

TOWN OF WALLKILL PLANNING BOARD

MEETING

MARCH 21, 2007

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

MEMBERS ABSENT: None

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

1. PUBLIC HEARING 7:30 P.M. - **BOWENS AUTOMOTIVE** - SITE PLAN -
Bloomingburg Road (3-1-73) #98-06

G. Lake: This Public Hearing is going to be cancelled because they failed to publish. We're going to reschedule the date.

MOTION to re-schedule the PUBLIC HEARING for April 18, 2007 made by C. Najac and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

2. PUBLIC HEARING 7:35 P.M. - **TOWER STORAGE** - SITE PLAN/SPECIAL USE PERMIT - Tower Drive (40-1-67) #55-04

G. Lake: Public Hearing started at 7:40 P.M. M. Hunt read the Public Hearing notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 99 Tower Drive, Building A, Middletown, New York in said Town on the 21st day of March, 2007 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Tower Self Storage for approval of Site Plan and Special Use Permit under Section 249-28 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: Do you have your mailings?

A. Fusco: Yes.

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

A. Fusco: My name is Al Fusco with Fusco Engineering and we're representing Tower Drive Self Storage. Basically we have been at many work sessions. We've been to the Planning Board on several sessions and towards that end we've worked towards complying with all the Town's requirements. Tower Self Storage is a fully contained inside storage facility. It is on Tower Drive not far from here. We have worked diligently with the Planning Board Engineer as well as the Landscape Architect for the Planning Board in an effort to further this project. At this point we do have several comments from the Planning Board Engineer that relates to the project. And, we have no issues with any of them at this time.

G. Lake: Okay. Let me just stop you. Let me go through the Board before I open it up to the Public and then we will go through the comments.

A. Dulgarian: After please.

H. Ross: After please.

W. Capozella: I will wait.

C. Najac: After.

T. Hamilton: After.

G. Lake: Is there anyone from the Public who wishes to comment on this application?
Hearing none . . .

MOTION to close this PUBLIC HEARING at 7:43 P.M. made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

G. Lake: Now, you were here already. You haven't made any significant changes on this?

A. Fusco: No. We did have a work session at our last meeting here and we did make a couple of minor changes that the Building Inspector requested that we put some additional access to a pond in the back which we did do. There was some verification needed of the handicap spaces to meet the Building Department which we did comply with. There's a couple of notes that needed to be added. The only outstanding item. We did comply with all of the list on the Landscape Architect's comments however, we haven't gotten anything back as a sign off. But, her comments of two months ago we made completely with no other exceptions. I've not heard of any sign off other than that. I believe that we're in compliance.

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

A. Fusco: Yes I do.

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

A. Fusco: Yes. The first one is to verify compliance with McGoey, Hauser & Edsall's drainage review comments. I believe those have been sent in. I haven't gotten anything back yet but we have no issue with any of those. The second is comments from the Town's Landscape Architect should be addressed. We've addressed all of them that we had but I don't have the sign off. Comments during the January 12, 2007 work session, it was requested that additional access road be provided to the backside of the stormwater management pond which has now been shown. It wasn't at that time and is on the plan before you and it will be on the one that we submit subsequently. A note regarding that area lighting will be dimmed at 8:00 P.M. each evening, we have no problem with that. Highway Department comments have not been complied with requiring a pre-construction meeting. They also want some three quarter inch stone under the catch basins and require proof-rolling of the sub-base. We have no issue with making those item changes. The next one is something that I think needs to be decided at the Board level. We've gone back and forth a couple of times in relationship to the fencing around the property whether we should use the grass vinyl fence or use the green slats with the evergreen type slats in there. I believe the plan now shows it as an evergreen slat. It was back and forth between the Landscape Architect and the Planning Board Engineer and some Board members in relationship to whether they wanted the black vinyl or the slats with the evergreen look to them. That's a decision that needs to remain now or either subsequent to this meeting. The last one is the handicap comment that we have made those changes to the handicap parking detail so it does comply with the Building Department code. Basically the action would be motion for SEQRA and Site Plan and Special Use Permit approval. Mr. Lake, the only issue open at this point, we do show the green slats, evergreen type slats currently. If you wish to have it changed to the black vinyl or what we have.

G. Lake: I think, I'm kind of thinking the reason Behan wanted it black I guess was maybe that's the color that disappears in nature or something. I don't know. I don't think anybody has anything on that. I will be honest with you. I really don't have an opinion one way or the other. There's a lot of landscaping also. I really don't have an opinion one way or the other on that. I don't know how the rest of the Board feels about it. Let me go through the Board.

A. Dulgarian: On Mr. Lippert's comments, the Masonic Creek . . .

A. Fusco: I didn't see that. Thank you.

G. Lake: Okay. You haven't received that. You didn't get that the last time you were here, these comments?

A. Fusco: No I didn't.

A. Dulgarian: It says the proposed topography in this area also appears to show a realignment of the stream channel in this area.

D. McGoey: They're not. I referred it to your Attorney.

A. Dulgarian: It's on Mr. Lippert's and the Attorney's also. And, our Attorney also has some comments. I'm wondering if Mr. Fusco can address those to our satisfaction.

A. Fusco: Sure. We can do that right now. At one point we were significantly changing the stream alignment but what had happened is that it interfered with too much of the wetland disturbance and we moved away from that. So, we really aren't changing the stream channel any longer. We had at one point, possibly he was reviewing an older plan.

D. McGoey: No, Mr. Fusco. You are changing directions. There's a ninety degree turn right after it comes under Tower Drive and then you're turning into . . .

A. Fusco: This before, we were going come out and move the whole thing over. I misunderstood where you were talking about because at one point we were going to completely pipe that entire drainage. Basically, we are moving it over and doing it in conjunction with the project. I don't believe that there's any permits that would be necessary for that work other than notification of the Highway Superintendent while we're doing it for inspection.

A. Dulgarian: Mr. McGoey, do you agree that there's no permitting needed for that?

D. McGoey: It's not a classified stream. It's a drainage plan.

A. Fusco: It's an intermittent stream. It's not currently flowing all the time. It's a drainage structure more than anything.

A. Dulgarian: Mr. Lake, I don't have anything on this. We've seen this for a long time.

H. Ross: Nothing.

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

C. Najac: As long as Mr. Bacon is okay with it.

J. Bacon: The only thing I would ask is Mr. Fusco did you contact the Department of Environmental Conservation to see if you needed a permit for that?

A. Fusco: We did yet because it was for drainage.

J. Bacon: How about, there are wetlands there?

A. Fusco: There are wetlands and we're disturbing well less.

J. Bacon: Do you have to get a Nationwide Permit for that?

A. Fusco: No.

J. Bacon: The Nationwide Permit requirements changing this month, aren't they?

A. Fusco: I believe at the end of March there will be changes but at this point we did have approval on this a month ago.

R. Carr: Came in at this time.

T. Hamilton: I have nothing.

G. Lake: I want to ask Mr. LaBruna about his comments also. Maybe he can just help me clear up some of that.

S. LaBruna: I don't really have a problem with the project as a whole. I was concerned about the stream path. These plans don't really (not clear). There's a lot going on here. Is there any way we can get a little bit more clarification to the members of the Board on what exactly you're doing?

A. Fusco: Basically, the . . .

G. Lake: Let me ask you something. That is just a drainage ditch.

A. Fusco: Right.

G. Lake: I mean that's not a real stream to speak of. That was there to take care of upper Scotchtown to slow it down. I'm just concerned about the Federal Wetlands.

J. Bacon: Well, he's got a note on the map.

A. Fusco: Basically what we have is you have an existing coming out through the property. We showed it as best as we could and we moved the road away to keep the ditch active. Down in this area we do have some encroachment and a little bit of draining around the drainage structure. In that regard it is under the one tenth. If you wish we don't have a problem to realign that a little bit and working with the Planning Board Engineer on that. If we could get a Conditional Approval we would make sure it would be based on it.

G. Lake: Mr. Carr, I know you just stepped in a couple of seconds ago. Do you have anything?

R. Carr: No.

T. Hamilton: The only thing I didn't hear mentioned is we did go through but I would say stay with the evergreens like we did on the other projects for the fencing.

A. Fusco: That's what I'm showing now.

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

T. Hamilton: No.

G. Lake: I don't have anything else. We've seen this a long time.

MOTION for a NEGATIVE DECLARATION subject to all comments of Mr. McGoey and this Board made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for SITE PLAN/SPECIAL USE PERMIT subject to all of Mr. McGoey's comments and this Board's comments made by A. Dulgarian and seconded by T. Hamilton.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

3. PUBLIC HEARING 7:40 P.M. - **LEE GARDEN CENTER** - SITE PLAN/SPECIAL USE PERMIT - Silver Lake Scotchtown Road (50-1-16) #104-06

G. Lake: Public Hearing started at 7:55 P.M. M. Hunt read the Public Hearing notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 99 Tower Drive, Building A, Middletown, New York in said Town on the 21st day of March, 2007 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Hubert H. Lee and Jenny M. Lee, 23-25 Silver Lake Scotchtown Road for approval of a Site Plan for a nursery, located at the corner of Neeley Street and Silver Lake Scotchtown Road under Article 249-26C (9) of the Zoning Code of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

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

D. Yanosh: My name is Dan Yanosh surveyor for Mr. Lee.

G. Lake: Bring us up since the last time you were here, please.

D. Yanosh: There really wasn't much we had to do. We put on the building plan about the billboard to be removed. He's in the process of moving it now with the weather and stuff like that and the posts are frozen in the ground. He would have had it removed already but due to the weather. One of Mr. McGoey's comments was to take it out any way before Site Plan approval. We will take care of that. Again, it's a small little garden center, thirty two hundred square feet behind the existing garage that has the art studio in there and it's basically a two-story which has the apartment and the office building.

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

A. Dulgarian: After.

H. Ross: After.

R. Carr: I will wait.

W. Capozella: After.

C. Najac: After.

T. Hamilton: After.

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

MOTION to close this PUBLIC HEARING at 7:57 P.M. made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

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

D. Yanosh: Sure.

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

D. Yanosh: Yes. We are four uses that we're going to have here. The apartment, the office, very rarely used by Mr. Lee, the artist studio is the artist himself who is here tonight and he's the person that would be selling the potted plants and the flowers out in the display area.

G. Lake: And, you're going to have four uses there?

D. Yanosh: Right. Again, the billboard will be removed. We have no problem with that. Again, the exterior lighting I think we're going to leave. I have a note on the plan, note #8 that we don't plan on putting on anything. There's a motion light behind the existing building right now and there's enough lighting out there. He doesn't plan on being there later. So far there's no plans for any additional lighting to be shown on the property. The other thing was the Attorney about the area being used for the display area and whether that fits in the zone.

G. Lake: Do you have a comment on that, Mr. Bacon?

J. Bacon: Yes. I would say that if the Board feels that the placement of the nursery plants may cause a site problem, the Board has the power to have them make changes. There was some concern about left turns from Neeley Street onto Silver Lake Scotchtown Road going North. In the past, everything was very close to the road.

D. Yanosh: That was the original when he first started out before he was cited with a

violation. Everything is off of that area there and there's no plants or nothing to be displayed within the front yard setback line. Everything is well behind the parking lot and the garage and house that's there right now. There will be no display in that area. Silver Lake Scotchtown Road right-of-way is a very large right-of-way through there and we are well back behind that. Mr. McGoey's comment was really the property line itself.

D. McGoey: Correct. As long as you have it away from the property line and away from the road.

J. Bacon: Well, the actual property line has specific requirements in the code.

T. Hamilton: Mr. McGoey, isn't there something on corner lots and so forth, something about thirty feet from the corner both ways?

D. McGoey: Yes but he's not proposing any display on the corner. He's not changing anything on the corner except removing the billboard.

T. Hamilton: As long as it's back.

G. Lake: Let me go through the Board.

A. Dulgarian: He has two pre-existing conditions that are out there also. In fact, the accessory use is closer to the front yard being a corner lot. That's all pre-existing. The first question is all the plants out there are actually in the right-of-way area?

D. Yanosh: No. We're going to move everything back. Oh, the rock garden over there?

A. Dulgarian: Yes.

D. Yanosh: Yes, they happen to be in the right-of-way. They've been there for years some of it. He beefed it up on the original Site Plan. A lot of it has been there for years anyway.

A. Dulgarian: My second question is to you, Mr. McGoey. The garden center area, just because it doesn't include a structure it doesn't require parking for it? If you look at the parking requirements it says for the apartment, the office space and for the artist studio. There's no parking for the garden area.

D. McGoey: I don't know.

A. Dulgarian: That's question #2. Question #3 is to Mr. Yanosh. There's going to be no displays out in front of the apartment or the garage artist studio because there always has been?

D. Yanosh: That probably was in the beginning. They thought they had access to the entire property. That's why they were in violation a while ago. They took the business down and cleaned everything up. They are going to have to make sure that everything is back behind that setback line. Correct.

A. Dulgarian: But I still don't believe Mr. Lake that the parking requirements are met. That's all I have.

H. Ross: I don't have any questions.

R. Carr: The only comment I think is there are a lot of uses on the site. I don't think there's much traffic. My only concern is that while it's a lot of uses, I don't think it's that intense. That's all.

W. Capozella: The property won't be fenced in or any of that stuff, right?

D. Yanosh: No. We could probably put a small little picket fence around the area. We have no problem putting that in.

W. Capozella: Nothing else.

C. Najac: As long as they're not back out on the road with the plants as they were in the past.

T. Hamilton: Yes and then thirty feet from the intersection from the corner back both ways for no plants, etc.

D. McGoey: They do have to remove the billboard.

G. Lake: The apartment is rented to somebody?

D. Yanosh: Yes.

G. Lake: It's a separate rental?

D. Yanosh: Yes.

G. Lake: And, the artist, just the garage and he's going to do the plants?

D. Yanosh: Right.

G. Lake: Is he there any place or is he off the premises totally at night?

D. Yanosh: He doesn't live there.

G. Lake: He only has the office. I think it's too busy myself, that's the only thing. How about security at night for the stuff that's going to be outside or is that a concern?

D. Yanosh: I think there's enough lighting. There might be a street light across the street. It's not a bad area. I don't think we have to worry about that. We will put a strong little three or four foot high picket fence around the perimeter.

A. Dulgarian: Mr. McGoey, on the parking?

D. McGoey: Requirements for one space for each three thousand (3,000) square foot of gross lot area for outside sales. He has three thousand two hundred and eighty so he needs one additional space.

A. Dulgarian: He's showing nine, right?

D. McGoey: He's got one additional space.

A. Dulgarian: I really don't have a problem with that Mr. McGoey. I just wanted to make sure.

G. Lake: If nobody has anything else then . . .

MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments and this Board's comments and no displays out front made by A. Dulgarian and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

A. Dulgarian: Mr. Lake, can he just revise this map to show the nine spots that he needs.

D. Yanosh: I will show it.

G. Lake: Yes, he's going to have to.

D. McGoey: Also revise the map in regards to the Site Plan.

MOTION for SITE PLAN/SPECIAL USE PERMIT (Nursery) subject to all of Mr. McGoey's comments and this Board's comments and no displays out front made by W. Capozella and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Nay

MOTION CARRIED. 6 AYES, 1 NAY

4. **SAWKA** - 5 LOT SUBDIVISION (Extension to CONDITIONAL FINAL) Hubbard Road (6-1-24.23) #48-02

G. Lake: You need an extension?

E. Johnson: Yes.

G. Lake: Is this your first time on this one?

E. Johnson: Second.

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

E. Johnson: My name is Ernest Johnson, surveyor for the project.

G. Lake: You need another extension basically. Are you still tied up in an outside agency?

E. Johnson: We got tied up, Mr. Lake, on . . . We started to build the road into the project and as they started to build the road with the existing stormwater report, we hit water at a quicker lower number than what we thought. So, they had to re-adjust the stormwater report and that's what we're still waiting for from the engineer to finish up that report.

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

E. Johnson: I have his comments.

G. Lake: Do you want to go through them and then I will go through the Board? This will be your, what, the third one then?

E. Johnson: According to the comments, you're right.

G. Lake: Okay. Let's go through your comments and then we will have Mr. Bacon.

E. Johnson: The first one is seeking the Conditional Approval whether we have a Type II or Type I. The second one is whether you're allowed to give me another extension. We went over the need for it, just finishing up the last part of that stormwater report. We did start the road. The technical review comments from Mr. McGoey on the drainage, we can bring that

in. I believe that we did get Final Approval and I believe the Board at that time didn't want the lighting out on that area.

D. McGoey: That would be a Town Board issue. If they decide not to agree and there were some

E. Johnson: Okay.

D. McGoey: And there were some other comments about the easement for the stormwater management pond metes and bounds. Radius of the cul-de-sac and other comments that I don't think we're totally resolved.

G. Lake: Mr. Bacon? I think the Board has to hear from you.

J. Bacon: With the Conditional Final approval, the Town Law presents that it expires within one hundred eighty (180) days after the resolution granting such approval. The Planning Board may extend by not more than two (2) additional periods of ninety days each. That's a total of one year. This Board first granted Final Conditional Approval on June 1, 2005. A year went by with no action and then the Board granted a six month extension running from June 2, 2006. It was granted in July but went back and the year has expired.

G. Lake: So, essentially we have to ask the applicant to do another application and come in again?

J. Bacon: Yes he would have to submit the application again. It also says it in the definition for Conditional Final Approval in the Subdivision Code.

R. Carr: Is this the open area?

E. Johnson: Yes.

R. Carr: Does that impact it at all and in case it does will he have to go back to the Town Board again for the open area? Does he lose everything?

G. Lake: I mean, I don't know how long he was tied up with the Town Board.

E. Johnson: Yes. We went back and forth forever with the Town Board with that open area.

G. Lake: You know what. Why don't we be fair? Why don't we table this? You can

research it out and he can provide you with the minutes when he went before the Town Board so we get the time line right.

J. Bacon: I don't know why this would revert back.

G. Lake: But to be fair to everybody, I think . . .

J. Bacon: I didn't look at the resolution.

G. Lake: We can table it and do a little research. Does anybody have a problem with that? Are you okay with that?

E. Johnson: That's fine.

MOTION to TABLE for further review made by H. Ross and seconded by T. Hamilton.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

5. **CAMCO DEVELOPERS** - 7 LOT SUBDIVISION - Bloomingburg Road (3-1-35.2)
#107-96

Cancelled.

6. **BEAMESDERFER** - SITE PLAN/SPECIAL USE PERMIT (Apartment in Barn) -

Shaw Road (24-1-55.4) #108-06

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

J. Beamesderfer: My name is Jim Beamesderfer, the owner of the property at 130 Shaw Road. I'm building a horse barn and we're currently constructing a horse farm. I want to build a two-bedroom, one bath caretaker apartment. I was directed to a work session in December at which time I was directed to the Zoning Board of Appeals for a use variance. I received the use variance on February 12, 2007 from the Zoning Board of Appeals at which time I was directed to go back to another work session and then come before the Planning Board. I attended a work session again on March 12, 2007. The septic plans for the barn have been approved by Eustance & Horowitz and that includes the capacity that was required to handle the apartment as well.

G. Lake: This is the one that sits way back on the top of the hill?

J. Beamesderfer: Yes.

G. Lake: It's a nice big one. Very nice. Mr. McGoey?

D. McGoey: Yes. I've thoroughly reviewed it. I thought also he's taken care of some of the intended uses. It's a large operation.

G. Lake: Right.

D. McGoey: Requiring a caretaker. He is here for an approval of a residence on the site.

G. Lake: Let me go through the Board.

A. Dulgarian: Mr. Bacon, what kind of a variance did he get, do you know?

D. McGoey: The property received a variance from the Town of Wallkill Zoning Board for a two-bedroom and one bathroom apartment for a caretaker within the barn.

A. Dulgarian: Okay, what do you call that variance?

D. McGoey: At the Zoning Board of Appeals meeting they determined it a use variance.

A. Dulgarian: In order to get a use variance you would have to prove that there's absolutely no other way to use that property and get your money out of it.

D. McGoey: There's another house on the property, now you have two residences.

A. Dulgarian: It's got to be some sort of area or something.

J. Bacon: It says additional housing. The code doesn't contemplate two-family residency so the Zoning Board of Appeals is the only one with the power outside of that use.

A. Dulgarian: They have to meet that exact criteria or you can't give use variances.

J. Bacon: Well, they got it.

A. Dulgarian: They missed out on that one but I have no problem with them doing it I understand but I think they made a mistake giving it to him.

H. Ross: I have nothing.

J. Bacon: The only thing that was before he was going for a Special Use Permit so, you have to factor on the Special Use. You have to look at if there is some kind of safety issue.

A. Dulgarian: No. I actually don't have a problem with it. I think it probably is a good use. I am just questioning how they gave out a use variance. I don't know what had happened because the applicant would have had to go through a long process showing that the property could not possibly do anything else to generate enough money to pay taxes unless he was allowed to do this one specific thing. Under my impression you have to meet a certain criteria of four or five items to get a use variance. But, it's neither here nor there. I have no issues stopping it.

H. Ross: I just question the septic handling the barn also?

J. Beamesderfer: There's a half bath in the barn and then a full bath in the apartment and the septic design that was approved by Eustance & Horowitz covers all of that.

H. Ross: It has nothing to do with the house?

J. Beamesderfer: Correct.

H. Ross: What Mr. Dulgarian mentioned could be a problem with the Zoning Board of

Appeals.

R. Carr: I have no problem but just out of curiosity, what are you using indoors?

J. Beamesderfer: An arena for riding the horses during inclement weather.

G. Lake: It's a huge barn. Anything else, Mr. Carr?

R. Carr: No.

W. Capozella: I don't really have an issue.

C. Najac: Nothing.

T. Hamilton: I'm just trying to figure out. Under permitted uses, you're allowed (not clear). I don't see a problem with it.

G. Lake: Yes. I don't see a problem with it. It's really a pretty site out there. Do we need to do a Negative Declaration on this?

J. Bacon: Yes.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for SITE PLAN/SPECIAL USE PERMIT subject to all of Mr. McGoey's comments and this Board's comments made by H. Ross and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

7. **SCOTCH VALLEY** - 41 LOT SUBDIVISION - FINAL - Silver Lake Scotchtown Road (99-1-1) #06-03

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

L. Potter: My name is Lorraine :Potter with Lanc & Tully Engineers. I'm representing Scotch Valley with a thirty nine (39) lot residential subdivision on Silver Lake Scotchtown Road. At this time we're requesting a Section final approval. We're received all of our approvals with the exception of the Orange County Health Department subdivision and that is only pending sectional phasing of this subdivision by the Town.

G. Lake: Okay. You say . . .

L. Potter: I received a letter to the Board from the Health Department that we are in compliance with their approval of the subdivision. Our request to them was to close off on approval because we were going to be submitting for final two sections of the subdivision which is allowed under your subdivision law.

G. Lake: Right. Okay. Are we going to do them together or is it all one project?

L. Potter: That's a little bit confusing to me.

J. Bacon: At the time the Planning Board grants Final Approval it may permit the project to be divided into two or more sections subject to any conditions the Board deems necessary.

G. Lake: I mean, do we do the whole thing as final . . .

J. Bacon: It doesn't say . . .

G. Lake: And then state that it could be Phase I or Phase II?

J. Bacon: It doesn't say you do it in separate sections. It says you approve it all at once and then they can decide to file it separately.

L. Potter: We're concerned with the time for filing. If we get final approval for the subdivision we only have a certain amount of time to file it with them.

R. Carr: So, you are looking for a final on a section?

L. Potter: Yes.

G. Lake: Phase I or Phase II?

L. Potter: Phase I or Section I. I would like final on the whole thing. However, I want to only construct Phase I or Section I at this time and file Section I.

R. Carr: Have you ever in the original discussion of this brought up phasing of the project?

L. Potter: No we did not.

R. Carr: Okay. Let me go on. Mr. McGoey, Phase I they would just do the road, would it be the entire road. I have never remembered it in sections.

L. Potter: That's in the law. The applicant would like to build what's in orange, that portion of the road with a "K" turn-around and the temporary turn-around here. This is the portion that the Board has requested (not clear). I've spoken with Mr. Lippert in regard to doing a turn-around here. He has no problem with that. There would be a construction of eleven (11) lots, all of the road and the utilities and drainage to go along with that.

T. Hamilton: What is the length of the road?

L. Potter: The length of the road at this time is, would be about sixteen hundred and fifty feet (1,650).

T. Hamilton: Is there limits on the length of cul-de-sacs?

D. McGoey: Well,

T. Hamilton: Right now, it's too long.

A. Dulgarian: If you construct it like that, it's a cul-de-sac and we would have to live with it if we're approving it in sections but we're assuming the second phase will never be built.

G. Lake: I mean, we have phased projects before. I don't think we've ever approved them separately. I have a little concern with that than going into phases.

L. Potter: I'm confused about that. I met with him this afternoon. As far as the clarity of how to go about this sectionalization of the subdivision.

G. Lake: You know, since I've been here (not clear). That was done in phases if that's what you want to call it but we did the approval for the whole thing and then the applicant decided to Phase section I or Phase section II whatever it was. We've done that a couple of times but I don't ever remember just phasing . . .

L. Potter: That's fine with me. I can do it that way also and I file it with the County in sections.

T. Hamilton: We got stuck once before where the applicant after that happened, they went and sold off phases on us and it's been a nightmare ever since.

G. Lake: Mr. Bacon, Mr. McGoey, Mr. LaBruna? I figured I would get all of you.

J. Bacon: Mr. Lake, my reading of the code it's consistent with the whole thing. You don't grant final approval to certain sections at a time.

G. Lake: The second question we have with a couple of Board members bringing up is this going to become a cul-de-sac then and if it is, it's six hundred feet too long?

C. Najac: What happens if they build the whole road and then . . .

L. Potter: Building the whole road would also involve all of the infrastructure. That was one of the reasons (not clear). Not feasible. In this particular case, if you recall, there is crossing of the Quickway from Tower Drive to get water into Silver Lake Scotchtown Road for this project. That was required by the Town.

T. Hamilton: Yes, but the applicant knew that. We also have a huge project across the street.

D. McGoey: Mr. Lake, I think the Attorney should verify so that this Board . . .

J. Bacon: And, Mr. Lake we know in the MKA situation we just went through about the timing of the bonding of the project.

G. Lake: Okay. Listen then, Mr. Bacon, the Board has if they decide to phase it the road would be considered a cul-de-sac so they will have to work that out and research that. You're going to have to find out that if we decide to go ahead we're going to approve the whole project and then section it or phase it, how that's done and how it's done to protect the Town if it doesn't get built. Anything else guys?

T. Hamilton: What about the fire access, they're not going to get all the way out.

G. Lake: We can send something to Silver Lake and ask them if they see any problem there at this point.

A. Dulgarian: Did this change the name again to Scotch Valley?

L. Potter: A long time ago.

A. Dulgarian: Is there a different owner now than what it was?

L. Potter: No. Our application was (not clear).

A. Dulgarian: And, that's where you ran into the reduced lots to be developed?

L. Potter: Right.

T. Hamilton: It could happen again.

G. Lake: Anything else, guys. I want Mr. Bacon to do some research and get together with their Attorney and then they can get back to us even if we have to pull it in for a work session. I was just surprised. You don't have a problem with us tabling this?

L. Potter: No.

G. Lake: Let the Attorney straighten it out how we're going to do this.

MOTION to TABLE for further review made by T. Hamilton and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

8. **LYONS PAVING** - SITE PLAN & TWO LOT SUBDIVISION - Ingrassia Road
(49-1-25.5) #19-07

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

K. Duggan: My name is Kevin Duggan with Fellenzer Engineering along with the applicant Todd Lyons.

G. Lake: Okay.

K. Duggan: We're here for a two lot subdivision and Site Plan approval for property on Ingrassia Road near the intersection with Route 211. I believe we were here prior. We had a work session with Mr. McGoey back on March 12, 2007. We worked out some details with him. I believe he also and should have a letter from Mr. Lippert regarding the road.

G. Lake: Did you get it?

K. Duggan: Yes.

G. Lake: Let's talk about Mr. McGoey's comments while I'm trying to find Mr. Lippert's. You have like seventeen (17)?

K. Duggan: Most of them are minor. They're little things like showing the wattage of the lighting fixtures. That can easily be done. Do you want me to go down the list?

G. Lake: Yes. Go ahead.

K. Duggan: Question #1 can be dealt with. Lastly, which ones? We actually have two sets. We're looking at the comments from March 14, 2007.

D. McGoey: Correct.

K. Duggan: Item #2, at the request of the Board, I believe we have shown on the set that you have the potential build-out of lot #2. That was shown and Mr. McGoey is now asking that when we go to file it we would take that off. That's not a problem. The plans have been sent to Eustance & Horowitz. We do not have a letter back from them on the septic. Item #4 was about the lights. We would be reducing those on the latest plan down to two lights. Mr. McGoey's comment #5 indicates the lights would be turned off. Mr. Lyons would like the two lights that he would like to have on that building was for security purposes and he would like to keep those on all evening and all night for security purposes. Lights will not shine off the property. The building is far enough back and I don't believe that will be an issue from the road or any other properties nearby.

D. McGoey: The Board was leaning toward having the lights shine down on the site.

T. Lyons: I just felt that I should keep those lights on. It is kind of in a wooded area for some sort of security. It's a couple of acres pitch black.

G. Lake: We do have a lighting code recommendations just get it down so it doesn't look like

the sun is out. Is that what you're asking for?

D. McGoey: No. I prefer at the end of the day they not be lit.

T. Lyons: That would require putting lights off at the end of the day after six o'clock (not clear).

T. Hamilton: Use a time clock so you can shut them off when you leave.

T. Lyons: I don't know how we can (not clear).

C. Najac: I understand your security concern but I would want to make sure that the lights are shown straight down and if you're any distance away it's not blinding..

K. Duggan: If you turn to page S-2 I can show you the pattern of the lights. Your set of plans show . . .

C. Najac: Four lights.

K. Duggan: And, we're reducing it down to two. You can see the outside, the lighter light line is .5 foot candles. So, we're still very far off the property line in any direction with the lights so we're not looking to make this look like a bar or something; it's just a couple of security lights so people can be seen walking around the building. We understand your concerns and that's why we reduced it to two lights. They're down lights and you can see the type of fixture at the bottom. They're down cast lights. You won't see the lens from any distance. They're only shooting down. We understand your concerns The wattage is shown on the plans.

T. Hamilton: What is the light (not clear).

D. McGoey: One foot light candle is . . .

K. Duggan: Really a one foot candle is what the "IES" uses for security. Just to allow people to be seen walking around. It's a very low light. Just to give you an idea a desk in a classroom is around a forty foot candle. This is forty times less just to give you an idea.

J. Bacon: Would a motion detector light accomplish that?

K. Duggan: It probably would. Out there a lot of times it would go on all the time with deer

and animals coming in.

G. Lake: Let's get the lights down to one foot or two foot candles.

K. Duggan: We're below the one foot candles.

G. Lake: I can understand the man wanting them for security of his equipment.

K Duggan: Comment #7 a final set of plans. That won't be a problem with the engineering and surveyor stamp. #8, we've shown you all the monumentation. That's not an issue. #9, was about why are the pins offset. We talked to Mr. O'Brien and he's standing by his design. He's not sure why those pins are not on the respective deeds. He's willing as a Land Surveyor to say this is where the property corners should be. He doesn't understand why they're not set on those corners and he's willing to stand by. He doesn't have anything to say why pins aren't shown on the corners. Highway Superintendent comments.

G. Lake: We will come back. I don't know if you have the latest. We will come back to those comments.

K. Duggan: Okay. Question #11, We weren't quite sure why it was felt it was needed on the side of the lots. We have no problem. We will be adding evergreens on the frontage. You're proposed code doesn't talk about evergreens and it's not a problem adding it. We will show the evergreens across the frontage.

D. McGoey: The adjoining lots will be owned by somebody else and should be appropriately screened.

K. Duggan: Item #13, we worked out with Mr. Lippert. One of his comments was that we (Not clear) the curbing.

D. McGoey: Provide details to show how the curbing fits.

K. Duggan: That wasn't shown. That goes with item #14.

G. Lake: What about item 15?

K. Duggan: Item #16. The schedule shows what trees are there and basically what trees are going to be removed. We can be a little bit more clearer. The grading, that was shown.

G. Lake: The Highway Superintendent, you've had previous comments and did you get these comments from tonight?

K. Duggan: This is different.

G. Lake: Mr. Bacon, while he's reading that do we need to have a Public Hearing for this?

J. Bacon: I was looking at this and it falls under a Special Use in the R-1 district.

K. Duggan: No. It's in the Highway Commercial and is a permitted use.

J. Bacon: So, then the subdivision code provides for a Public Hearing and you might want to have it. You generally waive it on your two lot subdivisions for residential uses but it does not mean it has to be waived in every instance.

T. Lyons: It's all Highway Commercial out there. It is a permitted use.

G. Lake: The Highway Superintendent comments, are you going to have . . .

K. Duggan: We will look at those. We're under an eighth of a disturbance but we will look at all of that and check.

G. Lake: And, I think the last comment we had for you was about water flow across somebody else's property of something.

K. Duggan: Down across Orrio's. We were anticipating bringing in an alternate. We weren't quite sure where that ends.

G. Lake: You're going to have to check on that.

T. Hamilton: A service shop establishment provided work is done including maintenance that are provided to a dealer.

G. Lake: Are you going to be doing repairs in there?

K. Duggan: No. Strictly storage of his vehicles.

G. Lake: No oil changes and such. It will be done someplace else.

T. Lyons: There will be minor repairs. Nothing will be outside.

G. Lake: Only your stuff then?

T. Lyons: Absolutely.

G. Lake: Let me go through the Board.

A. Dulgarian: I like the note on the map no outside storage of construction equipment and no storing of company vehicles. You're not going to have any aggregate or anything like that?

T. Lyons: No.

A. Dulgarian: This is not where the old barn is?

K. Duggan: That's next door.

A. Dulgarian: I don't think it would change the pattern of development. We have 5L right around the corner. It's pretty much the same type of thing. You have the landscaper next to him. You've got Goodrich Construction. It fits out there. I agree with the lighting. It's very minor or very dim and a couple of lights is satisfactory. I also agree with Mr. McGoey's comment though on the screening between the properties. You don't know about the future. I would like to before Public to re-visit the site distance to see that it is proposed and not pre-vailing. I don't know if that makes a difference. Other than that I really have no issues with it.

G. Lake: I'm not really sure if we need a Public Hearing on this.

A. Dulgarian: Then Mr. McGoey can make his comment on if he feels it's at prevailing speed. I know it's kind of curvy.

G. Lake: I think that was one of the Highway Superintendent's comments also.

A. Dulgarian: And, also if I may, I don't believe it needs a Public Hearing. I just would like to have Mr. McGoey sign off on the site distance.

H. Ross: Yes. I concur on the site distance and the lighting. I would be reluctant not to have a Public Hearing.

G. Lake: So, you would like to have a Public Hearing?

H. Ross: Yes.

G. Lake: Anything else, Mr. Ross?

H. Ross: No.

R. Carr: I really don't have a problem with the project. It fits. There are a lot of comments that need to be addressed concerning drainage, etc. I don't know why (not clear)

J. Bacon: The code says a Public Hearing for all subdivisions whether two lots or not.

R. Carr: Then my feeling Mr. Lake is probably . . .

G. Lake: Anything else?

R. Carr: No.

W. Capozella: I don't really have anything. It's reasonable.

G. Lake: Do you feel it needs a Public Hearing or not?

W. Capozella: I'm on the defense on that other than what Mr. Bacon said about the two lot subdivision. I would have to agree.

C. Najac: It fits. The other concern I have is the drainage issue.

G. Lake: I have to assume that the water issue is there. He is not the cause of it. So, I think the complaint is there mainly because of poor drainage or a poor swale along the road and no place for the water to go. I think it is probably pretty wet anyway and I think if you look at the other property. I don't think the water problem is all his. I think we have an opportunity to make sure that no new water ends up there but I don't think it's going to solve all the water problems. I just wanted to get that out if it helps. For sure, when by the time it's all set and done no new water will end up there. Anything else, Mr. Najac? Yes or no on the Public

Hearing.

C. Najac: Yes to make sure especially with the water.

T. Hamilton: I have no problem. I don't believe it needs a Public Hearing. We've always been doing it with three or more lots.

J. Bacon: I have it right here.

G. Lake: Mr. Hamilton, Public Hearing or no?

T. Hamilton: I would say no.

S. LaBruna: Yes. When I visited the plan I didn't see any wetland disturbance but there is a note here. Are you disturbing any wetlands?

K. Duggan: We're not disturbing any other than may a few feet.

G. Lake: A agree with Mr. Hamilton. A two lot subdivision we've never done a Public Hearing for. If anything, this guy is going to end up making it better. I agree with Mr. Hamilton and a couple of the other guys that we don't need a Public Hearing. Mr. McGoey on these other issues with your seventeen issues plus the Highway Superintendent's issues are they do-able without coming back?

D. McGoey: They're not overwhelming and I have to get back to the Highway Superintendent on the drainage issue. Do you agree with the landscaping comments, the reduction of the lighting levels and so on?

K. Duggan: Yes. We've already lowered the lighting levels as you had suggested.

MOTION for a NEGATIVE DECLARATION subject to all of the consultant's comments and this Board's comments made by A. Dulgarian and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for TWO (2) LOT SUBDIVISION approval subject to all of the consultant's comments and this Board's comments made by H. Ross and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for SITE PLAN approval subject to all of the consultant's comments and this Board's comments made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

9. **MASONIC CREEK** - 8 LOT SUBDIVISION (Sketch) Silver Lake Scotchtown Road (40-1-17.4) #28-03

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

A. Scott: My name is Audrey Scott.

G. Lake: Go ahead.

A. Scott: It's an eight lot subdivision in the R-1 district on Silver Lake Scotchtown Road. It was designed as a conservation subdivision. In the R-1 zoning district it actually has over three times the amount of open space set aside which will be conserved permanently as open space in the conservation easement will apply to all eight lots which will be reportable by the Town as well as the lot owners. I understand it's been here for a number of years. At this point what we submitted is a Preliminary Subdivision Plat using the existing formulas in the Town code.

G. Lake: First off, I don't believe that we ever got out of sketch between us and the last person that was here representing this. I believe the Board from the beginning that even though you do have a large amount (not clear). I'm not even sure if the wetlands but there but the Board from the beginning, from the very first sketch really did not agree that this falls into what the Town considers a conservation subdivision. I know the last gentleman that was

here that did represent this tried to almost insisted on some type of a decision that night and the Board insisted that it was still at the sketch stage and was hoping to see something different, to be honest with you. There was also a comment made that some properties may not be develop-able. I think that's where we left it because we really did not accept as sketch when he left and I thought that was pretty clear. I believe we still look at it as being in sketch stage and we're still seeing the exact same map that has been back before us at least three times that I can recollect and maybe more. We still have a number of . . . We have Mr. McGoey's comments and we will talk about them. Let me go through the Board to see what they have to say or anything I might have missed or any additions they might have and . . .

A. Dulgarian: I agree. It's pretty much of what he said. It sure isn't what we had in mind for a conservation development. Again, I think some of the words we used were very ambitious to get that number of lots on this small of a parcel considering how much that parcel is not usable divided by the creek. I don't want to see a (not clear) but I agree with him that the back lot should be owned by one. I know we said that before and, I agree with that because it's totally unusable. But, this is not a conservation area plan we're looking at. Again, I was hoping (not clear).

H. Ross: I concur. I'm completely uncomfortable with the number of (not clear). We asked for something better (not clear).

G. Lake: Anything else?

H. Ross: No.

R. Carr: Yes. It really has been the same story everything this has been in front of us. I think from the very first time it has not been other than (not clear). While it still looks exactly like the first plan. Almost all of the plan is contained in the conservation subdivision is wetlands. And, most of that is also cut off by the creek. That's one thing. It just isn't a conservation subdivision. I believe by the law we can grant a conservation subdivision on it's right, correct?

J. Bacon: Well, providing sketch plan . . .

R. Carr: I mean, in terms of . . . It's not something to come in with lots and say you have a right to do a conservation subdivision. This really doesn't do anything to preserve or conserve anything from the Town's point of view. So, I don't even look at it as a conservation subdivision. In addition, the eight (8) driveway cuts onto that section of the road has always been problematic. It's a section of the road that the traffic is backed up now

on. It's projected to get harder. You have developments going in all around that area, across the street. It's potentially a large commercial development and to have a fairly large residential development going in there. The whole nature of that road is just the traffic is too high to now put eight close driveways. If they came out some other way and as Mr. Lake said, there are some properties that just, you can't get the maximum amount of lots off and I think this is one of those properties. This layout that's here (not clear).

G. Lake: Anything else?

R. Carr: No.

W. Capozella: I hate to reiterate on a conservation subdivision but basically when I looked at this and it said conservation normally we would tell them to have the back land or what ever for the conservation and not (not clear). You've divided it up into lots. It's not really showing what a conservation really is. We all knows that the backside of this (not clear). Again, the driveways, the safety issues. It's something that should not be over-developed.

C. Najac: Yes. You're talking about a lot of mishaps. A couple of cases earlier, we were talking about building up a forty one lot subdivision next door and then we're talking about some commercial across the street. So, we're talking about a lot of traffic right there, concentrated right there, eight driveway cuts. Forty one houses coming out maybe on one road but they're all coming out to the same spot. And, you're talking wetlands and the creek. Did we put all these projects together and do one impact?

G. Lake: We have. Not to go through that whole thing tonight, yes. We have, we started it about two years ago. But we got everybody in a room from Tower Drive, Cottage Street, Bert Crawford Road down to Route 211. I think there were about, the top nine or five at the time. We sat everybody down. We looked at all the impacts. Had traffic studies done that we paid for. We took that traffic study and went to the Town Board with it and showed them what improvements we could get done adding in you're looking at (not clear) a different configuration and adding it whatever else could be done. Then we went back and we assigned each project what needed to be done. MKA is going to be doing the light at the bottom of the hill and the turning lane. We assigned that to MKA. Tower Ridge we assigned the red light past Dunning. Cottage Street/Mud Mills Road which is done, was done by Wildflowers. So, we have done that.

A. Dulgarian: Actually, Mr. Lake, when Scotch Valley was approved it was fifty three units in that development and now it's lower.

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

C. Najac: No.

T. Hamilton: Granted we did the study and picked certain items to be done and so forth to help control the traffic, never when that study was done did we envision eight driveways one next to the other in one small section coming through there. Those driveways right off the bat were never considered to be that configuration.

G. Lake: And, I agree with you one hundred percent.

T. Hamilton: And, the other item is the conservation subdivision. It doesn't fit the way the wording that I remember reading. The conservation insists that it's supposed to be along the roadway that it borders. It does not appear in there. We have sections way in the back. You have eight properties that have a stream that separates the back half of their total property that they can't even get to. I mean it's isolating that but it doesn't meet the conservation subdivision that I remember reading.

G. Lake: And, that's really been from the beginning. I think the Board has said that from the very beginning. All of these eight houses and I know somebody is going to say what's the impact going to be on eight houses with nothing else bordering that. The impacts, I believe would be the eight driveways. All the other projects out that way goes through a control of some kind and then out onto Silver Lake Scotchtown Road instead of having individual homes even though there are some in Scotch Valley that will have some eventually but we have eight new individual homes without a service road community where the other couple that are out that way are serviced by a new road that's going to be controlled. I think that's a major concern and a major safety factor involved. I don't know which direction to send you at this point. I don't believe we're any farther out of sketch that we were when you dropped these new plans off. You have a little more detail on them. I understand what you want to do or achieve but it's the same sketch that the Board's been looking at. I'm just hoping you will take it back to your client and as I think Mr. Dulgarian said, use a little more imagination some how. I don't know what to tell you at this point myself.

T. Hamilton: I think we even mentioned about trying to see if you can work these eight lots into a road over into the project next door and direct them that way if that could be worked out.

A. Scott: I understand. (Spoke very low, not clear). Our engineers say that these driveways will operate safely. I understand the members of the Board (not clear). There's nothing in the record to contradict what the traffic (not clear) with those driveways. In terms of the

conservation easement, we know it's a new law. We're meeting that law. From the beginning actually this project is providing three times more than the requirements in the R-1. And, I know I'm kind of constrained by the stream going through there. I think at this point we've designed it as best as we can because we're dealing with the constraints and the conservation requirements meeting the R-1 lot size.

T. Hamilton: Do you know the setbacks that you're supposed to have on the roadway with the conservation subdivision?

A. Scott: I don't see why . . .

G. Lake: Just let me comment on a couple of things that was said. First off, yes you might have had Mr. Collins and one of his agencies send in and say it does not impact but there's always the gut feeling of people who use the road that I think has to weigh into it. Sometimes I think sometimes that gets . . . I think that's the Board's input. As far as the conservation subdivision meeting the law you're probably one hundred percent right. The intent, the letter of the law you might have met but I don't believe you're out of sketch. I think that's all this Board's been saying from day one. Again, I realize this is your first time I think representing this project here tonight. But, I don't think the intent of the law and then ones we sent it to our Planner to help us really none of them. We can do that. We can send them up to the Planner and she what she says. I don't believe it meets the intent. The letter, yes but the intent, no. I don't think we've done any. We've done several that we're working on that comes in like this. I understand you're trying to get the most out of the piece of property and I think here's a case that needs to be looked at and make some kind of determination.

A. Scott: As I said before this plan, we've settled on and so my question is at this point, I understand the impacts (not clear). Is it the Board's position that because they don't like the set layout because it's not going to allow, even though we submitted the Preliminary Plat and provided the traffic information and we sent you a letter responding to the Conservation Commission's comments. Is it the Board's position that you won't allow us to go for a Public Hearing or you won't set a Public Hearing?

G. Lake: I don't think it's gotten out of sketch yet, for one. Two, I guess if you're saying (not clear). Our next step is that we can send it up to our Planner, have them look at it, send down recommendations what can and cannot be done and if it meets what the Town and the Town Board had visualized what a conservation subdivision should be. The Planner can send it down to us and let us know that. I guess we can go with a long form Environmental

Assessment Form. Yes, or no?

J. Bacon: Well, you're still in sketch plan phase and as the code says about if the Board is determined that the sketch plan doesn't meet purposes of a conservation and if you deem it necessary to make specific recommendations in writing to the applicant. The Board has made some or directed the applicant that (not clear). I think make recommendations in writing on this sketch plan.

G. Lake: Well, we're going to stick with this and it's that the opinion of the applicant. I'm going to recommend also that we send it up to our Planner to get their recommendations also if it meets the conservation subdivision and the intent and then we can send it all in at one time.

A. Scott: I'm trying to understand your process. That's why I was asking what the Board's position is because my reading of the code I don't see anything that says you cannot allow us to go a Public Hearing after I've submitted a Preliminary Plat (not clear). There's nothing that says that you can prevent the applicant from going to a Public Hearing. (Not clear). Like I said, we recognize the impacts and what they are and we're wondering if it is the Board's position that you're not going to allow what is permitted or allowed?

G. Lake: Before anybody speaks, now you're talking as a lawyer. So, be very careful and let Mr. Bacon advise us exactly how we go about it. I understand but you have to understand that I have to make sure my Board realizes.

C. Najac: (Very soft spoken). We also have to have a lighting district. Did they submit that?

D. McGoey: They did submit a map and a sketch plan.

C. Najac: And, how was that?

D. McGoey: Well, they met the letter of the law but not the intent of the law.

C. Najac: Did we have the original not in a conservation, what would have happened there?

D. McGoey: The conventional subdivision?

C. Najac: The conventional subdivision.

D. McGoey: I think that subdivision had the same problem that this one has.

C. Najac: So, there was no improvement?

D. McGoey: No improvement.

R. Carr: Does it meet or if it's not a conservation subdivision and still meets all the requirements in R-1?

D. McGoey: It could potentially. It's still at sketch.

R. Carr: My understanding was that it's up to the Planning Board on whether to accept a conservation subdivision. It's up to the Planning Board whether we accept it as a conservation and any applicant can do it and if they use the code they can request if the lot meets the requirements. But, I thought that on a conservation subdivision it wasn't the (not clear) of the applicant.

D. McGoey: It's the applicant's choice of which way he wanted to go.

T. Hamilton: But, either way, it's up to our approval that we take it and so forth. That's either for a normal subdivision or a conservation subdivision.

R. Carr: Right, and that's my question.

T. Hamilton: Any subdivision, regular or conservation.

R. Carr: Okay.

C. Najac: It's up to us to accept the one that meets the criteria.

R. Carr: And, guess what it looks exactly like before the conservation.

A. Scott: As far as I understand the map is in Preliminary Subdivision plan so, we've engineered to that level.

G. Lake: Right, but you didn't get Preliminary Approval. I believe you've just done that. I'm sure the records would show it, you've never gotten out of sketch.

A. Scott: Now back to my original question is . . .

G. Lake: And you know it obviously the third time with basically the same map. I guess, Mr. Bacon, our question is or her question is she's basically insisting on setting the Public Hearing at this point.

A. Scott: Yes.

J. Bacon: Well, I mean . . . I would say that the Board still doing a preliminary review of the plan and under the code 209 (7) C of the Subdivision Law states pending of sketch plan the Planning Board shall in six months determine whether the sketch plan meets the purpose of the regulations and shall where deems it necessary to make specific recommendations in writing to be incorporated by the applicant and then submit it to the Planning Board. What I have to say to the applicant is come back to the Board (not clear) and that the Board has made recommendations early and every time the applicant has come back to us concerning density or layout and the applicant has clearly re-submitted the plan as it is now which is reasonably the same as it was before. My recommendation would be to table it and provide additional comments to the applicant. The Board is essentially stating that it is still in sketch plan.

T. Hamilton: They have received our engineer's comments and all the work sessions giving them recommendations of what was done. It's on the record of different work sessions different items that the engineer has requested and that the Board has requested on this project.

J. Bacon: For the record, as the Board knows our engineer has met with the applicant a number of times in an effort to try to communicate to them on this project.

A. Scott: If I may, the comments from the conservation commission. We have responded to a letter what was essentially a different type of layout and we responded to that. Basically what it's coming down to is we don't believe that it will not impact that portion of the road (not clear - very softly spoken). It's not that we haven't heard the comments, we still believe this still represents the best use for the property.

S. LaBruna: If I may make a comment to that.

G. Lake: Go ahead.

S. LaBruna: The conservation commission did receive those comments from Mr. Wolinsky and we responded to those in writing and sent that to the Board. I don't know if you received a copy.

A. Scott: I didn't receive them.

S. LaBruna: The basis of the Board's findings is that the letter that was received from Mr. Wolinsky basically did make a number of comments on the presented sketch that was submitted with our last comments but he did not address any of the major issues we had with the Site Plan. So, we submitted that in good faith trying to come up with different ideas for the project. Maybe that wasn't appropriate or not there was no response to the issues that were raised at the previous Planning Board meeting or that we addressed in that correspondence. So, we we're writing to them again in another letter. I submitted that to Marylynn. I believe they were going to send a copy of the letter.

G. Lake: Okay. I think we should follow our Attorney's advice, table it. We will send it to our different agencies for their review especially our Planner to let them look at it as a conservation subdivision and make their comments. We will also forward comments from this Board to you as far as our problems with it. I'm not a firm believer of designing projects so I will personally if someone comes up with an idea get it into the office but I believe that's the applicants job to design their project that can fit in the Town. I think that's the right way to go. We will get it up to Behan and we will call them to get a date for the turn around on. Mr. Bacon, we're going to meet maybe next Monday and set up additional comments from the Board and report them to you. Okay?

A. Scott: If I may, I want it on the record that I object to this. (Could not hear). I guess I would just ask for the Board to vote on it.

G. Lake: To vote, to table it?

A. Scott: Yes.

G. Lake: Yes. We would do a motion to table it and so note it, that you're objection is definitely on the record but I don't believe this Board at any time said this has gotten out of sketch and even tonight most all comments that we have received from everybody has said that and we can talk about that all night. I think we do have a difference of opinion there.

MOTION to TABLE for further action and to send it out to Behan and all other

agencies made by **A. Dulgarian** and seconded by **C. Najac**.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

10. **QUICK CHEK** - SITE PLAN/SPECIAL USE PERMIT & TWO LOT SUBDIVISION - East Main Street (78-1-48.22) #76-06

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

H. Geneslaw: My name is Howard Geneslaw representing the Quick Chek Corporation. With us tonight is our project engineer Jeff Martell and (not clear).

G. Lake: Go ahead.

H. Geneslaw: Mr. Chairman and members of the Board. In a brief summary we've attended several work sessions with Mr. McGoey where we've arrived and have reviewed his comments. We do have his comments and have made a number of very substantial plan revisions that we would like to present to you tonight. By the way the background into the two lot subdivision we would subdivide off up to a four acre parcel. The remainder of the property would be forty three acres. The Quick Chek proposal would have a Quick Chek food store approximately seventy two hundred square feet along with a gasoline filling station. The plan revisions I will ask our project engineer to go through it. We reoriented the building towards the front so that the gas pumps instead of being in the front of the building but on the side. We've also prepared and made an attempt to widen (not clear) and have

removed the secondary access point which was a comment from the County Planning Board and I believe it was a comment from this Board as well. Mr. Martell, if you want to just briefly point out on the plans what those principal changes are.

J. Martell: Yes. This is actually a plan that was previously presented. The canopy was originally oriented facing East Main Street with the building behind. We had a right turn ingress drive on East Main Street as well as one full movement driveway. As Mr. Geneslaw stated we have made some changes. We heard comments from the Board on this plan. We had one work session prior to this. We heard the Board's comments. We attempted to address them by making some changes. We presented a plan at a work session meeting approximately a month and a half ago. We were told that we were not quite still moving in the right direction. Those changes essentially were we're eliminating the access point which was received favorably. We still have the general alignment of the pumps and the store as you saw on this plan but we had eliminated one variance that the Board had some comments on which was the fifty foot buffer variance which is part of the PID district regulations. As you recall the lot splits zones. The rear portion of the lot is in the PID district. We presented that plan and the general theme was that the overriding comment, of all the comments that we had heard was the rotation of the pumps and the orientation of the site. So, we did do that loud and clear. The plans that we did submit to the Board for the second time with the one informal presentation does in fact reorient the pumps and the store. To be specific now the full movement drive will still remain. The second ingress driveway has been completely eliminated from the plan. We have one access point for the Quick Chek. It's somewhat located in a central area within the entire property frontage and in an attempt to potentially plan for any future development that should go, there are no plans for that at this time. For planning purposes we felt that this driveway location is best suited for any future uses on the site as well as the application before you. The pumps are not oriented to the side. The front of the store is now, it's still facing the pumps however it is no longer facing East Main Street. The orientation of the pumps is generally toward the side access street as opposed to towards East Main Street. The fifty foot PID buffer requirement is not met with this plan. We had generally expect our desire to meet that requirement at the meeting however the dominant comment was that if we were able to reorient the site that would be seen as a greater benefit to the overall project than the actual requirement of that fifty foot PID buffer requirement. So, to be clear we are again requesting that requirement as we were originally with this application. Everything else with the application is exactly or more or less as we submitted originally. The stormwater management is located in the same area. We have no disturbance to the wetlands in the rear of the property which are under Army Corps jurisdiction. It shows a retaining wall on the side and rear of the property. We do still maintain access to the site with the access road that will be constructed. As far as the additional comments we had with the County just a quick refresher. We had met with them and forwarded them to the Board

originally. They had given us some comments but as far as the analysis that the amount of traffic, we did add actually a left turn movement into the access road as well as a left turn lane as well as a right turn lane. We would not be proposing a signal at this access road intersection if approved by the County.

G. Lake: Now, did the County ask for that?

Unidentified Person: The County asked for that.

J. Martell: That's the general summary of the project

D. McGoey: Can I ask a question of why you're ignoring the comments that I've made several times in regards to placing the entrance drive at the most appropriate location on the site mainly in front of (not clear)? This is a blank piece of paper and you don't have a subdivision approval.

Unidentified Person: I understand that it's not subdivided but basically that part of the property isn't available to Quick Chek.

H. Geneslaw: Following the last meeting Quick Chek went back and tried to get additional frontage and the property owner is not willing to sell Quick Chek any additional frontage beyond what the contract provides for is on the original plan.

J. Martell: We understand your feelings that this is not your opinion the most ideal driveway location. That is understood, one hundred percent. What we believe is that with the installation of the signal and the fact that the turning movements will now take place at the signal as well as the fact that we do meet the minimum requirements for site distance with this location we feel it's acceptable on our behalf which we believe the County will also find it acceptable. We still feel that it will operate in a safe manner. We understand your comments and we put down in the record as our reasoning behind this location. There is some additional frontage that's part of the greater property, that the property owner is looking to potentially maintain some of that frontage for his own use or for future use that is not available to this applicant at this time but in general planning we've tried to locate this driveway between two potential parcels that could be created along this frontage with then the larger tract being in the PID district. So again, we do feel that with the installation of the signal, with the site distances that this location provides although we understand that it's not Mr. McGoey's ideal driveway location. We do feel it operates safely.

J. Bacon: Can I ask a question? Why are you showing the entire parcel when you're asking

for a subdivision of the site?

J. Martell: We've provided an overall Site Plan and we've provided an overall subdivision plan so it would be easier to see.

H. Geneslaw: We just recently filed the subdivision plat and a fully engineered plan as it was one of the directions from the Board as far as rotating the building and the pumps and making some design changes, we've only at this point submitted a revised Site Plan change, landscaping sheets and the lighting plan so that we could get additional feedback from the Board and hopefully settle on a layout before we go to the timely expense of fully engineering an entire new set of plans. So, the subdivision plan itself remains the same as the one we submitted to the Board for our appearance at the November, 2006 meeting.

T. Hamilton: Yes, but at the time though when you come in with a particular sized piece taken out of a larger parcel we would assume that you you're going to put something on that parcel so it's going to meet all of our requirements with setbacks and everything else. Right now, those lines don't exist so buy a parcel big enough to fit your needs. You're creating your own hardship by buying a parcel too small for what you want to put on it.

J. Martell: The only variance that we're creating by this lot line is the fifty foot buffer variance. It's shown that it can comply with that and the only variances "hardship" that we would require are the variances that we requested would be signage and the accessory structure location but what we were directed at is that if we reoriented the site that would be seen as a greater good to the overall development and ask for that buffer variance.

T. Hamilton: Who decided that?

J. Martell: It was an informal decision of what was expressed to us after our last meeting. The driveway location is somewhat independent of that.

T. Hamilton: What's that meeting?

D. McGoey: Second review at a work session.

T. Hamilton: How many Board members were there?

H. Geneslaw: I don't know off hand. Mr. Lake was there, Mr. McGoey.

T. Hamilton: If you don't have at least four (4) Board members at a work session, nothing is

(not clear).

H. Geneslaw: On the proposed plan I just would like to identify exactly what the PID buffer variance is all about and the area of the plan that it comes into play.

J. Martell: Well, this somewhat gray line break in the middle of the page generally, the right side of the page and then the PID district is from this point over. Within that area is a fifty foot side and rear yard buffer requirement.

H. Geneslaw: No. It's just the side yard that's an issue and then that little back corner.

J. Martell: Yes. The corner here and technically there would be a small corner here. It's really a very small portion of the site.

G. Lake: Is it the building you need the buffer for do you need it to meet the zoning?

J. Martell: We interpret that any asphalt or any impervious service would require the variances. The building is out of the fifty foot requirement but we're interpreting that the curb line and the parking and circulation and all that is intended to be under the buffer.

H. Geneslaw: And, being that the area is immediately adjacent to an HC zone it doesn't require the buffer and technically we show the buffer on the plan and as you see in that back corner that buffer requirement was probably intended in a situation where you don't have a lot that's split by a zoning boundary and where you have a consistent buffer that runs along the entire side yard of the property. In this case, it has a lot of typically zoned HC and to have that buffer requirement I would suggest that the buffer doesn't really serve much of a purpose and also the building as we indicated is now out of the buffer so, It's really just the curb line and the asphalt.

J. Martell: Correct.

H. Geneslaw: We would suggest (not clear).

G. Lake: Let me go through the Board.

A. Dulgarian: Well, first off let me say that I advised that they move the building to the location they did but that wasn't the end all deal on this project, that was the first hurdle just to get us to look at it. If it faced the way it did, for me it wouldn't have went any further than the last sketch. We've been working on that East Main Street corridor over seven years and

I never heard of a traffic light there before and we have looked at traffic flow there with traffic lights for the proposed warehouse seven years ago or whatever and not once did we ever mention the light between Golf Links Road and Dunning Road. This changes that whole thing because we've been looking at it for seven years. I mean, where did this traffic light come from? Who proposed the traffic light?

Unidentified Person: That was suggested by the County.

G. Lake: The County. When it went down to the County they came up and surveyed it and then . . .

Unidentified Person: We met with them in their office.

G. Lake: I've got to assume that would be timed with the other two traffic lights close by?

Unidentified Person: Yes, that would be coordinated, a sufficient time would be coordinated between the lights. This location was closer to the mid point between the two signals than the other location. We thought that was a pretty good location.

G. Lake: Go ahead, Mr. Dulgarian. I didn't mean to interrupt.

A. Dulgarian: No. I'm just disappointed that it requires a traffic light there. We have a tremendous amount of problems late in the day there.

Unidentified Person: My feeling is that an additional traffic signal at this location will help break up queuing that occurs now at the signal.

A. Dulgarian: I travel that road every day and I haven't seen one traffic light that I've seen improved. You're talking to the wrong guy. Getting to the elevations on the building and looking at Behan's comments I have issues with that. I mean, I like what Behan says here and the example she gives and what was doing for that corridor. I don't like the whole glass fronts, that's number one. I don't want it to look like a traditional gas station. I also agree with Mr. Hamilton and Mr. McGoey that we have a clean sheet of paper here, let's make it fit and let's make it the best possible as the best possible project this can be and I even question not only the driveway but the parking lot starting forty feet off the road. Why can't that be moved back a little more for a better view from the road? I think the steps they've taken so far has been positive. I thank them for their cooperation but I do believe there's some more work to be done on this. I think the project can fit there. I just think with Behan's comments and a little bit more work on this Site Plan I think it is do-able.

H. Ross: I agree with everything Mr. Dulgarian just said I just want to come back to the traffic light again. I'm having a hard time with that. At East Main Street there is a turn into your facility, what's going on as far as the traffic light?

Unidentified Person: Just the volumes on East Main Street and then the volumes that would be . . .

H. Ross: And then the other side of East Main Street there's a driveway or . . .

G. Lake: Mr. Ross, I'm assuming the reason the County is going to foot the tab on that red light is because of the amount of land that is left on the Distelburger Farm that is down behind that. It's like about fifty or sixty acres, Mr. Dulgarian?

A. Dulgarian: Something like that. We looked at a five lot commercial subdivision in there.

G. Lake: He came in with several different proposals and I would have to assume that the County is figuring that in. I'm guessing there. Anything else, Mr. Ross?

H. Ross: No.

R. Carr: Yes. I agree. I just don't see that traffic light there. I could understand if there was a whole project going in the back but I don't see it with this. I don't think that it does anything right there. And, if I'm reading your analysis of the traffic study it doesn't improve and I'm looking at the build levels of service before mitigation and after mitigation it shows nothing to that I can see that changes the level of service at that intersection to have a traffic light there.

Unidentified Person: At that location we analyzed it with the light. We didn't analysis it without the light.

R. Carr: I see 2008 future build levels of service and the next page is 2008 future build levels of service with mitigation assuming that's the mitigation. We have a traffic light there and it just doesn't . . .

Unidentified Person: The build levels of service does include the traffic light. The build with mitigation is the mitigation at the other location. That's why there's no change because the amount is the same at this location. We assumed the project with the signal.

R. Carr: Okay. What is the mitigation improved?

Unidentified Person: The mitigation is, in this particular case it's signal timing changes at the other light. It's not at this location.

R. Carr: I mean I'm looking at this and I'm reading it as this is build and this is build with mitigation but this isn't mitigation that you're providing?

Unidentified Person: We've providing this as part of this project. We're not defining it as mitigation. It would be part of the project.

R. Carr: I find that very confusing because I take that as your mitigation, that's your mitigation and no place in here that I saw did it explain that the mitigation was somebody else's. I just think it's confusing.

Unidentified Person: I'm sorry. The signal would be built with this project.

R. Carr: The signal, let me ask you this. If the light were there what would be the levels of service there?

Unidentified Person: It would be . . . We didn't analysis it but I think it would be poor level of service exiting the site and probably fair levels of service for the turns into the site from

R. Carr: I think that would be something that the traffic analysis when you're proposing a light there, it would be in here and what you're trying to do because now I have no idea what it would be . . .

Unidentified Person: It was based on the County comments. We didn't feel that we would be able to move forward without the signal so that's why we only analyzed it with the signal.

R. Carr: Again, I don't mind having a light there for the whole project, the whole back but I don't see it totally for this. One, I do want to thank you guys. I think you guys have done a good job both on this and the one on Route 211 from the series of the Board's comments and taking action. I just want to compliment you on that You know, I was reading Behan's and what you said and I tell you what. I find myself on the fence on this because we don't have like an architectural preview. I totally agree in a certain way if this would like not like it's a jazzed up 7-11 and that this is Quick Chek anywhere and I realize you have certain corporate setups as Quick Chek and the other thing I do really like the orientation of the building being changed but again from East Main Street I don't want us looking at the side of the building

too. I think you can make it attractive and I think the more attractive it is the better off it is for Quick Chek also. I agree it looks a lot better.

A. Dulgarian: Mr. Lake, I have one question.

G. Lake: Go ahead.

A. Dulgarian: Can that traffic light, can they sign up for mitigation or put up some mitigation and do it at a later date when it is needed or is the County stating now we have to abide by that?

G. Lake: I don't know.

D. McGoey: It's a County curb cut.

G. Lake: I don't know if it's totally a County decision.

A. Dulgarian: Just for the one project, I wouldn't want it up but when we're just looking at somebody to put up the mitigation when the rest of the development happens, if they commit to it now can we choose to do it later? I would prefer that but I don't know how that works legally.

D. McGoey: That's up to the County.

R. Carr: Yes. And wouldn't they want and we were in here the other night watching that traffic analysis and all that is in the computer I would think that the County as well that someone would want to look at it with this lighting. It's something I don't know what it does in terms of queuing other than it creates more.

C. Najac: You know what it creates? Without that light you wouldn't be able to get in or get out the way the traffic is on that road. That's the only reason the light is there helping them get in and out of there.

T. Hamilton: That's the only reason they're putting it in there and agreeing to it. They wouldn't be able to get in and out of there.

G. Lake: Mr. Hamilton, anything else?

T. Hamilton: I've said enough.

W. Capozella: When I first looked at it I couldn't understand but I'm getting better information now. The only other thing I have is the table of bulk requirements you need down the road.

H. Geneslaw: That's correct. These are the variances that the revised plan currently requires and the variances that we would hope to get a referral to the Zoning Board of Appeals to receive those.

W. Capozella: Nothing else, Mr. Lake.

C. Najac: I think I was at the work session and you turned the building around. I did look at Behan's comments of the Landscape Architect. It doesn't have to be all black. I have been to a McDonald's that doesn't look like McDonald's. You wouldn't think you were walking into McDonald's, it is completely different building but just because that's there as a standard building we have to accept that here. I'm glad you did turn it around and the gas station is off East Main Street now. And, sidewalks. You already know how I feel about lighting, right or do I need to bring it up again?

T. Hamilton: The same comment I had before is that it's a blank sheet of paper. This lot doesn't exist. Buy a lot that's going to fit what you need and not having to go through for all the different variances requested.

G. Lake: Basically, I guess we can talk to the County and find out . . . Now, did the County ask you guys what you . . .

J. Martell: We went to a meeting. It wasn't our intention of proposing a signal. They questioned whether we would meet. We turn decided to proceed with that signal. We were very welcome to another meeting with the County, Mr. McGoey, and who ever else would like to attend and possibly discuss the one idea of a future something that this Board meets more what you're looking and the County. We're more than willing to set that meeting up, schedule it and who ever would like to attend. We're very confident that the County will meet with us again. They were very acceptive to meeting the first time and I'm sure they would be again. If that would help possibly . . .

G. Lake: Why don't we do that? Why don't you call in and Marylynn will help you coordinate it with Mr. McGoey, Mr. Bacon and who ever else can get off.

J. Martell: It's just that we would like an opportunity to meet with Behan. I think in both

applications we've shown our willingness to try and fit in. It's difficult to read people's minds and I know everybody has a certain image in mind but we are agreeable that we would like to pursue a meeting there as well possibly at a work session where they could attend and see examples or have our architect attend and put those minds together as well. That could be coordinated for the next work session meeting.

G. Lake: Mr. McGoey, let's see. Again, we will have to see when they're coming down. They're out of Saratoga. I know we requested them at one other meeting. They didn't make it down. I will have to find out those arrangements and how we can get them here.

J. Martell: We're flexible.

G. Lake: So, call in and we will go to work on that and get them down here and maybe do it back to back and meet with the County and stuff. You heard the Board's comments and honestly I guess you're having a little trouble moving the road over. I think this bridge abutment, we had a situation out on Exit 119 which wasn't the same as this. I don't know what this is going to be like but that bridge is always in the way coming off that exit. I really think a little more, a little bigger access for this property owner. I don't think it's going to hurt him one bit to continue developing that property. I think there's fifty six acres back there yet. I think if you go back to him and tell him the Board is just looking at it kind of hard to say, here we have a clean slate and not to do it right. I'm not saying it's your fault either. I realize you're a business man and he wants to get the most but I don't think it would hurt him one bit to do the right thing here.

J. Martell: Just for clarity, so we're all on the same page. Mr. McGoey you're idea of the driveway, I don't know how clear this picture is but this is the overall property. This is the barn structure and this is the Quick Chek in the lower corner. This is one of the existing driveways.

D. McGoey: Right across from across the street.

J. Martell: In your opinion the ideal driveway is at that exact location where the other driveway is?

D. McGoey: Yes. We also asked for an overall development plan.

H. Geneslaw: The problem with an overall development plan is that there isn't one. The property owner is under contract just to sell this parcel to Quick Chek. They don't really

have any other specific plans for the remainder of the property.

A. Dulgarian: He's had some in the past.

H. Geneslaw: Well, he doesn't have any presently. We talked to him about that, that was our concern too is what could happen with the rest of the property.

G. Lake: All we have asked applicants to in the past is like show about what could fit there. We're not asking you to develop an office park or a condo. We're just saying if you can get four more lots out of here or . . .

J. Martell: If we were to prepare it as for this applicant we would not be professional on any future application or represent the owner in any way shape or form or to do anything like that.

G. Lake: That's it. Just to show what it could be divided into. I'm just saying there's a criteria to go by and everybody does it. We ask everybody to do it so we get a handle on the overall picture of what should go on there. And, that handle might change this Board's mind about the red light. I mean, I don't know but . . .

H. Geneslaw: If we were to do that, how would we even choose which of the uses in the zoning to show that? There are any number of pages here.

G. Lake: Mr. McGoey?

D. McGoey: Your Planner and your Engineer know how to do it.

J. Martell: Are you looking for a maximum or just a potential?

D. McGoey: A potential site development plan. He's already submitted two of them.

H. Geneslaw: As far as the Board's concerns, just by way of some clarification. I'm not sure but it would be helpful to us to get some sense from the Board exactly which particular elements were important. I did hear a number of Board members comment about the building architecture. We can certainly work with the Board on the building architecture, materials for examples. One of the other comments in Behan's report had to do with locating the gas pumps behind the building. We sited the property for the access by rotating the building and by putting the pumps along the side. There are a number of reasons why putting the pumps behind the building really doesn't work. That's not what I'm suggesting.

G. Lake: I think we've already talked on Route 211 about that enough. I think you've done a good job here as to what the Board has asked you to do as far as rotating the building. I surely understand why you don't want the pumps behind the building.

H. Ross: What I've heard the Board say before smaller windows to make it look more like a bank, better facade materials, screening so when people drive by it doesn't look like a gas station.

H. Geneslaw: We can certainly work with the Board as far as landscaping and screening and materials, etc. The one issue that is problematic is and we've certainly talked about it before is the issue with the glass because the ability to see into the store is something that is critical for Quick Chek prospective in terms of security both the customer and employees.

T. Hamilton: You're talking about a two foot panel.

H. Geneslaw: That two foot panel believe it or not is very, very important for the company. We can certainly come back with something as far as some improvements as far as the building architecture and maybe make the glass a little bit less (not clear) if you will and maybe that would address your concerns.

R. Carr: I think the last time we . . .the design.

H. Geneslaw: A little bit more substantial.

G. Lake: You know the concerns, work on it and bring it back and show the Board something.

H. Geneslaw: Would it be helpful to get on the agenda for a full work session so we can come back with these changes?

R. Carr: I think we could probably tie that in with the meeting with the County or Behan.

G. Lake: We will work on that for you.

H. Geneslaw: Okay. So, basically . . .

G. Lake: We will work on it for a weekday around maybe four thirty or five o'clock when it's not so late.

H. Geneslaw: That would be fine. What's the terms position in terms of the variances. They are basically the same as the site on Route 211. One has to do with the canopy, that being that the canopy can't be closer to East Main Street than the building facade. And, the other one is at that corner as far as the PID. I think they're all fairly (not clear).

G. Lake: You want to go to the Zoning Board of Appeals before you handle some of these other items?

H. Geneslaw: Well, I'm fairly hopeful that we can handle the other items without creating any other problems.

G. Lake: I wouldn't have a problem sending you to the Zoning Board of Appeals at this point providing that you realize this Board doesn't necessarily have to accept something on a Site Plan.

H. Geneslaw: As far as the layout.

J. Bacon: I wanted to mention there will be a memo and to hold off.

G. Lake: Okay. I'm going to wait on the advise of our Attorney but we will set up the other meetings and get you in.

H. Geneslaw: Thank you.

J. Martell: The only last item is the comment #9 of Mr. McGoey's report about the exit ramp at 122. The applicant is looking for direction on what that is and how it's at.

D. McGoey: We've asked the County to have all the significant applicants along East Main Street to contribute to the construction of a slip ramp to the exit ramp to meet the queue lines at that traffic signal and it would be based on the number of traffic mitigation.

J. Martell: We're trying to get to the dollar amount.

D. McGoey: You have to call me and I will give them the documentation from the other projects and then they can do a calculation for that.

J. Martell: Thank you.

G. Lake: Okay. Thank you.

MOTION to TABLE for further review made by H. Ross and seconded by T. Hamilton.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES