

TOWN OF WALLKILL PLANNING BOARD

MEETING

FEBRUARY 16, 2011

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

MEMBERS ABSENT: H. Ross

OTHERS PRESENT: J. Bacon, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - **TOWVAC** - SITE PLAN/SPECIAL USE PERMIT
85 Excelsior Avenue (75-11-27) #01-11

Applicant failed to publish or submit plans in time. CANCELLED.

G. Lake: There was a misunderstanding by the applicant and it is necessary for us to re-schedule their Public Hearing.

MOTION to re-schedule the Public Hearing for March 16, 2011 made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

2. **ROSSI** (Commercial Building) - SITE PLAN/SPECIAL USE PERMIT - Schutt Road & East Main Street (50-2-6.2) #52-10

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

J. Samuelson: My name is Mr. Samuelson representing the applicant.

D. McGoey: The applicant submitted a site plan that shows 10,000 square feet of retail space on the 1st floor and 15,000 square feet of office space on the 2nd floor and also the lower level below the retail space with access to the rear of the building. This application will require lot consolidation of the five lots. We recommended that the engineer consider pushing the parking lot and building back somewhat from Schutt Road and East Main Street to provide a better landscape buffer. The Planning Board may wish to consider sidewalks along both Schutt Road and East Main Street. The applicant's engineer should meet with Orange County Department of Public Works at the earliest possible date to discuss any restrictions they may have on the access drives from Schutt Road and East Main Street. The location of the access drive off of Schutt Road appears to be very close to the intersection. The applicant should discuss with them the potential need for widening of the right-of-way on East Main Street frontage, the right-of-way encroaches very close to the edge of the road. We requested that the buildings on the adjoining lots including their driveways, be shown as well as the driveways to the uses across East Main Street. The dumpster location should be shown. Handicap parking needs to be provided at the rear of the building. The zoning district boundary does not appear to be consistent with the Town Zoning District Map and therefore, should be corrected. We recommended consideration of a small amount of square footage for medical and dental office to avoid the need at some future date for coming back to the Planning Board for a small medical office. This will require the addition to the parking calculations and a notation of the square footage allocated for medical and dental. A meeting with the Fire Department should be accomplished to review access for firefighting vehicles access to the building and the location of the fire zones and sprinkler connections. The next submission should include landscape plans, lighting plans, soil erosion controls, site improvement details, all of which should be submitted after sketch concurrence by the Planning Board. This matter has been scheduled for sketch discussion for February 2, 2011 Planning Board agenda. We recommend that as many changes to the plan that can be made including the consideration of a better buffer from East Main Street and proper location of the zoning district boundaries with this plans being submitted 15 days prior to the meeting.

J. Lippert: The proposed project is at conceptual sketch plan stage. As such, no comments at this time. Comments should be anticipated for future more details submissions.

L. Ingrassia: See comments dated February 2, 2011.

J. Bacon: Orange County Department of Public Works has submitted comments (2/8011) indicating the project design is unacceptable. The applicant should meet their requirements as well as Mr. McGoey's comments and return to a work session. As the preview proceeds, the applicant should prepare erosion and control plans to avoid impacts to the on-site federal wetlands as the project involves a significant amount of cut and fill (20 ft. drop in grade) up-slope from the wetlands.

PLEASE NOTE. UNABLE TO TRANSCRIBE THIS CASE DUE TO AN EQUIPMENT MALFUNCTION.

MOTION for SKETCH PLAN acceptance made by T. Hamilton and seconded by C. Najac.

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

3. **MIDDLETOWN MEDICAL** - SITE PLAN REVISION - Edgewater Drive (53-4-10.2) #46-10

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

A. Fusco: My name is Al Fusco representing the applicant, Middletown Medical.

G. Lake: Go ahead.

A. Fusco: We had received approval for an addition many years ago. At that time there was a portion of a three-story building and the first floor we left open. That area now has cars

parked underneath it. We wanted to pull that parking out and close that part of the building for medical offices. It shouldn't present too much of a problem. As noted, this site has had an issue in relationship to parking. They currently have a variance from the Zoning Board of Appeals that we had to utilize at that time for the addition that was previously installed. Towards that end the owners have a lease with Denny's for eleven spaces which we have identified on the map. Those spaces allowed us to just barely make it underneath the requirements with the previous variance that we received. Basically we're closing in that additional one thousand one hundred square feet of space and towards that end we have represented to the additional requirements. Towards that end with our variances, we need two hundred twenty five spaces and we weren't able to do that. In relationship to the overall plan we received comments from the Planning Board Engineer which I believe we can address and continue to work towards that end. I can go over them Mr. Chairman if you wish.

G. Lake: My first question, you said they entered into a twenty year lease with Denny's?

A. Fusco: They've proposed a twenty year lease. They currently have a month to month lease and they're trying to get a twenty year lease.

G. Lake: I was under the impression that a lease of this type had to be a fifty year lease.

A. Fusco: I was with that understanding also.

G. Lake: Mr. McGoey, is that what you're looking up now?

D. McGoey: Yes.

G. Lake: We can come back to that. The variance for parking that you have at this point were for how many?

A. Fusco: We had five and then we had to change it a little bit and we went back and had four spaces.

G. Lake: The variance?

A. Fusco: Yes. It's listed on the plan, excuse me let me make a correction. It's for five spaces. We received it for four and we were able to come up with that additional space so we went back and we got the additional space. We have a variance for five.

G. Lake: Even with the lease from Denny's are you able to meet that variance?

A. Fusco: No. They have been trying to purchase that property and to date have been unsuccessful.

G. Lake: Mr. McGoey, did you find it?

D. McGoey: Paragraph C-4. It is supposed to be a fifty year lease.

G. Lake: Are they going to be able to receive that?

A. Fusco: I will bring it back to the owners. I have not had any conversations with Denny's but I don't believe they've been willing to entertain on that. I will bring it back to them and see.

G. Lake: Our problem now becomes according to the code you need a fifty year lease. I think that becomes a Zoning Board matter and you would have to go before the Zoning Board of Appeals to seek relief from that part of the zoning.

A. Fusco: If in fact you believe that getting a fifty year lease is probably very difficult to achieve. If you could direct us to the Zoning Board of Appeals and we will continue with work sessions to work out the other items from the Planning Board Engineer and I would go to the Zoning Board of Appeals if I am not able to obtain a fifty year lease.

G. Lake: Item #3.

A. Fusco: What I will do is and to be honest with you when we had first done this (not clear). One of the things that the Planning Board Engineer indicated to me is either we would identify them or eliminate them. My recommendation to them is to eliminate the reserved parking.

G. Lake: Going back when we did the parking in the front of the street and at that time the employees were to be across the street.

A. Fusco: I don't disagree with you. One of the things that has happened is they don't necessarily park according to the approved site plan. So, we're going to re-stripe that part of the plan in accordance with the previous site plan with this proposed new site plan. Apparently they tried to do some diagonal parking which was outside of the site plan.

G. Lake: Which space?

A. Fusco: On the westerly side of the building.

G. Lake: Will you be able to square that away?

A. Fusco: Yes. That is in this area where the transformers are. We will straighten that out. The next item is I need to make the plan a little clearer or a blowup of that area.

G. Lake: What about the handicap parking?

A. Fusco: With the handicap parking I have a little bit of a concern. We put in two handicap parking spaces for the area in the middle. If we could possibly be allowed to put in four additional handicap spaces that were stand alone handicap spaces, not for wheelchair access then because every two spaces I put in I lose a space and at this point its critical.

T. Hamilton: That's why we are trying to have those spaces because of the wheelchairs, etc. Have you ever tried to get out of a wheelchair between two parked cars? It doesn't work. You should try it sometime.

A. Fusco: I don't disagree with you. I know the hatched area is very worthwhile but many times a handicap space such as that is taken up by a person who is handicapped in another fashion and doesn't have a wheelchair. Whether they are extra and beyond the number required I feel that you have the ability to put in several handicap spaces that would not need a wheelchair.

G. Lake: You don't have the required amount of legal handicap spaces.

A. Fusco: I believe there is.

D. McGoey: I will have to check that.

G. Lake: I only see six or eight spaces for a building of this size. I don't know. I really think the big issue right now even before we can move forward too much is the lease.

A. Fusco: I understand.

G. Lake: We don't have the power to do anything on that and release you from that part of the ordinance. I guess you have a couple of choices. Talk to your client and have them try to talk to their neighbors or go before the Zoning Board of Appeals. Let me go through the

Board before we table it for further review.

A. Dulgarian: The parking is a concern. The remote lot across from Edgewater Drive is almost three hundred feet from the entrance to the building. Again, we may be over three hundred feet. We're talking about a medical building here. Its not like it's a gym or something. The nature of the clientele is for medical needs and we have parking that is three hundred feet away to meet parking requirements.

G. Lake: Remember, that was supposed to be an employee parking lot.

A. Dulgarian: I thought it was for the second building. I think all the parking should be on that property and now this existing two-story office building to the south westerly side of the building, what is that?

A. Fusco: That's medically related as well. That's all part of the same.

A. Dulgarian: So, is there clientele coming to that building as well?

A. Fusco: Yes.

A. Dulgarian: And, you show two handicapped spots for that building?

A. Fusco: Yes.

A. Dulgarian: Mr. Lake, to me it seems to be in need of something here and I don't know what it is. There is not enough parking and the layout is terrible. There are parking spots that are used for paper purposes to make the number but they will probably never be used because of the access and there are parking spaces in the loading area.

A. Fusco: We got an extension for the loading area.

A. Dulgarian: But, you're still showing the parking spots there.

A. Fusco: Like I said, I need a variance.

A. Dulgarian: Mr. Lake, I don't know what the answer is but it doesn't seem to accommodate the clientele that they will have. I mean the clientele of these two buildings have to walk across the lots and driveways. I know it is pre-existing and I know it has been added on several times and that is how we kind of got into this situation but it does need some kind of

work.

R. Carr: First of all, you wouldn't design it this way from scratch. Most of the times parking isn't too much of a concern but in this particular place it has never been in compliance. However, the building is there. I don't have a solution to this.

W. Capozella: I also have a concern with the parking situation. I don't think there is much that can be done.

C. Najac: I don't have anything else to add except there is a concern with the parking for this facility. People are already parking at Denny's and walking that road. You're not gaining anything because they are already using that area.

T. Hamilton: I had a ticket put on my window that I was parked in that lot. Six months down the road you may be back for more offices, come on. Maybe what other people do, they try and find another area where it would work better. You're making it harder on yourself. You will never have enough parking. The little house across the street?

A. Fusco: They just purchased the second one down from there. They're trying to get the one next to it also.

T. Hamilton: Why not put it in those buildings and have their own parking lot over there?

A. Fusco: They are moving something out of this building into that one now and in fact I will be coming back to you shortly with the acupuncture building down the street would like to go there also.

G. Lake: The only other question I have how are the people going to get from Denny's to the main building?

A. Fusco: We will put in a walkway.

G. Lake: It is a safety concern.

A. Fusco: We will take care of that.

G. Lake: You would like to appear before the Zoning Board of Appeals?

A. Fusco: Yes, I would like to.

MOTION to TABLE for further review and to also send applicant to the Zoning Board of Appeals for relief made by W. Capozella and seconded by C. Najac.

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

4. **RANDALL PLAINS** - SUBDIVISION, SITE PLAN/SPECIAL USE PERMIT (Sketch) - Schutt Road & East Main Street (73-1-5.1, 22,12, 26.1, 22, 21, 5.2 & 35.31) #44-10

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

J. O'Rourke: My name is John O'Rourke with Lanc & Tully Engineering representing the applicant.

G. Lake: Go ahead.

J. O'Rourke: This is the first presentation that the Board has formally seen. I can give you a quick overview of the project and maybe go through Mr. McGoey's comments. The project is one hundred fifty three acres. We have a proposed road running from Schutt Road to the project site into East Main Street. We're showing right now one hundred eight residential lots ranging in size from approximately 1.6 acres down to the smallest one being nineteen thousand with multiple lots ranging in size from twenty seven acres . The minimum lot size in that area for having water and sewer is .4 acres. Most of the lots are double in size from what the zoning allows. We also have a nine acre lot for a hotel site. We're proposing one

hundred twenty to one hundred forty rooms at this point. We also have a 3.7 acre site for the airport and we have a 2.6 commercial site which is actually two existing tax parcels on East Main Street. The remainder of 42.7 acres off of Schutt Road currently zoned residential. It is currently considered federal wetlands. We have to contact the Department of Environmental Conservation and provide a one hundred foot buffer around that. The project has three major zoning areas in it. The majority of the parcel is in R, single family. We show a layout of the single family. We're here for your support and we are very early in the stages. Do you want me to go through Mr. McGoey's comments?

G. Lake: You can do that briefly.

J. O'Rourke: The first comment we certainly agree with. It's a mix of Hotel/Conference Center and single family homes and several zoning districts. The application should be made to the Town Board for an extension to the sewer district. We agree. We are in the entire water district. We have had informal discussions with the Town Supervisor extending the sewer district. Again, we agree. We are in the water district. The sketch plan should be superimposed on a topographic survey for further determination of build-ability. I actually brought that with me tonight. Again, we have done the entire project at this point. The Highway Superintendent should review the proposal for two cul-de-sacs for acceptability. We've spoken with him and I believe at this point he really has no comments. Comment #6 relates to the hotel and conference center for the size and lot area. We will put that on the bulk table. Comment #7, we've been going back and forth and one of the reasons we are here tonight is the recreation layout. We're open to suggestions. We have tot lots throughout this. We've been back and forth with the Town Supervisor and at work sessions. Again, what are you really looking for here for recreation. Again, its very early in the stages.

G. Lake: What was the Supervisor's comments?

J. O'Rourke: He actually would not give us this or that. He suggested we go back to the Planning Board. He said he wanted to have some recreation. My first impression was that he didn't want a large soccer field or one large field.

G. Lake: That's one of the comments that I brought up in the work session guys, not only because of the size of this but people think of a park. For the number of units in this whole area and I know you got this (not clear) and its just something that I through out there basically. We also have the big project across the street. I believe there is a need for it out there. I will talk to Mr. Ward to see if we can get a better handle on it.

J. O'Rourke: Again, we're open to any suggestions. We do have three tot lots on the site and they are about one acre in size. It would be low maintenance for the Town. His next comment is lining up East Main Street to the signal at Quick Chek. That was one of the County comments earlier on. At this stage of the game, we would love to. We have not done any full surveys in that area so I don't know when we can.

A. Dulgarian: Line up to what?

J. O'Rourke: Driving by and looking at it I don't think so because it looks like the Quick Chek might for whatever reason lines up with the parking lot of the office building that kind of drops down. I don't know if we can line up.

A. Dulgarian: Well, you can see where the barn and silo is.

J. O'Rourke: We're going to have to look at this along with the traffic. The next comment, again we did receive comments from Orange County Department of Public Works. They're basically looking for more information at that intersection. We can certainly give that to them. Comment #10 on fencing with no doubt be required between the residential uses and the airport. As part of the scoping obviously we're going to have some security issues. We will have an entire layout of how we're going to have airport security in those areas. Comment #11. Many of the lots appear to be affected by Federal Wetlands. Again most of the lots are sized to minimize the impact to the existing wetlands. We have one small crossing of the road and will be less than a tenth of an acre. We don't really see any disturbance to the wetlands at this time. Comment #12. The land area located within Parcel 76 is questionable. I apologize, I should have clarified that. Lot 76 there is a (not clear) they are meant to be two separate lots. The liability of the commercial site fronting on East Main Street should be verified. We have no problem doing a site plan for that area. The last comment is that the applicant should submit a scoping document. We certainly agree. The Water and Sewer Superintendent had requested a meeting. I spoke recently with him and again, he wanted a layout of what we're looking for. We have also received comments from your Conservation Commission which address the new stormwater management regulations. I believe they had previously sent some information on rain gardens. We have plenty of room to work with.

G. Lake: Let me go through the Board to see what they might have..

A. Dulgarian: My first comment is WOW. I mean I like it. It's just a lot in it and we have an opportunity here with a blank piece of paper to make it beneficial to the people that are there

for the developer but also for the Town as well. I think it is pretty exciting actually that people are going to be able to have hangers that they can taxi to their house. It is the next phase of society of people living on a golf course. I think this is really cool. I think it will be bringing a different group of people to the Town as well. Having said all that, obviously it's a blank sheet of paper that we're working on. There are a lot of opportunities I think for us to look at this long and hard for alternatives for types of development and conservation perhaps in the other lots. There are the thirty lots with the taxi area. In the southerly most portion of the property up by Airport Road, what is that?

J. O'Rourke: That was a previously approved expansion for the airport.

A. Dulgarian: Okay. So, it is approved and not existing.

J. O'Rourke: That's correct.

A. Dulgarian: I know that the power lines were going to cut through Schutt there and go through the Meadows, you have another little thing there. Is that another utility or something?

J. O'Rourke: That's a sewer easement.

A. Dulgarian: That is where the sewer easement is?

J. O'Rourke: Yes. It comes across our property and then cut and cross over to the Meadows and then it comes across at our property down by the R-1 zone and the HC zone boundary over by East Main Street.

A. Dulgarian: Mr. Lake, in the nutshell I think it is an exciting project. I think it will be great for the community but again we have a real opportunity here for them and for the people who live there to have something really nice and exciting.

R. Carr: I agree with Mr. Dulgarian. As far as recreation I agree with you.

W. Capozella: I would have a concern on the amount of wetlands. I'm also concerned about the site distance. This is an airport and you're going to be doing a substantial amount of homes and development. I know we will need buffer zones in place.

J. O'Rourke: The FAA is also involved with this project and they will be one of the

reviewing agencies.

W. Capozella: Now that you're going to be doing something like this obviously I'm assuming there is traffic around this area. That's something that we would have to have.

J. O'Rourke: Again, the hotel will be probably driven by the airport. We're hoping that people will be coming into the airport and staying at the hotel and just to clarify it's not in the runway path.

W. Capozella: Again, I would be wanting buffer zones.

J. O'Rourke: We've been looking at this for quite a while. Yes, we can provide you with all of the documentation and the FAA will also be reviewing it.

C. Najac: The configuration of the lots (not clear).

J. O'Rourke: If I may just to let you know the zoning is eighteen thousand square feet. Most of our lots are more than double that.

G. Lake: I think between now and the next time they come back we will take a section. Right now we're looking at a map of one hundred and some acres and these lines are pretty close. But maybe if it was sectioned out it may not look so tight. I can understand when we're looking at it you're seeing this scale right here. So, if you can maybe section that out and maybe show that there will be ample room.

C. Najac: The number of the proposed homes is going to have an impact with the traffic. People will be flying in. We're adding more traffic to the area.

J. O'Rourke: You're hoping that at least about twenty people fly in for the weekend.

C. Najac: There is nothing big on that end of Town.

G. Lake: That was my first thought is there is a baseball field at Belmont which is not close to get to and then like Sarah Lane who doesn't have a baseball field. You look at the number of units around there and it seems like it might be time. That would be a Town Board function also. I will check on it.

T. Hamilton: What happens when the children get too big for the tot lots. We know we have a problem now. The other thing, Mr. Lake, the one parcel for Canterbury Knolls. When they came in we had a parcel on the opposite side of Schutt Road. We haven't been able to find

out what happened to that parcel. The other thing, is there a problem lining up with East Main Street?

J. O'Rourke: We don't own the property at the intersection. It doesn't appear. We haven't done the survey but the new traffic light for Quick Chek is, that's across a parcel that we don't own. It's not like we can line up straight across. I think it's going to be more like an intersection just further down the road where Golf Links Road.

T. Hamilton: Which parcel are you talking about that you don't own?

J. O'Rourke: Showed Mr. Hamilton on the map.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

G. Lake: The only real comment I might have as we start going through and I'm assuming it will be phased. I doubt you will build the whole thing. We should see that right up front so its not a surprise later on for anybody.

J. O'Rourke: We will have everything in the scoping document.

G. Lake: Anything else, guys?

A. Dulgarian: Mechanicstown Fire District and the Middletown School District.

G. Lake: Do you want to subject it to sketch?

D. McGoey: I don't think its ready yet.

G. Lake: Let's get back to another work session

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

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

5. **GLADSTONE DEVELOPMENT** - SITE PLAN/SPECIAL USE PERMIT - 469
Route 211 East (50-2-31) #37-10

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

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

G. Lake: Go ahead.

A. Fusco: We have had work sessions since the last meeting and I've believed we've made headway in relationship to the items. We have our current list from the Planning Board Engineer in that regard and we're moving forward with it. I believe I can address those items if you so wish.

G. Lake: How did you make out with Mr. Ingrassia?

A. Fusco: I spoke to Mr. Ingrassia on a conference call. He has reviewed the plans previously. I sent him a new set of plans as well. He has us to memorialize our conference call with a letter which I did and I sent it to you. Basically one of his concerns is with the hydrant relocation. He doesn't have a problem with it. He said that it was moved back. There was a valve as I stated. That was set back a little bit further during the last two widening of the road by the Department of Transportation. Towards that regard he understood that the hydrant may be in the way of the new proposed sidewalk that had been requested.. What he wanted to do was to (not clear). We left it on there and relocated it and it will be up to him whether we move it six inches or a foot back a bit and whatever the case is he is okay with it. He wants to have a judgment in the field while we're doing it. We also put a note on there because obviously nothing would be done without a New York State Department of Transportation work permit. I did talk to him about the grease trap and the

clean outs and he seemed fine with that. I will put that in a letter to your office. The New York State Department of Transportation, I did talk to Kim Hankins and I had a lengthy conversation with her. She did not meet on site because she didn't have a written authorization from Poughkeepsie. I gave her the most current set of plans. Basically her only comment was on the plans un-officially was the signage that we had that said entrance and exit, one way and this and that, she didn't want any of that in the right-of-way. She didn't have a problem with us putting it on our property. We're simplifying things and we're allowed two one-way signs, the one way in and the one way out. Those are the only signage she wanted in the State right-of-way. The other signs we will put behind the right-of-way line.

G. Lake: So, basically if I looked at your letter correctly, you agreed to all the items that Mr. Ingrassia has asked of you?

A. Fusco: That's correct.

G. Lake: Including the grease trap and the moving of the hydrant and the way he wants it hooked up?

A. Fusco: That's correct.

G. Lake: And you agree with the New York State Department of Transportation about their right-of-way and the signage?

A. Fusco: That is correct. They also may want a wider curb.

G. Lake: When you provide us with that information to the Department of Transportation then once we get that on the map then I will sign it. The retaining wall?

A. Fusco: Yes. We did change that. There was a typographical error where they called the top of the wall and the bottom of the wall the same. We did make that change. It is on the revised plans.

G. Lake: Mr. McGoey, are you satisfied or do you still need to see that?

D. McGoey: I will have to see it before you sign the maps.

G. Lake: The cast iron clean-out, you're going to take care of that?

A. Fusco: Yes.

G. Lake: Are you going to give us the light candle power down?

A. Fusco: Yes. We will show that.

G. Lake: I will go through the Board.

A. Dulgarian: It still hasn't been proven to me that this parcel with the three uses and the restrictions on the parking because of the size of the lot. I still don't like this. I don't like people having to back out into the entranceway. It just doesn't fit for the amount of uses that you have. Not much has changed.

R. Carr: I have to agree. I'm not comfortable with the three uses on that property.

W. Capozella: I don't have anything additional.

C. Najac: Nothing additional.

T. Hamilton: Did you add a couple of handicap spaces?

A. Fusco: Yes we did. We believe that it will work sufficiently.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

A. Dulgarian: Do you want to call this to a vote or,

G. Lake: Do you want me to go forward and call this vote or do you just want to take a second look at the number of uses? It will be either or. I understand that the building is existing and you're trying to get the most out of it.

A. Fusco: I appreciate all of the comments and you've pretty much said that it's an existing building and we're trying to get back on a useful road. It's very difficult. There are not a lot of buildings on Route 211. We're trying to get this put back together. We tried to accommodate all of your requests whereas we're still trying to get the building viable. We're sitting there with nine thousand square feet. Nobody really wants nine hundred square feet. It's been very difficult. One of the things that I have to say is in relationship to the parking

yes, we are asking for a waiver but we had thirty eight spaces. We now have sixty. We have twelve additional spaces.

T. Hamilton: Yes, but the use changed.

A. Fusco: It really didn't change all that much in comparison.

T. Hamilton: You're going into a place that had two cash registers. You didn't have the volume going in and out of that parking lot at Party City from what you're going to have now. That's what we're kind of worrying about.

A. Fusco: I understand that. One of the things I think is the restaurant portion of it will be a heavy noon time type of situation. It's a burger joint and it's going to be heavy during the noon time and again possibly five o'clock after hours. Again, if they can't part there they will go to the McDonald's instead. I think we made every accommodation towards the backing out.

G. Lake: Let me ask you a question, the medical office. Is that a done deal?

A. Fusco: It's not a signed lease at this point.

G. Lake: You heard us earlier on a medical facility that for every five minutes you have three patients for the same time. That's a common factor. That could be one of our fears so I'm just suggesting maybe is that you look at maybe the uses and it might not be so hard to . . . I will call the vote, don't get me wrong. That is strictly up to you.

A. Fusco: I understand.

G. Lake: Reading in between and I'm not trying to sway anybody one way or the other.

T. Hamilton: One more thing, Mr. Fusco. In the very back of that lot could there be more parking?

A. Fusco: One of the things that we did is we did the back without a high retaining wall.

R. Gladstone: My name is Richard Gladstone. With respect to the uses we divided it into three thinking let's try to get the approval for the three not knowing whether we're going to have one tenant there which is maybe our preference if we can find the right person or

whether we're going to have three. With respect to the therapist office that we currently plan is not a high intense use of a medical office. They maybe have three or four customers in any point of an hour. We are very cognitive of the situation that yes, there are limited parking spots. There are limited parking spots in the front and there are only so many tenants that are even going to be interested in the shopping center in general just because there only are so many parking spots in the front. It is going to be a center which attracts people that are not going to have the need for twenty spots because it won't work and I agree with you. You can't create a shopping center here where you're going to have another restaurant on the side. It just would not work. We are very positive that there is limited parking. You have to find tenants that are able to live with limited parking and tenants are all positive of the issue also.

A. Dulgarian: I can pretty much assure you that everybody on this Board would love to see this building occupied as well. When you sit up here we have a responsibility for the patrons who are going to be on this site that it is safe and you're not going to have any issues. It has to fit and conform. Right now with the parking layout, with the narrowness on the side and the three proposed uses for me, it just doesn't fit. Are there other things that could be done there? Absolutely. How did you make out with the shared parking next door? Were you able to get any of that on either side? I know the one side there are some elevation problems.

R. Gladstone: I think they generally are but once again it depends on the fifty year lease thing and everything else.

A. Dulgarian: We can't approve you based on your patrons parking on someone else's lot.

R. Gladstone: I appreciate that. We're basically caught between a rock and a hard place.

G. Lake: Mr. Fusco, once again do you want me to call the vote?

A. Fusco: Yes please.

MOTION for a NEGATIVE DECLARATION made by W. Capozella and seconded by T. Hamilton.

A. Dulgarian: Nay

R. Carr: Nay

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Nay

G. Lake: Aye

MOTION DENIED. 3 AYES, 3 NAYS

6. **CLEMMERS CORNERS** - SITE PLAN REVISION - 541 Route 17M 938-4-5)
#26-10

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

D. Yanosh: My name is Dan Yanosh representing the applicant.

G. Lake: Go ahead.

D. Yanosh: We were here and got approval for the Site Plan in September and I was back and forth with the client, the applicant and owner about the two trailers that are parking on the back of his property right now. They are both licensed trailers that have wheels on them. The owner has some stuff stored in them right now. I thought he was going to move them off of the property. He doesn't really want to move them out. We had an issue with the final Certificate of Occupancy. He has a temporary one right now. I added three more parking spaces in the front and put two in front of the dumpster and one on the side. I now come up with sixteen spaces altogether. We arranged it a little differently. There were some comments on the Site Plan before that the gates were going to be removed. He is going to chain them open. Now, this is a revised Site Plan showing a different parking layout.

D. McGoey: And the approval for the two trailers on the site.

G. Lake: They're licensed?

D. Yanosh: Yes. I gave you copies. They do have wheels on them.

G. Lake: I will go through the Board.

A. Dulgarian: I have no issues.

R. Carr: I have nothing.

W. Capozella: Nothing.

C. Najac: Nothing.

T. Hamilton: Nothing.

G. Lake: I don't have any problems either.

MOTION for SITE PLAN MODIFICATION made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

7. **SILVER LAKE DELI** - SITE PLAN REVISION (Discussion on extension) - 599 Silver Lake Scotchtown Road (24-1-36.21) #42-04

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

D. Yanosh: My name is Dan Yanosh representing the applicant.

G. Lake: The last time they were here you were not here and a few questions came up. One, we sent them to the Zoning Board of Appeals back when they wanted the addition. I think that was 2005 or 2007, for the pizza?

D. Yanosh: No, for the addition.

G. Lake: What?

D. Yanosh: The Zoning Board of Appeals was for the addition on the other side of the building. They only had a maximum size of fifteen hundred square feet and with the building here you can see they are now at thirty four hundred square feet.

G. Lake: And, you received that variance?

D. Yanosh: Yes. There is an oven in there with a counter. They got building permits for that and everything was okay by the Building Inspector. There are issues again as to whether or not they can have a pizzeria there along with the deli. I guess the Building Department's situation was the pizzeria and deli was the same difference so they were okay with the use. The biggest issue was parking and eating and drinking on the site. What we've done with this plan here we've taken away the tables out of the building. The zoning says that there is no eating or drinking on site. We're going to abide by that rule. That comes off. It's going to be a deli, a food store really with a storage area for the return bottles and the storage shed outside. My parking calculations have changed to reflect that situation since there is no more eating and drinking. We reduced the amount of spaces on the site from twenty two or twenty three and we're now down to nineteen spaces. We have a landscape plan back in 2008 for the site and the curb in the front with landscaping on the side. Mr. McGoey wants me to do more landscaping along the back along Freezer Road. One of these days when the economy gets better we're going to put that addition on. The other issue that is still outstanding is with Mr. Ingrassia and whether we need a grease trap. We've been back and forth They wanted see Mr. Ingrassia today. They haven't done it yet. The grease trap is inside.

G. Lake: Mr. Ingrassia and I thought I grabbed it before I came out took his time at the last meeting sending an extensive report to us indicating that he wanted the grease trap installed and he even provided us pictures, etc. being done. So, I think at this point since the Commissioner of Water and Sewer has requested that, this Board historically has never superceded or varied from his comments. So, the grease trap really isn't up for discussion. I think if they're going to move forward we're going to have to abide by what Mr. Ingrassia wants. That has not been a secret. That has been since day one I think when it was first discussed about the pizzeria going in there. That is something that will have to be done.

D. Yanosh: If he requires it, we will install it.

G. Lake: Okay. You never were sent . . .

D. Yanosh: He wanted to at one time. There was an out building, a separate little building

that had a flower shop. One time he wanted a liquor store in there and the Zoning Board of Appeals turned it down because it wasn't supposedly a neighborhood grocery store.

J. Bacon: What year was that, back in 2004?

D. Yanosh: It could have been. And then they wanted to take that little spot and make it into a pizzeria also. Again, he received building permits for the pizzeria, exhaust fans and everything else in the building with the exception of the grease trap.

G. Lake: Our discussion now is how to make it right. But, you're now saying we never sent you for the pizzeria?

D. Yanosh: I don't remember. It was so long ago.

G. Lake: We have no records that we sent you.

T. Hamilton: 2004 to go to the Zoning Board of Appeals for the pizzeria. January 10, 2005 variances were denied for the pizzeria.

D. Yanosh: For a separate pizzeria establishment.

G. Lake: You're saying you were going to put the pizzeria in the addition and now it is inside.

D. Yanosh: As a separate entity itself.

J. Bacon: Mr. Yanosh, you want to get that addition approved again, right?

D. Yanosh: The addition is just for storage of materials and bottle returns.

J. Bacon: We have to send you because you got approval from the Zoning Board of Appeals and did get in started within six months to a year, right?

D. Yanosh: I believe we still have our extensions.

J. Bacon: I think it expires and you have only a year for that. After a year if it wasn't built, the variance would expire.

G. Lake: I don't know how many times the Zoning Board of Appeals would give him extensions.

A. Dulgarian: Mr. Bacon, how many extensions can they give?

J. Bacon: They only have one year.

G. Lake: Mr. Yanosh, I think, so we can get it cleaned up once at for all our records indicate we're talking 2004/2007. No matter what, that is a year. I don't think the Zoning Board of Appeals unless you can prove otherwise can continue to give extensions. I believe you lose it after a year. Mr. Bacon also is of that same opinion. I think you're going to have to go back to the Zoning Board of Appeals .

J. Bacon: Like I said, the code pretty much, six months for the first extension and an additional six months for the second extension.

T. Hamilton: But, he never had the variance approved for the pizzeria?

D. Yanosh: It was a separate entity. It had a separate entrance.

T. Hamilton: Was it approved or denied?

D. Yanosh: It was denied. It was a separate entity.

G. Lake: My records indicate that the pizzeria was denied. We're going to send you back to the Zoning Board of Appeals. You lost that approval anyway. I would say, get ...they got building permits. That's what makes this hard.

A. Dulgarian: Mr. Bacon, is it possible while they're there to get an interpretation on what they meant by the pizzeria use as a separate entity?

J. Bacon: Mr. Yanosh is saying that he was denied the pizzeria use in the building addition but the Building Department allowed them to put it in the existing building as part of the deli.

A. Dulgarian: Would it behoove him to have an interpretation while he's there of what they're ruling was as a separate business so that it is cleared up? Right now, we're kind of divided as to what they were talking about.

J. Bacon: He can have that clarified.

G. Lake: We're going to send you back to the Zoning Board of Appeals. Re-establish the variance for the addition. At the same time maybe just get an interpretation from them on the pizzeria. Basically the goal is to get this cleaned up for everybody.

MOTION to send applicant to the ZONING BOARD of APPEALS for the re-establishment of the addition made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

8. **FAIRWAYS** - SITE PLAN/SPECIAL USE PERMIT REVISION - Golf Links Road
(73-1-31.2) #120-02

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

Representative for Applicant: The reason we're here tonight is basically a clarification for our project. As the Board is aware it was approved in 2003/2004 and there were subsequent amendments. The original intent of the project in the original approval was to have multiple condominium associations, two of which there are now. The clarification is that when we went through the process with the Board it was under a Site Plan application process and the Board had approved the overall site plan application. We have two separate maps that we're dealing with, each for their own purposes. The front portion of the site is condominium #1 and the back portion is condominium #2. In order to declare a condominium plan effective you need to seal fifteen percent before you can actually build the first unit. It behooves us from the state of the market and the economy (not clear). Each condominium unit governs itself within the boundaries of that condominium. If there is any issue where a condominium unit could be not in agreement or defunct or whatever else it may be, the HOA would govern

over that situation. That was basically the concern of the Planning Board along with any other issues they may have had elsewhere in the past.

G. Lake: As I explained before the meeting I had Mr. Bacon look at this. I don't have anything else to say about it. I will go through the Board in case they have more questions.

A. Dulgarian: I understand what you need to do to get to where you need to be and it doesn't affect any building structures.

R. Carr: I have nothing to add.

W. Capozella: Nothing.

C. Najac: Nothing.

T. Hamilton: No issues.

G. Lake: Are we doing a site plan amendment?

D. McGoey: Yes. It's an additional sheet to the Site Plan.

MOTION for SITE PLAN MODIFICATION made by T. Hamilton and seconded by C. Najac.

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

9. **P.O.P T REALTY LLC.** - SITE PLAN/SPECIAL USE PERMIT (Manufacturing

Use) - 104 O'Haire Road (46-1-76.2) #06-11

G. Lake: We need to schedule a Public Hearing on this application. Kind of explain to the Board how you got here already. Your name for the record, please. After, I will go through the Board to see if they have any questions to ask you for we schedule you for a Public Hearing.

Representative for Applicant: Very difficult to understand

R. Carr: What is the process again?

Representative for Applicant: Unable to understand. Bagels. We ship everything.

R. Carr: What about any odors if I were outside?

Representative for Applicant: It would be very light

W. Capozella: Nothing now.

C. Najac: Nothing now.

T. Hamilton: There is a tight community in the vicinity.

G. Lake: There is an active group out there.

MOTION to schedule a PUBLIC HEARING for March 16, 2011 made by W. Capozella and seconded by R. Carr.

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

TOWN OF WALLKILL PLANNING BOARD

FEBRUARY 16, 2011

MOTION CARRIED. 6 AYES