

TOWN OF WALLKILL PLANNING BOARD

MEETING

APRIL 1, 2009

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

MEMBERS ABSENT: H. Ross

OTHERS PRESENT: J. Bacon, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - **GREENWOOD REALTY** - 6 LOT
SUBDIVISION - 588 Silver Lake Scotchtown Road (81-2-1.1) #83-07

G. Lake: Public Hearing started at 7:30 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", Orange County, New York in said Town on the First day of April, 2009 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Greenwood Realty, 10 Oliver Avenue, Middletown, New York 10940 for approval of a six lot residential subdivision located on the southwest side of Marie Lane, east of Silver Lake Scotchtown Road, Middletown, New York under Article III, Section 4, Paragraph G of the Subdivision Regulations of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

G. Lake: Your mailings?

M. Hunt: They were received.

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

D. Yanosh: My name is Dan Yanosh representing Mr. Cappeluzzo of Greenwood Realty.

G. Lake: Okay. Why don't you bring everybody up to speed from the last time you were here and also your visit to the Zoning Board of Appeals.

D. Yanosh: The Zoning Board of Appeals we had a couple of meetings with them. We

reduced the project from seven lots down to six. We got the approval in January 12, 2009 to allow us to have the six lots in an R-2 zone. We've incorporated that into our plans. We finished the topography. We prepared almost all of the engineering aspects with the sewer line. Some of Mr. McGoey's comments here concern the drainage. It turns out that the drainage ditch that's on the easterly side of our property is a Class "B" stream according to the Department of Environmental Conservation. Don't ask me why, it's a small little drainage ditch. So, I've already applied for a permit to straighten that ditch out from the Department of Environmental Conservation. I sent an application in about two weeks ago and in order to proceed with that process I need a Negative Declaration from the Planning Board for that situation. All those ditches that come through a drainage swale that comes through the property. They say it's for swimming and recreational purposes. There's probably water running there now because of the recent rain but the majority of the time it's not. Also for the Public's situation at the Zoning Board meeting the Public was out and they're here tonight also. One of their big concerns was rodents and animals that are across the street in that area. So, what I did, I contact three pest control people and all three of them told me their recommendation would be to set twenty or twenty five traps with the rat poison or whatever at least thirty days before any construction goes on the site. They said preferably in the wintertime is the best time to get them or a limit of thirty days before we put in machines to clear the land. I have no problem putting that on the plans for the contractor that he has to put them out there at least thirty days prior to any excavation starting on the site. G. Lake: Let me go through the Board before the Public.

A. Dulgarian: After.

R. Carr: I will wait.

W. Capozella: After.

C. Najac: After.

T. Hamilton: After.

G. Lake: Once again, I've noticed a couple of people came in late. If you want to speak, please come up and fill out a blue card so we can have your name on the record.

M. Kornheisl: My name is Mary Kornheisl. I live at 5 Marie Lane. I don't quite understand the proposal. Lot #5 and #6 seems very long.

G. Lake: Let's get all the questions in and then I will have the applicant answer and then if it's not satisfactory I will have (not clear).

M. Kornheisl: And we are concerned as you know because there are a lot of deer that live in that lot. There is at least six deer if not more as well as a lot of woodchucks and a lot of rats. There is also a lot of debris. People use it as a garbage dump and some people put their garbage out on Tuesday when it's collected on a Friday and their garbage blows away and collects in that lot.

G. Lake: Very good. Like I said it will be visited by a pest control outfit. Thank you.

R. McCormack: Yes. I have concerns about the houses. I didn't know if they would be one-family houses. Are we going to get sidewalks over there only because my house is older and could depreciate. I'm concerned about that.

G. Lake: Okay. I will have him explain because we had discussions with him to make sure it matches the neighborhood.

R. McCormack: Are these going to be one-family houses?

G. Lake: Yes, and again I will have him explain all that. Let's get all the questions in and that way he can answer them all.

R. McCormack: Okay. Thank you.

H. Schuering: Greenwood Realty already owns the property?

G. Lake: I'm sorry, what was that?

H. Schuering: Greenwood Realty already owns the property? It's all new to me. We were not aware of this going on before we got the letter in the mail.

D. McGoey: The record owner is Mr. Cappeluzzo.

H. Schuering: Well, is he the builder?

D. Yanosh: It's a corporate name for his business, Greenwood Realty.

H. Schuering: It was a meat packing business?

D. Yanosh: Correct. He moved his operation in Middletown.

H. Schuering: It is zoned commercial?

G. Lake: No.

H. Schuering: None of that property back there is zoned commercial?

G. Lake: It was at one time.

H. Schuering: Yes, when I moved in it was zoned commercial. Did they apply for a variance or something?

G. Lake: We will explain that to you.

H. Schuering: Shall I go on with my questions?

G. Lake: Sure, so we get everything down.

H. Schuering: What sized lots will they be?

G. Lake: Okay. I will have him explain that.

H. Schuering: Are they going to be for one family?

G. Lake: I will tell you, yes right now. He will reaffirm that.

H. Schuering: And, will all six lots come off Marie Lane or will one come off of Silver Lake Scotchtown Road?

G. Lake: I will have him explain that also.

H. Schuering: I'm sorry.

G. Lake: That's okay. That's what this is for.

H. Schuering: I have some concerns now with the animals that live in that patch of woods. How are the traps going to prevent from trapping certain of these creatures?

G. Lake: I don't have that answer.

H. Schuering: Right. It probably will depend on what type of traps. How did this come to be? How did it get to this point? Greenwood Realty decided that they wanted to build?

G. Lake: We will answer that.

H. Schuering: I just don't know. We were mailed a letter that I had to pick up from the Post Office. That's all I know.

M. Kornheisl: May I ask one more question?

G. Lake: Go ahead.

M. Kornheisl: Just that why were more people notified this time than for the Zoning Board of Appeals? I mean, I'm for the project but people who live on Amy Lane were notified this time and not the last time.

G. Lake: I'm assuming they weren't. I'm assuming it was the same number of people.

M. Kornheisl: No.

D. Yanosh: I think the Zoning Board of Appeals has a different radius. The law for the Zoning Board of Appeals says . . .

G. Lake: Mr. Yanosh, hold up a minute. Answer that one first.

D. Yanosh: What it is, the Zoning Board of Appeals has a rule that says I have to notify all the people within a certain radius of the property. I don't know what that radius is. I get the list from the Assessor's Office. They give it to me and then I send out the notices. The Planning Board list, they may have gotten bigger from a few years ago. The radius is bigger whether it's five hundred feet or one thousand feet from the property, whatever it is it's a bigger area I had to send notices to. That's the only reason. It doesn't make sense. I sent out fifty five letters this time although the first time I sent them out registered mail and not Certified Return Receipts. The Zoning Board of Appeals doesn't require a return receipt. I think there were fifty five letters I sent out for this one. Whatever the Town required me to send from the Zoning Board of Appeals and the Planning Board, the girls in the Assessor's Office determines the list and then I send them out.

G. Lake: Okay. This was part of the new zoning that was passed and I was under the assumption that it was the same. Mr. Yanosh, do you want to go down through the, did you write down what the people said?

D. Yanosh: The lots themselves range from the smallest of 0.43 acres up to a big one of 0.82 acres which are a little bit bigger than the ones in the neighborhood. They're about the same size and about the same frontage. The footprint of each house so far is about forty five by thirty. They could get a little bigger than that but the intent of the owner is to when he sells this property, he's not a builder, is to put the same type of houses there now. Originally the lot was zoned M-I, manufacturing industrial because that's where the meat packing plant was years ago. My client applied to the Town Board four or five years ago to change the zoning to residential and got denied. A year or so ago they had a Master Plan change for the whole Town and they re-zoned this area to the R-2 zone the same as what is in the neighborhood. The only problem is when we looked at it the R-2 zone right now is a minimum lot size of one and a half acres. So, we had a three acre lot here so all we could get on this piece of property would be two building lots which didn't make sense. We wanted to make our subdivision match the neighborhood and have the same type of houses of ranch and bi-levels so then we appealed to the Zoning Board of Appeals for a variance. We started with eight lots then went down to seven. We negotiated with the Zoning Board of Appeals for a couple of months waiting for all members to get there back and forth. We told them we would go to six so we got a variance from the Board saying we could have six lots. Most of the people that were here for the Public Hearing for the Zoning Board. They closed the Public Hearing and they did grant us that variance in January of this year to be allowed to have six lots. We have no control over the size of the house. Hopefully sons and daughters of yours can buy these lots. They are smaller and not big gigantic lots. It would keep them within the price range of what the lot would be in the neighborhood. No one will be building a huge house and I mean I can't guarantee those things but I don't think the builders would want to do that because everything around you is single family and bi-level homes. There is a note on the plan that says that all of those houses will be single family dwellings and two-family dwellings are not to be constructed. That note would cover that situation.

G. Lake: The driveways?

D. Yanosh: The driveways all come off of Marie Lane. Silver Lake Scotchtown Road is a busy highway. There's only one lot, lot #1 which is on the corner there. That driveway would come off the furthest distance away from Silver Lake Scotchtown Road. So, what you're going to have is six new driveways coming off that road. Our property does not meet Amy Lane. It doesn't go back that far. It's two pieces of property. Again, it used to be the old meat packing company. Mr. Cappeluzzo moved his business out of there in the 1980's and I think it was in 1984. He's on the other side of Middletown now by Oliver Avenue and

that's where he operates out of now. He's owned the property for years and finally the zoning was changed to residential so now he can reap something off of his property. Again, with the pests I did contact three companies and I will put a note on the plan, a big note on the plan someplace there to about thirty days before that actually start doing anything with the clearing of the land they're going to have to do the pest control business to set traps and tie into the trees. It's just what they do. They've done it before. Some of the guys that I've talked to knew about the situation. It happened over onto Patio Road years ago with the subdivision in the back where they scampered all over the place. They know the situation and hopefully they will be able to take care of it with no problem at all.

D. McGoey: One of the questions was how does the rodent control person discriminate between rodents and other animals.

D. Yanosh: I really don't know. They set up the poison for the rats. They put it into small little things so just the mice and rats and get into it those objects and then they take it back to their nests. They suggest doing this thirty days prior and they also suggest to do it in the wintertime because there's not much food out there. It's a tough time right now because the grass is starting to grow. They recommend that the best time would be during the winter. I wouldn't know how they would discriminate from other animals.

D. McGoey: See if you can get a better idea on that.

Unidentified Person: May I ask a question?

G. Lake: One moment. It is a licensed, I'm assuming it is a licensed pest control?

D. Yanosh: I took them from the telephone book, the three of them. Yes they are licensed. They all called me back within the hour and they told me all the same thing. About twenty to twenty five traps and even about the same price range.

G. Lake: How about sidewalks?

D. Yanosh: I did talk to Mr. Lippert a couple of months ago when that was first brought up. He told me there was enough room on Silver Lake Scotchtown Road to put sidewalks in there. He didn't have a problem with that at all.

G. Lake: Because I believe the Town has a grant that's going to bring that up.

D. Yanosh: I did also, part of my plan shows a catch basin at the corner of Silver Lake Scotchtown Road and Marie Lane. If you go there right now you can't see that. It's buried

by a foot and a half of soil. It showed on an old plan before. My field crew dug it up in the middle of winter to figure out where it is. I've already talked to Mr. Lippert about that. He knows that it's there. I'm waiting for his crew to go out there and raise the lid and do more improvements in that corner. That was also one of Mr. McGoey's comments.

G. Lake: A couple of additional cards just came in.

A. Romolo: Yes. I'm sorry. I wasn't here at the beginning.

G. Lake: That's okay.

A. Romolo: When you address the drainage problem my property adjoins the property behind lot #2. I already have a wet piece of property there. What about the drainage that will come from this new project? It may be a little higher and I have no idea. What are these two pieces going down?

G. Lake: Go ahead and answer it.

D. Yanosh: Lots #5 and #6 are long narrow lots going to the back. Lot #5 goes all the way back to here and lot #6 goes back there.

G. Lake: Mr. Yanosh, point it out on the map so people can see.

A. Romolo: I live right here.

A. Dulgarian: Mr. Yanosh, also discuss the limits of clearing that's shown on there.

D. Yanosh: That's the limit of clearing line.

K. Mulqueen: All of you know realize it's rare that I ever come to these meetings. Some times I watch. Just hearing your comments reminded me of the history of the zoning of this lot. This lot was changed and adopted by the Town Board. The Town Board adopted the laws relative to how big the lot had to be and then we changed the zoning of this property from commercial to residential. So, it wasn't prior residential for smaller lots. Now, I know they went to the Zoning Board and they're an independent agency but just from my personal perspective it really is frustrating to try and consider what's in the best interest of the community, adopt the law and then have in effect a judicial agency re-write the law. So, all I can do is to have to look very carefully at this. I cannot believe there should be this many

lots in this development. You do whatever it is that is appropriate as a Planning Board in considering this project. I'm angry but not at you. It's just where we are in this process.

E. Valentin: Good evening everyone. I also ditto everything Mr. Mulqueen said and I go can further back on this because I remember when this was zoned and the factory was there. Everyone on this Board spent a lot of time on looking through our zoning and changing the zoning. This was zoned R-2. R-2 is three quarters of an acre. I know we talked about it Mr. Lake and there was a reason for that. That area is so populated right now. People don't have elbow room and the purpose of that was, okay you can now build on three quarters of an acre as residential but they will have a little bit more room and not be out on top of their neighbors. There is enough congestion in that little area there that those additional houses and obviously it's gone to the Zoning Board. I think the Zoning Board really made a big mistake with this one. Those additional houses will add more traffic and it's going to take away whatever beauty that the piece of lot had. As Mr. Mulqueen said, please take this into deep consideration. We've been back and forth on this and when it became R-2 we wanted to make it for three quarters of an acre per lot. There was no reason why they couldn't do that. The change in that only benefits one person and that's the developer. It doesn't benefit the Town. It doesn't benefit the residents in that area. Again, the only one that benefits from that lot change is the developer. Thank you for your time.

M. Kornheisl: I've lived on Marie Lane since this development was built and I'm an original owner and I've lived through Greenwood Packing and the vacant lot. Most of here went to the Zoning Board of Appeals and pleaded with them to go through with this plan so that this development which is in the middle of the Old Quickway Estates which was the original name of this development so that these lots and houses would be very similar to ours as opposed to the big houses that are all over the Town of Wallkill especially in the area of Freezer Road and off of Silver Lake Scotchtown Road where the houses are really big and on top of each other. We have plenty of elbow room on Marie Lane and Amy Lane and we don't hear our neighbors talking in their bedrooms. We really appreciated that the Zoning Board of Appeals made these six lots so that they're equal with us and they won't be big houses in the middle of a development that has small houses. I mean we appreciated it and although Mr. Mulqueen and Mr. Valentin may mean well they have not come to the people who live in the development and asked them what they felt about this. Had they been at the previous meetings they would have seen that the residents are for it and appreciate that they did get six houses.

G. Lake: Okay. In defending our last two guys they looked at the whole Town when they wanted to re-write the law and that's why we have the Zoning Board of Appeals. You may not appreciate what I'm going to say but I think the Zoning Board of Appeals did do the right

thing just for exactly what you said. It doesn't make sense to me and I'm only one member to put huge homes that will just stick out like a sore thumb. Just so everybody knows, the lots were cut down a little bit. There aren't as many as Mr. Yanosh came in with at the beginning. I think the Zoning Board of Appeals even knocked it down again from what I understand. I follow through with the Zoning Board of Appeals and I do know that a lot of the neighbors did to back this up. Mr. Yanosh, do you have anything else before I close the Public Hearing?

D. Yanosh: I do have some questions that Mr. McGoey has about the drainage that goes through there. Again, what I plan to do is stake that out. The neighbors here tonight I'm going to speak to them after the meeting and talk to them about how to fix that ditch up. When I walked it myself I think all I have to do is to fill that in. Right now I will talk to them about it. I've got an application in for the Department of Environmental Conservation to get a stream permit to straighten that out a little bit that way. I will need a Negative Declaration from this Board in order to continue with that process. The comments from the Public I will talk to the pest people about the control between the rodents, rabbits and the rest of the stuff. I will talk to Mr. Romolo in the back over here where he says he has a drainage problem. Our lots from the back of his lot goes towards Marie Lane. All the drainage goes toward Marie Lane but I will meet with him and see what has to say and see what his problem is in the back and I will try and take care of that also.

J. Bacon: Mr. Lake, can I ask Mr. Yanosh a question?

G. Lake: I haven't gotten through the Board yet. Can you wait please?

J. Bacon: Okay.

G. Lake: Let me get done with the Public Hearing and then let's get through the Board. Anything else?

H. Schuering: I can't visualize how can all that (not clear).

D. Yanosh: What we did here was we showed a line going across the back of the lots for the limits of clearing.

H. Schuering: Okay.

D. Yanosh: Here I show lots #1, #2, #3, #4, #5, and #6.

H. Schuering: Right.

D. Yanosh: We tried to show the limits of clearing from here across the road.

H. Schuering: There was an old road that went in over here.

D. Yanosh: Right. It's still there.

H. Schuering: Do those lines go past that old road?

D. Yanosh: Yes.

H. Schuering: So, do those lots meet at that one house on Silver Lake Scotchtown Road to this lot?

D. Yanosh: It goes down to the Palmero right here.

H. Schuering: I don't understand.

D. Yanosh: The driveway going in here used to service the

H. Schuering: Meat packing plant.

D. Yanosh: Yes.

H. Schuering: Is that all Mr. Cappeluzzo is doing?

D. Yanosh: Whatever is there in the front from the front of the property here and back probably one hundred fifty feet or so they're going to clear for the houses.

H. Schuering: Greenwood Realty is gone.

D. Yanosh: Greenwood Realty and Mr. Cappeluzzo are the same people. He formed the corporation.

H. Schuering: Okay. They're applying for a subdivision but the land isn't sold? So, did he sell the land?

D. Yanosh: It depends upon if your son or your daughter or you want to buy one of the lots

hopefully we get the subdivision approved and it gets filed in the Clerk's Office and if you can make an offer to Mr. Cappeluzzo to buy lot #4 you can do what you want with it. You can leave it the way you want. Go in and get a building permit to put a house on it and do what you want to do.

A. Dulgarian: But you can't clear beyond the lines for the limits of clearing.

H. Schuering: I understand what he has here. If Greenwood Realty sells the property that's when it gets cleared?

G. Lake: What we do here is we make sure after the Zoning Board of Appeals made their ruling that this is going to be a legal subdivision. Now, he may sell it all at one time or he may sell a lot at a time. I really don't know but he will have to obey whatever notes and agreements he makes with this Planning Board. There is a clearing limit on it already so he's going to have to obey by that.

H. Schuering: So, in the woods there are stakes out there with pink ribbon on it. Is that the limits of clearing for those lots? Has that already been done?

D. Yanosh: The pink ribbon is just for the survey of the property.

H. Schuering: What?

D. Yanosh: We did a survey of the property, a property line survey.

H. Schuering: Okay.

D. Yanosh: We talked about the contours and put the grade on the plans. The lots have not been staked out because the map hasn't been finalized but once it's done I can put the property corners in. To answer her question, I think what she's confused about is with the clearing was that the note we put on the plan that before anybody builds or does any clearing on the property they have to take care of the rodents first. If Mr. Cappeluzzo goes there two months from now to strip the land and clear the trees out to make it beautiful to sell or you buy lot #2 and get a Building Permit to put a house on it, it doesn't matter. Somebody has to be there thirty days before a machine comes onto the property to take care of that situation.

H. Schuering: In this general corridor there are so many properties that are in foreclosure.

G. Lake: That is a developers risk and he has to make that decision at that time he sells.

T. Hamilton: Mr. Lake, he can still only clear to that clearing line that's on there. From that line back he can't touch.

H. Schuering: How far back (not clear). I can't visualize it.

D. Yanosh: I'll explain to you outside where the property line goes and the road and stuff like that.

G. Lake: It's a wood property right now.

D. Yanosh: It's wooded in the front, in the middle it's grassy, bushy with briars. You can see through there right now. Come next month you probably can't see three feet in front of you. I'll talk to you outside.

H. Schuering: Okay. Thank you. Oh, they're not going to be tracking for bats, are they?

G. Lake: I think it's mainly for the rodents.

A. Romolo: Could you explain the limits of clearing line?

D. Yanosh: Nothing past this line can be touched.

A. Romolo: Nothing behind this line.

D. Yanosh: They're not allowed to clear any of that property for the building.

A. Romolo: I'm sorry. The clearing line is right here. This stays here about an inch or two inches, that can't be cleared?

D. Yanosh: Right.

A. Romolo: That road is going to stay there?

D. Yanosh: He has the right to clean it up a little bit. He can't cut the trees down.

A. Romolo: Can he clear or can't he clear it? What is this?

G. Lake: Okay. What he can do, he's not going to go in and clear out trees and stuff. It doesn't mean they're not going to clear the underbrush and junk that's out there.

A. Romolo: It's the road. I don't want it cleared right up to here.

G. Lake: It's not going to according to what I see.

A. Romolo: He didn't make that clear to me.

G. Lake: That's what a clearing line is for. That's where they have to stop. That's going to be on the map.

A. Romolo: No clearing will be done.

D. Yanosh: No machinery is going to clear the property at that point?

A. Romolo: Will they then be clearing by hand? Is there going to be clearing past that line?

D. Yanosh: I don't know who will be buying these lots. If I bought the lot here myself and there's some brush I want to cut down and clear and it's on my property I have the right to clear up to the clearing limit line.

A. Romolo: I think that line is ridiculous. Why even put it on there?

D. Yanosh: Let me explain. The limits of disturbance is soil disturbance.

G. Lake: Right.

D. Yanosh: So, he can't disturb the soil from the line back. It's according to the Department of Environmental Conservation regulations the limits of disturbance on development so he can't get in there with a bulldozer and strip the land and clear it away is what the limits of disturbance means. It doesn't prevent anybody from mowing the grass or maintaining it. Nobody is saying he can't touch it he just can't clear and disturb it for erosion purposes.

T. Hamilton: That is from the Department of Environmental Conservation. The limits of clearing line is when certain trees can't be removed to have screening from the other side. That's where I'm coming from.

A. Romolo: There's a line of trees or shrubs, they can or can't come down? Is there a height? So, you're telling me they're going to clear it. As the two gentlemen that were here before said you have a Master Plan why don't you stand by it. How can you just completely ignore it.

MOTION to close the PUBLIC HEARING at 8:13 P.M. made by R. Carr and seconded by A. Dulgarian.

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

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

D. Yanosh: Sure.

G. Lake: Before I go through the Board.

D. Yanosh: Yes. I discussed most of them tonight with the stream and so forth.

D. McGoey: You should deal with (not clear).

D. Yanosh: No problem.

G. Lake: Let me go through the Board.

A. Dulgarian: I have no problem with the Zoning Board of Appeals decision. I understand what the code is all about and having the requirements is all about. I am for having good sized minimums. It gives us something to work with. In this particular case I tend to agree with some of the residents in that area and the Zoning Board of Appeals that this is keeping within the characteristics that exist in the neighborhood. I also would be against having larger lots with bigger houses that just look out of place. That's not what good planning is all about. I don't believe the project will have a negative impact on the area. I also believe it would improve conditions on that site. He has to meet certain stormwater requirements. The

lots are going to be cleaned up. I think going from the eight lots to the six lots I think the Zoning Board worked with them pretty good. I don't have any issues. My one question and it's been mentioned a couple of times about sidewalks. Mr. Lake had mentioned about it a little bit as well.

G. Lake: Well, the Town right now just to bring you up on what's happening on Silver Lake Scotchtown Road. The Town has a grant that is going to run sidewalks from basically Route 17 down by Stewart's on up I think to George's Road. They have that grant and I'm not quite sure when they will be starting. I think the question for the Board is do we want them to turn the corner and start picking it up.

A. Dulgarian: To get onto Marie Lane? What's on the other side of Marie Lane right now?

G. Lake: Nothing. There are no sidewalks in that area. They will be on this project's side.

A. Dulgarian: On the high traffic road?

G. Lake: On the high traffic road, yes.

R. Carr: I agree with what Mr. Dulgarian said. I understand what the Town Board meant when they increased the zoning. This particular lot is the only lot in the area that's like this

and I can see that it fits along with the characteristic's of the neighborhood. I still think that the house on the corner, did you move it over?

D. Yanosh: Yes.

R. Carr: I appreciate that because I still think that the house on the corner across the street is pushed back from Silver Lake Scotchtown Road. Right now, there is all kinds of garbage in there and I think this will improve the situation. Two things for the applicant is the drainage and the water flow through the property.

W. Capozella: I agree with my Board members. I just would like to bring up one other thing. We got a copy of a letter from 19 Marie Lane and they had a couple of questions here. They also asked about sidewalks.

C. Najac: Do we know which side we have sidewalks?

G. Lake: This side. I thought for sure it was going to be the other side because it started over

there for whatever reason. I believe the last I was told it was going to be this side.

C. Najac: And sidewalks on Marie Lane?

G. Lake: I'm waiting.

C. Najac: As far as I'm concerned we need the sidewalks in an area that close together. It's a shame that weren't put in initially. I was on that Master Plan that made that decision to change it to R-2 for larger lot sizes. We thought we were doing the right thing and I think it was the right thing but having said that this piece of property is stuck in the middle of what was R-2 then and it wouldn't be fair to the people who live there now and would de-value their homes. I believe the Zoning Board of Appeals did make the right decision.

T. Hamilton: I believe we ask that for every applicant in the Town.

G. Lake: Mr. Capozella is right. I was going to get this letter into the record. We did receive a letter from a resident basically asking for items that were talked about. We already brought up about the underground electric. It will become part of the file. Mr. Bacon, do you have something?

J. Bacon: Yes. Mr. Yanosh, is this the stream over here?

D. Yanosh: Yes.

J. Bacon: That should be labeled on the plans. The other thing is the limits of clearing. When I read it, it is very clear.

G. Lake: We're going to be sending him back to another work session and we will take a harder look at that.

J. Bacon: The other thing, the landscaping.

D. McGoey: One thing, Mr. Lake. I may be recommending that lot #6 be removed from the subdivision because of that stream. I don't think there is going to be any way to move that stream without impacting that further lot.

G. Lake: Okay.

D. McGoey: And, that might solve the problem on the corner also.

G. Lake: Why don't we, you've had the Public Hearing. We have the comments which will be worked on anyway. Why don't we table this for further action, get you back into another work session and we can take a closer look at it.

D. Yanosh: In order for me to proceed more with the Department of Environmental Conservation they will want at least a Negative Declaration under SEQRA. We need that to fulfill the application. They won't give me any determination until I get that from the Planning Board. Like everybody discussed tonight the impact is minor.

G. Lake: Can we do a Negative Declaration and nothing else?

D. McGoey: I wouldn't yet. We may not be moving that stream at all.

G. Lake: But he has to clean it up.

D. McGoey: Not if he eliminates lot #6.

G. Lake: Anything else from the Board? We're going to table this and send him back to another work session.

J. Bacon: Mr. Yanosh, do you waive the sixty two day time frame?

D. Yanosh: Sure, no problem.

D. McGoey: I would like to know in house whether you want that stream moved or not or eliminate lot #6 and improve the stream from there. This is a new issue for me. I told Mr. Yanosh at the work session that it would impact the adjoining lot and nobody has shown me what the impacts are going to be. There's fences, hedges and if you look where the easement is (not clear).

G. Lake: Your Public Hearing is closed. Do you waive the sixty two day time frame?

D. Yanosh: Yes.

MOTION to TABLE for further review with applicant waiving the sixty two day time frame made by T. Hamilton and seconded by A. Dulgarian.

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

2. PUBLIC HEARING 7:35 P.M. - **BURGER KING** - SITE PLAN/SPECIAL USE PERMIT - 281 Route 211 East (50-1-27) #41-08

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

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York will be held at the Town Hall at 99 Tower Drive, Building "A", in said Town on the First day of April, 2009 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Carrols, LLC, 968 James Street, Syracuse, New York 13203 and Aoki Investment Properties (record owner), for Site Plan approval consisting of construction of a new restaurant building and associated site improvements located on the north side of New York State Route 211, west of Certified Drive under Section 249-40 of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

G. Lake: We did just receive their mailings. Your name for the record, please.

J. Rouse: My name is Gary Rouse with GBC.

G. Lake: Give us a description of what you've done since you were here last.

J. Rouse: The short description is we have narrowed the entrance on the east side from twenty four feet down to sixteen feet in order to calm incoming traffic. We have made the westerly entrance of an in and out to and out only. We have reduced the wraparound in the front sixteen feet to twelve feet to add plantings and to further calm the traffic that may be

going through there. We've also reduced the height of the sign from thirty feet to twenty five feet and the diameter of the pylon from twelve feet to ten feet.

G. Lake: Let me go through the Board to see if they have anything before I go to the Public..

A. Dulgarian: 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?
Hearing none,

MOTION to close this PUBLIC HEARING at 8:28 P.M. made by T. Hamilton and seconded by C. Najac.

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

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

G. Rouse: Yes we do.

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

G. Rouse: The first comment was basically identified with what I had said earlier. The one thing that I forgot is that we took one of the parking spaces in the front, the very first space and eliminated it and put it in the land bank space in the back again to give people more time when they come in to not have to negotiate that first space. The second comment is what I said about the sign being reduced. The third comment is about the westerly in and out which is now an exit only. The fourth comment I'm going to refer to Mr. Esposito as well as comment five. It has to do with the status of Dodge Drive and then the cross easements and agreements.

S. Esposito: My name is Steven Esposito. As you reported in the September meeting you mentioned a quick claim deed between the owner and the Town Board for the transfer of ownership of Dodge Drive. It's in the works. They hope to have first part of the process completed and then the documents will be prepared.

G. Lake: So, basically it's in the works?

S. Esposito: Yes. The second one is the cross easement between the tenant which is Carrolls LLC and Aoki Development. We're pretty much waiting for the final plan to move closer to that and they are in the process of preparing those cross easements. Those documents will then be filed. Once those are prepared we will submit them to the Planning Board Attorney for his review.

D. McGoey: They have to go on the Site Plan also.

S. Esposito: They will be on the Site Plan.

G. Lake: Did we get any Fire Department comments?

M. Hunt: No.

G. Lake: Let the record show that we didn't receive any comments from the Silver Lake Fire Company. Any comments from water and sewer Mr. McGoey?

D. McGoey: No. We should get his input.

G. Lake: I believe we did send it to him. You're going to have to incorporate whatever the water and sewer superintendent's comments are.

G. Rouse: We will do that.

G. Lake: I'm sure he is going to ask for at least a grease trap, etc.

G. Rouse: Yes, that's fine.

G. Lake: So, you will still have to get that done. Let me go through the Board.

A. Dulgarian: I'm still not in love with the design but I think it compromises what it's about. These guys have helped us on vehicle stacking onto Route 211 by narrowing, by striping, by directing traffic to the easterly side. The striping by parking space #1. The westerly exit only. There were three things that they did improve on. I still like that initially the drive-thru is way around the back. That does kind of avoid some of the stacking. I still don't particularly care for the south connector from side lot to side lot. I want to here more from the applicant why it is an integral part of this business. I guess my question is to Mr. Lake

or Mr. McGoey about the remainder of the lots. We're not concerned about that at this time? We're looking at just this portion of the development?

D. McGoey: We have a plan of the whole thing.

A. Dulgarian: Right, but this is what we're looking at now?

G. Lake: Right and basically if you remember we did ask them to show us what could happen with the rest of the property which they did. This was segregated out of that and have it treated like any other.

A. Dulgarian: I guess I appreciate what the applicant has done to have it more acceptable to us. It's still to me, I'd love to see if shoved back and everything further but I understand what the business is all about. I just want to get a little bit more information on that connector road.

R. Carr: I want to say that I appreciate what you guys have done to try and address some of our concerns. I also agree with Mr. Dulgarian that it would be better if it were pushed back. The one thing that I would ask is about the striping. I like the way that was done. Why wouldn't that be curbed because most striping starts wearing off. I like what you've done and it's a good compromise.

W. Capozella: I do agree that the applicant has tried to accommodate some of our concerns.

C. Najac: I appreciate all the things that they're done. I also would think curbing would be better than striping. I'm still not completely pleased about the fact that you come up to the building and then have to back away.

T. Hamilton: I like the improvements that they have done. (Not clear). Cross easements what are they for?

D. McGoey: For shared parking and access to the back.

T. Hamilton: Shared parking?

G. Lake: If you remember this lot goes to the back.

T. Hamilton: I don't remember seeing that.

J. Rouse: I think it's sheet #12 or #13 of your packet.

C. Najac: What about your lighting?

G. Rouse: A photometric plan is also in your packets with the candle power.

C. Najac: Mr. McGoey, the lighting?

D. McGoey: It shows 3.1, 3.2.

T. Hamilton: What sheet?

D. McGoey: Sheet #11.

G. Rouse: Those numbers are representing the candle power. It is low for a normal Burger King..

G. Lake: I really don't have anything else except I was one of the guys that mentioned that loop around road at the last meeting. I had my mind changed a little bit not by you guys but one of the competitors I was having lunch one day and watching the number of cars make that loop. I couldn't imagine those cars coming out and making that loop going out Route 211 and turning around and coming back. You have somebody else to thank by changing my mind on that. I actually saw it in action one day. I don't have anything else. I agree with the guys. I think it will be an asset. It will look good. I have nothing else if nobody else has

anything.

R. Carr: Does he have a problem putting in the curbing?

G. Rouse: Are you talking about the little bump out areas that we have?

A. Dulgarian: Going in especially..

G. Lake: Do you think you can make it like a dropped curb?

Unidentified Person: I think our only rationale on that was that a car backing out of that spot it would be a little easier for him so he didn't have to back out into the main lane. As cars are coming in here we didn't want cars to back and here he could back around. That was our rationale on that one.

G. Rouse: That's absolutely right. We're okay with it either way. We were just trying to ease the person backing out but if the Board is more comfortable to have that full curbed instead of striped we're fine.

G. Lake: If the Board feels okay we can have them doing a couple of drawings and Mr. McGoey and myself can look at them and see what they come up with.

G. Rouse: We've fine with it either way.

R. Carr: I think curbing would be better.

G. Rouse: That's fine. As long as you let us know we can go either way.

G. Lake: Your landscaping needs to be increased.

R. Carr: Can I ask a question? What's a (type of landscaping)?

S. Esposito: It's a deciduous tree.

R. Carr: How tall?

S. Esposito: It's a shade tree about six feet.

J. Bacon: Because it's a re-development I thought it might be a good opportunity to start the sidewalks. They have to be started somewhere.

D. McGoey: We had that with another applicant and their catch basins have hoods in them which collect the grease. I have a detail of that.

G. Rouse: We will consider doing that.

G. Lake: I think it's going to be something that will come down eventually and it will happen.

G. Rouse: Basically it's a

D. McGoey: It's a hood in the catch basin.

G. Rouse: Within the catch basin?

D. McGoey: Right.

T. Hamilton: Snow storage?

G. Rouse: Snow storage is shown on the landscape plan.

G. Lake: Okay. If anybody has anything else, if not

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

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: One quick question. You show snow storage in this one little corner. What about the back parking lot, etc.

G. Rouse: There's a note on there that any low shrub areas are subject to having snow put on

it.

A. Dulgarian: Are those shrubs designed for snow?

S. Esposito: There's an area behind the dumpsters as well as other areas.

T. Hamilton: Dumping the snow on those shrubs may be a problem where those plants may have to be replaced.

S. Esposito: If you look at page 10 the aisles between the parking lot, that's for snow storage as well as snow storage on the south side.

T. Hamilton: Will it be noted? I see two lines in this corner but nothing tells me that it's in the back.

S. Esposito: We'll label those areas.

D. McGoey: And is there a note on the plan that if the snow exceeds your areas that the snow will be removed from the site?

S. Esposito: We can add that.

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES.

D. McGoey: Mr. Lake, when you pass the resolution for Site Plan make it very clear that the Town Board has to abandon that road because this whole plan depends on them using that road.

MOTION for an AMENDMENT to the NEGATIVE DECLARATION that the Town Board has to abandon Dodge Drive so that this development will work made by C. Najac and seconded by R. Carr.

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for SITE PLAN/SPECIAL USE PERMIT subject to all of Mr. McGoey's comments, this Board's comments and that the Town Board has to abandon Dodge Drive so that this development will work made by C. Najac and seconded by W. Capozella.

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

3. **TOWER SELF STORAGE** - SITE PLAN/SPECIAL USE PERMIT (Extension to Final) - 233 Tower Drive (40-1-67) #53-04

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

E. Johnson: My name is Ernest Johnson with Al Fusco Engineering.

G. Lake: You want an extension for Tower Self Storage?

E. Johnson: Yes.

G. Lake: Have you had any yet?

J. Bacon: He's had two. He will have until March 21, 2010. That's it.

G. Lake: Have your client understand that.

E. Johnson: Okay.

G. Lake: Let me go through the Board.

A. Dulgarian: How come you needed one?

E. Johnson: Actually they've made most of the changes. It's just basically we're down to a couple of comments on the stormwater retention and stuff.

A. Dulgarian: Are they waiting on another agency or is this self-inflicted?

E. Johnson: Basically I believe self-inflicted.

A. Dulgarian: Good answer. Because of your honesty I have no problem.

R. Carr: Nothing.

W. Capozella: Nothing.

C. Najac: Nothing.

T. Hamilton: Mr. McGoey does he meet all the proper zoning?

D. McGoey: Yes.

T. Hamilton: Landscaping and everything?

D. McGoey: I will check it again.

G. Lake: The only thing I'm going to add is the Building Department and I think it's important about flame-able and toxic chemicals.

E. Johnson: Right.

MOTION for a ONE YEAR EXTENSION to FINAL SITE PLAN/SPECIAL USE PERMIT made by A. Dulgarian and seconded by W. Capozella.

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

4. **SAWKA** - 5 LOT SUBDIVISION (Extension to Preliminary) - 57 Hubbard Road
(6-1-24.23) #48-02

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

E. Johnson: My name is Ernest Johnson with Al Fusco Engineering.

G. Lake: Is this your first extension?

E. Johnson: Yes. This is our first one on this.

G. Lake: Are you tied up in the Health Department or any other agencies?

E. Johnson: Some with Eustance & Horowitz and the rest of it is just finishing up the stormwater issues with Mr. McGoey.

G. Lake: Let me go through the Board.

A. Dulgarian: Was this always Mr. Fusco's or was this yours?

E. Johnson: It was mine originally and then we lost final approval and at that time there were so many stormwater concerns on it I turned it back over to Fusco Engineering to do the rest of the work on that.

A. Dulgarian: I have no problem.

R. Carr: I have nothing.

W. Capozella: I'm okay.

C. Najac: No problem.

T. Hamilton: Just as long as he meets all the zoning.

D. McGoey: Yes, when he came back the last time he had to re-size the lots.

T. Hamilton: Okay.

G. Lake: I don't have anything myself.

MOTION for a ONE YEAR EXTENSION to PRELIMINARY APPROVAL made by T. Hamilton and seconded by W. Capozella.

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

5. **MAPLE FIELDS** - SITE PLAN/SPECIAL USE PERMIT - Schutt Road (60-1-120)

#51-08

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

R. Winglowitz: My name is Ross Winglowitz with Engineering Properties. I'm here for Maple Ridge.

G. Lake: Go ahead.

R. Winglowitz: Since we were last here we made several changes to the plan and we had a work session as well. The most significant change I think is a result of comments from the Board was how the conservation regulations applied and one of the confusions of the subdivision. What we have done is with the single family lot subdivision we have redesigned those lots in conformance with the conventional lot area sizes. So, those are no longer part of the conservation subdivision. It's a typical conventional subdivision. Mr. McGoey had a comment about the build-able area on a couple of those lots. We labeled it on the plan that you have indicating that the lots, the two upper right were the most restrictive due to the five thousand square foot build-able area. Legally all of those lots comply with the density subdivision regulations and are not part of the conservation subdivision. When we did that we took those areas out of the remaining property including the right-of-way and the conservation site plan requirements to the remainder of the project. Some of what we accomplished is we moved the units back along the buffer and we've added thirty feet to the buffer. We have one hundred thirty feet from the wetlands to the rear. There was some concern about grading and so forth. It will give us more room around the back to accomplish grading in the backyard of the units prior to hitting the buffer line. We made some modifications internal to the plan and those were some of the recommendations from Behan regarding the open space at the center as you come in the main entry. We put a little triangular island in there with landscaping and will landscape the back of the units. We also revised building #14 to be a four unit building so we could preserve that tree line. Those are some of the internal changes. We additionally looked at off-street parking which was a comment of the Planning Board at the last meeting. We couldn't do it on the upper right. We didn't think that was necessary near Canterbury Knolls. We could do it actually but it would end up taking out trees especially at the end. It made a lot of sense. We did do it as you head out to Genung Street and made an off-street parking lot there parallel to the road. We added stormwater entry features at each entry and we have contacted the school bus department. They've indicated to us depending upon what school it is that they're going to be picking up and most likely will be at both entrances for school pickup. So we have provided parallel parking along the street of each entry, crosswalks and bus shelters.

G. Lake: In your conversations with them did they say they would go in internally and pick them up?

R. Winglowitz: No, they will not.

G. Lake: They will not?

R. Winglowitz: No. They will not go in because it's a private road. That's school policy.

G. Lake: I realize that.

R. Winglowitz: They will not come into a private street. They said they did go into Canterbury Knolls and I thought that was kind of strange. We provided sidewalks on one side of the street. We are agreeable to providing sidewalks along Schutt Road. We have to discuss how that would make sense with the wetland areas along the street and the fact that the ownership of some of those lots are privately owned.

G. Lake: Now, along Schutt Road were you able to hook into Canterbury Knolls sidewalk, is that what you're saying?

R. Winglowitz: It is available right there. It ends at the property line. The problem is between where Canterbury Knolls ends and where our driveway is because there are two properties which I think may own to the centerline of the road and then when you get beyond the church the wetlands come up to very close to the edge of the road. We need to take another look at it and see how we can accomplish it.

G. Lake: Also, see if you can make contact with those property owners. I realize you can't force them but they might be willing to go along with it. I don't believe it would hurt their properties. I think at least you should try and make the effort. Mr. McGoey's comments?

R. Winglowitz: Yes.

G. Lake: Mr. McGoey is there anything in particular that he needs to talk about?

D. McGoey: A better setback between the proposed access road and the property line with Canterbury Knolls. That road would be right on top of the slope right above the dwelling units at Canterbury Knolls. I really think you should pull that road back from the property line and moving the buffer.

R. Winglowitz: We have approximately twenty feet and I think as we develop the grade we

can look at how we can move that over to preserve the tree line that exists.

G. Lake: You know it is a concern then.

R. Winglowitz: Yes.

G. Lake: We're going to pay attention to it now that Mr. McGoey brought it up. It may not be enough and if you insist on leaving it how are you going to address it to stabilize it and make it look good?

R. Winglowitz: I think we can do something to move it over.

D. McGoey: I wanted to add that we need the wetland buffer (not clear).

G. Lake: I'm not quite sure.

R. Winglowitz: If you would like me I can go over Mr. McGoey's comments in detail.

D. McGoey: I'm not sure what the conservation board was looking for either and that's why and I think they should meet with us and the applicant before we continue with sketch.

G. Lake: Let me go through the Board.

A. Dulgarian: He's looking for sketch tonight, correct?

G. Lake: You know what, on one hand I'm going to tell you yes but on the other side I just feel we have to ere on the side of caution because of the current conditions and I was away for a few days so I really didn't get a chance to see this and I didn't get a chance to call anybody. I would just assume not to put us in a position and the applicant believe it or not and I know you may not think that but we have another one where we're not struggling with another applicant.

A. Dulgarian: I understand where you're coming from Mr. Lake. Well, we just went through the same thing with Mr. Yanosh and if Mr. McGoey is making a recommendation to table it we very rarely go against his decision.

G. Lake: I'm going to say let's get any new comments in. I don't think it's going to make or break anything if we take a couple of weeks and get a good handle on it.

A. Dulgarian: It seems like a very eco-sensitive with all the wetlands and the different

topographies.

R. Winglowitz: Would that be two weeks from now we could get on an agenda?

G. Lake: I'm going to get you back to another work session so you will have to get back there. By that time you can make contact with the conservation board chairman and get him into the work session and find out what one he can make and then we will get you on right after. I don't want to promise you two weeks if we're not ready.

R. Carr: I have nothing.

W. Capozella: I still have concerns with the single family homes. I know the last time they were talking about wells, etc.

D. McGoey: I need to look at it.

C. Najac: Make sure when you come back you have meet with the conservation board (not clear).

T. Hamilton: Nothing.

R. Winglowitz: Can we coordinate the review board with you as well?

G. Lake: I'll see you in a little bit.

R. Winglowitz: So we have them together at the same time.

G. Lake: I'm not going to waste your time and ours and I think it's to the applicant's advantage to take the extra time. So, we're going to table you. Call in and get on a work session and then we will get you back on.

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

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

6. **POUND RIDGE** - 12 LOT SUBDIVISION - Route 211 West (49-1-85.1) #118-04

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

J. Atzl: My name is John Atzl with Atzl & Scatazza, the engineers for this project.

G. Lake: Go ahead.

J. Atzl: This project received Preliminary Approval I believe in the Fall of 2007. Since that time we have had no extensions and we let the approval expire. It relies on myself and we had difficulty trying to get percolation tests so we've been poking around out there for probably a good year now. What we need to do at this point is to get our Preliminary Approval reinstated and to ask for re-approval. Originally it was a twelve lot conservation subdivision layout but since we have had difficulty with the percolation tests it's now a ten lot conservation subdivision. On the map the lower two left lots have been combined and actually lots #11 and #12 have now been shown as lot #10 on this plan. The road pattern and everything else remains the same and we decreased the lot count down by two lots.

G. Lake: We will have to schedule you for a Public Hearing to bring you up to date. Mr. McGoey, is this pretty much . . .

D. McGoey: Yes, it's ready to be scheduled for a Public Hearing.

G. Lake: Let me go through the Board.

A. Dulgarian: So, you had trouble with percolation tests?

J. Atzl: Yes. We were quite surprised because actually where the road is going and across the road we figured we would be able to get those percolation tests but we ran into some real

garbage soil. So we had to poke around in several spots.

Unidentified Person: I can verify the percolation tests. It's very extreme in the entire area. I live directly across the road.

G. Lake: Thank you. We're going to schedule you for a Public Hearing and then we can get your comments into the record at that point.

R. Carr: I have nothing.

W. Capozella: I have nothing.

C. Najac: Nothing.

T. Hamilton: Nothing.

MOTION to schedule a PUBLIC HEARING for May 20, 2009 made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

7. **MIDDLETOWN FEDERAL CREDIT UNION** - SITE PLAN/SPECIAL USE PERMIT - 15 Carpenter Avenue (74-10-5) #63-08

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

H. Laput: My name is Mr. Laput from Fellenzer Engineering. I'm here on behalf of the Middletown Federal Credit Union. Earlier this month we received from the Zoning Board of Appeals the front yard variance.

G. Lake: Okay.

H. Laput: So, we're back now to continue the process. We did receive comments from Mr. McGoey's office. We received comments previously from (not clear). As for Mr. McGoey's comments we don't see anything major there. There is an item about the stormwater that I would like to discuss. Going back to the conservation letter, do you have that letter? We're under the impression that the Planning Board would want to see some stormwater quantity control. That's the reason the pond is showing on the lot. We would prefer not to have the stormwater pond especially since the State regulations is for one acre and this site combined would be under. Unable to here Mr. Laput.

G. Lake: I don't know whether you want to waive it fully but I think we want you to use some of it in the new techniques of planning.

D. McGoey: Yes. Bio-retention.

G. Lake: Yes, like bio-retention site where you don't necessarily have a pond and I think we've been asking for that right along.

Mr. Laput: We understand your concerns about flooding and drainage so we informed the County that there was a flood issue here. We're looking at water quality.

G. Lake: Right.

A. Dulgarian: There's something in the back there Mr. McGoey because it goes all the way down to the Fairgrounds and behind Currier & Lazier's placer as well but I don't remember it being water there.

D. McGoey: No it's not but . . .

A. Dulgarian: Next to them, yes. Do you need that large of a parking lot?

Mr. Laput: We don't need it for the clients but for the monthly meetings and that could be up to eighteen members of the Board during the day and they also want sufficient parking spaces

for the customers. Right now we're proposing twenty six parking spaces. We could reduce it somewhat. Unable to hear Mr. Laput.

D. McGoey: We have to come up with some kind of a compromise. The conservation board has requested treatment as well as detention so the County should also come into the picture also because it's their stormwater.

Mr. Laput: Yes.

D. McGoey: Maybe at a work session we can discuss this.

G. Lake: Mr. Bacon, do we need a Public Hearing for this?

J. Bacon: Yes. The County may have to waive in but the Planning Board has the power.

G. Lake: At the work session I think we can clean up. I will go through the Board.]

A. Dulgarian: I still like the project if they can get all the engineering stuff. It's really busy at that corner.

R. Carr: I have nothing.

W. Capozella: Nothing.

C. Najac: Can you bank some of the parking?

G. Lake: We can talk about that. I think it would be a good thing to eliminate some of the parking.

C. Najac: We've done banking of parking spaces in the past.

Mr. Laput: We will talk about that.

T. Hamilton: I agree on reducing some of the parking.

C. Najac: What about the lighting?

Mr. Laput: Not clear.

G. Lake: We've been asking people to bump up the landscaping and it's a shame to do a

beautiful job and then dump snow on top of that. So, make sure your snow areas are addressed. Mr. McGoey, if we put him on for May 20th, can we get him in for a work session to iron some of this stuff out?

D. McGoey: Yes.

MOTION to schedule a PUBLIC HEARING for May 20, 2009 made by T. Hamilton and seconded by C. Najac.

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

8. **CORSICANA BEDDING** - SITE PLAN/SPECIAL USE PERMIT (Manufacturing)
Ballard Road (60-1-120) #10-09

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

S. Gaba: My name is Steven Gaba. I'm here for the development of Corsicana Bedding.

G. Lake: Go ahead.

S. Gaba: This is really a Panattoni application for a three lot subdivision of the Wakefern facility on Ballard Road. We came before the Board in January and we got Preliminary Approval on it. When we got our Preliminary Approval it was subject to getting approval from the Town Board for a commercial cluster development and we got that. Because we've come along this far we've been able to get a tenant for the building. That's required us to change the Site Plan very slightly. I have Mr. Gates here and he will tell you what we will be

doing. Additionally under your code, it's a change of use. We will have to get approval from this Board to change that. Essentially it's a change in the Site Plan. I don't think we can go through very much more but it will require a Public Hearing.

G. Lake: Why don't you show us the changes being made?

J. Gates: My name is Justin Gates, engineers for the project. As Mr. Gaba said the changes only occurred on the subdivision. It's a warehouse facility and has an all warehouse use. We're going to provide the bottom here and space #2 will be for Corsicana Bedding and they'll occupy that portion of the building. That is the area that we will need to change the use to manufacturing. The remaining square footage of the building is just over eighty thousand square feet and would remain as a warehouse. We can adjust the number of parking. User #2 we've provided fifty parking spaces for that use. The new parking may be reduced from the original (not clear).

D. McGoey: It's not new parking. It's an existing parking lot and they're just showing where the striping will be.

J. Gates: Correct. The remaining warehouse use we will be over and above what we will need.

G. Lake: Why don't you tell this Board what you want to do in there.

B. Morrow: My name is Brian Morrow with Corsicana Bedding. We currently have five manufacturing plants. This will be our sixth one pending your approval. Really all we do is by components, and ship this right back out. There's not really a whole lot to it.

T. Hamilton: Creating new mattresses?

B. Morrow: Absolutely.

G. Lake: At the work session Mr. Jaques was there and he did point out that they are going to be making two kinds, a basic spring mattress and then I believe the all form mattresses.

B. Morrow: Yes.

G. Lake: Mr. Jaques had a little concern and gave them all the new laws. At the work session they didn't seem to have a problem with that. I assume that stays the same at this point. Basically we're scheduling the Public Hearing for tonight. Let me go through the Board to

see if they have any more questions.

A. Dulgarian: I have nothing.

R. Carr: Nothing.

W. Capozella: Nothing.

C. Najac: Are you making the foam here?

B. Morrow: We will cut the foam here and buy it elsewhere and assemble it.

T. Hamilton: To me it's a shame to lose all that refrigeration that was put into that building.

J. Gates: We're not removing it.

G. Lake: I don't have anything else.

MOTION to schedule a PUBLIC HEARING for April 15, 2009 made by R. Carr and seconded by W. Capozella.

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

