

TOWN OF WALLKILL PLANNING BOARD

MEETING

MARCH 22, 2006

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

MEMBERS ABSENT: P. Owen

OTHERS PRESENT: J. Bacon, D. McGoey

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

G. Lake: Thank everybody for coming and we have a full Board tonight. I think we're asking for clarification for a couple new members of the Board. Mr. McGoey, I know that you currently take the lead.

D. McGoey: All right. As you know the vote was a null or a void vote at the last meeting. The Planning Board Attorney had revised the Resolutions. He had given a lot of information about the project. So, tonight we're recommending that we pass the Negative Declaration as prepared by your Attorney and the three Resolutions of approval including the Special Use Permit, Preliminary Subdivision, and Preliminary Site Plan. I know that Mr. Dulgarian has a question.

A. Dulgarian: I don't know if it's a question as much as a statement. Can we make part of the record what the Courts have declared as how we should be proceeding?

J. Bacon: Just quickly, this Board in 1995 issued a Findings Statement after going through SEQRA and doing a Draft Environmental Impact Statement and a Final Environmental Impact Statement. The Findings Statement indicated that there was no significant impact to every single issue except for traffic. When the Court issued a decision after the challenge by the developer the Court reversed the Board's decision finding that the Board's decision was not accorded by evidence, there was no expert evidence generated by the Board to refuse the developer's traffic expert that said that the document was not that significant and would not be a reason to deny the project. Then what happened was that the matter was remanded back to the Board and again, the Board granted an overall five lot Preliminary Subdivision but it denied the Special Use Permit and Preliminary Site Plan approval. As sited again, undue traffic congestion and hazards, overcrowding in the school system with a serious physical impact on the (not clear) and the fact that the tunnel was indeed an issue with the fire fighting equipment. That was in 1997. The Court again reversed the Board being that the school impact would be gradual, the traffic impacts might be mitigated by the extension of Bert Crawford Road

and the Court sent the matter back to the Board to attach appropriate conditions to a Special Use Permit and Site Plan approval. The Board then granted Preliminary Subdivision and Site Plan approval and the Special Use Permit in 1999 for the entire project. The approvals were conditioned upon the Bert Crawford Road Extension, phasing the development and obtaining sewer and water agreements from the Town. The developer again challenged those conditions and the Court removed the conditions. They essentially said that the approvals of Preliminary Subdivision and Preliminary Site Plan Approval was granted for plans dated June 30, 1994 for the entire project. A lot of the things are from the SEQRA standpoint and the approval of the Negative Declaration that I went into detail how that was dealt with in 1996 and what has since occurred. Now, the Board under SEQRA does have a continuing need to look at new impacts that might occur even from the change of circumstances or from a project change or new discovered information that may have a significant adverse impact resulting from that new information but in this case, the project has been downsized by eighty units and the other items with traffic have been dealt with and mitigated with a four hundred thousand dollar mitigation and also what came about from the Board and the development of the town wide traffic plan that dealt with about eleven or twelve different developments and that is documented in the Negative Declaration. So, even if this Board felt that there were outstanding traffic issues, the Court had a say in that, those issues now have been dealt with in a systematic way that complies with the Town's traffic improvement program that is set up for all of the other large scale projects. The issues of water and sewer have been, actually that was from the very beginning, there's a letter from Mr. Edward Smith saying that the Town had existing water and sewer capacities for this project being at a greater density than it is now and the stipulation that was entered into recently by the Board and the Town says that there's no legal or engineering reason why the Town Sewer District should not be extended to provide this project.

G. Lake: Are you finished?

J. Bacon: Yes.

G. Lake: Are there any questions?

A. Dulgarian: Can I just make one quick comment. I just want to thank Mr. Bacon for the information, the way it was supplied to us and researched. This is the kind of stuff we need backing us up on stuff we haven't been used to in the past.

MOTION for a NEGATIVE DECLARATION subject to Resolution drafted by Mr. Bacon made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for SPECIAL USE PERMIT subject to Resolution drafted by Mr. Bacon made by T. Hamilton and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for PRELIMINARY SITE PLAN subject to all comments as documented in the Negative Declaration made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for PRELIMINARY SUBDIVISION subject to all comments as documented in the Negative Declaration made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES