

TOWN OF WALLKILL PLANNING BOARD

MEETING

APRIL 2, 2008

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

MEMBERS ABSENT: None

OTHERS PRESENT: J. Bacon, W. Eustance, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - **BUILDING ARTS** - SITE PLAN/SPECIAL USE PERMIT - Goshen Turnpike - (1-1-58.21) #04-08

G. Lake: Public Hearing started at 7:38 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 10941 in said Town on the 2nd day of April, 2008 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Building Arts, P.O. Box 549, Middletown, New York 10940 for approval of a change of use permit for 1 Goshen Turnpike, Middletown, New York 10941 under Section 249-27.1 of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

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

J. Albert: My name is Jean Albert.

N. Kelsall: My name is Norman Kelsall.

G. Lake: Since the last time you were here have you done any changes or added to it?

N. Kelsall: We submitted a brochure about what we do.

G. Lake: Right.

N. Kelsall: We tried to describe it as best as we could.

G. Lake: Yes. Myself and Mr. Hamilton was here the other day when he dropped off what

we requested at the last meeting. I don't know if the rest of you have had a chance to look at it and whether you have any questions on it

N. Kelsall: I have additional copies with me.

G. Lake: No. I think that's fine unless they have a specific question. Let me go through the Board before I go to the Public.

A. Dulgarian: Nothing.

H. Ross: Nothing.

R. Carr: I will wait.

W. Capozella: After.

C. Najac: After.

T. Hamilton: After.

G. Lake: Just before I go to the Public, just describe your business in case anyone here wants to know.

J. Albert: We make parts for other vendors. We're an intermediate vendor. Parts, like for elevator companies for the interior.

G. Lake: Which is made out of?

J. Albert: Veneer, plywood. We have a picture of them in the brochure showing a pile of them.

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

MOTION to close this PUBLIC HEARING at 7:41 P.M. 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

G. Lake: Mr. McGoey's comments, you already gave us the MSDS forms that we wanted.

D. McGoey: The only other thing that we need is that construction easement to be shown on the plan.

N. Kelsall: We are leasing.

D. McGoey: Yes, I know. Just have it shown.

G. Lake: Let me go back to the Board.

A. Dulgarian: No problems.

H. Ross: Nothing.

R. Carr: I have nothing.

W. Capozella: Mr. McGoey, weren't we going to have shown on the plan about no outside storage?

D. McGoey: I don't think they're planning on anything to be outside.

N. Kelsall: No. We can't leave those things outdoors in the weather.

W. Capozella: Just a note on the plan stating that. Nothing else.

C. Najac: Nothing else.

T. Hamilton: Even on the plans the dumpster is in the building.

G. Lake: I don't have anything else. We just ask that you not store anything outside.

N. Kelsall: Okay.

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 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

MOTION for SITE PLAN/SPECIAL USE PERMIT subject to all of Mr. McGoey's

comments and this Board's comments made by W. Capozella 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

2. **FOXWOOD** - 7 LOT SUBDIVISION (Extension to Preliminary) - 985 Mount Hope Road (62-1-16) #57-06

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

P. Brady: My name is Patrick Brady, an Engineer for the applicant.

G. Lake: Go ahead.

P. Brady: I'm here tonight for an extension request on Preliminary Approval. We're before the Orange County Department of Health.

G. Lake: So, basically you're still with another agency?

P. Brady: Yes.

G. Lake: Let me go through the Board to see if they have any other questions..

A. Dulgarian: First extension, correct?

G. Lake: I believe so.

H. Ross: Nothing.

R. Carr: Nothing.

W. Capozella: Nothing.

C. Najac: Nothing.

T. Hamilton: Mr. McGoey, have they been working on the conditions?

D. McGoey: I haven't seen the revised plan.

P. Brady: We have worked on them but we haven't submitted it yet based on any revisions that the Health Department may want.

G. Lake: Is six months okay, Mr. Bacon?

J. Bacon: Yes.

MOTION for a SIX MONTH EXTENSION to PRELIMINARY APPROVAL 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

3. **BERMAN** - 14 LOT SUBDIVISION (Extension to Preliminary) - 525 Route 17K (5-1-3.2) #66-04

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

D. Yanosh: My name is Dan Yanosh representing the applicant. I'm here asking for a six month extension to Preliminary Approval.

G. Lake: Is this your first one?

D. Yanosh: This will be the second one.

G. Lake: Are you tied up in any agencies?

D. Yanosh: The Department of Transportation and the Orange County Health Department. Mr. Rother was going to take care of the other comments.

G. Lake: Let me go through the Board.

A. Dulgarian: I have no . . . They already have one.

G. Lake: Correct.

A. Dulgarian: I have no problem with the second one.

H. Ross: Is this the second and the last?

J. Bacon: I will check that to make sure.

R. Carr: Nothing.

W. Capozella: Nothing.

C. Najac: Nothing.

T. Hamilton: Nothing.

MOTION for a SIX MONTH EXTENSION to PRELIMINARY APPROVAL made by R. Carr and seconded by W. Capozella.

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

4. **FAIR OAKS REALTY** - 8 LOT SUBDIVISION - Shawangunk Road with County Highway 76 (3-1-112) #90-07

D. McGoey: Mr. Lake, just to let you know. I'm going to recluse myself due to a potential conflict. I represent the owner, I believe, in another County so I should step down.

G. Lake: Okay. Let it be known that Mr. McGoey is stepping down and Eustance & Horowitz will be representing this application to this Board. Good evening, your name for the record, please.

M. Baez: Good evening. My name is Martin Baez with Black Creek Holdings. This is the umbrella company that is part of the Fair Oaks Realty property. It's our first time in front of the Board. My previous experience has been with Sullivan County for approximately ten

years. We have several projects that we're working on in the northern Hudson Valley. Our intent on our commercial land is to go ahead with the Draft Environmental Impact Statement so that we can get everything pre-approved and be able to market those properties as is the intent for this project. This is an eight lot subdivision, you may have it as a twelve lot subdivision but it's an eight (8) lot subdivision. The property is approximately forty eight acres located between H. O. Penn and Route 17M and it borders New York State 76 and 17M from east to west. We're proposing a Draft Environmental Impact Statement completion and Site Plan approval for marketing the property and selling those lots. Our tenant use for the site is to market the properties to light industrial according to the Enterprise Light zoning and possibly warehouses and that sort of thing. That's really what we're looking to do.

A. Wilkinson: I'm representing Fair Oaks Realty for a Site Plan subdivision layout. Just to get the Board a little bit familiar with the plan and where we're going with it. I brought the color rendering here and basically what is highlighted here is that we're showing a main entrance to the industrial park off of Bloomingburg Road. We also provided some emergency access points to Gillen Road and an additional one to Bloomingburg Road and one off of Shawangunk Road. We're actually utilizing an existing curb cut or driveway access for our parcel that's going to be contained within our subdivision. You will see here in the darker green area, those are delineated wetlands that were professionally delineated by John Tirolli. Within those we have, they are not the mapped wetlands but just to be considerate of the integrity of the wetlands we have leaned toward at least maintaining a twenty five foot buffer from these areas from disturbance. You will also note that there are two required wetland crossings for our road. One of the crossings, the first crossing is approximately five hundred square feet, the other one is approximately twenty six hundred square feet all within a tenth of an acre of disturbance. We propose to do a culvert crossing to minimize our disturbance. We also noted that we decided only to provide emergency access, I believe but I'm not sure was in front of the Board but there was a previous plan prepared but to eliminate the need for a waiver for the cul-de-sac length had a connector road to Gillen Road. With our design since Gillen Road has, we recognize that these are residential uses, we thought it more appropriate not to have a main entrance for the industrial park empty into this residential community. We do acknowledge that there may be some instances where emergency vehicles may need to access the site from other ways so that is why we are proposing an emergency access more than likely at this point. It will probably be just gravel to discourage the use of it but that is the reason that we have currently the needs to ask for relief from the cul-de-sac length. According to the Township zoning ordinance we are allowed six times the minimum lot width which is one hundred fifty feet so doing that math it's approximately nine hundred feet is the maximum cul-de-sac length but we are showing approximately fourteen hundred linear feet. There are two things that came into

consideration there was the wetland impacts. We wanted to cross the wetlands at the narrowest spot and we also wanted to eliminate that access. Some other things that I want to bring to your attention as far as the lot layout, we have identified the potential well and septic locations. It is currently the plan that each one of these lots would be serviced by on lot well and septic for their usage. As far as fire protection, each one of those buildings will meet the NFPA standards as far as suppression. Another thing that I wanted to point out just in case the question crossed your mind as to why we didn't propose any access to Shawangunk Road. This is because it's too steep. The grade there is not ideal for truck traffic so we proposed probably not the most suitable of those scenarios. In some previous work session meetings your Town Engineer had requested that we do something to try and improve the buffer for lot #8 to the Quickway. In our previous sketch what we had done we had the building a little bit closer to here even though it met the building setback requirements according to the code there was just some concern about the actual visibility from Bloomingburg Road. What we attempted to do is we maximized the building offset by pushing it up right against our other constraints which is this building offset line. It goes a long way in improving the buffer from the bottom of the road to the building.

G. Lake: These buildings, are they going to be on individual lots eventually?

A. Wilkinson: I'm sorry.

G. Lake: I said, are these buildings, this is going to be subdivided out and you're asking for a Town road?

A. Wilkinson: Yes.

G. Lake: The entrance and the cul-de-sac road?

A. Wilkinson: The potential is there. There is still some questions as to whether it would be a Town road or not but all the roads have been designed to the Township standards in the event they will be.

G. Lake: Your site distance on Bloomingburg Road have you even looked at that yet or it's a little early yet?

A. Wilkinson: It's a little early but what we did is we did a preliminary evaluation of the road network in general at our location and we pretty much located it at the best possible location because of the wetlands on the adjacent property and the site distance further down is

actually not advisable.

G. Lake: Mr. Bacon, the cul-de-sac in this zone?

J. Bacon: I'm not sure but . . .

T. Hamilton: I can't find it in the code.

J. Bacon: What zone is that in?

A. Wilkinson: The enterprise light zone.

J. Bacon: I don't have my book right now.

G. Lake: I guess the reason I'm asking that is it's one thousand feet and you're up to fourteen hundred feet. I understand you want to remove the access from Gillen Road but I think that would probably be a Zoning Board of Appeals issue for a variance to continue that far back. At this point I really wasn't sure with the new zoning.

J. Bacon: Light enterprise?

G. Lake: Yes. While he is checking that out we can continue.

A. Wilkinson: One of the things that I wanted to touch a little bit on is some of our preliminary stormwater investigations which was also included in your packet just to give you an overview. What we have shown is delineated drainage areas and where the water is going now and then what you will note is several opportunities for either a surface or a sub-surface detention or infiltration based on our increased impervious we tried to recharge the ground water for control of the additional runoff from the facility. Basically what we have definitely tried to do is to maintain the drainage area in the watershed in conjunction with the wetlands. We will be maintaining the plants in the water areas.

G. Lake: Your little blue areas, are they wet ponds?

A. Wilkinson: I guess the current term is more of a bio-retention areas intended to encourage infiltration and bio-retention.

C. McDermott: I'm also with the project. The blue areas are potential areas for surface

ponds.

G. Lake: Okay.

C. McDermott: And, the lighter areas would be sub-surface potential for water quality control.

G. Lake: So, the blue would be wet ponds then?

C. McDermott: We would perceive using both methods on this site.

H. Ross: Do you have the topography for the two un-flagged Department of Environmental Conservation? Are you going down to the Shawangunk or are we going back to untamed tributaries?

C. McDermott: We're flowing in the southwest.

H. Ross: I just wanted to make sure because I didn't think it was possible . . .

G. Lake: Let me go through the Board.

A. Dulgarian: I know it's zoned for this but this is really a first for this area so it's going to be up to us to make sure it's as good as possible. I am still thinking about the best possible layouts of this. I know my concerns are going to be buffering for the existing houses both on Shawangunk Road and on Gillen Road and the two that are on Route 17M/Bloomington Road. That's some of my concerns that the buffering be done very well. I also have a concern about the site distance where they're coming out now prevailing is probably about fifty five, you have the bend in the road. That's going to be a concern. Another thing I'm concerned about is how this project is going to look from Route 17. Again, people traveling by our Town, they may not even stop but they would get an idea what the Town is like by what they see on the way. We've been trying to control what the view is on Route 17, what the aesthetics are. As far as the emergency access on to Gillen and Shawangunk Roads, I think there can be something a little bit more creative than gravel. I think you can check with our Engineer but they make the plastic where you can plant grass and will hold a vehicle. That would be a lot softer for the houses along Gillen Road instead of some gravel thing there. I'm wondering about the lot frontages the way this is diced up on the subdivision. Another concern I have is that the pervious maximum allowable sixty percent per lot and you're up to fifty eight and fifty seven on a couple of these lots. I wonder if there's a way to

soften that impact so you're not pressing toward the maximum allowable. Truck traffic depending on the use obviously if it's light manufacturing you're going to have some eighteen wheelers or box trucks or something. I would like to make sure that all the radius are correct for the flow. There is one entrance and exit. I like the one curb cut but there's an awful lot going on for it to be coming out there. I would like to discuss how the truck traffic is going to go, loading and visible loading. I mean there is a lot of stuff to work on here.

G. Lake: Like I said, it's just here for sketch at this point and that's why we're doing this right now.

A. Dulgarian: As far as sketch, again it's something that sure hasn't happened out in that area and I know it's zoned for that. I just think you need to go through the whole process.

C. McDermott: I wanted to, at least, present . . .

G. Lake: Let me finish with the Board first, please. This way you will here what all of the Board have to say. Anything else, Mr. Dulgarian?

A. Dulgarian: No.

H. Ross: I have concerns about the stream and the truck traffic. I just want to underscore one of Mr. Dulgarian's comments is this will mark a change in the way we're using the land at that end of the Town. It consists of a large number of buildings, fairly clustered and it may be a little too intense but we're just starting. I have multi questions in my mind.

R. Carr: The same things really. I think it's an interesting project. I would be concerned about the buffering and the water flowing through there. And to that extent, Mr. Dulgarian hit on the impervious surface runoff maybe this is just a bit too intense. I'm not opposed to it. One other thing, given that type of a layout I just don't think . . .

W. Capozella: You said each lot is going to have their own well and septic. That is one of my concerns right now.

C. Najac: I'm really concerned about the buffering for the project. You emphasized a residential district. This is not a residential district. These are existing homes. You have a right to build there but according to this you could go to thirty five foot height buildings and fifty feet from the property line which means they will be really close. You definitely need to protect the residences.

G. Lake: Anything else, Mr. Najac?

C. Najac: That's it.

T. Hamilton: And just seeing the sizes of the buildings and not knowing what's going to go in there and what impacts you will have.

G. Lake: Go ahead, Mr. Najac.

C. Najac: Also I'm concerned because later on this evening we have the redevelopment people that will be across the street from you. We're looking at possibly they would be using more water, etc. so now we're looking at a larger impact.

G. Lake: Anything else, Mr. Najac?

C. Najac: No.

G. Lake: You've heard from the Board. My comment to the Board as far as the landscape to make it look. This is one of the projects as we go along maybe we could get our landscape architect involved. I think with imagination that can be solved. The Town did re-zone this for this type of use. Now, that the Town knows this use is coming in we want to make sure that the neighbors are protected and I think there are ways to do that. The cul-de-sac length, we're going to have to check that.

J. Bacon: Actually that is really for the residential zones.

G. Lake: Right. I think that's something we're still going to have to check on a little bit more.

J. Bacon: Okay.

G. Lake: I can't believe it was meant for this zone but I don't know.

J. Bacon: It's a Special Use Permit when you have a traffic and safety situation.

G. Lake: Right. The other thing is the interior road at this point. I had no comments from the Highway Superintendent because this is only here for sketch but I would suggest that you

talk with him to see if he's interested taking a road like that. And if not, that might change your thoughts right there. I would highly recommend getting in touch with him and iron that out. I'm not saying the Board is still going to want it but at least you would understand that it came from Highway if they would even consider taking a small interior road basically. Mr. Eustance do you have any other comments that they should be concerned about before I go back to them?

W. Eustance: The excavation.

G. Lake: Yes, that was a big one.

W. Eustance: It is very steep and I would have a concern about grading.

A. Dulgarian: Would that require some sort of a retaining wall depending on what height they ended up?

W. Eustance: It depends upon whether they hit rock or not.

G. Lake: Did they receive copies?

W. Eustance: No, they did not. That's my fault.

A. Wilkinson: I have a copy.

J. Bacon: I have one question. Do you know how far the wetlands go offsite?

A. Wilkinson: No, I do not.

J. Bacon: Who did the wetlands?

W. Eustance: I can answer your question. This goes across the Bloomingburg Road. There are fairly extensive wetlands all the way down (not clear).

M. Baez: I appreciate all your comments. Our intent as a company is to really look at our impacts as a priority when we do this. I don't want to give you the sense that we're not here solely to put up a whole bunch of buildings, get our money and get out of Town. We're here for the long haul. I brought it with me with a sense of a rendering of some things that we're looking at, something that we're working on right now. The type of structures. We wanted

to take a traditional metal pre-engineered building so rather than just have a flat wall and some entrance ways and some doors we're looking at landscaping and to put some stone work in the building to make it look classy. As far as how the building would look on the other side and other vantage points we wanted to make sure that the architect's did a nice job. We are looking to level this out. The whole intent is to give it a softer feeling.

G. Lake: Let me ask you something. I'm just curious now. Are you a developer/builder or are you developing yourself?

M. Baez: Right now we're looking to subdivide and sell the lots. We are considering doing that as well. We are developers/builders in other areas.

G. Lake: The reason I asked is I was just wondering if there was anything close by that you have done in case anyone wanted to take a drive and look.

M. Baez: Well, this is the type. We want to position ourselves as a developer. We just want to make sure that we adhere to what you want but also is the available marketing good for us.

T. Hamilton: If it turns out where you're going to subdivide and sell off the lots, now we have as a Board have to approach ten, twelve different organizations whoever bought those lots to try and work them into the land scheme of what we looked at in the beginning and how it develops. If you build them also, we're only talking you.

M. Baez: Listen. We would like to build all the buildings. We probably would make money doing that as well. We're going to try and encourage a trendy operation.

T. Hamilton: Mr. Lake, and through our landscape architect they had some ideas for the buildings in front for the space between the sidewalk and the building for landscaping near the building.

M. Baez: We actually talked about that.

T. Hamilton: What we sent to her we will get a letter back from her with her recommendations.

M. Baez: And I would forward the actual rendering to her.

R. Carr: Mr. Lake, can I just add something. One of the things that I envisioned is that this

may be approved, someone actually buys a lot they don't necessarily go with their brochure. They're going to come in and they will have to change to suit their needs. That rendering of a building is nice.

M. Baez: That our first. We can do something better.

R. Carr: The thing is they may not build that. They may actually come in and show us the building they may want to put up.

M. Baez: We're planning on doing a generic. They would have to come back to you anyway.

W. Eustance: Stated different agencies they should contact. (Not clear).

A. Wilkinson: We intend on doing that as part of the project. Some of the concerns that I heard come up with the Board as far as the substantial cut that will be necessary for this site. We did that at preliminary grading because that comment was also poised by Mr. McGoey at the time of his reviews. Some of the things that we looked into was depending on the site according to the soils the worse case scenario would potentially be a five or six foot high wall in order to maintain the back of the slope but that's because of, it's worth doing it for the buffering adjacent (not clear) now we are down in the valley and we still will have a vantage point. That's one of the things that will actually go in our favor of removing material in that area. The other thing I wanted to inform the Board at the request of the Engineer who did do some preliminary site testing for both stormwater and sewage disposal. There are potential locations based on the favorable testing. Of course, the sizes may vary upon the user intensity but are shown for a typical use based on the square footage of the buildings.

A. Dulgarian: I know I'm not the sharpest pencil in the box but on lot #1 where Shawangunk Road runs down to Route 17M there's a seventy foot change from one end of the lot to the other you're going to protect that with a five foot retaining wall?

A. Wilkinson: Correct. Basically what's happening there you level out the pile underneath the building but what's happening is the grade along Shawangunk Road is dropping dramatically as well. So, there will be potentially a berm or knob that will be created along that back end where we would retain the slope on the road side.

A. Dulgarian: Yes, but you're showing . . .

A. Wilkinson: Not clear.

A. Dulgarian: No. It's five hundred seventy down by the road and six hundred forty up on top of the hill.

A. Wilkinson: Correct but I'm saying in the building pod area.

A. Dulgarian: I'm talking about the whole property. You're showing the blacktop going in probably within ten feet of the road so how are you going to do that?

A. Wilkinson: It's a lot of removal, I agree. But as far as changing the grade there is an opportunity to do so.

A. Dulgarian: Thank you.

C. McDermott: I just want to add, I think your concern is very valid. There's approximately a fifty foot elevation along the edge of the development. Part of that is the knob of the hill. We're looking at lowering that knob which will fill up Shawangunk.

A. Dulgarian: What I'm saying is the road is going to wind up being much higher than the property.

C. McDermott: I don't think so. I think the property would be dropped down more to match the elevation of the road.

A. Dulgarian: I'm interested to know how it will transpire.

C. McDermott: I agree and we will be addressing that.

G. Lake: You heard the Board. I don't know how the rest of the Board feels at this point if we are really ready to say this is sketch and run with it. I don't know if you're going to want to see a different alternative. They are separate lots so I don't know if you can eliminate some of the hard surface by sharing the parking but without knowing who the tenants are, I don't know if that is a viable thing to cut back on. I would suggest call the office tomorrow and get on another work session with our Engineer and we will try and get our Landscape Architect at the same time so you can go over that with them. I think between now and the next time you come back take a little bit harder look at some of the issues everybody has brought up. They're valid. See the Highway Superintendent to see if he is willing to even talk about a cul-de-sac interior road that he might or might not want and that might change

your direction also. I think it's interesting. I think the Board understands the Town is promoting this type of growth out there but I think I wouldn't want to stand here and say you can run with it without doing a little more work. Mr. Bacon, I think we have to do some research on the cul-de-sac on this. We need to figure that out.

J. Bacon: Okay.

G. Lake: You have a little work to do.

A. Wilkinson: I appreciate it. Thank you for all your comments. They were very useful and helpful and we will go back and try to evaluate everything. Thank you.

G. Lake: Thank you.

MOTION to TABLE for further review 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

5. **DCM MANAGEMENT** - SITE PLAN - Crystal Run Road (60-1-15.3) #38-05

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

J. Samuelson: My name is Jay Samuelson of Engineering Properties, representing the applicant.

G. Lake: Go ahead.

J. Samuelson: The last time I was here was in October when we had our Public Hearing. Since then we've gone through most of the detailed engineering from Mr. McGoey regarding his comments. We're still with a couple of outstanding comments from his office that I will be addressing.

G. Lake: Do you want to go through Mr. McGoey's comments?

J. Samuelson: Sure. Do you want me to start with the first appearance or his technical comments?

G. Lake: His technical comments, please.

J. Samuelson: The impervious coverage is allowed at sixty percent. I calculated it at 57.21%. Mr. McGoey's office has done their calculations and we're not in agreement so, that will be worked out.

D. McGoey: Yes. We're looking at about sixty three percent. It's the difference between lot size, we will figure that out.

J. Samuelson: Comments from the Fire Department I have. There were three of them. One was for the number of stores in the building which will be one. Where the hydrant will be located is now shown on the plan. The parking area is not shown on the plans which I'm not quite sure what that means.

G. Lake: For some reason . . .

J. Samuelson: I may have gotten an older . . .

G. Lake: I'm sure those comments will be the same.

J. Samuelson: Okay. The width of the access lane behind the handicap parking spaces should be dimensioned. I believe it is twenty four feet. The landscaping regulations require a minimum median width of ten feet which has not been provided in a portion of the median in

the rear parking lot. Due to the odd shape of the lot, we do have the one island in the middle which does not meet the ten feet wide however the ends that we have provided are a lot larger than the normal islands and if you look at the overall area what we provided is actually greater than what you require with the standard ten feet wide. I understand that it still doesn't quite meet your code and I would need a waiver and was one of the things that we had discussed.

G. Lake: That waiver has to come from the Zoning Board of Appeals then, right?

D. McGoey: I'm not sure.

A. Dulgarian: That's not an area variance is it?

D. McGoey: It's part of the landscaping requirements.

G. Lake: Aren't we going to end up with more landscaping then at the end of the aisles?

D. McGoey: They would have to be widened.

J. Samuelson: The middle area is what doesn't meet the ten feet wide.

G. Lake: I think the Board is okay with it.

J. Samuelson: The sidewalk along Crystal Run Road. We show the sidewalk and we will leave it to the Highway Department whether they want to extend that curb line all the way across. The Planning Board should determine whether the landscape plan is to be reviewed by the Town's landscape architect.

G. Lake: Mr. McGoey, does he meet all the new requirements?

D. McGoey: Yes he actually does.

G. Lake: Is he under or over the new regulations?

D. McGoey: I will have to check that again.

G. Lake: I don't know how you guys feel but I'm not unhappy with what they've done.

A. Dulgarian: I will go along with that.

J. Samuelson: Insufficient detail has been provided with respect to the lighting fixtures. We provided the lighting plan completely. We've gotten away from the open lamp to the shoe box feature that shines straight down and we've lowered all the intensities to the maximum under 3.9. We only did it around the building, the sidewalk areas for night and we've added notes that they will be dimmed or shut off after hours.

D. McGoey: I usually like to see a catalog cut

J. Samuelson: The soil erosion control plan to be put on a separate sheet. That's not an issue. The stormwater will be reviewed by their office. I do have two comments from them which I will address at their office. The utility trench detail is to note full depth of run of bank gravel under all paved areas.

G. Lake: The stormwater Mr. McGoey?

D. McGoey: Yes.

G. Lake: That's not an issue? You guys can solve that?

D. McGoey: Yes. They haven't answered is yet totally but I think they can respond to them.

J. Samuelson: We talked about #10. The saddle WYE for the sewer connection, we will meet. The water main to be labeled as ductile iron. A detail of the wet tap including the manufacturer of the tapping valve and sleeve is to be provided. The Planning Board Attorney is to advise whether the point of discharge for stormwater requires an easement.

J. Bacon: I will ask Mr. McGoey to take a look at that and how it relates to the other property in the future.

J. Samuelson: The neighboring property has their own stormwater pond. I don't have a problem with the detail. The red maples and other plant types in the bio-retention area appears to create problems. I will speak to our landscape architect to see how she feels about that. The stormwater management escrow is being completed with the sidewalks. The sidewalks in the rear near the handicap areas so that when the car overhangs there still is sufficient room for a wheelchair to pass. The prevailing speed, I believe this note is on the plans as note #9.

A. Dulgarian: Where is it?

J. Samuelson: It's on the plan as forty miles per hour.

D. McGoey: Mine doesn't have it.

A. Dulgarian: That's posted, correct?

J. Samuelson: Posted.

A. Dulgarian: We like the prevailing speed. That's why I was wondering what it was.

J. Samuelson: We will check on that. The method of irrigation for landscaping must be discussed with the Planning Board and detailed on the plan. This method must be acceptable to the Board. We're not proposing any underground irrigation. We're proposing hose connections on the outside of the building.

D. McGoey: Have it shown on the plan.

J. Samuelson: There are three of them. They're shown on the landscape plan. One facing Crystal Run Road, one facing (not clear).

T. Hamilton: You would require long hoses to get to some of the areas.

J. Samuelson: Those are mostly shrubs and trees that . . .

G. Lake: Do you have the Highway Superintendent's comments?

J. Samuelson: No, I do not. Copy of comments given to Mr. Samuelson.

G. Lake: Take a quick look at those. You've already covered some of it. I think the biggest one is the "T" turnaround at the end of the proposed Town road.

J. Samuelson: We're not proposing to dedicate the road to the Town. It will still be a private road. My client does not own that right-of-way. We're constructing it to meet the Town requirements so that if in the future the owners in the rear would also own the right-of-way.

G. Lake: Okay. So, there would be no Town maintenance?

J. Samuelson: There will be no Town maintenance on that at this time.

G. Lake: Mr. McGoey, this stormwater management have you discussed this yet?

D. McGoey: Yes.

G. Lake: Are you close?

D. McGoey: Yes. We are close. I think he can comply.

G. Lake: I will go through the Board.

A. Dulgarian: As far as Site Plan, we've had this here before. The type of use and impact is fine. The islands, I think we have to get a ruling from Mr. Bacon and the rest I'm sure they can get resolved for Mr. McGoey.

H. Ross: Yes. I don't mind approving this.

R. Carr: I have nothing else.

W. Capozella: I have to agree with Mr. Hamilton on the length of hose needed to get all the way to the back.

C. Najac: Had a concern on some of the landscaping.

T. Hamilton: I still have a concern with the landscaping.

J. Bacon: What was the section?

D. McGoey: 249-8.

T. Hamilton: I just don't want (not clear).

J. Bacon: Aisles shall have a minimum width of nine feet. No waiver required.

G. Lake: Okay. So we can move forward?

J. Bacon: Yes.

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 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 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

6. **QUICK CHEK** - SITE PLAN/SPECIAL USE PERMIT & 2 LOT SUBDIVISION -
East Main Street (78-1-94) #76-06

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

H. Geneslaw: My name is Howard Geneslaw representing the applicant.

G. Lake: Since you were last tell us what you've accomplished.

H. Geneslaw: We were here the last time in February. The Board closed the Public Hearing at that time and there were some technical issues open. The Board recommended us back to another work session with Mr. McGoey and we worked out a number of those issues. In terms of the latest technical review comments which are dated March 25, 2008 we are virtually resolved with everything and would ask that those items be issued approval. There are just two items I would like to discuss with the Board. The first is item #2 which is the Charles Sell's report concerning the location of the diesel pump. What we propose to do there is to combine the diesel pump with the gas pump into essentially a single unit so that the entire pump would be on the outer corners and thereby answer Mr. Sell's comment. Our technical engineer has been in touch with his office and they seem to be satisfied with the plan show exactly what I'm describing and we can work out any further details with them if the Board finds that satisfactory.

G. Lake: Can you explain that because I wasn't here at your last meeting.

H. Geneslaw: Explained to Mr. Lake about the location of the diesel pumps.

T. Hamilton: What was the first part of his comment though?

H. Geneslaw: In terms of being able to turn at the pump island?

T. Hamilton: Yes.

H. Geneslaw: Our technical engineers have looked at that and have contacted Mr. Sell's

office and the movement does work with the solution that they're talking about putting the two pumps into a single pump.

T. Hamilton: What about SUV's being able to turn out?

H. Geneslaw: Correct and that movement does work.

T. Hamilton: I thought he was concerned about the parking spaces and getting around..

D. McGoey: I think that is what he is talking about encroaching into the parking spaces in the front of the store and having cars be able to make the turn without having to back up and have to do a three point turn.

G. Lake: I'm sorry but I'm lost, what do you mean people parking in the front of the store.

T. Hamilton: No the people that are actually parked at that location and when they try to get out.

G. Lake: Okay.

D. McGoey: If you pull out from the pumps with a large vehicle would they be able to make this turn to avoid having to back up.

G. Lake: Is this anything like the one in New Windsor?

J. Martell: They can make this movement.

G. Lake: From the pumps to the front of your store, is it like New Windsor?

H. Geneslaw: Identical.

G. Lake: Identical. I've been at the one in New Windsor and let me tell you guys (not clear).

A. Dulgarian: The problem we have with the one on East Main Street and Carpenter Avenue is that if you have a tanker where you pull up toward the front the car is already seven to eight feet out and then the people that are at the store have a problem interring with you or you have . . .

G. Lake: I can only say the one on Carpenter Avenue and East Main Street I been there only a couple of times and I have experienced that. But this one here, if it is like New Windsor, I just can't imagine it being a problem. Mr. McGoey, you've been there.

D. McGoey: I know. There is lots of room.

G. Lake: I hate to say it but the site at New Windsor when I saw it a trailer had pulled in and pulled out. If it's like the one in New Windsor I can't imagine having a problem here.

H. Geneslaw: The other item I wanted to bring to the Board's attention is item #6. The applicant must verify that Behan's comments have been addressed. Really, we have addressed all of their issues. The only remaining item has to do with the landscaping adjacent to the building. We have discussed it at work sessions and with the Board in the past. We don't believe it would be work-able or a good idea in terms of litter, etc.

G. Lake: I was under the impression that we hashed this landscaping issue around the building months ago.

T. Hamilton: We did.

G. Lake: And, this Board are the ones that vote. Unless the Board decides now to change their minds now.

H. Geneslaw: I also thought it was resolved. The other items in Mr. McGoey's report . . .

D. McGoey: Just one thing on Behan's comments. You reduced the amount of parking by one more space.

H. Geneslaw: That wasn't in one of the earlier reports.

J. Martell: We talked about dark green and grey and we will reduce the number of bollards.

D. McGoey: That, I think we can talk about.

H. Geneslaw: We're agreeable to those changes. We're also agreeable to the other items in Mr. McGoey's report. We would ask that the Board to give approval and we will resolve the remaining issues.

G. Lake: Let me go through the Board.

A. Dulgarian: Mr. McGoey, refresh me on my memory. Where is the snow storage on this site?

D. McGoey: All over.

A. Dulgarian: I'm on sheet #5.

D. McGoey: They had a plan.

A. Dulgarian: Oh, is it on a separate plan and it's not on the Site Plan?

D. McGoey: It's on the plan, sheet #9.

A. Dulgarian: Sorry. Are you good with that?

D. McGoey: Yes. They also have a note on here that snow will be removed when necessary.

A. Dulgarian: Is that in the landscaped area?

D. McGoey: It's in an area where they will be cutting the landscaping down to ground level during the winter months.

A. Dulgarian: I don't understand why in the landscaped area.

J. Martell: Our approach was (not clear).

A. Dulgarian: So, we're looking at a different landscape plan then?

D. McGoey: They had a number of plans.

H. Ross: I have nothing additional.

R. Carr: Nothing.

W. Capozella: Nothing additional.

C. Najac: My only concern is the lighting.

J. Martell: It is the typical lighting under the canopy.

D. McGoey: They did the same thing on the Route 211 site.

T. Hamilton: Nothing additional.

MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments and this Board's comments 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: Aye

MOTION CARRIED. 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 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 TWO (2) LOT SUBDIVISION subject to all of Mr. McGoey's comments and this Board's comments made by C. Najac 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

7. **GOSHEN GREENS** (Parkside) - SITE PLAN/SPECIAL USE PERMIT - Inwood Road (44-1-42.2) #14-06)

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

J. Quinn: My name is John Quinn from Lanc & Tully Engineers representing the applicant.

G. Lake: This reflects the last work session that we had with the landscape architect and some of us were there. I just wanted to let the whole Board know that this is the result of the

last work session. Go ahead.

J. Quinn: The first sheet shows the original plan that we showed you in September. At that meeting the board had specific comments in regards to a conservation subdivision. The board had suggested that we start with Behan Associates. The second plan in the packet is the result of the final outcome of those work sessions and meetings. Basically the major changes as you can see now is in the front of the site. The land right here adjacent to the Palisades Park Commission and the land in the middle here with all the existing trees have now been put in as the conservation areas with the majority of the site being to the south and the west towards Route 211 and the existing . . . We have a lot of engineering to do again so, we're basically here for sketch approval so we can move forward.

G. Lake: Let me go through the Board.

A. Dulgarian: I like the work that went into this for the concept of the conservation subdivision. How many units are we ending up here?

J. Quinn: Forty nine (49).

A. Dulgarian: What is the split between two and three bedrooms?

J. Quinn: Seventy five percent two bedrooms and twenty five percent three bedrooms.

A. Dulgarian: What do you figure for the school aged children per unit are going to be?

J. Quinn: Off the top of my head probably the numbers are available from the study. The details have to be done.

A. Dulgarian: What school district is this?

J. Quinn: The Goshen School District. Eventually I will have the numbers.

A. Dulgarian: I like this design better.

H. Ross: I agree. This will be better.

R. Carr: What was the intent on the conservation?

J. Quinn: What we were directed to do was to make it a continuous piece of land and because of the Palisades Park Commission has a small piece here the thought was that it should be continued.

R. Carr: The Palisades Park goes how far?

J. Quinn: It's about a half of an acre.

R. Carr: So, where it is extended is a couple hundred feet?

J. Quinn: Yes.

R. Carr: I guess it looks to me like you're buffering across the road.

T. Hamilton: To the road in the front . . .

R. Carr: And I don't see that there is any difference in terms of buffering from the road.

J. Quinn: This buffer here remains unchanged. What has changed is we used to have a building here.

R. Carr: Right.

J. Quinn: These two buildings have been removed. This will remain the same and basically everything has been shifted.

R. Carr: And across the road is apartments?

J. Quinn: Yes.

R. Carr: I don't know. To me you're just jamming everything in.

D. McGoey: Behan said that it provides a desirable sense of arrival for the future residents.

R. Carr: I don't know. To me you might just as well put all the townhouses and link them all together down at that end.

G. Lake: Anything else, Mr. Carr?

R. Carr: Nothing.

W. Capozella: I think we got somewhere with this and this is the one we like the best. The only comment I have and I know Mr. Dulgarian also had on it is the number of units and school aged children.

C. Najac: This is what we asked them to do.

T. Hamilton: I like the second plan also. I know we're hashing out the conservation subdivision.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

G. Lake: I guess what you're looking for is a motion for sketch?

J. Quinn: Yes.

MOTION to accept this as plan #2 for SKETCH 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

8. **FAIR OAKS REDEVELOPMENT** - SITE PLAN - Shawangunk Road (3-1-46 & 47) #33-07

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

L. Jackson: My name is Leonard Jackson and I'm here for Fair Oaks Development. We've been here once before with co-ordination meetings. We've developed a plan that hopefully will meet with your satisfaction and is for sketch. We have an existing bungalow colony. We want to re-develop the bungalow colony and will choose to knock down everything and build new bungalows. The dwellings are of modest size. We have seventy nine (79) dwellings. We used to have one hundred nine (109). Seventy nine dwellings is approximately what they have today. We're going to replace those dwellings with new dwellings that will meet the New York State Code. They will be winterized. They will be able to be utilized in the winter periodically. It's a seasonal use. The thing is we're going to formalize that so that we can assure this Board it will remain seasonal. We will need the attorneys to do that. We have done an analysis to make sure that we have adequate water supply. We will redo the entire water system so that we will have central water. We will also have a central sewer and a sewer treatment plant on the site. We have an engineer working on that and co-ordinating with the Department of Environmental Conservation to make sure that it is possible. We will have to co-ordinate with the Fire Department to make sure that we can provide adequate fire protection. We don't know for sure whether that's going to be with a dry hydrant system fed by the lake which is on the site. We will work that out with the Fire Department. As far as the current zone which is the RA zone we do meet all of the requirements of the zone. Actually the zone allows a density of four units per acre. We have two and a half units per acre. We have them in a way that I think they will function.

We have some of the details and engineering but I believe we can make this look very nice. We retained the major ball field or play area which is on the site. We propose sixty nine (69) one story units.

T. Hamilton: You said sixty nine?

L. Jackson: Sixty nine one-story. Ten other units . . .If you turn to unit "C" or "D" those are

one-story units . They have a total floor area of 1,350 square feet. “C” and “D” are the same footprint but they have two different layouts. The other units, there are five units of the type “E” which is a bigger unit and has a footprint of 4,540 square feet. There are elevations in the plans by the way. The five units are 40 x 40 and which is 1,600 square feet per unit.. Then we have five two-story units, the footprint of each two story unit is one thousand square feet or a total of two thousand square feet for those units. Additionally there are five recreational buildings and you can see them shown in gray on the plan. We are retaining one building on the site and also retaining the swimming pool. Perhaps I should go over Mr. McGoey’s comments and we will give more in line of what we’re trying to accomplish. It will be based on his latest comments.

D. McGoey: You can go over them briefly.

L. Jackson: As Mr. McGoey has stated we have reduced the number of dwelling units from one hundred and nine shown on a previous submission to seventy nine on the current sketch plan. We just reviewed the sizes. The sketch plan also represents five proposed recreational centers. The plan also requests maintaining an existing two-story wood frame building and swimming pool. The purpose of the existing building should be discussed. Actually the existing building to be retained to house the counselor’s from the kids on the site for the day camp.

A. Dulgarian: Whoa. The counselor’s are going to live in a different building?

L. Jackson: We’re proposing to retain that one existing building so the counselors could live in it.

A. Dulgarian: How many people are you going to have living there?

Unidentified Person: Nine.

D. McGoey: Will it be like a dormitory style?

L. Jackson: Yes.

G. Lake: Has there been any work done on that building?

L. Jackson: Excuse me?

G. Lake: Will that building be upgraded?

L. Jackson: Not clear. The next item states we have a concern for development of dwelling units on the steeper slopes as well as a parking area and roadway on steep slopes. When we get to the detailed grading plan I will show you how we're going to address those slopes. I believe I can work them out. We will actually be doing the slope in a manner that I think will work. Presently the bungalow colony is somewhat protected from view from Route 17 however, the new proposal will substantially expose the site to Route 17. The fact is Route 17 has an incline with an elevation from five hundred ninety to six hundred thirty eight and we will provide the grading plan with site views and so forth and provide screening for the project. I believe we have shown planting through the project. We will get more into detail as we get further along. The applicant is proposing to retain the two billboards on the site. We would recommend that these be eliminated. They will be eliminated. Sidewalks have been added to the Site Plan along the proposed roadway. I think that's a good idea. The Planning Board previously requested that assurances be provided on the Site Plan and possibly elsewhere that these dwelling units will be seasonal only. I will let the attorneys handle that but it is the intent.

T. Hamilton: The code itself states summer.

L. Jackson: There was a discussion by the way that perhaps some of the owners wanted to use these bungalows a few weekends during the winter that they would be allowed to do that. That's the intent. We would like to have that ability. In response to the concerns of the Planning Board for the proper operation of a privately owned sewage treatment plant, we would recommend that the applicant consider participating in a sewer study which may be undertaken by the Town of Wallkill and the Town of Crawford for central sewage facilities for properties in the vicinity of the Exit 116/Route 17 interchange. We are currently working on a design for a treatment plant. We would like to be self-sufficient.

G. Lake: Basically you're talking a packaged plant?

L. Jackson: It's proposed, that's true.

G. Lake: Correct me if I'm wrong but I was just under the impression that Orange County Health Department don't do that.

D. McGoey: They will allow it.

G. Lake: They will allow it?

D. McGoey: Yes. The Department of Environmental Conservation approves it and not the Orange County Health Department.

L. Jackson: We are under the jurisdiction of the Department of Environmental Conservation.

G. Lake: I'm still going to echo my same concern that I raised the last time you talked about this. How do we ensure that the Town doesn't get stuck with a little sewer system that you don't want down the road? I'm not saying that's the intent but you're not sure what's going to happen so make sure you make notes on that.

L. Jackson: We should discuss the use of duplexes in lieu of single family homes for purposes of reducing the site disturbance as well as the lineal footage of infrastructure to be constructed. When I get into the detail design of the roadway system and grading of each dwelling it may be a good idea. I think you mean duplexes attached?

D. McGoey: Yes.

L. Jackson: It may be a better way to go. Future submissions should show more specifically, the type of recreational facilities to be provided. The Site Plan presently reduces the size of the recreational facilities and eliminates ball fields and other existing facilities. We will lay out those facilities on the site as part of the detailed section. The sewage treatment plant is located in the front of the facility near Shawangunk Road which could cause aesthetic problems for the neighborhood. The reason it is there is because it's the lowest point on the site and adjacent to the water way for the discharge so there is a declaration for it to be located there. It's the dark box shown on the plan and because it should be there we will be screening it and so forth but that is where it has to be. The applicant should address comments from the Bloomingburg Fire Company including fire flows either from a hydrant system or dry hydrants from the lake, and roadway improvements to accommodate traffic. We will make sure that we have adequate fire protection. The summary is, we believe we have a system for a roadway layout that will function. The units are small and that's why it is a bungalow colony. Most of the units are one thousand three hundred fifty square feet. I believe they fit nicely on the site and can be graded, drained and screened nicely so I believe we have a system that will function on the site and request sketch approval so we can move forward on the project.

G. Lake: Let me . . .

L. Jackson: There is an existing well system on the site with various sizes of pipe and so forth

but we did have someone go out and test the wells and it yielded fifty gallons a minute and the other one at eighty gallons a minute. So, either one of those could service this system. The plan is to utilize those wells and to upgrade the system and provide additional details to have a central water system.

J. Bacon: Wouldn't you require a Department of Environmental Conservation permit?

L. Jackson: I believe this is a Health Department permit for a central water system.

D. McGoey: If they develop new wells, they will have to have the water tested.

L. Jackson: They have existing wells.

G. Lake: Basically you will build a new water district?

L. Jackson: Yes.

G. Lake: With new lines and a whole new package. I personally think you still have to go through the process.

L. Jackson: We do have to go through the Health Department. They do have a central system with pressure tanks and so forth.

G. Lake: The residents that will be building are we going to have basements?

L. Jackson: No. Perhaps when we get to the slopes, perhaps there we may have a (not clear) or a sub-basement.

G. Lake: Otherwise, they will be on a crawl space?

L. Jackson: That's correct.

G. Lake: I'm going to start. I still don't look at this as a bungalow colony. It just doesn't look like that to me. I have a hard time thinking it as that. Outside of saying that, I think you have work to do yet. And, like I said, as far as the water system. I don't know. They're going to run lines in the road to feed these houses and I think we need to be protected there just like the sewer system so we don't end up with the system. I don't know how to achieve that in the long future. I think you have to get a hold of the Fire Department on this project.

I think you have to reach out to them a little bit. I don't think they're used to dealing with Wallkill as far as projects with the Wallkill area. They're used to Sullivan County which is right across the line. I think they will have comments. Obviously you heard earlier that we have a project in front of you up on the front corner. I will go through the Board to see what they have to say.

A. Dulgarian: When was the last time this was used?

L. Wolinsky: It is currently in use.

A. Dulgarian: When was the last time it was at capacity?

L. Wolinsky: It's currently at capacity.

A. Dulgarian: Everyone of those units are being used?

L. Wolinsky: Yes.

A. Dulgarian: We were in there today and,

L. Wolinsky: It's seasonal so it's not in use now.

A. Dulgarian: Yes, but still . . .

L. Wolinsky: It is full during the summer.

A. Dulgarian: Last summer the one hundred and nine units . . .

L. Wolinsky: No, seventy nine units.

A. Dulgarian: Okay, you were looking at one hundred and nine units before?

L. Wolinsky: Yes.

G. Lake: There's not seventy nine units there now?

L. Wolinsky: Yes. There are seventy nine units. They're all together. The way that they are

configured is the old fashioned way. We have to be careful here. It's okay to compare it to what we have now but if we went in there first and bulldozed the entire thing and then came to you with an application you would be looking at a big piece of property for a use that is permitted in the district. What we've done in the sketch review is we've tried to keep it as close as possible to the existing layout because of the modernization of the buildings, the buildings in the current building codes are a little larger than square cabins, etc.

A. Dulgarian: Have we looked into the definition of a bungalow? Where are we on that part?

L. Wolinsky: I can tell you that it's a Special Permit use in your code and there are a series of criteria that would have to be met to qualify for it. Our intent is to follow the criteria.

T. Hamilton: I thought the code stated that.

L. Wolinsky: I think we all know what it is.

A. Dulgarian: Mr. Lake, I'm not a huge fan of this yet. I do like the idea of the duplex and I think not two of them but like ten of them or something just to lessen the impact of the footprint on the project. I do like that if you end up moving forward on this. I have nothing else at this time.

H. Ross: The question of what is a bungalow actually and what is the season actually and how various restrictions which are meant to be in place. It's a little tricky. I'm sure we can find a way to do it but my one concern here is the packaged plant. Are there going to be preparations for identifying the plant so that the Town doesn't end up inheriting. One the people are there, are these primary residences?

L. Wolinsky: It can't be a primary residence.

L. Jackson: If I can offer my opinion, I can answer that question. I think the size of the units constitutes it as a bungalow. Most of these units are one thousand thirteen hundred and fifty square feet. Nobody puts up a building that has that square footage. They're small because they are bungalows. They will have to meet the New York State Building Code but still they are small buildings. As far as the seasonal use the people who are going to live there they would like to have the opportunity to come up in the middle of the winter. I'm not even sure that's feasible because the treatment plant has to be kept going all year and I'm not quite sure it's a wise move.

L. Wolinsky: I would like to address it. First of all I would suggest to you that the treatment

by a small packaged plant would be much better for the environment than what is in use currently. The Department of Environmental Conservation I can guarantee you will at least require (not clear) and depending on the discharge. I think you will have a very high level of treatment there. As far as the concern about who gets stuck with it down in the future, this isn't like a transportation corporation. This is a single limited facility serving a single united complex. It's not like you're building a plant and serving more than one use. It's no different than any other common element and anything else that you approve.

G. Lake: I'm just curious now. Are we going to have seventy nine individual homes here?

L. Wolinsky: There are definitely no lots.

G. Lake: Then I guess they will be buying a share or more?

L. Wolinsky: Yes. It would be something like that. We haven't really figured out the ownership structure yet but it will be managed as a central facility.

G. Lake: But the potential, somebody is going to own house "A" and somebody will own house "B".

L. Wolinsky: Or, if it's a cooperative, they would own a share.

G. Lake: My next question and actually you brought it up which was interesting. You know I would be curious to understand how a little sewer operation can continue. I can understand starting it up but if you hit on something I think we should know that so we can investigate it ourselves.

L. Jackson: I would like to help you.

G. Lake: How would it work on a weekend or for two families?

L. Wolinsky: I asked them the question also because these regulations for bungalow colonies in your zoning law were developed at a time when a bungalow colony was not what it is today. Today, in the Hudson Valley, we have bungalow colonies that have developed in a certain way and a particular kind of demographics located with larger families. This one is Orthodox-Jewish and they come up in the summer. They stay the summer but there are occasions when or the Jewish holidays, for example, that they come up and would stay for that time. We wouldn't want to disclose to you that something like that could not possibly

happen. It's trying to make the reality situation in today's world work here and make sure.

J. Bacon: Right now . . .

L. Wolinsky: Because they're not winterized.

G. Lake: Let me finish up with the Board.

R. Carr: It's a beautiful piece of property. Again, my question is what is a bungalow. This to me is a full house and not a bungalow.

L. Wolinsky: It looks like it.

R. Carr: I guess one of things would be and I heard it earlier was about having duplex style construction. Some how and it will have to be worked out and I have no problem with people coming up for the weekend. To me, it's fine the way that this is a bungalow colony that is just seasonally used.

L. Wolinsky: I understand. As Mr. Jackson stated, that's something the attorney's can work on. Once we get past the sketch plan that we can run with here I think we can develop to make sure the Board is comfortable.

R. Carr: The other concern I would have is what happens further down the road with the treatment plant and if it's not functioning what happens?

L. Wolinsky: We can do as much as we want from a legal standpoint along those lines through disclosures, indemnifications, anything you want because the bottom line is that it's a common facility of which maintenance fees would have to be paid to cover that. We will work out what we need to work out in order to make you guys satisfied that you're not going to incur a problem

W. Capozella: I have a problem with the packaged plant and if something goes wrong who will be responsible. I just want to make sure that some type of a maintenance agreement is in place.

L. Wolinsky: We'll do the same thing that you require for other common types of facilities

to make sure that, whatever you're requiring everybody else to do in the Town in order to satisfy you along those lines we'll do.

C. Najac: The concern seems to be our definition of a bungalow colony. What I'm looking for is some type of legal vehicle that we could use. You're actually building a small house than can be lived in year round.

L. Wolinsky: I assume that there will be type of a legal opinion which can fit and would start with the approval, something on the plan. I'm sure there will be something on the Certificate of Occupancy. I'm sure Mr. Bacon may require something to be placed on the title of the land and comes up in the title search. It could be something in the cooperative or lease that discloses it to the tenant. Those are the kinds of protection you can build in. At the end of the day though if it's violated it becomes an enforcement issue like any other enforcement issue in the Town.

T. Hamilton: No other comments.

C. Najac: If we can find the legal way to do this then along with that we have to make a definition of what this seasonal use is and how many weekends they may use it outside of the seasonal period.

L. Wolinsky: We can do that. If you want to go into that kind of detail we can draft that.

J. Bacon: They may need to go before the Zoning Board of Appeals on what a bungalow colony is (not clear).

L. Wolinsky: We will have to talk about that because if something is not defined in the zoning code it doesn't mean we have to run off to the Zoning Board of Appeals. Let's see what the common dictionary says or what the State Building Code defines it as.

J. Bacon: That may have to be done.

G. Lake: Mr. Najac, what do you think of duplex housing?

C. Najac: I agree with you. I think that would probably help. It would eliminate some of the macadam surface and less disturbance.

T. Hamilton: I guess we've talked about summer long enough. Also under the Special Use

Permit, the type of ownership and it states no more than four dwelling units permitted per acre.

D. McGoey: They are at 2.5.

T. Hamilton: The other one was the connection to water and sewer approval through the Orange County Department of Health and by the Town of Wallkill.

A. Dulgarian: Now, if the Department of Environmental Conservation takes the jurisdiction over?

L. Jackson: For the sewer?

L. Wolinsky: We don't have any problems with Mr. McGoey looking at this and reviewing it as well.

A. Dulgarian: The question is does the code automatically .

D. McGoey: I would say send it to the Orange County Health Department as well as the Department of Environmental Conservation.

T. Hamilton: Mr. McGoey did they move the buildings away from the one hundred feet between property lines?

D. McGoey: Yes.

G. Lake: Is there going to be a caretaker?

L. Wolinsky: A year round caretaker, yes.

A. Dulgarian: So, somebody will be living there year round.

G. Lake: So, there will be somebody there to maintain the roads and stuff all year round?

L. Wolinsky: Yes.

D. McGoey: Just to show the Board. This was a sketch plan with duplexes. It has seventy

five units and will give you an idea.

T. Hamilton: He could spread it out.

L. Jackson: I think that's what the Board is leaning towards. I think the suggestion is to make these things duplexes.

A. Dulgarian: It doesn't have to be, it can be one of the little sections.

L. Jackson: I was thinking in this area because you have a better view of the highway. It would look like less units in that area and perhaps if I group it together (not clear). I know I can get approval for sewer and water. I know I can satisfy the Fire Department. I know I can make the road system work out.

L. Wolinsky: I think the two big issues here tonight and before we move forward is the design issue, things like a duplex effect and then the second issue is what is a bungalow and getting a better definition of that.

G. Lake: Right. I still think you need to resolve those and you brought it up about the sewer system and how it would work if you decide for a couple weekends beyond the seasonal period of use. I think we should be more realistic about that. These may be regular houses, call them bungalows whatever you want so as to how that little sewer plant is going to work I think is important to know. We know there will be a caretaker now. We talked about that a little bit. I think we're gaining. I don't know if I want to call this sketch at this time without seeing an alternative with duplexes put in.

L. Wolinsky: We'll do that.

G. Lake: I think the little roadway out is . . . I'll say at this time to define it a little more and get a couple of answers for us. Maybe in the meantime you can come up with some of the questions. Our code specifically states a bungalow is a summer use. I think you have to be realistic about it because ten years from now who's going to remember.

L. Wolinsky: Let us try and get you those answers.

T. Hamilton: Take a look at C-6 because that is the recreational part of it.

L. Wolinsky: We will look at that whole section. Thank you very much.

MOTION to TABLE for further review made by W. Capozella and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

9. **STEWART'S SHOPS** - SITE PLAN - 333 Tower Drive (98-1-39) #20-08

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

B. Myers: My name is Brandon Myers. I work for Stewart's Ice Cream. I work in the main office at Malta. I've been with the company for twenty years now and I actually did this store originally. I'm sure all of you know the site. Basically I will just recap if that's all right with you.

G. Lake: Yes.

B. Myers: The main intent here is that we want to add a second gasoline and island canopy. We would be twenty nine feet from the property line and the setback is fifty so we're asking for a variance of twenty one feet. That's the first and major thing that we want to do. Along with the project we would like to change and in talking with Mr. McGoey on February 27, 2008 there are concerns to make the canopy look like the building. Right now this is a cedar shake building with mansard. So, our thought company size is to change it to bronze metal and we will change our canopy. This reflects the canopy that would be bronze metal. Along with that we would make some signage changes to the building. Right now there's a twenty

one square foot sign and a sixteen square foot sign. I'm sorry there are two (2) sixteen square foot signs on the building. We would go with the twenty one and a ten square foot. We would like to change our free standing sign to an "LED" sign so we have this right now existing. This would be proposed. That pretty much covers this sheet. We're basically doubling the size of the canopy approximately. When we take a look at the Site Plan we looked at our lighting and we have made a lot of changes to the lighting. When we first started building Stewart's stores we were in the dark. This was about fifteen years ago and we started out with basically nothing. We had a discussion with Mr. McGoey and we've upgraded and made a lot of changes. I don't know if you've seen these before but this will be the first site we've ever done with the "LED" light under the canopy. I don't know if anybody else has done that but we've never done it anywhere.

A. Dulgarian: What is an "LED" light?

B. Myers: They're very concentrated and there is almost no spillage. It's their big claim to fame is that there is no washing off of your property. It's very directed. It's a combination of spot lighting and a combination of smaller lights. They start to direct the lighting where you want it and they really limit the spillage.

D. McGoey: You haven't even done this?

B. Myers: No. We have some brochures on it though.

G. Lake: How much bigger is your canopy going to be?

B. Myers: About double.

G. Lake: Are you adding any parking?

B. Myers: Yes. We want to propose to add an additional ten (10) spaces to the left of the building and then there is additional paving in front of the island. So, we're looking to put in ten (10) parking spaces and then paving around the island.

G. Lake: My only comment right now is with your doors.

B. Myers: The front door, you mean?

G. Lake: Yes. That would be kind of tight right through there. Which is the old canopy and

which is the new canopy on that plan?

B. Myers: The existing canopy, that's the one closest to the door.

A. Dulgarian: And, that's going to be replaced in the same position?

B. Myers: The existing canopy basically stays right where it is. The pumps are the same and we're proposing to add a second canopy and attaching it to the first one.

H. Ross: Going in which direction?

B. Myers: Out towards the street.

G. Lake: So, really and the only reason I bring it up is your traffic flow with the present canopy.

B. Myers: Yes.

G. Lake: Is kind of tight if you want to shoot out the entrance and exit closest to Silver Lake Scotchtown Road. Now, you're putting a canopy there.

B. Myers: Well, it's not going any closer. It's more centered in the middle of that island really, the second canopy. So, I don't think it's going to make that much of a difference exiting.

G. Lake: You're missing what I'm saying. In other words, somebody going to the store backs out and wants to go to Silver Lake Scotchtown Road.

B. Myers: Okay.

G. Lake: A lot of times they just swing along Tower Drive on your property and out that other exit.

B. Myers: I see what you're saying.

G. Lake: I just think its pretty tight and that's why I asked you about the parking. I would think by the next time you come back you're going to have to look at that to convince us. I'm not sure how that's going to work. I mean, it's your property but I'm also concerned

about the safety issue. I'm just not sure.

B. Myers: Okay. Maybe the island should shrink more.

G. Lake: I'm down there some mornings 7:30-8:00 and you will see what I'm talking about.

B. Myers: Okay.

G. Lake: Let me go through the Board. I guess for now we will need to send him to the Zoning Board of Appeals anyway to get your variances.

A. Dulgarian: If this was a clean sheet of paper, the first thing I would look at in a one way in and a one way out and the flow in the same direction to all the pumps. In this case, it would be southerly. We would be looking at beefed up landscaping. We would be looking at low impact lighting.

H. Ross: I ditto on what Mr. Dulgarian just said.

R. Carr: Nothing else.

W. Capozella: Nothing else.

C. Najac: I would want to look at the lighting information.

B. Myers: Okay.

T. Hamilton: On your aerial photograph.

B. Myers: Yes.

T. Hamilton: Now if you look at the aerial photograph looking from the project from Silver Lake Scotchtown Road south on down they all have that same larger setback, green grass and everything else and now you're looking to cut into that little strip of grass that you have and move it that much closer to the road. You should be shifting stuff back away from the road.

B. Myers: I still have a large green space.

T. Hamilton: But, it doesn't meet code. You're cutting into that. Is there any reason why you can't shift your driveway further down closer to Silver Lake Scotchtown Road?

B. Myers: Shifting this driveway here?

T. Hamilton: Yes, and then shifting the driveway down. Do you understand what I'm saying Mr. McGoey?

D. McGoey: Yes I do.

B. Myers: By shifting it this way?

T. Hamilton: Yes. Then you're going to leave that opening where it is. You don't have to worrying about the landscaping that you have now and you're still going to get all your pumps.

B. Myers: I'll take a look at it.

G. Lake: I think between now and your Zoning Board of Appeals meeting and the next time you come back maybe you can look at that and give us a quick sketch.

B. Myers: Between now and before we go to the Zoning Board of Appeals?

G. Lake: No. By the time you come back. Come back with a sketch to let us see why or why not it may or may not work so that we can actually see something on paper.

D. McGoey: Just a couple of things. You're way overboard on your lighting. The other thing is when you go before the Zoning Board of Appeals you also have to include the signage. This Board doesn't approve signage. You better check to see if you may also need variances on your signage.

G. Lake: Are the hours going to remain the same?

B. Myers: There has been no talk on that but I don't believe they will change.

D. McGoey: Why don't you call the office and be put on another work session?

B. Myers: That sounds good.

T. Hamilton: On your illustration, the same page you're on, the very top. The north elevation is mostly field.

B. Myers: Okay, right here.

T. Hamilton: And now look at the existing east elevation, to me they look backwards.

B. Myers: They could be.

**MOTION to send applicant to the ZONING BOARD of APPEALS 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

