

TOWN OF WALLKILL PLANNING BOARD

MEETING

APRIL 4, 2007

MEMBERS PRESENT: G. Lake,, R. Carr, T. Hamilton, C. Najac, H. Ross

MEMBERS ABSENT: R. Carr, A. Dulgarian

OTHERS PRESENT: J. Bacon, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - **LIBERTY PEST CONTROL** - SITE PLAN/SPECIAL USE PERMIT - 2629 Route 302 (22-3-7) #81-06

G. Lake: Public Hearing started at 7:32 P.M. M. Hunt read the Public Hearing Notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York will be held at the Town Hall at 99 Tower Drive, Building A, Middletown, New York, in said Town on the 4th day of April, 2006 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Liberty Pest Control, P.O. Box 279, Middletown, New York for approval of a Site Plan for an office and warehouse, located at 2629 Route 302, Middletown, New York under Article 249-28-C of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

G. Lake: Do we have his mailings?

M. Hunt: Yes.

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

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

G. Lake: Just give us a brief description since the last time you were here.

D. Yanosh: Again, this is the existing Quality Engine building. It's a 3.25 acre site. The building is existing. Liberty Pest is going to move from Middletown out here to Circleville. He will use most of the majority of the building for a warehouse and for office space. A small little spot in the back of the building is where the pesticide storage would be held. No major renovations. We're going to put a walkway around the front of the building and a

ramp for access for handicapped in the front. We will beef up the landscaping along the building, up in front, along the side, pave the parking lot and dress it up a little better.

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

H. Ross: After.

R. Carr: I will wait.

C. Najac: After.

T. Hamilton: After.

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

MOTION to close this PUBLIC HEARING at 7:35 P.M. made by R. Carr and seconded by H. Ross.

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

G. Lake: We are two members short tonight. They're out of town on business. Just keep that in mind. Mr. Yanosh, do you have Mr. McGoey's comments?

D. Yanosh: Sure, I do. Yes.

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

D. Yanosh: Item #2. The landscape plan. We did beef it up quite a bit with almost a third more trees around the whole site and in the front as was requested. We have to reviewed it

to make sure it's okay and enough of them. Item #2. The MSDS forms, he has a copy of them here right now. I talked to Walter before. I know it's part of the Building Permit process. We will get a copy of that for the Building Department and we can make a copy for the Board at a later date. That's no problem. He does have them. He will leave them here with us. Item #3. I did talk to the Chief. He has no questions about this as long as he has the MSDS report. I still have to write a letter and he will be involved in that with Walter.

G. Lake: Right.

D. Yanosh: Item #4. The septic design was just done back in 1991 when the Site Plan was approved for (not clear). Part of the package must have gotten lost in the file. This office did review this years ago in 1991 for Quality Engine back then. Mr. DePuy had also done a drainage report for the site back in 1991. He did say that the drainage out there would suffice. It's an existing gravelly area now. It handles it now. We have no problem with the drainage.

G. Lake: Is Mr. DePuy going to re-certify that?

D. Yanosh: Sure, he will.

D. McGoey: Let me just reiterate some of the information that was submitted he didn't certify.

D. Yanosh: There was a letter sent.

D. McGoey: He didn't. I don't know how it was designed. So, whoever the engineer is, should certify that it meets.

D. Yanosh: I have no problem doing that. Item #6. The water service detail. The water main, we will take care of that. Item #8. And, the note on the septic system we have no problem.

G. Lake: Basically the only concern is the drainage. Do you see a problem?

D. Yanosh: Not at all. I had talked to Mr. DePuy the other day. He had no problem re-certifying it.

G. Lake: I will go through the Board.

H. Ross: The septic system we're looking to have re-certified and is behind the wetland

buffer?

D. Yanosh: No. The new septic system will be built out in the field.

H. Ross: I have nothing further.

R. Carr: I have really nothing.

C. Najac: Nothing. Actually one question, to make sure that the MSDS report gets to the Fire Department.

D. Yanosh: He has no problem with that. It's part of the Building Permit process and the Department of Environmental Conservation requiring it also.

C. Najac: I just want to make sure. And, you're involved with the Fire Department.

D. Yanosh: Yes.

C. Najac: In an emergency, anyone would give them a list of the chemicals but what happens if something comes along and you added would you automatically notify the Fire Department or what just crossed my mind perhaps under the mail box put a tube and you could put all your MSDS's in there?

Unidentified Person: I have no problem e-mailing them. I can put an automatic e-mail from the manufacturers or how ever they want to do it.

C. Najac: Do you understand what I'm trying to say?

D. Yanosh: I believe the Department of Environmental Conservation regulates what he has to do and every industry is required by law.

Unidentified Person: The Fire Department comes by and checks.

G. Lake: I know we just re-did the ones for us and it's right inside the door. I have to assume they have to do the same thing. It has to be accessible when you walk in

D. Yanosh: The Golf Course is in our district also and he has to supply.

C. Najac: The reason I suggest outside, as you just said Mr. Lake it's right inside the door. Supposed there's a fire, I'm not going to run into the building to get the reports. So, if we

have the MSDS report outside of the building, then they will know what they are up against. It's just a thought.

D. Yanosh: We have copies of those in the radio room down at the Fire house too. They can go right to the radio room.

T. Hamilton: Are there any mitigation coming up?

Unidentified Person: Phase I was done.

G. Lake: I don't really have anything else. I think it's going to be a good use. He did beef up the landscaping.

D. McGoey: Mr. Lake, can I just clarify something?

G. Lake: Go ahead.

D. McGoey: Get your engineer to certify that the septic system is satisfactory for the use as well as the detail for the new septic system.

D. Yanosh: Right.

D. McGoey: And, secondly the Building Department asked me today to ask the Board to establish a position that the Building Department is satisfied with any outstanding issues. I guess there are some structural issues out there possibly.

D. Yanosh: Do you know what they are?

D. McGoey: I don't know exactly. He just asked me to make they were okay with any possible violations on the site.

Unidentified Person: I guess they had trouble finding the Certificate of Occupancy. They may be concerned with that.

J. Bacon: Mr. Yanosh, are you going to do a new septic system, then?

D. Yanosh: Mr. DePuy will re-certify the septic system in a letter form and the plans that were submitted in 1991 with all the details.

J. Bacon: Will you be re-certifying the new one or the old one?

D. Yanosh: The one that's there now. The old one that we designed and is on the plans.

J. Bacon: The one that's in use right now?

D. Yanosh: No. We have a possible location of a new one. The new one will be in case that one fails and we have to build a new one that's where it will be.

G. Lake: So, before I sign off you're going to have to clean up what ever it is with the Building Department. Did they say what it was?

D. McGoey: No.

G. Lake: I think they did have a problem with an interior wall at one time that was built years back. You don't have any problems with that?

D. Yanosh: No.

MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments and this Board's comments and straightening up the Building Department concerns made by T. Hamilton and seconded by H. Ross.

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

MOTION for SITE PLAN/SPECIAL USE PERMIT subject to all of Mr. McGoey's comments and this Board's comments and straightening up the Building Department concerns made by C. Najac and seconded by H. Ross.

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

2. PUBLIC HEARING 7:35 P.M. - **ESPM** - 2 LOT SUBDIVISION - Shawangunk Road (3-1-10.2) #111-06

G. Lake: Public Hearing started at 7:44 P.M. M. Hunt read the Public Hearing Notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York will be held at the Town Hall at 99 Tower Drive, Building A, Middletown, New York, in said Town on the 4th day of April, 2006 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of ESPM, LLC., 2440 Route 302, Circleville, New York for approval of a two lot subdivision, located at Shawangunk Road and Weld Road under Article III, Section 2A 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: Do you have his mailings?

M. Hunt: Yes.

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

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

G. Lake: Give us a brief description.

D. Yanosh: Again, it' a 4.45 acre parcel of land which includes lot #2 of a lot that was filed back in 2006 on May 31st and we also are in the process of acquiring the abandoned Gillen Road which shows on our plan. One of Mr. McGoey's comments was about Gillen Road. I guess the Town Board has approved every, the sale of that property back to our owners. What we're waiting for now is an appraisal on the property and we're going to leave. Both of them will have single family houses, four bedroom maximum with individual well and septic systems.

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

H. Ross: After.

R. Carr: I will wait.

C. Najac: After.

T. Hamilton: After.

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

MOTION to close this PUBLIC HEARING at 7:46 P.M. made by H. Ross and seconded by R. Carr.

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

G. Lake: Mr. Yanosh, do you have the comments from the engineer?

D. Yanosh: Yes I do.

G. Lake: Would you like to go through them?

D. Yanosh: Item #1. The status as I said with the road abandonment, I just discussed before. Hopefully that will be all taken care of. We will have to submit the final plans when this has gone through and everything is finalized. Item #2. It does show the one hundred foot right-of-way for Orange & Rockland. Item #3. I did put the houses back a little bit further closer to the power line. I will see what it looks like. It would require more clearing but I can take care of moving them back a little bit further. Item #4. The Highway Commercial zone, I think we discussed that at last month's meeting, that we meet the requirements for single family homes in a Highway Commercial zone plus the fact that the new zoning coming out is going to . . . This will be more than adequate and I know that Mr. Bacon has looked at that and that's why we needed the Public Hearing. Item #6. The drainage notes are on sheet #1. Item #7. The driveway entrance shows a twelve inch pipe. We will change that to a fifteen inch pipe. Comments from the Highway Department we didn't have any for tonight and we took care of all the problems before. Item #8. The stopping sight distance, I looked at that with Mr. Lippert today and we will go over than with him before final approval. Item #9. The septic systems are already done. We're waiting for the weather to clear up a little bit and the snow is all melted to get Eustance & Horowitz out there. That will be done within a week or so. Item #10. The parent parcel again, was subdivided and filed in 2006. That's why we're having a Public Hearing tonight. Item #11. The trees, I've labeled them on there the existing trees to remain and I put the limits of clearing on and tried to take care of it the best I could. I put my clearing limits on to protect what ever big trees are out there. Item #12. I don't understand the dimensional line.

D. McGoey: I don't see the dimensional line for the front yard setback.

D. Yanosh: Okay. Item #13. While I was out there today the grading along the right-of-way along Shawangunk Road, the previous developer pushed the stone wall back and made the right-of-way twenty five feet wide from the centerline. There is a problem with drainage across the front. I went out there today and talked to Mr. Lippert about that also. I will clean that up a little bit and maybe put in a swale to get some of that runoff to the sides. It's a little sloppy in there. I will address that with Mr. Lippert as we go along. We put an easement on for the power line that goes through there. I will make a telephone call to Orange & Rockland to see what about they require going through there.

G. Lake: Are you going to own Gillen Road pretty soon?

D. Yanosh: Hopefully, that will be resolved.

G. Lake: Getting back to the drainage along the road there. You're going to clear that up with Mr. Lippert?

D. Yanosh: Yes. It's existing. If you don't build anything there, it's still the same problem. When they went out there the first time the builder went through and cleaned it up a little bit. It's a very flat area right through there.

G. Lake: Right.

D. Yanosh: I did talk to Mr. Lippert this afternoon.

G. Lake: Mr. McGoey, I think you should be on that a little bit just to make sure that something down the road because that is pretty flat through there.

D. McGoey: Yes, it is.

G. Lake: See how probably the best way to handle that so we don't get thrown off later on down the road. Let me go through the Board.

H. Ross: I have the same concern. I don't care which direction the water goes as the water finds it's way out.

R. Carr: Yes. Outside of that issue and all the other things that Mr. McGoey has brought up, I have no problem. Can I just ask one question? You're saying that the developer had a problem with the filed subdivision?

D. Yanosh: It's hard to say. It's rough up there a little bit.

R. Carr: Stuff that was pushed back is a shame. You know, the Master Plan says preserving the rural character of the Town and the stone wall running along and the road will probably never be widened and wouldn't be in harms way. That's all.

C. Najac: As long as we take care of the stone wall.

D. Yanosh: As part of the detail we have to show on the plan is the developer's . . . I mean, if you don't want us to do it believe me I think the developer's would be glad not to remove the stone wall.

G. Lake: The problem is, we have gone to Mr. Lippert on several other projects throughout the Town and he has the final say on the roadways. This is something that goes all the way back to Mr. Patenaude because of a problem that happened and from that day on they have now gotten it from five feet to the centerline. That's where that comes from. I know and I'm thinking about the one on King Road that we went through. Mr. Najac, anything else?

C. Najac: No.

T. Hamilton: Nothing.

G. Lake: Do you guys have anything else? Mr. McGoey, are you pretty well set?

D. McGoey: No. I'm fine.

J. Bacon: When he sees Mr. Lippert, Mr. McGoey should go out with them also on the drainage concern.

G. Lake: Then, I don't have anything.

MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments and this Board's comments made by T. Hamilton and seconded by R. Carr.

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

MOTION for TWO LOT SUBDIVISION subject to all of Mr. McGoey's comments and this Board's comments made by H. Ross and seconded by R. Carr.

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

3. **BERMAN** - 14 LOT SUBDIVISION (Final Approval) Route 17K (5-1-3.2) #66-04

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

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

G. Lake: Go ahead.

D. Yanosh: After last month's meeting we went out find the old cemetery. I was out there with Mr. DeSerto. We walked around the site and the applicant has found where the cemetery was. You can see where there is an area of depression. We found two head stones. It's all overgrown with briars, grass and weeds and stuff like that. We located the general area and now we know in that corner there along the one stone wall it would be in the conservation subdivision. We made sure that was a fifty foot wide access to it. The client has agreed to clean it up a little bit. I will meet out there in the meantime between now and

final approval with the Historic Society line it out with a fence around it to preserve it and clean it up a little bit.

G. Lake: Do you know the extent of it?

D. Yanosh: You can see one of the stones. Again, if you took a walk out there yourself and when they mowed the grass over the years and all of a sudden . . . This has a little bit of a drop off. There are a couple of stones that are sitting there that are in the ground, in the grass. Two headstones is all we found so far. It's very strange that it's on a side hill next to a stone wall with one big nice apple tree sitting there. We looked up the hill a little bit further to see if anything was closer to a lot and there was nothing. It might go down further out in the field a little bit more and we will work on that. It's not in an area where any

construction would be or built in so we're fairly confident.

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

D. Yanosh: Sure. We can address these as we go along. The Department of Transportation, I guess one of the main concerns was the fifty foot connection to the Circleville Farms Inc. which is under Joseph Owen now. I know Behan Associates is going to be in contact with Mr. Bacon about the wording for the conservation subdivision. I know it takes time to do those things and different ways to do it. Between now and final approval we have to go to the Health Department with this application any way. I believe this is the first one in the Town of Wallkill with a conservation subdivision.

J. Bacon: What they're saying is that property should never set foot on for the benefit of the neighborhood. We have to make sure whether or not it could be managed by a Home Owner's Association (not clear).

D. Yanosh: The only problem with that is the owner is lot #1 which has the existing house and barn on property is going to own this house and the liability and stuff will be crazy. We will look at those things as we go along here and whether or not we have to cut lot #1 off to be separate to make the conservation subdivision a separate lot in its entity.

J. Bacon: If lot #1 wanted to use that . . .

D. Yanosh: We will look at that.

G. Lake: I think, Mr. Bacon and I talked a little bit before the meeting about this and I think you're both right. I think if I owned that property and the liability the way it is today, you hate to say it but I think you're right. To let people go through it without any restrictions. I think we need a little bit better handling from Mr. Yanosh on what they want done to this land. I was under the impression that it was a scenic view here and it wasn't really used as recreation, per se but I could be wrong. Maybe that's all part of it, is what they want to do. Recreation could be four wheelers driving around and if you're a four wheeler guy or a motor cross guy and they see they have a nice piece of land to ride a bike on so, I think while we work through this first one I think we have to be kind of careful on how we pursue it.

J. Bacon: Maybe Behan Associates should come down with the applicant at maybe a work session to get an idea.

D. McGoey: I was kind of hoping that Behan and the Town Board and the Planning Board would get together on these because I think we need a policy from the Town Board on how they want to handle the conservation easement. They left it kind of loopy/goosy in the wording. But, what do they want? I think the Planning Board needs some direction to give to the applicant.

G. Lake: I mean, I think the Town could even accept this but I know they won't want it but I think between now and the time he comes back we should probably work on that Mr. Bacon and maybe try and set this up and see if we can squeeze in the Town Board, Behan Associates to come down.

D. Yanosh: The major issue is going to be the driveway the access back to the Circleville Farms, Inc. property. It was one of Mr. McGoey's comments.

G. Lake: Martin Lane, let's get back to that. Do they have access to Martin Lane?

D. Yanosh: Yes.

G. Lake: Can you certify that it is wide enough?

D. Yanosh: The little spot there between there, the little neck, is over fifty feet wide

G. Lake: I just wanted to make sure I got that back on the record.

D. Yanosh: The lands in the back or behind there are not great for development but a possibility that they could. The thing is do we need a right-of-way or make it part of the road dedication type thing and leave it that way or do it a road future development?

J. Bacon: They can get in through the other side.

D. Yanosh: Yes. It's a long way downhill and I did some work for them years ago. It's quite a walk. I mean it can stay there for now. We can look it over.

G. Lake: I think, personally, I think we should do it somehow just to have it instead of another dead-end. That's my opinion.

D. Yanosh: The waiver I guess for the length of the cul-de-sac in the conservation subdivision application.

D. McGoey: Are you intending on the waiver or the wetland issue. From my field review it looks like that wetland is larger than what your wetland specialist says on the approximate so I think he should make sure it isn't a water quality issue. Your response from the drainage report.

D. Yanosh: The whole drainage report.

D. McGoey: No. My comment #3 we received a letter that was forwarded from your engineer from the adjoining property owner.

D. Yanosh: He lives down the road. He was here at the Public Hearing. That was Mr. Jackson?

D. McGoey: Right.

D. Yanosh: Who lives . . .

D. McGoey: Your engineer was supposed to give us a written response on that.

D. Yanosh: We can do it. What we're doing here has nothing to do with the drainage.

D. McGoey: He's quite a ways down so we need something in writing. And, the water test results.

D. Yanosh: The water test results we got. We sent it over.

D. McGoey: I got the first letter and the test results did not come back.

D. Yanosh: The test results had, they found traces of some of the chemicals because they put that in the water.

D. McGoey: I need the results.

D. Yanosh: How they test the water is they put a certain amount of the chemical in the water sample to see if they pick it up or what mil of bacteria is in it and hopefully the test results come back.

D. McGoey: Maybe I should get it assessed from a laboratory as well as the chloroform sample.

G. Lake: You can test the farm house. They have to drill a well anyway for the Health Department, wouldn't they?

D. Yanosh: Probably.

G. Lake: Wouldn't they make him do a couple of wells?

D. McGoey: Probably, but I'm looking for tests for the water quality.

G. Lake: Mr. Bacon, the cul-de-sac length, this is a conservation subdivision. Don't we have that right here?

J. Bacon: I believe so.

G. Lake: I just wanted to make sure. Let me go through the Board. Mr. McGoey's comments, between now and the Public Hearing, I believe we can give Preliminary so he can go to the Health Department. Are you going to have any problem at all cleaning these up?

D. Yanosh: None at all. It's in the Department of Transportation now. I think the most serious is the wetlands and we will verify those things. The water sample again. We will have to drill new wells anyway to verify the samples for the Health Department.

G. Lake: Mr. McGoey, we should probably get this back to another work session between now and final?

D. McGoey: Yes.

G. Lake: Let me go through the Board.

H. Ross: Only two things. You have to petition to have the cul-de-sac. On lot #14, I'm not concerned about the cemetery buffer within the conservation easement. I think it should be there. The corner of lot #14's back yard is also within that easement. Are you going to put documentation and notations in the deed or maybe move the easement around and give lot #14 a little piece of lot so that the conservation easement will include the cemetery and you won't have to worry about home owners inadvertently encroaching on the cemetery because they're not familiar with the law. That's it.

D. Yanosh: So, the corner of lot #14?

H. Ross: To be within the one hundred foot buffer. If you switched it around to the conservation easement and you gave lot #14 a little bit on the other side where it borders lot #1, the lot size wouldn't change and everything would be fine but we would have the corner of the home owners lot inside the buffer.

D. Yanosh: That's okay. We can do that. We can move that in there. If we held the tree line we could move it down further. We have no problem doing that.

R. Carr: First off, this is our first conservation subdivision. I do like having the utilities of having the right-of-way however, (not clear). Regarding the ownership of the easement I think the way I interpreted it, the way the law was written was to give the Planning Board the flexibility to look at each particular subdivision. I'm looking at this as though this was being used as a farm. If you were to start splitting off the ownership amongst the Homeowner's Association or certain people owned a monopoly of the farm. The thing that this does do is we want to preserve that farm and it was kind of to preserve having those houses off the road. So, in a different circumstance it might make sense to have walking trails and have something where the community of homeowners would be able to access and whether it's owned by a Homeowner's Association or split among different property owners, I don't know. But, in this particular case I feel we should preserve it as a farm because of the barn. That's my interpretation.

C. Najac: Yes. It's working out pretty well. As Mr. Carr said, there isn't a drastic change. The owner of lot #1 may want to keep it. I just want to make sure that (not clear). And my last comment, the light is still on the plan.

D. Yanosh: You never petitioned the Town Board, did we? Do you want us to petition the Town Board for lighting? We have to do a drainage district. That's part of the code now.

G. Lake: What do you have, two lights?

D. Yanosh: One in the cul-de-sac and one in the front.

R. Carr: Can we require that the infrastructure be in there even if the Town Board doesn't approve the lighting district so that in the future should the Town Board decide to want and put it there so that it's there?

D. Yanosh: You have underground electric going through there anyway and you're probably going to have an electric box probably at the corner of between lots #9 and #10 or #7 and #8. It's true if people all of a sudden decided to put street lights out on the road.

R. Carr: It's not much.

D. Yanosh: You have the right-of-way. If the Town Board says no to the lighting district and again, you're right. If ten years down the road all these people living there say we would like to have some street lights.

G. Lake: Anything else, Mr. Najac?

C. Najac: No.

T. Hamilton: Nothing further.

G. Lake: I agree with Mr. Carr as far as full layout, keeping the land as far as the barn goes. As far as the lighting goes, myself I'm for the two lights. I think it's a safety issue. I've said that before. If the Town Board decides not to give it you, to make you take the hit if something happens. We're not asking for street lights on every corner of every lot. We're asking for one on Route 17K, in this case Long Lane right there which is a pretty busy little road and the last one at the end basically to let people know something is different coming down the road. That's always been my opinion.

D. Yanosh: But, I still have to go to them for the district?

G. Lake: Yes. Anything else, guys?

D. Yanosh: The fifty foot wide access through there we're going to dedicate that to the Town as part of the subdivision?

D. McGoey: I think a gratuitous offer of dedication as we've done with some other projects if it's okay with Mr. Bacon?

J. Bacon: Yes.

D. Yanosh: Should I put (not clear) the cul-de-sac would be eliminated and we put the road straight through?

D. McGoey: You need the language on the plan for the subdivision easement before you get Health Department signature.

D. Yanosh: Okay.

MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments and this Board's comments and coming back to a work session to finish up made by H. Ross and seconded by C. Najac.

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

MOTION for PRELIMINARY APPROVAL subject to all of Mr. McGoey's comments and this Board's comments and coming back to a work session to finish up made by C. Najac and seconded by H. Ross.

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

4. **BOWSER ESTATES** - 4 LOT SUBDIVISION - Bowser Road (21-1-17.2) #16-04

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

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

G. Lake: Go ahead.

D. Yanosh: This is a 23.94 acre parcel on the northwest side of Bowser Road. It's in the RA zone. It's down the street from the street the previous one and was approved by this Board approximately seven years or so ago. We propose four lots. Lot #1 being 3.05 acres, lot #2 being 3.76 acres, lot #3 being 11.29 acres and lot #4 being 5.84 acres. There are some soils constraints and the power line in the back. The soil in the back is not contiguous to septic systems. We did look at putting a road in here with a cul-de-sac and a nice little subdivision back and forth but this is the four places where the soils are good and we can get septic systems, wells and separation distances with no problem at all. There are really long three lots, two with wide lots in the front for lots #3 and #4. Again, Mr. McGoey has a lot of comments. We have no problem with addressing those. We're here for sketch and we will finish up all our engineering. Also I got comments from Mr. Lippert. We're going to have to do some work along Bowser Road again to clean up the drainage, etc.

G. Lake: Mr. McGoey's comments?

D. Yanosh: We have flag lots.

G. Lake: Mr. Bacon?

J. Bacon: Yes. Mr. Yanosh, you have to show fifty feet in the RA zone and according to the Local Law #12 of 2005.

G. Lake: Okay. So, he does need the fifty feet?

J. Bacon: Yes.

D. Yanosh: We will have no problem.

J. Bacon: That might (not clear) in the future.

D. McGoey: One thing about the flag two flag lots I suggested in my comments that the common driveway be used between those two stone walls and maybe the property line moved between them to preserve the wall.

D. Yanosh: I don't have a problem.

D. McGoey: And, I'm also suggesting that the two houses on lots #1 and #2 be moved back into the fields to line all the houses up. It's a beautiful spot back there rather than putting them so close to the road.

G. Lake: What about the twelve percent grade?

D. Yanosh: We're at twelve percent, sure. I can lower than by extending them. If I move the houses back on lots #1 and #2 I can probably get a little bit more better grade with no problem.

G. Lake: I just think twelve percent is pushing it. I know it's in the code.

D. Yanosh: If I move those houses back, I will be under twelve percent.

G. Lake: We're here to schedule a Public Hearing. Let me go through the Board.

H. Ross: No. I concur with the suggestions made.

R. Carr: I like both of Mr. McGoey's ideas about moving back the two houses and outside of his comments regarding the drainage and also identifying the significant trees.

C. Najac: Nothing.

T. Hamilton: Nothing.

G. Lake: Mr. McGoey, are you going to want them back for another work session?

D. McGoey: Yes. Lot #3 consumes the back portion of the subdivision. And, the question is should the lot line on lots #1 and #2 go all the way to the back. I don't know if there was any reason why that should be all of lot #2.

D. Yanosh: There wasn't a reason.

D. McGoey: It should be on . . .

H. Ross: Are you referring to the corner?

D. McGoey: Well, the lot kind of wraps around the back of two lots.

R. Carr: It would probably be a lot cleaner.

D. Yanosh: Bring the boundary lines back, okay.

MOTION to schedule a PUBLIC HEARING for May 16, 2007 made by H. Ross and seconded by R. Carr.

G. Lake: Call in because the work agenda's are tight and you're just going to make it.

D. Yanosh: Let's not push it. I have no problem. If you want to put me off until the first meeting in June.

G. Lake: Okay, lets . . .

D. Yanosh: I have no problem.

MOTION to schedule a PUBLIC HEARING for June 6, 2007 made by H. Ross and seconded by R. Carr.

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

5. **SCOTCHTOWN DELI** - SITE PLAN REVISION & LOT LINE CHANGE - 851
Route 211 East (43-2-41) #94-06

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

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

G. Lake: Go ahead.

D. Yanosh: It's just a lot line change. The property of Silver Lake Deli in the parking lot encroaching on to the lands of the telephone company, Citizens Telecommunications Company. We're going to transfer .14 acres of land from one to the other so the parking lot and everything is on his property of his own. No new building, no new construction. Just a simple lot line change.

G. Lake: I know he's already using some of that land with some kind of an agreement.

D. Yanosh: He has an agreement for at least a couple of years now. Now, it's time to clean it up.

G. Lake: Right. I will go through the Board.

H. Ross: Tell me about the adjoining pond.

D. Yanosh: That was something Mr. DePuy had done for him years ago to take care of his runoff from the parking lot.

H. Ross: I have nothing further.

R. Carr: I have nothing.

C. Najac: Nothing.

T. Hamilton: Nothing.

G. Lake: I don't have anything. It's surly needed there.

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

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

MOTION for SITE PLAN REVISION & LOT LINE CHANGE (Subdivision) approved subject to all of Mr. McGoey's comments and this Board's comments made by H. Ross and seconded by T. Hamilton.

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

6. **MNR REAL ESTATE** - 8 LOT SUBDIVISION - Miller Road (31-1-19) #06-07

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

J. Tirolli: My name is John Tirolli with Mecurrio North & Tirolli Engineering Surveyor for the applicant.

G. Lake: Go ahead.

J. Tirolli: I little bit of history for some of the Board members. We were here before the moratorium, a ten lot subdivision. We had a layout that was acceptable by the Board. In fact, a Public Hearing was scheduled. The notices were sent out and they were notified by the Planning Board that the Town Board had enacted the moratorium and cancelled the Public Hearing. :Prior to the Public Hearing, because Miller Road is a seasonal road, and we were proposing probably eight lots on it we met with the Commissioner of Public Works, Mr. Lippert, your engineer Mr. McGoey and the subdivision engineer John Nosek and myself to

discuss the improvements that the Town wanted for Miller Road. We met in the field and at the conclusion of that meeting I prepared a separate plan for the Miller Road improvements and sent them to your engineer and Mr. Lippert. It was acceptable to the extent that the Town said we could go ahead. We then waited a year before coming in. They came back with a new building law and presented the standard plan and this is what you see a conservation subdivision before you. You will note there are now eight lots and one of the major differences of the lot count and open space is that the improvements to Miller Road is identical to what we had agreed on before except that we're not taking the improvements all the way from VanAmburgh Road to Route 211 because we're leaving a large tract of open space along Route 211. We're going to just abandon a portion of Miller Road from Route 211 into the cul-de-sac that we show roughly half way down Miller Road. So, having said that I will quickly and it's to my disbelief that Mr. Lippert's comments because it doesn't

acknowledge that we met, agreed with anything so, I will have to read this with him and Mr. McGoe and Bob's engineer. I have no explanation for this.

G. Lake: Okay. I was just going to bring that up because I did visit with Mr. Lippert on a couple of projects the last couple of days and this was one that he indicated to me was the total opposite from what you just said and he didn't mention anything to me about abandoning any part of this road.

J. Tirolli: It wasn't part of the original proposal.

G. Lake: Yes.

J. Tirolli: But, it wasn't.

G. Lake: And, as of two days ago though when I spoke to him about this he didn't tell me, like he didn't know or but I'm guessing but you just said you were going to abandon a large chunk of this road and put a cul-de-sac there. I don't think he knows that.

J. Tirolli: We haven't met. What we said in this plan if the rest works out as Mr. McGoe had suggested, three, four or maybe five weeks ago. We called three times and he hasn't responded but he put his comments in writing. So, I haven't had the opportunity to talk to him unfortunately. And, as I said, there was a lot of correspondence and a separate plan drawn at his request, the engineer. We had to show what was going to be done. We will have to get back together and refresh everyone's memory.

G. Lake: Okay.

J. Tirolli: It's not . . . We don't have an inner-municipal agreement with the landowner but we have proposals based on what he wanted to see done. We will have to take it up again.

G. Lake: Another thing he did mention to me that where it's constantly wet down through there and the main reason why they have to close it this time of year and during the winter, he told me he just doesn't know what's under there and that some kind of boring would have to be done. I don't know if you discussed that with him or not either.

J. Tirolli: He won't call so I can't discuss anything.

G. Lake: Even three years ago when you were here.

J. Tirolli: Not true.

G. Lake: I'm just telling you what I know about it.

J. Tirolli: I can't explain his not recollecting letters and plans. I mean a separate plan with cross sections and details. I will just have to meet with him personally and hopefully Mr. McGoey will be there so we can piece back together what we had a couple of years ago.

G. Lake: Now, wasn't there a culvert?

J. Tirolli: As far as this plan because of the open space we're not getting to that culvert so we don't need to replace it. We're coming off VanAmburgh Road.

G. Lake: Okay.

J. Tirolli: So that the view from Route 211, because that's basically our conservation area. You won't see any houses, there's no reason to make a big cut through that hill for Miller Road. I think if we were to choose where to put the eight lots I think the Board would be in agreement.

G. Lake: So, you're proceeding to do this now unlike a year and a half years ago, you're proceeding to do this strictly as an applicant where before we were dealing with two applicants.

J. Tirolli: No. It's still two. Bob is still after talking to his engineer, is still in agreement to do what needs to be done for that portion of Miller Road along with my applicant making improvements to that side.

G. Lake: Okay.

J. Tirolli: I mean they set up they're half of the road. It was all coordinated and still is but it certainly needs to be re-addressed.

G. Lake: Yes. I think right now probably the safest thing to do is to do exactly what you suggested, get a meeting up because what Mr. Lippert told me and he did talk about several projects but he did mention to me that there were boring's that he felt needed to be done down in your wet area. I've got to say that he does not know that you plan on abandoning

part of this road and I don't know if you can just do that without him or without the Town Board.

J. Tirolli: The fact that they don't maintain it for the winter certainly let's . . . We don't have to abandon it. We're just telling you we don't want to improve the parts that we're not going to use. Now, if he chooses to leave that as a seasonal road it's his call but it doesn't make much sense to me but that's his call and the Town. But, at this point we really need to spend some time with him.

G. Lake: Yes. You know why because that would be a real . . . I couldn't imagine that scenario what you just said.

J. Tirolli: On what?

G. Lake: Building your part and leave the other part as seasonal. I don't think that's going to happen myself. I just can't imagine that would be agreed to by anybody from the Town especially the Highway Superintendent. So, let me go through the Board and basically let them give you what ever comments that they might have now and then really, I think our next step is to get that meeting with Mr. Lippert and all the other parties involved so we all come back on the same page. Let me see if the Board has any comments and then . . .

H. Ross: Other than to say that I find this as an unecological solution to the problem. I look forward to that meeting.

R. Carr: Yes. Earlier I said in a conservation subdivision to preserve something through something, this doesn't do it for me. I don't see anything that represents that. You say you're keeping the houses from view of Route 211. I think Route 211 is probably and pretty well built up road. I don't think having the houses having a house or two along Route 211

is going to impact the view from Route 211. On the other hand, running a cul-de-sac down to two houses and then flag lots behind it just, to me, I would never go for it. We have gone for years talking about the Baum subdivision which also has houses and, I don't remember exactly where they are on the other side of Miller Road. Everything we went through with the Baum subdivision and how all those road improvements could be made. This just doesn't to me, is not a conservation subdivision. It's a challenging piece of property with all the wetlands that you have. Miller Road is a project. This is not a conservation subdivision and the other point that I would like to bring up is Mr. Bacon's point of view regarding the wetlands violations that have occurred. I can remember when that occurred and I concur with Mr. Bacon's suggestion that to find how we can properly mitigate those.

J. Bacon: He has Mr. McGoey's comments and I'm referencing his comments.

J. Tirolli: Yes. We have no objection to your retaining a consultant to verify the re-mediation of disturbance. The prior applicant, Wolfe, was the one that created that disturbance and the current applicant was the one that addressed it, supervised the cleaning up and restoring of the wetlands in that area. I just find that while there were allegations by some members of this Board when my engineer was here several months ago that there were violations and we scoured the Building Department or the Department of Environmental Conservation and there was never a violation found. No question that the gentleman encroached into the wetlands but I don't know where the violation came from. The report that we submitted on the wetlands was the boundary was on the map.

G. Lake: We can verify that. I think you have a couple of other pending problems before we move forward and that's why we're going through the Board. You're going to have to verify exactly.

C. Najac: Eight lots I feel . . . I do think that one lot could be on Route 211.

J. Tirolli: We only had one lot on Route 211 so we felt if we were going to try and convince but physically we're going for one lot because of the soils and wetlands. If you were going to try and put a bunch of lots together you could put two, three or four in the middle though we have two in the front and two in the back. That's a good sand and gravel field and it's not visible from VanAmburgh. It's not visible from Route 211 so we thought that would be an appropriate place to put at least three or more. To leave on Route 211 we wouldn't still have that visibility.

T. Hamilton: I think we need to straighten this out.

G. Lake: I think we should just table.

J. Tirolli: If I can just go through a couple of Mr. McGoey's . . .

G. Lake: You know what, why don't you straighten out the road issue.

J. Tirolli: There are a couple of questions to be cleared between now and the time we come back.

G. Lake: I would say you're welcome to address. Contact the attorney and get that straightened out between now and the time you come back. This way he has time to research it instead of. Right now, I think you have to find out what direction the Highway Superintendent is going have us go and then you've heard a few comments from the Board that you can start working on and like I said, any legal questions you're fairly welcome to contact our attorney and try to straighten that out and then he can give us his report.

J. Tirolli: Are you going to ship this up to Behan or are you going to wait until we resolve this with Mr. Lippert?

G. Lake: You know, I have to be honest with you. After talking to Mr. Lippert two days ago and after what you just told me what he just told, I mean, yes. I would like to see what direction you're going. That might change your mind after, I don't know. I really got a different impression that what you just said.

J. Tirolli: Okay. I will meet with Mr. Lippert and then once we . . .

G. Lake: Just try to set that meeting up where we can be there.

J. Tirolli: I will contact Mr. McGoey and Mr. McGoey will try and call you guys.

G. Lake: Unfortunately a lot of times that's a little late in the day, if possible.

J. Tirolli: Yes.

T. Hamilton: The width on the cul-de-sac of the flag lots should be fifty feet in the RA zone.

G. Lake: Yes.

J. Tirolli: Okay. Again, the length in the conservation density of I understand can be

waived. If you can't waive it the fifty feet we can re-configure. If we take back the twenty five feet that we're giving you up to Route 211 then I have enough room to do fifty and fifty. I'm not worried about the fifty feet but I understand you can make waivers of certain provisions in the conservation including the length of the cul-de-sac.

T. Hamilton: I don't think we can do it here.

J. Tirolli: I'm just asking. But anyway, I'm going to meet with Mr. Lippert first, when we get that settled down.

G. Lake: Get back to another work session and we will have a better handle. It might change everything. I don't know.

J. Tirolli: Thank you.

MOTION to TABLE for further review made by H. Ross and seconded by R. Carr.

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

7. **BALDWIN** - 2 LOT SUBDIVISION - Scotchtown Collabar Road (20-1-5) #07-07

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

L. Powell: My name is Lou Powell from Eustance & Horowitz Engineers. We're the engineers for the applicant, the Estate of Myra Baldwin.

G. Lake: Okay. Go ahead.

L. Powell: This is a proposed subdivision of a 0.985 acre lot which has two existing houses on Scotchtown Collabar Road just north of Brook Road intersection. I believe that the house on the left was the first house that was built and that built prior to 1968. The house on the right I believe was built about (not clear). In October of 1984 a two lot subdivision came before the Planning Board which required variances either at that time because the lot size was 1.65 acres. The subdivision was referred to the Zoning Board of Appeals and in January of 1985 it was approved. The variances were granted for that two lot subdivision. The attorney for some reason, I don't know why, never came back to the Planning Board and got final approval for the subdivision which was never filed. In the Last Will and Testimony of Myra Baldwin was written in 1986 she mentioned the original subdivision and requested that the one house goes to the son and the other house goes to the daughter. She died a couple of years ago, I believe. At least, not too long ago. Now, they're trying to rectify the original subdivision and get it cleared up.

G. Lake: Basically, we have to send him back to the Zoning Board of Appeals?

J. Bacon: Yes, as a non-conforming use. Did they get Building Permits and all that?

L. Powell: At that time, there apparently was (not clear). Both have individual wells and septic.

G. Lake: I guess my question is and I don't know. I guess my question would be the variances that they received are they past because of the law?

J. Bacon: That's a good question. You're right, they probably should go back to the Zoning Board of Appeals.

L. Powell: The old variances was the rear yard (not clear).

G. Lake: Let me go through the Board. I guess, that's the only option. My question to you was the variances that they received do you think they ran out or what? I don't know.

J. Bacon: I can't believe they would be active if they don't have subdivision approval.

G. Lake: Okay.

H. Ross: Refer him to the Zoning Board of Appeals.

R. Carr: Refer him to the Zoning Board of Appeals.

C. Najac: Refer him to the Zoning Board of Appeals.

T. Hamilton: Refer him to the Zoning Board of Appeals.

MOTION to refer applicant to the ZONING BOARD OF APPEALS made by H. Ross and seconded by R. Carr.

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

8. **FREDERICKS** - 3 LOT SUBDIVISION - Indian Trail Road (29-1-52.2) #05-07

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

D. Yanosh: My name is Dan Yanosh, surveyor for the applicant.

G. Lake: Okay. This is here for sketch.

D. Yanosh: This is a nine acre parcel of land in the RA zone located on the end of Indian Trail Road off of Scotchtown Collabar Road. We propose a three lot residential subdivision. The land is owned by Mr. Fredericks since 1992 and subdivided back in 1982 for a two lot subdivision. The ones that bought it was subdivided by myself a couple of years ago. The proposal now is for a three lot subdivision. Lot #1 by Indian Trail two acres, lot #2 and #3 would be flag lots. Lot #2 being 2.18 and lot #3 being 4.3 acres. We looked at the site and tried to do a conservation and a private road through there. This seems to be the best from what we've looked at. It's an old gravel bank being mined out. One of Mr. McGoey's comments is about the contours. It's probably a few years old. We will update them and

clean them up a little bit. There's sandy loam on top and grass growing out there. It will look pretty good when it is finished. We know that Indian Trail is a dead-end road. It was first improved years ago when the subdivision was done. The southwesterly side of Indian Trail was subdivided. Not much was done back then on the road, I don't think. There's a turn-around down below and a small little thing right now, not much. Mr. McGoey's comments, we have to do a "T" turn-around. I talked to Mr. Lippert about that today. We all agreed that something has to be done at the end to turn people around. I'm here for sketch to see the Planning Board says.

G. Lake: I think the last time he was here there was no reclaiming done. Now, you're . . .

D. Yanosh: Once we get done with this one, I think the in the front is all sandy loam. That can be spread around. He may use that for fill once the houses are built.

G. Lake: I will go through the Board.

H. Ross: It's too ambitious. I would be happy with two instead of three. Are both flag lots fifty feet?

D. Yanosh: The parallel lines are both fifty feet wide.

R. Carr: I really have no problem with the flag lots.

C. Najac: Is there a possibility of running a shared driveway between the two flag lots?

G. Lake: What I was going to say was open development. This might be a good spot for an open development.

D. Yanosh: I looked at that. Four lots going of this thing with a road going through.

G. Lake: If you go for an open development . . . I don't know. You would have to look at it again.

D. Yanosh: I went through with the two acre zoning. We have no problem with the common driveway. I can make lot #2 a little bigger. The conservation, the buffer? Where do you want the buffer, in the front, in the back, or on the sides?

G. Lake: I don't know how you would do a conservation subdivision in there.

D. Yanosh: Part of it was a gravel bank.

G. Lake: Like Mr. Najac said, maybe a single driveway down in there.

D. Yanosh: Okay.

G. Lake: I just think it's something to think about.

D. Yanosh: It would be a private road and we would end up paving it and everything else.

T. Hamilton: Yes, but it's rural specifications I think instead blacktop.

G. Lake: You're here for sketch. We're just giving you ideas for you to reconsider and move forward. Mr. Najac, anything else?

C. Najac: Nothing.

T. Hamilton: Could not hear.

D. Yanosh: I tried moving the lots in the front and cutting the back piece off here and put three houses up front.

G. Lake: You have a whole bunch of comments.

D. Yanosh: The biggest problem is the turn-around down below and the drainage. I met with Mr. Lippert again today.

T. Hamilton: Do we have topography?

D. McGoey: This isn't up to date and he has to do that.

D. Yanosh: It's just sand and gravel and can be moved around and get dressed up. A lot of it is left over from before.

G. Lake: You've heard the comments from the Board.

D. Yanosh: A private road going in.

G. Lake: I just think it might just be a good way to solve a couple of comments but at the

same token eliminate and just have like a common area and do an open development.

D. Yanosh: Sure.

G. Lake: I think this might be a nice project with an open development.

D. Yanosh: Okay.

G. Lake: Anything else, guys? Like I said, maybe a shared driveway and then you would just have to work out the easements. It's up to you to decide upon.

D. Yanosh: Are you saying leaving the flag lots the way they are and just put one driveway through them?

G. Lake: And, you would have to look at easements and talk to Mr. Bacon to find out how to do that.

D. Yanosh: That would be no problem. It's probably the best solution. So, the flag lots are not a problem. It's just two driveways going side by side of each other.

C. Najac: In know Mr. Dulgarian doesn't like flag lots, period.

G. Lake: I find flag lots are usually . . .Anyway

D. McGoey: This should come back for another work session.

MOTION to TABLE for further review made by H. Ross and seconded by C. Najac.

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

9. **GOSHEN GREENS DEVELOPMENT** - SITE PLAN - 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 for the applicant.

G. Lake: Now, this is not a Public Hearing. You can listen, look. The Public Hearing will come at that time to answer any of your comments.

J. Quinn: The site is a thirteen acre parcel located along Inwood Road and Route 211 in the R-1 district.. We're proposing forty nine (49) townhouses in eleven buildings and as you can see here the layout accesses off of Inwood Road, one curb cut. There's a loop configuration around the site where you can turn around. We've been before the Board several times and work sessions with the latest being in December. We've pretty much have gotten the plan in sketch detail. It's my understanding that this is the plan the Board has granted an extension to and we're before you tonight to go through the application.

G. Lake: The comments, Mr. McGoey's comments. Have you looked at any of these?

J. Quinn: Yes. We got them Monday night. We reviewed them yesterday and today. I don't see an issue with any of them as a whole. Most of them are technical probably either notes or details, engineering wise, sewer and water connections and that sort of nature. There are some ones in there I would like to go over. Can I do that?

G. Lake: Sure.

J. Quinn: If we could start with #6. We're currently providing . . . We're going to do that within the next couple of weeks for Mr. McGoey's review. I had on the original plan that was submitted we did do basically, we started our design for drainage. We're going to collect it into the site with a combination of swales and in the back we're going to have a water quality basin or pond, most likely dry, and in the front of that we will have bio-retention area for the quality. We're going to discharge that off the site here so that it doesn't affect anything that happens on the adjacent property. The applicant approached the property owner. He's here this evening. Basically all the water will come here to the outlet to a typical retention basin and down that runs off the adjacent property here and runs under Route 211.

D. McGoey: Going back to item #5 the major drainage channel which has been somewhat ignored . . .

J. Quinn: This one?

D. McGoey: Yes. It does cross the site. It doesn't look like you're . . .

J. Quinn: We went out and located that and it's a twelve inch pipe. It's part of the original survey. Where it goes, once it comes out we can define it with channels. What I have here on the grading plan is we were going put a swale around and collect that and bring that down here.

D. McGoey: No, there's a bigger one down more central to the site.

J. Quinn: Oh, here?

D. McGoey: Yes. You do not deal with that.

J. Quinn: What we were going to do with that one was we will collect that in here and there will be catch basin.

D. McGoey: Are you going to pipe it?

J. Quinn: That way, we won't have to go into . . . This is part of the conservation zone in there.

D. McGoey: Okay.

J. Quinn: I don't want to go in there if I don't have to.

J. Bacon: Is that wetlands there?

J. Quinn: No. That was my next one. We had our wetland specialist walk this. He provided a letter that there are no jurisdictional wetlands on this piece as well as the adjacent piece as well, which is over here. The wetlands are on that piece. I submitted that letter the day after under separate cover. The recreational areas, #10 and #11. Currently at the time the applicant doesn't know exactly what he is going to provide even though we do have an area marked in here which would be partially children and he doesn't know if he's going to

provide tennis courts or basketball courts yet. This spot here is about ten to twelve thousand square feet.

G. Lake: What's your breakdown here, one, two, three bedrooms?

J. Quinn: The site has two, three and four bedroom units. The four bedroom units we were incorporating an extra bedroom. The majority will be two and three bedroom units. There are some units here that will have walk out basements in the back and we've added an extra bedroom to those units.

G. Lake: You added extra, for why?

J. Quinn: Because the Building Inspector has a concern that it would become a habitable space. The applicant where he doesn't provide walk-outs, he doesn't plan on finishing off any of the basements.

G. Lake: So, you're calling that basement space a bedroom because of the possibility of it becoming a habitable space?

J. Quinn: Yes.

G. Lake: So, that could also be a family room down there as much as a bedroom but because of the zoning.

D. McGoey: It's a technicality regardless of whether it's a family room or an office, it is considered a bedroom.

G. Lake: And, then the parking calculations, will be based on . . .

D. McGoey: Four bedrooms.

T. Hamilton: The calculations shown on the first sheet only shows up to the three bedroom units.

D. McGoey: They will have to change that.

J. Quinn: Isn't that just the unit count and not so much the bedroom count?

T. Hamilton: That's why I'm asking.

J. Quinn: The site provided more than enough parking if the additional bedroom or habitable space in the basement, we still have an extra nine spaces on the site.

G. Lake: How about visitor parking?

J. Quinn: Are you looking for a percentage or a certain area to be provided? Showed the Board different areas. It's a matter of how many extra spaces.

G. Lake: Well. Unfortunately, that surely becomes a problem in anything like this and I think we're going to have to look and see what we've done elsewhere and we will have to give you some data.

J. Quinn: Okay.

G. Lake: The problem is and I used to own a place right next door. God, forbid there was an accident. Parking is a big problem and in any of these places and I think you have to come up with some kind of a number. Nine, I don't think cuts it.

J. Quinn: Okay.

G. Lake: I think I would look at each unit and put them near the street there.

J. Quinn: Just to touch on the units. The larger with driveways on the side, are the two car garages as well as basically a side entry driveway. All the other units in the middle are all one car garages.

G. Lake: Mr. McGoey, lets look some of the other projects to see if we can come up with some kind of a percentage?

D. McGoey: Okay.

G. Lake: I don't' know how the rest of you guys feel but it does become a problem.

J. Quinn: Item #14. We will be in contact with the Planning Board Attorney for the language of the conservation easements.

G. Lake: Feel free to contact him.

J. Quinn: Okay. This will be a Home Owner's Association for the conservation area and it will be defined and will also be in common ownership.

J. Bacon: And the recreational areas?

J. Quinn: We have a recreational area here, etc.

G. Lake: I mean, you are going to provide that between now and the Public Hearing, correct?

J. Quinn: We also will have the details as well.

G. Lake: Now, this will be condominiums, all the way?

J. Quinn: Yes. I will work with the water and sewer Superintendent and the Highway Superintendent. We are currently on Inwood Road. The sidewalks and curbs end pretty much right here. At the end of the property line we're proposing to bring the sidewalk and curbs all the way through to our site and our sidewalk would run from here approximately. I think it makes the road a little bit better for drainage. We will provide all the necessary details for water and sewer.

G. Lake: Let me go through the Board to see if they have any other comments at this time and then we will schedule the Public Hearing..

H. Ross: Nothing.

R. Carr: The stormwater and the easement where the stormwater is flowing off, did the other applicant ever come back?

D. McGoey: Well, I raised the question about his running the discharge onto the adjoining property.

R. Carr: Just following that up, the regulations regarding the runoff would that now require that they have to present how the runoff from the other property now because the water that is now taken off their property is going on to the other property? What about that water having to leave that property? So, now does that get included into your stormwater or how are you going to address it?

J. Quinn: The way the report was worded is where we discharge we have to evaluate. The drainage area naturally makes it down there and what Mr. McGoey wanted to avoid was to have the discharge directed right here to cut in on another channel. Naturally it is all flowing

this way. So, we will provide all of our Department of Environmental Conservation regulations, quality, quantity. Everything is provided on the site. Our discharge would be going off to another location. When we prepared the stormwater report it's all factored in to what they call pre-development and post-development. On the post-development we have to analyze where it's going.

R. Carr: Can you show on the map where the channel is and where it's going?

J. Quinn: Yes. We can get a better definition on it. You can kind of see where the water goes. It's clean down here and then there's a main stream right here.

R. Carr: My point is that obviously the flow is going to be different if you're discharging right there.

J. Quinn: It won't address the entire parcel but it will address the impact areas.

G. Lake: Anything else, Mr. Carr?

R. Carr: Yes. My only other point there is, there are (not clear) here and I would rather . . . You do have the stormwater management plan?

J. Quinn: Not yet.

R. Carr: Not yet. We don't know what's the proposed recreation is. There just seems to be a lot of things that are still outstanding and to schedule a Public Hearing, I think that information should be here in order to do that.

C. Najac: This is in regard to the water. You're running off your property coming back down Route 211 and going under Route 211?

J. Quinn: Well, what we're doing is at this basin we're going to discharge here and pipe it into here and it will pre-discharge into the existing channel.

C. Najac: That would be under Route 211?

J. Quinn: That's right here.

C. Najac: And, you will be able to verify that the culvert can handle the flow, your additional flow, than what's already going down there?

J. Quinn: Yes. Part of our stormwater plan is, I can't discharge more than. . .

C. Najac: That culvert, your additional water is actually flowing through there now.

J. Quinn: Yes.

C. Najac: Right now you have, as you call it, sheet flow, rather than coming off from your property.

J. Quinn: What it does, you have . . .

G. Lake: Anything else, Mr. Najac?

C. Najac: That's it.

T. Hamilton: The only thing I don't think is here is the rendering of what it's going to look like, an architectural rendering.

J. Quinn: The only thing I have is the floor plan.

T. Hamilton: We want to see what it's going to look like, the colors and the type of material used.

D. McGoey: The lighting?

G. Lake: Are you looking for the timed or the foot candles?

C. Najac: Well, the foot candles as long as the complex next to it the lighting is very visible on Route 211 and I like the shoe boxes on so the lights shine down

J. Quinn: Do you want them in boxes that go up?

C. Najac: Four foot candles?

D. McGoey: It's in here. They do show a picture.

G. Lake: I just wouldn't want to see it look like a mall parking lot either with the shoe box. I think the foot candles . . . I think we're trying to soften the impact at night so, I just think that's something you're going to have to look at.

J. Quinn: Okay.

G. Lake: I would hate to put mall type lights in a whole residential area, not only this project.

J. Quinn: We will cut that down.

G. Lake: Anything else?

C. Najac: That's it.

G. Lake: There are quite a few comments. I think the, it's up to you guys, if you want to them to come back with a little more information about the recreation and what it's going to look like. Mr. McGoey has twenty five comments before the Public Hearing. We will set it out far enough so we know it gets done and maybe give us a little extra time where we can look at it. Shall we get them back one more time to look at all these comments? The recreation is still outstanding yet and we don't know what is going to be there. It's up to you. It doesn't bother me one way or the other.

R. Carr: I would ask him to come back so we know on the recreation before we have the Public Hearing.

T. Hamilton: I agree.

H. Ross: I think it needs to go back to another work session.

J. Quinn: Do you have two meetings in July and August?

G. Lake: Just one.

J. Quinn: When would we be able to come back? I just don't want to be locked out for June and then the Public Hearing would be later.

G. Lake: If you can get a lot of these issues cleaned up and come back and satisfy the Board about the recreation and, like I said, a little better job on the stormwater management. Maybe you're going to have to have a little chart on the flow off to show everybody how that's going to work. We could probably get you back in May.

J. Quinn: Okay.

R. Carr: Mr. McGoey had submitted a recommendation to us as to a long form Environmental Assessment Form.

J. Bacon: I went through that with the applicant.

J. Quinn: I know he submitted but I can check on that.

G. Lake: May 16th, do you think you will have a lot of the stuff done by then?

J. Quinn: Sure.

G. Lake: We will schedule the Public Hearing after that.

J. Quinn: Just so I don't get locked out.

H. Ross: There was a long form Environmental Assessment Form done?

J. Quinn: Yes, there was done.

D. McGoey: Could I just mention if the Board may recall on the last couple of condominium projects we've asked for a club house with indoor exercise recreation type facilities. I would assume that you may want them to consider something like that.

J. Quinn: I would have to check with the applicant.

R. Carr: And, the other issue is parking, stormwater and recreation.

G. Lake: If you can give us some idea of what they're going to look like.

J. Quinn: Okay. That, I can't promise you that.

G. Lake: I realize that.

J. Quinn: I will have something . . .

G. Lake: For the Public Hearing, you will have that.

J. Bacon: What about the traffic? It could be a problem there.

G. Lake: This might be thrown in there already. This was also at one time part of the project next door. So, the traffic might already be counted in. It can be checked.

T. Hamilton: Mr. McGoey, on the recreation, can he lose one or two units?

D. McGoey: What do you mean, for the recreation?

T. Hamilton: Remove a couple of building units for some recreation instead of a separate building.

D. McGoey: It's a thought.

MOTION to TABLE for further review made by R. Carr and seconded by C. Najac.

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

10. **SALZANO** - 3 LOT SUBDIVISION - Prosperous Valley Road (3-1-104.21) #61-06

Cancelled.

11. **TOWER RIDGE** - SITE PLAN/SPECIAL USE PERMIT - Informational Meeting to Discuss Individual Ownership - Tower Drive (40-1-64) #30-07 (*TENTATIVE*)

NO SHOW.

12. **PUBLIC INFORMATIONAL HEARINGS** to be scheduled for the following items?

1. Public Informational Hearing for the proposed COMPREHENSIVE ZONING AMENDMENTS FOR 2007.
2. Public Informational Hearing for SETTING TERMS OF SERVICE FOR TOWN PLANNING BOARD AND ZONING BOARD OF APPEALS MEMBERS.
3. Public Informational Hearing for PROPOSED AMENDMENT FOR SETTING A MAXIMUM TIME FOR CONSTRUCTION OR PROJECTS RECEIVING PLANNING BOARD APPROVAL.
4. Public Informational Hearing for PROPOSED AMENDMENT TO MAINTAIN ROADWAYS OFFERED FOR DEDICATION IN THE TOWN OF WALLKILL.

MOTION to schedule these PUBLIC INFORMATIONAL HEARINGS for April 18, 2007 made by R. Carr and seconded by C. Najac.

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

