

TOWN OF WALLKILL PLANNING BOARD

MEETING

MARCH 2, 2005

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

MEMBERS ABSENT: P. Owen

OTHERS PRESENT: D. Brodsky, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - **FINI** - SITE PLAN/SPECIAL USE PERMIT - Cemetery Road (78-1-26.2) #128-04

G. Lake: Public Hearing started at 7:33 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 2nd day of March, 2005 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Joseph Fini, 6 Farm Cross Way, Goshen, New York 10924 for approval of a Site Plan for the construction of a 6,000 square foot building for contractors storage, located on the East side of Cemetery Road, 2000 feet +/- South of Midway Road, under 249-38 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.

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

G. Lake: Give us a brief description.

D. Yanosh: This is a Site Plan for a six thousand square foot building. A contractor will store his machinery there. The other part of the building is for a well driller and he will have his operation in there also. The storage will be inside with a small area in the back where the septic tanks area. Back there we have a small little fence to hide that stuff over there. We have a lot of screening between the property and Route 17. I've been down the road a couple of times and looked over that way. There are an abundant of trees that go through there. We have some smaller trees and the handicap spots I can take care of. One of the major issues that he has is the drainage issues. I've been out with Tom.

D. McGoey: I talked with Mr. DePuy and he wants to meet in the field.

D. Yanosh: He mentioned something about the 19th or something like that?

D. McGoey: Yes.

D. Yanosh: The issues are that there is water does come down through our property. He does exit through the tennis court property, that way. Right now, chances of shifting it out to Cemetery Road going down the edge, it's still going to empty out someplace.

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

A. Dulgarian: After the Public.

R. Carr: I will wait.

W. Capozella: I will wait.

T. Hamilton: I will wait.

G. Lake: Is there anyone from the Public who has any comments on this application?

MOTION to close this PUBLIC HEARING at 7:36 P.M. 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

G. Lake: Mr. McGoey's comments, there are eighteen of them.

D. McGoey: I'm going to suggest that after I meet with Mr. DePuy, most of it is drainage related. It's a major problem out there. We will have to work it out at a work session.

G. Lake: Let me go back to the Board again.

A. Dulgarian: Based on the number of comments and even Mr. McGoey's recommendation because a lot of these issues are stormwater related and that's something new before us as far as ways to control it, the new legislation regarding stormwater control and erosion control. I think instead of approving this subject to, I think we should let them come up with a plan, let us see it so we can learn more about this because we're going to be having it over and over again. I know in the past a lot of times we just threw this in Mr. McGoey's lap. In this particular case, I don't feel comfortable. I think we should see it. Other than that, my other concerns are, obviously there will diesel fuel on site. You're talking about a well driller. Is his equipment going to be inside the building or is the well drilling rig outside the building? Everything is in house.

J. Fini: The equipment will be inside the building.

A. Dulgarian: Just tell us the type of business and equipment and what you're expecting to be inside and outside the building.

J. Fini: I will be having a tractor trailer, backhoe, bulldozer, everything will be inside.

A. Dulgarian: Are you going to have any materials on site? Crushed stone or anything like that?

J. Fini: No.

A. Dulgarian: Any septic tanks, that type of thing?

J. Fini: No.

C. Kroger: My trucks I plan on keeping inside the building. Inside the fenced area, I may store some well pieces that can't be stored inside because of the size.

A. Dulgarian: I guess my other question is in regard to the diesel tank above and it's going to be in the fenced area?

C. Kroger: Yes.

A. Dulgarian: Mr. McGoey, are there regulations how high that has to be in case of spillage?

D. McGoey: It will have to be double walled.

A. Dulgarian: You will have that at the work session. That was my biggest concern. Other than that, I have no problem with the location, the size, setbacks, etc.

R. Carr: I agree totally with everything that Mr. Dulgarian had said. The stormwater is a major concern to me. The only other thing I would add would be landscaping along the front to further

shade the stormwater drainage ditch from the road. I don't know if there were issues from the Highway Superintendent.

D. Yanosh: It's a Town Road.

R. Carr: Did you get his comments?

D. Yanosh: It runs back and forth here. I mean, the Highway Superintendent wants you to clear twenty five feet from the centerline and all of a sudden you guys want to preserve stone walls, trees and the rest of it. You run into a Catch-22 on what's going on. We're trying to preserve the trees. I've listed the trees that are on here, the bigger ones that Mr. McGoey requested a while ago. I have a note #8 on the first sheet about the stone walls and large trees. We're going to try and preserve as much as possible. We did show some landscaping in the front. We went back and forth to do that and then you want me to spruce up the building to make it look pretty.

G. Lake: Show the sizing and detail of the piping and you will need a driveway permit. That's what his comment is.

D. Yanosh: Okay.

R. Carr: That's all I have.

W. Capozella: I know I saw this project before. I had no issues with what you're doing. I guess just for my own reference looking over the comments as far as the drainage. Is this something that just sprang up Mr. McGoey?

D. McGoey: No. It's been on-going. I raised the question in my last set of comments and Mr. DePuy came up with a stormwater management plan which just doesn't work.

W. Capozella: Okay. The project itself I have no issues with.

T. Hamilton: Just Mr. McGoey's notes about the architectural rendering, do you have an architectural rendering of that building?

D. Yanosh: We showed it to you last month when we were here. Again, it's a steel building with doors in the front for access inside. Mr. Fini has been around for a while. He's got a bunch of buildings and his father has been a contractor for years. He's not going to put up something that isn't going to look good.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: Did you mark any of the trees on the site?

D. Yanosh: On sheet #1, we show all the trees that are out there existing right now, the ones that were requested before.

T. Hamilton: Fire Department comments?

D. Yanosh: I never received any comments from them.

T. Hamilton: They should be addressed.

D. McGoey: I didn't see them.

T. Hamilton: Oh, we don't have them yet?

D. Yanosh: No.

T. Hamilton: The septic?

D. Yanosh: Again, with the weather, Eustance & Horowitz are backed up themselves. It's sand and gravel. It's a nice septic area. We have no problem with those issues.

T. Hamilton: Now, this building is for two businesses and not just Mr. Fini?

D. Yanosh: Correct.

T. Hamilton: And, the outside storage cannot be stored any higher than the fence or wall according to the zone.

D. Yanosh: Okay. We can put a note on.

D. McGoey: I don't see a fence on the plan.

D. Yanosh: We show a stockade fence in the back of the building.

D. McGoey: It's not sufficient.

D. Yanosh: You want to screen all the way around?

D. McGoey: You're going to be storing materials, you just can't just have a one sided fence.

G. Lake: Stockade, out of wood?

D. Yanosh: Stockade, a nice wood that you can't see through.

A. Dulgarian: Those don't last.

D. Yanosh: They're looking for a chain link fence.

J. Fini: When you go back by Cemetery Road, you're not going to see. It will be back in this area.

T. Hamilton: Yes, but Route 17. Don't we want some kind of screening from Route 17 so we don't see everything.

D. McGoey: Yes.

G. Lake: Let them take a look at it.

C. Kroger: During the first work session we were led to believe that wasn't necessary because we have a sixty foot of tree buffer there from Route 17.

G. Lake: But see, the work session is one thing and then the Planning Board has their shot to tell you what the policy has been. Mr. McGoey does the engineering and a lot of the technical stuff.

D. Yanosh: If you go down Route 17 and look toward the left it's a tough thing to try and figure out where the tennis court is. It is hard to see that through the trees. Now, it's wintertime, a lot of leaves are off the trees you can see some of it. There are a lot of trees and vegetation that's in between that area.

G. Lake: Take a look at it between now and the time you come back. Anything else, Mr. Hamilton?

T. Hamilton: No.

G. Lake: Basically you know what the Board is looking for. You will go back to another work session. I guess Mr. DePew already talked to Mr. McGoey about going out in the field for the stormwater management problem. The Public Hearing is closed. Do you waive the sixty two day time frame?

D. Yanosh: Sure.

R. Purcell: I own along with some other people the tennis court. I just wanted to make a comment but I can't hear. I have a hearing problem.

G. Lake: Okay.

R. Purcell: My name is Ron Purcell, 114 Webster Avenue, Goshen. I'm one of the principal owners of the next door business, the tennis courts. I've had a chance to meet with Mr. Fini. He seems very cooperative to me and has agreed to trench out a ditch that exists on our property that has kind of eroded over the years. I look forward to a little more activity on that road. I think it's going to be a safer corridor for our courts, actually. I do have a question though and would look to you for guidance. We have always had water coming off that lot but, of course, it was wooded and it was dispersed. Nevertheless, it's very wet in that area and now that the ground has been cleared and I talked to Mr. Fini about this, we noticed after it was cleared that it seemed to be more moist. It could be because we had more rain. It's hard to say but it's obvious that water is not sinking into the woodland as it used to. Mr. Fini has planned, as I understand it, a holding pond on the property. I don't know how deep it is and how much water it's going to hold. That tells me and I really don't know very much about these kind of things but it tells me that he's going to try to focus his water to put into one spot to the extent possible. He's placing it right above a swale that leads to a drainage pipe that goes underneath our parking lot. There's always been water coming out of that pipe. It would seem to me though that with the focus of water in that one spot that the potential of more water going underneath our parking lot and coming out the other side is greater than now exists. When the water comes out the other side of our parking lot it goes on our property just a few feet and then it flows to the next piece of property. I would call it on the Middletown side of our courts. That piece of property has just recently been sold. It's wooded and, in fact, there's a small pond on it. When that water comes out on the other side of the parking lot, who owns that water? By that I mean when the person who just bought it finds that the water is coming down on his land who does he go to?

G. Lake: Okay. First off, the reason he's building that detention pond is so no additional water leaves his property any faster than it would have before he built.

R. Purcell: That would be great.

G. Lake: What's going to happen now is that our engineer, Mr. McGoey, isn't quite satisfied with the stormwater management plan to actually control the water that is on this property coming on to it and then leaving it. That's what they're going to work out. That's why we're probably not going to take any action on it tonight because there is still a question of how they're going to resolve some of that runoff.

R. Purcell: I'm just saying I'm here in a positive way.

G. Lake: No. That's okay.

R. Purcell: I'm not trying to create a problem here but I'm concerned about the person who just bought the land on the Middletown side of our courts. It seems to me they're going to come to us

and say, get rid of that water.

G. Lake: The water ends up there now because of the uphill slope?

R. Purcell: Right.

G. Lake: Like I said, what this property will do is what ever is on his property will stay and leave at what it does now.

R. Purcell: Oh, that would be good.

G. Lake: It's not going to end up downstream. It's just not going to end up any faster downstream.

A. Dulgarian: No additional discharge on the property.

R. Purcell: That's good.

G. Lake: That's something that they're going to work out.

R. Purcell: Thank you.

T. Hamilton: One quick thing. Mr. McGoey, the shale, is that shale going to hold up for this business because it's a shale parking lot? How is that going to hold up with the construction equipment, the well driller?

D. McGoey: They build a decent base it will. There is no requirement because of the number of parking spaces requires.

T. Hamilton: Have you seen what they're going to put down?

D. McGoey: Yes. He has a cross section.

T. Hamilton: It will hold up with that type of equipment that he's going to store out there?

D. McGoey: I will deal with him on that.

D. Yanosh: This is a building for Mr. Fini and his client.

G. Lake: Is that lot cleared off?

D. Yanosh: Most of it is, yes.

G. Lake: Was it that way?

D. Yanosh: It was lightly wooded with some trees and stuff. They came in and cleaned it and opened it up.

A. Dulgarian: Mr. McGoey, when does the silt fences go on?

D. McGoey: They should.

A. Dulgarian: Are the silt fences in place now?

D. Yanosh: Yes.

G. Lake: Does the Board have any other questions at this time?

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

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

2. **BARNETT** - SITE PLAN/SPECIAL USE PERMIT (Self Storage) - EXTENSION to FINAL APPROVAL - Route 302 & 17M (22-3-40.4) #62-02

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

J. Barnett: My name is James Barnett.

G. Lake: You would like to have an extension?

J. Barnett: Yes.

G. Lake: Is this your first one?

J. Barnett: Yes it is.

G. Lake: I will go through the Board.

A. Dulgarian: I have no problem.

R. Carr: No problem.

W. Capozella: The only question I have, there are no notes here so, he's pretty well set? He doesn't have any problems facing?

D. McGoey: No. He pretty much satisfied the conditions of Final Approval. I think Mr. Brodsky should advise you because his approval was in January 2003.

D. Brodsky: There were no extensions granted after October of 2003?

J. Barnett: No.

D. Brodsky: Well, that's the problem then.

T. Hamilton: He's good for a year.

D. Brodsky: He's good for six months as to.

T. Hamilton: No, he had his final.

G. Lake: He had received his final and it was signed.

D. Brodsky: Well then, you're looking at twelve months to construct.

G. Lake: It was filed March 4, 2004.

T. Hamilton: He had his letter of request in on time.

G. Lake: By the time he got through all the agencies. That's what happens sometimes. Anything else, Mr. Hamilton?

T. Hamilton: No. I had seen his paperwork.

D. Brodsky: So, he's really looking for an extension for a twelve month period to build, correct? He already had the final approval and it's been filed. Okay. That would be under 249-41(C)2.

MOTION for a ONE YEAR EXTENSION to FINAL SITE PLAN APPROVAL made by T. Hamilton and seconded by W. Capozella.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

3. **RIVENBURGH** - 4 LOT SUBDIVISION - EXTENSION to PRELIMINARY APPROVAL
- Shaw Road & Route 302 (24-1-55.1) #27-04

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

M. Siemers: My name is Mark Siemers

G. Lake: You're asking for an extension to Preliminary?

M. Siemers: Correct.

G. Lake: How come?

M. Siemers: We haven't received Eustance & Horowitz's approval yet. I sent him the last round of comments a while ago. I believe there were only two comments on it and I expect to get an approval letter within the next two weeks.

G. Lake: So basically, you're still tied up with another agency?

M. Siemers: Yes.

G. Lake: I will go through the Board.

A. Dulgarian: No issues.

R. Carr: No problem.

W. Capozella: Nothing.

T. Hamilton: Just, the Highway Superintendent's comments. Are there any Site Plan revisions yet? I didn't understand what that meant.

G. Lake: You have to go to the proper application.

T. Hamilton: Thanks.

MOTION for a SIX MONTH EXTENSION of SUBDIVISION APPROVAL 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

4. **LAKEVIEW ESTATES S/D** - EXTENSION to PRELIMINARY APPROVAL - 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.

G. Lake: You're looking for an extension also?

J. Nosek: Yes.

G. Lake: How come?

J. Nosek: We're still in the Health Department for the subdivision. When we received Preliminary Approval there's actually three approvals that were required, one was the water main extension from the Health Department which we just received. Also, the sewer main extension from the Department of Environmental Conservation which we've also received. Now we have to secure the subdivision approval from the Health Department before we can come back to this Board for Final Approval. Plans on in to them and I hope to have the first review comments within the next few weeks and hopefully, the approval within a two month period.

G. Lake: I will go through the Board.

A. Dulgarian: Once again, an understandable situation. No problem.

R. Carr: No problem.

W. Capozella: Nothing.

T. Hamilton: The only thing is how many can we give?

D. Brodsky: I think it's up to four. The Board has to determine what's reasonable under the circumstances based on the hardship.

T. Hamilton: Wasn't one of the laws say how many we could give?

D. Brodsky: He didn't say how many. I found a case where you could grant as many as four. I haven't seen any more than that but I suspect that based on the circumstances, the Board would have to make the determination as to whether it is reasonable to grant that many.

T. Hamilton: I thought you had quoted once before that they were only allowed two.

G. Lake: This is his second one now.

J. Nosek: We were given one in July and then we were given one in October.

D. Brodsky: So, this is the third?

J. Nosek: This is the third.

T. Hamilton: As long as we can give three. I know you have quoted before to us a number of two but it might be something else.

D. Brodsky: This is under the subdivision regulations. It may have been a Site Plan issue.

T. Hamilton: Okay.

MOTION for a SIX MONTH EXTENSION of PRELIMINARY APPROVAL 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

5. **JACKSON** - 10 LOT SUBDIVISION - EXTENSION to PRELIMINARY APPROVAL - Reservoir Road (32-2-53) #11-03

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

T. Ptak: My name is Thomas Ptak and with me is Jim Jackson, the owner. We're here also to request a six month extension to Preliminary Approval. We're in the Health Department. We've submitted in November. They instructed us that we have to install a well for testing and right now because of the weather I can't even put in the well.

G. Lake: Do you have Mr. McGoey's comments? Comment #4. The applicant should be advised that the newly adopted New York State Department of Environmental Conservation regulations, with respect to stormwater management, will apply to this project and must be confirmed prior to final signature on the maps as requested in our comments of August 23, 2004. A stormwater quality management report must be submitted for review by our office as well as New York State Department of Environmental Conservation. Are you going to be able to comply with them?

T. Ptak: Yes.

D. McGoey: You want make sure you do it up front before you get stamped by the Health

Department so you don't have to go back to them.

T. Ptak: I know but in this day and age no matter how hard you try it's still a juggling matter. You know that. We're just trying to get as much as we can straightened out but you almost always have to go back.

G. Lake: That's a big item

T. Ptak: I know.

G. Lake: I will go through the Board.

A. Dulgarian: Is this the first extension?

D. McGoey: Yes.

A. Dulgarian: No problem.

R. Carr: No problem.

W. Capozella: Nothing.

T. Hamilton: Nothing.

MOTION for a SIX MONTH EXTENSION to PRELIMINARY 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

6. **MIDDLETOWN HONDA** - SITE PLAN MODIFICATION - 84 Lane (78-2-11) #164-04

CANCELLED.

7. **GOBINPERSAUD** - 3 LOT SUBDIVISION - FINAL APPROVAL - VanBurenville Road
(13-1-17.2) #13-03

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

E. Johnson: My name is Ernest Johnson, surveyor.

G. Lake: You're here for Final Approval?

E. Johnson: Yes.

G. Lake: I will go through the Board.

A. Dulgarian: I have no issues.

R. Carr: Nothing.

W. Capozella: I don't have anything.

T. Hamilton: Nothing.

G. Lake: You have no problem with the Highway comments?

E. Johnson: No. We put it on the map already.

MOTION for FINAL SUBDIVISION APPROVAL subject to all comments 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

8. **R & N REALTY** - SITE PLAN/SPECIAL USE PERMIT - Route 211 West (33-4-5) #11-05

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

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

G. Lake: Tell us about the Zoning Board of Appeals.

D. Yanosh: This is a Site Plan for a one-story existing commercial building. The majority of the property will be for a convenience store and a real estate office for Mr. Paglia. We will use the existing building, clean it up a little bit and the site. We will make it look presentable on the corner here. We are in the process with the Department of Transportation about acquiring a piece of property on the corner of New Vernon Road and Church Street.

G. Lake: I'm sorry. What are you going to use this for?

D. Yanosh: The extra land?

G. Lake: No, the building.

D. Yanosh: A convenience store and a real estate office.

A. Dulgarian: What's there now?

Mr. Paglia: Nothing.

A. Dulgarian: What was it?

Mr. Paglia: It was a garage.

T. Hamilton: What about the convenience store, Mr. McGoey, for the amount of parking.

D. Yanosh: Again, we were looking at the drainage

T. Hamilton: Excuse me, Mr. McGoey?

D. McGoey: He meets it.

T. Hamilton: Okay.

G. Lake: Have you been to the Zoning Board of Appeals for this project?

D. Yanosh: We went to the Zoning Board of Appeals and again, in Mr. McGoey's comment #1, Mr. Barone was the Planning Board Attorney at the time and in a conversation with Peter Botti and the attorney's here about the non-conforming use of the building and he said that this building is a similar use even though the size was (not clear), the use was okay.

G. Lake: Did you receive that variance? That's what I'm asking.

D. Yanosh: No. There wasn't a variance because of the fact that it was allowed in the zone. A letter was sent.

D. Brodsky: Mr. Yanosh, I think the issue back then for my review of the file was that the use was non-conforming but that the lot was not conforming. That was what was being discussed.

D. Yanosh: The building is there. We're not enlarging the building.

G. Lake: I'm just trying to get it straight. When you went to the Zoning Board of Appeals if I understand this correctly.

D. Yanosh: We went to the Zoning Board of Appeals. I wasn't in charge of the project back then. As I remember, they went to the Zoning Board of Appeals and got denied by them.

G. Lake: What did they get denied on?

D. Yanosh: Lot size, side yard and front yard.

G. Lake: They denied you on those items?

Mr. Paglia: Correct.

G. Lake: And you were asking for relief, since the building was already there, I need to understand how you got denied on something that's there. Was it the parking they denied you on?

D. Yanosh: No. It was lot size from 20,000 square feet to 13,309, side yard from 15 feet to 10 feet and front yard from 20 feet to 12.7. Denied.

A. Dulgarian: They were denied an area variance.

T. Hamilton: It's not a permitted use on that lot. It's not a permitted use for eating and drinking.

D. Yanosh: I said a convenience store.

D. McGoey: Yes, but you're having a delicatessen.

T. Hamilton: That is a Special Use Permit.

G. Lake: You know what. Mr. Brodsky maybe you can research the Zoning Board and find out. Unless, as Mr. Hamilton, the variance on the use.

D. Brodsky: How long has the building been vacant?

G. Lake: I think it's been a long time.

A. Dulgarian: The ruling from the Zoning Board of Appeals doesn't make sense. It is an existing non-conforming and is not changing the footprint of the building. I understand the use is different but they were denied on was strictly an area variance and that is the footprint of the building which is pre-existing.

G. Lake: You heard the Board. I think they want to get this squared away before we move forward. How about Mr. McGoey's other comments?

D. Yanosh: It's signage and details.

G. Lake: We will have our attorney contact the Zoning Board of Appeals attorney to try and figure out why or what this meant because I think it's still in their hands a little bit without an exclamation.

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

9. **BLANCHFIELD** - 2 LOT SUBDIVISION - Ingrassia Road (36-1-19.1 & 19.2) #153-04

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

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

G. Lake: He owns both of these lots in the RA zone. When it was surveyed years ago, there was a calculation error on the size of the property where the boundary line was. The tax map department created a rear lot 19.2 because of the survey stuff. We'll combine them together as we go along here in the subdivision to make it all one lot. He purchased the property from Mr. Miller about a year or so ago. He is in the two-story house now. He wants to cut off the front lot, a two acre parcel. We want to leave a strip of land along the railroad tracks where the existing driveway goes down now to his house. We're offering a fifty foot wide strip on the north east side of the property for future development into the back. There's some wet spots back there. The area in the front here that you see along Ingrassia Road, that's where the old road used to go through when the old bridge was there. They replaced the bridge about five or six years ago. It's bare ground with no culverts through there.

G. Lake: There's a lot of acreage for a two lot.

D. Yanosh: Again, when your looking at site distance from the existing driveway, it's there right now. I don't know how it was approved when it was existing. They put up the bridge there. If we do expand the property in the back and put a road through then Mr. Blanchfield's driveway will switch over to the new road that we're going to put on the other side and have him come in that way.

With regard to the wetland issue, it doesn't occur on my property right now. The lot that I'm cutting off right now does not have any wetlands on it. We can work with the Highway Superintendent to look at it and see what it looks like. Along Ingrassia Road, there's no ditch along the side. It's dirt. The agricultural notice, I sent to the Attorney's office a while ago. This was never subdivided. We did the engineering on the lot. The percolation tests and deep test pits were okay.

D. McGoey: Item #14 where I talk about the common use of the driveway. Is that something that you will entertain?

Mr. Blanchfield: What driveway?

D. McGoey: You will need to have another driveway right near the bridge.

D. Yanosh: Do you mean to combine this one with this one.

D. McGoey: No. I think the existing driveway could be the shared driveway.

D. Yanosh: The bridge abutment goes through there and I tried to improve that if I can.

D. McGoey: The well issues do not affect lot #2. The wetlands are beyond the stone wall. It would significantly impact the development on the rest of the parcel. The existing driveway right now has some kind of a culvert underneath.

T. Hamilton: Is there an agreement on him using, that existing one isn't even on his property?

D. Yanosh: There is an easement for a right-of-way on that driveway.

T. Hamilton: Okay. So, do they have to get something from the railroad then to tie-in this other driveway into it.

D. McGoey: I don't know. That triangular piece, is that part of the railroad property or part of the Town property?

D. Yanosh: I can check with the Town as to what was done with that right-of-way. The right-of-way we have right now is shown a little on the railroad property.

T. Hamilton: Yes, but we have to get some kind of permission from the railroad to add another driveway to it, the proposed driveway for the new dwelling.

D. Yanosh: No. What Mr. McGoey wants is for us to move this driveway here.

T. Hamilton: This one over here?

D. Yanosh: No. This one over to here.

T. Hamilton: This isn't your property. Is it Town property or the railroad property?

D. Yanosh: It's Town property. That's where the old road used to go through. Have you talked to them?

Mr. Blanchfield: Yes. There is one gentleman that comes through.

G. Lake: I know it's pretty tough getting something from the railroad.

D. Yanosh: He sees a gentleman once in a while who does the work out there.

Mr. Blanchfield: I didn't know. He asked for permission to go up and down through there. I

thought it was my property and they have the right-of-way. I actually have the deed somewhere.

G. Lake: Mr. Yanosh, the agricultural district, you said you already notified?

D. Yanosh: No. There is a note here. The property, there's no agricultural exempt property in this area. This lot back here is in the agricultural district although it's not agricultural exempt. It's in the agricultural district. It's listed on the map but according to the Town records it's not agricultural exempt.

G. Lake: I guess my question is . . .

D. Brodsky: If the property is within five hundred feet of an agricultural district.

D. Yanosh: It's in the agricultural district but not agricultural exempt.

T. Hamilton: You're saying agricultural exempt and our attorney is saying agricultural district. The law the way you have to notify is agricultural districts.

D. Brodsky: Basically what you have to do is provide an agricultural data statement identifying all the properties within five hundred feet and send them notice of the nature of the application.

G. Lake: I will go through the Board.

A. Dulgarian: I don't like it.

D. Yanosh: I could put a provision in there that if the property is further subdivided we lose that piece there.

R. Carr: In the past, we have asked to have shown what the rest of the property would look like and what your intentions are.

Mr. Blanchfield: We also had the moratorium in affect.

D. Yanosh: The worst case scenario would be that he can't subdivide the rest of the property.

T. Hamilton: We need verification on the railroad right-of-way.

G. Lake: I think you know some of the concerns of the Board. You have eighteen comments to clear up.

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

10. **DUCHESNE** - 2 LOT SUBDIVISION - FINAL APPROVAL - Mount Joy Road (60-1-65.1) #87-04

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

M. Siemers: My name is Mark Siemers with Pietrazak & Pfau and with me is Rick Holmberg.

G. Lake: Go ahead and bring us up to date on how you're making out.

M. Siemers: At the moment we've done all of the field locations, etc. that were asked for and we have Eustance & Horowitz approval for the septic. We have eleven comments from Mr. McGoey. I don't see a problem with any of them. A lot of them are notes and some are items to put on the plans. I have two questions. The first comments is item #6 comments from the Highway Department should be addressed. I looked through the file and I didn't receive any comments from the Department of Public Works. I don't know if they're extensive.

G. Lake: Do you have those, Mr. McGoey?

D. McGoey: I don't know if I have the prior comments or not.

G. Lake: Okay, the next one.

M. Siemers: My next one is item #11 as far as the roadside drainage. Roadside drainage should be improved based on our field review. Details should, therefore, be provided of the roadside drainage improvements. I was just wondering if you were talking along the existing gravel driveway?

D. McGoey: Yes. There's no control. It runs down.

R. Holmberg: I was thinking about doing it on my own. I'm going to be doing most of the site work myself. On the other side of my driveway it levels out right here. I was going to put a catch basin in

there and run an eight inch pipe down and swale this out all the way down.

D. McGoey: That will work. Use a fifteen inch pipe and show it on the plan.

M. Siemers: Show it.

D. McGoey: Because the water will take the road out.

M. Siemers: That's no problem. I can show a swale along the driveway. As far as the use agreements, those are in the hands of the attorney's.

D. Brodsky: Who is the attorney?

R. Holmberg: John Bach.

D. McGoey: There are multiple driveways here which aren't shown.

M. Siemers: Are you talking about here?

D. McGoey: Yes.

R. Holmberg: I guess they were grand-fathered in, I guess.

D. Brodsky: Are they accessing off of the open area road?

R. Holmberg: Yes. They always have.

D. Brodsky: You have to show it then because we're going to be looking for an agreement.

R. Holmberg: They're not part of the open road.

G. Lake: What our attorney is saying is whether it's a legal access across.

D. Brodsky: And there would be an additional burden by adding more traffic on this road and somebody will have to bare the expense of maintaining it and to make sure that they have proper access through it because if it affects both the current property owners and the new property owners who will be forced to share a cost for maintenance of this with others using it. I think we need to see a title report showing who has access on this open area road and what rights the other property owners have.

R. Holmberg: As far as I know (not clear).

D. Brodsky: My point is that on any open area road the Planning Board has the discretion to determine how that road is used.

G. Lake: I realize that but you're saying open area, open development. I don't think this is an open development road.

D. Brodsky: It says June 13, 1999.

G. Lake: Oh, it did go?

D. McGoey: Yes.

D. Brodsky: Did they specify where that road . . .

G. Lake: Is that an easement across the property?

M. Siemers: They need a maintenance agreement.

D. Brodsky: But the issue is how far this open area development road was approved. It may not go past.

G. Lake: We're not going to hash that out. You're going to have to straighten that out.

M. Siemers: Okay.

G. Lake: Find out about the easement and whose going to be using the road and who has easements. If not, you will have to cross that off the map and get driveway cuts.

D. McGoey: Also the Highway Superintendent back in November requested a meeting with the applicant.

M. Siemers: Okay.

G. Lake: I will go through the Board.

A. Dulgarian: Nothing.

R. Carr: Nothing.

W. Capozella: Nothing.

T. Hamilton: Nothing.

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