

TOWN OF WALLKILL PLANNING BOARD

MEETING

FEBRUARY 21, 2007

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

MEMBERS ABSENT: None

OTHERS PRESENT: J. Bacon, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - **QUICK CHEK** - SITE PLAN/SPECIAL USE PERMIT & LOT LINE CHANGE - 751-761 Route 211 East (41-1-78.12) #17-06

G. Lake: Public Hearing started at 7:35 P.M. M. Hunt read the Public Hearing notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 99 Tower Drive, Building A, Middletown, New York in said Town on the 21st day of February, 2007 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Quick Chek Corporation, 3 Old Highway 28, P.O. Box 600, Whitehouse Station, New Jersey 08889 for Site Plan and Special Use Permit approval for a Quick Chek food store, gasoline filling station and car wash for the property located at 751-761 Route 211 East, near Stoneridge Road, under Section 249-38, 249-39 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: Do we have their mailings?

H. Geneslaw: I do.

G. Lake: Name for the record, please.

H. Geneslaw: My name is Howard Geneslaw from the law firm of Giberstein representing Quick Chek Corporation. Mr. Chairman and the Board, we made some substantial revisions to the plan since the last meeting. We would like to have a brief opportunity to just explain just what those are so that everyone is on the same page in terms of what's currently proposed. If you may recall when we were last here, it was November 15, 2006 and we came

in with a proposal at that point in time that involved a minor subdivision.

G. Lake: Do you have anything you can put up so everyone can see it and in case anyone would like to look at it? Thank you.

H. Geneslaw: We had come in with a proposal involving a minor subdivision to create two lots. One for the bank and one for the fuel sales. We were also seeking a Special Use Permit for the gas sales and finally receiving Site Plan approval. The response to the Board's comments and concerns at the last meeting we made some substantial revisions to the plan. I would like to walk the Board through those and in doing so, I would like to take a step back for a moment. You may recall that about two years ago this property was before the Board and the Board actually approved a different development that involved a restaurant and a bank. So, that's basically the starting point in terms of what could be built on the property pursuant to the Final Approval. Our Site Engineer, Jeff Martell, can tell you what that plan was all about.

J. Martell: Yes, very briefly the previous application was for a lot line adjustment. We were orienting a lot line separating the two existing parcels. The development proposal for a ten thousand square foot restaurant on the east side of the property and a twenty five hundred square foot bank on the left side of the property. They had a right in, right out driveway in the center of the site and full moving traffic on the west side with a retaining wall along the rear seventeen feet in height.

H. Geneslaw: So, that's what was previously approved. Now, when we came in the plans that we had the last time showed the (not clear) in the front of the building and we showed the bank on the left. The proposal that we presented at the last Planning Board was also for a lot line adjustment to re-arrange the lot line between essentially separate developments with a connected drive with the proposed Quick Chek on the eastern lot and food store and gas pumps between the store and the right-of-way to the bank on the western side of three thousand one hundred fifty square feet with two drive-through's. There were no real concerns. The concern about the level of service "F" at the main driveway located between Quick Chek and the food store. There were concerns about the proximity between the gas pumps and the entrance area and the potential that it what it could cause in the entrance driveway operation. That's essentially the main driveway in close proximity to the pumps. There was a comment about sidewalks along Route 211 East frontage. There was a couple of comments related to the intensity of the site, not too specific but the fact that it appeared to be over-developed. There were some questions on the building architecture for specific information and details on color, tone, shades, etc. The Board questioned elevations to see the proposed development from the adjacent residential areas at the rear as well as on Route

211. We were requested to having our lighting down to twenty five foot candles. Previously they were fifty and came down to thirty at the last meeting.

J. Martell: In view of the number of comments that were made, what we've done is we have eliminated the bank entirely so there is no more bank proposed. Therefore, there is no need to subdivide the property into two separate lots. What we've done is we've re-oriented the Quick Chek building and in doing so we also re-oriented the gas pumps which was one of the concerns expressed the last time. We've also added a car wash at the far western area of the site.

H. Geneslaw: Briefly, it's the same property. The regulations state food store has now become what we feel is an essential feature of the site and taking the pumps and putting them off to the side.

J. Martell: The food service center has a dual entrance now one to the rear facing the parking area to the retail building and one to the west facing the pumps. The pumps are being relocated to the side of the Quick Chek. We've proposing the same number of fuel positions however we reduced the canopy specifically it went from six thousand six hundred and sixty two square feet to five thousand six hundred and sixty four square feet so that's been reduced in size. We have associated parking around the store with the essential driveway basically in the center of the site that we think this is for. We have provided the plans to the Department of Transportation for their comments. Ingress to the site we previously have and in addition we have a right turn ingress into the site as well as a shoulder along the frontage. The storage tanks have been relocated to the west of the new location of the pumps. We removed the car wash (bank) and subdivision as Mr. Geneslaw said. We've moved the tanks and have added a car wash over on the western side of the site and that is the same footage totaling one thousand one hundred fifty eight square feet. We're still in compliance with parking. We have put the eating and drinking criteria back into the parking calculations and improved the interior parking areas. Other improvements to the site in general, we have pulled the landscaping back off the curb for additional snow storage. We've also left some back landscaping. We have a trash encloser at the northeast corner of the site. We do propose one (not clear) on the western portion of the site and a full moving driveway in the center of the property. As far as the concerns that were expressed the last time, we feel we've addressed them. We've eliminated the level service "F" driveway. I won't go into much detail because we have our Traffic Engineer with us tonight and can explain that far better than I could. We have re-oriented the pumps. We essentially separated them from the driveway as much as possible. There was concern about the stacking to the and pumps on the old plan about fifty or sixty feet apart from the driveway. We've actually taken the canopy and located it essentially in separate areas than the driveways keeping it as far away for the potential of

conflicts. We have added sidewalks along the Route 211 frontage pending your approval. However, our application has been amended to include those sidewalks. We have submitted a snow removal or snow storage report with our application. The snow storage plan was updated to take into more consideration with the landscaping buffer. We did reduce the level of service by reducing the bank. We've also reduced the impervious coverage from approximately seven percent. We have reduced it by not having the bank. Finally, architecturally we have provided or we will show you some elevations that we provided today. The lighting was reduced under twenty five foot candles. The buffer in the back did increase slightly with the reorientation of the building. We had previously obtained a variance from the Zoning Board from the loading zone to the residential district, fifty one feet on the original plan and now increased to ninety nine and a half feet. We have tiered the proposed retaining wall, the first comment by Mrs. Behan. That tiered section essentially goes from the shade trees located immediately north of the western entrance of the store until it hits the car wash. The visible portion of the wall has been tiered with landscaping in the middle to break up the height of the wall area behind the retaining wall which we do not feel would be greatly visible to the store blocking it.

G. Lake: Let me go to the Public before you continue because you're getting a little ahead. Is there anyone from the Public who wishes to comment on this application?

L. Bryson: I have a question.

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

L. Bryson: My name is Laura Bryson. I own a store next door. I was wondering if you have any idea how many gas stations would be allowed in that section between Ballard Road and Goshen Turnpike?

G. Lake: As of right now, I don't believe we have any other applications for a gas station or anything like this but that doesn't mean tomorrow one might not come in. We have no way of knowing. It is an allowable use in this area. Anybody else?

J. Panetto: My name is Mr. Panetto. I own the property next door. I just wanted to get an idea. So basically, it's going to be a gas station, car wash and a convenience store?

J. Martell: That's correct.

J. Panetto: What's the buffer between the property line and the tree line that appears?

J. Martell: Which property line?

J. Panetto: On the north and west side?

J. Martell: The least part is forty feet and at the most it's up to one hundred ten feet.

J. Panetto: It's going to have two separate entrances?

J. Martell: One main driveway, full movement and one right in, right out driveway on the west side.

J. Panetto: No other plans are proposed on the property like later on to add anything else?

G. Lake: If that happened, they would have to come back here. You will be notified again.

J. Panetto: They had indicated there was going to be a bank pad or . . .

G. Lake: No. There is what's here right now. The convenience store, gas pumps and car wash.

J. Panetto: Kind of like a quick one?

J. Martell: Not an elaborate one.

J. Panetto: Pay at the pump?

J. Martell: You can pay with a credit card actually.

J. Panetto: There are no environmental issues like, the water is contained?

G. Lake: We will be looking into that. This is a new change they've made and our engineer will look at that but chances are everything like that has to be bio-degrade-able and environmental friendly. Our engineers will look into that.

L. Bryson: I was wondering if there was any consideration if there were to be a big sign that was placed. We don't have a big sign because it's an older strip mall but if their sign was blocking us that would be disappointing.

D. McGoey: Signs are issued by the Building Department. It would have to be set back

fifteen feet from the right-of-way of the State Highway.

L. Bryson: Okay.

G. Lake: Anybody else?

MOTION to close this PUBLIC HEARING at 7:55 P.M. made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

G. Lake: You've already done a lot of Mr. McGoey's comments. Do you have the latest ones?

H. Geneslaw: We have Mr. McGoey's report dated February 13, 2007 and we can certainly go through those.. Item #1 is the original plan. Item #2. That is really a legal question having to do with the variance that was approved for the canopy by the Zoning Board of Appeals in light of the change in the location of the canopy.

G. Lake: Did you go to the Zoning Board of Appeals for a variance on the first one?

H. Geneslaw: We previously went to the Zoning Board of Appeals and previously we had the canopy in the front yard. The setback of the canopy has actually been increased. It was previously what, thirty five feet of what's required. The prior plan shows it at twenty six feet. The current plan shows it at twenty seven. So, there is actually less of a deviation than

what was previously proposed. As a result, our belief it does not require any further (not clear) than what was previously granted. Item #3 has to do with the level of service at the entrance drive. I would like to ask our Traffic Engineer Paul Goings to address that comment.

P. Goings: As Mr. Martell just previously mentioned the level of service “F” for the left turn egress from Quick Chek. By removing the bank, that changes the PM and Saturday during the peak hours by up to two percent. There is not much change in the AM. That changes the level of service. The improvements being indicated is a forty percent reduction and a fifty percent reduction on a Saturday. Just a change of one letter grade it’s a forty to fifty percent decrease.

H. Geneslaw: Item #4 has to do with the left turn into the secondary entrance and to replace the mountable curbs. Can that be done?

J. Martell: Yes. We have had an opportunity since the work session and have angled that as much as possible. We, ourselves, are agreeable to the full height curbs.

D. McGoey: This whole problem we have on Chili’s and it’s going to continue. I don’t know, maybe the entrance should be eliminated all together. Our Traffic Consultant has recommended that Maybe that’s something we should look at..

G. Lake: To eliminate it?

D. McGoey: Yes. That was one of the comments.

G. Lake: We will come back to that after.

H. Geneslaw: That’s something we want to address more fully.

P. Goings: One of the advantages to the secondary driveway is that essentially traffic entering at the easterly driveway going to the site for the store, etc. and then exiting at the western end of the site. It kind of separates the flows.

R. Carr: Can you achieve that without having the entrance at that driveway for cars traveling west?

P. Goings: That depends on the way you look at it. Based on the previous application the last time with the bank we had gone forward with the access plan that the Department of Transportation had approved. That's one of the primary reasons why we went forward with that. The westerly entrance also allows cars that are passing the site that made a late minute decision rather than trying to really slowing down quickly at the first driveway they can get into the second entrance.

G. Lake: I think the difference of it though with your new application and the one that was before us when we were talking the bank and the restaurant. The restaurant probably would have a peak hour after rush hour. Now we're talking peak hours when people will be hitting the facility the most. So, I can understand the problem with and we have it throughout the Town in a couple of spots. I think we're going to have to work on that. I think that's the biggest difference from the restaurant and bank from what you're talking and you're going to be very busy during peak hours at the bulk of the traffic.

J. Martell: Item #5. Department of Public Works and Fire Department comments should be received and addressed. The Fire Department we have submitted it several times and we were told by Mr. Jeff Jaques that you would have a report by this hearing. I'm not sure if that is the case or not.

G. Lake: No, it's not.

J. Martell: Item #6. A final review by Behan Associates should be obtained. We have touched on that through the documents. We can go through this very quickly.

G. Lake: No, let's not right now. It's quite substantial.

J. Martell: Okay. Just for the record, we're agreeable to do everything with the exception of the height of the retaining wall related comments.

G. Lake: Yes. Unfortunately, I was not able to get in here myself today so I haven't reviewed it. That's why I'm not trying to cut you off on this but to be fair I really haven't had a chance to look at this. That's the only reason I really just haven't had time to look at that.

J. Martell: Okay. We are agreeable to all the additional landscaping proposed. Item #7. A new entrance configuration requires a series of turns to access the pump locations. The applicant should verify that this maneuver can be easily made without creating a Q-length at

the front entry. Essentially the people entering have to make a quick left to get into the pumps and then cut back to exit. The driveway has been an issue throughout this with the level of service and location. The Department of Transportation was comfortable with what's before this Board. It's somewhat connected to and it's desired to have the second driveway as well to get as many cars out of that area as possible. I think it's an improvement for the operation of that driveway. Item #8. The Planning Board Chairman had expressed a concern that inadequate buffer has been provided between the site and the residential uses to the rear. This should be reviewed. If that was your concern Mr. Chairman we will agree to enhance that and there were also comments in Mrs. Behan's letter. Item #9. We should discuss whether the lighting levels can be reduced further from that which are shown on the plan equaling in some locations twenty three foot candles. We were instructed by this Board not to exceed twenty five foot candles at the last meeting and we did use that. Mr. McGoey stated we do have the lights at a maximum of twenty three foot candles. The five gas stations in the Town, two on Crystal Run Road, one on Route 211, the lowest of those five were seventeen foot candles at the Mobil on Route 211. All the other stations are well above that. We do agree to have a flat lens fixture.

D. McGoey: Which Mobil did you look at?

J. Martell: We looked at the Mobil on Crystal Run Road and the Mobil on Route 211.

D. McGoey: On the Run?

J. Martell: Yes. That had the twenty three foot candles. We will bring up one more exhibit. These are the architectural elevations that were requested. We just want to show what we're trying to do with this application. We are proud of it, I don't mind saying that. Our first appearance before the Board there were comments about the rectangular nature of this building. It will have a shingled roof and the car wash will match the other structures. We attempted to make the building and not the gas tanks the main focus of this site. By removing the canopy from the front of the store gives a different focal point by reducing it to the side. We just wanted to share this with you as well.

G. Lake: Let me go through the Board.

A. Dulgarian: Well, I do feel that the applicant has made some significant changes. I do like the moving of the pumps. I think that the interior movement will be a lot better now. The gas pumps, the driveway is better. Stacking is going to be better. I like that there are sidewalks. My first question is going to be where and how does the fuel truck go and where does he store the product?

J. Martell: As far as the location there is a loading zone in the rear of the building, fifteen feet wide and one hundred feet long. And, the location of the fuel deliveries is right on top of the tank. As far as circulation . . .

A. Dulgarian: Now, there's parking there isn't there where the tanks are?

J. Martell: Yes. The fueling positions will be located outside of the stalls.

A. Dulgarian: Where is that truck going to park when he does that?

J. Martell: He will park right in front of that stall.

A. Dulgarian: Won't it interfere with the flow coming out of the gas pumps where you're taking away parking spots?

J. Martell: The cars that typically park there would not be able to exit while the truck is there, that is correct. It is not uncommon in other gas stations.

A. Dulgarian: They will obviously not be able to exit nor from the pumps will they be able to move.

J. Martell: There's still going to be in excess of twenty five feet. There's thirty five feet there right now. Twenty five feet would be from the pump island to the truck.

A. Dulgarian: There are going to be a lot of situations where that filling truck is perpendicular to the pumps and cars coming out from the pumps.

J. Martell: They still will have twenty five feet when they pull out from the closest pump and still make a left or right out.

A. Dulgarian: That's my first question. Mr. Lake, I do not like the right turn in on the westerly side. I'm still not comfortable with the "E" level of service. On Mrs. Behan's comments, although I agree that there is a tremendous amount of parking and I would like to see that reduced, she says that we can waive the required number of parking spaces and allow for shared parking which we can't do but it would be kind of nice. I would have no problem with them seeking a variance to reduce the parking a little. That's a lot. That's up to the applicant. On Mr. Sells, his closing paragraph is the additional work should be presented to the Planning Board before the project's traffic impact is determined. I really haven't had enough time to go through his traffic report. Other than that, I think it's a big improvement

over what we looked at but I still don't like the level of service "E".

G. Lake: How many spaces?

A. Dulgarian: Yes, I know but . . .

G. Lake: I'm just saying, that's part of it.

J. Martell: A total of thirteen seats and one stationary. (not clear). Three tables with one chair, etc.

G. Lake: Let me go through the Board, please.

H. Ross: I agree with everything that Mr. Dulgarian had said. I did have a question about the level of service and also probably an exit only on the western end. Forty percent in the reduction?

P. Goings: That is correct.

H. Ross: Is there a raw number associated with that over the number of minutes, etc?

P. Goings: The average number of seconds. That forty percent reduction is about eighty seconds to forty five seconds.

H. Ross: The question of how many gas stations we're going to have on Route 211. I don't know how many vehicles we can have entering Route 211 without creating a hazard no matter how we design it.

P. Goings: It has been designed with a segregated left turn lane. We did review that.

H. Ross: What's the length of the left turn lane?

P. Goings: The left turn lane is approximately one hundred and twenty feet and the right turn lane is about one hundred feet.

H. Ross: The left turn lane is going to reduce the vehicles stacking?

P. Goings: I would think so.

R. Carr: I would say I would just like to compliment them since the last time. I do appreciate

all the things they have done to make it look a lot better. I do like it a lot better without the bank. I appreciate the fact that the gas pumps have been moved from the front. How many parking spots are there right now?

J. Martell: A total of sixty nine required (not clear).

R. Carr: If you didn't have any zoning, how many would you need?

J. Martell: Fifty.

R. Carr: Mr. Lake, I would also echo Mr. Dulgarian's comments that in one sense I think there's a ton of parking on this site. It's an overkill of parking. What are the hours of operation for the gas station?

J. Martell: It would be twenty four hours, seven days a week. A question to the Board is it possible we're allowed to bank so we should that we can comply and possibly eliminate sixteen stalls in the back. It was one of Mrs. Behan's comments to see if we could bank those spots and should there be a need. We've already been to the Zoning Board and would like to defer without seeking a variance. I concur that we are over parking but we're trying to meet the ordinance. We had done our parking calculations without it but were instructed to include it. We are trying to react to the comments.

R. Carr: The reasoning for that Mr. Bacon, was that something that we decided we needed those parking spots?

G. Lake: What happened was, I think we asked them to do the exact same formula that we've asked anybody else that comes in for eating and drinking. According to the ordinance, that's

what is required and they would have to go back to the Zoning Board of Appeals to eliminate some of the parking.

H. Geneslaw: To provide some background, you mentioned an interpretation and a variance. There actually was an interpretation at the Zoning Board of Appeals when we went for the variances. In their mind, the eating and the delicatessen and the bakery are all part of the retail use and didn't require a separate parking. When we appeared before the Board the last time we accepted that, in fact, the eating and drinking should be counted. Even though we have the interpretation that would allow us fifty spaces . . .

R. Carr: From our Zoning Board of Appeals?

H. Geneslaw: From the Town of Wallkill Zoning Board of Appeals, correct. We then put the computation back to get us to sixty nine which is the way it is today.

G. Lake: Let me ask you. When you were at the Zoning Board of Appeals, did you not fill out the application to get a variance on the parking, did you?

H. Geneslaw: We did not seek a parking variance.

G. Lake: You did not really ask them on your application for an interpretation of our zoning law?

H. Geneslaw: Well, we were asked to do was to do have them interpret the code to determine whether this was (not clear) or would require a Special Use Permit. That was a question that had come up previously. And, we also ask them to interpret whether parking was required for each individual establishment standards or whether parking was for retail. Similar to what you might see at a Stop & Shop or Shop Rite.

G. Lake: That's what I'm asking you. You did not make application to that affect. You asked for an opinion . You didn't ask them on your application from this Board to do that interpretation.

H. Geneslaw: There was a formal referral was this Board on that issue, that is correct.

G. Lake: It was a request from you where you have documentation.

H. Geneslaw: We did formally ask them for an interpretation. You're entirely correct. It was not something that originated . . .

R. Carr: Did they give you something in writing?

H. Geneslaw: Yes. We have a written letter to that effect.

G. Lake: We could ask them to review that.

R. Carr: And, the last thing. Again, it's something that has already been brought up. The level of service "E" is still troublesome at that intersection. I don't like the second entrance for westerly traffic for people who miss the first one. But, it just seems to be one of the

problems with that driveway is that you have the biggest delay of people coming out and getting back in. Why have the bulk of the people coming in that are heading east to begin with to make a left hand turn into the people that are waiting forty five seconds to get out and make a left. Bring the people coming in heading east into a different driveway then people that are heading out.

P. Goings: You have the ingress left turn at one driveway and an ingress left turn at the other drive.

R. Carr: It seems to be a big conflict . You have people turning left in and people turning left out. I think it causes people to cut into the other traffic.

P. Goings: My concern then is to view the left turn would have a hashed pattern that kind of shadows the left turn (not clear).

R. Carr: Wouldn't you have the left hand in at the further driveway and the left hand out at the . . .

P. Goings: In order to provide the left turn in we have to widen the highway as well as to develop a right turn lane.

R. Carr: I'm just asking that you look at that. There are still concerns on this project.

W. Capozella: I just have concerns about the secondary driveway. With the curbing, I don't really like that type of curbing. I think it's a safety issue people coming in the wintertime and taking that sharp of a turn. I've never seen where that really benefits. I understand about the volume of traffic. In one respect having a right in there because maybe you just want to go to the gas station or the car wash and you can avoid that other traffic that's already going to the store. From that access, I kind of like that. I'm not really exciting about that curbing there. I don't know if there's something else we can have or do we really need it.

D. McGoey: It has a tendency to prevent an illegal left turn in and out of there.

P. Goings: That is to prevent the left turn.

W. Capozella: My other concern is the filling truck trying to get out. You show that they will make that turn but he will have to be perfect every time getting in and out of there.

J. Martell: We feel that when that truck will be coming out . . .

W. Capozella: It is just that when he takes that right he really has to turn around there and into that twenty five feet.

P. Goings: You have to understand the turning radii (not clear). It also will happen during off-peak hours when the site isn't busy. We are comfortable with it.

W. Capozella: I'm not driving the truck but I still have a concern. I have nothing else.

C. Najac: My concern is with the truck leaving and making that turn. That truck is not only crossing the double yellow line but he's beyond the left hand turn.

J. Martell: We will try and improve that.

C. Najac: The level of service is still not great but if you can do something about the truck.

J. Martell: The level of service "E" would occur during the peak hours, a couple of hours in the evening, two hours on a Saturday. It would have a fifty second delay for people just making a left turn out. The left turn at this location or any part of this section of Route 211 are generally permitted at driveways are intended to have the same period of delay.

T. Hamilton: The only thing that I want to point out here is that we've asked on other service stations, gas pumps and so forth to actually show the flow in and out of the pump area. I don't find it here. I know we've asked every other applicant to show that flow of traffic in and out of the pumps.

P. Goings: Similar to what is shown (not clear).

T. Hamilton: And, Mr. Najac picked up on the tanker truck pulling out going over into the other left bound lane. Mr. McGoey, I didn't notice in the architect in Mrs. Behan's report the type of landscaping in the snow storage area. I didn't see any mention about what plants or shrubs she wanted in the snow storage area at all.

D. McGoey: The traffic study shows that they had species in the area where the snow storage areas are. She did not make mention of what type of species.

T. Hamilton: Mr. McGoey, the other thing that I was looking at on the side line of Route 211 where they're showing a large snow storage area.

D. McGoey: Okay.

T. Hamilton: Is there any problem there with them dumping all that snow over that area that has the electrical manholes or the pump station or what ever else if that ground is frozen and that snow over that area?

D. McGoey: I will take a look at it.

G. Lake: We can find out from the Water Superintendent.

J. Martell: That hash area is a wetland feature that is just on the site plan.

T. Hamilton: If you look at the snow storage legend, it looks almost exactly the same.

J. Martell: I do agree but it's not intended to be in the snow storage area.

T. Hamilton: The other item on the architectural rendering, I know I've asked and the Board has agreed with me a few times that not to have this glass on the lower section. If you go around and look at any of these other similar establishments they pile up six packs of beer, soda and what ever in those windows. We don't want to see that.

H. Geneslaw: It did come up at the last meeting also. We feel it is not a Quick Chek policy to put things like soda and other products there. Quick Chek wants to maintain that glass for security purposes.

T. Hamilton: You can see from the street.

H. Geneslaw: It's important from Quick Check's prospective so people on the outside can see the entire store. More importantly it's for security but also as part of the store policy.

G. Lake: Anything else, Mr. Hamilton? Mr. Bacon, the variance they got on the canopy, that was in front, does that carry over?

J. Bacon: It's my understanding that they've reduced the amount of the variance that they were required but the approval from the Zoning Board of Appeals states (not clear).

T. Hamilton: On that, can we have that variance according to this change to read what they have?

J. Bacon: You may not be able to do that without having them go back for an entirely new

variance. I don't know if they would automatically do that. I mean, we can put a note on the plans that say that.

H. Geneslaw: I would comment also that the decision from the Zoning Board of Appeals didn't specify a particular number of feet. The application was we had an accessory structure in the front and such structures are only permitted in the side and rear yard. So, the Zoning Board of Appeals granted approval but the application or rather I should say neither the application nor the approval specified a particular number of feet.

A. Dulgarian: Do you have a copy of the approval?

H. Geneslaw: I have a copy of the decision sheet with me. The Zoning Board of Appeals also adopted a more detailed resolution along with a Negative Declaration. I will look in my file and see if I can get that as well.

J. Bacon: Did you provide that to us?

H. Geneslaw: I'm pretty sure I handed that up before but if not I will definitely provide it to you with an additional copy.

G. Lake: Mr. McGoey, another question. In case Route 211 gets widened in the future, is there enough room there?

D. McGoey: There is some room. A little bit of the parking lot might be involved. It's not too serious. If anything, they might lose a couple of parking spaces.

G. Lake: Okay. I agree. You've done a good job giving us a lot of things the Board wanted but I think there's still a few things that need to be looked at. I think the westerly entrance I think you've heard from the Board, we really don't want the in and out there. So, I think that's something that we're asking you to look at again. Obviously the fuel trailer getting around and you've heard all the other comments. The biggest thing is if you want to reduce your parking. I don't believe and our lawyer and correct me if I'm wrong but I don't believe we can technically bank parking the way you want to do it, eliminate sixteen (16) and if you need who will enforce it and put it back in. So, I don't think we're really allowed to do that. We have to go by our zoning. Your relief would be to the Zoning Board of Appeals if you so decided if you eliminated that and I think this Board looked at that as being a good thing. I know we were going to try and act tonight but I think a lot of things came up again. I think the Board is happy with the direction but I think we really should go back to another work session and try to clean it up and maybe readdress a couple of the things that came up and we

will put you back on as soon as possible. I know it's been maybe a little bit longer than you thought it was going to be but there are a lot of new things and we just want to get them right.

So, I'm going to ask you to waive the sixty two day time frame. Your Public Hearing is closed.

H. Geneslaw: Um, Mr. Chairman, we certainly can appreciate your concern on any items, we certainly want to do that as well. If possible, if we could perhaps we can get another date lined up before and then try to get the work session in between now and then so at least we would have a date.

G. Lake: We can get you on. I don't have the work session schedule here in front of me. You can call in tomorrow we will make sure you get on as fast as possible and we will get you back on an agenda as fast as possible.

H. Geneslaw: Can we have another agenda at this point and then we will work out the work session date separately?

G. Lake: I think we can get you back on by April 18, 2007.

H. Geneslaw: The 18th of April.

G. Lake: Let me go through the Board one more time to see if they have anything else.

A. Dulgarian: I would like our traffic people look at it.

H. Ross: I concur on that.

R. Carr: I agree.

T. Hamilton: And, to make sure the flow of the trucks coming in and out.

G. Lake: Yes, I have to agree.

D. McGoey: What was your first comment, for our traffic consultant.

G. Lake: For them to take a look at it.

D. McGoey: Okay.

H. Geneslaw: Mr. Chairman, previously I believe Mr. McGoey referred that to the

Department of Public Works just for clarification.

G. Lake: No. It's a State road so you need permits from the State.

H. Geneslaw: And, the other thing is that we have been diligently been following up with the Fire District and with multiple efforts we've received nothing. It would be appreciated if that comment can be waived.

G. Lake: We know you've contacted them and if they have no comments then they have no concerns. That's how we view that.

H. Geneslaw: Thank you.

T. Hamilton: One thing. You didn't apply to the State for these driveway cuts? They're last statement is that they haven't been contacted.

P. Goings: We submitted a set of plans to the Department of Transportation. We got comments back from them regarding the right turn lane at the easterly driveway. We got comments about the curb at the westerly driveway and another comment about the circulation. All of these are addressed on the plans.

T. Hamilton: So, we haven't seen the approval. Now, there may be a few more things.

D. McGoey: Yes. They will probably have to get back to them.

P. Goings: We will have our final application for the work permit, yes.

G. Lake: Do you waive the sixty two day time frame?

H. Geneslaw: We would waive the sixty two days up through April 18th which sounds like the date that we're scheduled for the work session and not later than that date.

G. Lake: Well, we just put you on for a work session and then we will get you on one.

H. Geneslaw: Okay.

G. Lake: Your Public Hearing is closed, that's all.

A. Dulgarian: Did he waive?

G. Lake: He just said yes.

H. Geneslaw: Waived to April 18th.

A. Dulgarian: Does that constitute a yes or a no?

G. Lake: I have to . . . Listen, are you going to waive the sixty two day time? I just have to look for a yes or a no. You're already on for April 18th.

H. Geneslaw: Yes, provided we're on for the 18th of April.

G. Lake: You're on for the 18th of April.

H. Geneslaw: And, it also would be helpful if the Board's Traffic Engineer attended the work session as well in the hope that his concerns can be resolved at the same time. And, Mrs. Behan as well.

G. Lake: The Traffic Consultant I can pretty much say for sure. Mrs. Behan sometimes isn't able but she does make an effort.

H. Geneslaw: Okay. I appreciate it.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

2. **DUSO** - 2 LOT SUBDIVISION (Final) - M & M Road (14-1-116, 104.13) #24-06

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

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

G. Lake: Go ahead.

J. Nosek: This application has been before the Board a number of times. We received Preliminary Approval and went to the Town Engineer for the approval of the septic system. We have since obtained that approval and made application back to the Planning Board for Final Approval. Very quickly I will go over Mr. McGoey's comments. Item #1. We haven't received any comments from the Conservation Board, none that I'm aware of so as far as I know they have no concerns at this point. Item #2. This is regarding putting some permanent wetland markers where the existing wetlands are. We have no objections to doing that. I don't know if the Town has a standard marker or monument that they want us to use but we would have no objections to doing that. Item #3. This is about the requirements for removing the existing frame dwelling which encroaches on the lot line as shown on the map and the recommendation that it be removed prior to the signing of the maps. We have no objection to that. Item #4. This is the need to address Highway Department comments. Again, I don't have any and the comments that generally have been asked regarding details and so forth, the grading, etc. those standard requirements we would have no objection to.

G. Lake: I will go through the Board.

A. Dulgarian: I have nothing.

H. Ross: I have nothing.

R. Carr: I have nothing.

W. Capozella: Nothing.

C. Najac: Nothing.

T. Hamilton: Nothing, other than Mr. McGoey and Highway.

J. Nosek: I have the comments. They're just standard notes and some provisions. We have no objections to any of them.

MOTION for TWO LOT SUBDIVISION (Final) approval subject to all comments from Mr. McGoey and this Board made by R. Carr and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

3. **COUNTRYSIDE MEADOWS** - 14 LOT SUBDIVISION - EXTENSION TO PRELIMINARY - Shawangunk Road (3-1-23.2) #26-04

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

L. Torro: My name is Lawrence Torro with J. L. Consultants.

G. Lake: You need an extension?

L. Torro: Yes, and also at the same time a big item that was open on this was Health Department Approval. We received that and their were changes from the Health Department based on the site inspection. The same maps that Preliminary was granted on. It was an

open item that Mr. McGoey had. Preliminary was granted on July 6, 2006. At the same time that Preliminary is extended you also consider Conditional Final.

G. Lake: Mr. McGoey?

D. McGoey: I don't have any objections. The Preliminary has run out.

L. Torro: It was supposed to be in January but MaryLynn had indicated the letter was in prior to that date. Mr. Torro was given a copy of the Highway comments.

D. McGoey: How are we making out with the drainage district?

L. Torro: Documents have been forwarded to the Town Board. We submitted additions back in November. We haven't gotten anything back from them.

D. McGoey: Highway comments in regard to the document and I haven't received anything back.

G. Lake: Mr. McGoey, you're waiting on something?

D. McGoey: On the drainage district formation.

G. Lake: From the Town Board?

D. McGoey: Yes. Documents were submitted to the Town Board.

G. Lake: Why don't we give you an extension to straighten this up and then when it is taken care of we will get you back on just so we're not caught short on the storm management.

L. Torro: It's the formation of the district were we're trying to finalize the comments where it seems we're not getting back until April or May on the agenda. It's technical and legal issues.

G. Lake: Well, my Engineer just said he hasn't received some of the information he needs. I'm sorry. I'm not going to ask the Board to act on something unless he feels comfortable.

D. McGoey: That was back in November and I asked.

L. Torro: It is out of my control.

G. Lake: We will give you an extension. As soon as you have everything done, we will get you back on.

MOTION for a SIX MONTH EXTENSION to PRELIMINARY APPROVAL for a FOURTEEN (14) LOT SUBDIVISION made by T. Hamilton and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

4. **SAM'S CLUB** - SITE PLAN/SPECIAL USE PERMIT - North Galleria Drive (78-2-5.12) #18-05

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

L. Snyder: My name is Leslie Snyder with the law firm of Snyder & Snyder. I'm here tonight on behalf of Sam's Club. I'm here with a proposal for a gasoline filling station at the Sam's Club on North Galleria Drive. As you know, Sam's Club has been before this Board for nearly two years. And, I'm pleased to say that after much review and the incorporation of the improvements that the Board has requested and the consultants Mr. McGoey has indicated that the issues have been addressed and the matter is before you for approval. So, I'm here to answer any questions you may have. We've gone through all the issues.

G. Lake: Thank you. Let me go through the Board.

A. Dulgarian: I'm still not comfortable with the on site flow of having the gas station in a

shopping center. It never seems to work for us. It makes for a lot of traffic issues, a lot of safety issues. On a very small note, you know, coming before us tonight, I would have put that snow in the designated snow storage area before I came in. I'm on the defense on this one Mr. Lake, to be honest with you. I'm not totally comfortable with it.

L. Snyder: With respect to the on-site flow you probably remember we spent quite a little time with your consultants. We're actually improving the Gander Mountain area. The whole area will have an improved traffic flow. It was looked at very carefully and he acknowledged that it met safety code. The traffic and the whole circulation will be improved.

A. Dulgarian: So, putting a gas station in a shopping center it improves the flow?

L. Snyder: There's a road here because you have to remember this gas station is only for the Sam's Club members. We have now made so many improvements that are between the intersections that we're improving. We're doing improvements in that whole area. There will be improvements for the whole traffic situation, not only for Sam's Club but to the area and that's been proven and established by your own Traffic Consultant who has acknowledged it.

A. Dulgarian: I have nothing else.

H. Ross: I'm very concerned about truck traffic from the gas station. I understand you're making significant improvements at that intersection and it's my understanding also at the end of Galleria Drive.

L. Snyder: That's right.

H. Ross: My feeling is most of the time it would be fine but there's going to be times when the situation will be miserable there. It will be substantially worse.

L. Snyder: Actually (not clear). Mr. Griely himself went and with your Traffic Consultant actually looked at certain intersections and confirmed improvements to the area. This is a wonderful opportunity to the Town to basically create some of the safe improvements to some of the problems.

H. Ross: I appreciate your participation.

L. Snyder: And actually, I know the applicant before us on having a traffic level of "E", we do not have that. If you want, we can really go through it. I know we've done it many times.

G. Lake: You know what. Let me go through the whole Board and then you can make comments. Anything else, Mr. Ross?

H. Ross: No.

R. Carr: I agree with the prior Board members. On the other hand, you are making a lot of improvements to the area. To an extent, putting something that I think will pull more traffic to a highly traffic area (not clear).

L. Snyder: The fact for you to consider is your code allows it but it is only for the Sam's Club members. It is not the same situation like a gas station, a car wash and whatever else the first applicant. This is just for the Sam's Club members.

W. Capozella: I still wrestle with the fact that this is right off-site of the main drag and we will have a gas station that's not compatible to what we have in that area. I understand that it's only for Sam's Club members. There will be some club members that will go to the store and then the gas station. First of all, we're talking about a congested area. Not everybody that goes to Sam's Club will be getting gas. There are some people who are going to drive all the way down to get gas. People do things that always surprises us. For us to say that we need that many pump stations in an area that we feel is congested. The question is what really is the percentage of the people that are going to use it. That's one of my questions. When I look at this traffic study, on the whole traffic, I don't necessarily see where between the Sam's Club and the pumping station whether the traffic flow is really true. It did address all the off-site. I believe Sam's Club went way out of their way to satisfy all the turns coming in and going out of the general area. Again, I'm not satisfied. I don't necessarily see that in writing.

L. Snyder: Your own Traffic Consultant actually had comments of that and he actually did a whole elaborate plan. That's why we made sure that there is going to be adequate flow throughout. You have to remember where the gas station is going it's not in a congested area. It's not in an area where people are parking and utilizing. It's in an area that's unutilized at the Sam's Club. Your consultants found it satisfactory.

G. Lake: Anything else, Mr. Capozella?

W. Capozella: I don't know.

G. Lake: Go ahead if you have anything so we get all the comments.

W. Capozella: Either I missed that but again when I looked at this I don't believe . . .

L. Snyder: We actually had a work session going back some time after May. I don't remember the actual date and we actually spent time and revised the plans. Specifically that's how we got involved with Gander Mountain. Remember that's not even really part of the store but we're actually doing.

W. Capozella: Again, Gander Mountain doesn't necessarily (not clear).

L. Snyder: This is part of the internal circulation. We reviewed the whole thing. If you want, we can go through it all again. We spent a lot of time on that.

C. Najac: I'm still trying to understand why our expert agrees and their expert (not clear) on these improvements but yet I'm concerned about the traffic. I still don't understand. I don't understand why you want to give up all these parking spaces you have that seems to get pretty full during the summer and weekends.

L. Snyder: Not where the gas station is actually located. That part of the parking lot does not get full. It's never utilized. People actually park from the entrance parallel. They don't park where a gas station will be out in the corner.

C. Najac: Cars do park there.

L. Snyder: But, . . .

G. Lake: Hold up. Let me go through the Board, please. Get the comments and then we will let you answer.

T. Hamilton: I agree with the internal flow. The last couple of weekends I was out there and the lot was quite full. Granted, in the corner where they're going to put the gas station but to re-circulate all those cars in and out of the aisles where the store people are parked to try and get them over to the gas station and then back out again. Another thing is, Mr. McGoey do we have paperwork that shows that we have participation on the left from that driveway?

D. McGoey: Yes. We have the document and it will probably have to be modified with the off-site improvements.

T. Hamilton: Do you have that?

D. McGoey: We don't have it yet.

T. Hamilton: The other thing is, the Highway Superintendent's comments that came in today.

D. McGoey: Right.

T. Hamilton: It says something about the North Galleria Drive intersection with Lowe's Drive and the improvements that were required have not been provided in the latest plans.

D. McGoey: The details. The commitment is made but I'm not sure if all the details are resolved.

T. Hamilton: There will be a lot of people pulling into Galleria Drive that don't know it's only for Sam's Club and they're going to pull in there, get in line to get gas, and then find out that they can't. Also, please send out a notice to your members that they can only use a credit card, no cash or anything else out there. And, the snow will be removed from the site?

L. Snyder: Yes. We had put a note on the plans.

T. Hamilton: We have plans that show snow storage for the lot that you have and you're not providing with what the snow storage is supposed to be now. Let's hope that if you get your approval you do what it says on the plans. Right now, you're not showing good faith with what you're supposed to do. That's all.

G. Lake: Do you want to answer some of these or, I'll go. You know, I have been pretty honest from the beginning from the very first time you guys walked in. I thought this had a long way to go. Back when the Galleria first came to Town, that whole piece of land was empty. This Board, and I was here for that, we really had a vision for that corridor that went from Route 211 all the way to Crystal Run Road. On the Crystal Run Road side we lost South Galleria Drive because of the State wouldn't let us cut (not clear). We kind of got a band-aid patch on that. We have the restaurants over on Crystal Run Road corner. I think that works pretty well. The supermarket thing for the remainder of the property over there, I probably wouldn't go for that either just because it doesn't seem to fit to what's there. I think it's a retail community and you said it's only Sam's Club customers. Well, there's an awful lot of Sam's Club customers. I can see people leaving the train station and trying to get across. That Lowe's Drive. You're never going to convince me. I live here. I've traveled that road. You get one truck on that road and you're cut off immediately. As I said, I've been honest with you other times. I have put a lot of time in this. I've made the trip to one of your facilities which was very impressive but I will be honest. I just don't believe this

belongs. I think there's too many safety issues involved down there. I don't believe you can weave in and out of that parking lot from this corner all the way over to the Lowe's exit and onto Lowe's Road. That's really been my comment from the beginning. I still think there's a big safety issue. And, I don't think it's going to work and, I don't think it fits at that point. I don't know if you want to ask the Board anything. I can take a vote and go from there.

P. Griely: Mr. Chairman, Phil Griely. Just a couple of items I would like to respond to. We've been before the Board and this is the very comment that has been made throughout the same process. And we adjusted our plans. We added some improvements. In terms of the traffic numbers of which a lot of the comments were made about there's more people that come than what's estimated. The weight of the analysis that your consultant asked us to prepare, used very high traffic generation numbers. And, even with that occurrence the improvements that we're making along North Galleria Drive, at Lowe's, our contributions of Route 211 and North Galleria Drive we can offset even with using those most conservative numbers. Now, based on the other studies that we've done, that's not the case especially on a Saturday which has the highest generation. In terms of trip generation, I think we've covered that. We've taken a very conservative approach from the standpoint of what your consultant had asked for. In terms of the off-site improvements from the Highway Superintendent, I think the plans show the details in terms of the length of the lane, for example approaching the intersection. The things that would be normal conditions of approval would be the pavement section, the curb type. The details in terms of what we're proposing and what has been presented to the Board are on the site plans that were presented today. We were asked to get concordance from the Department of Transportation about some of the changes that we had suggested. We did that with a letter back to your consultant and the Department of Transportation indicating that the improvements made since and that there could be even some bigger improvements. The letter came back in November 7th. We have tried to address everything internally. We were at a work session last Spring, I think it was in May, where we (not clear) things to take care of some of the internal concerns. Where this is located on the site, we did make changes from the earlier plan. Three sets of changes in terms of looking and trying to separate the gas fueling facility from the other. We were concerned about people cutting through across the parking lot. So, we put in planters and landscaping to address that. We isolated and provided additional stacking to make sure of the number of vehicles that could stack comfortably. In terms of the number of pumps here part of the reason is to provide quick service filling and to cut down on the amount of waiting. That's one of the reasons that drives the number of fueling positions. So, in terms of the on-site we tried to address. In terms of the off-site there's problems out there today. We know that. We've identified that quite a while ago. At the intersection of Metro-North and North Galleria Drive, there's delays there that are, on Saturday, a level of service "F" on certain

movements. With our improvements even with all our traffic here, we've got that point to a level of service "C". Anybody who travels that stretch of North Galleria Drive will benefit from our improvements. The revision to the turning lane, they're safety improvements that we're doing to accommodate some safety conditions that are out there. The left turn going into Metro-North, that will permit the operation and improve safety for anybody traveling to the train station. So, that kind of a synopsis of what we've felt we had to deal with on day one. We told Sam's Club there's problems out here and you're going to have to deal with them. In terms of the dollars that are going to be spent on the off-site improvements, we're not talking about the internal, off-site will be well over two hundred thousand dollars on off-site improvements plus a contribution to the Route 211, Tower Drive intersection. That number I don't think has been set final but that could be an additional sixty thousand dollar fee. We've heard your concerns. We've tried to address them. We're trying to improve the traffic flow here.

G. Lake: Okay.

L. Snyder: Points for the Board. One is, the use of the site. You have to remember your code allows the use. This use is permitted according to your zoning. We have worked very hard, not only for off-site but this is a chance for this Town to have improvements to go from an "F" level of service to a level "C". I mean there were other plans that you were considering approving tonight but you didn't. We are changing not only internally. We're proposing eight hundred fifty plants or trees. I haven't seen one plan with that many trees that we're actually going to include with the landscaping around this property. If it's safety, what are you concerned about with safety? What exactly because, are you talking about the internal safety, are you concerned about the intersections. I can't figure out when you say safety, what do you mean?

G. Lake: We travel that parking lot. You've got a turn on the Lowe's side. If you get one tractor trailer. This happened to me and I mentioned it the last time you were here. I watched people cut across, down the wrong way close to this. I have been cut off coming out of Lowe's during the day and it doesn't matter. I'm there all hours of the day. Because of my job I end up going there quite a bit. If you have one tractor trailer on that turn, you're just out of lane. I've been cut off. I know you don't want to. Listen, it's a gut feeling sometimes. I know you don't like to accept that but we live here and you're right. You've done a great job. I made the trip all the way to Connecticut on probably one of the worst days I've ever driven in my life with teeming rain. Went over to see it first hand and what it was all about. Here, in this spot, I don't think the Planning Board when the Galleria came in from Route 211 to Crystal Run Road started being developed I don't think anybody thought. I never thought we would be looking at . . . I wouldn't go for a supermarket in that complex.

I'm not saying nothing is going to come in again but I wouldn't vote for a supermarket in that complex. I wouldn't vote for a convenience store in that complex. I look at it as a whole retail complex that has several units into it. I can see the traffic. I don't think there's any way to add up the traffic from the parking lot across the street from the train trying to get across. I don't think that can be handled. That's just me. I've been honest with you from day one.

L. Snyder: I know you went to see the facility but I guess what I have to do is have Mr. Phil Griely show you because one of the things that you were concerned about weaving through the parking lot we've actually changed that on this plan so that it would not occur. So, maybe it would be helpful to refresh you, if you didn't mind, that would solve some of your fears. We spent a lot of time on that.

P. Griely: I will be brief. In the area that we're referring to as, on this site plan you have to realize that the first point of access today is much closer to North Galleria Drive. We have actually shifted this much further in away from North Galleria Drive before the turning movements occur turning into the isolated fueling facility. We've also widened out this driveway such that anyone making a left will have a dedicated lane. We've added raised islands with landscaping to deal with any potential of cut through traffic and we've brought the entrance into an area where we can stack the vehicles orderly. They can arrive and stack in position. Even though it's part of this site, we've created a separation where they don't have a free for all. The earlier plans we didn't have that. People could cut across. We listened to the Board's concerns and they were good concerns. We've developed what we feel is a much better plan than from what we started from. We've accommodated and we show all the turn radii. We show how many vehicles we can stack. In terms of the improvements at Lowe's, clearly those will help the operation at that intersection. Traffic coming across from the train station and part of the improvements are to accommodate people getting out of there whether they're going straight across to Lowe's or going back up North Galleria Drive to make that more efficient. So, we tried to incorporate all of that. The landscape islands and all circulation areas here has been to make it safer and keep it in an area that doesn't interfere with the customers going to the store. We talked about speed bumps here. We also, in front of the store today, we put in those in front of the store to make that more conducive for pedestrians to slow traffic down. Again, those were all safety concerns that we addressed with your consultant. And, we've also in the Gander Mountain area where there is a curve in the road. We addressed that. We straightened that out with additional signs and additional striping. We tried to listen to every comment about safety and we feel that we've developed this. The other traffic covers the entire site. Thank you.

G. Lake: Thank you. Let me go through the Board. Do you have anything else?

H. Ross: What we might want to do here is make a Positive Declaration instead of a Negative Declaration in regard to the traffic only. That way we could have one more opportunity to iron everything out here. I appreciate everything you've done to make it right. I still have a concern with traffic.

G. Lake: Does anybody else have anything to say?

MOTION for a NEGATIVE DECLARATION subject to this Board's comments

A. Dulgarian: Don't we want to discuss what Mr. Ross talked about?

G. Lake: Yes, I was coming to that. The motion has been made. If you want to make it a Positive Declaration. Mr. Bacon?

J. Bacon: Just remember the Board's obligation under SEQRA is as the Board knows, well the Board brought up safety concerns, traffic concerns and you brought up whether or not the project is in conformance of the general use of that area and the corridor and the Special Use requirements as the Board is aware of you need to think about what the inquiry under SEQRA is whether there's a potential for a significant environmental impact statement and the Open State Law says when you talk about the potential, the Board really doesn't have to be convinced that there will be an impact. It's just that there may be a significant impact and for that reason all the papers say that's a relatively low threshold. Maybe, once you get into it and declared a Positive Declaration and you started the environmental impact review process and you find out that the evidence shows that there's not a significant act then there is a way to get to the Negative Declaration quicker than that. But, the initial inquiries is really that intent and the whole purpose of the environmental impact statement is to investigate that potential and see whether or not the mitigation measures minimize those impacts to the maximum extent practical. That's what you have to address. The Board has to (not clear) that those impacts, any potential impacts have been minimized to the maximum extent practical. Now, whether or not you could narrow the scope of the inquiry end of the environmental impact statement process you certainly can do that. The proper way to do that is through a scoping session because now, I see the Board brought up others besides traffic, maybe safety, maybe pedestrian, components with the zoning. The applicant is going to say that it does conform to the zoning and makes the traffic a little better but during the SEQRA process and the environmental impact statement, that's the time when the evidence has to be presented and looked at. You have evidence in the records from your consultants from last September saying that despite what this applicant is going to do that we thought that the level of service would remain at a level "F". Whether or not that's been covered totally there's evidence in the record that it potentially exists and the real place to determine whether or not

that potential has been adequately mitigated is during the environmental impact statement process.

P. Griely: Mr. Chairman, this Board probability to that level of service “E” and “F”, there were two specific reasons for those levels of service “E” and “F” that your consultant was coming up with. We looked at the operation of the right turn entering North Galleria Drive from Route 211. Mr. McGoey, myself, Mr. Bergman and Mr. Calla and what he was basing that calculation on was not was out in the field. At that meeting, we reviewed that and we re-analyzed that subsequently. The second reason for a level of service “F” that was computed and regardless of our project. This would be with or without was whether or not the Department of Transportation, New York State Department of Transportation controls Route 211 was whether or not the New York State Department of Transportation would agree with the modifications and also agree of the planned improvements at the intersection of Route 211 and North Galleria Drive. We directed as part of the response from the Department of Transportation. In November of 2006 there was a letter specifically asking the Town as your consultant based on that meeting that we had addressing each of those saying that we would provide benefits. That they were in agreement with the concept with the improvements that the Town was pursuing at Route 211 and North Galleria Drive. And, also with respect to the signal improvements that we were proposing. So, that was, the “E” and “F” levels of service that were referred to were based on if we didn’t get these improvements and if a right turn coming in off of Route 211 onto North Galleria Drive was operating at a (not clear). After visiting that, we found that it wasn’t the case. So, I just wanted to clarify that.

J. Bacon: Mr. Lake, your motion can really directed as to whether or not this Board believes that a Positive Declaration is the right way to go rather than the other way. Based on what I’ve heard from the Board, I think that’s what the Board needs to be addressing.

A. Dulgarian: Is that your recommendation to us?

J. Bacon: Yes. I think from what I’ve heard, you’re talking about people are using these roads every single day and they’ve given you evidence about safety concerns and accidents right on that road. It’s the right way to go.

L. Snyder: It’s not that there’s necessarily clearly an impact. It’s the potential that one might exist.

J. Bacon: And, this is the correct way to find out whether or not there is an impact.

L. Snyder: I would like to address that. (Very hard to hear). We’ve been here for two years.

The only issue that was ever mentioned and the only thing that came before us today is traffic which at the work session in December with Mr. McGoey and in his memo dated December 27, 2006 and it states “indicated that he is now okay with the recommendations in regards to approving and the mitigation appears to be satisfactory. Even if we went through the scoping and did nothing else to review in order to even do a project you have to take a Part II, the Long Environmental Assessment Form and look to see what impacts. And, the only impacts that has ever been mentioned was traffic. And, your own consultant and the Department of Transportation. I mean, we’ve gone out to the site. We’ve done Department of Transportation. It’s included. There’s no traffic impact and there’s no safety impacts. I know there is here, I understand but that’s in the record.

G. Lake: You don’t want to call safety an impact. I do.

L. Snyder: Yes, but . . .

G. Lake: Wait a minute. Wait a minute, please. Okay, with all due respect. Yes, traffic is a major concern for the whole area, that’s a given. Safety. You’re still going to put all those cars (not clear) and everybody walks out of Sam’s Club eventually. You still have to get all those extra cars and you’re not putting the station there and expecting one hundred cars a day. You still have to get them out on to back on Route 211 down a private road. Safety is an issue and an issue you may not want to call it (not clear) but basically the Galleria from what I said before from Route 211 all the way to Crystal Run Road was looked at in 1990 and has become a major community as far as a retail center. I’m not sure so to me that is a concern. And, I think I have that right regardless.

L. Snyder: Let’s say we . . .What would we study? Your own comprehensive plan that was just done last year says auto oriented facilities are permitted here. So,

G. Lake: You mean, as an accessory use?

L. Snyder: Yes. It is a Special Use. The criteria for that . . .

G. Lake: That’s what this Board does.

L. Snyder: Correct, that’s for the Special Use. It’s not an environmental impact. Safety all relates to the traffic. The safety of pedestrians relates to the traffic whether it’s the cars and whether the circulation works. I don’t know what else we can study. I don’t know what we can put in the report we haven’t done before. I think what you should do is if you’re still concerned about traffic and safety I would respectfully request that you have your consultant

come here at the next meeting and/or have another work session where we meet with the consultants and make sure that the Board is asking every question and then he concurs. That's what the note states. That's what happened at the work session and that had been a culmination of two years of work. There's nothing else for us to study. We're not studying about the birds and we're not studying about . . . There's nothing else to study.

D. McGoey: I think this Board would be sitting down with their traffic consulting talking about their concerns and making sure that Mr. Sells helps them with all of their safety concerns. They will listen to all of those issues and then they will get back to you as what they consider to be the scope.

L. Snyder: That's not really proper in my opinion. I pause at that point because basically the traffic, your own consultant has already reviewed this. We've already reviewed the internal and the external. What else would you possibly want us to review? I mean, if you don't like it then you need to take a vote but it's not because it has an effect on the environment. That's your own, what ever reason it is.

R. Carr: If possible, can we possibly have a work session with our consultant.

G. Lake: It's up to you guys at this point.

A. Dulgarian: I think the improvements is not totally overlooked. When I tell you I'm on the fence, I'm on the fence. I still think every time we put a gas station in a shopping center because it does create problems and it is flow issues and safety issues. But, my question is do the improvements out way the impacts and if it takes one more meeting with all our traffic specialists, I'll will come in for a special meeting.

H. Ross: I would agree to a special meeting.

R. Carr: I agree.

W. Capozella: I have concerns and I would agree.

C. Najac: Yes.

T. Hamilton: Another work session. While I'm on that, that's why I've been trying to get our work sessions in the evening so we can have our Planning Board members that work can then attend these meetings, not that it's done during the day to have our engineer, the planner and one member of the Board going through. We need to get together as a group and hash these out.

MOTION to TABLE for further review to get our consultant back up here at a work session.

L. Snyder: Can you give us a date to get us back on the agenda?

G. Lake: I'm going to tell you the same date I told the other one. We will try and get you back on April 18th.

L. Snyder: How should be coordinate the work session?

G. Lake: We will do that.

L. Snyder: You'll do that.

G. Lake: Yes.

MOTION to TABLE for further review made by C. Najac and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

5. **SPROUL** - LOT LINE CHANGE - Mount Joy Road (60-1-116) #89-06

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

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

G. Lake: Go ahead.

D. Yanosh: This is a lot line change on Mount Joy Road. The eight acre lot will go down to 2.01 acres and the rest over to the Sproul property which changes that from .024 to 28.07.

G. Lake: I will go through the Board.

A. Dulgarian: Other than Mr. McGoey's comments one or two comments, I don't really have anything.

H. Ross: In the corner on the location map on the Goshen side along Mount Joy Road, you didn't pick up the smaller subdivision in the location map.

D. Yanosh: Okay.

H. Ross: Other than that, I notice that a later subdivision may be proposed at some time.

D. Yanosh: Possibly, yes. Mr. Sproul may be looking to doing something on his property.

H. Ross: I have nothing further.

R. Carr: I have nothing.

W. Capozella: This is in the RA. What it is, mostly ten acres? I don't know if it falls in this case.

D. McGoey: Less than ten acres.

D. Yanosh: The existing lot of Cipriano right now is only eight acres so, it really falls in the category of, it can be subdivided into two acre lots. One of Mr. McGoey's comments, item #3 was where the septic is (not clear).

D. McGoey: You need to show that.

W. Capozella: What is the limitations on that? You can make one nine acres and the other one an acre?

D. McGoey: No. They have to meet the overall. It's a minimum of two acres and it could be more than that depending upon the soils.

C. Najac: Nothing.

T. Hamilton: Nothing.

G. Lake: I have nothing.

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 A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for LOT LINE CHANGE subject to all of Mr. McGoey's comments and this Board's comments made by T. Hamilton and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

6. **FISHER** (Retail) - SKETCH -Tower Drive (49-1-94.21) #15-05

G. Lake: This is here for sketch. Your name for the record, please.

A. Fusco: My name is Al Fusco. I represent developer of this property. We appreciate being here this evening. As you are aware, we have had a number of work sessions on this project. This goes back to the pre-moratorium where the PID zone had changed and we had changed our plans accordingly. One of the things that we moved forward with is we've had several meetings with the Town Planner, Michael Buser, and in fact he and I worked on the sketches together to come up with a possible layout for this project. One of the things that I think is extremely important is we've tried to in the work sessions work with various different Board members and with your assistance they came in. They gave us some of their points of view and we tried to incorporate all that into the project. At this time what we have before you is something that I think fits very appropriately in with the new proposed town center legislation. Again, this is something of a concept that we had putting this as a neighborhood town center to accommodate not only shoppers from the cross area but also for some pedestrian traffic. What we have done is we tried to incorporate all of that into the project and we've taken all the comments and we've worked those through to the point that we believe that we've come up with a plan that is do-able and we might continue to pursue this through into preliminary. We did receive comments both from work sessions back in January 9th and again, we just received the new comments for this meeting here this evening. We really have no issue with any of the comments at this point particularly in relationship to one's that Mr. McGoey has. We obviously do have some direction that we need to take from the Board on a couple of issues. I think your pleasure in relationship to going through all of the items. There are not that many and possibly we could address them.

G. Lake: Why don't you just quickly start on Route 211 where you have your little food stand or I guess it may be a restaurant and bring everybody up to date.

A. Fusco: Absolutely. This is Route 211 and we put a proposed roadway directly and opposite the former Town Hall. That was out of the question through a number of work sessions. We're have it down a little further but we were asked to put it across from the former Town Hall area for that potential future re-development in that area. What we do have shown and coming off of the Route 211 frontage is a three thousand square foot restaurant with a right hand only coming off of there at that point. We tried to maximize some of the utilization of the frontage in relationship with the project. Having this be your main entrance off of Route 211, we have two (2) nine thousand square foot buildings side by side adjoining the proposed new roadway entering up into the project. Again, we have setbacks that are required under the PID, frontage would be fifty feet. Fifty feet where it joins other PID zones and one hundred to two hundred feet on the residential zone.

G. Lake: I don't want to interrupt you but, the two nine thousand square feet so the Board on item #1. Mrs. Behan is trying to change the layout of those buildings because she kind of thought two building should be closer to Route 211. Something for you to think about as you're going through. She feels it would give the neighborhood.

A. Fusco: Absolutely. One of the comments of the Landscape Architect was that she felt that we should put some smaller plants either within the fifty foot right-of-way and along Route 211 there is a similar small insurance building that was just recently reconstructed on that area and she felt that it would be appropriate in this area here to put two (2) three thousand square foot buildings in lieu of the two (2) nine thousand square foot structures that we have tucked back up there. We did not concur with her recommendation and we continue to show the two, nine thousand square foot buildings. In addition to that, I believe she also had requested is that the Board consider waiving some of the parking requirements in this area so that additional landscaping and greenery could be in that area and looking towards that. We did not believe we could show sufficient parking so we chose to also leave that parking. We did take into consideration many of her comments particularly in relationship to the (not clear) which we had done in previous work sessions. In fact, to the point where we have exceeded the two hundred foot buffer even though we could put something in between the one hundred foot, two hundred foot, we chose not to. We continued through with this roadway coming up to and we have this building which is thirty six thousand seven hundred square foot building. One of the things that we have done is this has moved around a little bit for a couple of reasons. One of them primarily was the entranceway here. One of the comments from the Landscape Architect was also that this entrance was a little close to the Hannaford's entrance however, we continue to show this because we were given from the Planning Board Engineer essentially from the project across the street which is showing an

entrance directly across. We had originally shown the entrance up a little further however, we moved it as per the request to have it across from the other project. This is, by the way, a truck entrance into the rear of the grocery store and is not a heavily used access. We did, however, show an easement area so that if somebody is getting a quart of milk that it would be accountable without having to come out to the main highway again. We did take into consideration the comments of the Landscape Architect in relationship with not having this road connecting here. They felt that might be a shortcut so we continued to have the road come back around at that point. One of the comments that we did have is we had from the loading dock all the way area and this is the main area here that we're selling as a town center with neighborhood kind of stores, things of that nature and she felt that it was not appropriate so, what we did do is we changed this to a one-way in this area where UPS trucks, Fed Ex trucks, all delivery trucks could make deliveries to the smaller stores in this area. We did continue, however, to show loading docks into these two areas that we would consider to be two of the larger areas. There are four stores but they're accommodating larger purposes. We are screening those. We didn't show a detail of those. We will show proper screening with retaining walls, fencing and a little landscaping. One of the things that we also had comments on is we have excess parking. We have about two hundred extra parking spaces. We were requested to reduce that down and toward that end we did reduce the parking spaces. We do have sufficient room however if additional spaces are required in the future. One of the things that we had also looked to do was we're looking to do a possible senior center or office on a future application. We were asked to show it at this time so that we could properly present it to the Board. The Chairman at the last work session which was after we already submitted this plan, to show parking in this area. We do have layouts for that. We will show that in our next work session. One of the comments that the Landscape Architect also had is that we didn't show sufficient planting. That's true because (not clear). We do plan to landscape this completely. In fact, all the greenery has been shown here. We will landscape with her recommendations, of course. One of the items that did come forth through the last work session is a requirement that there's a fifteen foot fence that goes between the residential area and the proposed retail area. It would be in this section. One of the comments by Mr. McGoey was that the Board should consider when, how and what you would like to have for that screening. What location would you like to have the fence, if you do or you prefer to put efforts in doing (not clear) in that area. That's one of the other comments. We do have another access that comes out onto Jeffery Drive. Now, we had at one point tried to take that in a straighter line however grades don't allow that. We did take a route around this point to pick up the necessary draining and that would be included when we come back with the office plan. We are proposing to do this road at the present time and cut back with the office plan subsequently. We do show a lot of sidewalks in the area. We show it out to the residential areas. We show it all through the project. We aren't showing it on Route 211 and we did make comments in the work session that we are

going to show it on Tower Drive. We also have been made aware of a water problem in this area that we are going to properly address with the Town Planning Board Engineer and that was brought up at the last meeting. One of the things that we have done and I have available for you that can be passed around is some photographs of what would be seen from the rear of the some of the properties along this back line where the residential does come forth to the PID zone.

G. Lake: While you're passing that out, I'm going to start going through the Board.

A. Dulgarian: I think this is a really good job on what I would be looking for and I'm hoping it's what everybody else is looking for. The concept of (not clear), walk into all the shops, that whole community type of atmosphere. I like it so far. The only thing that I would suggest is, well two things is that if we could keep the parking down. The other thing is the two nine thousand square foot buildings, this may be a good opportunity for us to have the buildings facing the road. This whole thing is going to look different from the rest of the retail type stores in Town. I think one of the things that we have been looking for in the past is to have the view from the road not see the sea of parking. I'm wondering if . . .

G. Lake: Which way, Mr. Dulgarian, up toward the entrance road you mean?

A. Dulgarian: Yes. Well, Route 211 is going to be the most visible and I'm just thinking if we face them somewhere in that area, I'm not designing it, but what I'm suggesting . . .

G. Lake: You mean move them this way?

A. Dulgarian: Yes, somewhere in there and having the parking behind that. We talked about that before. I think we have a clean sheet of paper on this project.

D. McGoey: Are you saying facing towards Route 211 and having the parking behind?

A. Dulgarian: Yes. However it could be laid out either on that entrance road or one at the entrance road and one facing Route 211 but with the parking behind it somehow. Again, this is going to look like something that we haven't tried yet. I like the direction it's going in. I think it would be a very nice project for the Town. It's a very nice project for the Planning Board to see how it comes out. I like the direction it is going at this time.

H. Ross: I agree.

R. Carr: I agree with Mr. Dulgarian's comments. I take the challenge. I think we all have

different visions of this and the one challenge is when you have congestion and number of buildings. I'm listening to him and on every side there are deliveries. How do you cope with that? I don't know, that whole one side that's for UPS, did I get or . . .

A. Fusco: No. What I said is, what we're looking for there is not specifically for that. We're looking for the smaller trucks to use those because we're going to have. You know, the idea was for the neighborhood store concept. What we're looking to do on the that end is about smaller stores, two-three thousand square foot stores. They wouldn't be taking tractor trailer deliveries. They would be looking for some of the smaller type vehicles. So, we didn't need to do specific loading docks. We're going to create loading areas so they could pull off, not during business hours but before or after, to unload their wares.

R. Carr: And, then that. I like the idea and I thoroughly support that and I guess my concern would be as we go through any of these places where the whole look is making deliveries.

A. Fusco: There's no question about it.

R. Carr: So, I think that's the challenge. I like the idea but it's the detail on how it comes out. The only other thing, that road coming out onto Industrial Drive by Gold's Gym, that's all one way, right?

A. Fusco: No.

R. Carr: Still a lot of traffic coming out onto Tower but as far as the direction it's going, there's still a lot of stuff. That's it.

W. Capozella: It looks like you have plenty of buffers in the back of the residential area.

A. Fusco: Right.

W. Capozella: Again, you're going to go through a Public Hearing and the residents will come in and will want to know what the buffer is and how it's going to be laid out. We want to make sure we satisfy them right up front.

A. Fusco: Absolutely.

W. Capozella: Right away so we don't have that issue to deal with. And, I think you could do something there since you have plenty of footage there. Is there an architectural rendering or anything like that?

D. McGoey: That's all ready.

W. Capozella: My other thing is I love the idea of the stores the way it's set up. Maybe a little imagination on the looks of the buildings so it looks like a community or what ever.

C. Najac: I like the way it's going so far. I like Mr. Dulgarian's idea of possibly turning those other two buildings so you have the parking in the back. The people will be able to walk up the hill?

A. Fusco: Absolutely.

C. Najac: So far I like the way it's going.

T. Hamilton: On the one statement that Mr. Dulgarian made about looking as you're going by on Route 211 and Mr. Najac also stated, the way it looks to me is you're talking any where from sixteen to eighteen feet higher that parking lot than what Route 211 is. Down on Route 211 you won't really see due to the elevation of sixteen to eighteen feet higher. You may see the cars but that's a big elevation.

A. Fusco: That's correct.

T. Hamilton: I would ask to keep the two nine thousand square foot buildings the way they are. My only thing was the access for fire vehicles behind them. That would be my only comment on it.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

G. Lake: My only other comment is maybe on those two front buildings you can give us a little option. I kind of like them the way they are also but I think if you can maybe move them up. Maybe you can show us some options.

A. Fusco: Absolutely.

G. Lake: The only other thing I would like to talk to the whole Board about real quick while you're here. You have a fifteen foot high fence that is required in that zone between the project and the residential area. I just looked at the project over on Cottage Street, "Wildflowers", that brought in I don't know what kind of trees they are but those trees have

to be twenty to twenty five feet tall and I was just wondering if you would be better getting that kind of look down that side instead of a fifteen high foot wood fence.

T. Hamilton: Didn't they do something to get it up higher in some spots?

G. Lake: Some are raised a little bit but some aren't. They're very substantial and I can't imagine a fence fifteen feet high running along then a lot of substantial trees. That's my only thought so maybe between now and then everybody will think about it.

T. Hamilton: If you go down to where the old jail was and look at that fifteen foot high wooden fence that they put up trying to separate them, I wouldn't want to have to look at that wall.

A. Dulgarian: Are we allowed to do planting in lieu of?

G. Lake: We will have to get our Attorney to tell us that. We're early enough in the process where.

A. Dulgarian: I would prefer planting.

A. Fusco: One of the things, if I may, is that we're here tonight to get concept and I did get a very good feeling. We appreciate your input and help. We're looking for a concept approval. A lot of these items as you said were well positive and some of the changes that you requested we're absolutely willing to look at. One of the things we have not done is at this point was a detail. We don't have details for the landscaping, screening, things of that nature. We wanted to get concept first and now that we have that and I'm comfortable with it we will come back with engineering, landscaping and we will show you the computer generated views not only from down below but from Route 211 and the residential area and everything that you've asked for additional information. We have a work session scheduled already and we will continue to work in the Planning process. The fencing aspect of it, you are right. We are early enough. I believe there are some Public Hearings in relationship to the town center legislation. That might be the appropriate time to fit it in. I do appreciate all of your comments.

T. Hamilton: Coming down that other driveway coming down Tower, all that water coming down, can you get that?

D. McGoey: I will look at that.

G. Lake: Very good. I think the Board feel's you're on track and we will table you for further review and back to a work session.

A. Fusco: Thank you for the conceptual approval. It's been a long way coming and thank you for working with me.

G. Lake: Thank you.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

7. **FERRANTE** (Retail) - SITE PLAN - Carpenter Avenue (74-10-2.1) #37-06

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

B. Christy: My name is Barbara Christie with MJS Engineering.

G. Lake: Go ahead.

B. Christy: We've been before the Board on several occasions and work sessions. We are in receipt of Mr. McGoey's comments dated February 13, 2007. I will just quickly go through them.

G. Lake: Okay.

B. Christy: Item #1 relates to the Landscape Architect's comments. We have received them and we have passed them on to the client. He has a Landscape Architect that will address all the issues. Item #2 is comments from the Water and Sewer Superintendent. We have received those also. Items #3, #4, and #6 are minor detail changes.

G. Lake: No problem with any of them?

B. Christy: No, none at all. Item #5 we will be showing a snow storage area on the plan. Item #7 deals with the architectural elevation. I assume you have the copy of the plan. We will be looking into signs with the Building Inspector.

D. McGoey: I think this Board is going to want a little bit more detail.

B. Christy: Yes.

D. McGoey: We have no idea what the finishes are, etc.

T. Hamilton: We need colors also.

C. Memmelaar: I'm one of the owners. What we're looking to do in that part is to spruce it up and then do vinyl siding with natural colors and do shingles on the roof. Nothing will stand out.

G. Lake: Let me go through the Board.

A. Dulgarian: This was the one that we looked at previously that was going to be a Laundromat or something?

Unknown individual: Not clear.

A. Dulgarian: Any idea what size?

B. Christy: They're still debating on it. It won't be very big.

A. Dulgarian: The building is sixty by thirty eight?

B. Christy: Yes.

A. Dulgarian: I really don't have anything to add. It's on Carpenter Avenue in a commercial district. It's right across the street from where we approved that gas station. I have nothing. That's all.

H. Ross: I agree with everything Mr. Dulgarian has said. I don't know where you're going to put the snow storage and the trash dumpster.

B. Christy: Actually, we will be putting it back by the dumpster. The concrete wall is by the dumpster and we will push it on either side.

H. Ross: Nothing else.

R. Carr: What is the buffer requirement for buffering a commercial property up against that other property?

D. McGoey: I think it's fifty feet.

R. Carr: Would that be fifty feet from the building under the new zoning, there was something with the parking I thought.

D. McGoey: I think that's maybe in the MI and the PID zones.

R. Carr: That would be my only concern.

W. Capozella: I see on your plan a chain link fence. Is that something that we're requiring? I don't know if there's really any fencing.

D. McGoey: It's not a requirement. If it's proposed it has to be approved by this Board.

W. Capozella: You're proposing it?

B. Christy: No. I believe that fence is existing.

W. Capozella: Other than that I have nothing further.

C. Najac: Nothing.

T. Hamilton: Mr. Carr, on the buffer minimum of fifty feet, twenty five of which shall be totally landscaped and screened.

R. Carr: Okay.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

G. Lake: I don't have anything to add.

A. Dulgarian: Do we have the forty five feet there?

D. McGoey: I'm looking. We have it because it's mentioned on there and I see that the dumpster is in front.

A. Dulgarian: That's just for rear yard, what about sideway?

D. McGoey: That's not required.

A. Dulgarian: But the zoning is different.

T. Hamilton: Side or rear . . .

A. Dulgarian: Yes, but the side is HC and the rear is R1.

R. Carr: I think that has to do with use. That's a vacant lot, right next door?

B. Christy: Right next door, yes.

R. Carr: On Hulse?

B. Christy: On both sides.

A. Dulgarian: Subject to Mr. McGoey's review.

G. Lake: Are you satisfied?

D. McGoey: Yes. Have them move that dumpster away from the forty five feet.

B. Christy: Okay.

MOTION for a NEGATIVE DECLARATION subject to all comments of Mr. McGoey and this Board and double checking all the buffers and moving the dumpster made by W. Capozella and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for SITE PLAN approval subject to all comments of Mr. McGoey and this Board and double checking all the buffers and moving the dumpster made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

8. **WALLKILL TOWN CENTER** - SITE PLAN (Re-approval) - Schutt Road Extension (50-2-58.1) #112-06

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

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

A. Dulgarian: How are our sidewalks doing?

J. O'Rourke: The sidewalks, if you remember at our last meeting we agreed to put sidewalks along Schutt Road. We had previously submitted a plan but certainly as any condition we basically said we would put in sidewalks the entire length from the end of Charlie Brown's to the traffic light. We do have one comment on the sidewalks in that area and I do have a photograph. Typically the Town requires a four foot separation from the curb to the sidewalk basically for snow removal and basically safety issues. Unfortunately, and I will give you a photograph, we can do it on the Wallkill side but we don't have sufficient room with the slope between the entrance to the Price Chopper and Schutt Road. So, what we requested, if the Board would allow us to put the sidewalk up behind the curb line at that location. We have room and there's also the raised manholes in that area. But for that one section we would request that the sidewalk be allowed to be put up against the curb line.

T. Hamilton: Is there a curb right at the road?

J. O'Rourke: Yes. There's a curb there now. What we would do is have a four foot island between the curb and the sidewalk because we just don't have the room there.

T. Hamilton: Mr. McGoey, is the County right-of-way that close to the curb?

D. McGoey: That is the County right-of-way.

T. Hamilton: Are they allowed to put it that close?

J. O'Rourke: Again, we're going to need the County approval for that. We just submitted the drainage report last week and we have directed Collins Engineering to do the traffic study for the questions they had last time. That will be done in about two to three weeks. Again, the County would have to issue a Highway Work Permit for the sidewalk as well.

A. Dulgarian: Wasn't there an easement provided for the sidewalk higher up on the hill?

J. O'Rourke: I know we have an extended easement area and right-of-way through there. Other than that, what we're here this evening for two items, is the re-approval of the basically fifty by one hundred foot extension to the existing building for a restaurant (sandwich shop). The Board approved this back in 2001 for a Special Use Permit and a Site Plan. The second part is a drive thru ATM located in the front section of the parking lot. We do have some renderings of the drive thru ATM and we have also revised the parking calculations to show we still have ample parking.

T. Hamilton: Drive-up?

J. O'Rourke: Yes, not drive-thru.

G. Lake: I will go through the Board.

A. Dulgarian: As far as the County reviewing the sidewalks. An ATM down there, I don't know what issues may come up. It's far enough away. The parking rarely goes down that far. I don't really have an issue.

H. Ross: Nothing further.

A. Dulgarian: Mr. Lake, can I comment?

G. Lake: Yes.

A. Dulgarian: This is the project that keeps knocking over the trees when there's snow storage and these little islands.

T. Hamilton: Just one of the projects.

A. Dulgarian: This is one of the projects that we have problems with snow storage on and here is a good opportunity to get that handled a little bit. That's all I have.

G. Lake: Mr. Ross, do you have anything else?

H. Ross: No.

R. Carr: No.

W. Capozella: I've seen this plan many times. I don't have a problem.

C. Najac: I'm getting my sidewalks.

T. Hamilton: Mr. Bacon, did you research (not clear)?

J. Bacon: You mean about the . . .

T. Hamilton: The variance, subdivision?

J. O'Rourke: Something about the clustering approval?

T. Hamilton: Yes.

J. Bacon: I heard from Mr. Larry Wolinsky on that issue today on that. He confirms that it was for the entire parcel. I haven't seen any further documentation other than what you have.

T. Hamilton: That would cover the other three new buildings and so forth? Does that cover everything?

J. Bacon: It wasn't limited to the number of times it was subdivided.

J. O'Rourke: It covers the entire parcel.

J. Bacon: I'm still going to get back to Mr. Wolinsky. I still would like to see the documentation on that.

J. O'Rourke: That was submitted to your office.

G. Lake: Let's clean it up. Do we need a Public Hearing on this? Have you had time to check on that?

J. Bacon: The Special Use Permit has already been granted.

T. Hamilton: The ATM, that's free-standing.

J. O'Rourke: It's an accessory use or there is already a bank in the interior of Price Chopper.

A. Dulgarian: Is it the same bank?

J. O'Rourke: No.

G. Lake: Mr. McGoey, is that considered an accessory use to the main building?

D. McGoey: That's a good question.

J. Bacon: Are there banking uses on the site already?

J. O'Rourke: Yes.

T. Hamilton: Wouldn't it be easier to put it on the side?

J. O'Rourke: I would as you're contemplating this but we've had several Public Hearings over the last couple of months and we've never had anyone show up for comments.

D. McGoey: It's not a primary use.

J. O'Rourke: If we have a Public Hearing would it be a primary use?

D. McGoey: No. An accessory use to the bank.

A. Dulgarian: I don't think that's an accessory use. It's not even the same bank.

T. Hamilton: The structure is in front of the main building.

A. Dulgarian: So, does it need a variance or not?

J. O'Rourke: We assumed it to be a pad site.

H. Ross: I'm trying to figure out what it is.

A. Dulgarian: If it's the same bank, it's an accessory use.

J. O'Rourke: So, what you're saying is it's not an accessory use.

T. Hamilton: Now, it has to meet the minimum lot size.

A. Dulgarian: That may be an issue.

H. Ross: I don't have a problem.

G. Lake: Mr. Dulgarian, do you have a problem with it?

A. Dulgarian: I have absolutely no problem.

H. Ross: We're saying it's a Special Use and we've already addressed it.

R. Carr: I don't see a problem.

W. Capozella: No problem.

C. Najac: I don't see a reason to hold it up.

T. Hamilton: I'm just wondering about somebody coming back later and putting up a little hot dog stand about ten by ten and we already have a Special Use for an eating and drinking. That's my only problem.

A. Dulgarian: Everyone is on case by case basis.

D. McGoey: We have to determine yet also what the County is going to ask you to do at the entrance drive. We have to figure that for the traffic flow.

J. O'Rourke: When we're doing the traffic study, basically we will just put in what ever you would like to make that a condition we will do whatever the County wants. We don't anticipate any. The entrance to Price Chopper doesn't have an extra left turn coming in. I can't imagine an accessory road that's already there requiring it.

D. McGoey: Yes, but for the office building it might.

J. O'Rourke: According to the traffic, we didn't think so.

G. Lake: This is from the Mechanicstown Fire Department. You've got most of it done. You're going to have boxes there?

J. O'Rourke: Yes.

MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's

comments, this Board's comments and Mr. Bacon making sure it's okay for the ATM to be in front made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for SITE PLAN (Re-approval) subject to all of Mr. McGoey's comments, this Board's comments and Mr. Bacon making sure it's okay for the ATM to be in front made by A. Dulgarian and seconded by W. Capozella.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

9. **LIBERTY PEST CONTROL** - SITE PLAN/SPECIAL USE PERMIT - 2629 Route 302 (22-3-7) #100-06

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

D. Yanosh: My name is Dan Yanosh surveyor for Liberty Pest Control.

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

D. Yanosh: This is the existing Quality Engine building over on Route 302 just west of Route 17. Liberty Pest Control has been in business for forty five years and are located in the City of Middletown. They want to move out here to the Town of Wallkill. Quality Engine is going out of business and they will use this space here for office space and warehouse and storage and to operate his business.

G. Lake: Between now and the Public Hearing do you have any problem with any of the comments?

D. Yanosh: None at all. We had a drainage study done before when we did it for Quality Engine. I will give it to Mr. McGoey to review again. The septic system was designed back then for Quality Engine.

D. McGoey: You need to check on the potable water supply.

D. Yanosh: We are looking into it now.

G. Lake: We're scheduling him with a Public Hearing.

A. Dulgarian: Nothing.

H. Ross: Nothing.

R. Carr: Nothing.

W. Capozella: Nothing.

C. Najac: Nothing.

T. Hamilton: Nothing.

G. Lake: Are there any environmental controls you have to worry about or any special permits from the Department of Environmental Conservation or anybody else like that?

H. Ross: Does this have a toxic inventory?

D. Yanosh: The plan does show an area in the back corner as an existing storage area.

G. Lake: Are any changes going to be made to the building itself?

D. Yanosh: We're going to clean it up a lot. Put a ramp in the front and a walkway around the whole front. We're going to make it a lot nicer than what it is today.

G. Lake: It would be a one hundred percent improvement. Do you need him to come back to another work session?

D. McGoey: It wouldn't hurt.

D. Yanosh: One question, the landscaping. Are you going to have to send this up to the architect or what's going to happen?

G. Lake: I think if you beef it up.

D. Yanosh: Mr. McGoey had other comments regarding Eustance & Horowitz and stuff like that.

MOTION to schedule a PUBLIC HEARING for April 4, 2007 made by A. Dulgarian and seconded by W. Capozella.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

10. **ESPM** (Bilorio) - 2 LOT SUBDIVISION - Shawangunk Road (3-1-10.21) #111-06

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

D. Yanosh: My name is Dan Yanosh, surveyor for the project.

G. Lake: Go ahead.

D. Yanosh: Again, it's an existing 4.45 acre parcel of land on Shawangunk Road, Weld Road and Gillin Road. The applicant is in the process still of having the Town abandon Gillin Road. The Town Board will be acting on it shortly. All the paperwork has been in. Gillin Road has been abandoned for years. It's a matter of the Town going through the process. Hopefully by the time we have the Public Hearing on this we will hear that the road will be completed. This was a subdivision that was done and approved by this Board back in 1996, a two-lot subdivision. This is lot #2 of that subdivision. We are cutting it into two more residential lots.

G. Lake: Okay. So, you're going to need a Public Hearing.

D. Yanosh: I need a Public Hearing, right. The biggest question we had originally was the Highway Commercial zone. Highway Commercial zone allows for single family residences, twenty thousand square feet for the lot. I checked with the new zoning and if you want to put a residence without sewer and water you go by the R-2 zoning. The Town has the R-2 zoning as 1.65 acres for the soils type here. So, we have two acre lots and have no problem.

D. McGoey: Will you show the septic soils on the map?

D. Yanosh: It's all 40B soils.

G. Lake: Are you going to have any problems with the comments between now and the Public Hearing?

D. Yanosh: No problem.

G. Lake: I will go through the Board.

A. Dulgarian: Nothing.

H. Ross: Nothing.

R. Carr: Nothing.

W. Capozella: The only question I have is the closeness of the driveways.

C. Najac: Nothing.

T. Hamilton: Nothing.

MOTION to schedule a PUBLIC HEARING for April 4, 2007 made by H. Ross and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

11. **DR. DIAMOND** - OFFICE - SITE PLAN/SPECIAL USE PERMIT - Rykowski Lane
(60-1-20.2) #102-06

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

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

G. Lake: Go ahead.

T. DePuy: Dr. Diamond and Dr. Stewart are proposing a seven thousand square foot building on Rykowski Lane. It's bordering sewer service in the Town of Wallkill Municipal System. Basically we laid the building out to optimize the buffer against the existing residences which is a corner street. It's a new requirement in the MI zone. Basically we've gone through Mr. McGoey's comments and really have no problem with any of them. I just need direction a little bit. Went to Mr. McGoey for advise. Basically I got Mr. Richardson from the Design Group who's going to review the architecture so you can review it tonight.

G. Lake: Do you have a picture of it?

Mr. Richardson: Yes, but I also have elevations of the entire site.

G. Lake: That should probably go to the next submission. You can show us the elevations though. Do you have problems with any of these comments between now and the Public Hearing?

T. DePuy: No, just one about the sidewalks. I don't think there's any sidewalks out there now.

G. Lake: There will be.

T. DePuy: We tried to optimize the buffer and plus the grading is such that if we try to angle it that's just going to make it bigger.

G. Lake: Is it almost going to look like the end though? You know what, this is the beginning of Rykowski Lane there.

Mr. Richardson: I tried to cut into the hillside. It is about seventy one feet. This is the side of the building.

G. Lake: Very nice. I will go through the Board.

A. Dulgarian: No. This is the way we want that corridor to go. It's nice and it's ready for a Public Hearing.

H. Ross: Very nice.

R. Carr: Nothing.

W. Capozella: The buffer zone . . .

D. McGoey: They have buffer requirements so Behan has something on that. Did you get her comments?

T. DePuy: No.

G. Lake: Do you have a copy of Highway comments?

T. DePuy: No.

C. Najac: Nothing.

T. Hamilton: Just one thing, what kind of a Doctor's office are you talking about?

T. DePuy: They're Oncologist's.

T. Hamilton: Okay. We've had Doctor's here that are not Doctor's per se, only on paper.

T. DePuy: No. They have a rather serious business.

G. Lake: Were you given the Highway Superintendent comment's?

T. DePuy: Yes.

G. Lake: Do you have any problem with them between now and the Public Hearing?

T. DePuy: As a matter of fact, I believe we made the corrections and everything for that. Most of it is for the cross easements, etc.

G. Lake: Okay.

T. DePuy: Any Landscape Architect comments?

D. McGoey: Get a copy from MaryLynn tomorrow.

T. DePuy: Okay.

D. McGoey: They're significant.

G. Lake: Are you going to need another work session on this, Mr. McGoey?

D. McGoey: I would like to have one, yes.

MOTION to schedule a PUBLIC HEARING for May 2, 2007 made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

12. **WALLKILL MANOR** - SITE PLAN/SPECIAL USE PERMIT - FINAL - Second Street (50-1-1.2) #51-02

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

A. Fusco: My name is Al Fusco representing the applicant Wallkill Manor. Mr. Chairman we had a work session where we had apparently worked out most of the areas that needed to be done. The most significant, however, it was left over was in relationship to the Town Board and the fate of Second Street. We have an existing Army Corp of Engineers wetland permit with a mitigation plan for Second Street which has just been reviewed. In addition to that, we have all the other necessary approvals from the other agencies. The Orange County Health Department approval, we have to get that because of changes that were made not to the water plan but to the plan in general. We have gone through all of Mr. McGoey's comments and I believe we've satisfied all of them at this point. The previous matter is that there was some discussion in relationship to possibly moving over to Third Street.

G. Lake: Let me jump in . . .

A. Fusco: Okay.

G. Lake: To tell you what has happened since the last time we talked and it was probably about a week and a half ago.

A. Fusco: Right.

G. Lake: Mr. Bacon and in a couple of discussions with him and Mr. McGoey, we contacted Mr. Bacon and went to the Town Board meeting. We brought up Second Street everything from where you were to where you are now as far as less units. We did not relate the Board's feeling as far as using Third Street. As of right now, I think we're doing to do a subject to you finishing up with the Town Board on Second Street.

A. Fusco: Thank you.

G. Lake: We understand that as of before the meeting we believe Second Street will now be turned over to your guys one way or the other.

A. Fusco: We appreciate that.

G. Lake: If you have all of the other comments from Mr. McGoey. To my knowledge, the only thing we have left to do with you outside of a couple little things and obviously all the agreements that have to be met.

A. Fusco: Absolutely.

G. Lake: This Board really needs to act on Second Street subject to you receiving that from the Town.

A. Fusco: Thank you.

G. Lake: Do you have anything to say on this, Mr. Bacon?

J. Bacon: I spoke to Mr. Fusco today about this and he needs the developer's agreement and Mr. Wolinsky had indicated that (not clear) and noted it on the map. There were a couple of Town Board concerns that deals with no further development on the site and the perpetual maintenance of Second Street as a private road by the applicant. They also recommended a boxed culvert instead of a circular culvert and also putting aside some money so that the Town Board's wetland consultant can work with the applicant on the wetland mitigation plan and I'm confident at this point that can be worked out.

A. Fusco: And, on behalf of the applicant during my discussions with Mr. Bacon we have agreed to that.

MOTION for FINAL APPROVAL subject to a Developer's Agreement to entertain Second Street and Mr. McGoey's comments made by H. Ross and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

