

TOWN OF WALLKILL PLANNING BOARD

MEETING

MARCH 1, 2006

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

MEMBERS ABSENT: P. Owen, H. Ross

OTHERS PRESENT: J. Bacon, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - 7:30 P.M. - **MKA/PIRRO GROUP** - AMENDED SITE PLAN/SPECIAL USE PERMIT & SUBDIVISION APPROVAL - Cottage Street Extension (36-2-28.2, 29 & 36) #90-05

G. Lake: Public Hearing started at 7:31 P.M. M. Hunt read the Public Hearing notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York will be held at the Town Hall at 600 Route 211 East, in said Town, on the 1<sup>st</sup> day of March, 2006 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Baker Residential Limited Partnership, 485 Washington Avenue, Pleasantville, New York 10570 for approval of the following with respect to the subject property which is generally located on Cottage Street and Mud Mills Road and is shown on the Wallkill Tap Maps as Section 36, Block 2, Lots 28.2, 29, and 36. 1) Amended Preliminary Subdivision Plat approval with respect to the creation of 43 single family house lots and 216 fee simple townhouse lots under Section 3 of the Subdivision Regulations of the Town of Wallkill. 2) Amended Special Permit Approval with respect to the development of 216 fee simple townhouse units under Section 249-22 (C)(7) of the Zoning Law of the Town of Wallkill, and 3) Amended Preliminary Site Plan Approval with respect to the development of 216 fee simple townhouse units under Section 249-22 (C)(7) of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

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

A. Veneziano: My name is Anthony Veneziano with Veneziano & Associates.

G. Lake: I'm just going to vary a little bit before we get into your presentation and the Public Hearing. The reason is this has been a very long drawn out process and what I'm going to do so, I know there are people here that would like to hear a little of this history and that's where we're going to vary a little bit. We normally don't do this. We did get some of your replies that were handed into the office for the record. What I'm going to do now, I'm going to have our Engineer whose been with the project way back I guess in the 1980's and along with myself and Mr.

Hamilton. Anybody else has come and gone since that time. I'm going to have Mr. McGoey give us a little history of where the project was and to this point. I will also have our Attorney just kind of tell you on a level where we're at and where some of the restrictions might make this just a little different and hopefully a few questions can be answered and some understanding about the whole project. Mr. McGoey, go ahead.

D. McGoey: The MKA project as it was called originally made application before this Board in 1989. The project included three hundred and forty two housing units. Some of them were single family and some of them were multi-family, duplexes, etc. Seven years after their initial application in 1996 the Planning Board denied the project. So, it took it seven years to get through their initial approval and it was denied due to the environmental review process. Essentially, because of traffic related problems with the tunnel and Mud Mills Road and so on. They filed an Article 78 in 1996. In November of 1996 the Court agreed with the applicant and sent the application back to the Planning Board for further consideration. Soon after the November 1996 Court Decision the Planning Board reviewed the project again, approved a five lot subdivision with the big lot but denied the other portion again because of the same issue. The Courts overturned the Planning Board's decision in June of 1998, sent it back to the Planning Board so the Board could consider the conditions of their approval. The Planning Board established some conditions in 1999. The applicant didn't like the conditions, thought that they were too stringent. The Courts again overturned the Planning Board's decision and in July of 1999 they ordered that the Preliminary Approval be filed with the Town Clerk which they were. In November of 2005, just recently the Town Board entered into a stipulation of settlement with the applicant to settle the agreement. Essentially it reduced the number of units from three hundred forty two down to two hundred sixty one units. That placed the matter back before the Planning Board for re-consideration of Preliminary Approval in light of the change. Although it has Preliminary Approval by the Court's it's now back before the Planning Board because of the change in the project scope, changing the arrangement of housing units and the type of housing units. It's now back to the Planning Board for that reason. Maybe Mr. Bacon can explain some of the legal issues and some of the environmental issues.

J. Bacon: As Mr. McGoey said, the number of Court Decisions against the Board have gotten you to this point now. This plan was really hammered out between the developer and the Town Board in looking at what was more feasible for the site trying to protect the wetlands and also trying to look at the new zoning matters to be implemented. This project now fits with the new zoning according to the documents before us. As Mr. McGoey said from the beginning the main concern and after the first environmental review in terms of traffic and that has been dealt with because in 2003 the Planning Board commissioned an overall Traffic Study by John Collins Engineers to give the impacts from eleven different projects in the Town and looking at the different intersections that would need to be retro-fitted in order to handle the additional traffic. Each of the developers agreed to put a certain amount of money in the pot to deal with the increased traffic and this developer has been informed as well. This project is quite a bit less in density than the original project was so that the original traffic impacts are somewhat mitigated. The developer agreed to

have a Public Hearing because it's been such a long time and we thought it was a good idea to do that so that the Public could see what the project looks like now and to hear any concerns that the Public might have.

G. Lake: Thank you. Give us a description of the project and maybe bring everybody in the room up to date and then we will open it up to the Public.

T. Veneziano: Thank you, Mr. Chairman. I would like to fill in some things around the presentation done by Mr. McGoey..

G. Lake: Yes. The only reason I did that was to try to get an overall review.

T. Veneziano: We submitted an Affidavit of Publication Notice just for the record, which is an extended effort. I also incorporated our letter dated January 19, 2006 which submitted the application for an Amended for a Special Permit. We also submitted a letter dated February 14, 2006 which incorporated and addressed a number of concerns that your Board raised at the February 13, 2006 meeting which we can talk about tonight. As Mr. Bacon alluded to, during the past year or so in our contract when the Pirro Group got involved as part of settling this case after some fifteen years of development with the Town Board and Planning Board. They also made an effort to work with the Department of Environmental Conservation and County Planning. I just would like the record to include a recent letter from the County Planning Board indicating the recommendation of approval dated January 12, 2006. And there's also a letter dated February 17, 2006 from the Department of Environmental Conservation which indicates that based upon the plans that you're using tonight we're not required to obtain a Special License Permit in regard to the Conservation Law. This is a copy to the Board. Prior activity associated with this project will be shown on the plans and has satisfied the Department of Environmental Conservation's concerns. Those are meaningful. The reason for the stipulation was done (not clear).

G. Lake: Why don't you just quickly go over the revised plans. Some of the folks here might remember the old one from years ago, they might not. Show them where the single family is going to be, the duplex and the other ones.

C. Utschig: Mr. Chairman and members of the Board. This is a modified application. The entrance to the site, Cottage Street east and west are divided primarily between the highway and the railroad tracks. If you're familiar with the MKA plan, our plan is very similar to that. We have an area set aside for the residential. We propose twenty five. On the eastern end of the property will be apartments and town homes. Our plan is proposing fee simple town homes consisting of two hundred sixteen units. Access to the site will be primarily from Cottage Street. We also have a secondary access on Mud Mills for the town homes. We also have two access points on to Cottage Street and where it connects. We will install a connection to the existing pump line for sewer and we will be extending water to the project. We have revised the overall drainage plan in conformance with the Department of Environmental Conservation stormwater. In addition to reducing the density by approximately twenty five percent, we also brought the plan up to current standards. By doing

that, we mitigated a lot of impacts that were originally part of the MKA proposal. The drainage system as been approved. That's the general overview.

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

A. Dulgarian: After the Public.

R. Carr: After the Public.

W. Capozella: I will wait.

T. Hamilton: I think with Mr. Bacon, one of the reasons for the Public Hearing part of this application is because it has been a change in what the Special Use Permit was originally. This project now does not or will not have the Special Use Permit for the commercial part that it had originally. So that it one of the reasons for this Public Hearing because that now does not exist anymore on this application. It isn't just that we thought it would be better but it was technically needed because that commercial part was taken out of this so that Special Use Permit will not be viable anymore. So, that was one of the items that called for this Public Hearing.

G. Lake: Okay with that, is there anyone from the Public who wishes to comment on this application? That's what the Public Hearing is for. Then I will explain after the Public Hearing the following steps if you wish to comment after that.

C. Mead Jr.: My name is Carlos Mead. I'm a representative of the "Eglasis" Manuel which is right next to your property where you're going to be building these townhouses. My question to the Board and to the developers is where precisely do you intend to open up sewerage and water mains, gas and the like. Where is it going to be coming from and where is it going to extend to?

D. McGoey: I would suggest you stop in at Town Hall and I will show you. It goes right by your property.

C. Mead Jr.: Obviously.

M. Zaritsky: My name is Marion Zaritsky. I've been a resident at 11 Maples Road for forty one years so this impact is very important to me. First of all, I would like to know where on Mud Mills Road the entrance was going to be. That wasn't made very clear. Second of all, Town Counsel had mentioned about the impact on the wetlands. I'm being very selfish tonight since there will be impacts on people living in the area. As you can understand, forty one years and I hope to make it a couple more years. The survey that was done two years ago and I'm right at the corner of Mud Mills Road, Maples, and Highland Avenue Extension so it's a really interesting corner. Ten

thousand cars a day, that many go back and forth so this is going to have some impact and I think this needs to be taken into consideration too. I think I'm being extremely conservative when I say ten thousand cars a day at this point three years later. I'm terribly disturbed as many of my neighbors are because we've been in communication with each other as to whether town houses are going to be built first or the single family homes and another concern and a point of interest is how much are these town houses going to go for and how much are the single family homes going to go for because that will impact on the value of our homes too. Thank you.

R. Karp: Good evening. My name is Roy Karp and I reside at 265 Cottage Street. I'm curious as to where this traffic is going to go. We live on Cottage Street and already there is a lot of traffic, the same with Sproat Street. Going out toward Mud Mills Road this evening when I was on the way to the gym six cars, we all had to wait and it was kind of crazy. Is there any indication on how you're going to handle the traffic?

G. Lake: We will but not yet. We will explain that after the Public comments.

R. Karp: I'm hoping.

G. Lake: On that issue, we will try to explain that.

R. Karp: And, how about emergency vehicles response?

G. Lake: What's that?

R. Karp: Emergency vehicle response. Who is accountable for that?

G. Lake: It's all been (not clear). They have responded or they have not responded. I would have to look it up. Right now it's a Public Hearing to just kind of get your comments in.

R. Karp: I'm just trying to find out who is going to be responsible for protection? Is Silver Lake going to respond to that or is Washington Heights?

G. Lake: I believe it would be Washington Heights.

R. Karp: How do they get through that tunnel?

G. Lake: They fit through the tunnel.

R. Karp: They do fit in that tunnel. The same thing goes for the ambulance service, etc.

G. Lake: Yes.

R. Karp: Will we have another chance to come back up again?

G. Lake: Let's get done with the Public comments and then we will try to explain the traffic a little bit and we will probably let people have another shot. We can't go on all night.

R. Karp: No, I understand. Are there any plans to put up traffic lights?

G. Lake: That's part of the traffic. We will address that after. Put that on hold for now. We will explain it when we get done with all the comments.

M. Meyer: Hi. Good evening. I'm Maxine Meyer. I live on Vincent Drive which is next to Cottage Street. We've been involved in this since 1989 and so we want to thank the Town of Wallkill for hearing us because we are the City of Middletown and two, for the diligence in taking them to Court and getting this to be a smaller project but we still have many concerns. Not to bring up another project on Cottage Street but we just lived through Wildflower. So, having lived through that project, we have a number of concerns. The concerns that really come from having lived through that project are the noise, dust, and the runoff of the construction and the development of this project. We just lived through a very bad summer for our resident's up there in which many people could not open their windows. There was no containment of that construction on that site. Our road, Cottage Street is partially Middletown, had construction debris and dirt on it. They were not wetting down the road as they were telling us they were. We were all standing there watching the road not be swept and not be wetted down. So, those concerns are real for us and real for the residents that live there. When people have to go to the hospital because they have an asthma attack or they can't open their windows or they can't open their pools or they can't put their laundry out you're impacting the lives and the quality of life for the residents who are already there. We understand development. In the City, I'm now an Alder Woman in the First Ward of the City of Middletown. It's no easier for us. It's probably better for you but no easier for us. So, we have developments all around us but it's got to be smart growth and intra-municipal, you know, next to each other, around each other, over each other. You've got to have some agreements where we can all talk about these things because we go through your streets and you go through our streets. The trucks for this development will go down to Cottage to Wisner, especially the trucks that will not fit under that tunnel because they do right now, every single day. The people sitting with me can tell you the number of trucks that go down Cottage Street every single day. So, the noise of the trucks, the noise from the construction, which way will the stormwater drain, the runoff and the silt. What is going to happen? We've lived through that already with Wildflower. The containment again is so important. Has this . . . I understand when you go to Court and you lose. They really aren't to upset about this impact on the schools and impact on the roads but which roads are going to be improved with the money that was discussed that you're collecting from the developers?

G. Lake: I'm going to explain that to everybody.

M. Meyer: Okay. And, as we as a City, meet with the School Board every other month and we've been looking for the Town of Wallkill to join us in that. We're trying to help them figure out what

developments are coming, how many kids are going to be coming to the schools because although the Courts may not be concerned about that, I think as taxpayers have to be. I already know they're going to need a new elementary school and eventually and I hate to even verbalize it, but you know they're going to need a second high school. Something has got to stop between the two of us and maybe in some way we can look at the developments that are going on now and figure out a way to work together. Development is going to happen. It's here but we hope we can work together on it. Thank you.

R. Brundage: She said it all. My name is Richard Brundage. I live at 261 Cottage Street in Middletown. I've been there four years. Since last summer, I've had to wash my house about twice to get the diesel fuel and all with the trucks going up and down the road. They don't go anyplace else but drive up on Cottage Street. I was wondering if they're going to annex us to the Town of Wallkill some day. I'm kind of looking for it. You've got a nice Town. She just about covered it. Thank you. On that map, what I would like to know is how are they going to get in and out of this except Cottage Street? Are they going to build a road through to Highland Avenue on that side or not? Or, is it just Cottage Street period.

G. Lake: We will hit on traffic after the comments.

R. Brundage: If the City of Middletown hadn't been sleeping with everything going on they would have done something with the road up there so they couldn't go up there.

G. Lake: I don't think they were sleeping. That's not fair.

J. Gervasi: Hello. I'm a recent homeowner. (Had difficulty hearing). My concern is about the runoff and the traffic. I am also concerned about the targeted market on these homes. Are they going to be targeted for low income, low middle income, etc. What kind of market will these be running for. Also, I have a concern with the traffic issue on Cottage Street Extension. That area is highly used. On the opposite side of the tracks there's not enough room. One other thing that I'm concerned about is Washington Heights Fire Department. Washington Heights, I hate to say it, is a very small department, very low in people being volunteers. In regards to that tunnel, I've constantly had to stand and help truckers back up because of the existing conditions. Trucks are constantly trying to get through that tunnel and don't fit. I've had to help them back up.

G. Lake: Mr. McGoey, let's, do you want to do the traffic?

D. McGoey: Yes, I will. With respect to traffic, this Board as I originally said back in 1989 and seven years later did not address the traffic. Obviously except for the Board and the Attorney. The Planning Board got smarter and as Mr. Bacon told you the Planning Board commissioned at the cost of eleven developers, a comprehensive traffic study for Mud Mills Road, Cottage Street, Silver Lake Scotchtown Road, as well as Maltese, etc. The result of that study was a significant number of intersections for improvements that would be funded by the developers including the MKA project.

As it particularly relates to this project, the intersection of Mud Mills Road and Cottage Street there will be widening of the road, there will be an improvement of site distance in both directions, a traffic signal on both sides of the tunnel. That intersection will be fully signalized and this side of the tunnel will also have a traffic signal. That's one of the major improvements related to this project. There will also be improvements at the intersection of Mud Mills Road and Silver Lake Scotchtown Road by that tunnel. On the opposite side of that tunnel at Bert Crawford and Silver Lake Scotchtown Road there will be a traffic signal. There will be traffic signal improvements at Tower Drive and Silver Lake Scotchtown Road and there will also be traffic signal improvements at Maltese and Bert Crawford Road. These are all part of a comprehensive traffic signalization improvements costing projects one million two hundred dollars a portion of which will be funded by MKA, a portion of which will be funded by the Kabro project which is under construction right now which you have called the Wildflower project. They will be building that traffic signal at the tunnel and that will happen reasonably soon. This applicant will be doing the improvements at Silver Lake Scotchtown Road and Tower Drive and the other improvements by other developments. It kind of summarizes the improvements.

R. Karp: You say, reasonably soon, what is the time frame?

G. Lake: The time frame is usually tied to a project and I believe and I don't have that information in front of me and maybe Mr. McGoey can remember but the Wildflower project is going to be funding the one on Cottage Street and I have to assume, I don't remember where . . .

D. McGoey: I think it's like . . . it's tied to the number of Building Permits. I forget the number but I believe it probably after the first ten Building Permits. I'm not exactly sure of the number but it will be part of the first stage of development.

R. Karp: On Wildflower?

D. McGoey: By Wildflower and that will be at the tunnel.

R. Karp: You're saying this will be done within a certain time after X amount of Building Permits are issued?

G. Lake: Correct.

R. Karp: What is that time frame? We're dealing with the traffic already and we continue to deal with it when this other facility shows up. We need some traffic control prior to the building starts.

G. Lake: The time frame and the one on Wildflower and I apologize I don't have that information here but it's tied directly to a certain number of Building Permits, we believe. We have to agree that it's going to happen pretty quick. Unfortunately, it's not going to be done before you see the first foundation, if that's what you're asking.

J. Bacon: Mr. Lake, actually the stipulation of the settlement as entered into by the Town and the developer, they have to do it before the eleventh Building Permit is issued.

D. McGoey: That's for the MKA project. The Wildflower project has a similar commitment.

R. Karp: But we've dealt with this for a year already on our part of the Town. Wouldn't it make a little more sense to put the traffic issues up at front? Traffic control issues up front, putting in stop lights or what ever will be used. We really haven't found out yet.

G. Lake: Okay. I realize you don't think we have but we have.

R. Karp: I understand.

G. Lake: Hold up. It takes a lot of hard work on this Board's part to get developers to agree to these type of issues. We have done that and we have assigned that. We have agreements on all that work over a vast number. And this probably one of the few times it's ever been done. Now, true, you're going to have to suffer a little longer until certain things drop into place. It's not like Exit 122 exit that's been fifteen years or more. We've done this in traffic terms or construction terms in a very short time of three or four years. That might seem like a long time when you're talking mass amount of improvements that we're asking these people to do. So, I understand your frustration. I understand and trust me. I know one time I was out on Cottage Street and saw the dirt and we did ask somebody. As a matter of fact I think we gave them a call to ask them to do something. They probably haven't kept it up to the satisfaction. That happens but we are awful close to getting these major improvements done. A lot of work has gone into it and that's just how it works. It's not an organized thing.

R. Karp: Well, wouldn't it make a little bit more sense to put that traffic light or what ever devices you're thinking of which I don't think is done, put those in first?

G. Lake: It's a very elaborate system they're putting in at Cottage Street.

R. Karp: Wouldn't it make sense to put that in first before the construction goes up.

G. Lake: Again, I don't have the information readily available but . . .

D. McGoey: It's tied into Phase I.

G. Lake: It's part of Phase I. So, yes it is going to very soon and within the first ten or fifteen foundations. The work has been done. This Board has done that work. We've done it in a very short amount of time. We're probably one of the few in all of Orange County that would ever do something like this. I know you have to suffer along, trust me.

G. Lake: Hold up. You have to fill out a card if you haven't spoken yet. Come on up.

M. Zaritsky: I'm still Marion Zaritsky. I live at 11 Maples Road and have been there forty one years. Okay. I'm impacted by the eastern end of this development. I would like to know what Phase I is. Is Phase I going to be the single family or is Phase I going to be town houses? And, where does this come out on Mud Mills Road? I would like to also know, I did not hear that intersection mentioned when you were talking about traffic control and all of the plans. The intersection at Mud Mills Road, Maples Road, and Highland Avenue Extension, has that been taken into consideration and, if so, what is going to be done? Thank you.

K. McNair: Hello everyone. My name is Karen McNair. I live at 7 Cottage Street Drive. And I was listening to this gentleman talk about the traffic devices that are going to be installed. However, if you know how it's one lane of traffic going either way on Cottage Street. There is only one car or one allowance under that tunnel. To put a traffic light there I'm not exactly sure what that's going to do. If you're going to have people come from Mud Mills Road and make a left onto Cottage Street, I'm not exactly sure what . . . You have one car that can go either way. When you have one car going down Cottage Street and another car making that left, only one car can go into it at a time. So, I'm not exactly sure what or how that's going to alleviate any traffic. Is there going to be some amendments to the road or are we going to widen the road? Will there be a second tunnel somewhere? I'm not understanding how that's going to alleviate traffic, like the traffic devices. Maybe I'm not getting it, maybe I need to get this on an elementary level but I travel those roads every day and it's one lane of traffic each way. You can put a traffic light there if you want but if you put a traffic light by that tunnel you're going to have traffic backed up on Mud Mills Road all the way down to Route 211. I'm not even sure how that will be accomplished. If somebody can explain that to me, I mean, I'm not the brightest person, but if you can just explain that to me so that I can know I'm going to get up and down that road then I'll probably be a much happier person. Thank you.

M. Meyer: A few questions about the road. You talked about fire engines and that the Washington Heights fire engine fits under the tunnel. Do the school busses fit under the tunnel because the school busses are going to have to come and get all these kids living in that development because they're going to be going to Pine Bush or Middletown Schools. The curiosity, is how are they getting in. Here we go again with the friendship between the Town of Wallkill and the City of Middletown. What's happening for Cottage Street and Wisner Avenue where the traffic of school busses and large trucks that can't fit under that tunnel whose going to come in to your Town of Wallkill development? Did the developers start to think about what's going to happen to our infrastructure because we're already having a problem. We already have a letter from the parish of St. Joseph for traffic and safety asking from hundreds of people for a left hand turn signal at Wisner and Sproat so that when people come out of church, and if any of you go there and I do, you can't get out and down Wisner. I'm not saying this is going to happen and I'm not going to say it's even a good solution. I'm just telling you but the reality is I understand the confusion from all these people. There's a school there, there's a very large active church there and that adds to the population over

there. So, that's great. We're talking about the tunnel and Silver Lake Scotchtown Road and Maltese and Tower Drive but what's happening for us because right now most of your traffic is coming down our road which I live off of and trust me, it's coming from my neighborhood. They're coming through my neighborhood now to get to the Mall already. So, the people that are going to be coming through to get everywhere. Everyone not's going to go down to Mud Mills Road to Silver Lake Scotchtown Road. It's just not going to happen. So, that's a concern. The other problems that we're having are the school busses. Did they address the school busses. I happen to know school busses are getting taller and stranger looking but they are tall. So, I don't see how, if this isn't fifty five and up and no kids, how are we getting those kids to school and you can't make it all Middletown's problem. It's just not going to happen. I don't know what you have before you. I don't know how you can compensate for these things that may have been thought of or may not have of and I understand that. It's a huge concern. I would like to know where the second access roads are, if they can point them out to me? Where's your second access road for the town houses that you discussed before?

C. Utschig: There are two access points on to Cottage Street. We have an access point on to Mud Mills Road which is generally located between the two railroad crossings. One of them is at the low grade crossing and the other is at an at-grade rail crossing.

M. Meyer: By the water tower, it looks like there's a road that's been started. That's not going to be an access point out?

T. Hamilton: No.

M. Meyer: And from Wildflower out to Silver Lake Scotchtown Road there was some kind of road or something that people were using and now there's some green over it. They put some green over it to make it look not like a road.

R. Carr: That was an emergency access.

M. Meyer: If it's an emergency access for the builder, is it going to remain?

G. Lake: We don't have those plans here and we really can't say anything.

M. Meyer: But you understand the concern.

G. Lake: Yes. And listen this Board has been wrestling with this since 1989. We denied them a couple of times. We're under certain restrictions now. I understand but traffic is a tough thing to understand.

M. Meyer: I understand Mrs. McNair's concern because right now that tunnel, how is that tunnel being widened?

G. Lake: It's not going to be. Actually once you get involved, I don't know how long you've been a Council Person for the City but try to deal with the railroads.

M. Meyer: Oh, we are.

G. Lake: You can forget about it.

M. Meyer: Oh, I know.

G. Lake: I think once the improvements start it will be much better than it is today.

M. Meyer: And, that's what it should have been. Again, I thank you for listening to us and hopefully you can consider any other information that we can still address.

J. Gervasi: First of all, lights only help to alleviate accidents. They don't control traffic. I'm trying to visualize what you guys have in mind for the tunnel area. I'm assuming you're going to have to have almost a four way intersection kind of like you have at Tower Drive and the Mall where only one way can go at a time. Are those lights (not clear).

G. Lake: Again, we have a Traffic Engineer that has designed this whole scheme isn't here tonight but for me to talk about it.

J. Gervasi: It's just something I'm concerned about.

G. Lake: It is going to be a four way stop and there's going to be red lights and it's going to be controlled. There's going to be lanes of traffic so it flows better. You're right. It does help traffic flow and it will do that.

J. Gervasi: The other thing in regards to that tunnel, what ever way they set up the lights you also have to be concerned with emergency response getting through. As far as the Washington Heights Fire Company engine getting through that tunnel, what about Mutual Aid if they get called?

G. Lake: Obviously Mutual Aid uses a private person. I'm not a member of Washington Heights but again you're asking me to speak on something that I don't know their policy.

J. Gervasi: I'm sorry.

G. Lake: The first truck if they need help will probably come from Middletown under the Mutual Aid system.

J. Gervasi: That's fine if they call in from another area. It's not only Washington Heights fire trucks that need to get through that tunnel. I do think you need to figure this out. Some of these trucks won't get through. It's got to be widened. It's got to be and I know working with the railroad is hard but how can a railroad that owns a ten foot wide piece of land and in fact the rest of us who own a lot more. Unfortunately we kind of rely on you guys to fight the battle for us.

G. Lake: Mr. Hamilton?

T. Hamilton: One thing on that, Mr. Lake. In the file at one of the previous meetings there was a letter, I believe, from Silver Lake Fire Department in reference to going to fires in that area. They actually timed their different runs that were given to us.

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

A. Dulgarian: Nothing now.

R. Carr: Nothing now.

W. Capozella: Yes, I do have something to add. On page fourteen (11), there's a section in here that describes how many gallons you're going to use as far as the sewerage goes. Based on if you do get your approval for that, this is fine and okay as far as the sewer numbers but again I think the fact that you listed 3.1, 3.2 million gallons. We do have, obviously now, new build up there. You have mentioned Wildflower. It changed things drastically like this project. I think I would like to see and whether it comes from us or from you that my general comment here is to see a better build-out of what the project really has and the capacity really is based on the projects that have already been approved. We have several projects between here from Tower Drive. I'm sure the Town has taken every consideration but again that is a concern of mine. It's something that definitely needs to be looked into.

T. Hamilton: On that same note, being that the applicant has petitioned the Town Board for that sewer hookup which they don't have at this time, I'm pretty well sure that the Town Board is going to go through those figures to make sure that the figures work and that we can handle those figures before they give them that approval before they can get our approval because we can't give it to them without the sewer hookup.

G. Lake: Right. Anything else, Mr. Hamilton?

T. Hamilton: And then the one comment from the Public putting up with dust, dirt and runoff on the highway. I believe that the Town of Wallkill in their litter law most of that stuff is covered. Tracking from construction debris on to the roads, the mud, I believe it's in the Town Litter Law because it was when it was first passed unless they amended it. That was covered in that litter law where the contractors can be fined and made to clean up any thing that tracks on that highway.

R. Karp: Has anybody been fined?

T. Hamilton: I don't know if anybody had called in but it's in the law.

R. Karp: Who do you call Police or Code Enforcement?

T. Hamilton: Check with the Town. I don't know if it's with the Building Department or who would handle that.

G. Lake: Building Department.

T. Hamilton: It should be in the Litter Law.

K. McNair: They have been called and they have not been fined. That's the reason why we're bringing it up.

G. Lake: We have a considerable amount of comments and I do understand that you're working on these diligently. I don't see the sense of us going through this many. You have the Public's comments. We also have a couple of letters that we will make sure you get that has come in from the Public. Before I close the Public Hearing, I think, I would like to see you waive the sixty two day time frame just in case we get held up someplace else.

A. Veneziano: Right now the stipulation is a March 15 date. Does the sixty two days come before March 15?

G. Lake: The fifteenth of March?

A. Veneziano: Yes.

G. Lake: Basically normally and this is being treated differently. I understand the time frames of the agreement..

A. Veneziano: We're willing to agree but obviously . . .

G. Lake: All I'm trying to do is make sure we don't get tied up with you making changes and come back and both of us are looking at one another saying we're running out of time.

A. Veneziano: So, let's keep working for a deadline.

G. Lake: Continue working diligently in accordance with the Court Order and as a safety cap.

A. Veneziano: Is the meeting of March 15<sup>th</sup>, okay?

R. Carr: They are talking about being put on March 15<sup>th</sup>?

G. Lake: What I'm saying, I don't know how fast they can turn their stuff around there's still a few items that need to be hashed out with Mr. McGoey and I don't know if they can turn around fast enough or if Mr. McGoey can turn them around fast enough.

D. McGoey: First of all, the Engineer, have to determine stuff rather quickly. It's not going to happen by the 15<sup>th</sup> of March.

A. Veneziano: We can either condition the approvals upon any conditions or subject to Mr. McGoey or we can extend. I suggest we meet soon after this to see how far we can get and get put on the March 15<sup>th</sup> meeting.

C. Utschig: We have with us a set of drawings that deals with seventy five to eighty percent of the comments. We also are hoping to have a meeting at the end of the week where we can answer the remaining issues. So, we really feel like we're able to turn around in sixty days. We anticipate being able to turn around in regards to the drawings and the questions, all of the comments that we feel we can do. There are a few comments that Mr. McGoey had given us before.

G. Lake: Let's first close the Public Hearing.

**MOTION made to close this PUBLIC HEARING at 8:29 P.M. made by R. Carr and seconded by T. Hamilton.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

T. Hamilton: One thing, the sixty two day time period starts when that Public Hearing is closed. That's the start of the sixty two days, not from when you first came in.

J. Bacon: Right.

T. Hamilton: That's another issue and at this point the 15<sup>th</sup> happens to be a different set of meeting for us. It's a commercial meeting and not a residential meeting. Plus, by the time he gets with Mr.

McGoey and give us any additional comments to us, we need new plans, new comments at least ten days before a meeting. So, no way, can we make it the 15<sup>th</sup> at this point. We're trying our best to make it.

A. Veneziano: We have to work with the stipulation or it has to be modified.

G. Lake: What do you mean, meet on the 15<sup>th</sup>?

A. Veneziano: I suggest you're meeting on the 15<sup>th</sup>?

G. Lake: Your not meeting on the 15<sup>th</sup>?

A. Veneziano: Okay, you're meeting on the 15<sup>th</sup>.

G. Lake: Yes, that's the commercial meeting.

A. Veneziano: So, we want to get added.

G. Lake: What I'm saying is get back to another work session, ask us what pertinent questions Mr. McGoey needs and straighten this out and we will get you in the next residential meeting. That's all I'm saying.

A. Veneziano: Okay.

G. Lake: I'm just trying to make sure we don't get caught up in some time frame and we end up back in Court again.

A. Veneziano: But that's what we're saying. If we miss the 15<sup>th</sup>. I would think, do you want to request a meeting?

J. Bacon: What they're trying to say is that they don't have control over the stipulations. They're in a difficult spot with being able to speak on their behalf because they're not signatory.

A. Veneziano: Even though there are a number of comments if we get the Preliminary Approval going into Final. I do think we could. A lot of those comments are merely changes on engineering. They're very thorough comments. I see resolutions where we can incorporate letters and say it will be resolved by final. So, that's just another way to address it. These are special circumstances.

G. Lake: Right.

A. Veneziano: We can have a special meeting before the 15<sup>th</sup> or we can take a spot on the

commercial meeting for a half hour but I think you may want to think about that.

T. Hamilton: Mr. McGoey, one thing. I see Mr. McGoey right before me there's twenty eight items on one page, then he goes into the multiple family another ten items, stormwater you have up to thirteen items. We have never done a subject to for anything that has this many items or questions on.

D. McGoey: Yes. My suggestion is some of these could be made conditions of approval. I would just a soon get these things straightened out before you grant a conditional Preliminary.

T. Hamilton: Sure.

J. Bacon: What I would say if the Board can schedule a work session as soon as possible but you do have a stipulation that the Planning Board signed on to and the Town Board signed on to that it does specify that the March 15<sup>th</sup> date.

T. Hamilton: Doesn't it say due diligence? We can only work as fast as we can with the meetings and the information that we have and that covers us.

D. McGoey: Everybody was aware of that. It's very impractical.

R. Carr: It seems to me that if we can't make an agreement today however, if he agrees to the sixty two day waiver and within the next two weeks he's got to work on getting an extension because it's only fourteen days from now and Mr. McGoey says it's not going to happen.

A. Veneziano: What I suggest is we set a project meeting or a work session say next Wednesday. If you can't make the decision tonight, we will bring all parties. You've been working with us in good faith. I can't make the decision now. I do think we can work with Mr. McGoey. There may be four or five items that are very lengthy conditions. Some of them are just notes or modifications to the plans. We're used to a lot of comments. These are technical engineering issues.

J. Bacon: It does say that the Pirro Group and MKA will agree to grant reasonable diligence providing the process is proceeding in a timely manner.

G. Lake: Mr. McGoey, are you going to be able to squeeze them in then?

D. McGoey: Sure. I've done it before.

G. Lake: Then on March 15<sup>th</sup>, we will put you on the end.

T. Hamilton: We won't have our plans in time. Our regulations call for ten days.

G. Lake: I realize that Mr. Hamilton. I just think. . .

T. Hamilton: If you do it for one, you have to do it for all of them.

G. Lake: We're kind of in a hard place here.

A. Dulgarian: I agree.

A. Veneziano: We understand the pressure you're under. We're under the same pressure. Let's see how far we can get with Mr. McGoey. Is the 15<sup>th</sup> of March a regular meeting or a work session?

G. Lake: March 15<sup>th</sup> is a regular meeting.

A. Veneziano: So, we would be on a regular meeting.

G. Lake: Right.

D. McGoey: Let Chuck talk.

C. Utschig: Just one clarification. There are a few items that you indicated that the Board.

D. McGoey: Let me speak to the Board on two of them. Whether there's enough parking spaces for the parents to pick up their children at the school bus stop and the second is whether you want them to go back to a thirty foot wide road in the town home section of the project. They have thirty foot wide roads in the single family area but they reduced it to twenty four feet in the town home area. It more or less it a Fire Department issue.

T. Hamilton: Mr. McGoey, can we do Preliminary if they don't have the sewer okay?

D. McGoey: I will let Mr. Bacon answer that.

J. Bacon: I will look into it.

G. Lake: Let me start with the parking for the parents of school children..

C. Utschig: We provided twelve. This is an exclusive project. These are for school children. It comes out to sixty seven school children. You come up with a distribution. We're not set on that number. In fact, what we actually propose is to in essence add another eight spaces. We're kind of proponents of not just adding a previous area until we can justify it. It is a little hard to say is twelve an exact number. We think as we split this down you're going to get a certain number of people whose kids are going to walk to this. It is off the road so it's a safe area. In the inclement weather, is twelve going to be enough? Probably not but we're willing to land bank another eight or ten which will give us twenty or so. We think that should be plenty.

T. Hamilton: The bus, did they stipulate that they might split up a stop and put one up at the other end?

C. Utschig: They did not tell us that. Our indication was that it would be along Cottage Street.

A. Dulgarian: Are they fully in to the project?

C. Utschig: No. They specifically did not want that.

A. Dulgarian: We talked about one where we had talked about that.

D. McGoey: It's an issue we can settle between Preliminary and Final also. The issue we can't you should settle now or at a work session whether we have a thirty foot road in the town house portion of the site.

C. Utschig: These are very specific points which I feel are needed for the recommendation for a twenty four foot wide road. One of the things is that from the fire department prospective you put cars parked along the street and you only have a twenty four foot wide road you start to have problems. What is different from this town house area that we're considering when looking at this issue is these homes have two car garages. They have room for parking spaces so they can also park in the driveway. So, realistically you could probably get three. The other thing is we provided in remote areas we have visitor parking. We don't want cars parked on the street. There's a couple of things that can prevent that from happening. One is if you look at the driveway configuration that's already there. First you have a series of driveways and not really room to park a car. So, our position on this issue is we would rather restrict parking with no parking signs and have people park their cars in their driveway and in the garages and visitors will use the visitors area. Now, we have a twenty four foot wide clear road instead of going to a thirty foot wide road that has cars parked on one side or potentially cars parked on both sides. So, the philosophy here is to deter people from parking on the street and keep it open. There's a couple of other issues when you talk about increasing roads from twenty four feet to thirty feet. We specifically developed this plan to the point where it is to allow us to keep everything tighter in so in the areas where we abut wetlands, for example, here we picked up additional room in the buffer. So, as we widen this out to a thirty foot pavement which is six more feet than the twenty four feet which creates a twenty five percent increase in pervious area. There are a couple of things happening. We're increasing the amount of the pervious area by about twenty five percent which is a substantial amount. That affects stormwater management and water quality. We talked about snow removal. Snow removal on town house projects is a difficult task. It's privately done. The Association hires a contractor to do it but you're talking about managing an additional six feet of snow removal here where if we put all those proposed as adverse results in widening the road when we provided for the underlining issues is the ability to get emergency vehicles by and not to have cars parked on the street. We're not going to have a substantial pervious area. We made the road snow plowing here to get better. We will be

getting an increased buffer and we provided the circulation. We go through all the scenarios with the Fire Department and they generally concur with our assessment that as long as there are no parking rules and by the nature of the design.

T. Hamilton: Isn't that also covered under the agreement from the people who rent there being that they are private roads?

C. Utschig: Yes.

T. Hamilton: Besides the signs and are stipulated that they are not to park on the road.

C. Utschig: We can make that a provision of the Association document.

T. Hamilton: Signs don't always work.

C. Utschig: I hear you.

G. Lake: If I was going to vote on it tonight I would tell you I would vote for the thirty foot road. That's myself. I think it's well worth it. I think it's solved a lot of headaches for us in the community. I think it's going to be hard to enforce keeping parking off the street. I think the safety issue far ways having a little more blacktop. That's my opinion.

A. Dulgarian: How many visitor parking spots on the site do you have there?

C. Utschig: We spread them out throughout the entire development. There are groups of five or six as you can see.

A. Dulgarian: What's the code . . .

C. Utschig: Don't hold me to this but it around eighty to one hundred spaces. It's probably in the eighty range if I recall.

A. Dulgarian: Mr. Lake, I really don't have a problem with the twenty four foot road in that area.

R. Carr: Yes. I would not have a problem with the twenty four foot road.

W. Capozella: I'm going to have to agree that based on the snow removal and buffers. I am not opposed to the twenty four foot road.

T. Hamilton: I agree more at the twenty four feet but just looking at your visitor parking I can see one family having a birthday party for the kids and their going to have five people come to the house. You have a parking area and you have another area five or six hundred feet down the road. You're going to have people spread out through that whole complex to go

to one house. So, you're going to end up having people parked on that street no matter what you do unless you're out there every day and controlling it.

C. Utschig: I understand and there are various situations. Again, there's not a lot of spaces for people to park their cars. If you drive down this street the only opportunity to try and park your car is there are a handful of spaces. Is it going to be inconvenient when you have five or six cars? Absolutely. The difference here is these homes have two car garages and a two car driveway. So, we're starting out with four spaces where in a lot of other projects you only probably have two.

G. Lake: Okay. You heard the Board and they're happy with the twenty four feet. So, you're going to get back to a work session with Mr. McGoey next week some time. I will put you on March 15, 2006. Try to get the Board members back something as soon as possible if you can make it. If not, then all I'm asking for you to come back and then we will work it out and put you on the next meeting.

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

**A. Dulgarian: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

2. **GOLDEN TRIANGLE** - SITE PLAN/SPECIAL USE PERMIT (Acceptance of FEIS) - Silver Lake Scotchtown Road (40-1-16) #74-02

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

L. Wolinsky: My name is Larry Wolinsky with the law firm of Jacobowitz & Gubits here for Golden Triangle.

G. Lake: Okay. All we're doing tonight is re-accepting the FEIS.

L. Wolinsky: Correct.

G. Lake: Do any of you have any comments on that?

T. Hamilton: I guess I'm trying to remember what we held it up for?

L. Wolinsky: The school numbers. Do you want me to give a little presentation?

G. Lake: Yes.

L. Wolinsky: There was some discrepancy in the numbers in the methodology that was used. We have spent the last several months now on the numbers with the local agencies going back and forth and we are very confident now that we have the right numbers in the methodology inserted in the FEIS. The bottom line is that the project still yields a net physical surplus which will range somewhere between ninety six hundred dollars a year and one hundred and thirty two thousand nine hundred a year depending upon the range of school children that are actually generated. The lower number of school children the higher the surplus will be but even at the most conservative range it's still a conservative number. We've been back and forth with the Town of Wallkill Assessor and various officials from the School District and we were given confirmation information as of January 31, 2006 so I think we're in good shape now and I think we have a section on schools that's accurate as per your request.

G. Lake: I will go through the Board. We're just accepting this document.

A. Dulgarian: Well, the document you started out with was eight hundred thousand dollars and now you're down to nine thousand so, that's a significant change and I will say that Mr. Wolinsky recognized as I did initially that something didn't look right and I appreciate you guys going through this whole process because actually it was a lesson for all of us. I do think that the figure we used was more reasonable of the forty three rather than the other end of the spectrum but I guess the best thing you can say is that these figures are reasonable. I don't know that they're really accurate but they're reasonable. According to Molly, some of the figures might have been on the high end but still it's close to a break even. I am happy that we went through the trouble and they went through the trouble of making this document as accurate as possible in this one instance but to go from eight hundred thousand to nine thousand, that's a big deal from what we were going to sign off on.

R. Carr: I can't say anything more to that.

W. Capozella: Again, I know the holdup was up with the school numbers. My personal opinion is for the school system, when ever you build a development you have a school system that has a losing proposition. I don't care how these numbers work out. I work with numbers every day as a statistician and the numbers themselves can only be made in favor. I think the bottom line is even though looking at this I agree one hundred percent that this is probably the best job I've seen in front

of me as far as trying to make the school numbers. Again, just from my own judgment it's the school system itself. It's never a money making proposition for them. I accept the numbers as is though based on the job that they have done on it.

T. Hamilton: Yes. The new numbers are more realistic.

G. Lake: In saying that, I think a lot of the thanks goes to Mr. Dulgarian. Some how he broke the ice and got some real numbers. In saying that,

**MOTION to accept the FEIS as complete made by R. Carr and seconded by A. Dulgarian.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5AYES**

3. **STICHMAN** - LOT LINE MODIFICATION - 3 Baldwin Hill Road (44-1-96) #98-05

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

L. Stichman: My name is Lee Stichman. I live at 3 Baldwin Hill Road.

G. Lake: Sorry. Go ahead.

L. Stichman: I guess I own part of my neighbor's driveway and I'm doing a line modification to correct it.

G. Lake: I will go through the Board.

A. Dulgarian: Sounds good to me.

R. Carr: No problem.

W. Capozella: No problem.

T. Hamilton: No problem.

**MOTION for a NEGATIVE DECLARATION made by A. Dulgarian and seconded by R. Carr.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

**MOTION for a LOT LINE MODIFICATION made by A. Dulgarian and seconded by R. Carr.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

4. **SALZANO** - 2 LOT SUBDIVISION & LOT LINE MODIFICATION - York Road (3-1-104.21) #113-04

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

S. Plass: My name is Susan Plass surveyor for the project.

G. Lake: Go ahead.

S. Plass: Basically we're looking at a two lot subdivision and a lot line change combination. We were here earlier and there was a question as to whether or not the lots conformed with the new zoning. Since that time it's been found that they do. We have Mr. McGoey's comments.

G. Lake: You've already answered the first one.

S. Plass: Yes. The bigger one is we need to schedule a joint inspection yet with Eustance & Horowitz. Item #3. The trailer lot is not part of the project. It's not owned by us nor it's surroundings. So, I'm not sure what to tell you about the removal of the shed and the trailer.

A. Dulgarian: You wrote that on the plan.

S. Plass: What happened was, it was part of an original lot line change done a couple years ago and since that time Mr. Rossi had died and the property is in Probate. So, my client doesn't own the lot yet. At the time of the original lot line change the three owners were in agreement to make that lot bigger. We increased the size of it but we're not in the position of owning it yet so we really can't really remove the trailer and it's not part of this project.

D. McGoey: It sounds like it was something that didn't get done as part of the previous approval.

S. Plass: It's still in Probate is one reason why it hasn't gone anywhere but it really is an out parcel to this project.

G. Lake: Are you going to end up with it?

S. Plass: Hopefully, but no guarantees.

Mr. Salzano: Will the Code Enforcer make them take that trailer down?

S. Plass: He's willing to take it down but it's not ours.

G. Lake: I don't know. I don't know the answer to something like that. You might have to take it to court and every other thing since it's in probate.

S. Plass: Item #4, the concrete monuments. Some are in, some are not. I have a note on the plan which ones are there and which ones aren't. Item #5 the septic system location on the trailer lot, we don't really know. We know the well is in the front yard and the septic is probably in the back however, the well that we're proposing are greater than two hundred feet from the property line of the trailer lot.

G. Lake: When and if there's something built on the trailer lot are you going to be able to have enough room?

S. Plass: I would think so because we're about within two hundred feet of our well.

G. Lake: Okay, between your septic and the well you still have enough room. Let's say you put a house on this trailer lot. Something happens up there and you put the septic in the back.

S. Plass: Well, it's two hundred by two hundred. I would think so.

G. Lake: Okay. I just wanted to solve it now. Let me go through the Board.

A. Dulgarian: There was a question about the lot line going through the pond. I never really had an issue with that. Other than that, I don't have any issues.

G. Lake: I think there was a problem at one time but I agree.

A. Dulgarian: What's the dwelling unit in the back of the property? That's a whole other lot, right?

S. Plass: That is a different tax map. It's an existing dwelling.

A. Dulgarian: Okay.

R. Carr: The only thing I had the last time was about the line going through the pond. I have no real problem with it.

W. Capozella: I'm just a little confused as to this lot line change. The lot in the back is not owned by the applicant?

S. Plass: No.

W. Capozella: But you're putting in a lot line to their existing property?

S. Plass: Yes. I just needed the adjoining applicant.

T. Hamilton: Yes. It's listed on the plan. Mr. McGoey, did you hear that? Lot 102 is owned by somebody else.

D. McGoey: Right.

S. Plass: I'm pretty sure the application is signed by both.

D. McGoey: We will have to verify that.

W. Capozella: You should just have something on here to cover us.

S. Plass: I will put owner's and applicants on the plans.

T. Hamilton: Nothing further.

**MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey's comments and this Board's comments and clarifying that the application is correct made by A. Dulgarian and seconded by R. Carr.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

**MOTION for a TWO LOT SUBDIVISION & LOT LINE MODIFICATION made by W. Capozella and seconded by T. Hamilton.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

5. **LAKE VIEW ESTATES** - SUBDIVISION - EXTENSION to FINAL - Bert Crawford  
Road (53-1-2.21) #29-02

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

J. Nosek: My name is John Nosek with Roger Ferris Engineering & Surveying. We're requesting a six month extension of Final Approval on a previous applicant and also the developer sold the project to Mr. Mosher who has taken over the job and he is currently in the process of trying to get his bonding in place for the road so that he can bond it and then proceed with the road construction and get a Building Permit. So, we're requesting a six month extension to Final Approval.

G. Lake: Okay. Have you had any extensions?

J. Nosek: I don't believe so. We got Conditional Approval in August of 2005.

G. Lake: I will go through the Board.

A. Dulgarian: Nothing.

R. Carr: No problem.

W. Capozella: Just for clarification. You're saying you have a new owner and you're just trying to bond it. You're just transferring what ever approvals that we've already made. I guess I will ask Mr. McGoey. He doesn't have to go through another process because he already has the approval even though there's a new owner. It's not like he's asking for additional extensions that we don't normally have.

D. McGoey: No that I know of.

T. Hamilton: Nothing.

J. Bacon: The time period for the first extension expired on February 3<sup>rd</sup>.

J. Nosek: Yes. We put a letter in back in December and we were put on tonight's meeting.

J. Bacon: So, the Board can grant an extension for ninety days from February 3<sup>rd</sup>.

T. Hamilton: It's just something that I'm looking to have changed. I haven't gotten enough people to change it. Mr. McGoey, did he meet his conditions?

D. McGoey: Not yet. I think he's got all of them.

J. Nosek: We have all the designs. It's just a matter of getting the bonding in place.

G. Lake: I thought it was six months.

J. Bacon: Ninety days and then he can come back and ask for another ninety. That was changed in 1994. That's the way it is now.

**MOTION for a NINETY (90) DAY EXTENSION of FINAL CONDITIONAL SUBDIVISION made by R. Carr and seconded by W. Capozella.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

6. **SALADINO** - 2 LOT SUBDIVISION - EXTENSION to FINAL - King Road (20-1-3)  
#36-05

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

J. Nosek: My name is John Nosek with Roger Ferris Engineering & Surveying. This one, again is a Conditional Final Approval. It's a two lot subdivision where we received it on August of 2005. Due to the weather they're still in the process of doing site testing with Eustance & Horowitz so I need a little more time to secure my approval for Eustance & Horowitz before I can come back and have my maps signed. So, I'm asking for an additional extension of six months or three months if that's all that's permitted.

G. Lake: I will go through the Board.

A. Dulgarian: No problem.

R. Carr: I just wanted to know what the status was the discussion with the Highway Department.

J. Nosek: The Highway Department discussion about the stone wall he does not want there and wants it removed. We will agree to keep all the stone walls within the property but what's in the right-of-way he wanted removed.

R. Carr: I have no problem.

T. Hamilton: I have no problem.

G. Lake: It's for safety and liability. He gave me a whole bunch of reasons.

**MOTION for a NINETY (90) DAY EXTENSION to FINAL APPROVAL made by A. Dulgarian and seconded by R. Carr.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

7. **ANTONA** - LOT LINE MODIFICATION - Re-approval - Reservoir Road (32-2-14.1) #56-05

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

J. Nosek: My name is John Nosek with Roger Ferris Engineering & Surveying. This is a project which apparently the approval had expired and so we're back. It's a lot line change actually. We removed a lot line. One has an existing home on it and one has a previous (not clear) that had the septic approved by Eustance & Horowitz and so forth. Mr. McGoey just had some comments regarding a note, regarding the survey and I tied into the horizontal and vertical datum which is not a problem. The only comment the Highway Superintendent had was that he wanted the lot line to go around the pond right here so, we made that change and he also asked that we actually file an obtain the permit which we did. So, we actually have the permit for that entrance. The utility line crossing lot #15. The utility easement should be shown. We can add an easement to the map. That's no problem. And, he also asked that the other buildings located to be shown on the survey.

G. Lake: The map wasn't filed.

A. Dulgarian: It's probably six months old.

J. Nosek: I think what happened to be honest with you was the maps were signed by Mr. Lake and they couldn't be released until the fees were paid and they sat in the office for quite a while, not on

the Town's fault but on the applicant's fault because he just didn't pay his fees and when he finally did pay them the sixty day time frame for filing had expired.

A. Dulgarian: I have no problem with that.

R. Carr: Are the plans in order?

D. McGoey: As long as he takes care of the remaining comments.

R. Carr: No problem.

W. Capozella: I just want to go back to that. There is one change though, right?

J. Nosek: That was previously changed.

W. Capozella: That was already pre-approved.

J. Nosek: That's correct.

T. Hamilton: No problem.

**MOTION for a LOT LINE MODIFICATION subject to all of Mr. McGoey's comments and this Board's comments made by R. Carr and seconded by W. Capozella.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

8. **BAUM** - 8 LOT SUBDIVISION - Miller & Van Amburgh Road (31-1-17) #111-02

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

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

G. Lake: Okay.

J. Nosek: This is the Baum Subdivision which is located on Route 211, Van Amburgh Road. We had been before the Board a number of times and just fell short of the moratorium. It fell under the moratorium so it was put on hold from the time the Town was under the moratorium. The Town has since released the moratorium and I've been back to a work session with Mr. McGoey and placed on tonight's agenda to review the project. Mr. McGoey's comments pertain mainly to the Conservation Subdivision and because this is all new to us I think there's some questions and answers that I'm not one hundred percent sure of and possibly that Mr. McGoey might even not be one hundred percent sure. What we're proposing is a Conservation Subdivision and our understanding is that under the Conservation Subdivision that we can go back to the two acres in lieu of the three acres, that we do need to conserve a minimum of forty percent of the land within the property of which fifteen percent has to be useable land. It has to be non-wetland and non-steep slope areas. We've agreed to meet those requirements. There is additional information that I've got to provide on that map to satisfy Mr. McGoey's concerns and we did go over that. There's some acreage. I've got to clearly identify the limits of the conservation easement or what those acreage's are and provide documentation to demonstrate that I need. There was one concern that I had or one comment that Mr. McGoey had mentioned was the minimum setback that pertains. I couldn't find it in the zoning. I'm not sure where it is. Is it the conservation easement setback or is that the building setback?

D. McGoey: It's a building setback when using the conservation subdivision regulations. It's two hundred feet.

J. Nosek: The two hundred feet basically puts us in a situation where we really can't use the conservation easement unless, we really want to use the conservation easement concept. We think it's a good concept but if you look at the lay of the land to have a two hundred foot setback it puts the buildings in the wetlands. So, I wouldn't be able to do that. So, my question to the Board is that something that's waiver-able or is that something that the Board has discretion because we do want to do the conservation subdivision but there's no way I can keep two hundred feet from the road.

T. Hamilton: Then, you will have to go back to the three acres.

J. Bacon: Right.

G. Lake: But I thought there were some waivers or something.

D. McGoey: There's a waiver under Paragraph E. It says two hundred foot setback from the street and no less than fifty feet. The reduction of the setback can only be awarded where a vegetative

natural buffer will remain.

A. Dulgarian: A natural buffer?

D. McGoey: It's from the street to a building setback.

T. Hamilton: Who gives that waiver, the Town Board or us?

A. Dulgarian: You're doing it because of the backyard.

D. McGoey: No, the two hundred foot setback is from the Town Board.

R. Carr: I think the intent there is as long as there's something (not clear). To me, this project doesn't appear to be much different, one lot different from the original project. I don't know that this isn't the idea of a conservation subdivision.

J. Nosek: Is it my understanding that the Board is not in favor of a conservation subdivision for this one and you would prefer the conventional one?

R. Carr: That would be my personal opinion.

T. Hamilton: Yes, because on that conservation easement, one of the main reasons was to set these homes back away from the roads and so forth. This because of the wetlands in the back you can't accomplish that no matter what you do.

J. Nosek: The only issue that we have is that Mr. Baum had discussed and talked about doing certain improvements and if I'm not mistaken they were fairly expensive improvements that needed to be done and the presumption was that he was going to get a certain number of lots to help pay for that and by going to the new conventional subdivision there's going to be a loss, I believe, the minimum of two lots. Doing that, it really creates a hardship in terms of being able to put some money back into the Miller Road to improve it to Town standards. I would have to confer with Mr. Baum as to what he would agree to do but I know that his basis for contributing to that as well as the adjoining developers across the street he thought he was going to get a certain number of lots to pay for that.

G. Lake: Did you meet with the Highway Superintendent on that?

J. Nosek: Yes. We had a meeting with Mr. McGoey out there and the Highway Superintendent.

G. Lake: We haven't done anything yet?

D. McGoey: No. It was based on the previous subdivision law with both developers to widen the

road. That is a road that's closed during the winter. If it doesn't get approved it will continue to be closed during the winter.

T. Hamilton: Mr. Lake, what we have to remember though is we did not make that zone change.

G. Lake: I agree with you.

T. Hamilton: This is something that was done by the Town Board. Granted it was here under the old zoning but since then the Town Board has changed the zoning in that area which created this problem which we can't solve here.

G. Lake: I think he needs to talk to his client. I think he should also to go back to Mr. Lippert and maybe the Town Board or Zoning Board of Appeals.

D. McGoey: I think you should get your client and Mr. Wolfe and Mr. Lippert and myself together. Mr. Wolfe will be facing the same problem.

J. Nosek: That's fine. One quick issue that I need to discuss with the Board is the issue of two homes that currently exist on the parcel now and the question was brought up at the work session meeting that Mr. & Mrs. Baum live in the residence and they do have another home that's a second home behind them that they have rented for many years to a family relative. The question has come up, now that we're cutting that off and making that a lot, are we violating the zoning ordinance or are we in compliance? It's pre-existing. It's been there I believe even before zoning was established. The problem I run into no matter what we do there, we're going to making the lot smaller and, in effect, creating a situation where the lot is going on something less than twenty nine acres which is what the whole entire property is. I don't know where we go with that or what needs to be done.

T. Hamilton: Go to the Zoning Board of Appeals first.

A. Dulgarian: It's a pre-existing home but you're creating (not clear).

D. McGoey: Unless it can be legally subdivided.

J. Nosek: It can't be legally subdivided because it's directly behind the other home. If it was next to it I might have been able to cut the line differently.

D. McGoey: You will have to defer any action and decide this before the work session.

G. Lake: Yes.

J. Nosek: So, should I contact you regarding that. I'm not sure. I just don't want to be in limbo. If I need to go to the Zoning Board of Appeals, that's what I'll do.

D. McGoey: Let Mr. Bacon take a look at it.

G. Lake: What do you need, Mr. Bacon, a couple of days?

J. Bacon: Yes.

J. Nosek: Okay. I will talk to Mary Lynn next week sometime.

**MOTION to TABLE for further review made by T. Hamilton and seconded by R. Carr.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

9. **SNYDER/MILLAR** - 2 LOT SUBDIVISION - Orchard Hill Road (14-2-31) #89-05

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 nineteen acre parcel at the end of Orchard Hill Road in the R-2 zone with an existing two-story house on it right now. The proposal is for a two lot subdivision flag lots. There's a fifty foot wide strip that goes in there. It was subdivided in 1985. Nothing else has been done to the property since then. Twenty five feet will go to each owner and split the right-of-way with a maintenance agreement and create two more lots.

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

D. Yanosh: Yes I do. The application was submitted back in September, that was before the Town Board did the change on the fifty foot wide.

J. Bacon: Once they did the re-zoning and if you didn't have Preliminary Approval by that time then you fall under the new regulations.

D. Yanosh: Does the new zoning call for fifty foot zoning call for fifty foot wide or did they change that?

J. Bacon: They changed in the RA district.

T. Hamilton: RA is fifty, but the other zones are what? This is in the R-2.

D. Yanosh: I thought it was something that was done after the zoning.

G. Lake: Okay. Let's come back to that.

D. Yanosh: The maintenance agreement he has to look at. The easement for the utility lines we can take care of those. I think there is an easement for the driveway. We can take care of that. We're in the process with Eustance & Horowitz with the septic for lot #2. Again, this was subdivided back in 1985 and nothing has been done since then. This is a strange looking application because of the shape of the lots to begin with.

G. Lake: This is for a family member?

D. Yanosh: Family member, yes.

D. McGoey: The RA zone calls for fifty feet.

T. Hamilton: This is R-2.

D. McGoey: R-2 remains the same.

G. Lake: I will go through the Board.

A. Dulgarian: I don't have a problem.

G. Lake: It really is a nice piece of land over there.

D. Yanosh: You can't do much with it.

A. Dulgarian: No problem.

R. Carr: I'm satisfied with it.

W. Capozella: Item #4, I didn't hear what you said about the easement for the existing road?

D. Yanosh: No. The driveway.

W. Capozella: But this road now, the new home needs a right-of-way.

D. Yanosh: No. He's going to have twenty five feet for his driveway and the other owner will have twenty five feet for his driveway.

T. Hamilton: Nothing further.

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

**A. Dulgarian: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

**MOTION for TWO LOT SUBDIVISION subject to all of Mr. McGoey's comments and this Board's comments made by W. Capozella and seconded by R. Carr.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

10. KALEITA - 2 LOT SUBDIVISION & LOT LINE MODIFICATION - Derby Road (21-1-41.23) #118-05

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

C. Johnson: My name is Charles Johnson from Fellenzer Engineering.

G. Lake: Okay. Go ahead.

C. Johnson: This is for a two lot subdivision and also a lot line merge. This is in the RA zone.

G. Lake: Mr. McGoey, these comments have they been taken care of?

D. McGoey: Not that I'm aware of.

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

C. Johnson: Yes.

G. Lake: Have you addressed them?

C. Johnson: Yes I have.

G. Lake: Go ahead. Go through them then so we can make sure that Mr. McGoey is satisfied.

C. Johnson: There are no plans to further subdivide the parcel.

D. McGoey: Can you put a note on the plan that there will be no further subdivision?

C. Johnson: Yes. There are no wetlands present. We will put a note on there also.

D. McGoey: Have you talked with the Highway Superintendent?

C. Johnson: I haven't had any discussion with the Highway Superintendent yet but there should not be a problem with that.

D. McGoey: Can you push the dwelling back on lot #2.

C. Johnson: The reason we had seventy feet was because (not clear).

D. McGoey: I would suggest you move them back. It's a far enough distance but you're not showing the amounts.

G. Lake: Is this the desire of the new owner?

C. Johnson: Well, he wanted the location for it closer to the road. He wanted to be off that stone wall a little bit also.

G. Lake: Okay. Go ahead.

C. Johnson: We will do the detail for the culvert. Item #8, the issue with the elevation. We changed the topography to the Town's datum and the elevation. Item #9, the monuments and pins we will put on the plans. Item #10 is no problem. Item #11. It has been tied into the Town's datum and we have provided the note. Item #12. The septic system is currently being reviewed by Eustance & Horowitz. Item #13. We show the two hundred foot dimensions on the plan of both lots. Item #14. Also the lot widths are shown. Item #15. We can verify that it hasn't been subdivided from the parent parcel within the last five years.

G. Lake: I will go through the Board.

A. Dulgarian: Nothing further.

R. Carr: If this whole wall can stay, I would have no problem.

W. Capozella: I agree about the wall. I really don't have anything.

T. Hamilton: No issue.

G. Lake: Once again, maybe send the Highway Superintendent another letter asking him not to remove this stone wall and keep it if possible. We've done it once. I had a conversation with him and he wasn't happy but I think we need to try and save especially on Derby Road out there in this case.

C. Johnson: Okay. I know the applicant would love to save the wall.

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

D. McGoey: Yes.

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

**A. Dulgarian: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

**MOTION for a TWO LOT SUBDIVISION & LOT LINE MODIFICATION subject to all of Mr. McGoey's comments and this Board's comments made by R. Carr and seconded by A. Dulgarian.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

11. **COUNTRY COMFORT HOMES** - 3 LOT SUBDIVISION - Evergreen Drive - (36-2-55.12) #03-06

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

C. Johnson: My name is Charles Johnson with Fellenzer Engineering.

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

C. Johnson: We're proposing a three lot subdivision in the HC zone off of Evergreen Drive. It has public water and individual sewer.

G. Lake: Are you going to be putting up a house?

C. Johnson: Yes, three single family houses.

G. Lake: I will have to go through the Board.

A. Dulgarian: I know we're setting a Public Hearing but I just want to make a comment. Are you planning on coming back here more often?

C. Johnson: Yes.

A. Dulgarian: See the way you're doing the location map. Here's the way the other people do. If you're going to be coming back more often that's fine but we want you to understand about the location maps. I have nothing at this time.

R. Carr: We're just scheduling a Public Hearing.

W. Capozella: I was just wondering where these lots were?

T. Hamilton: Behind Korn's Plumbing. Nothing further.

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

C. Johnson: No.

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

D. McGoey: Yes.

**MOTION to schedule a PUBLIC HEARING for June 7, 2006 made by A. Dulgarian and seconded by R. Carr.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**