

TOWN OF WALLKILL PLANNING BOARD

MEETING

MARCH 7, 2007

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

MEMBERS ABSENT: None

OTHERS PRESENT: J. Bacon, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - **SPADAFORA** - TWO FAMILY - SITE
PLAN/SPECIAL USE PERMIT - 46 Belmont Avenue (75-6-7) #90-06

G. Lake: Public Hearing started at 7:41 P.M. M. Hunt read the Public Hearing Notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 99 Tower Drive, Building A, Middletown, New York 10941 in said Town on the 7th day of March 2007 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Antonio and Maria Spadafora, 370 Ingrassia Road, Middletown, New York 10940 for approval of a Special Use Permit for two family dwelling on Belmont Avenue, 100' to the East of East Pine Street under Section 249-22 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: Name for the record, please.

S. Plass: My name is Susan Plass for the applicant.

G. Lake: Do you have your mailings?

S. Plass: Yes.

G. Lake: Bring the Planning Board up to speed.

S. Plass: This is a lot on Belmont Avenue. It's about one hundred feet from the intersection of Pine Street to the East and there's an existing single family dwelling on the lot at this time.

What we're looking to do is putting an addition on and make it into a two-family dwelling.

It's on a quarter acre lot and I believe all the comments have been addressed, possibly not on the maps that we have. There were three comments. The size of the parking spaces which are nine by eighteen and the size of the house.

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

A. Dulgarian: I will go after.

H. Ross: After, please.

R. Carr: I will wait.

W. Capozella: After.

C. Najac: After.

T. Hamilton: Just one quick thing. What about the variance that's not being lifted? What did they get and what didn't they get so the Public knows what's happening. I don't see it on the plan.

S. Plass: We haven't got any variances.

T. Hamilton: It's generally required to meet the lot and you don't even meet it.

S. Plass: We weren't sent to the Zoning Board of Appeals.

A. Dulgarian: It's pre-existing and non-conforming as a single, right?

D. McGoey: So, you're saying it's becoming a two-family and that's a need for a variance.

G. Lake: Mr. Bacon, while you're looking at that, let me go through the Public and then we will come back to that. Is there anyone from the Public who wishes to comment on this application?

MOTION to close this PUBLIC HEARING at 7:46 P.M. made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

G. Lake: This is a non-conforming already, right?

Unidentified Person: Yes.

G. Lake: Mr. Bacon, does he have to go before the Zoning Board of Appeals now?

J. Bacon: I don't have an answer just yet.

D. McGoey: This is not to be a two-family, just an addition to a single family home?

S. Plass: No.

D. McGoey: Oh, it's to become a two-family?

S. Plass: Yes.

G. Lake: Let me go back to the Board to see if there's any other questions while he's looking. Mr. Dulgarian, do you have anything else while Mr. Bacon is looking trying to give us a determination here?

A. Dulgarian: Well, my criteria has always been on a two-family that doesn't fit, this is a very ambitious plan. Does it change the characteristic of the neighborhood? We have just approved one of these down the street. I like the layout of that one a lot better. I wish this

layout could be improved upon. I really don't like this particular layout. But, I really don't have any problems going through the approval process other than that we make sure like Mr. Hamilton said, that this does not need any variances. I happen to think it does. Again, I'm not a big fan of this particular plan but I don't think it will impact anything.

H. Ross: Yes. I'm torn on this. I think we need to be careful on how we do it.

T. Hamilton: In the R-1 zone, it doesn't really say any difference in setbacks.

A. Dulgarian: What about area?

T. Hamilton: It says two-family dwellings and conversions of one-family dwellings to two-family dwellings shall be no more than one structure per lot and the lot must be served by both public water and public sewer. That's all it says.

R. Carr: I have really no issues with it.

W. Capozella: When I looked at this originally (not clear). I don't care if the Public is here or not we have an obligation. The layout it's hard to tell and my only concern is what this is going to look like with the neighborhood. My main issue is with the square footage.

C. Najac: The change of use (not clear).

T. Hamilton: Nothing further.

G. Lake: Mr. Bacon, do you have anything else to add or did you find anything? The consensus right now is to send them to the Zoning Board of Appeals at least for an interpretation.

J. Bacon: Yes. It says that the Planning Board may permit one extension after it exceeds fifteen percent of existing ground floor area of a non-conforming building.

G. Lake: Okay. Your Public Hearing is closed. Do you waive the sixty two day time frame? I think it's just a matter of going to the Zoning Board of Appeals right now and getting a

better definition. I think that's what the Board recommendation is and I think it would be safe for everybody plus give us guidelines for the future.

S. Plass: Yes.

MOTION to refer applicant to the ZONING BOARD OF APPEALS made by H. Ross and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

G. Lake: So, go to the Zoning Board of Appeals.

S. Plass: What we were trying to do with the addition was within the building setbacks. This is way over the front yard setback at that point. So, that's the reason for the strange configuration.

W. Capozella: You may want to take a second look at that while you're going to the Zoning Board of Appeals.

S. Plass: Okay.

W. Capozella: If you can make it more presentable and uniform.

S. Plass:

2. PUBLIC HEARING 7:35 P.M. - **McGOVERN** - 4 LOT SUBDIVISION - Lybolt Road (12-1-29.24) #78-04

G. Lake: Public Hearing started at 7:51 P.M. M. Hunt read the Public Hearing Notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 99 Tower Drive, Building A, Middletown, New York 10941 in said Town on the 7th day of March 2007 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Jason McGovern c/o Bosco Realty, P.O. Box 871, Warwick, New York for approval of a two-lot residential single family subdivision on the east side of Lybolt Road, approximately 900' South of the intersection with Brimstone Hill Road, under Section 249-19 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.

M. Blustein: My name is Michael Blustein with Blustein, Shapiro & Rich along with Jason McGovern.

G. Lake: Go ahead.

M. Blustein: This project was before the Planning Board with a four lot subdivision that got caught up with the re-zoning and the moratorium. We're now looking to subdivide the balance of that property into a two-lot subdivision. We had originally come in with a three-lot subdivision with an interior roadway. The Planning Board somewhat frowned upon that and we came back with a two-lot subdivision that has a flag lot and a conventional lot.

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

A. Dulgarian: I have nothing at this time.

H. Ross: After.

R. Carr: I will wait.

W. Capozella: After.

C. Najac: After.

T. Hamilton: After.

G. Lake: Is there anyone from the Public who wishes to comment on this application?

MOTION to close this PUBLIC HEARING at 7:54 P.M. made by R. Carr and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

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

M. Blustein: I do.

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

M. Blustein: Item #1, we already went through that. We originally applied for a three lot subdivision and it's now down to a two-lot subdivision. As to item #2 regarding the regarding Local Law 12, I reviewed Local Law 12 with the changing of the zoning and the only thing that changed in the RA zone was lot frontage which requires a lot frontage of fifty feet. We have no problem with that. The flag lot can have fifty feet of road frontage. Technical comments regarding item #3 is not a problem. Item #4. Has been addressed. Item #5. The Highway comments. Again, they were submitted and those comments are satisfactory. The driveway detail that Mr. Lippert requested. Item #6. No conservation comments.

T. Hamilton: Did we send that to them?

G. Lake: Only the big ones.

M. Blustein: As shown on the map, lot #2 I believe only has thirty feet but that can be amended and added to show fifty feet of road frontage.

G. Lake: I will go through the Board.

A. Dulgarian: Mr. McGoey, just that small piece on the driveway is the only encroachment on the wetlands?

D. McGoey: Yes.

A. Dulgarian: I have nothing.

H. Ross: Nothing.

R. Carr: Yes. When this originally came back before us, this was a four lot subdivision and

that was a four lot subdivision at that time?

M. Blustein: Correct.

R. Carr: My only thought was to get something and look at it at that time so that we could look and plan not two years later. If we had looked at it when it was originally before us two years ago. Now, you've got this lot and it's not an ideal situation. I'm not against flag lots. I just don't like it in that area.

W. Capozella: I don't have a problem.

C. Najac: I'm not a big fan of flag lots. I don't see the need of a light in that area.

M. Blustein: We can take it out if you don't want it.

G. Lake: Is that his or is it Orange & Rockland?

M. Blustein: That's across the street.

T. Hamilton: As long as the applicant is willing to go to the fifty feet.

M. Blustein: Yes.

G. Lake: I have no other comment. Were you proposing that out there or was it just there?

M. Blustein: The light?

G. Lake: Yes.

M. Blustein: I don't know how it got there.

G. Lake: He's willing to take it out.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for TWO LOT SUBDIVISION (2) subject to Mr. McGoey's comments and this Board's comments made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

3. **BERMAN** - 13 LOT SUBDIVISION - Route 17K (5-1-3.2) #66-04

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

D. Yanosh: My name is Dan Yanosh surveyor for the Berman subdivision.

G. Lake: Okay. Go ahead.

D. Yanosh: I've had a couple of work sessions already. I've had a site visit with Mr. Lake and some of the Board members and the Engineer. I revised the plan to show a fifty foot wide access back to the Circleville Farms Inc., so they could get back to their eastern property. We re-configured the lots to conform to the additional road that goes back there. We're back again for comments and hopefully Preliminary approval tonight.

G. Lake: Two issues. First off, did you check out the Martin Lane access?

D. Yanosh: Yes, it's wider. I did that subdivision for them eight years ago and that back little piece . . .

G. Lake: Right.

D. Yanosh: It's fifty feet wide.

G. Lake: We did want to know that the last time you were here. Also, the last time you were here there was a cemetery.

D. Yanosh: We're still looking for the cemetery. I talked to the historians a few times. I've been up there myself behind the barn and this field back up in here. I found nothing that way. The old owner was there and said it could be back here someplace behind this old (not clear). As soon as the snow gets off and we get some better weather we will be able to spot it. With the snow cover we haven't been able to do anything. As far as we know from the recollection from the guy who used to live here it was behind this old house in the back here. And, we have to stay one hundred feet away from that when we find it.

G. Lake: Is that going to change your configuration of the road or anything?

D. Yanosh: No. It won't change the road at all. The cemetery is away. We would have no problem with that at all.

G. Lake: I thought it was up by here.

D. Yanosh: We walked it. We were out there about a month ago. This is all field back in here. If there was a cemetery there before, it's all plowed up and covered over the years. The only recollection they had is that it was behind this house here.

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

D. Yanosh: Sure.

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

D. Yanosh: I guess you were out there and saw the stone wall, I guess. There is no issue with that stone wall anymore. We are going over the cemetery issue. We will find that as soon as possible as soon as the weather breaks. The drainage concern, I think Mr. Rother prepared that through the piece of property that goes up over here by Foster. The well water tests, Mr. Rother sent a letter. They found some chemicals in the water but what the lab does is they insert these chemicals in.

D. McGoey: I got the report but it has to be re-tested for (not clear).

D. Yanosh: The well that is out there now will have to be shocked. The Health Department requires all these water tests. We show a fifty foot wide strip to the left to go back to Circleville Farms, Inc. We will leave it as a future roadway, I guess and dedicated to the Town. The Attorney would have to go over it if we dedicate to the Town as part of the road. The conservation easement, I guess this is the first one you're doing in the Town?

D. McGoey: Yes. This would be the first one. We need the language.

D. Yanosh: Who does the language? Were you going to talk to the Town Board about that from the last meeting?

G. Lake: I'm assuming we're going to have to get the guys who wrote the law along with our people and get some kind of a basic format to use. Call Behan so we can get a better understanding.

D. Yanosh: We have no problem with whatever the wording is.

G. Lake: Like I said, we still have access to them so we should take advantage of them for when the time comes. Let me go through the Board and then talk about the cemetery problem here.

A. Dulgarian: I know we've looked at a couple of different versions of this. My first sense when I looked at this is it's not intended to be what the conservation plan should be. It doesn't look like I envisioned it. It looks like a pretty traditional subdivision to me. In your calculations for wetlands, did you include that new pond you're creating in the front? It's about an acre there, isn't it?

D. Yanosh: We're well over the amount that we need any way.

A. Dulgarian: How much are you creating?

D. Yanosh: I didn't go the calculations. Mr. Rother did them but I can check to make sure but it's going to be over and above. The upland that we're saving is over and above what the requirements are for a conservation subdivision.

A. Dulgarian: What always bothers me, is that the property we're seeing is something that you can't build on any way. It kind of defeats the purpose.

G. Lake: He has to save so much for a conservation subdivision.

D. McGoey: I didn't check to see whether the detention pond was going to be used (not clear) but I do know the conservation regulations. He can't build in the wetlands and he can't build on the steep slopes. I agree with you that they're going to have to use some of the land.

A. Dulgarian: Again, I guess the word would be disappointing.

H. Ross: Not much in addition to what Mr. Dulgarian had. The plan shows a street lamp at the end of the cul-de-sac in spite of the fact that (not clear).

R. Carr: It's the best conservation subdivision we've seen so far. I think what it does is besides conserving a big piece of property but also buffering the wetlands from where they're building this does prevent on Route 17. It's behind the barn. I also appreciate that everything is in the back.

W. Capozella: Just to reiterate that, I look at this as a conservation subdivision and does it really fall under a conservation subdivision. I just think of a conservation subdivision as having more buffering. I see some but I guess you can't have it all.

G. Lake: We did send up but we also sent one up on Route 211 and Behan also sent one down where they shoved them off to the side like this to reflect the open fields in the front so Behan has looked at something like this. Anything else, Mr. Capozella?

W. Capozella: Nothing else.

C. Najac: I don't see a reason for a street light there.

D. McGoey: Street lights are different than parking lights.

D. Yanosh: We will get rid of it. We have no problem do that but if the Town Board approves a lighting district. If they don't it comes off any way.

C. Najac: It's right off the cul-de-sac.

D. Yanosh: We're not going to build that piece of road right now.

C. Najac: But you're going to have to build the cul-de-sac.

D. Yanosh: We're going to build the cul-de-sac, yes. When we reserve that fifty foot piece for future development.

C. Najac: My question is when the road is approved through now the driveway (not clear)

D. McGoey: I think the Board has to decide whether you want that fifty foot to be a public right-of-way for future public use or do you only want that to be a private easement to satisfy the concerns of the property owner that voiced their concern at the Public Hearing. If you want it to be a public right-of-way, you're right it should be a "T" turn-around rather than a cul-de-sac.

C. Najac: Thank you.

D. Yanosh: Although, I've done subdivisions before where you've said that if this strip becomes a Town road, we will take this piece of property through here and through there and take this piece here, give this back to here, give this back to him and make the road straight through. We could do that also.

A. Dulgarian: Who pays for that?

D. Yanosh: The survey work is done. It's on the filed map. When a new developer comes through and develops this and whoever builds back here has to do that work and he takes care of it.

A. Dulgarian: Okay.

D. Yanosh: It would be Town property that they're going to give back to the owners.

G. Lake: Anything else, Mr. Najac?

C. Najac: No.

T. Hamilton: The main thing is to straighten out the cemetery problem to make sure it doesn't conflict with the layout.

D. Yanosh: We have no problem and we understand.

T. Hamilton: I don't see how the Highway Department would have a problem if that road does connect at a future point of having somebody else straighten that out so that they don't have the circle in the middle. I don't see where it would be a problem.

D. Yanosh: I can ask Mr. Lippert during the process.

T. Hamilton: Right now, with the cul-de-sac and later on to straighten it back out again.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

G. Lake: I knew the Highway had a preference of one way or the other, but unless it was right on the next property line then I would say. I think people like to live on cul-de-sacs even though in the wintertime it could become a pain in the neck. I think this is probably one of the better conservation plans and we did get the blessing from our Planner that this was heading in the right direction. As far as the lighting goes, I always look at the lighting at the end of the cul-de-sac as a safety issue. I'm still going to look at it that way a little bit. Being in with emergency services I find most of the time it would be nice. I'm going to stick to the light and if the Board wants to deny the Lighting District, that's up to them.

R. Carr: Just a question. I was under the impression that if we approve something requiring lighting such as this and then the Town Board decides not to approve a Lighting District, that as part of the Site Plan all of the infrastructures for that lighting has to be put in there.

T. Hamilton: They have had said in the past it had to be put in.

R. Carr: To me, maybe right now it isn't something that anybody in that area really wants but five years from now. It would be a lot easier if the Town Board ever decided they wanted to

do it, if the infrastructure was already there. I would make a recommendation to the Town Board that even if they're going to deny it now that they at least require the infrastructure to be put in.

G. Lake: How about the cemetery? What do we do about that Mr. Bacon?

J. Bacon: Without knowing the exact location . . .

G. Lake: So, basically you're recommending that we hold off until it's located?

J. Bacon: Yes.

D. Yanosh: That's the only major issue . If I find it in a couple of weeks and can finally locate it on the map can we get back on an agenda sooner so we receive Preliminary and proceed to the Health Department?

G. Lake: Yes. That's fair. Legally, I don't know how we can give you Preliminary right now and I kind of think I have to listen to our Attorney on this one. You may never find it, I don't know.

D. Yanosh: It's got to be in here somewhere.

G. Lake: I think we have to go on the side of caution and if you find it we will get you back on.

D. Yanosh: If you can give us that courtesy that once we find it we can get back on.

G. Lake: I don't see it as being that close. Does anybody have anything else to say about that?

MOTION to TABLE for further review made by C. Najac and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

4. **FONTAINE** - 2 LOT SUBDIVISION - Dosen Road (14-1-2.22 & #.2) #109-06

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

B. Christy: My name is Barbara Christy with MJS Engineering and we represent Mr. Fontaine, the applicant for a two lot subdivision on Dosen Road.

G. Lake: Go ahead.

B. Christy: This has never been before the Board. I would like to make a presentation as to what is going on. We have aerial photographs for you to see. We have wetlands located on the project site. This is one of the restraints for us on developing this project. We have two lots. One is 6.9 acres and the other one is 4.8 acres. As it stands right now, this is the existing lots and it has restraints because of the wetlands and the buffer. This is the only part that is build-able. We're proposing to combine the two lots together into one and then subdividing it at this point. Each lot would have a four bedroom single family dwelling and would be serviced by a septic system and a well. Since we are in the R-2 zone, lot #2 has a horseshoe shape. We will be asking for lot width at this point and this point to meet bulk. We have received Mr. McGoey's comments dated February 27, 2007. As far as we're concerned I think most of them are technical issues that we don't have a problem with.

G. Lake: Let me ask you something.

B. Christy: Yes.

G. Lake: Just point out the lots.

B. Christy: One lot . . .

G. Lake: The new lot.

B. Christy: This is where the yellow highlight comes in. This is going to be one lot.

G. Lake: And, acres?

B. Christy: 3.5.

G. Lake: All of that?

B. Christy: All of this. And, this one will have 8.2 because of this shape over here.

G. Lake: Okay.

B. Christy: The yellow is the whole lot. This is the existing lot line. On your maps that you have it shows the existing parcel.

G. Lake: Is that somebody else's property?

B. Christy: This piece?

G. Lake: Yes.

B. Christy: This is two different lots.

G. Lake: Is that somebody else's property?

B. Christy: It's somebody else's property.

G. Lake: I see.

J. Bacon: It is strange..

D. McGoey: I don't think it meets the lot width.

B. Christy: Item #2 of your comments indicates that lot width be measured at the right-of-way line.

G. Lake: Let me go through the Board. You have fifteen (15) items. It's here for sketch

basically, only.

B. Christy: Yes.

G. Lake: This way we will have the Board take a look at it, think about it and then we will go from there.

A. Dulgarian: Creatively ambitious.

G. Lake: It is a little different.

A. Dulgarian: I have nothing.

H. Ross: I don't know. I thought I had seen it all but I was wrong. I don't know that it's very good when you do it this way.

B. Christy: It's still in the road front.

H. Ross: I understand but . . . Maybe a less ambitious plan. I know that we throw away the back portion if we do that but it's all wet anyway. On the map in order to gain enough footage to qualify and with the amount of wetlands . . .

R. Carr: It's a strange configuration. I don't know.

W. Capozella: I'm not sure about this.

C. Najac: (Not clear).

T. Hamilton: The new home in the lot on the right,

B. Christy: This one?

T. Hamilton: Where that house is, what's the width of that piece?

B. Christy: Roughly, about one hundred forty feet.

T. Hamilton: Mr. Bacon, the lot width is measured at the building line. How do you measure across somebody else's property to get the two hundred feet?

J. Bacon: You can't.

T. Hamilton: So, you don't have lot width. The width is at the building line.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

G. Lake: I kind of agree with Mr. Hamilton on that. The only other suggestion I was going to add is instead of having, that's why we have the Zoning Board of Appeals. We can send you to the Zoning Board of Appeals and ask them to make a determination.

B. Christy: We can take that.

G. Lake: To see if they want to stretch it that far but I would have to agree with Mr. Hamilton that your lot width is not there in this configuration. If you want to take a shot with the Zoning Board of Appeals and that way it won't hold this Board to anything specific to this lot.

A. Dulgarian: I agree with Mr. Hamilton also. The lot width is measured at the structure. They don't have it. The Zoning Board of Appeals can't give it to them.

G. Lake: Again, it's a chance they take. We want you to understand that also.

B. Christy: Definitely.

G. Lake: It's an option. You're here for sketch. You heard the Board. They think it's creative but I think it's back in your ballpark.

B. Christy: I think we would like to try with the Zoning Board of Appeals.

MOTION to send applicant to the ZONING BOARD OF APPEALS made by T. Hamilton and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION to TABLE for further review made by A. Dulgarian and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

5. **ROSSI** - SITE PLAN/SPECIAL USE PERMIT - EXTENSION to FINAL APPROVAL - Silver Lake Scotchtown Road (40-1-15.221) #85-04

G. Lake: You're here for an extension of Final?

D. Yanosh: Correct.

G. Lake: Are you tied up in another agency?

D. Yanosh: Mostly, the Landscape Architect trying to get through with her. We did change the plan. The two large maple trees along the front along Bahrenburg Road. It took us a while to convince her that she wanted to save them so we have to revise the plan at the entrance road here for the two maple trees to be saved so, we had to re-configure the entrance and so forth. I haven't received a final letter from her but we cleaned up the landscaping as per her request and it was all taken care of. We just have a couple of minor things from Mr. McGoey. We never received comments from the Fire Department.

G. Lake: The Fire Department is not final. That's working it out and to have it for public information.

D. Yanosh: The two trees was something that Mr. Lippert wanted taken down in the first place. He didn't want the trees out there. She convinced us and him to keep them there.

G. Lake: Mr. Bacon, six months or a year?

J. Bacon: I would say six months.

D. Yanosh: Sure.

MOTION for a SIX MONTH EXTENSION to FINAL APPROVAL made by H. Ross and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

6. RYAN - 2 LOT SUBDIVISION - Roome Road (5-1-24.3) #113-06

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

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

G. Lake: Go ahead.

D. Yanosh: This is a two lot residential subdivision at the end of Roome Road. The property is owned by Mark Ryan. We were in front of you probably almost a year ago and we were sent to the Town Board because Roome Road was never an official private road. We had to go to the Town Board and get their approval on that. They gave us approval months ago. We've done soil testing on the property at the end of Roome Road. We've included the road maintenance agreement on here. The engineering has been done. The property has to get approval from Eustance & Horowitz on the septic systems and I'm here to get comments from the Board.

G. Lake: Okay. You did get the open development from the Town Board?

D. Yanosh: Yes we did.

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

D. Yanosh: Sure.

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

D. Yanosh: The Conservation Board, I don't know whether they have to look at this or not.

G. Lake: We haven't received any comments.

D. McGoey: That was one of the conditions of the Town Board approval.

D. Yanosh: We moved the septic system into the 40B. Our Attorney talked to Mr. Bacon about the maintenance agreement. The back of this is existing. Roome Road we discussed as an open area road. I had one of these over in Newburgh a couple of years ago. What we do over there is the Town Attorney, everybody who lives on Roome Road now can participate in the maintenance agreement. Right now, if they don't want to, they don't have to. They won't have a say as to what goes on with the road and the agreement would have to

be met between Mr. Rossi, Mr. Ryan. We are working with the Attorney for the wording of that.

G. Lake: Hold up. I'm under the impression on open development that everybody is in on the easement across this road and the maintenance on this road.

D. Yanosh: I don't think you can force anybody to become a part of it. I don't know. It's an existing road. It's been there for years.

G. Lake: But, what happens if there's a feud and one person that can't get out to Route 302, how does he get out on a landlocked piece of property?

D. Yanosh: He has rights to get across that.

G. Lake: That's what I'm asking. You kind of made it sound pretty vague that they are not in it, etc.

A. Dulgarian: I think we're talking about the maintenance.

G. Lake: Isn't there an easement across the street?

D. Yanosh: Everybody has an easement to go across that land. They all do. Again, the maintenance agreement itself, who maintains it, who takes care of the plowing, who takes of fixing up the problems and whatever that has to be signed by all of them together.

G. Lake: Didn't you do the open development on Mt. Joy Road?

D. Yanosh: Sure. That was newly created. Once somebody bought lot #1, that was part of the map. That was part of the deal and they had to be part of that maintenance agreement.

G. Lake: But, we have one, two newly created plus one that owns the newly created.

D. Yanosh: Spraul owns two of the lots and Mr. Rossi who owns the land himself is part of it also. It would be Rossi, Spraul has two lots, Mr. Ryan has a lot in there and there would be two more lots in the back.

D. McGoey: Rossi and Ryan (not clear).

D. Yanosh: This will have to be part of the agreement. Once somebody buys lot #1, that's part of the subdivision. He has to be a part of it. Lot #2 has to be a part of it also because

they're buying into a maintenance agreement.

A. Dulgarian: So, why would the existing property owners be involved in a maintenance agreement if lot #1 and #2 and already built?

D. Yanosh: Again, it's their project. Two years from now there's a pothole down the end of the road and lots #1 and #2 say we don't care about that pothole. It's not an easy situation but hopefully they will all agree to be a part of the maintenance agreement and take care of it.

J. Bacon: And, Rossi will be a part of it?

D. Yanosh: Yes.

A. Dulgarian: Ryan is subdividing, right?

D. Yanosh: Yes. He owns that lot.

A. Dulgarian: You need to show that house.

D. McGoey: We can make Ryan sign.

G. Lake: Why would we make the new people and Ryan who owns it all, sign into the agreement and hopefully at least . . .

D. Yanosh: I think they will. No problem there.

G. Lake: And, then what if someone else comes in at that point have them sign in on it. It's pretty well contained now. I know where it is. It's decently maintained. I'm just worried about down the road.

D. Yanosh: I don't know if comments from the Fire Department came back. The driveway is pretty wide. It's a nice shale driveway. Leave it up to the people who sign the agreement to take care of it.

D. McGoey: The Board should take a look at it and you should get comments from the Fire Department. We have had criticism from the Fire Department on approving driveways that involve more than one dwelling unit.

G. Lake: I think it should be just widened up a little bit to you can get past each other easier. I think while we are at it, just widen it a little bit.

D. Yanosh: Roome Road to the Thompson property. That was never (not clear). The lower road which is to the north of us, went all the way down to Hufcut Road and the Thompson property. I will give the Attorney about the access across there and the details of construction. It's an existing road right now. If you want we can show that two cars can pass back and forth.

G. Lake: I will go through the Board.

A. Dulgarian: Other than what's been mentioned so far and the widening , I have no other issues.

H. Ross: We have to be sure that the road will be maintained.

R. Carr: My only question was on Muller Road. I don't know if he could even do it here.
D. Yanosh: Muller Road did go across all of Hufcut Road at one time. There's a lane that goes in to Hufcut Road. You can walk back through there. There's still a path that goes back up through there. That's where the road used to go many years ago. It drops off in the back.

R. Carr: Other than that, I don't really have anything.

T. Hamilton: On Muller, why are you doing that because they just went to the Town Board and got open area development to keep it private so why would you want to connect to a public road later? You have an open area development to keep this as a private road from herein to the lots that they have.

R. Carr: And, I'm just looking at the frontage.

T. Hamilton: But they received open area development to keep this section private so, you're not going to tie in another Town road into it to make it a loop all the way through. They got the approval for open area. If that was going to be public road going through there then we would say yes but not if he's go the open development approval.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

C. Najac: I agree with Mr. Hamilton.

W. Capozella: As long as we check the right-of-way, who owns the road, etc. It's a personal thing to me. There are always issues. Ryan owns the road now?

D. Yanosh: Rossi owns the road.

W. Capozella: Rossi owns the road, Ryan builds on a lot. Either way, I don't know, I'm not an Attorney but normally when you put this road all the way down in here usually it's dedicated to one of those parcels. I just think there are a lot of issues having to do with that road.

G. Lake: It is open development which gives that section to keep that driveway. I think this is what open development was kind of meant for and that's why the Town Board was involved. I don't see a danger at this point. Mr. Bacon, the agreement for the easements are you comfortable with those?

J. Bacon: Yes.

G. Lake: Then, if the Board has nothing else . . .

MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey's comments and this Board's comments and the Attorney for the finishing of the easements and the Fire Department comments made by A. Dulgarian and seconded by R. Carr.

G. Lake: Yes, I would say we would have had them by now, but we will ask the applicant to make another effort to make contact with the Fire Department and get us those comments.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for 2 LOT SUBDIVISION subject to Mr. McGoey's comments and this Board's comments made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

7. **DECKER RESTORATION** - SITE PLAN REVISION - 307 Bloomingburg Road (3-1-33.1) #109-05

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

T. Gottlieb: My name is Timothy Gottlieb representing the applicant.

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

T. Gottlieb: We're proposing to put two model homes at the rear of the property of the Blue Flame Propane. The model homes would border the (not clear and Route 17. It's not the intent to have any utilities in the buildings other than electric. The office is going to be at Mr. Decker's office that's already in Blue Flame. We were here in June of last year. We were sent back to a work session with Mr. McGoey. We've addressed most of his comments

and we're here for any other comments from the Board.

G. Lake: Okay. Before I go through the Board, Mr. McGoey, will this require a Public Hearing?

J. Bacon: Because of the accessory use, I would say right now yes.

G. Lake: Let me go through the Board. Do you have Mr. McGoey's comments?

T. Gottlieb: Yes I do.

G. Lake: You only have five. Do you want to go through them?

T. Gottlieb: Yes. The landscape plan, we had hoped to have it by tonight but we don't. Items #2 and #4 are technical. Item #3 is the Building Department.

A. Dulgarian: Mr. Bacon, why did you say it was an accessory use? What's it an accessory to?

J. Bacon: I was thinking of an accessory to the other use.

T. Gottlieb: Mr. Decker uses that as his restoration business.

B. Decker: An office and a warehouse.

J. Bacon: I thought that the outdoor sales lot was a change with the model home as a prototype for sale. It's kind of an unusual sales lot.

A. Dulgarian: I just would like to see the landscape plan. It's right off of Route 17. We talked about that before. Other than that, I really don't think I have a whole lot of problems with it. I have nothing.

H. Ross: I conclude. I would like to see the landscape plan.

R. Carr: Yes, I agree.

W. Capozella: I don't really have anything. It's two different models. That's what he wants to build.

C. Najac: Unable to hear.

G. Lake: Your name for the record.

B. Decker: My name is Bruce Decker. I think we had talked about that at the last meeting. (Not clear).

T. Hamilton: I actually remember bringing that up and talking about the utilities. What are you going to use as a foundation?

T. Gottlieb: It will be a slab.

T. Hamilton: Why do you have to do that? They come in on metal frames to sit them down on. Now, when you remove that house we have to worry about a foundation also. I've seen them up on blocks. They don't build foundations for models that they're selling. You won't put something permanent in that's going to be destroyed later.

G. Lake: Is this a modular home or a log cabin?

T. Gottlieb: It's log homes.

T. Hamilton: So, they don't come through like a modular?

B. Decker: That's correct. We probably could build them on a (not clear) foundation though. We would have to review that with the engineers.

T. Hamilton: We could almost end up being stuck with a slab if the home moves out. I don't want to see slabs ending up there later. Hopefully, if using a slab, it will also be removed.

G. Lake: My only comment to that Mr. Hamilton. I think you're right in it setting a precedent. They will have to check with the Building Department and their codes to make sure that it can be done or whatever the regulations are.

A. Dulgarian: Just for the record.

G. Lake: Go ahead.

A. Dulgarian: I like the idea of a slab rather than large blocks to be put up on. I mean, we're talking about landscaping and looking closer from Route 17. You're only talking about a

concrete slab that can be used for something else or moved at the end of the tenure. I think it would be a lot better.

G. Lake: Mr. Bacon, will this need a Public Hearing or no?

J. Bacon: Actually for the outdoor sales lot requires a Special Use Permit.

G. Lake: So, it does need a Public Hearing then?

J. Bacon: Yes.

MOTION to schedule a PUBLIC HEARING for April 18, 2008 made by H. Ross and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

8. **DUNKIN DONUTS** - SITE PLAN - 711 Route 211 East (41-1-20) #83-06

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

M. Blustein: My name is Michael Blustein with Blustein, Shapiro & Rich along with John Quinn from Lanc & Tully and Michael and Pete Berlin.

G. Lake: Okay.

M. Blustein: This is on Route 211 right where the old monument business was and partially torn down. If you recall we were here looking to do a Dunkin Donuts on East Main Street and didn't get a great reception so went out and bought another piece of property and we're looking to do this one now over on Route 211. There are a list of comments, none of which we fell are excessive in any nature. There's one about possible referral to the Zoning Board of Appeals for parking. We don't need that. We will put in parking as required.

G. Lake: Do you think you have enough parking now?

J. Quinn: Yes. We never really needed the Zoning Board of Appeals. We were back here in August with a sketch plan. We didn't know if we wanted parking in the back. And, we were advised that it was not a Town regulation that we were doing that. So, we had to go to the Zoning Board of Appeals for a reduction of parking. We provided enough parking for the customers.

R. Carr: On what portion of your plans?

J. Quinn: Yes. It should be on actually the first sheet.

G. Lake: How about the wetland on that lot? Isn't there a pipe or something? We remember from years ago when somebody was in and had mentioned about wetlands.

J. Quinn: We had the wetlands delineated by Mr. Torgensen and they're all Federal Wetlands looking on this side. This is the property here. The boundary is this line. There's a water course that comes through and there's a box there. The wetlands don't touch the property.

T. Hamilton: I remember years ago we had other information way back when Mr. Fournier first went out that it was all wet. I think what happened was under construction in the area things might have changed. When we looked at it now, it's not as wet as it was years ago.

J. Quinn: Most of our parcel has already been previously involved. There was an existing house.

G. Lake: I realize that. All I'm trying to do is think so we don't get into trouble because it has set so long and we've had applicants come in and tell us about half the property being wet and they couldn't do anything. I think Mr. Hamilton is right through the years it may have changed a little bit or something. Do you have the comments? Do you want to go through them?

J. Quinn: Sure. Comment #1 we're currently involved with the Department of Transportation. We had a Preliminary siting with them in December. We sent over the plan that we had before you. They had no objections to it since the site already has an existing curb cut. We're going to modify the curb cuts to match. We discussed the utility connections. At that time they didn't have any objections. On top of that, we also had a traffic study done completed by John Collins Engineering. They had a few recommendations which we will incorporate into the Site Plan. I don't have them ready at this time but mostly because of the width of Route 211 and the site location it's all striped. The Department of Transportation would like to see a left turn lane. We will provide that through here with some additional striping here. There's no changes to Route 211.

G. Lake: The road cuts down. Are you going to have the room to do that?

J. Quinn: Yes. At this point it's about forty five feet.

G. Lake: Okay. Good.

J. Quinn: That's pretty much item #1 and #3. Item #2 is for the signs to be reviewed by the Building Inspector. Item #4, we will change the detail for the water service. I think items #5 and #9 are pretty much linked together. We haven't received any comments from the Fire Department to date. When we do, we'll review them and address them.

G. Lake: Well, is it going to be a trussed building? If it does, they will want a truss plaque on it. And I know they will want an outside locked box.

J. Quinn: Item #6, the location of the first drive-thru window. We had a proto-typical Dunkin Donut building. We have since provided the window. It was on the corner of the building. We modified it. Item #7, the survey datum and monuments. We will provide those on the plans. Item #8. We already mentioned about the Zoning Board of Appeals. Item #10, the loud speakers. Basically, the loud speakers are located here on the site. The closest use is a bank which is located right here. They also have drive-thru window speaker. Behind the site is almost wetlands and then it goes into a park area. Item #11. We prepared landscape plans as part of the submission. We will address any of their comments they come up with. Item #12. The landscape plan, I went out and located some of the existing trees on the site and there are many. I now have them on the plans. There are probably about seven (7). Most of them will probably be moved because of the proximity to the existing building and the overall site disturbance especially with the shift of the driveway. Item #13. We will revise the snow storage area to be satisfactory. Item #13. We will change the exterior lighting.

G. Lake: Let me go through the Board.

A. Dulgarian: I think it's a work-able plan. I would like when they come back to see a little bit more detail on this landscape drawing. What we would like to see is kind of an elevation to see what it looks like. I also would like to see this, I know it's an issue out there, you're telling me that it all can be done with the striping on that left turn lane?

J. Quinn: Yes.

A. Dulgarian: I would like to see how they're going to stack out there if you have two or three cars waiting to make that left turn there, I want to see on the plan what it's going to look like and I want to be assured that have enough room to stack there.

J. Quinn: Yes.

A. Dulgarian: Those are my two biggest concerns and then Mr. McGoey's comment about the snow storage. Other than that, I think it's do-able.

J. Quinn: The first was the architectural renderings of the building.

A. Dulgarian: Just a little landscape with the building.

G. Lake: Anything else, Mr. Dulgarian?

A. Dulgarian: No.

H. Ross: Nothing.

R. Carr: My only thing outside of what Mr. Dulgarian has already mentioned about the traffic. Why do you have the drive-thru (not clear). It seems to me it just pulls right back into the traffic flow. You're ordering in the back of the building and it seems as though three cars are lined up. Why would you bring that into the traffic flow to the back of the lot?

J. Quinn: To bring them all the way up down this way?

R. Carr: Yes.

G. Lake: I know your concern. If you ever go by McDonald's on Route 211 at lunch time I have a fear of somebody getting killed there because they're right on Route 211 trying to get

in and I think that's the reason. I think if we have the room to have those extra ten or twenty cars and hopefully that's what you have to go up and around. I can see where Mr. Carr is coming from.

M. Blustein: We've all been there.

G. Lake: It's not like it's a change in the curb cut. It's not like it's a change in (not clear) but for the safety of everybody.

J. Quinn: You want to move the drive-thru?

M. Blustein: Is there a number of cars you would like to see?

R. Carr: I'm just thinking by one o'clock you could have about eight cars going up.

J. Quinn: We will provide eight.

G. Lake: Anything else, Mr. Carr?

R. Carr: No.

W. Capozella: I also have a concern on the number of vehicles that can stack. I like the entrance with the one-way sign for the flow of traffic.

C. Najac: What are you doing about sidewalks? What are your hours of operation?

K. Berlin: Twenty four hours.

T. Hamilton: My only question on this you're not adding a Baskin Robbins?

K. Berlin: I don't think so.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: That's all.

G. Lake: We would be sending you to the Zoning Board of Appeals for reduction of parking if you want to do that at this point.

M. Blustein: I will be honest with you. We went on East Main Street and heard your comments and we have deadlines to meet.

G. Lake: Unfortunately, this is something you're going to need. Anyway, you've heard the Board's comments so I think what you have to do at this point is clean it up. Mr. McGoey, do you need another work session?

D. McGoey: Yes, with the traffic and stuff. We also need a Public Hearing.

G. Lake: Call the office to get on another work session. You heard the comments from the Board. I think the Board thinks it's do-able. Set up the work session and we will schedule you for a Public Hearing.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

9. **MILLET 21ST CENTURY LP** (Auto Retail) - Dunning Road (50-2-4.31) #115-06

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

G. Shaw: My name is Gregory Shaw with Shaw Engineering. I'm representing tonight Millet 21st Century Ventures LP. The subject parcel is a 7.2 acre plot of land on the west side of Dunning Road just across the entrance from RAL Plumbing & Supply. It is in a Planned Interchange Development (PID) District and this application will require a Special Permit according to your zoning ordinance. What we are proposing is an eighteen thousand square foot building for equipment sales and a service center. It will be for Honda equipment. The operation will be sales and service for motorcycles, motorbikes, ATV's, lawnmowers, leaf blowers, water craft and small equipment. We have provided on our site a total of sixty eight (68) spaces. In discussions with Mr. McGoey, your ordinance does not speak to this type of operation so what we have provided is one space for every three hundred square feet. We have not provided the five (5) spaces for a service bay and we will get into that in a second. We're obligated to provide sixty two (62) space sand we've provided sixty eight (68). In the rear of the building will be one loading dock for deliveries of equipment. With respect to the utilities the project will be connected to the Town water system and sanitary sewer system. We have provided on-site underground detention in order to contain the post development flows and an open sand filter to treat the stormwater prior to discharge into the right-of-way of Dunning Road. Finally, if you notice on the plans we have delineated a wetland area and we have kept all of our development away from that area. Thank you.

G. Lake: Do you have a rendering of what you want to do?

G. Shaw: No.

G. Lake: Mr. McGoey's comments, before I go through the Board, have you had a chance to go take a look at them?

G. Shaw: Yes I have.

G. Lake: Are you going to have any problems with them? We will have to schedule you for a Public hearing.

G. Shaw: Absolutely not.

G. Lake: You will have them squared away between now and the Public Hearing?

G. Shaw: They're pretty much straight forward. Let me go through the Board.

A. Dulgarian: Mr. Lake, and Mr. Hamilton, I just realized this borders some of my family's land. I don't want to recluse myself because I kind of like this project. Is that a problem or

should I reclude myself on this application?

J. Bacon: I don't know that it's an automatic.

A. Dulgarian: I mean it's not mine but I do like the project.

G. Lake: I think between now and the Public Hearing . . . It's on the record as of now.

A. Dulgarian: Here's a couple of concerns I have. First off, I like it. I like the location. Historically with this type of business though is no outside storage of the shipping crates and stuff.

J. Banta: We're not allowed to put anything outside.

A. Dulgarian: What we're concerned about is the pallets and the shipping stuff that ends up outside before the garbage man gets it type of thing.

J. Banta: All the pallets that we use are re-usable. My name is Jim Banta, by the way. I'm going to be the operator and partner of the property. We have to keep everything in-house. We also have arrangements to have a satellite warehouse if need be and then we send our old pallets back.

A. Dulgarian: That would be one of my big concerns, is the outside storage. The other thing would be when we welcomes caterpillar here they had a little test area. We're not going to need a test area here, right?

J. Banta: I don't really have anything designed. We do service dirt bikes, etc. It would be just for the mechanics. It wouldn't be open to anybody.

A. Dulgarian: It's something that should be addressed at Site Plan, if you're going to put a little area in.

J. Banta: To make sure they're running properly.

A. Dulgarian: Those are basically the only concerns I have.

H. Ross: I agree with Mr. Dulgarian. I like it a lot.

J. Banta: Thank you. The picture that's being circulated, what we're doing is a Honda power house facility and that is a proto-typical building, It isn't actually our building rendering.

We're going to have a little bit of a difference. They're all very similar.

G. Lake: Between now and your Public Hearing?

J. Banta: We will have a rendering for you.

R. Carr: I have nothing.

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

C. Najac: I would like to see sidewalks.

J. Banta: Sidewalks in front of our property within the County right-of-way?

T. Hamilton: Nothing further.

A. Dulgarian: for future reference, on the first page we usually have a little bit better detail for the location map. You don't really have that on here. I know basically where it is but I don't know exactly where it is.

G. Shaw: We will have that on the next submittal.

J. Bacon: Are you going to use that property in the back where you need to fill the wetland area to get across?

G. Shaw: I would say probably a couple hundred square feet. I believe it's fine and I will look into that.

G. Lake: I don't have anything else. I think like everybody else said, it would be a welcome addition. The only thing is if you do decide the need a little place out there to run something on the outside of the building, make sure that's on the Site Plan between now and the time you come back. Mr. McGoey, are you going to need another work session?

D. McGoey: I don't think so.

G. Shaw: Can we bring up just one item. The gentleman mentioned sidewalks. In the County right-of-way that carries a lot of drainage from the County highway itself. Is the Board really strong about that because I may have a hard time fitting in the drainage to carry the stormwater coming off the County highway and the sidewalk next to it?

D. McGoey: I don't think the Board would mind if it was on your own property just as long as it's parallel to.

G. Shaw: Thank you.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

10. **JZM** - 2 LOT SUBDIVISION - Cross Road (17-1-11.2) #65-05

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

Unidentified Person: This is the two lot subdivision and we're hopeful we can get sketch plan approval. We have the comments from Mr. McGoey dated February 27, 2007. We have no problems with those comments.

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

Unidentified Person: Yes.

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

Unidentified Person: Sure. The first comment addressed the concern of being able to show development in the future. We had submitted a proposal plan for proposed subdivision if it happened in the future. Does this Board have any comments to that?

G. Lake: Just go through.

Unidentified Person: Comment #2 site distance on a prevailing speed of 30 mph from the east and 35 mph from the west. The speed is low and may not be acceptable to the Highway Superintendent. This should be confirmed. In response to that I can certainly get a letter from the Highway Superintendent. Item #3, we were unable to find the certification that the survey has been tied to the Town's horizontal and vertical datum. We are looking into lining up monuments 24 and 44.

G. Lake: Your surveyor should certify that.

Unidentified Person: Yes. Item #4. We requested that the Planning Board Attorney review the fact that several dwelling units will exist on lot #1, as same relates to the ability of the applicant to reduce the size of the lot, although the lot continues to include 88.8 acres. Item #5. The typical driveway entrance detail shows a twelve inch minimum culvert on Sheet 3, which is unacceptable. In addition, the appropriate culvert specifications should be provided to include a smooth insert or otherwise fully coated with paved invert if CMP. Item #6. Commons from the Highway Department should be received and addressed. We will submit the comments. Item #7. Location of significant trees should be shown and a clearing limit line provided. Significant trees should be preserved. Item #8. We would recommend that notes be provided to define the preservation of the stone wall. We can supply you with that. Item #9. Eustance & Horowitz approval of the septic system must be received. This is currently being addressed.

G. Lake: I will go through the Board.

A. Dulgarian: Now, your future development you're showing right on here now, correct?

Unidentified Person: Yes sir.

A. Dulgarian: You know what, I really don't have any issues with this. Just a comment I will make for the future. For some reason the map is a little hard to read. Maybe for the future we can get something a little bit more detailed so we could see it a lot easier. I really don't have any big problems with this. Mr. McGoey's comment was very good about the stone walls. The limits of clearing and those type of things. I think you've got most things

covered.

H. Ross: Lot #2, no further subdivision?

Unidentified Person: Not at this time.

H. Ross: But there may.

A. Fusco: What it is, the owner wants to give a lot to her son. The owner is an elderly lady. She wants to provide them with a building lot. That's basically why it was a very large twelve acre lot because she wants something for her son which is wooded and has played there as children, that kind of thing.

H. Ross: What is that, eighty eight acres or something?

A. Fusco: One hundred eight acres now.

R. Carr: So, would the applicant do a later subdivision on that lot?

A. Fusco: We could request that. I don't think it's their plan to do it but we could discuss that with them.

R. Carr: Okay.

A. Fusco: It has some sentimental value. If anything, there was discussion about another lot either out of that or out of another piece for the sister.

R. Carr: I have nothing further.

W. Capozella: It's a two lot subdivision now and (not clear).

C. Najac: Nothing.

T. Hamilton: Could not hear.

MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments and this Board's comments made by

D. McGoey: Mr. Lake, one thing for Mr. Bacon about lot #1 containing ten dwelling units and questioning the lot size.

G. Lake: Yes, it probably is. It's been there.

A. Fusco: It leaves a balance of over eighty eight acres so there's plenty of acreage for the density of what exists there now. If in the future anything else were to be requested at that point then at that point I believe we would have to continue and would probably look at a conservation type development at that point. They want to keep what they have now and one lot for the son.

J. Bacon: You should figure out a lot line between those two houses so that they each had three acres.

G. Lake: I don't think that's going to happen. I think if they come back after this point they have to take a hard look if they want to keep it as is.

J. Bacon: I guess I was just saying it looks like a very choppy piece of property.

G. Lake: Right. It's there. It's been there for as long as I can remember. To my knowledge there haven't been any problems there. Are you satisfied?

J. Bacon: (not clear).

G. Lake: I think they already know it.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for TWO (2) LOT SUBDIVISION subject to all of Mr. McGoey's comments, this Board's comments and the Attorney comments made by A. Dulgarian and seconded by T. Hamilton.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

11. **MARTINO/SERPENTINI** - 6 LOT SUBDIVISION & DUPLEXES - Webb Road
(69-1-37) #88-06

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

A. Fusco: My name is Al Fusco. The proposed project before you is lands of Marino. He and his wife, Anita Serpentine own this piece of property. It's on Webb Road. In relationship to that, it is in an R-1 zone. The property has been owned by them for several years. Subsequently, I believe it was in 2003 they had received permission from the City of Middletown for water and sewer. I believe I provided copies of the resolution to Mr. McGoey. I do have it here also. It is part of the Arfman tract agreement between the City of Middletown and the Town of Wallkill. What is being proposed is six lots with duplex, two-family, on each one of the lots. This will be serviced by municipal water and sewer from the

City of Middletown in the Arfman agreement in that area. Basically we did receive Mr. McGoey's comments. We have no issues with any of them. We would like to be able to get some sketch plan approval so we can proceed with the engineering and the details with relationship to water and sewer and drainage.

D. McGoey: Mr. Lake, maybe you want to have Mr. Bacon give you some information.

J. Bacon: I looked up the definition for public water and public sewer. And, what they refer to as a system operated and maintained by the Town of Wallkill. It's a separate entity that's maintaining their system doesn't fall under that of public water or public sewer. If there's some type of an agreement between the Town and the City then the Planning Board could

G. Lake: You kept mentioning this was part of the Arfman section agreement?

A. Fusco: That's correct.

G. Lake: And, this is on Webb Road?

A. Fusco: Yes.

G. Lake: That's on the other side of Town.

A. Fusco: What happened was several years ago I was still Commissioner of Public Works for the City of Middletown. There was a large dispute back then against the City of Middletown from the Town of Wallkill in relationship to the Arfman agreement which, you are correct, is in and around Wisner Avenue sections. What had happened was in order to settle all outside City of Middletown connections to water and sewer, what happened was it was a settlement agreement between the Town of Wallkill and the City of Middletown whereby an existing lot at that time outside city water and sewer user were brought into that Arfman agreement. That would be for property on Webb Road, out towards Route 211 West, Pilgrims Corners and anything that had water and sewer outside the City of Middletown from the Town of Wallkill was covered by that agreement.

J. Bacon: It's not whether or not you can use it, it's whether or not you can use that as the code allows to bump up the density of your project.

A. Fusco: It was my understanding that, yes that is correct. I don't believe it's under maintenance and control of the Town of Wallkill but more of (not clear). In this case, they're

already is an established districts.

G. Lake: In all fairness to Mr. Bacon, I think we need to get the agreement in his hands.

A. Fusco: Sure.

G. Lake: Before we go too much further.

A. Fusco: I agree.

G. Lake: This way, not only can you get a look at it, we will also give it Mr. Joe MacKay to let the Town Board Attorney also look at this and if that agreement is there and I do understand there is an Arfman tract.

A. Fusco: It's a different location.

G. Lake: I never realized that happened. I don't remember the specifics going into the Arfman tract. I think there is some homework to do. I will go through the Board in case they have any kind of comments but I think before we go too crazy I think we need to be comfortable and I think Mr. Bacon needs to be comfortable with that agreement.

A. Fusco: Sure.

G. Lake: I think we can get together with Mr. MacKay so everybody is on the same page.

A. Fusco: I absolutely knew this was going to be a concern.

G. Lake: Yes. I kind of wish we knew ahead of time.

A. Fusco: This is a fairly good application. I believe we've had two work sessions and this is our first presentation to the Board. We're ready to do our homework now.

G. Lake: It's kind of hard for the Board to really have comments on this. You're telling us right now that this district is there and it's been there and it's allowed by right. I think we really need our Attorney on this. I don't know if you guys want to comment on this now?

A. Dulgarian: There is no sense until we know.

G. Lake: I would recommend that we table this at this point and go to work on that.

A. Fusco: Thank you.

MOTION to TABLE for further review made by A. Dulgarian and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

12. **QUICKWAY #10** - LOT LINE CHANGE - 60 Turner Drive (41-1-101.12) #26-00

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

M. Blustein: My name is Michael Blustein with Blustein, Shapiro & Rich along with Tectonic Engineering. You are pretty familiar on this. We were here in and got a revised Site Plan approval subject to in January. We had to come back because there was a lot line

change reflected on that map that unfortunately nobody picked up on. It's a very small little subdivision.

Unidentified Person: Essentially the reason we are here is because during the approval process and the Site Plan presented to the Board both times for Site Plan for the original warehouse and then the amended manufacturing combination warehouse. The Site Plan was drawn up to accommodate the parking and landscaping buffer setbacks from property line on

the configuration of that Site Plan warehouse and manufacturing use. So, as Mr. Blustein alluded to, it was always indicated on the original plans, nothing has changed. It's really a change that we never managed to amend the application. Just to highlight the specific area and the line to be moved, the lot line that exists today on the Site Plan that you recently approved essentially follows the parking (not clear). We're shifting that lot line approximately sixty feet in round numbers towards the #7 warehouse. (Speaker was away from microphone).

M. Blustein: It's identified as site #7 and site #10 is the one just under construction.

G. Lake: This got to the Building Department just for a little more history on it. Actually, the Building Department picked up one little note up there to be changed or moved and asked that we bring you back and get it cleaned up. Mr. McGoey, do you have anything?

D. McGoey: I just wanted to make sure that Mr. Bacon is satisfied with the agreement that the Town had made with the Town Hall project for the road.

M. Blustein: We do have the roadway agreement this evening. We do have the access easement through the end of Turner. We will add the notes to the plan. Regarding item #3 of Mr. McGoey's comment that the Planning Board Attorney have access to the agreement that enabled the Town to put that road in.

G. Lake: I will go through the Board.

A. Dulgarian: Disappointed that we missed it. I'm comfortable with us cleaning it up.

H. Ross: Nothing further.

R. Carr: Nothing.

W. Capozella: Nothing.

C. Najac: Nothing.

T. Hamilton: Both right-of-ways or whatever how far is that?

M. Blustein: The initial dedication was for the police driveway and then there's an easement on top of them that allows you to get to the police barracks. At that point, it becomes an emergency access.

MOTION for LOT LINE CHANGE subject to all comments made by H. Ross and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

13. **MKA** - SITE PLAN/SPECIAL USE PERMIT (Woodside Knolls) - Mud Mills Road
(36-2-28.2) #90-05

Cancelled.