

TOWN OF WALLKILL PLANNING BOARD

MEETING

MARCH 15, 2006

MEMBERS PRESENT: G. Lake, W. Capozella, R. Carr, A. Dulgarian, H. Ross

MEMBERS ABSENT: T. Hamilton, P. Owen

OTHERS PRESENT: J. Bacon, D. McGoey, B. Ostrer, S. LaBruna

1. PUBLIC HEARING 7:30 P.M. - **WALLKILL TOWN CENTER** - SITE PLAN REVISION - Schutt Road (50-2-58.2) #53-04

G. Lake: Public Hearing started at 7:43 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 15<sup>th</sup> day of March, 2006 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Four C's II LLC. for approval of restaurant pad site and office building along Schutt Road Extension in the Wallkill Town Center Plaza under Section 249-27 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. Higgins: My name is David Higgins with Lanc & Tully Engineering.

G. Lake: Did we get your mailings?

M. Hunt: Yes.

G. Lake: Give us a brief description and then we will go to the Public.

D. Higgins: Good evening. My name is David Higgins from Lanc & Tully Engineering. We are here tonight on behalf of the development. What we're proposing is a Site Plan application and a Special Use Permit application for two buildings to be located in the Wallkill Town Center. The Wallkill Town Center is in the Price Chopper lot. The buildings will be at Schutt Road Extension with Dunning Road. The adjoining property is held by Price Chopper, Circuit City and small stores. This proposal is for two buildings. The first being "Carababa's", an Italian restaurant approximately about sixty six thousand square feet and located on Schutt Road Extension shown here. The Price Chopper is located on this portion of the site.

We're also proposing an office building, two-story approximately thirty eight thousand square feet. Basically, the site is currently occupied by buildings and parking facilities all around. Basically these two areas will be used for the Carababa's Restaurant and the parking area located over here. New parking facilities and an access drive will be proposed on the site. There is an access way located here on Schutt Road. We have several technical comments.

G. Lake: Carababa's in the front, you say front, you mean Schutt Road?

D. Higgins: Yes.

G. Lake: And the low fence in the back, that's for the dumpster and what else?

D. Higgins: I actually have some pictures that are smaller I can hand out to show you.

H. Ross: Do you have one for the office building?

D. Higgins: No. I don't have a smaller size.

H. Ross: Do you have any size of the office building other than what we have?

D. Higgins: Just what you have.

G. Lake: Let me go through the Board and then I will open this Public Hearing.

A. Dulgarian: After the Public.

H. Ross: After the Public.

R. Carr: I will wait.

W. Capozella: I will wait.

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

**MOTION to close this PUBLIC HEARING AT 7:51 P.M. made by W. Capozella and seconded by R. Carr.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

G. Lake: Mr. McGoey's comments. Mr. McGoey, there are quite a few. Do you have any particular ones you need answers, have they been answered to you?

D. McGoey: They submitted a revision today that I briefly looked at but I didn't have a chance to look at it in total. I think the Board may want to look at the landscape plan a little bit. Other than that I think they have been resolved. Do you have any problems with any of them?

D. Higgins: No. I think it's pretty much addressed everything. There were a few things that I know were requested that can be dealt with at the time of the Building Permit.

D. McGoey: Were the cross easements submitted?

D. Higgins: I think that if we do not have one in the file we can certainly get one to you.

D. McGoey: We've been asking that it be referenced to on the map.

D. Higgins: We can certainly add a note to the plans. I understand about the cross easements and that they do exist.

G. Lake: Why don't we just go right down through the comments quickly, all the comments. The fire department?

D. McGoey: The fire department has quite a list. I got it today.

G. Lake: You just received that today, Mr. McGoey?

D. Higgins: I don't think I have a copy of it.

G. Lake: So, you're not aware of the fire department comments at this time?

D. Higgins: No. The only thing we had was the comment from Mr. McGoey in his comment letter having to do with the Siamese connection and the lock box and the striping around the building.

D. McGoey: Those are pretty typical but they had some other issues with respect to the emergency access and things that you may or may not be able to comply with. No problem with the size of the

domestic service?

D. Higgins: We added a two inch.

D. McGoey: Architectural elevation, comments #4 and #5. Lighting levels You're planning on putting in one new light?

D. Higgins: That's correct. There will be a total of three lights. Two of them are to be re-located and one light will be added. It's the same light that's being used elsewhere in the center. The only area that is really that bright so we added three foot candles across the parking lot.

D. McGoey: I will take a look at that. One problem I did have is the truck turning movements in the parking lot. Some of the turning movements are very tight and will require the trucks to go over the curbs in some spots. Do you want to address that?

D. Higgins: I spoke with Mr. John O'Rourke earlier today. There's a couple of things we can do. One thing we can do is make those curves down to the curb so if a truck has to make that tight turn they can do it. The other thing we talked about is typically the deliveries that would be made would not be during the peak hours. We do think that the turning is adequate.

D. McGoey: When you're looking at a new site I don't know why we can't make them work. I certainly wouldn't recommend that we put restrictions on parking if someone is coming there to eat, they're coming during the hours when you're supposed to have parking available.

G. Lake: What are the hours?

Unidentified Person: The restaurant, it would be lunch and dinner.

D. Higgins: Deliveries typically would be in the early AM.

G. Lake: Yes. I have to agree with Mr. McGoey. We shouldn't be talking about making the site work with a new site.

D. McGoey: There really are only two spots that they would have to follow the specifications.

D. Higgins: We're showing actually more parking than what's required.

G. Lake: Mr. McGoey, let's handle that at a work session.

D. McGoey: Okay.

G. Lake: Snow storage?

D. Higgins: We identified some snow storage. We have a total of five areas designated. Showed the Board members on the map. We feel that the five areas that we've shown is adequate for the site.

G. Lake: Are you talking about putting blacktop here or stone?

D. Higgins: It's basically an area that's not used, lawn area.

G. Lake: Okay.

D. McGoey: The beginning and the end of the existing curb line in the front of the office building and paralleling the entrance drive is confusing. The senior citizens sidewalk area should be labeled as concrete. Is that over to the road?

D. Higgins: That was the intention.

D. McGoey: The Board might remember, that was something we asked for a while back. The water service, you can take care of that. The house trap, what are you going to do with the house trap?

D. Higgins: It will be noted on the plan that the house trap will be internal.

D. McGoey: The retaining wall, the details are missing.

D. Higgins: We added those to the maps.

D. McGoey: The Board should look at the refuse enclosure to make sure it's okay. We also recommend some additional hardwoods and evergreens in the front along the parking lot. Is that a problem?

D. Higgins: We've added additional landscaping.

D. McGoey: I don't know if the Board wants the Landscape Architect to look at this one.

G. Lake: Mr. McGoey, the stormwater management?

D. McGoey: Yes. I think we're satisfied with it.

A. Dulgarian: Yes. I have some issues with this. I have four issues that we have all around Town with these type of projects. Number one since we're on the snow storage I don't believe what you're showing as snow storage is adequate. That has been a problem with every shopping center in Town. On the landscape plan you show a couple of those snow storage areas. If you look at the first one it's right where there's a tree planted so, what you're doing in landscaping you're knocking it down and it's the size of one parking spot. If you go up to the north end of the parking lot there's another

snow storage area the size of one other parking space. And then the other one is just a little bit bigger and that's in the landscape area. So, I don't believe the areas are big enough and we're going to knock down all the landscaping we're requiring them to put up which if you look at Price Chopper they knocked down a couple of those little trees. Because of the high traffic area and what this corridor is becoming I agree that we should have a Landscape Architect review this and make sure it's the best it can be. When ever we put up a free standing building in a parking lot we're able to see all four sides and I'm not impressed with some of the things that we have approved in the past. I refuse to make that mistake again. I think that the exterior of this building on the other sides should look better than what it does. We had that problem in a couple of other places right now. I would like to see an improvement there. Lastly, I want to see sidewalks in front. Now, where does your property line end?

G. Lake: In front.

A. Dulgarian: Along Schutt Road, the County road. I talked to the County Legislature and they don't have a problem with it. They need to see what it takes to put it there with the County. They don't have an issue with that.

G. Lake: Who did you speak with?

A. Dulgarian: I talked to one or the other. I talked to a couple of people. The point is if it can be researched and I believe it can be done. In front of this particular project there's some flat area where you can get it. And what ever else comes before us, we will continue it on but right now it's very dangerous and a lot of people walk right out in the road. We should be promoting people walking to the grocery store and what ever we have. I think that should be reviewed. Where does your lot line end on Schutt Road?

D. Higgins: From the map it's the shade of green.

A. Dulgarian: So, between here and Charlie Brown's.

D. Higgins: That's the end of the project right there.

A. Dulgarian: So, this has a separate property line from Charlie Brown's?

D. Higgins: Yes.

A. Dulgarian: Same ownership?

D. Higgins: I believe so.

A. Dulgarian: I would like to see the sidewalk at least extended to the entrance road. Those four

issues if anyone of those is not met I would have a problem. The office building, I have no problem with. I think it's a good use and it's set back from everything. I have absolutely no problem with the restaurant being there. Again, that's the pattern of development that's happening there but I do believe that it can be a lot better than what we're looking at right now.

H. Ross: I agree with Mr. Dulgarian's comments. I strongly suggest looking for a sidewalk. I also would like to see all sides of the restaurant upgraded.

R. Carr: I concur with Mr. Dulgarian. It's unfortunate, I think, of the development that seems to be going. A stand alone building we always end up with the back and sides of the building. I agree also to have our Landscape Architect review the plan due to the high profile area. I also have a problem with snow being pushed on landscape areas.

W. Capozella: In general I don't have an issue with the use. I do have a couple of questions. One of them, the retaining wall that's proposed. The retaining wall is still staying in, that's a definite. Do you have to have that retaining wall?

D. Higgins: Yes. That's on the side of the office building here.

W. Capozella: Saying that it's four feet, are we getting four feet from that surface or level from the office building.

D. Higgins: Probably four feet is the maximum and it will drop off.

W. Capozella: And, what type of stone or whatever are you going to use for the retaining wall?

D. McGoey: It's basically split face block.

W. Capozella: Okay. I've never been to one of these Carabao's. Is this a similar type layout of the other ones?

Unidentified Person: It's an Outback look.

W. Capozella: The reason I'm asking is what we've seen in some of these is the entrance way you have a little overhang here. There's no bench outside. I don't know if maybe you want to have a bench.

D. Higgins: I know the situation you're talking about.

W. Capozella: That answers my question. That's the only issue.

G. Lake: Mr. Capozella brought up about the outside seating. You've heard the Board. I think you

know what they're going to be wanting. The back of the buildings, this has been something that we've been working on and we really thought we kind of indicated that to you before. Your Public Hearing is closed. I will send you back to another work session. Get everything cleaned up and get in touch with our Landscape Architect. The sidewalk issue and anything else brought up we probably can take care of in a work session. Are you willing to waive the sixty two day time frame?

D. Higgins: I would believe so.

G. Lake: Hopefully we can get you back before that.

D. Higgins: I think the comments are valid concerns.

**MOTION to TABLE for further review and applicant waives the sixty two day time frame made by H. Ross and seconded by A. Dulgarian.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

2. **TETZ** - OFFICE BUILDING - SITE PLAN/SPECIAL USE PERMIT - Crotty Road (50-1-7.1) #105-05

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

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

G. Lake: Go ahead.

J. Nosek: Just a brief introduction. This is an existing building used as an office for the Tetz facility. Most of what you see there is existing. What we're proposing is to make it an office building to have two floors, one to be used by the Tetz office facility and the other will be used for some other type of office as a rental space. The existing pavement that you see behind the building is currently existing. We're proposing to add some additional pavement to meet the requirements of the parking spaces. This is serviced by existing water and sewer facilities that are in Crotty Road and the darker

portion of the building we're looking to add on a small area of approximately fifteen feet by twenty five feet. As a result of that we have to shift the lot line over on the adjoining lot so the dotted line you see is the lot line to be deleted and there would be a new lot line which would be perpendicular to the right-of-way.

G. Lake: Okay. What we're doing is setting a Public Hearing on this. Do you have any problems with Mr. McGoey's comments? Do you have anything from the Highway Superintendent?

J. Nosek: It is an existing entrance and we weren't proposing to alter the entrance. Although no proposed work is shown within the existing Town right-of-way, the standard Town of Wallkill right-of-way grading detail should be included on the plan. We can add that to the plans with no problem. As far as Mr. McGoey's comments go, #1 is a general comment, #2 is requesting further detail on the new parking and the handicap place. That's not a problem. #3, asking for a note to be put on the plan for the sign detail, no problem. #4, The setback dimension is shown on sheet #2, and is shown as fifteen feet. I don't know if you missed that one.

D. McGoey: Yes, I missed that.

J. Nosek: Okay. The bulk table, we do have to change that. The additional landscaping that was requested on both sides of the entrance drive. We have no problem adding additional landscaping. As far as photographs, I think the architect was going to provide the photographs of the existing vegetation.

G. Lake: Okay. So, you're not going to have any problem between now and the Public Hearing.

J. Nosek: No.

G. Lake: Let me go through the Board to see if they have anything and then we will schedule the Public Hearing.

A. Dulgarian: The only thing I have is the proposed commercial sign. Are you just going to have that one little sign or is it going to be a reader board for when you do have a rental there?

J. Nosek: If you go to sheet #3, we have the sign detail. It's relatively small. It's a four foot by four foot sign.

A. Dulgarian: Right, but I'm saying it only has the one use in there. With the second use, is that going to be the same size?

J. Nosek: Okay.

A. Dulgarian: Is that going to be the size regardless of how you split it up?

J. Nosek: I think if that happens we will actually make the lettering within the same existing square footage.

D. McGoey: Just so you know, we don't generally review signs. The Building Department does that but what they asked us to do is to make sure that on the site there is enough setback.

A. Dulgarian: And, the other thing I agree on is to beef up the landscaping.

H. Ross: I have nothing at this time.

R. Carr: I have nothing at this time.

W. Capozella: Just a question on the building, you're going to adding about eighteen feet.

J. Nosek: Yes.

W. Capozella: What ever you're going to add on is going to blend in with the existing building you already have?

J. Nosek: That's correct. It will have two floors, one floor for the Tetz facility and the another floor for a separate type rental office.

W. Capozella: It's just going to look like one building?

J. Nosek: Yes.

W. Capozella: Other than beefing up the landscaping I don't have anything further.

**MOTION to schedule a PUBLIC HEARING for May 17, 2006 made by A. Dulgarian and seconded by H. Ross.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

3. **TETZ** (Phillipsburg Road) - SITE PLAN/SPECIAL USE PERMIT - Cemetery Road (78-1-29) #35-03

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

R. Stack: My name is Rosemary Stack, Attorney for E. Tetz & Sons and also with me is Jim Ullrich.

G. Lake: Go ahead.

R. Stack: A final site plan was submitted to you for review in November 2005 along with a landscaping plan. It is our understanding that the Board will have comments for us tonight.

G. Lake: We did have a couple work sessions with Mr. McGoey. We had another work session I believe with a few members of the Board. I, apologize, I wasn't able to make that one. At that one, I believe there was a couple of questions that.

D. McGoey: Yes. Offsite improvements within the right-of-way of East Main Street. Verify that they presently continue to use the old site for seven years.

A. Dulgarian: I have nothing.

H. Ross: I have nothing.

R. Carr: Just one thing. I have one concern under SEQRA (not clear).

B. Ostrer: In the Findings Statement there was language that was made for removing siltation. It was identified in the stormwater retention and detention. We did have language in the Findings Statement that addressed that and that would be a Building Department enforcement. We did address that. We did cover it in the Findings Statement. I would have to get it to read it to you but, in fact, I had misinterpreted it and Mr. Lake spoke to me and said to change it and it's actually that we have the right to inspect.

R. Carr: And you're saying that covers it. As long as it is covered in the Findings Statement.

B. Ostrer: He made a good point and what I may do is consideration of action on the application in the near future or Mr. McGoey and I should get together and go through the conditions that were identified in the Site Plan approval and that would be contained in the resolution of approval or disapproval so we can track the Findings Statement. We did address it.

R. Carr: Yes.

B. Ostrer: I'm very comfortable with it. We wouldn't be handling the enforcement anyway. It will have to be through the Building Department.

D. McGoey: Mr. Ostrer just raised another issue.

B. Ostrer: I guess it's Concrete Properties will enter into an agreement governing (not clear) address some of the traffic concerns. I will get together with Mr. McGoey to go over it.

G. Lake: Anything else Mr. Carr? Mr. Ostrer, before I go any further can that be done between now and April 19, 2006, the next meeting so you can get together and hammer this stuff out so we have it?

B. Ostrer: I can have it in a draft.

G. Lake: So that the Board can look at it all before . . .

B. Ostrer: We can look at it at a work session before the meeting.

G. Lake: Maybe give MaryLynn a call. I will call the Board and try to get everybody together. We will try to work around, what is it the 24<sup>th</sup>?

D. McGoey: Yes.

W. Capozella: I was just looking over the landscaping. Is this something that we should have signed off by our Landscape Architect that they're going to grow and stay there? I mean, obviously it looks like the job was well done.

G. Lake: Who did your landscaping?

J. Ullrich: Mr. Loyola from C&L Sights in Albany.

G. Lake: I'm assuming they were a Licensed Landscape Architects?

R. Stack: Yes. He has eighteen years in experience and he's specifically been involved in mining sites.

G. Lake: I know where you're coming from Mr. Capozella. I think at this point in time we're trying to get this done.

W. Capozella: I mean, it looks sufficient. It looks like the job was well done but again, I'm just

saying to make sure in my mind that these things are going to grow that, that's all I'm concerned about.

G. Lake: I think . . .

J. Ullrich: As with any Site Plan, you do have enforcement action if they don't live so we're quite confident with this plan.

G. Lake: Does that satisfy you?

W. Capozella: Yes.

A. Dulgarian: Mr. Lake?

G. Lake: Yes.

A. Dulgarian: You keep bringing up April 19, 2006, that's where we're looking to vote on Site Plan?

G. Lake: Yes. I think we looked at it all together and I know Mr. Hamilton had a couple of questions.

A. Dulgarian: So, this is our last opportunity to go over it.

G. Lake: Yes. I think we have to give . . .

A. Dulgarian: Send it all in by April 19<sup>th</sup>?

G. Lake: If you have any questions, call anybody. I think by April 19, 2006 we have to decide.

A. Dulgarian: Mr. Ullrich can you just try and go over the phasing of this project?

J. Ullrich: Basically the initial objective is to obviously get the asphalt plant on line first and then there's a seven year time frame to move the concrete plant over to the site. That's the beginning and the end. The intermediate steps, probably are going to include the block casting and the concrete truck clean out in two elements. One, you approved initially over on the Crotty Road site. That will remain. Those are some of the immediate steps.

A. Dulgarian: Was there a garage indicated?

J. Ullrich: Yes, and that will be probably after the truck wash and the block casting and before the concrete is moved. Essentially, the initial step will be the asphalt plant. Somewhere it there will be the block casting and the truck wash and some sort of closure on that and then in the intermediate

years the shop and then finally the concrete plant. That will allow them to keep operating. They will be purchasing a new concrete plant so that they can put up the new concrete plant.

A. Dulgarian: You're showing a couple tanks above ground for on-site fuel storage?

J. Ullrich: Yes.

A. Dulgarian: Could you point them out to me?

J. Ullrich: Showed Mr. Dulgarian.

A. Dulgarian: And, that's not going to be until the shop is there?

J. Ullrich: Correct.

A. Dulgarian: And, then there will be a backup one for the generator for the asphalt plant. Those are the only two?

Mr. Tetz: Yes.

A. Dulgarian: What do we have in force around those other tanks?

J. Ullrich: They're self-contained.

A. Dulgarian: I mean, is there anything below the tank if there is a spill?

J. Ullrich: Yes. The asphalt plant has a concrete dyke around it. The existing tank is on the left side of the building. It is self contained.

A. Dulgarian: The other question I have is, I know I brought this up before but I don't know where we left it off. For lack of a better term, I'll call it a good neighbor policy. We talked about while the cemetery was having services there, is your dispatcher going to be in communication with them? I don't know if it was ever resolved and I think that's something that needs to be handled.

G. Lake: I believe we did.

R. Stack: There is an agreement and it's also in the Findings Statement.

A. Dulgarian: As long as you get notification.

R. Stack: When we're notified we will take the appropriate action to curtail operations while services are going on.

A. Dulgarian: Mr. McGoey, near the edge of the property there are some slopes, are they to your satisfaction?

D. McGoey: New slopes or existing?

A. Dulgarian: I'm not sure.

D. McGoey: There will be berm's.

A. Dulgarian: I really have nothing else to add. I just wanted to touch on that.

G. Lake: That's okay.

A. Dulgarian: I didn't want to wait until the very last minute.

G. Lake: Mr. Ostrer, Mr. Hamilton couldn't be here tonight and one of his main concerns was the Article 78?

B. Ostrer: Yes.

G. Lake: We don't have to be concerned with that at this point?

B. Ostrer: We're right and both Tetz and the Cemetery Association are wrong. There has been no stay so we can move forward and believe our findings are sound and issues raised about the traffic (not clear). I don't think there is any reason for us with the Article 78 not to proceed forward. There's no reason for us not to move forward because there's no stay.

G. Lake: Just so we all understand on the Board, our findings?

B. Ostrer: Based upon the findings, that's your guide.

G. Lake: I think had some concerns about that.

B. Ostrer: I did speak to him about it at a work session.

G. Lake: Okay. Mr. LaBruna?

S. LaBruna: Yes. There hasn't been any changes to the Site Plan since this past October?

J. Ullrich: That's correct.

S. LaBruna: I know our comments earlier on about the possibility of screening along the access road. I looked at the Site Plan and I can't tell.

J. Ullrich: I would say our landscape plan addresses that separately. We've located all the existing trees to remain and plantings are shown.

S. LaBruna: Okay.

G. Lake: Mr. McGoey's comments, are you going to have any trouble with them between now and . . . Mr. McGoey have you received all information ?

D. McGoey: I don't have the revised plans in accordance to my comments of February 8, 2006.

R. Stack: We will have them at the next submission and will respond to a number of your comments. Those should be submitted shortly.

J. Ullrich: Right.

R. Stack: Within a week or so.

J. Ullrich: We wanted to get your latest comments and build it into one submission.

G. Lake: Are there any stormwater issues or anything else?

D. McGoey: Nothing significant.

G. Lake: Are the traffic issues straightened out, language wise?

D. McGoey: They will be straightened out.

G. Lake: Does anyone on the Board have anything else? I will table this until April 19, 2006.

R. Stack: Mr. Chairman, can I just make a submission?

G. Lake: Sure, go ahead.

R. Stack: I just wanted to make sure that as part of the record the Zoning Board of Appeals vote, there was some question as to their vote and I want to submit copies of the minutes and the decision sheet that shows they granted the variances for the record and I recognize that the Board is moving it forward tonight but we did have some concerns about that because it was variances due to expire.

G. Lake: April 19, 2006 we will put you on and this Board will make some kind of determination.

R. Stack: And that will be based on your findings?

G. Lake: Based on the whole nine yards from the last twelve years.

W. Capozella: Those variances were for the height?

R. Stack: That's correct.

J. Ullrich: And the setbacks.

D. McGoey: Mr. Ullrich, make sure you note those variances on the Site Plan.

J. Ullrich: Sure.

**MOTION to TABLE for further review and to be placed on April 19, 2006 agenda made by A. Dulgarian and seconded by H. Ross.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

4. **ROSSI** - SITE PLAN/SPECIAL USE PERMIT - Silver Lake Scotchtown Road (40-1-15.221) #85-04

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

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

G. Lake: Go ahead.

D. Yanosh: We've been here a few times with the Site Plan, different layouts after our last meeting I

think in October or November. We needed to do a stormwater management plan and some more engineering on it. I got Mr. Rother to prepare new sets of plans and it has all your site drainage, landscaping, grading, all the elements for the Site Plan. I have Mr. McGoey's comments. I've looked them over a couple of times. I have no problem with any of these. I will have to meet with Mr. Lippert out in the field about Bahrenberg Road and Mr. Smith about the water service to the property. I know they're going to put on in Silver Lake Scotchtown Road soon. We need that water main to come in and where ever it is we will work within that. The only question that I would have with the Board right now is comment #9 about the Landscape Architect.

D. McGoey: Yes. I don't know if the Board wants this reviewed by our Landscape Architect.

G. Lake: You know what. I guess, why not.

D. Yanosh: Will she want to see the rendering of the building also because we gave one to the Zoning Board of Appeals, should we give it to her also?

G. Lake: Yes. I would definitely give her any improvement information that she can look at. This might satisfy her but she may have a better idea.

D. Yanosh: Do we do it through MaryLynn or, how do we do that?

G. Lake: Call in and she will give you the information. We are setting a Public Hearing on this tonight. Let me go through the Board. Mr. McGoey's comments, are you going to be able to handle all of his comments?

D. Yanosh: We have no problem with his comments.

G. Lake: Any particular ones you have a question on between now and the Public Hearing?

D. Yanosh: Not really. Just the landscaping issue.

A. Dulgarian: I want to know why are we always throwing crappy ponds out by the new road. The first thing you see with and we have fifty five houses going on across the street and why is it never behind?

D. Yanosh: Here, you can't. There's no land to build it. They're surrounded by roads.

A. Dulgarian: What are they going to look like? Are they going to be mowed or something else where it is ugly for lack of a proper term?

G. Lake: Crystal Run Crossing, they maintain theirs, even though they're retention ponds.

A. Dulgarian: Can we see what that's going to look like?

G. Lake: That might be something he can incorporate between now and then.

A. Dulgarian: We have these big concrete things out there.

G. Lake: But, I'm also saying at Crystal Run Corporate Park, their retention ponds they mow and everything just like a lawn.

A. Dulgarian: Any way, that's a concern of mine and if it has to be addressed at Public I would like to know a little more about that. Maybe it can be hid with the landscape plan but that's something I'm concerned about. That's all.

H. Ross: I agree.

R. Carr: It's a very irregular piece of property and the landscaping could be beefed up by the road.  
W. Capozella: These are two entrances that you have going in there. You have one from the parking lot and one closest to the building. Are those two there, or are they you're going to actually build?

D. Yanosh: Off of Bahrenberg Road?

W. Capozella: Yes.

D. Yanosh: Yes, we're going to build those.

W. Capozella: You need both of those?

D. Yanosh: Yes.

W. Capozella: I'm just curious why we need two entrances to go into something like this.

D. Yanosh: The traffic flow, the emergency vehicles getting in and out.

W. Capozella: What type of traffic do you have in there beside commercial uses?

D. Yanosh: It's split out to office space, retail, and service station in the building for what we're going to use it for. What is the process of the person across the street? Did they ever get approval or what happened with that one?

A. Dulgarian: No but that's why we wanted to see what your building is going to look like.

G. Lake: They're tied up in a couple of agencies yet.

A. Dulgarian: When we were looking at their architecture was not square block or a steel building. It was a fairly nice structure.

D. Yanosh: Are they taking the barn down, is that what they're doing?

D. McGoey: No. They're going to renovate the barn.

D. Yanosh: So, they're not close to approval because they're tied up in agencies?

G. Lake: Are you talking about across the street?

D. Yanosh: No, the barn.

D. McGoey: They wanted to keep the barn because of the billboard. The Planning Board wanted the billboard to come off the building and they don't want to do that.

D. Yanosh: I do have to go back to the Zoning Board of Appeals. My variances were granted July 11, 2005. I have to go back and get an extension.

G. Lake: So, you have to go back to the Zoning Board of Appeals?

D. Yanosh: When is the next available agenda?

G. Lake: If you don't have anything else I will set the Public Hearing.

**MOTION to schedule a PUBLIC HEARING for May 17, 2006 made by R. Carr and seconded by W. Capozella.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

5. **TOWER SELF STORAGE** - SITE PLAN/SPECIAL USE PERMIT - Tower Drive (40-1-67) #55-04

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

A. Fusco: My name is Al Fusco and with me is Mr. Laput is assisting me this evening and this is for Tower Drive Self Storage. We have been to you before with a traditional self storage unit and we're going to try to do something to match the condominiums across the street. However, the owner had a unique type of a design where they had self storage where the vehicles enter into the structure. It's one large structure rather than the traditional type of self storage where you have the entrance that were entered from the exterior with the cars parking outside. In this proposal, it's one building where the vehicles would enter into the building with all the necessary codes in compliance with the New York State Building Code and in that fashion they would be entered into the appropriate code to areas where they could enter during appropriate time periods. There would be personnel there for rental purposes and also all types of other activities however, a card would be swiped. They would drive into the facility. They would be able to go into their unit with their vehicle to load and unload. There will be elevators. We're proposing two-story building elevators to go up to the unit. Carts would be provided to access the second floor. The first floor they can drive right up to the unit, load and unload and provide facilities in that type of fashion. We have a power point presentation that we will be able to show you. It will take a few minutes to show you some of the different types of facilities that are available. Our site here, we're showing this as a possible sketch plan. We don't have a lot of detail at this point but we wanted to get your reaction to this. If we do have a positive reaction and we supply all the engineering data and details to back this up. Are we ready for the power point presentation?

A. Laput: Not yet.

A. Fusco: One of the things that we have done and we did get comments back from Mr. McGoey in relationship to this and while we're getting the presentation ready I can address some of those comments so that we're not holding up the discussion. We did give you some architectural elevations. I apologize if it wasn't legible on the prints that we made for you. That's why I did pass out some copies. Again, this is a possible type of elevation. We are open to suggestions. Obviously we're going to have a landscape screening which is compatible with the proposed elevation of the building. We would work with the Landscape Architect you have chosen to provide that. I have met with them separately from the other two projects which the same client has and I think we have a good relationship with them. In relationship to the technical issues on the site, mostly identify the specific project. If it is this project then we will identify all of the technical issues that Mr. McGoey would require to have a proper review of it. The wetlands delineation, Mr. Thorgensen has been retained to do the delineation and we will follow it up and provide that. In relationship to the bulk table, we did not upgrade the bulk tables in relationship to the new PID zone. We will do that as well as identify and address the bulk requirements for the specific project as well as the buffer zones. In relationship to the stormwater management, we did supply, I believe, the basic stormwater flows. We have not yet completed the design of the stormwater

pollution plan and we will forward that. I will turn you now to Mr. Laput to do the power point presentation.

A. Laput: We prepared this storage facility to give you a better idea of how this would work. Just some background. Self storage is popping up all over the place. Ninety percent are from individual households. Seventy one percent are from new households. We want to show you some pictures here. This is a two-story facility. Here, we're showing the main office up front. This is the front of the entrance. Again, it's one building. We wanted all the storage within the inside. We have entrances within the building to drive in and go to your specific unit. One of the advantages of having a self storage inside would be for security reasons. Here we're showing a key pad access to enter the building so, we have access into the unit but also you couldn't get into the building without the ID code. It also allows you to enter the building without getting out of your car. Self storage now is done outside. So, we're proposing a second story. Drive through on the first floor and elevator access to the second floor to the storage units.

G. Lake: Okay. This is here for sketch. Mr. Dulgarian, do you have anything?

A. Dulgarian: I like it. It's similar to what was proposed for the Shop Rite site. I like the idea that what this project will look like at completion would be so far superior to what the outside storage looks like. I would like to see what exactly the building is going to look like, what can be accomplished with landscaping around that building, how the parking requirements are determined in relationship to the location of the building if there's going to be stacking of people to get into the building. I don't know how many cars can get in and I guess it would depend on the time of day or what ever. Is there going to be an on-site officer attending and what are the hours that attendant will be on the site. Mr. McGoey just brought something up. In the winter time, when you drive in with a vehicle, I'm sure there has to be someone there to clean that up and take care of it. Overall, I think it's very interesting. I think it's something that would add to the type of structures we have now. I really don't want outside storage. It just promotes throwing boats out there. You know what we've had in the past. This is a lot neater and a lot more professional. I really like the concept. It depends upon the size of the building and what it's going to look like.

H. Ross: The building height of four stories?

A. Fusco: No. That's under the old PID. We need to change that whole bulk table.

H. Ross: So, you're talking in terms of two-story versus four stories?

A. Fusco: Two-story.

R. Carr: I think it's the best looking self storage facility that we've looked at. They are needed. I think it would add and is in the right location for it.

W. Capozella: Yes. I find it favorable. I do have some comments. Obviously since you're going to

be able to drive cars in there, I don't know whether you can actually store cars in there, boats or any other type of recreational vehicle equipment, that type of stuff. That will obviously have to be on the plans. You may also have to go through the Fire Department or something along those lines. Of course, I would like to see something. I'm assuming you wouldn't want any outside storage since you have an enclosed building. That would have to be indicated on the plans. I don't know what type of outside parking you're really going to need. You may get away without a lot of pavement in there it would make it look a little bit nicer.

A. Fusco: I think we need to answer a lot of questions.

G. Lake: Are you done, Mr. Capozella?

W. Capozella: I'm done.

G. Lake: Yes. I agree with the whole Board. I think you've got in on target with this concept. I know you've been around and around on this property. It really does look like something the whole Board looks favorably on and like it. No one answered about the height. I have to assume there won't be any cars and that stuff inside.

A. Fusco: I don't believe so. We haven't explored that possibility yet. We are going to have vehicles inside obviously so there will be those fire protections because vehicles will be in during the day driving through. We will have the appropriate protection. We haven't explored the possibility of having vehicles in there as storage. There's still a lot of questions that we have to answer. You brought up a lot of them and we need to explore them. We were here to see what you thought about it and we've got a better understanding of it and we have a lot of questions that need answering.

G. Lake: I think you're on the right direction. I think the Board would like to see it that way. I think, maybe, jump on board early. Call MaryLynn to get the number of the Landscape Architect to save some time. I think we're of the opinion that it can go forward.

A. Fusco: Great. We appreciate that.

G. Lake: We will table you for further review tonight. Get to the Fire Department for their comments, I believe is Silver Lake to see if they have any outside comments to bring into a work session early on. I think it will be something new for them to look at.

A. Fusco: Absolutely.

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

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

6. **ROWLEY BUILDING** - SITE PLAN MODIFICATION - 30 Golf Links Road (78-1-67.1) #05-06

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

W. Abt: My name is Weldon Abt. I'm the Architect for Rowley Development. This is Brian Rivenburgh representing Rowley Development.

G. Lake: Okay. Why don't you give us a quick overall view of the addition and then I guess I will have to ask the Attorney what to do.

W. Abt: Rowley Development owns two sites on Golf Links Road. This is Golf Links Road, this is the road going to the existing warehouse and office in the front. We're proposing an addition to the building on the side. This is a one-story building with one-story office in the front. This is on a side yard that won't meet the requirements. So, we're asking for a variance or asking to go to the Zoning Board of Appeals for a variance for that. This is the existing building. The addition would look similar to the existing building. It would be an extension of the office area across the front. The warehouse would be a continuation of the roof in the rear. The other lands of Rowley Development are adjacent to this site which includes a similar warehouse.

G. Lake: So, there's no doubt we have to send him to the Zoning Board of Appeals?

J. Bacon: Yes.

G. Lake: And, that's basically why he's here tonight. Let me go through the Board just in case there are any questions. Mr. Dulgarian, do you have anything now?

A. Dulgarian: Yes. The property right next to you, that's yours also, that you're encroaching on?

W. Abt: This is also Rowley Development. The building is not encroaching on it.

A. Dulgarian: No, well the setbacks, right?

W. Abt: Right.

A. Dulgarian: Okay. I guess we have to determine if we send him on a referral or a recommendation.

G. Lake: Yes.

H. Ross: Why can't you comply?

W. Abt: Well, this facility meets the site layout that it has. Both of the properties have different financial arrangements. We will maintain access around this building across this site. The additional drainage from the roof will be channeled into existing retention ponds that we have. They're not fully utilized. So, we will have cross easements here.

G. Lake: Anything else?

A. Dulgarian: No.

H. Ross: No.

R. Carr: No problem.

W. Capozella: Just a clarification now. Is this the warehouse and is this the area that you're going to add on?

W. Abt: On this side.

W. Capozella: You're going to add on this side.

D. McGoey: I went out in the field this morning and there are some things missing on the Site Plan. There's a lumber storage building in the back that you don't show on that side.

W. Abt: You mean . . .

D. McGoey: No. Attached to the roof.

W. Abt: The shed.

D. McGoey: Yes. In the back. You have a gasoline storage tank on the side of the building where the addition is going. That's going to have to be moved. So, we need to see where you move that

and how you're going to contain it. You've got an overhead door in that corner. If you're going to replace that with an overhead door, we need to see how you're going to access it. You've got a major electrical service on that side. We're going to need to see how you're going to relocate that.

G. Lake: He can provide that between now and the next time he comes back?

D. McGoey: Yes, absolutely.

W. Abt: We will document those items.

G. Lake: Are you going to need any other variances on some of the things that Mr. McGoey brought up?

W. Abt: I don't believe so. I think that we will need a side yard variance and I believe that's all.

G. Lake: We need to send him to the Zoning Board of Appeals. Do we do a recommendation?

A. Dulgarian: I would recommend that.

**MOTION to recommend that the applicant proceed to the Zoning Board of Appeals made by H. Ross and seconded by R. Carr.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

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

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

L. Snyder: My name is Leslie Snyder, Attorney for Sam's Club and with me is Gerald Bergman, Engineer and Phil Griely, Traffic Engineer.

G. Lake: We had a work session. Give the Board what has happened since the last time.

L. Snyder: We held a Public Hearing in December and we had two work sessions, one on January 20, 2006 and the other two weeks ago, March 5, 2006. We've been working on the Findings for the Site Plan and Mr. Griely can go through Mr. McGoey's memo to show how we've addressed his concerns.

P. Griely: Good evening everyone. My name is Phil Griely with John Collins Engineers. Most of the items raised for traffic control and those areas I will run through each of Mr. McGoey's items in his memo. The first deals with the lighting. We have looked at the plan and we thought our plan was adequate in terms of providing for the safety and we will agree to sixteen foot candles average for the lighting. With respect to item #2 the canopy we had a rough elevation that was previously submitted and we have lowered the canopy to fourteen feet (not clear), the minimum that we can go to. In terms of the landscaping plan, it has been forwarded to the Town's Landscape Architect and I would just like to point out we now have in excess of three hundred fifty new plantings and one of the recommendations from the Landscape Architect was that the shrubs would be twenty four inches minimum and we noted that on the plan. Item #4, relating to traffic. We did have a work session. There were some very good additional comments from your Traffic Consultant and we added some additional signing primarily directional signs to direct traffic through not only our site but also through the Gander Mountain site. We have improved the signage for that. Item #5, again the Gander Mountain parking lot traffic goes through that lot and there were some recommendations about providing some additional signing and to clean up the alignment in this area so we show that. Reconstructing some of the aisles, providing additional stop signs. There was also a recommendation as in previous meetings we have provided some traffic (not clear) down near Sam's Club, speed tables, speed bumps. It was recommended that one near Gander Mountain. So, that's been added. Item #6 is the recommendation for the stop sign in some areas. We discussed with the applicant is a left turn at Route 211 and Tower Drive. Based on traffic the contribution would be somewhere between fifty and sixty thousand dollars. In addition as we discussed at previous meetings the upgrade of the existing traffic signal at Metro North and North Galleria Drive, also at Sam's Club is also going to be done as well as the construction of the left turn lane in the median on North Galleria Drive so that traffic does not have to stop and turn. We have provided that lane. We actually extended it further, provided additional stacking and the striping improvements and some other modifications that we put in. There are off-site improvements in addition to the contribution for Tower Drive and Route 211 East. These other improvements are approximately two hundred thousand dollars. We have provided additional documentation to Mr. Kalis on the trip generation. Mr. Hamilton had requested that we look at the queuing and we prepared (not clear) the number of vehicles that could be stacked without affecting circulation in the area. Based on our surveys of the facility in Orange, Connecticut actually was very active. The maximum number of vehicles that we had along with the stacking and waiting. It was around twenty three to twenty five vehicles. In addition on this plan, you will see we do have an additional area of stacking. We could stack another nine or ten vehicles in this area before they get fully out in the parking area or the drive

aisles. This site has stacking for significantly more than what we saw in other facilities. Item #11, again the canopy has been reduced to fourteen feet. One other item seen on this drawing we were asked to close off this curbed island so now there is no ability to cut through the traffic. We also looked at the snow storage. We agree to move the snow off the site. A note will be put on the plan. We haven't gotten any comments from the Fire Department. Again, we addressed the Town's landscape architect and they were re-submitted. We received a lot of input.

G. Lake: The exiting of the trucks, that's the same yet?

P. Griely: Yes.

G. Lake: Let me ask you. You said there were other facilities like this close by?

P. Griely: The closest facility is in Orange, Connecticut about an hour and a half from here. We did survey that and looked at it. We provided your consultant with that information.

G. Lake: That's too bad. I wish I had known about that. I would have liked to have seen that facility. I think you know where I have sat on this since day one. I still have reservations about the refilling and the service operation. I know Wal-Mart wanted to do it. Let me go through the Board.

A. Dulgarian: I agree that the plan we're looking at now is leaps and bounds better than what we initially had before. I've always been interested in sending them back to see what they could do to make it better but still I seem to have concerns with this. Most of the concerns are safety based upon the on-site flow, the extra traffic to be generated on North Galleria Drive and the same as you Mr. Lake, is about the mixed use retail and gas on the same site. We have a lot of volume on that corridor and I think this just creates a much more higher intensity use on that site. That's all I really have.

H. Ross: What about the walkways?

G. Bergman: Yes it does.

H. Ross: Where is it?

G. Bergman: It's on this side. This is not really a walkway. This is a driveway.

H. Ross: You have some plants.

G. Bergman: Mr. Hamilton is the one who brought this up at the work session. Maybe create some sort of a walkway to connect the parking lots on this side up near the gas station with the front of the store. This happens to be a longer speed table than any of the others because this is a wider piece

than the entrance road. The only place this really works.

H. Ross: I don't know how much use you can actually put on that corner. Even with your additional turn lane and contribution I just have concerns about it.

P. Griely: What we know we've discussed at previous meetings in terms of our traffic analysis, we had looked at a certain number of trips that would be both coming from the store and will pass by this. We have based on the observations we had in Orange, Connecticut we submitted additional data to the Board and to your Traffic Consultant which included a study of ten (not clear) of gas at Sam's Club and as we had expected we actually people waiting for gas using Sam's Club over fifty percent. So, our analysis of the number of trips that we believe will be added and we included the intersection and we will be using it as the basis for our contribution for the Route 211 East and Tower Drive is significantly higher than it was in terms of new trips. You're really getting a very high number of people at the store, at the gas pumps but again we have taken credit for that in our analysis of off site and establishing our contribution toward the improvements which I think we're being conservative in the worst case.

H. Ross: Do you have the traffic data?

P. Griely: It's in the . . .

R. Carr: I want to commend you because it's been numerous times and every time but it just looks better. I don't know if we can make it any better. You've done a lot of good things on mitigating. It really comes down to a change of character. I don't know if having a gas station, a totally different use, whether they happen to be coming out of Sam's Club at the same time. I don't know.

W. Capozella: I concur. My opinion, still in general, hasn't changed yet. The project has improved. But again, my views of this project in that area, location, and the usage, what traffic problems may we have. It's still going to create traffic related issues more than what we already have. This usage doesn't seem to concur with what we generally have. It's a difficult decision for us. In my opinion is not a good fit for us.

G. Lake: Thank you. I kind of wish I would have known there was another one close to us. I sure would have tried to find the time to take a ride over. I'm still willing unless you want continue on with this another thirty days but I'm willing to try to take a ride to Connecticut to take a look at it. I have all the same concerns. I don't need to tell you what they are. I think you know where the Board is coming from but I'm willing between now and the next time you're on to take a ride to Connecticut to take a look first hand to see what it looks like.

L. Snyder: I can address some of those comments. If I can . . .

G. Lake: Sure.

L. Snyder: To the Board members that said this is not compatible. First of all, your zoning ordinance, this is allowed in an industrial district. If you go all along Route 211 has mixed uses and it has restaurants that are out parcels and all work together. In fact, if you look down, not only are we looking on improvements for the Town, we're improving Gander Mountain which essentially is going to improve the entire access toward the Honda site. This plan really is totally compatible, not only but because you're zoning code allows this. Also, the way we have done all the traffic patterns, we're doing patterns that are coming to the store. We're giving them directions. In fact, the County Planning Board in October gave us a favorable recommendation and actually indicated that the applicant is improving the traffic pattern. This is a unique opportunity for the Town of Wallkill. It's not like an applicant has come around with three hundred fifty landscape plantings. In addition to that, all the speed bumps, you were concerned about safety. We worked very closely with your Traffic Consultant and we responded to all his comments and actually even recommended putting an additional speed bump and stop sign. Actually, by allowing this plan you will allow that whole area to be safer than it is today. I drove past myself past Gander Mountain tonight as I come up there often I drive around. There are no stop signs. There are no speed bumps in front of Gander Mountain. So, this gives the Board gets a unique opportunity to allow Sam's Club to sell, because remember at Sam's Club you can get your tires, you can get washer fluid. This is just another product that is very consistent to the type of products that are sold at the Sam's Club. In addition, not only are you getting features on the site itself, you're getting safety features off-site and the chance to go from a "D" to a "C". It's substantial. This gas station will not affect the level of service. We're not adding. We're not the ones who are breaking the camel's back. Even your own consultants has indicated that these improvements is a unique opportunity for you to have and also indicated that he agreed with Mr. Griely's traffic report. I don't think it's a bad idea for the Board to see and get in your minds that this works somewhere else. So, we have no objection to that but I think the Board

should keep in mind that it is consistent with development, it is consistent with the character of the neighborhood. It is actually providing safer. It's about an on site issue.

G. Lake: Thank you. Like I said, I'm willing to do that. I'm actually willing to go up and actually see one function. Is it in this type of setting?

P. Griely: Yes. It's in a Sam's Club parking lot. It's not as well isolated as this is in terms of directing traffic flow. It's not as good a plan as this but you can see in terms of the amount of traffic that is generated, the number of vehicles that stack. Clearly when you look at it this is a superior plan. This is a much better plan but you can see the operation.

G. Lake: Okay.

L. Snyder: The site visit for you.

G. Lake: Call in. I will have MaryLynn. I will poll the Board later after we're done tonight. Any more questions from the Board?

**MOTION to TABLE for further review made by R. Carr and seconded by W. Capozella.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

8. **FOUR SEASONS** - FENCE APPROVAL - SITE PLAN - Dunning Road (53-5-3) #08-06

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

K. Stilwagen: My name is Ken Stilwagen with Four Seasons.

G. Lake: Go ahead.

K. Stilwagen: I would like to propose a four foot fence between my property line and Smoker's Choice and the adjacent property Absolutely Flowers.

G. Lake: So, it's between the Smoker's Choice and Absolutely Flowers?

K. Stilwagen: Yes.

G. Lake: Or, the Smoker's Choice and the new building?

K. Stilwagen: No. It's on the right side as your facing it. I have some photographs of the site. I understand that the ice cream shop and the cigarette shop shared some type of egress. During the winter, the ice cream shop had a chain going across the parking lot so they didn't have access to it. The parking lot was not plowed. So, basically what they ended up doing was they would come across the parking lot. On an average week I could count an average of fifty fender benders in that parking lot. Cars parked on the opposite side of Dunning Road. The entrance to the cigarette shop is closed all the time when the ice cream shop is open.

G. Lake: So, your fence is between you, Absolutely Flowers to control the traffic, is that what you're saying?

K. Stilwagen: Yes. It's to block them out from going in.

A. Dulgarian: No, that's not right.

D. McGoey: It's between him and the Smoker's Choice.

A. Dulgarian: I understand his need or his reason for wanting the fence. I have no issues with that. The other property has it's own entrance.

H. Ross: No. I'm just a little concerned.

K. Stilwagen: I would also ask, I guess I should call the Highway Department or who ever services the fire hydrant. I have ended up painting that thing four times. There have been cars that backed over it on numerous occasions. They park right in front of it. The photographs I had of the standing cars so, if there was a fire.

G. Lake: If somebody backs into it you should call the Water Department.

K. Stilwagen: Okay.

G. Lake: Then, if there's prolonged parking in front of it you call the Police Department.

R. Carr: I have nothing.

W. Capozella: I think this is the picture of the fence.

K. Stilwagen: Showed the plan to Mr. Capozella.

W. Capozella: Mr. McGoey, there's no restrictions as far as . . .

D. McGoey: You have to make sure you give us the fence details on the plan.

W. Capozella: Were they all approved at the same time?

G. Lake: No.

K. Stilwagen: Okay. Is there any setbacks I should be aware of?

D. McGoey: Talk to the Building Department from Dunning Road.

K. Stilwagen: Yes.

G. Lake: That's a County Road, so you may want to contact them. I don't have a problem.

**MOTION for a NEGATIVE DECLARATION 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**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

**MOTION for SITE PLAN (Fence) APPROVAL subject to Mr. McGoey's comments and this Board's comments made by A. Dulgarian and seconded by W. Capozella.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

9. **VASOPOLI** - LANDSCAPING - SITE PLAN - Bloomingburg Road (14-1-33.3 & 36)  
#107-05

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

J. Sheldon: My name is Jennifer Sheldon.

G. Lake: Go ahead.

J. Sheldon: We're combining the two lots into one lot. In regards to last months meeting you had a few questions about the landscaping. We have added significantly more landscaping to the plan. The last item you wanted was to know the areas for storage. We have it laid out on sheet #2 of the Site Plan. I received comments.

G. Lake: You received your letter?

J. Sheldon: I do.

G. Lake: I think we received this probably about the same time.

J. Sheldon: Yes. I can go over it. I don't have the plans of the existing use. The landscaping architect should have put them on the sheet.

D. McGoey: Do you have any problems complying with any of the County requirements?

J. Sheldon: No.

D. McGoey: Because they do have to go on the Site Plan before the Chairman can sign the maps.

G. Lake: Mr. Capozella, did you see this copy?

W. Capozella: No.

G. Lake: What it is, it's some County requests that just came in and they are aware of them. I guess my question is, did you get a chance to look at it?

D. McGoey: Look at what?

G. Lake: The letter from the County.

D. McGoey: Yes I did.

W. Capozella: This is when the County makes these recommendations. It's not in stone, is it?

G. Lake: Well, they're going to have to get a work permit from the County. That's a County road out there, I believe.

W. Capozella: Oh, okay.

G. Lake: Some work will definitely have to be done. We can do one of two things. We can ask them to come back or we can do it subject to and Mr. McGoey will make sure this has all been done before I sign the maps.

D. McGoey: Yes. I don't have a problem with that.

G. Lake: Mr. Dulgarian, do you have anything?

A. Dulgarian: I really like the use of this. My only reservation is that the outside storage areas shown are used specifically. I mean, if we're looking at the final project like what we're looking at on this map, then great. I think it's good for him and it's good for the Town. What generally happens with these sites is you get a few pallets of something and then it ends up laying somewhere else. He has a very small area for his trees and shrubs. I don't know what the square footage is but by looking at it, it's nothing like what I've seen in our landscape facilities. So, I just want to make sure that what you're showing is sufficient. If he says it is, maybe there should be a note on the map that no additional storage other than shown on the map. And, the other thing I would ask you is that with this type of operation some sort of equipment, there's no place on the site shown to store that. Where are they going to be? Is that something that's inside the building? Again, I think this is great but I just want to make sure that it doesn't turn out to have other stuff on the site. I would just like Mr. McGoey to sign off on some sort of note or something to protect us on that issue.

H. Ross: I think it will be good for the area. I don't have a problem with it.

R. Carr: I have nothing to add.

W. Capozella: I think it's an improvement. I'm in favor of it. I would be okay with a subject to with the County comments that they have presently.

G. Lake: The things that Mr. Dulgarian just brought up about the storage, do you want to answer that?

M. Vasopoli: They will be parked inside the warehouse.

A. Dulgarian: They will be brought out to load and unload?

M. Vasopoli: Yes.

A. Dulgarian: We have to ask these questions because all of sudden things appear.

H. Ross: You won't have any problem with them not fitting in the building?

M. Vasopoli: No.

G. Lake: Any problems doing this a subject to?

**MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey's comments, this Board's comments and the letter from Orange County Department of Public Works made by A. Dulgarian and seconded by W. Capozella.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

**MOTION for SITE PLAN approval subject to Mr. McGoey's comments, this Board's comments and the letter from Orange County Department of Public Works made by H. Ross and seconded by W. Capozella.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

10. **MKA/PIRRO GROUP** - AMENDED SITE PLAN/SPECIAL USE PERMIT & SUBDIVISION APPROVAL - Cottage Street Extension (36-2-28.1, 9 & 36) #90-05

G. Lake: Mr. Bacon, what are we doing tonight? I know there was a question about the time frames, getting back with Mr. McGoey, getting this stuff answered, the Court, where are we?

J. Bacon: What we had prepared was three Resolutions and a Negative Declaration. A Resolution, first drafted amended preliminary, actually the first one is granting Conditional Amended Preliminary Subdivision Approval for the forty five units and the two hundred sixteen units. Another Resolution drafting Amended Preliminary Site Plan Approval for the two hundred sixteen fee simple units. Another Resolution granting Amended Special Use Permit Approval for Woodside Knolls. We have incorporated all of the conditions that Mr. McGoey had with the engineering with stipulations. What the stipulation says is that in addition to these Resolutions, Conditional Final Subdivision/Site Plan was also supposed to be given by March 15<sup>th</sup>. So, the request from the applicant is that in addition to the three Resolutions and Negative Declaration that we waive the Final Public Hearing on the Site Plan Approval and just give Conditional Final Special Use Permit, Site Plan and Subdivision Approval as well and essentially carry over what ever conditions there were from the Preliminary Subdivision Approval to the Final. Is that it?

Unidentified Person: Yes.

J. Bacon: That's the request by the applicant. Now, from what I understand from Mr. McGoey, this is a difficult thing to do because even a Conditional Final shouldn't be granted until you have Health Department Approval and,

D. McGoey: All of the regulatory agencies. That's been the procedure forever. You receive Preliminary Approval, go to the agencies get their approvals and come back. This has also been informed to the applicant. We were very clear about this.

A. Veneziano: I haven't researched this. I don't know that the approval by the other agencies would prevent a Final Conditional Approval if it was conditioned as part of the Final Approval. It's unusual and it's not something that the Board has done in the past but without researching it, I don't know. I haven't heard of that.

G. Lake: What does the Resolutions say?

J. Bacon: It reads, the Preliminary Resolution goes back to February and I suppose we can go to Mr. McGoey and we can give the Board from the last meeting to grant a Negative Declaration and make the latest changes based on the need.

D. McGoey: Why are we getting this request for Final Approval when Preliminary Approval first?

A. Veneziano: If I may, since the March 1<sup>st</sup> meeting, we appreciate you putting us back on tonight. We have worked with Mr. McGoey and have had several meetings. (Difficulty hearing applicant). We were at the Appellate Division deadline which is April 21<sup>st</sup> which includes that we have Final. Typically, as zoning counsel, I don't resign my client to request or secure from anyone until they satisfy. My client would be taking a risk by securing Final Approval. We will be giving you a re-

submission and additional documents. The plan may not change that much from Preliminary to Final.

G. Lake: Let's go back, the March 15<sup>th</sup> date. I want this information squared away. The March 15<sup>th</sup> date was used because the Court said you needed Preliminary.

A. Veneziano: The Court said the stipulation had to be satisfied by April 21<sup>st</sup>.

R. Carr: Okay, then March 15<sup>th</sup> was an arbitrary date then.

J. McKay: The March 15<sup>th</sup> date was a date chosen by the parties to contemplate the conditions. The March 15<sup>th</sup> date was simply a time frame by which the Conditional Approval with the stipulations would be met. The stipulation has not been presented to the Court and is not coming from the Court. The April 21<sup>st</sup> is the outside time frame to have it completed.

G. Lake: The only thing I want to make sure is that, Mr. McGoey has several concerns. I think our job on the Planning Board is to make sure we protect the Town of Wallkill as much as we can under what ever time frames. So, I didn't want them on tonight because I wanted to have the extra time for my people to make sure we reviewed it as much as we could right for everybody. That's all. Now, you have three or four Resolutions and a demand for a Conditional Final besides just Preliminary. I agree, the plans aren't going to change a lot but I'm going to tell everybody and the rest of the Board can out vote me but I'm going to give Mr. McGoey the extra two or three weeks to make sure that this Board doesn't stray on what ever restrictions that we have to do on this.

J. McKay: Right. Just so you understand, I agree this is substantial. I'm not taking a position of saying . . .

G. Lake: Oh, no. I didn't realize that.

J. McKay. Say it again.

G. Lake: I didn't realize you applied for a little extra time with the extension.

J. McKay: We simply did it because if additional time was needed.

G. Lake: Mr. McGoey, whereabouts are you as far as completing your reviews on this within the time frame?

D. McGoey: I'm prepared to give them Preliminary Approval but I wasn't prepared for Final.

G. Lake: On the matter of the, how much work do you have between Preliminary and Final and at

that time are they able to go back to the Town Board for the extension of the Water District or what ever agencies they have to go to?

D. McGoey: Well, they're not going to be able to get agency approvals until they receive Preliminary. Even if we give them Preliminary Approval they will not be able to get regulatory agencies in that time frame.

A. Dulgarian: I agree.

D. McGoey: I think we're going to follow through with Preliminary. Conditional Final Approval normally isn't done without the regulatory agency approvals.

G. Lake: That is something we have never done before.

D. McGoey: I know.

G. Lake: Mr. Dulgarian, do you have anything?

A. Dulgarian: No. Just hearing what we've been doing I think we should grant the Preliminary and then work on these issues. There may be something we have to address.

H. Ross: I'm already unhappy with this. Is there water and sewer available?

D. McGoey: Water yes, sewer an extension request has yet to be approved.

G. Lake: What we-re doing, Mr. Ross, we're trying to run this parallel with the Town Board to keep it on track.

H. Ross: To make sure that we get everything done.

G. Lake: Correct, and so we stay on the same spot where everybody's at.

H. Ross: The impacts?

G. Lake: I think they were "before" issues.

J. Bacon: The physical SEQRA determination by the Board is that basically it includes all of the impacts.

R. Carr: I have no problem with the Preliminary.

J. McKay: The first step is to finalize everything by April 21<sup>st</sup>. The stipulation was to resolve that.

The Town Board feels the Planning Board .

A. Dulgarian: We are an independent Board but the approval kind of hinges on them getting the sewer extension.

G. Lake: I think by going to the Preliminary Approval that since the Town Board with the downsizing and all the other stuff involved here on this that they might move on a little quicker. In order to go to the Health Department for an extension, they need Preliminary Approval to get there.

R. Carr: My only concern is it seems they want Final but there's no way to extend the Court date?

A. Veneziano: If the Town Board would support our request I think we would be done. We would be comfortable with granting the Resolutions that we were working towards the Preliminary Approval. If Mr. McKay can support Mr. Marino's request at the Appellate Court to show the progress made by the Town.

R. Carr: The stipulation is for what, is it Preliminary?

A. Veneziano: There's three. The third one is Conditional Final Special Use Permit Site Plan and Subdivision Approval. You can satisfy two of the three. Mr. McGoey's comments will be taken under advisement. We can come back in and process with the Health Department.

G. Lake: Mr. Capozella, do you have anything?

W. Capozella: I'm a little confused, still. There's a lot to digest here. Are we talking about still Preliminary Conditional Approval or Final Conditional Approval, what words are we looking to vote on tonight?

J. Bacon: Okay. This is just, we've been working on Resolutions on this for Preliminary. We've also been working on Conditional Final is the third item that is something that (not clear), so we will give them Preliminary Conditional Approval tonight provided that Mr. McGoey's comments are drafted in.

G. Lake: And, Mr. McGoey feels that Preliminary is okay.

W. Capozella: Okay. Let me ask this. I guess on Preliminary then, with some of these open conditions are still included. Do we normally give Conditional Approval or accept something like that subject to Preliminary Approval even though the septic hasn't been approved because it has to be done before March?

G. Lake: There's a big difference between a septic and the sewer line.

W. Capozella: I agree and a lot of it.

G. Lake: This is a normal situation. I mean we're sending them to the Town Board to get the extension.

W. Capozella: I think there's a lot of mis-communication.

G. Lake: No, it's just complicated.

A. Veneziano: The situation that you're talking about getting the Preliminary Approvals and the Final Approvals. It talks about the subsequent approval of the sewer extension by the Town Board.

W. Capozella: I have two more questions. The Resolutions that you spoke of, those Resolutions are new ones, the three that you just mentioned?

J. Bacon: They've been going on . . .

W. Capozella: Going on.

J. Bacon: Since back in February. We have constantly been reviewing them. Mr. McGoey and I have been working on these.

W. Capozella: Are those Resolutions a basic part of the legal agreement, right?

J. Bacon: Right.

W. Capozella: Do they have to be approved by the Town Board?

J. Bacon: No.

W. Capozella: That's all I have.

G. Lake: Mr. McGoey, do you feel comfortable with that?

D. McGoey: I am.

G. Lake: Do we need to go over these comments or are you happy so far?

D. McGoey: I'm happy with them.

G. Lake: Did the Board have a chance to look at them and do you have any questions on Mr. McGoey's comments?

A. Dulgarian: No.

G. Lake: Mr. McGoey, do we have to do a Negative Declaration?

D. McGoey: Preliminary Negative Declaration, yes. It has special language in it due to the project scope being reduced.

**MOTION for a NEGATIVE DECLARATION as resolved by Mr. McGoey and Mr. Bacon made by A. Dulgarian and seconded by R. Carr.**

**All in favor: Aye, Opposed, No.**

**E. Morris: What happened here?**

**G. Lake: Ethel, call the roll.**

**A. Dulgarian: Aye**

**H. Ross: Nay**

**R. Carr: Aye**

**W. Capozella: Nay**

**G. Lake: Aye**

**MOTION CONSIDERED NO ACTION. LACK OF QUORUM.**

G. Lake: We will put you on the next meeting and I will have to ask Mr. Bacon how this works and hopefully we have a full Board.