spots for the ice cream store is really not until six thirty to seven thirty at night and the bagel store is long done and closed by then. We did a survey of the existing bagel stores within a fifteen mile radius. One closes at three o'clock. Most of them close between two and three o'clock. One closes at four o'clock. Carmine's isn't very big but they close at five o'clock. The bagel stores, Mr. Franklin did a letter that basically says if you look at the Site Plan for the bagel store there are six tables. Most people drive up, they take their bagels and leave. They don't occupy the parking spots for more than eight to ten minutes. They come in, get it and leave. If you look at Dunkin Donuts, it's packed in the morning and by lunch time there's one or two cars in the parking lot and by the afternoon there's nobody there except somebody picking up an ice cream at Baskin Robbins. Basically what Mr. Fleishman says is the hours would be from six to eleven thirty and then after that eighty percent of his business is take out. There are only six tables proposed so, the only people who would be sitting are in the parking spots.

G. Lake: Mr. McGoey?

D. McGoey: Just another issue but that rear slope has never been properly stabilized and we've got to get that done before anything happens there.

Mr. Kunis: I actually think it has been because I remember we were there at the very end when we had to do it over.

D. McGoey: I just received this.

Mr. Kunis: Can I just say something. I know it was because we wouldn't have gotten our Certificate of Occupancy for the ice cream store.

D. McGoey: But apparently it's failed.

Mr. Fleishman: We will look at that.

M. Blustein: As to the comment at the bottom of your comment #1 under actions, this is here for a Site Plan modification and the code does not require a Public Hearing. This is under Section 249-40 D-3-6. It says a Public Hearing is only required for large projects. This is for a modification. There's already eating and drinking on the site. This is just a minor change to the approved Site Plan. There's no requirement for a Public Hearing.

G. Lake: Let me get clarification.

J. Bacon: Is was approved for a farmer's market?

M. Blustein: It's never been there but it was approved for that use.

J. Bacon: Did it get a Special Use Permit for eating and drinking?

M. Blustein: Yes.

R. Carr: Was it a farmer's market?

G. Lake: It was a combination of the two.

A. Dulgarian: The point is that they have the ice cream eating and drinking and it's all on the same property.

G. Lake: Right.

J. Bacon: If the Board feels that eating and drinking has been approved, then no Public Hearing would be necessary.

R. Carr: I just would like to ask a question on that because on the bagel shop I totally agree with the parking. Does that mean if the bagel shop changes into something else . . .

M. Blustein: We have no problem putting in if the bagel shop ceases to exist we would have to come back to modify the use.

J. Bacon: Good point.

M. Blustein: Especially I think Mr. Lake brought that up in a work session.

A. Dulgarian: Yes, that's comment #2 and I have to agree.

G. Lake: Let me go through the Board.

A. Dulgarian: First off, it's a very important thing for me is the floor plan and the hours of operation. Now, is the ice cream store going to (not clear).

Mr. Kunis: All of the above.

A. Dulgarian: This bagel shop, that's not going to do a lunch crowd?

Mr. Kunis: It could do a lunch crowd but the bulk would be earlier. With six tables, I don't really think he's going to have a lunch crowd.

A. Dulgarian: And, the hours of operation on that, are?

M. Blustein: They're really not determined. They're going to open up in the morning.

Mr. Kunis: That was a rough estimate. We spoke to him and he said he would close somewhere around . . .

A. Dulgarian: I really don't think . . .I think it will have very little impact. It might even be comparable to the use there. I really don't see any issues as long as all of Mr. McGoey's comments are covered.

D. McGoey: One of my comments is to put the hours of operation on the Site Plan.

M. Blustein: We can't commit to the bagel shop because we don't have an idea as to when. We know it's going to open early in the morning. We just don't know when they're going to wind down. They may get a catering order later in the afternoon. We can commit that the ice cream store won't open until eleven thirty.

A. Dulgarian: This would be similar to what we did out at the old auction and the auto repair where

they had shared parking and it didn't impact anything. Although I greatly take Mr. McGoey's comments seriously, I don't think it's going to be that big of a deal. The only other question I have is, do they have enough handicap parking?

Mr. Kunis: Right here.

A. Dulgarian: Just that one site?

D. McGoey: One space.

A. Dulgarian: If Mr. McGoey sees fit that one split's the difference, one at one end and one at the other.

D. McGoey: One more issue that I thought off is that the present eating and drinking establishment. They can split that for another eating and drinking establishment That would have to be noted on the plan.

H. Ross: I agree we need the hours of operation on the plans.

G. Lake: Anything else Mr. Ross?

H. Ross: No.

R. Carr: As long as Mr. McGoey's comments are taken care of, I have no problem.

W. Capozella: I have no issues with it.

T. Hamilton: No issues.

G. Lake: Are there lights?

D. McGoey: As I understand, I don't see site lighting on here so apparently there's no going to be lights?

Mr. Kunis: Actually, there's an Orange & Rockland pole.

D. McGoey: Okay.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for SITE PLAN MODIFICATION subject to all comments made by R. Carr and seconded by W. Capozella.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

5. **VASAPOLI LANDSCAPING** - SITE PLAN & LOT LINE CHANGE - 230 Bloomingburg Road (14-1-33.3 & 36) #107-05

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

J. Sheldon: My name is Mrs. Sheldon and I'm with Robert Fulshetti & Associates for Vasapoli.

G. Lake: Go ahead.

J. Sheldon: The proposal is, currently it's situated on two lots. We're going to eliminate the lot line and combine the parcels. Currently there is an existing eighty five hundred square foot building. What we're proposing to do is to change the furniture store into a (not clear). We're providing

parking.

G. Lake: How much, you say you're going to have bulk storage for sale?

J. Sheldon: Yes.

G. Lake: This is going to be for landscaping. Is it going to have nursery stuff there, also or is it basically lawn mower storage and things like that?

J. Sheldon: On here?

A. Dulgarian: On the entire site?

G. Lake: Yes, on the entire site.

J. Sheldon: Otherwise, is he sending crews out to do mow lawns or is it like a home center where people buy wood chips, bricks, etc.

G. Lake: I'm just wondering because I see work going on out there.

R. Carr: So, he is going to have nursery stock, is that what we're looking at?

G. Lake: That's what I'm trying to find out. Come on up.

S. Vasapoli: My name is Sal Vasapoli. It's going to be like bulk storage. It's going to be stones and some mulch. Outside the building is going to be brick pavers. Inside the building might be bags of cement, you know, stuff like that.

A. Dulgarian: But you're not selling nursery stock plants, shrubs?

S. Vasapoli: We're going to sell some, yes.

A. Dulgarian: And, that's going to be inside the building?

S. Vasapoli: No, outside the building.

A. Dulgarian: Where is that storage going to take place?

G. Lake: That's what we need to know.

S. Vasapoli: Oh,

G. Lake: That's what I was trying to get at. We were trying to get the full picture. Like law mowers, etc.

S. Vasapoli: It's just going to be a regular retail store.

G. Lake: If you are we need to get it on the map now.

R. Carr: Where would the nursery stock be?

S. Vasapoli: Well, we have the storage on the inside also. We have a warehouse. It's mostly going to be brick pavers, retaining block wall pavers, masonry materials.

A. Dulgarian: Is it going to be similar to the one on Route 17K going toward Stewart Airport? They have statues, etc.

S. Vasapoli: No. We're going to have mostly pavers. Similar to that nursery.

H. Ross: Will there be decorative stone here?

S. Vasapoli: No, not at all. It's going to be more like the river rock.

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

D. McGoey: He had two different site plans.

J. Sheldon: We already discussed item #1. Some of these were addressed. Item #2. The site plan consists of two tax lots. The cover sheet, Sheet 1 of 5 should clearly indicate that the two tax parcels will be combined into one tax parcel as part of this approval. Item #3. The parking calculations should show how the applicant's engineer arrived at fifty two (52) spaces being required by showing the number of spaces per square foot required. Item #4. Substantially more landscape planting could be provided. I wasn't quite sure what the Board had in mind as far as additional landscaping for the site.

G. Lake: Basically we ask each applicant who comes in, we ask for a landscaping plan. We don't tell you. There are people out there. You can sit down and dress it up. We do show some evergreens.

J. Sheldon: Item #5. The applicant's engineer proposes a sixteen foot wide access drive. However, this access drive does not accommodate two way traffic as required by the ordinance. The width of the access drive should be increased to twenty four feet. We have

increased the access drive. Item #6. We recommend as a minimum that curbing be provided at the

entrance drive off of Route 17M. Item #7. If a sign is proposed, the sign location should be shown to verify setback from the right of way line. Also, a note should be provided on the plan which indicates that all signage shall be reviewed and approved by the Building Department.

S. Vaspoli: What we're looking to do is just skin it. Put a new skin on the front, same size, same pole.

D. McGoey: Just check with the Building Department.

J. Sheldon: Item #8. The Planning Board should discuss with the applicant whether the exterior of the building is going to be changed for aesthetic reasons.

D. McGoey: Do you propose any changes to the building?

S. Vaspoli: No. There's brick on the bottom. It's all glass now. We don't propose anything. We will re-surface and stripe the parking lot.

J. Sheldon: Item #9. The applicant should advise as to whether any comments have been received from Orange County Department of Public Works, particularly with respect to the newly proposed access drive. Details of construction required by Orange County Department of Public Works must be shown on the plans. I met with the Orange County Department of Public Works. I don't have anything written from them yet.

D. McGoey: What ever they require we need on the plans.

J. Sheldon: Item #10. Dimensions of the proposed parking area are to be provided including access aisle width. Item #11. Details of construction of the newly proposed parking lot including the pavement and subbase dimensions should be provided. Item #12. It appears that the survey information is incomplete. We requested that iron pins and concrete right-of-way monuments be provided and that a certification be provided that the horizontal and vertical datum has been tied to the Town's datum. We have updated with the Town's datum. We are looking into the monuments.

D. McGoey: We need that before a Certificate of Occupancy.

J. Sheldon: Item #13. Site grading and drainage details have not been provided. This is a flat area.

G. Lake: How about the stormwater management plan?

D. McGoey: They won't have an acre of disturbance but there still are regulations that they have to comply with.

G. Lake: But, they haven't done that yet?

J. Sheldon: No.

D. McGoey: We haven't seen the details of the rip-rapping, etc.

J. Sheldon: Item #14. The applicant's surveyor should verify that the stone driveway crossing tax lot 14-1-36 to the other lands of Duso Properties, Inc. is not an easement. Otherwise, the easement must be shown and maintained. Item #15. The Planning Board attorney should advise as to whether the outdoor display of materials and storage bins constitute outdoor sales which would require a special use permit or otherwise if the use is considered just a retail use which is a permitted use.

J. Bacon: Your outdoor sales?

S. Vasapoli: Outdoor sales is just bulk sales such as stone, mulch, paver stones, etc. Gravel that goes around driveways and walkways. Stone that goes under the paver stones. A customer will come out and we will put a scoop of stone inside his truck and he will pull out.

J. Bacon: Mr. McGoey's comment recommends a Special Use Permit for outdoor sales. It's up to the Board whether a Public Hearing is necessary.

A. Dulgarian: I think it's an accessory use to what he's doing. My personal opinion is I don't think it complies for a Public Hearing.

G. Lake: Are you comfortable with that?

J. Bacon: Yes. It does say an accessory use.

G. Lake: Mr. McGoey, are you satisfied?

D. McGoey: Yes, it sounds like she's addressing them.

A. Dulgarian: There are a lot of details missing on this plan and I don't believe we should be taking any action tonight. When you get to the outside storage, what exactly do you have and where will it be. This Site Plan is kind of vague. If you have your bricks, your paving stones, do they come on pallets and where are they going to be stored? How many are you going to have? Because if it's outside, it needs to be shown. You're showing the bins but we're talking mulch, you're talking stone, you're talking a whole bunch of different things. We need to know how many of those you're going to have and where the rest of the outside storage is going to be. If you're going to have your shrubs and any kind of plants, they need to be shown. You're not going to be leaving them inside if it's nice and sunny. That has to be shown on the plan. If these paving stones come on pallets, I'm sure you're going to be putting them somewhere. There needs to be an outside storage area fenced in showing where you're going to keep all this stuff so it's out of eyesight.

S. Vasapoli: Paving stones, to answer your question, they don't come on pallets.

A. Dulgarian: Are you going to have a forklift on site and a loader to load the stuff?

S. Vasapoli: Yes.

A. Dulgarian: Are they stored inside or outside?

S. Vasapoli: At night they will be stored inside.

A. Dulgarian: What are you doing in the winter, anything?

S. Vasapoli: Just sales of brick.

A. Dulgarian: No salt storage or anything like that? Plowing where you have equipment on the site?

S. Vasapoli: No.

A. Dulgarian: I still think that it's missing some detail. I mean, I think it's a pretty interesting use of the site. I think it's going to be pretty cool. I like it. For the use, I think it's going to be something different. I think it fits and I like it.

H. Ross: I do agree that we need more information on the plans. I approve of the use.

R. Carr: I agree.

W. Capozella: I think Mr. Dulgarian hit on it quite well about more details needed. On page 2, you show a fence. Is that for the dumpsters?

J. Sheldon: Yes.

W. Capozella: Okay.

T. Hamilton: Nothing else.

G. Lake: I think what you need to do is schedule another work session, clean it up. You've heard the Board's comments. The Board is happy with the use. Get back to another work session and then come back to us.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

6. **LUSANNE** - LOT LINE MODIFICATION - Dunning Road (78-1-48.22, 51 & 52.1)
#110-05

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

L. Potter: My name is Lorraine Potter with Lanc & Tully Engineering. We're here tonight to request a lot line change. There are three existing parcels all total approximately fifty three acres. The reason for the lot line change request is this particular parcel which is thirty five acres is a landlocked parcel. There is a small parcel here on East Main Street on the southwesterly side of the property and I-84 is the longest portion of the property. Access to this parcel by changing the lot line would allow access to East Main Street through this parcel. We would like to combine this parcel with this parcel and a small triangular portion right here to combine it into one lot. They will still have the same total of acreage. We're not creating another lot. We're actually eliminating one lot and re-creating this parcel.

G. Lake: Okay.

H. Ross: There won't be a structure on this lot?

L. Potter: No.

A. Dulgarian: Now, where's the triangular portion?

R. Carr: What are the structures on either side of that triangular portion?

L. Potter: You know where the barn was.

R. Carr: Okay.

A. Dulgarian: I really don't see any problem with this. It probably improves the situation.

H. Ross: I have nothing.

R. Carr: Nothing.

W. Capozella: Nothing.

T. Hamilton: Nothing.

G. Lake: Comment #2, the boundary?

L. Potter: The boundary is indicated on the plan. There is an HC zone and this is the PID zone.

MOTION for a NEGATIVE DECLARATION subject to 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

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for LOT LINE MODIFICATION subject to Mr. McGoey's comments and this Board's comments made by A. Dulgarian and seconded by W. Capozella.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

7. **ORANGE PLAZA** - SITE PLAN REVISION (Traffic) - Route 211 East & Dunning Road (50-2-5) #03-03

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

C. Bazydlo: My name is Charles Bazydlo. I'm outside counsel for the owners of Orange Plaza. Basically what we're here to talk about is over the last year and a half, we had come before the Board or at least a work session to talk about the relocation of some pad sites in the back. The current Site Plan approval for the shopping center includes an approximately thirty three thousand square foot pad site in the back, known as pad "H". We had originally talked about possibly breaking up that square footage into some other smaller pad sites in the back. We do believe we have a tenant that's interested now in that thirty three thousand square foot pad site but before we got to that there were some comments from the Board members about overall traffic situation at the Orange Plaza. We did take a look at that and realized there probably was need for some improvements to the traffic situation. We've engaged a new engineer from VanCleeve Engineers to take a look at the situation. We've also engaged Mr. Phil Griely from John Collins Engineers to take a look at the overall traffic flow on the site. We came up with a plan for modification of the overall traffic flow that we want to go over with the Board and get some input from each of the Board members about the plan.

P. Griely: What we have here, this plan is the overall Site Plan for Orange Plaza and because this is a little difficult we focused on each individual area. We have enlargements of each section of the ring road. These are the two areas for Route 211. What we were asked to look at was the traffic circulation in general in terms of some of the key intersections with traffic coming in and out from the site on Route 211 and also coming off Dunning Road. What I would like to do is go through, again this is the overall plan and we focused on several different areas on this drawing here. I would like to go over each of those areas covering the ones that are really straight forward and then the ones for the Board input will be next. This is the easterly part of the site. Again, this would be where Wal-Mart is located and right now these parking aisles here are all open onto what we call the ring road that's around the center here. So, what we proposed here was to put in a raised aisle in here so that people do not try to come out onto that turn for better traffic flow through this area. So, again, these are the new aisle ways with plantings, a re-configuration of the parking. Right now, each of these drive aisles here and here. This one you can get in and out of. It's signed that way but

what people do is try to do a left turn. This would be closed off and you can access all these parking areas from either this aisle or the main aisle here. As we continue to the west, which would be the easterly driveway Taco Bell is right here and what we looked at is improving the radii entrance at the driveway and also, right now each of these aisles are open. We already talked about this. The drive aisle would be through here for better traffic movements right in the vicinity of the driveway. Under the current conditions the through aisle is approximately here. We have extended that over one additional parking bay to control some of the traffic in that area. As we continue to Route 211 there were a couple of areas that could be improved with trucks and large vehicles going over the island here. We're cutting that back and closing off the entry point to the parking area. On this side of the driveway, this aisle is opened today, we would close that off so that we direct more of the traffic flow to this central point. A new island across from that driveway currently ends right here. We're moving that in an easterly direction so that traffic flow through here has to enter in this area. This would improve some of the turning radii for the larger vehicles.

A. Dulgarian: While you're on that entrance, (not clear).

P. Griely: At this entrance coming in?

A. Dulgarian: Yes. That's always been an issue.

P. Griely: The overall site of this area here, we feel there should be some additional. What we tried to show this plan was the changes. When we come back, we will show this area with all the re-striping is. For example, the entrance here there are stripes .

A. Dulgarian: Doubling and sometimes going the wrong way.

P. Griely: What happens here, is from Route 211 is re-striping along that driveway.

A. Dulgarian: Anything you would recommend other than that, any signage or anything?

P. Griely: We supposedly we have a new left coming off of Route 211. I think by opening this up, we're getting a better radii. There will be re-striping done in that area.

T. Hamilton: Mr. Griely, on that main entrance where you just were?

P. Griely: Yes.

T. Hamilton: The center islands going up that main entrance?

P. Griely: Yes.

T. Hamilton: Weren't you going to bring that back in the middle because those trucks coming down that are going towards Wal-Mart there they have to come over into the left lane to swing.

P. Griely: We are proposing back about eight feet in order to allow that traffic. I will jump over the ring road here for Home Depot. Some of these areas have signs. There would be more signage through that area. Down in the lower level areas, there is some re-configuring of this area. While we're on the lower level, one of the other areas that we saw that needed to be addressed was the traffic flow through this area especially on Saturdays. It's very heavy and again, this would be for Home Depot and most of the traffic uses this because they can't get down to the access road to Dunning Road. What happens today for the Home Depot traffic, they use this area so traffic is heavy through here because it's the only way to get down. They're either up on this part of the ring road coming through this intersection or kind of cutting through here. What we suggested is to provide a connection to allow traffic to get down to the access out to Dunning Road without cutting through this parking area. We would remove a lot of the traffic flow through this area.

G. Lake: Would there be signage for people out on to Schutt Road?

P. Griely: Yes, to Schutt Road Extension. On this plan we have not done all the signage at this point because we wanted to get approval for the concept of you agreeing to these changes. We would be supplemented a whole signage plan to direct motorists over to this area and over to this area.

G. Lake: This way they will know.

P. Griely: What we would have is signage here to direct them down. There is very un-utilized at all and will alleviate a lot of the traffic flow to this intersection and, of course, here.

T. Hamilton: Mr. Griely, isn't the property line down there somewhere between you and Chase?

P. Griely: Yes. I believe the property extends somewhere around in this area. It would have to be an easement area.

T. Hamilton: Do we have cross easements, Mr. McGoey, to let them run that out through the other person's property?

D. McGoey: I believe there are cross easements.

T. Hamilton: Okay. I know the property line is there.

P. Griely: Again, if this is something workable and desirable we would have to get some sign offs, etc.

T. Hamilton: And also, we did mention in the work session about possibly the new bridge or tunnel.

P. Griely: What Mr. Hamilton is talking about, right now in the easement area that comes through here and this is for the future of a bridge/tunnel cross connection to the Galleria. So, that area,

which is roughly a seventy five foot easement area would come right through here. This connection could be available and would tie into that. There are some other minor changes in this area by Chuck E Cheese. Right now, we're looking at improving the radii. Right now this is the existing radius. We're cutting that back. The other area that we should focus on is on the upper level in the area of the Krispy Creme, Panera Bread. This intersection is very confusing. You have basically four lanes of traffic and what we tried to do is simplify the traffic flow there. There's a lot of crossing through the parking area so we looked at some additional traffic features in that area. What the proposal is, right now in front of Panera Bread, and this whole stretch, this road is a two-way roadway and you end up with a four lane intersection, stop and go, stop and go. What we thought is we would make a portion of the roadway one-way up to this point. With traffic entering they can still enter but there's one less turning movement that people have to deal with as they approach this intersection. We would do some plantings in this area so the people who park in this area there would be a central crosswalk area and there would be some treatment in this area so people would cross there. Also in that crosswalk area is what we call (not clear). As you know, over at Krispy Creme there is a speed bump and slope pattern that's out there today currently. A longer speed bump, more radical and in the center of that would be a crosswalk and that would be done with contrasting pavement and striping. I do have a detail. The copies are not the greatest but you get a feel for it.

A. Dulgarian: You have a couple of those in the back, right?

P. Griely: Very similar to the ones in the back. The yellow portion is about three inches or you have about a six foot area on either side and the flat area on top where the crosswalk would take place. On the overall plan there is a detail shown of how that would be. What we're calling for here is two areas. One is in this area and then over here. Right now, there is a crosswalk that's striped there. It's at an angle. We will be proposing one there to slow the traffic and provides a place where the crosswalk would take place. Some of these other assets in the area, as you come in here, you would allow them to enter. Right now as you drive through the ring road you're almost walk right towards the building. As you drive this and you weren't paying attention you would end up right on the sidewalk here. So, what we're trying to do is provide a much more gradual transition through here. It would be a combination of some additional curbing and striping so the travel there would be once you get to this point you could access the drive aisle to get into the parking areas. This portion of that is proposed to be two-way because we do not want it to end up in this whole area. As you continue up towards Kohl's in order to (not clear) because there is a decent flow of traffic that currently exits out here. We re-configured this area so that traffic that would be in front of Kohl's would now be directed to phase it out either here or through Route 211 access point. It would cut down the amount of traffic that has to pass in front of Kohl's and through here because you have so much pedestrian activity right there at that point. So, again the flow would be coming down past Kohl's this way to get to this parking area. We widened this out so that people could make that move. Any traffic that would be coming across the road here we would propose a stop control here. This parking area would be re-configured. Once you're in this parking area the islands would be cut back so it would allow two-way circulation but again, the main focus would be to cut down the

number of vehicles that is currently in this area with a speed bump here and here and that would keep the speed down in both directions but still allow access to this parking area. This area would be made a continuous one way starting and ending up with the parking area and would require more traffic to come out on to this ring road in order to get back into the parking spaces. This is the plan we have come up with. The last area on this drawing is over at Krispy Creme. Right now this is almost like a ninety degree situation with a stop sign. What we tried to do is because there would be more traffic flow in here because that now take this exit whether they're coming from this parking lot or an area to exit out they will now have to go down to Dunning Road come out around this way and out. So, by eliminating the exit flow down here there will be some increased traffic that will have to be there. But, if they're coming from this area or from a parking area so we tried to use a defined radius through here. This would be an extension of the new island and the extension around this curve. Again, this would be a separate lane that allows people to get to the Krispy Creme drive-through and we also suggested putting, right now we have a speed bump in this area, putting another speed bump in this area and then once that is done here it completely stops the flow. The alternative would be just put in a speed bump and not put a stop control here. So, we will eliminate the stop sign.

A. Dulgarian: You're not getting rid of the speed bump in front of Krispy Creme?

P. Griely: Absolutely not. That would be maintained and we will have one on the other side. So, what it does it slows the traffic coming into this curve. Right now, they slow down here but coming from the East there's nothing to slow except for the stop sign and a lot of people don't stop there. It's really not a good situation so, our recommendation would be to clean up the alignment here, put in an additional speed bump so that anybody coming from this area will slow them down as they come into the curb.

T. Hamilton: And on that island and curb, is that raised or is that just striped?

P. Griely: This is a raised island here. This is all raised so that no one can access out on to there. This is just striping in this area.

T. Hamilton: I don't know if they're going to stay within it going around.

P. Griely: An alternative would be to put in a regular island. That is an option. I would say a raised island could stand up in this area and then add striping on the edges of the island individually.

T. Hamilton: Especially this type of year now, a lot of those lines you can't see now between the sand, dirt and snow. They're not going to see those places.

P. Griely: Some of these areas you want to go with a high visibility striping. There is some type of a more durable and more visible in these high traffic areas so that would be our recommendation. In some of the other areas the standard paving parking's are fine but in an area like this we would recommended going with a highly durable and more visible type of striping.

G. Lake: I think, I don't know if the Board wants to chew on this a little bit and think about it. This is a lot to digest. Mr. Hamilton and myself we've been through it already. I know the rest of you gentlemen haven't. I don't know. I wouldn't want to sit here tonight. I've had a chance to think about this a few days. I surely don't know what to think. I don't know if the Board wants to think about it. They're here just to present it to us but I'm just afraid to jump out there real quick than have you take these plans home and have a little bit more time to think about maybe another presentation. I don't know. It's a complicated area down there.

T. Hamilton: I think, overall, with the presentation, the seventy five percent goes back to this one section.

P. Griely: Yes.

T. Hamilton: I think everything seems to work on the plan but this piece here, I think we're going to have to look at it further.

P. Griely: It's kind of why we left that one for last because we thought it was going to be more input.

G. Lake: You know, to send two-way traffic up through the parking lot without that like something like you did down in front of (I can't remember what's down in that area).

P. Griely: Right now this aisle is pretty fully utilized. A lot of traffic does stay in and use this.

G. Lake: Yes, but then you have this other one.

P. Griely: This is going allow the traffic that's in the ring road, coming from Wal-Mart and I wanted to go to Panera Bread. Instead of having to go out on this area, it would allow someone to come down, make a left turn and come into this parking area. We really wanted this to be more of a pedestrian area. If it's closed off then you're increasing the flow out here. The attempt is to allow the traffic to come down here now. For someone going into this area they would want to get into this parking area as opposed to here at the shopping center.

T. Hamilton: Now, Mr. Griely?

P. Griely: Yes.

T. Hamilton: When they get in to make that turn you just showed now what's going to happen is if you don't have raised islands in the parking lane they're going to cut straight across through that parking lot and head for the nearest intersection all the way over to the other side and then get on that ring road.

P. Griely: In terms of your comment, right now part of it is a raised island. Right here, this is all

raised.

A. Dulgarian: I like that better.

P. Griely: Right now, this is all open. This would be a raised island area here. There's a two-way road right here. Right now, with the raised islands you're actually running into on-coming traffic. If you're coming past Kohl's this would be the raised island so, if you're not paying attention you end up right in to the on-coming traffic so we cut that back so there will be a separation of the traffic flow.

G. Lake: Let me go through the Board. We still have a lot of items.

T. Hamilton: That point right there, you have the craziest turn ever. You've got people coming both ways down there. These people are going to come here and then if they want to go over this way make this jog and they can make that turn. I can't see it working without have a demolition derby on that corner.

G. Lake: Like I said, I really want to think about it another week or two.

A. Dulgarian: Yes, I agree.

G. Lake: I just want to see if they have any quick comments and then . . .

A. Dulgarian: I like the idea of a three-way there like you have coming off the other main road, off of Route 211, go over to the section intersection and a four-way coming off of Dunning. I do like that. It doesn't bother me that the one-way traffic coming up but there has to be something else done. If you're coming from the donut shop onto the site, what's keeping the guy from banging a right into the second or third curb cut in there, then he's stuck. He has to turn around and come back out because he can't get back into this lane, can he?

P. Griely: He would come back.

A. Dulgarian: Say he turns into the first aisle.

C. Bazydlo: There is a traffic light there.

A. Dulgarian: If he turns into this area, he would go into Wal-Mart and made the first right in there.

C. Bazydlo: What he can do, he can come down here and he would be allowed a right through here and would be able to exit out on to the ring road.

A. Dulgarian: Oh, okay.

C. Bazydlo: From this point over would be two-way. This is one-way and that's the only reason it's angled.

A. Dulgarian: I do agree that the intersection in front of the Burlington Coat Factory is terrible. Are we using the two way traffic stop signs that Kohl's always puts out there? I don't know what that's about. I think everything that I've seen is a step in the right direction. What I have a problem with is directing the flow back to the parking lot without having curbing all the way out which I think is a safety issue. In the back, I have an issue with, I believe that the intersection back there by Chuck E Cheese is terrible especially coming out and want to make a left it's almost impossible. I do think we need another access but I have a problem with having an access that connects basically to the tunnel area.

C. Bazydlo: The restriction on here is for no structure.

A. Dulgarian: I understand that.

C. Bazydlo: It's understood that when this road would come in, this would have to be modified.

P. Griely: We did look at that in one of the work sessions. The thing that we're not sure is, the question is, is that road going to come and tie in directly here or are we going to keep this alignment and maybe somewhere and maybe switch back over. We don't know what that alignment is right now. We tried to do something that would affect. If the road comes straight through here it would be paved. If the road continues as currently and down into this area this would have to be extended down further.

A. Dulgarian: Your entrance to the parking lot, can you line that up better?

P. Griely: This area?

A. Dulgarian: The one you're proposing now, the re-connection.

P. Griely: I believe that's outside of our property line. I believe our property line is right here.

A. Dulgarian: That's basically all I have with the exception now that I'm glad you guys removed the snow yesterday the day before you came.

H. Ross: It's definitely an improvement. I need more time to think about this. You're solving the problems as you go through them one by one but I'm not sure what problems you're creating as you get all the way around.

R. Carr: I, too, just want to have more time. Something has to be done and I'm not sure totally. One

thing, these plans don't reflect what you're showing there. It's kind of tough to consider.

T. Hamilton: We don't have that drawing.

P. Griely: This is an enlargement of, I guess you were sent the Preliminary plan?

T. Hamilton: Yes.

P. Griely: There's some details and some additional striping. I think what we can do is give you these large plans.

G. Lake: Right.

W. Capozella: The one-way in front of the Panera Bread is just one lane, right?

P. Griely: Correct, and we kept the fire lane.

W. Capozella: And you're keeping the stop sign. I kind of agree with Mr. Dulgarian. The alignment is going to be much better but (not clear).

T. Hamilton: Nothing further.

G. Lake: You've heard from the Board.

C. Bazydlo: What would you like me to bring?

G. Lake: First off, I want you to give us exactly what you're showing us tonight.

C. Bazydlo: Okay.

G. Lake: Then, I want to give it to the Board members and hopefully we can get comments back. Call in to get on another work session. Mr. McGoey knows, I think, what the Board is concerned about. Get back on another work session and we will have to take it from there.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

8. **VIKING REALTY** - SITE PLAN - 47 Crystal Run Road (78-1-5) #95-05

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

J. Clearwater: My name is James Clearwater, a Land Surveyor with MJS Engineers.

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

J. Clearwater: The applicant is on vacation so he's not with us tonight.

G. Lake: You need a Public Hearing set.

J. Clearwater: Yes.

G. Lake: On Mr. McGoey's comments, we're not going to go through them all.

J. Clearwater: No. I don't want to go through them.

G. Lake: Do you have any problems with any of the sixteen comments between now and the Public Hearing?

J. Clearwater: Not really. I do have a couple of questions though.

G. Lake: Okay. Go ahead.

J. Clearwater: It was raised I guess at the work session about an offer of dedication for twenty feet along the front of the site. Do you want that as an official offer of dedication now or do you just want to reserve that?

D. McGoey: We've been asking for a gratuitous offer of dedication and then when the Town wants to take it, it would be available.

J. Clearwater: Was that asked of Chili's next door because they have their parking.

D. McGoey: Everybody else up the road gave us the dedication.

J. Clearwater: I'm just asking.

D. McGoey: Yes. The Albert's, the new hospital annex, they needed it.

J. Clearwater: Okay. And then any proposed landscaping should be behind that on the applicant's side of the line.

D. McGoey: Well, not necessarily. I don't think we have a problem.

J. Clearwater: It would look kind of odd if we're proposing trees that far back.

D. McGoey: Yes. I don't think you could actually do that.

J. Clearwater: On comment #7, comments from the Town Department of Public Works. I haven't seen any comments.

G. Lake: Comments were given to him. Anything else that you might have questions on?

J. Clearwater: Not really. One of the comments was whether the applicant was actually in the building. They've been working on the building, renovating it now. They are working inside but they're not officially in yet.

T. Hamilton: But they have that sign.

J. Clearwater: They have a little temporary sign there.

T. Hamilton: On the front porch. It almost seemed like they were open because we've seen people going in and out all day. They don't look like construction people.

J. Clearwater: But, they have not had any clients come in. Maybe sales people coming in to use the computer.

T. Hamilton: Well, by using the computers in the building shouldn't be done because they don't have the use permit.

J. Clearwater: I will have to confer with the applicant.

T. Hamilton: Also, the fire truck.

J. Clearwater: Do you want that out of there?

D. McGoey: I think it would be best to get it out of there.

G. Lake: I will go through the Board.

A. Dulgarian: I have nothing.

H. Ross: Nothing.

R. Carr: Nothing.

W. Capozella: Nothing.

T. Hamilton: Nothing further.

G. Lake: What is the, being that they're in there using it. They don't have the use permit yet. They shouldn't be in there using it at this point, correct?

J. Bacon: With no Certificate of Occupancy on the building it is "no".

G. Lake: I mean, for their own good, I mean.

J. Clearwater: I will convey that to the owner.

G. Lake: If the Code Enforcer comes down, they're the ones going to be putting up with the headaches, not us. It probably would be best if they ceased. Mr. McGoey, do you need to see him again on any of these things?

D. McGoey: Yes. He should probably schedule another work session.

MOTION to schedule a PUBLIC HEARING for April 19, 2006 made by W. Capozella and seconded by T. Hamilton.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

9. **MAINFRAME GALLERY** - SITE PLAN - East Main Street (50-2-13) #117-05

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

A. Warren: My name is Andrew Warren, Architect with David Wieboldt's office. The owners of the property are Jean and Robert Warren. What we're proposing here, this is an existing two-family residence at 513 East Main Street right next door to the car wash and self-storage place and Ron Helhoski's office. It's an existing two-family residence and we're proposing to change it to a service shop on the first floor which is a picture framing gallery and the second floor for office use. We had a work session with Mr. McGoey in December and issues us some comments and we've responded to them. Mr. McGoey reviewed them again. I know you're not going to go through them today but I have since then gone through all of Mr. McGoey's comments and modified the drawings on each individual comment so that the drawings reflect those. The ones that I have with me tonight. The first one is an error. There is no retail use proposed. The parking calculations will remain as shown. We have four spaces for the service shop and two for the office space on the second floor. One of those spaces is a handicap spot and comment #3 was in regards to a possible variance requirement.

G. Lake: You said no retail?

A. Warren: No. It's a service shop. It's not retail.

T. Hamilton: You don't sell frames?

A. Warren: They're making picture frames for . . .

T. Hamilton: To sell?

A. Warren: Yes, but it's service oriented. It's not a retail establishment.

R. Warren: Each piece has to have labor added to it. So, Mr. McGoey was the one who said it sounds like a service shop and so that's what we used.

J. Warren: It's a weird business. It falls in different categories.

R. Warren: In other words, we do not sell picture frames like they sell at Wal-Mart or something.

T. Hamilton: Custom made. I think you were in with Gervic's in the back?

R. Warren: No, we're on Dolson Avenue. That was another one. We've been on Dolson Avenue for twenty years. Each piece has to have labor added. We don't sell just a packaged frame. We don't even sell picture frames. Every piece is custom framed.

G. Lake: Okay. I just wanted to go over that.

A. Warren: Mr. McGoey's comment #4 was in regard to the handicap spot. It was designed under the conforming regulations. What I did not have on there was I did not show the five foot aisle. I've modified the drawings to show the five foot aisle. The edge of pavement has been clarified on the drawings. The survey is tied in to the Town's vertical and horizontal datum. Item #6, I did not modify. I was concerned with the site distances so I didn't want to put trees on there. I thought you could tell me what you're looking for. I'm not sure but right now it's a busy road and coming in and out of there. We don't have a problem with putting, showing trees on there but just my concern would be cutting down on the site distance for people entering and leaving. The sign has been moved back to fifteen feet from the right-of-way line. #9, I added the detail on SP-2 and that detail shows stabilization requirements. I also added for #10 a manufacturer for the retaining wall block which is on the drawing. It's at the back of the building. #11, striping we're going to add at the handicap spot but the building does not require us to pave the parking area in the back because it's not large enough. It's only five spaces so, the plans were to leave that as a gravel parking area. I did meet with Mr. Rotundo and Mr. Kennedy from the Orange County Department of Public Works but have not filed drawings with them. We had a Preliminary meeting and talked about it but I was kind of waiting until we came before you before actually filing. Site lights that we selected are down lights. I have the catalog cut with me and they have a full visor around them so it shields them. An area location map I have revised to reflect the tax map for the Town and the setback distance I have also incorporated here for the handicap access ramp which we're going to need to deal with the accessibility for the first floor.

G. Lake: Mr. McGoey, don't they need to go to the Zoning Board of Appeals?

D. McGoey: Yes. Can you get that ramp in, within the side yard setback?

A. Warren: Yes, it is.

D. McGoey: You don't need a variance for that?

A. Warren: No. I think the only thing that you had an issue with was the pavement distance to the lot line, right.

T. Hamilton: You said no landscaping because you show landscaping on page 2?

A. Warren: No. We have landscaping on here but I didn't put trees on and Mr. McGoey mentioned that you might want to see some trees in the front yard but I'm not resisting doing that but it was a concern that we might be cutting down on site distance.

R. Warren: We've already got trees there and they've gotten pretty big and you can tell they restrict your vision when you're coming in and out.

A. Warren: They're coming down.

R. Warren: Those are big trees and they're actually within the right-of-way anyway so, they have to come down.

G. Lake: I will go through the Board.

A. Dulgarian: I have no other issues. I would like to see more landscaping.

G. Lake: As long as it's done safely.

A. Warren: We were trying to keep it as low shrubs.

G. Lake: If you take out, you may be able to squeeze a tree in. I think it's worth looking at.

A. Warren: Okay. We don't have a problem with that.

H. Ross: Nothing further.

R. Carr: No issues.

W. Capozella: No issues.

T. Hamilton: Nothing further.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

10. **MIDDLETOWN MEDICAL** - SITE PLAN REVISION - 111 Maltese Drive (53-4-10.1, 10.2 & 54-1-6)

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

A. Fusco: My name is Al Fusco representing Middletown Medical.

G. Lake: Go ahead.

A. Fusco: We're here, Mr. Chairman, for a re-approval of a Site Plan. We had gotten an approval for a sixty nine square foot addition previously. The addition was built. The addition included storage space and medical offices. The doctors have requested that we come here this evening to request that some of the storage space be converted into medical office space. That would require some additional parking. So, what we have done is we have requested a Site Plan Modification. We have given you an as-built of the existing parking situation. I know that the evening is dragging on so I will make it pretty short and sweet. We have a shortage of eight parking spaces, actually it would be thirteen because we had received a variance the last time we came before you a couple years ago. We went to the Zoning Board of Appeals and got a variance for five. That leaves us . . .

G. Lake: Hold up. Let's back up a minute. If you did not have a variance, how many parking spaces would you be short?

A. Fusco: We would be short thirteen spaces.

G. Lake: Without a variance?

A. Fusco: Without a variance.

A. Dulgarian: Without the new variance?

A. Fusco: No. Without the old variance. So, we would be short now of eight.

G. Lake: Plus the five already.

A. Fusco: Yes. What we had done is we had removed the loading area because we would not use the loading area and we were able to recover six parking spaces by removing the loading area.

G. Lake: How can you remove the loading area?

T. Hamilton: Why are you here?

A. Fusco: That's what we're asking. We're asking to go to the Zoning Board of Appeals and asking for a variance of two parking spaces and the loading dock area.

G. Lake: For an operation as big as this they always have UPS in there.

T. Hamilton: And, they're always parking out in front in the driveway.

G. Lake: That's another issue. You know what I'm saying. To tell us they don't use that trucking area except in the middle of the parking lot so nobody can use it.

A. Fusco: What we're actually asking for and what we've asked for is a requesting a variance for two spaces short if we utilize the loading area to make up for the other six spaces. The loading area was in the back of the building. It was really never used as a loading area. The deliveries that they get is usually, like you said, UPS smaller vehicles. We do have the circular loading and unloading area there now.

T. Hamilton: Where do they park?

A. Fusco: What they do is they generally make the deliveries right in the circular area right now where you have the loading and unloading.

T. Hamilton: That's the patient loading and unloading.

A. Fusco: That's correct. And, they're usually the smaller vehicles. The loading area is right where it says six spaces in back of the building. That's where the loading area was where we are able to get six spaces. The other option is to ask for a variance for eight parking spaces.

G. Lake: How many offices are they adding?

A. Fusco: What we're adding is we're adding an additional thirteen hundred square feet of office space from storage to medical offices. One of the things that we've done is we've handed to you a parking survey that we had done and we had done for a week straight that indicated that there was a surplus of parking for the week that we had surveyed.

G. Lake: What about the truck area?

A. Fusco: That was without the vehicles. The survey did indicate that we did have a surplus of parking except for handicap parking. In a couple of cases, handicapped parking was used but there was always a surplus of at least sixteen spaces for the week we surveyed. We surveyed it Monday through Friday at various times, morning and afternoon and at the worst case scenario at any point the lowest was sixteen spaces vacant but there were no handicap spaces available. There were always sixteen spaces available for the week that we surveyed.

T. Hamilton: Yes, but the week that you surveyed and even today is that new addition fully occupied and up and running where all the people will be or are going to be there when they're opened?

A. Fusco: That's not the case. You're absolutely correct.

T. Hamilton: So then, that survey doesn't mean anything. We need a survey when it's fully occupied with all your staff and people and patients coming in to tell how many spaces you're going to be shy. To take a survey before it's even occupied obviously we're not going to know how many will be shy.

A. Fusco: I don't disagree with you but the additional spaces required for the addition we had anticipated in was forty spaces and that left us with sixteen.

G. Lake: I will go through the Board.

A. Dulgarian: At first glance, I don't like it. You always have parking that's virtually not even on this site. Then you go and get a variance to get the parking requirements that they don't use. Then you park a vehicle on there that could take two spots and now we're going for more yet.

T. Hamilton: And, doing away with the loading dock.

A. Dulgarian: I disagree. I don't like it. With all due respect to the applicant you're representing it's too ambitious. It's the same old story.

H. Ross: Should be send them to the Zoning Board of Appeals?

G. Lake: Let them go to the Zoning Board of Appeals.

A. Dulgarian: Either way, we can give him a referral or a denial.

G. Lake: They want to go to the Zoning Board of Appeals and you're right. We can deny him to go. That does not mean necessarily when it comes back to us that we have to agree. The Site Plan is ours.

R. Carr: I would agree.

T. Hamilton: They added the whole thing in and it's not even occupied and he's still shy when he took the survey.

A. Fusco: No, we're not shy. We have a surplus.

R. Carr: It's not with the new wing.

G. Lake: Right. That's not occupied.

R. Carr: It's just the thirteen hundred square feet you're talking about.

A. Fusco: Yes.

G. Lake: As Mr. Hamilton stated, you actually stated that the new wing is not fully occupied.

A. Fusco: Let me take that back. The building is occupied with what you have allowed us to occupy. It was not occupied with the additional thirteen hundred feet that we're requesting. I apologize if I mis-told you. It has a Certificate of Occupancy and is occupied with what it was presented to you. Everybody is there. It just is not occupied with the thirteen hundred square feet that we're talking about as additional. There's thirteen hundred square feet of additional space that we are not occupying. Sorry if I mis-lead you.

H. Ross: On the thirteen hundred square feet, how many exam rooms, how many additional patients more than previously?

A. Fusco: It's not going to be any additional patients. It's just going to be four additional exam rooms. You have the occasional waiting areas. It's just going to take it away from the storage area and put it into medical offices. They're not going to have any additional doctors.

W. Capozella: In the thirteen hundred square feet, how many applicants or whatever going to be in there that might give us a better idea.

A. Fusco: It's not projected to have a a lot more patients. It's just projected to make their existing operation move smoothly because they have people sitting on top of people and people backed up now. This would just make things a lot more smoother.

MOTION for a SITE PLAN MODIFICATION made by A. Dulgarian and seconded by T. Hamilton.

A. Dulgarian: Nay

H. Ross: Nay

R. Carr: Nay

T. Hamilton: Nay

W. Capozella: Nay

G. Lake: Nay

MOTION CARRIED. 6 AYES

A. Fusco: Should I be asking for a variance for eight or should I be going in the direction.

G. Lake: What ever is needed.

D. McGoey: Just a word of caution. Check your calculations because my numbers don't match yours.

A. Fusco: Okay.

11. **OMNIPPOINT** - SITE PLAN (Co-locator) - Tarbell Road (3-1-8) #115-05

G. Lake: Your name for the record, please. We're sorry to have kept you waiting so long.

K. Petensky: That's quite all right. Patience is a virtue they say. Good evening, Mr. Chairman and members of the Planning Board. My name is Keith Petensky. I'm here from the law firm of Snyder & Snyder. This application is for the co-location of six small antennas on an existing monopole located on Tarbell Road together with three equipment cabinets in the existing compound. The applicant is seeking Site Plan approval as well as a Special Permit approval from this Board.

G. Lake: Mr. McGoey, did you have anything on this?

D. McGoey: I didn't know it was on the agenda. I do have the previous comments. The only question that's not on my list is the affidavit of ownership was granted under the name of T Mobil and not Omnipoint.

K. Petensky: T Mobil is the trade name. Omnipoint does business as T Mobil. They're one in the same.

D. McGoey: The proxy was given to T Mobil.

J. Bacon: Submit that information.

K. Petensky: We can certainly provide that.

D. McGoey: The roadway and landscaping issues that were never completed by Spectra Site. There's a note on the plan that says that work was to be done by the previous owner. Who's doing it?

K. Petensky: It's my understanding that American Tower now owns the pole itself and that they would be addressing those issues with respect to that.

D. McGoey: Where is the agreement for that because we've been going around about this for about four years and nobody is calling us. Spectra Site hasn't called us back. American Tower hasn't.

K. Petensky: We actually have a representative here tonight from American Tower that's prepared to address that.

M. Murphy: My name is Michael Murphy representing American Tower and American Tower did post a bond and when we were under Spectra Site we were trying to seek some relief from some of the original build plans in regards to some of the trees that were supposed to be planted and subsequent. At this point we don't want to delay the Board any longer. It's been bid out by local contractors. Purchase orders were cut. We're just waiting right now for the ground to thaw. We're going to be paving. You're going to get your thirty red maples, eight foot. You're also going to get your six foot white pine around the perimeter. We're not longer challenging any of the items that were on the original build plan. Anything that the Town wanted from the original build plan that we were not issued a Certificate of Occupancy has been approved. The money has been appropriated. We posted a bond, of which I confirmed with MaryLynn and found it in place. We're just waiting for the ground to thaw and we want to do everything we could to help facilitate T Mobil getting their approval for a building permit. As far as our work we're just waiting for the asphalt plants to re-open and get everything taken care of and we hope to have it done by the 15th.

D. McGoey: March 15th?

M. Murphy: April 15th as soon as the ground thaws.

D. McGoey: Some of the details on the plans don't match with Eustance & Horowitz review comments. There's no thickness on the pavement. The gravel depth wasn't indicated.

M. Murphy: Those are things that he found. What ever the original build plans are in place with the plan we're going to be. I've walked the site with a representative of Eustance & Horowitz and we're well aware of those. We did intend to seek relief but we're no longer doing that. As I said, the purchase orders are in place and as soon as the ground thaws we will commence work.

D. McGoey: And the structural calculations that the tower could handle with the additional antennas. We have a pretty vague letter from Tectonics but it really wasn't technical in nature.

K. Petensky: That's a standard letter that's used for all co-locations. What it says essentially is that it complies with all of the structural requirements under the applicable laws and that Omnipoint will in no way compromise the structure. That should be sufficient however, if there's something in addition to that you would like to see we can certainly provide that.

A. Dulgarian: There's a lot of stuff hanging off of that pole. Is this the fifth one?

K. Petensky: That's correct. There are already four carriers on there.

A. Dulgarian: And this is the last user?

K. Petensky: I don't know that it's necessarily true. I'm here representing here Omnipoint with their application and their antennas. I can't speak on anybody additional and they would be subject to structural requirements and the structural limitations of the pole.

A. Dulgarian: I know that was the intent of us instead of having five towers it seems to work pretty good now with the co-location.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for SITE PLAN (Co-locator) subject to all comments made by H. Ross and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES