

TOWN OF WALLKILL PLANNING BOARD

MEETING

MARCH 16, 2005

MEMBERS PRESENT: G. Lake, W. Capozella, A. Dulgarian, T. Hamilton, P. Owen

MEMBERS ABSENT: R. Carr

OTHERS PRESENT: D. Brodsky, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - **FREUND** - 3 LOT SUBDIVISION - Van Amburgh Road (31-1-15.22) #137-04

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

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 600 Route 211 East, in said Town on the 16th day of March, 2005 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Sam Freund, P.O. Box 322, Cornwall, New York 12518 for the approval of a three lot residential subdivision at the intersection of Kaisertown and Van Amburgh Roads, further identified as Tax Map Parcel Section 31, Block 1, Lot 15.22, under the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/G. Lake, Chairman

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

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

G. Lake: Do you want to give us and the Public a description of what you intend to do?

J. Nosek: This is a proposed three lot subdivision. Lot #1 is approximately 4.2 acres. Lot #2 is approximately eight acres and lot #3, 4.8 acres. Lot #3, consists of the existing home as well as barns, a total of four existing barns. Lot #1 and Lot #2 are proposed single family homes. Both homes will be serviced by individual wells and septic systems.

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

A. Dulgarian: After the Public.

W. Capozella: After the Public.

T. Hamilton: After the Public.

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

MOTION to close this PUBLIC HEARING at 7:37 P.M. made by A. Dulgarian and seconded by T. Hamilton.

A. Dulgarian: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 4 AYES

P. Owen: Came in during this time.

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

J. Nosek: Yes.

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

J. Nosek: Yes. Comment #1 is the certification in accordance with AASHTO prevailing speed. I will take care of that. Comment #2 recommends pushing the on lot #2 back a little further. We can comply with that. We can pull the building back. I don't think that's a problem. Comment #3. Regarding the build-able area for lot #1, we did move that lot line back considerably. I will show Mr. McGoey.

T. Hamilton: What's the square footage on that?

J. Nosek: The square footage of the lot is 4.3 acres.

T. Hamilton: The good portion.

J. Nosek: Approximately three hundred by two hundred, which is sixty thousand square feet. Comment #5. We understand that the septic system has to go to Eustance & Horowitz. Comment #6. We did send a copy of the plan to County Planning and we haven't heard back yet.

G. Lake: How long ago did you send it in?

J. Nosek: Last week.

G. Lake: Okay.

J. Nosek: Comment #7. Compliance with the agricultural district should be verified. Mr. McGoey, are you referring to the agricultural data statement?

D. McGoey: Yes.

J. Nosek: We can provide those.

T. Hamilton: But, isn't that . . . Did you do it?

J. Nosek: No.

T. Hamilton: That should be with the Public Hearing, right?

D. Brodsky: Yes.

J. Nosek: I thought that we were required to send certified mailings to agricultural operators within five hundred feet but that it didn't necessarily have to be for the Public Hearing.

D. Brodsky: No. They have to be sent out right away.

G. Lake: Yes. We want it with the Public Hearing. We've been doing it this way for a while.

J. Nosek: Okay. I wasn't aware of that.

G. Lake: I think that's what the law is.

D. Brodsky: Correct.

G. Lake: If you didn't send it out then we will have to re-schedule you for another Public Hearing just for that.

J. Nosek: The only one that I'm aware of is on the adjoining property. I think there are hay fields there. I don't think there is corn but it is on the adjoining property. It's the only property that I know of. I don't have to re-send to the three hundred feet surrounding the property again, just the agricultural data, correct?

D. Brodsky: You know what, you probably should just send to everybody because with the agricultural notice, the people are entitled to have a hearing on the entire application. If the

application is open, it should be opened to everybody.

T. Hamilton: Isn't there a criteria as to what you should do?

D. Brodsky: Yes. It requires that it be sent to all the agricultural owners within five hundred feet of the property.

G. Lake: Why don't we just leave this Public Hearing open then?

D. Brodsky: That's what I would suggest.

G. Lake: Let me go through the Board.

A. Dulgarian: The only issue I have besides the agricultural data just brought up is Mr. McGoey's comment #8. I know we put a little heat on that.

P. Owen: Other than what has already been said, I have nothing further.

W. Capozella: It does show that some of the buildings are dilapidated. Do we actually make them take some of the stuff down before they do any additional building even though there are some buildings already on there, right?

J. Nosek: Yes. It's an existing house.

W. Capozella: It doesn't really affect anything.

D. McGoey: No. It may on the next subdivision as to the moratorium. They have intentions of further subdividing that lot.

W. Capozella: I have nothing further.

T. Hamilton: He said there's no problem with the Highway comments?

G. Lake: Did you see the Highway comments?

J. Nosek: I did not.

G. Lake: I will give you mine but I will need it back.

J. Nosek: Driveway details, culvert, swale to outlet should show on plan. Crossover may need to be extended. We will take a look at that. We can make these revisions for the next Public Hearing.

G. Lake: Anything else Mr. Hamilton?

T. Hamilton: That's all.

G. Lake: Basically what we have to do then is to re-schedule another Public Hearing.

MOTION to re-schedule another PUBLIC HEARING for April 6, 2005 made by T. Hamilton and seconded by A. Dulgarian.

A. Dulgarian: Aye

P. Owen: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

2. PUBLIC HEARING 7:35 P.M. - **WE DO WINDOWS** - SITE PLAN/SPECIAL USE PERMIT - O'Haire Road (46-1-76.1) #138-04

G. Lake: Public Hearing started at 7:47 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 16th day of March, 2005 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of We Do Windows, 14 Old Dock Road, Ste. 2-20, Yaphank, New York 11980 for approval of Site Plan/Special Use Permit at 73-75 O'Haire Road (County Highway 53) under Section 249-38C and 249-40 of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/G. Lake, Chairman

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

L. Potter: My name is Lorraine Potter with Lanc & Tully. It's a parcel on O'Haire Road on 3.7 acres of land. The proposed business is a window cleaning business. There will be no cleaning solutions done on site. The existing barn will be utilized as a warehouse just to store the items that are used for cleaning. There is no chemicals used in the window cleaning. The existing garage is proposed to become a caretaker's residence and it will be an employee of the company. At the present time the applicant is proposing to have one or two employees and if the business goes well we will

eventually have up to ten employees.

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

A. Dulgarian: After the Public.

P. Owen: I will wait.

R. Carr: After the Public.

W. Capozella: After the Public.

T. Hamilton: After the Public.

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

M. Dammeyer: My name is Mildred Dammeyer. I have been a nine year resident of Ferrara Drive. Ferrara Drive is a short residential street connecting Route 211 and O'Haire Road. It's designated as a no-through traffic and weight limit road. We would like to know if this is going to be respected and we that we get no traffic on Ferrara Drive from We Do Windows. No trucks, no employee cars. Now, right next to where this proposed site is, Dolfini Insulation is there and they have abided very strictly with their employees not to go through Ferrara Drive. They also go very slowly through O'Haire Road. We were told that this company would comply the same way.

G. Lake: Thank you. We will answer that after everyone has their time.

D. Coulter: I just have one question. There are no residents on that property now, residential buildings? This garage is going to become a residence, is that what they want to do?

G. Lake: That will become a caretaker's residence, yes.

D. Coulter: It's legal in a garage without having a septic?

G. Lake: It would go through the Building Department and they would have to make it legal.

V. Moore: I have a few questions. I want to say that we're very happy that another, what looks like a wonderful company might be coming in to our residential area because we do abut a residential area and it certainly is a step up from the crematory that was proposed in our area last year. I did do some research on the website and I do have some questions. I know that this company has been an existing business for about twenty eight years. You said that they used dumpsters for carting services and take away construction and demolition debris from new homes that are built and prepare them for sale. I'm just wondering if this company is going to be doing other things that are

on their website aside from simply cleaning commercial and residential windows. The website said they also do restoration, ventilation systems, duct systems, old removal of carpets, carpet cleaning and dry cleaning.

When I read the form that they filled out the Planning Board application form, it said that they're only going to be doing, cleaning material and supplies which will be on site. Now, the young lady just said that they would not be using chemicals. My question is, what kind of a cleaning material and how will it be done? Also, if they do have dumpsters, we're concerned about proper camouflage so that they are not seen by the neighbors or from the roadway. We're also possibly concerned about asbestos. We don't know in the future that they might be moving asbestos from buildings and we're also concerned about traffic which has already been mentioned. One other question I had regarding David Church, Orange County Department of Planning letter to the Board. In answer to their review comment #1, that the subdivision will have no major impact upon State or County facilities nor have any significant issues. I'm not aware that these people are asking for a subdivision.

G. Lake: They're not.

V. Moore: I just had to question that.

G. Lake: There's no subdivision being proposed here.

L. Potter: I will introduce Mr. Snyder. He's the owner.

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

M. Snyder: Michael Snyder.

G. Lake: Obviously, you've heard the concerns of the residences and they've been concerned for a long time. The last applicant sounds like they've done a very good job of keeping the traffic off of that road. I think they're looking for reassurance from you that you would do the same.

M. Snyder: Absolutely.

G. Lake: Some of your other uses.

M. Snyder: On Long Island we do that. Here we're only doing window cleaning. As far as dumpsters, what we do on Long Island is we sub-contract. It never sees our shop. It would be called in to a dumpster company. It never comes back to us.

G. Lake: So, you won't have it here?

M. Snyder: No.

G. Lake: What about your cleaning materials as far as any chemicals? Are they all biodegradable?

M. Snyder: Yes, they have to be by code for us in the State of New York.

G. Lake: Asbestos, you brought up. Do you do that?

M. Snyder: No. That's also farmed out from an individual company.

G. Lake: How much traffic outside of your employees? I guess the people just don't come to your facility.

M. Snyder: No.

G. Lake: It's usually done by telephone or you go out and solicit people off site?

M. Snyder: Telephone and mailings. There's nothing really there for them to come to the site.

T. Hamilton: You said you were going to start out only doing windows.

M. Snyder: Right. We will start the window cleaning company and later on if a customer wants gutters cleaned, we will clean their cutters out but basically we're trying to stick to window cleaning.

T. Hamilton: So, you're not adding anything else?

M. Snyder: Not at this time. We do twenty services but at present only the windows will be done here.

G. Lake: Just understand what you will be approved for tonight is window cleaning. If you go beyond that point you will have to come back to this Board and go through this process again. I just wanted to make that clear. We do want to ride out and see ten dumpsters out back.

M. Snyder: It has nothing to do with dumpsters. Window cleaning just for the record tonight it's vague also. It's new construction. If someone builds a new home, we go in and clean all the windows and vacuum all the carpets. It's really like a general cleaning window business. It's not exactly with just glass.

T. Hamilton: But none of that other . . .

M. Snyder: Asbestos and garbage dumpsters, no. I will come in for that if a project comes up. We just cleaned the Middletown Hotel, the new Comfort Inn in Middletown. Next week we have to

wash all the outside windows. We did all the inside. We vacuumed it. Pre-construction cleaning.

W. Capozella: There's not much going on the site other than storage?

M. Snyder: Not much.

G. Lake: Let me go through the Board.

A. Dulgarian: Getting back to the outside storage. You're are probably going to have your own dumpster on the site. If that is the case, that will need to be screened and shown on the map.

M. Snyder: I would rather not pay for a dumpster every month.

A. Dulgarian: You're not going to have any?

M. Snyder: I don't think it's going to generate.

A. Dulgarian: You're not going to have boxes to be thrown out?

M. Snyder: Not really. It's not a warehouse where we're bringing supplies in.

A. Dulgarian: The trees you are showing on the landscape plan, all the large ones are existing?

L. Potter: The ones in the front. Showed Mr. Dulgarian and explained it to him.

A. Dulgarian: It seems like a reasonable load intense use for this area.

P. Owen: On the map there are a couple of silos. What are they going to be used for?

L. Potter: They're just going to be there for aesthetics.

M. Snyder: Decorative.

L. Potter: The roofs will be repaired. The building will probably have new siding put up.

M. Snyder: Like a metal roof on the whole building and then just cap off the silo so they stay there and side it.

P. Owen: Okay. That's all I have.

W. Capozella: It seems to be a good use for the property.

T. Hamilton: It seems to be something for that area.

G. Lake: It would be nice if they respected the residents as the other business has.

V. Moore: I forgot to mention. What are the hours of operation that would take affect with the traffic moving in and out?

M. Snyder: Mostly . . .

G. Lake: Twelve to five or what?

M. Snyder: Eight o'clock to five. During the summer eight o'clock to six. A little longer because it stays lighter so trucks may come in a little later. Like I said, it's going to a van, one van to start.

V. Moore: That wouldn't be impractical.

M. Snyder: No. It's not like Dolfini's.

V. Moore: I didn't understand about the facade you were going to put on the building.

M. Snyder: I have photographs.

G. Lake: Let me get the next lady that wanted to speak.

D. McGoey: I have a question about the septic for the caretaker's residence. Do you have to modify the existing septic system?

L. Potter: Not that we believe.

D. McGoey: Okay. So, the garage is already tied into the septic?

L. Potter: I will verify that.

M. Dammeyer: I'm not sure I understand how they clean the windows, with what? They go out with a little bottle of windex or what do they use?

M. Snyder: I can't give you my whole secret.

M. Dammeyer: Well, is it flammable, is it toxic? We all have wells out there.

G. Lake: Excuse me. The first thing I asked him was if this stuff was up to today's standards and he answered that with a yes. He did answer that.

M. Snyder: I have the MSDS sheets by law and is material data safety.

G. Lake: Yes, he did answer that before.

MOTION to close the PUBLIC HEARING at 8:00 P.M. made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

W. Capozella: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

G. Lake: I will go back through the Board. Mr. Dulgarian, do you have anything else?

A. Dulgarian: No.

P. Owen: No.

W. Capozella: No.

T. Hamilton: No.

MOTION for a NEGATIVE DECLARATION made by T. Hamilton and seconded by A. Dulgarian.

A. Dulgarian: Aye

P. Owen: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

MOTION for SITE PLAN/SPECIAL USE PERMIT made by P. Owen and seconded by A. Dulgarian.

A. Dulgarian: Aye

P. Owen: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

3. PUBLIC HEARING 7:40 P.M. - **QUICKWAY #10** (Frassetto) - SITE PLAN/SPECIAL USE PERMIT - Tower & Industrial Drive (41-1-101.12) #26-00

G. Lake: Public Hearing started at 8:04 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 16th day of March, 2005 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Wallkill 7 & 10, L.P., Albert Frassetto, President of 2 Park Way and Route 17 South, Upper Saddle River, New Jersey 07458 for Site Plan approval and a Special Use Permit for an 80,000 square foot warehouse building with office space at Lot #10, located at Tower Drive and Industrial Drive, Middletown, New York, which premises are identified in the Town of Wallkill Tax Map as 41-1-101, which approvals are sought under Section 249-13, 249-28m 249-39, and 249-40 of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

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

D. Schmalzie: My name is Donald Schmalzie with Tectonic Engineering.

G. Lake: Give us a description of the project.

D. Schmalzie: It's a 75,000 square foot office/warehouse building, approximately 64,000 square feet warehouse and 12,000 square feet office on a seven and a half acre lot in the PID zone.

G. Lake: I will go through the Board before the Public.

A. Dulgarian: Not now.

P. Owen: I will wait.

W. Capozella: I will wait.

T. Hamilton: 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 8:05 P.M. made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

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

D. Schmalzie: Yes.

G. Lake: Why don't you go through those?

D. Schmalzie: As far as item #1, amount of parking pavement I would like Mr. John Frassetto respond to those.

J. Frassetto: One of the biggest problems that we have with these warehouses is that we're having a problem with the radius on the trucks and we have it at one hundred twenty feet so the truck has enough capacity to back it in and out and going into the building and that's one of the reasons. At 28 Industrial Drive we've had that problem. They've increased the size of the trucks to sixty five feet and they're really doing damage to the building. The trailer parking, we tried to get as much as we could to make the building as flexible as possible.

G. Lake: Do you want to comment on that?

D. McGoey: Yes. I might as well. The access drive is forty feet wide. Once the truck makes the turn, you don't need forty feet to drive down along the side of the building. That's one area where I thought you could make a reduction. The depth in the back is one hundred twenty feet.

D. Schmalzie: Right.

A. Dulgarian: Isn't that what we looked at? It showed car parking there. I remember it now. Why are we blacktopping so much? It is such an issue out there.

D. McGoey: I don't think you need that much room.

J. Frassetto: Originally you were asking for one hundred thirty feet, one hundred fifty on distribution centers and if you go to 28 Industrial and go to the back of that building you can see, that's eighty five feet and I have to repair to whole back wall on that building.

D. McGoey: And why is that?

J. Frassetto: Because the garbage trucks can't maneuver back there. Since that building was built the truck size has increased.

T. Hamilton: From what to what?

J. Frassetto: I think it went from forty five feet to . . . yes, almost ten feet so the radius has created a big problem on my building over there. In fact, I was talking to Don about that today. Originally he had asked for one hundred fifty feet back there.

T. Hamilton: Yes, but there's a way of them moving and I forget the name of them, but they can shift those wheels underneath that trailer and they can turn around on a dime. Just because it's fifty some feet long you can shift those back wheels to make it so you can turn a lot better.

G. Lake: Are the trucks like that?

T. Hamilton: I don't know. Most of the big trailers are. You can pull the rear axle up one way or the other depending on what you want to do.

D. McGoey: I guess I can go out and take a look at the damages.

T. Hamilton: But the key here is the lot coverage. I mean, they're not leaving us hardly anything left here except blacktop and building. So, what that means is, he will have to put a smaller building on it. We're looking to keep some kind of green there somewhere but this, there's nothing left.

D. McGoey: It's a big building. They're all big buildings up there.

J. Frassetto: Also with the building you're creating tremendous detention ponds and now I'm going to have to have three detention ponds on this one property.

T. Hamilton: It isn't just you.

J. Frassetto: I understand that.

T. Hamilton: These laws changed for a reason to make the environment better.

J. Frassetto: Absolutely.

T. Hamilton: Then the building will have to be smaller.

J. Frassetto: If you have bigger detention ponds, that's more green area.

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

D. McGoey: Do you have any problems with the easements in my item #2?

D. Schmalzie: No. No problems at all.

M. Blustein: The question I have, what kind of easements are you looking for? I know it's some kind of traffic easement but . . .

D. McGoey: Well, you're sharing driveways, somebody has to maintain. You're on different lots.

D. Schmalzie: No. He's talking about for the Town Hall.

D. McGoey: Oh, the Town Hall. What the Town wants to do is use that for emergency for the police.

M. Blustein: What do you intend by that?

D. McGoey: Where the Town Hall will be located.

M. Blustein: I know that but when you say emergency, is it every time the police uses it?

G. Lake: Mr. McGoey, why don't we just show them where we're talking about?

D. McGoey: Let me see if I have a Site Plan that shows everything. This is Tower and Industrial

Drive. This was laid out at one time for a road that there was going to be an access drive back into this. Town Hall will be here. The parking lot for the Town Hall is here. What we're looking for, I don't know exactly where we want it for the easement from the Town Hall parking lot on to this exit out on to this driveway.

A. Dulgarian: The other question you brought up (not clear).

T. Hamilton: I think there was talk at one time of this being a problem coming down past Hannaford's on that road where they can't get through. They even talked about tying into the back of this other property which backs out to Route 211.

D. Schmalzie: Item #3 is on the landscaping. I guess the question is are we going to have a landscaper make recommendations or review so that we have some direction from you. We talked about it in the work session and again, until we get some recommendations of what you want and where you want it, we're guessing.

T. Hamilton: We have someone, don't we Mr. Lake?

G. Lake: I've spoken about that. I will talk to the Supervisor tomorrow. The landscaping, have you beefed it up at all?

D. Schmalzie: Yes. We've added, one of the recommendations was just to add evergreens in between the shade trees, which we did. Again, it's a big area and it's somewhat shielded in back and isolated by itself so it's a question of what are you looking for and accomplish what you want you want to accomplish is really what we're looking for.

G. Lake: Okay.

D. Schmalzie: Item #4 we did add a note to the lighting plan that the mounted lights would be shielded by (not clear).

D. McGoey: Show a detail.

D. Schmalzie: Show a detail, yes.

D. McGoey: I will tell you my concern. The new building you have up now, all the lenses are exposed to Route 17 and there's glare. I missed it on that building. I don't know why.

G. Lake: Can we shield them?

D. McGoey: I don't know.

J. Frassetto: I will check those out.

T. Hamilton: Paint the lens on that side if you can't get a shield.

D. Schmalzie: Item #5. A detailed cross section of the emergency access road to be constructed is to be provided on the detail sheet. That's not a problem.

G. Lake: I think on this emergency access road, I think you need to talk to Mr. Ward and find out the long term plans for that because I've been hearing a little bit more than just the emergency type thing. I know the one going down there to the Super 8 project has been talked about an emergency access but I think since they've been going up there a little bit looking at where they go out now and I'm not sure what they're really looking for now. Have they talked to you at all about this?

D. Schmalzie: No. All we've heard is through this Board.

G. Lake: I think we have to get that better defined.

D. Schmalzie: Stormwater comments. Mr. McGoey, what I would like to do is to meet . . .

D. McGoey: Yes. Meet with Brandon in my office.

D. Schmalzie: Okay.

D. McGoey: Just give him a call.

D. Schmalzie: That's what I wanted to suggest.

G. Lake: Mr. McGoey, your stormwater management comments will be through your office?

D. McGoey: Yes.

G. Lake: Okay. I guess the biggest argument is the amount of blacktop.

M. Blustein: Just in respect to that Mr. Lake, this isn't exposed. You can't see it from anywhere.

A. Dulgarian: It has nothing to do with the view.

G. Lake: The lot area coverage. The project that is there and surrounded by buildings, to me it is what it is. I don't personally and I know my fellow Board members aren't going to agree with me on this one but I mean I really don't have a problem. I would like the landscaping to be beefed up. To me, that area is what it is. It's a tax base for the Town. I don't see a big headache. If the trucks can't make it doesn't make sense to me to have something that will bang into the buildings and rip down the fences. I think we've talked about it in the work sessions to get more green. I understand

that new stormwater management laws have gone into affect. The other thing, the emergency access road I got the impression talking to Mr. Ward that we were hoping it would be more than an emergency access. So, I think we have to look at that a little bit.

A. Dulgarian: My concerns are getting back to lot coverage ratio, it has nothing to do with the aesthetics. It has to do with how much water will run off the site. Where ever we can minimize that, we're going to try to. If you need that one hundred twenty feet, can forty feet (I'm, just throwing out a number) can it be some alternate surface that will hold up a truck. Maybe that's all you need for that extra forty feet. If the guy needs one hundred twenty, I understand but by the same token can a portion of that be another surface that will hold that stuff but won't add additional stormwater runoff. The building next to it but the screening is really nice from Route 17. Is that going to continue over?

D. Schmalzie: Yes. It's the same detail, same fencing.

A. Dulgarian: I think it's a good project for the Town. Our job is to get it to fit as good as possible for the Town and to be a benefit to all. With all the new stormwater regulations, we're accountable for all this stuff and it is something that we need to look at. I do know we need to look at some alternatives.

P. Owen: Nothing else at this time.

W. Capozella: I was looking over my notes and I was actually kind of in favor of the pavement. What happens is with some of these buildings even though they end up being warehouse and then office space they tend to end up with more office space. I'm just going to make a comment on the landscaping. Again, the landscaping only makes your building a lot better. That's what we're trying to create an atmosphere where you're going to end up getting more business to rent your space.

T. Hamilton: It's in line with everything that has been said.

S. LaBruna: (Not clear).

M. Blustein: I think they want it easy for the trucks to get in and out.

J. Frassetto: I think the problem may be (not clear, extremely noisy). I know in some distribution centers they look for one hundred fifty feet so that they can have this movement with their trucks.

G. Lake: You know the Board's concerns.

J. Frassetto: I understand.

G. Lake: Mr. Brodsky, and Mr. McGoey, should we hold off.

D. Brodsky: I think we should hold it open because you may have changes.

G. Lake: We already closed the Public Hearing so I would have to ask him to waive the sixty two day time frame.

D. Brodsky: Yes, you will need to ask for the waiver.

G. Lake: Okay.

T. Hamilton: Mr. Lake, maybe you should check on the landscaping person.

G. Lake: I hope to have something. I think this Board would like to see a little variation. Your Public Hearing is closed. If we get you back to a work session, maybe work late on day.

D. McGoey: Yes.

M. Blustein: I would like to know what the Town wants.

G. Lake: That's exactly what I want to do. I will see Mr. Ward tomorrow about the emergency access and try to get a definite.

M. Blustein: I think I know what they're looking to do but now they're looking for more.

G. Lake: Call in to the office and Mary Lynn will get you in a work session as soon as possible. I need to ask you to waive the sixty two day time.

M. Blustein: When will the next work session be?

G. Lake: Call in tomorrow.

M. Blustein: We will waive the time frame.

MOTION to TABLE for further review with another work session made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

4. **CIESLEWITZ** - 3 LOT SUBDIVISION - FINAL APPROVAL - Hufcut & Lybolt Road
(12-1-24.22) #86-03

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

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

G. Lake: Go ahead, tell us where you are on this project.

D. Yanosh: We were here in September and had a Public Hearing. It was closed. We needed some more time to do the septic design because of the weather. Mr. Ptak was able to get out there with Eustance & Horowitz last month and they did finish our septic design. I did change the access of the road slid it more to the west a little bit to give us more site distance. Mr. McGoey's comments about the site distance, we took care of all of that. We're really here for Final Approval instead of an extension.

G. Lake: Did you see the comments from the Highway Superintendent?

D. Yanosh: No, I didn't see his comments.

G. Lake: How about the agricultural district?

D. Yanosh: We sent the notice out back in May of 2004. We did get the approval from Eustance & Horowitz.

G. Lake: I will go through the Board.

A. Dulgarian: Nothing.

P. Owen: Nothing.

W. Capozella: Nothing.

T. Hamilton: Nothing.

MOTION for FINAL SUBDIVISION APPROVAL made by P. Owen and seconded by T.

Hamilton.

A. Dulgarian: Aye

P. Owen: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

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

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

G. Bergman: My name is Gerald Bergman with Eustance & Horowitz representing Middletown Honda. I was just going to say in light of Mr. Brodsky's March 8th letter to the Planning Board, I believe we're here only for referral to the Zoning Board of Appeals this evening.

G. Lake: That is correct.

A. Dulgarian: Let them go before the Zoning Board of Appeals.

P. Owen: Okay.

W. Capozella: Okay.

T. Hamilton: Okay.

MOTION to refer applicant to the ZONING BOARD OF APPEALS made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

6. **WALLKILL MANOR APARTMENTS** - SITE PLAN/SPECIAL USE PERMIT - (Conditional Final Approval) - Silver Lake Scotchtown Road (50-1-1.2) #51-02

CANCELLED.

7. **SPECTRASITE** - SITE PLAN MODIFICATION - Tarbell Road (3-1-8) #30-02

CANCELLED.

8. **CUTHBERT** - LOT LINE CHANGE - Ora Park Circle (2-1-12 & 13) #02-05

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

A. La Put: My name is Amador La Put from Fellenzer Engineering representing Mr. Cuthbert for a lot line change. Mr. Cuthbert owns two lots on Ora Park Circle which is just before you get to Bloomingburg. They currently are two non-conforming lots. He proposes to combine them making one lot, 100 x 150. You should have a Site Plan showing two residences.

G. Lake: You say, you're combining them?

A. La Put: Yes. They currently are 50 x 150 lots. We have received comments from Mr. McGoey.

G. Lake: Mr. McGoey, we're combining these two lots here?

D. McGoey: They're combining two lots into one.

A. La Put: Correct.

D. McGoey: They're both non-conforming and continue to be non-conforming, but it would be less.

G. Lake: Right.

A. La Put: We're showing the setbacks and it still does not meet the combined side lots of one hundred feet.

G. Lake: Mr. McGoey's comments, do you want to go through them.

A. La Put: Item #1, is about consolidating two pre-existing non-conforming lots into one non-conforming lot. Item #2, the well on the adjoining is downhill from the proposed septic. If so, the separation distance must be 200 feet. Currently the septic is uphill from the well.

Item #3. Eustance & Horowitz review and approval of the septic system design is required. Is that something that I would send to them?

G. Lake: The review of the septic, to have them go out?

A. La Put: The review and approval?

M. Hunt: I will send them out.

A. La Put: Item #4. The roadside grading detail required by the Highway Department should be shown on the plans. We will show it on the next submittal. Item #5. The driveway culvert must be noted as having a smooth insert. We've already made that change. Item #6. The driveway profile should be shown to show a negative grade off of the Town road. It does and will be shown in the next submittal. Item #7. The names of the adjoining property owners should be shown. That will be done in the next submittal. Item #8. The Planning Board Attorney should advise as to whether the side yard setback must conform to the bulk table when considering a pre-existing non-conforming lot. The proposed side yard for both side yards is presently proposed as non-conforming.

G. Lake: Mr. Brodsky? Go to the next item.

A. La Put: Item #9. The Town soils boundary designation should be shown on the plan in lieu of the soil conservation service designation provided on the sheet. This information is required for determination of whether the septic system can be constructed in the soils which exist. There is currently the one soil there, IB. Item #10. We are unable to determine whether the septic system is located in acceptable soils. Item #11. We had requested in our comments of January 10th, concrete right-of-way monuments and iron pins are to be labeled.

That will be noted on the next submittal. Item #12. Septic systems must be reviewed by Eustance & Horowitz.

D. Brodsky: How long do you think the owner has owned these two lots?

A. La Put: The sale was recorded in 2003.

D. Brodsky: I don't see why you can't consolidate the two lots but they will be non-conforming?

G. Lake: Does he own both of these lots right now?

A. La Put: Yes.

T. Hamilton: What is it, the side yard that becomes non-conforming? Can't he turn the house to get more side yard?

G. Lake: To get a simple Building Permit for a house, he would have to go to the Zoning Board. It's an existing lot now.

T. Hamilton: Yes, but what I think the determination factor is the lot sure. But what you do, you put a house on that lot and you know it's non-conforming, you put something on that will fit. You build something smaller to make it fit.

A. La Put: We can't.

T. Hamilton: You're saying, you can't. No matter what you do, you can't make it.

D. McGoey: You can't build a house with a non-conforming side yard.

T. Hamilton: So, he still has to go to the Zoning Board of Appeals then? Mr. McGoey, have them check the well and the septic because everything here says it's going to uphill, and you're saying they're not uphill?

D. McGoey: The well is downhill.

G. Lake: Mr. Brodsky, you're saying we can combine the lots tonight and then send him to the Zoning Board of Appeals.

D. Brodsky: As long as we have the proper descriptions here.

G. Lake: Let's get the maps up to speed. You're going to have to come back. At the same time I think we can send you to the Zoning Board of Appeals.

MOTION to TABLE for further review and also to refer applicant to the ZONING BOARD OF APPEALS made by W. Capozella and seconded by A. Dulgarian.

A. Dulgarian: Aye

P. Owen: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

9. **FOXWOOD** - 3 LOT SUBDIVISION - Mt. Hope & Reinhardt Roads (62-1-16) #16-05

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

J. Azyl: I believe the Board has seen this project as a ten lot subdivision.. We've done the percolation tests and deep tests. We are asking the Board to schedule the Public Hearing.

G. Lake: Let me ask you something. You're right. We did see this before and I think it's been changed around a couple of times. Lots #2 and #3 lots, are these out of the new conceptual plan you brought in last month?

J. Azyl: I believe so, yes.

G. Lake: I think is had a lot of wetlands up and down. You have some shaded out. You have all these little symbols here to indicate all the wetlands over here. I think I would like to see the whole thing again. I think I would like to see when you come back for the Public Hearing the whole plan.

J. Azyl: The whole plan?

G. Lake: I think the Planning Board should be able to see that.

A. Dulgarian: Are these two lots still the same from the original plan?

J. Azyl: I believe so.

G. Lake: They came in and we asked them to go and re-create something a little better than when they came in the first time. I think Mr. LaBruna will be taking a look at this also because of the amount of wetlands up and down this.

J. Azyl: Yes, there are a lot of wetlands but we're proposing no disturbance.

G. Lake: I think when you come in for your Public Hearing, like I said, have the original map. I don't think I want to act until I see the whole thing again to make sure it's going to work instead of having you come back eight months from now. Mr. McGoey's comments, are you going to have any problems with his comments?

J. Azyl: I haven't seen those comments.

G. Lake: You haven't seen any of them?

J. Azyl: No.

G. Lake: Did you go to the work session?

J. Azyl: No. I believe Mr. Brady followed up. I don't see any problems with Mr. McGoey's comments.

G. Lake: I will go through the Board.

A. Dulgarian: No.

P. Owen: Nothing.

W. Capozella: I have a question about the driveways.

G. Lake: Did you do a prevailing speed out there?

J. Azyl: I believe we did. We will check into that.

G. Lake: I'm sorry. I didn't mean to cut you off.

T. Hamilton: I have nothing further.

MOTION to schedule a PUBLIC HEARING for May 18, 2005 made by P. Owen and seconded by A. Dulgarian.

A. Dulgarian: Aye

P. Owen: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

10. **LOCAL LAW CHANGES**

MOTION to schedule an INFORMATIONAL PUBLIC HEARING on amending a portion of our Local Law, Section 249 for April 20, 2005 made by P. Owen and seconded by A. Dulgarian.

A. Dulgarian: Aye

P. Owen: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES