

TOWN OF WALLKILL PLANNING BOARD

MEETING

APRIL 6, 2005

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

MEMBERS ABSENT: P. Owen

OTHERS PRESENT: D. Brodsky, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - **BAHRENBURG ROAD DEVELOPMENT** - (Gottlieb) - SITE PLAN/SPECIAL USE PERMIT - Bahrenburg Road (40-1-34) #48-04

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

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 600 Route 211 East, in said Town, on the 6th day of April, 2005 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Alangary Realty Inc. for approval of Site Plan/Special Use Permit , Bahrenburg Road Development, Tax Lot 40-1-34 under Section 249-38c, 249-40 of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

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

J. O'Rourke: My name is John O'Rourke. With me is Gary Gottlieb, A. Madnick and Victor Caruso.

G. Lake: Go ahead.

J. O'Rourke: As the Board is aware, this is a 1.6 acre parcel in the PID zone at Bahrenburg Road. As you can see from the Quickway it's the old barn, previously Christopher's. Part of this project is to rehabilitate the existing structure and to install self storage units in the rear of the building. We were in front of the Zoning Board of Appeals and obtained the variances required for the setbacks and some of the parking requirements. We're here before the Board to basically to describe the project. We have some architectural renderings of the building.

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

A. Dulgarian: I will wait.

R. Carr: I will wait.

W. Capozella: I will wait.

T. Hamilton: I will wait.

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

J. Hofflich: I have two questions for the Board. The first one is rather practical. I own the adjacent three acres down by Bahrenburg Road and Silver Lake Scotchtown Road. I would like to . . .

A. Dulgarian: Can you show me where that is, which property you're talking about?

J. Hofflich: Showed Mr. Dulgarian.

A. Dulgarian: Okay. Just across the little street there.

J. Hofflich: Right. I own the area between Bahrenburg Road and the Dental Office.

G. Lake: How much land do you own right there?

J. Hofflich: Three acres.

G. Lake: So, you're telling us you're between the Dental Office and then you sweep along

J. Hofflich: There's eight hundred feet of road frontage on Silver Lake Scotchtown Road.

G. Lake: Okay.

J. Hofflich: My concern here is once this is paved, I want the assurance about the runoff that it doesn't drain onto my property. That's the first concern. The second one is, I see limited provisions for aesthetics in terms of landscaping. That's the second issue because these things are an eyesore. Those are my only concerns.

G. Lake: Thank you.

MOTION to close this PUBLIC HEARING at 7:40 P.M. made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

G. Lake: In reading Mr. McGoey's comments, the runoff.

J. O'Rourke: We have provided the drainage calculations to Mr. McGoey's office. We have a series of underground chambers collecting any additional runoff from our site and discharging it to below or at existing conditions now.

G. Lake: I take it that it has been done according to the stormwater management plan?

J. O'Rourke: Yes it has.

G. Lake: Let me ask you, there was some talk about, Mr. McGoey, I don't know about keeping this road or abandoning this road?

D. McGoey: I don't think that's going to happen.

G. Lake: That can't happen now?

D. McGoey: No. We had talked to you guys about getting together with the property owner across the street but the discussions never happened so it will remain a Town road.

G. Lake: Okay. Is it going to be upgraded then?

D. McGoey: The Highway Superintendent asked that new pavement be placed and a "T" turnaround be put in. They have shown the "T" turnaround but they have not proposed any upgrade to the road. So, that's a point of discussion.

G. Lake: The landscaping. We have already talked a great deal about the landscaping at previous meetings. Let's point out the landscaping, what you're going to do. I understand his concerns. I believe it's because of the self storage area and has been in discussions right along.

G. Gottlieb: Part of the landscaping is shown on the plan. There is a natural buffer there. Part of that property is in a wetland area. The total area of wetland doesn't touch our property. That area will not be disturbed. It will be a natural buffer. We will be providing planting's along the lower area of our property. We're going to maintain as much of the natural growth as to whatever is possible. From Bahrenburg Road, the property is actually hidden across. This project is actually set down from the building to provide the natural buffer.

V. Caruso: Described from the map. Route 17 would be here. (Not clear).

G. Gottlieb: When you look at this plan here, from the highway down, the storage, from the highway prospective what you're really going to see is the top. You would not see, it is set down a minimum of I would say fifteen feet from our elevation to the highway elevation. Coming up Silver Lake Scotchtown Road, you can't see the property until you're diagonally across from the building here. I don't believe that the storage buildings will be revealing.

A. Madnick: I was driving and going slowly and missed the turn. The storage units will match the barn. I think it will be beautiful.

G. Lake: Are these the colors we will be seeing then?

A. Madnick: Yes.

G. Lake: Let me go through the Board.

A. Dulgarian: Were you going to go through Mr. McGoey's comments first? It's up to you.

T. Hamilton: Can I just get something verified before we go any further? The gentleman who spoke about owning the property. There is another piece of property between you and this project, correct?

J. Hofflich: I don't know if that was subdivided?

T. Hamilton: Because I'm looking, if you look at the location map, there's one property I believe might be yours, it's got a curve?

J. Hofflich: Yes.

T. Hamilton: Okay. There's one between you and there's' which is the Jeremiah's?

J. Hofflich: I believe that may be an access piece.

T. Hamilton: It does go out to the road there.

J. Hofflich: Is the Jeremiah's piece considered wetlands?

T. Hamilton: The location map shows another parcel.

G. Lake: The road is not going away.

J. Hofflich: Okay.

G. Lake: I think that's your main concern. Hopefully they've answered the landscaping. We are asking them to do the stormwater management which our Engineer will check. We're not going to take their word for it. The road is not going away. I believe that's property one of your biggest concerns. If anything, it should be an improvement.

J. O'Rourke: Comment #1 relates to the stormwater pollution prevention plan. We will re-submit that to Mr. McGoey. I thought that was in the packet but we will make sure he gets another copy and try to address his comments. Comment #2, note #4 under the variances granted on Sheet 1, should be clarified. We believe it is in intent that the renovations to the barn will be completed before, or at the same time as the self storage warehouses, however the note does not read clearly. In addition, the note with respect to the billboards is also unclear. We took that directly from the minutes of the Zoning Board Minutes but we can certainly put clarifications in there. It's our intent and it was certainly the Zoning Board's intent that the two projects had to proceed together. We could not have the self storage units and not do the rehabilitation of the barn. We will clarify that. With regard to the billboard, it was our intention that the Zoning Board of Appeals had granted a variance. Had asked us to approach the Building Department to see if we could get the sign moved. We are in the process of doing that.

G. Gottlieb: We have an application in to the Building Department and it was initially denied. Now, if the Board wants us to proceed with that then we would have to either re-submit or then obtain a variance to move the billboard. We would do that if the Board was so inclined, we would have no problem. In doing that, if the condition was that, if they allowed us to move the billboard and we can obtain the necessary permits to move the billboard, we would have no problem to move the billboard as a stand alone.

G. Lake: You're saying move it, or remove it?

G. Gottlieb: Not remove it. It was never our, it was clear that we would never remove the billboard. It's a Federally permitted billboard on that building.

A. Dulgarian: So, you're going to do all this work on the conceptual drawings and leave a couple of billboards like that?

G. Gottlieb: They will be re-done if we redo the building but yes. The billboards are something that we have a Federal platform for and we would maintain the billboards on the building.

G. Lake: Mr. Hamilton?

T. Hamilton: On that line, on the variances granted under item #4 on the very bottom it says the billboard signs to be removed from the existing building or if a Building Permit could be obtained from the Town to move them to another location. That isn't what you were just stating. Your own note here says that if you don't get the Building Permit from the Town to move them that they are coming down. These are additional conditions of your variance.

G. Gottlieb: That's a little bit different than. Maybe we can get some clarification from the Zoning Board of Appeals.

T. Hamilton: That's what we were asking for.

G. Gottlieb: That's not what . . .

G. Lake: Okay. Your variance tonight. We're going to continue if we're going to act tonight. Your variance says you're going to take the sign down off the building, basically. It's on your plans under note #4. Then you will have to go to the Building Department to see if you can get a new permit out of the Building Department. We do not do that. It's up to you if you want clarification at this point and then you're going to have to get clarification from the Zoning Board of Appeals I assume or agree if we continue that you understand at the end of the process that you may or may not get approval. If you get approval it will be without that sign on the building according to what we read on your map. Do you agree with that?

D. McGoey: Yes. I think we have to check the minutes of the Zoning Board of Appeals.

D. Brodsky: They could have made a mistake on their own map but I can always check.

J. O'Rourke: We have the Zoning Board of Appeals minutes here and it is a little confusing. The variances are granted subject to the terms that the barn will be commenced prior to the building of the self storage area. The signs will be removed from the barn. Please see Building Department. That's what was actually in their minutes.

G. Lake: What I'm saying, as it stands right now, they do not have the approval to keep the signs.

D. Brodsky: Correct.

G. Lake: And, they have to go through the process with the Building Department.

D. Brodsky: Make the appropriate application. They will have to apply.

G. Lake: I want them to know that.

G. Gottlieb: Let me ask you this. Certainly, let me make an address of what transpired with the Zoning Board of Appeals. There was one member of the Zoning Board of Appeals, there was a woman member, I forget her name. She had the objection to the billboards.

T. Hamilton: It's what you obtained from them, the final condition. We're not looking at who said what?

G. Gottlieb: No, but the final condition they had asked me the same question. I said under no circumstances would be abandon the billboards. It's a Federally billboard. To give that up would be, would just be ridiculous. We would basically not go forward with the project unless that was a condition of it. They asked if we would move it off of the building. We don't have a problem with that provided the Building Department gave us a permit. If we can get a permit from the Building Department, we would have no problem moving it off the building. That's where we left it and that's the variance that we were given. Under no circumstances did we ever say that we would be willing to take the sign off the building and abandon the Federally billboard on the hopes of getting a permit which I don't think we would ever get from the Building Department at this state. I think with us agreeing now to take the sign off the building and then apply for a permit. We've applied for the permit. The permit was denied. That's already been done. We've applied for the permit and it's been denied. We went to the Zoning Board of Appeals and if we can get a permit then we will move it from the building. That's where we left it and we've proposed that to them and it was never their intention that this project was conditional upon us moving the sign from the building.

D. Brodsky: But that's what the language appears to say at the Zoning Board of Appeals meeting.

G. Gottlieb: I think then we need to get some of the members of the Zoning Board of Appeals to address that. Mr. McGoey, was at the meeting. Were you at the meeting with the Zoning Board of Appeals?

D. McGoey: No.

D. Brodsky: Do you have the minutes of the meeting? Maybe I can read it.

G. Gottlieb: Certainly, I was adamant about that from the beginning. They understood that. Our contention was that the Federally billboard is something that you can no longer get.

G. Lake: I understand what you're saying but what I'm trying to tell you unfortunately on your map you say you're taking them down. From what I read, I have no idea why you guys even had to do that. It's there and now you have to go to the Building Department because we don't do that.

D. Brodsky: Mr. Lake, the last sentence before the Board took a vote was what was read. They voted on precisely that condition. It seems to me it's quite clear. If you want to get an interpretation from the Zoning Board of Appeals as to what their decision was, you can do that but frankly I think it's pretty clear here. They were voting on precisely that issue.

G. Lake: Did you go to the Zoning Board of Appeals and this was one of the variances that you had to get?

G. Gottlieb: No. This had nothing to do with the variances. One of the women on the Zoning Board of Appeals made a comment when she was looking at the project asked us about the sign and brought it up as an aesthetic issue and said she would like to see the sign removed from the building and then it was brought up for discussion. It was never a variance issue in front of the Zoning Board of Appeals. It was never a condition of a variance. It's an approved sign.

G. Lake: It's under the variances.

G. Gottlieb: But it's not a variance that was required. It certainly wasn't a variance that we were seeking or that we needed to address. The fact that it's even under that kind of suggests that it's a mistake.

G. Lake: Mr. Brodsky or Mr. McGoey?

D. Brodsky: It was done in conjunction with setback variances. A second condition is that the signs come off the building.

G. Lake: Hold up please. Too many people talking at once. Let me ask Mr. Dulgarian a question. As a prior Zoning Board member, I hate putting you on the spot.

A. Dulgarian: My belief is you can tie in conditions to approvals of a variance and you take a vote on it and if it passes, it's done. That's my interpretation of it. That's always the way it's been. It's right up front. The applicant knows what's going on. These are conditions of approval. They may not require a variance for them but restoring the building is not a variance but that's a condition of the approval and that was in there also. That's my belief.

G. Lake: Mr. Brodsky?

D. Brodsky: I don't think the Board can take action that contradicts the determination of the Zoning Board of Appeals with respect to setbacks that was used as a basis for this project. So, unless the applicant wants to get any clarifications from the Zoning Board of Appeals then our Board will have to decide on the basis of what's before it now and based on the minutes that we read there is an indication that those signs be removed and placed elsewhere subject to the approval of the Building Department.

G. Gottlieb: Well, let me ask you this. Certainly my information based on what the Zoning Board of Appeals had decided on this differs from the short little bit of what their variance is. We started this project fourteen months ago. We hope to get this project going. What I would propose is that we go

forward with this tonight but we do that subject to clarification from the Zoning Board of Appeals. Why don't we poll the Zoning Board of Appeals. We can all touch base with the Zoning Board of Appeals and get the understanding of what exactly was and then make your decision dependent upon what they say. If the Zoning Board of Appeals says that we agreed that they would move the signs should they get a Building Permit to do it, then let's make that a condition of the Board's decision. If the Zoning Board of Appeals say that's not what we said but we said that they have to remove the sign and we apply for a permit then that can also be the Board's decision. What I'm saying is, for us to reschedule for another Planning Board meeting three months down the road will set this project back. We would like to get in the ground now. We would like to start the renovation on the barn. Certainly our position has never changed regarding the sign. We were adamant about the sign from the very beginning with the Zoning Board of Appeals. It was only a side note towards the end of the meeting when the sign came up when we were amenable to moving the sign because it was our intention always to try and put up a nicer billboard on the property but we didn't think that was feasible. When the Zoning Board of Appeals suggested that we move the sign with their backing we felt that yes, if they backed us and we can get approvals to do it then we will move it but however, it was never agreed to move the sign that we had fully rented since we've owned the property.

G. Lake: Okay. First off, since I've been on this Board, I don't think we've ever done a subject to with variances.

D. Brodsky: No.

G. Lake: Plus, I'm not even sure it's legal.

D. Brodsky: I think what's been suggested is to table the application and ask the applicant to waive the sixty two day time frame and then they can come back after they get clarification from the Zoning Board of Appeals.

D. McGoey: Well, the note on the plan accurately states what the Zoning Board of Appeals wants. To approve the Site Plan you're doing what the Zoning Board of Appeals granted and I think the applicant is asking you to do that.

J. O'Rourke: That's correct. What we're stating is what they said. If we don't do those things, the plans are in violation and they don't count.

G. Lake: We will come back to it. Let's finish up with Mr. McGoey's comments. The Highway Superintendent's comments?

J. O'Rourke: Yes. We can clarify those. We did provide a turn around on this side. Mr. McGoey's comment was whether it should be paved or not. We will talk to the Highway Superintendent if he wants it paved.

D. McGoey: Also talk to the Highway Superintendent because he made a comment that he wanted the road paved also. He said pavement is oil and chip and may require upgrade with the increase of commercial traffic. I would have hoped that you had gotten together on this.

J. O'Rourke: I will contact him. It was never our intention to pave the road.

D. McGoey: It's not really in good shape for the commercial traffic that you're proposing.

G. Gottlieb: It's a pretty long road and we're just one of the property owners along that road. That would be a massive undertaking for us to pave the entire Bahrenburg Road.

D. McGoey: He may ask that you pave in front of your lot. I don't know.

T. Hamilton: Mr. McGoey, why don't you speak to him because we have his notes here and it doesn't say that.

D. McGoey: I have notes from January 19, 2005.

T. Hamilton: Did you look at these notes? He doesn't say that in here.

D. McGoey: No. I will check with him.

J. O'Rourke: Comment #5. Sewer service lateral and well water. The existing sewer lateral is existing. There is no water along the road. We're utilizing the barn has an existing well and we would be utilizing that. There are no utilities proposed in the self storage area.

D. McGoey: So, you would be using the existing well?

J. O'Rourke: There's no water along the road.

G. Lake: I don't think there's any out front either. At the time that the water is available in the front, would you hook up to it?

J. O'Rourke: I will note that on the plan.

T. Hamilton: Yes. I think the housing project across the street will be bringing it across Route 17.

G. Lake: The landscaping. We already talked about that.

T. Hamilton: Did we? I'm just looking at the sizes of the trees here and that isn't going to landscape hardly anything. You have on this one side that borders Jeremiah's, there's only six trees on that whole side.

J. O'Rourke: Again, we have the black chain link fence. There's existing vegetation. It was never to create a solid wall.

A. Dulgarian: Where do you show the existing vegetation on this plan?

T. Hamilton: That's not his property.

J. O'Rourke: That's not our property.

T. Hamilton: He has to do it on his own property. The inserts in the fence was one of our notes.

J. O'Rourke: Right now, we show black vinyl.

G. Gottlieb: I understand the need in many locations for the inserts on the fence.

G. Lake: Did you look across the street? They have it.

G. Gottlieb: Yes. I know it's a big building and they have it because you're looking up at the building. You're never even going to see it because you would be looking directly over the top of the fence because of the elevations. It would serve no purpose. On this side here, there certainly is a huge natural buffer.

T. Hamilton: But none of it is your's though. That's the point. None of that is your property. You should buffer it yourself.

G. Gottlieb: In terms of creating a chain link fence with the inserts certainly I would rather be looking even from the inside of the project out to natural vegetation rather than to a solid green wall. Over here we have the wetlands.

T. Hamilton: What you're showing is deceiving because you're showing green that isn't yours.

G. Gottlieb: I understand that. I'm talking in terms of what the functionality of the fence would do in terms of whether it had inserts or not inserts. Functionally I think it would be much more pleasing to the eye if we insert the fence than if we don't insert the fence.

J. O'Rourke: I have pictures of the site from all angles.

A. Dulgarian: Is this your property line here?

G. Gottlieb: Yes.

J. O'Rourke: It was just shown as natural vegetation. It wasn't meant to be the property line.

R. Carr: Can I just interject on this. Mr. Dulgarian and I spent an hour trying to determine where the property line is because there was no way for us to tell out at the site and whether those line of trees are on this site or in the wetland. So, without knowing that there is no way to tell there are any kind of buffer because the wetlands that are there has no growth above four or five feet. You can definitely see this site very clearly from Silver Lake Scotchtown Road. I beg to differ with you when you say you can't see it. I drive there every day and you can definitely see it. With the need for this type of a project I have never thought that this was the best use of the particular location but there is a need for it. On the other hand, if you are going to put it there then it should be well buffered. The landscaping that you have is low but no one is going to see it because it's on the other side of the fence. It's the people driving up and down a very busy road.

G. Gottlieb: Silver Lake Scotchtown Road?

R. Carr: Yes. Route 17, you're right. You're not going to see any kind of fence of anything. The people who live here would see it. Someone has said before they're not attractive generally. I guess you can do a nice job with these type of buildings to make them look attractive. I certainly can't tell without knowing where the trees are. Unfortunately, there was no way, nothing was marked where the line goes. There's one line of trees and I can't tell. It's hard to say that there is a natural buffer.

G. Gottlieb: I have some pictures. Showed pictures regarding landscaping. I would hate to do something that would look worse than it would look better. On my own property in Sullivan County we did it on one of the sites and it was much better looking without it and showing the vegetation. I understand the need to hide certain things but I mean, to do the whole project in a slotted fence I just don't know what would be the benefit of that. I think it would be more obtrusive to the eye than anything.

R. Carr: I would actually propose to you that you move the fence back from the property line and put the landscaping on the other side and have the landscaping block the fence.

G. Gottlieb: Again, without the slats in the fence, I don't think it would matter then.

T. Hamilton: What kind of slats did you put on your property?

G. Gottlieb: We put in the plaid green.

T. Hamilton: We're talking about the evergreens. That's what we're looking for.

G. Lake: The concrete monuments, are you going to get them in?

J. O'Rourke: Yes.

G. Lake: Mr. McGoey, the second page, is that mostly stormwater management stuff?

D. McGoey: Yes. Mr. O'Rourke said he submitted that stuff. I haven't seen it yet so. There's nothing there that can't be resolved.

G. Lake: Let me go through the Board.

A. Dulgarian: Yes. Mr. Carr and I were out at this property for the better part of an hour. My problem is we couldn't find any of the iron pins that were shown on the site plan. We did not have a survey map. I believe there should have been a survey map in with our bundle and it would show where the lines are and it would be marked in a way that we could find and determine where the wetlands are, where the tree lines are. It was very disappointing to spend all that time and not accomplish anything. Mr. McGoey, the ditch that exists there, was that classified as wetlands?

D. McGoey: The ditch along the road?

A. Dulgarian: No, the ditch through the property.

D. McGoey: It was not delineated on the wetlands.

A. Dulgarian: Why is that?

D. McGoey: I don't know.

A. Dulgarian: There's a lot of wet area there. It's an existing open ditch that's wet there.

G. Gottlieb: That was addressed at an earlier meeting. We had it delineated and it was not classified as a wetland for two reasons. One, I know, was because of the size of it in terms of the fact that it's under a certain, a tenth of an acre.

A. Dulgarian: That ditch is under a tenth of an acre?

G. Gottlieb: Yes.

A. Dulgarian: And, the piece that runs back towards the storage units where that was flagged, that's not considered wetlands either?

G. Gottlieb: We had the whole delineation done early on for this project.

A. Dulgarian: It was very disappointing again, not to be able to make any kind of determination and didn't know where anything was. I agree with Mr. Carr, I don't know why he was putting the landscaping inside the fence because that would be defeat the purpose of what we were trying to accomplish. I believe that needs to be looked at. I believe it needs to be beefed up on that side coming from the tunnel. I think there are Highway issues. I think there are Zoning Board of Appeals issues and don't think we should be taking any action tonight. I would like to see it staked out before we go out again.

R. Carr: I already stated about the fence. I don't know where those trees are. Another question, Mr. McGoey, maybe you can explain to me I couldn't understand the proposed bio-retention swale. Does that work in terms of the stormwater runoff? It seems to end at a low point. Will it run out to the wetlands?

D. McGoey: No.

J. O'Rourke: Excuse me. It's a ditch with essentially soils and perforated pipe underneath so the water will go in there, basically the first runoff will go in there and percolate into the ground and then be picked up by the pipe.

R. Carr: This is it, in this area? Outside of my comments before, unfortunately I had no idea of the natural buffer. I just don't know if the natural buffer still exists after you're built because I don't know where it is.

G. Gottlieb: We don't have a problem with switching the landscaping to the outside of the fence. Certainly it's not an issue for us. In terms of the landscaping issue and the buffer, those were the issues that we went to the Zoning Board of Appeals for. Those were the issues that we raised at the Zoning Board of Appeals and they gave us the variance on. In terms of what we provided in the landscaping, in terms of what kind of buffer we're providing. We went into detail with them about the neighboring properties and the buffer that existed there. We had a Public Hearing at the Zoning Board of Appeals regarding that issue. In terms of that, I mean, I've seen the pins on the property. I'm sorry that you couldn't have found them.

G. Lake: Anything else, Mr. Carr?

R. Carr: That's all.

W. Capozella: The landscaping was one of my hangups also. A suggestion on my part, I know we're beating you up on the landscaping but I'm not concerned about Route 17 side but if you want to take some of the larger trees and move them to make a better buffer for the roadside. Again, I would like to see that area beefed up.

G. Gottlieb: We don't have a problem with that. Certainly trees aren't an expensive thing to provide the buffer.

T. Hamilton: Mr. McGoey, on this bio-retention swale now, it is the same area where all of the landscaping is going. What happens to the (not clear) because they have them in the same spot.

D. McGoey: It shouldn't be. I will have to look at the plans.

J. O'Rourke: Yes. They should be shifted over to the outside of the ditch. Certain vegetation you can have in the ditch, they have to be water tolerant. We're not proposing any.

T. Hamilton: Mr. McGoey, do we have a landscape person to look at this for us?

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

T. Hamilton: I don't know one thing from another. What is CAC?

J. O'Rourke: The ones you're seeing that say six feet tall, those are the evergreens.

T. Hamilton: Those I know.

J. O'Rourke: The other ones, that's a two to two and a half inch thick tree at a five foot level.

T. Hamilton: Why do you give us the height on some but you don't tell us the height on the other ones?

J. O'Rourke: Unfortunately, that is how those hardwoods are typically measured, the diameter because the height can vary. It's the thickness of the diameter of the trunk.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: Not right now.

G. Lake: Around the other side of the storage units, no outside storage, whatsoever?

A. Dulgarian: It's on the map.

G. Lake: I think you get the consensus of what the Board is trying to look for. You know from the beginning I haven't been keen with fifty percent of the project. Fifty percent I thought was great. I think there are a lot of issues here yet. I personally don't understand why they're here for a Public Hearing. I think you should have another work session to straighten up all these little things. There's the Zoning Board of Appeals issue.

G. Gottlieb: If I may . . .

G. Lake: If that was the only one, I would be agreeable with Mr. McGoey with him saying do a “subject to” and take our chances.

G. Gottlieb: Can I address that to the Board? When we addressed the project to the Zoning Board of Appeals, the barn was something that we definitely wanted to save and to restore. That was a part of the project from the very beginning. When we purchased the property we saw a lot of potential in this old barn and we really wanted to develop and restore the barn. To invest a million dollars in an old barn for some kind of retail space would never justify the expense. So, we looked at the remainder of the property in terms of development. This is a piece of property that is set down off of Bahrenburg Road. It is hidden and we looked at warehouse space. There was not a need for that. We looked at retail space. Certainly it would be very difficult in that area. The only feasibility that made this project work is something that is going to help pay for the cost of restoring the old barn and that was the self storage. Our primary focus was on doing what we felt was justice to this old barn. Certainly that would not pay the bill. We’ve been at this fourteen months and we went through the Zoning Board of Appeals with all these issues. We’ve gotten approval with the variances. Now we’re back into, this will be our second summer and certainly we feel we need to get this project going. To postpone this for another meeting. The sign issue, I see it as being an issue and I think we can clear that up but the other issues I think we have discussed them at all the other prior meetings.

R. Carr: I don’t know if those trees are the natural buffer and are they on your property. Will they be knocked down with the bio-retention? I don’t know. That’s a problem for me because my main objection with this from the beginning has been the buffer. You received a variance from the Zoning Board of Appeals to go down to ten feet and that’s mostly hedges. I don’t know whether the trees, and that’s my problem. You know what, I agree with what Mr. Lake said, fifty percent of the project is a great project. I’m not crazy about the other fifty percent.

A. Madnick: If you want to see more trees, we will give you more. What ever it takes on the landscaping. That’s an issue we can handle.

A. Dulgarian: I can live with the storage units. Make them look presentable. My problem with this project is there are a lot of outstanding issues. There are landscape issues. Mr. McGoey hasn’t reviewed the stormwater management details yet. The Highway Superintendent, we’ve got to get his opinions and the Zoning Board of Appeals. So, it’s not just one thing. I just think that we need to take this back to a work session

G. Lake: Mr. Hamilton, do you have anything else?

T. Hamilton: That’s all.

W. Capozella: I don't know. Did we really resolve any issue about the fencing.

G. Lake: We're either going to table or I will start the motion and then vote on it.

D. Brodsky: Mr. Lake, does the applicant want a vote at this point or does he want some more time in order to address some of the issues?

G. Lake: I don't know.

D. Brodsky: If he wants more time, then he can waive the sixty two day time frame and, perhaps he could get the issues resolved then rather than have a vote today where he may not be happy with and have to come in for either a revised plan or a modified plan.

G. Lake: What do you want to do?

G. Gottlieb: Certainly . . .

G. Lake: What we can do if you decide we can table it tonight. Get together with Mr. McGoey again and re-hash these comments. We've asked him to stay late one night. It's the third time we've asked him to do that in the last two weeks and then when you get it straightened out and get the Zoning Board of Appeals straightened out we will get you in even if we have to put you on real late one meeting or we can do a vote.

G. Gottlieb: Certainly I think it would be suicide to actually call a vote tonight. I mean, we've come this far in the process. We've got a lot of money into the project. We certainly want to go forward with the project. I'm just a little disappointed that we've come this far to this meeting and then certain issues have popped up this meeting that haven't come up in other work sessions.

G. Lake: Wait a minute. These aren't new issues. Let's make a decision. Do you want us to table it?

G. Gottlieb: Well, I guess at this point we will table. I will only ask that the Board give us some kind of priority in terms of coming back in front of the Board to try and get this project moving before summer.

G. Lake: Call Mary Lynn tomorrow, she will put you on a work session within the next couple to three weeks. And then, at that point, we will try and get you back on as fast as we can.

G. Gottlieb: I appreciate it.

D. Brodsky: So, he is waiving the sixty two day time frame?

G. Gottlieb: Yes.

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

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

2. PUBLIC HEARING 7:35 P.M. - **FREUND** - 3 LOT SUBDIVISION - VanAmburgh Road (31-1-15.22) #137-04

G. Lake: Public Hearing started at 8:35 P.M. M. Hunt read the Public Hearing notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 600 Route 211 East, in said Town, on the 6th day of April, 2005 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Sam. Freund, P.O. Box 322, Cornwall, New York 12518, for the approval of a three lot residential subdivision at the intersection of Kaisertown and VanAmburgh Roads, further identified as Tax Map parcel Section 31, Block 1, Lot 15.22, under 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. Nosek: My name is John Nosek with Roger Ferris Engineering.

G. Lake: Give us a brief description.

J. Nosek: What we have here is a proposed three lot subdivision on approximately thirteen acres of land. Two of the lots are proposed for single family homes and will have their own well and septic system. Those lots are approximately 4.2 and three acres and then the remaining lot approximately

4.8 acres. That has the existing house with the existing barns situated on lot #2. The proposed three lots will have access directly on South Kaisertown Road and the existing home is directly off of VanAmburgh Road.

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

A. Dulgarian: I will wait until after.

R. Carr: I will wait.

W. Capozella: I will wait.

T. Hamilton: I will wait.

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

W. Karsten: My name is Walt Karsten. I own the property adjoining the property in question in the Town of Montgomery. It's a farm. I just want the person who will be developing this property to understand that next door there will be farmland that could have pesticide, manure spread, etc.

G. Lake: Did you send out the agricultural notice?

J. Nosek: Yes. It was sent out certified and in addition we put the required agricultural map notes on the plan.

W. Karsten: That was my only question.

G. Lake: Thank you. Is there anyone else?

MOTION to close this PUBLIC HEARING at 8:38 P.M. made by R. Carr and seconded by A. Dulgarian.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

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

J. Nosek: Yes.

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

J. Nosek: Yes. Item #1 is a general note. Item #2 is regarding the setback of the dwelling unit. If you look at our revised maps, we did pull that dwelling back quite a ways. I don't think I can pull it back any further only because there are Federal wetlands behind there and we really don't want to put the house in it. I think I put it back pretty much as far as I can put it back. Item #3 regarding the build-ability of lot #1. We discussed that at the last meeting. We widened that property line. We provided a minimum of one acre outside the wetland areas for that lot with the well and the septic. Item #4. I'm not sure what happened to note #11. I don't know how it is missing but apparently it's not on the drawing so we will have to correct that. Item #5. All comments of the Highway Department should be received and addressed. Item #6. Septic system approvals from Eustance & Horowitz we know we need. Item #7. I did submit a copy of the plan to the County Planning Department. I didn't hear anything back.

G. Lake: If you don't here anything back, then they're usually okay with it. That's my understanding.

J. Nosek: Item #8. The last comment regarding the dedication referring to the Planning Board Attorney. I would assume that as a condition of approval they would want an offer of dedication that would be in a form that is given to the Town.

D. Brodsky: Where is that area located?

J. Nosek: The dedication area?

D. Brodsky: The dedication area, yes.

J. Nosek: Twenty five feet from the centerline of the road.

D. Brodsky: Are you widening at the corner?

J. Nosek: We're not widening, we're just leaving the land.

G. Lake: Did you get the Highway Superintendent comments?

J. Nosek: Yes. He's asking for us to extend the culverts which we have no objection to. We have put notation regarding that and apparently the note is missing on the plan.

G. Lake: We also received new ones. The driveway detail seems to be incorrect and then the erosion plan needs to be incorporated into the plan. I think they are minor.

J. Nosek: Okay.

G. Lake: Let me go through the Board.

A. Dulgarian: I have no real problem with the size of the lots but you know we are getting hammered about comment #2.

R. Carr: We talked about this the last time he was here. Is it, would it be possible to put the house up where the septic system is?

J. Nosek: That's just it. The good soils on the property is here.

R. Carr: Up here in the front?

J. Nosek: The soils are not really that good for a septic system. I'm not really too comfortable with the soils in the front for a septic. Obviously we don't want to pump the system if we don't have to but I really feel as the Engineer who is designing it that I need to utilize those good soils in the back for the septic system.

R. Carr: It's a rural road area and there's not a whole lot of frontage there.

A. Dulgarian: Is there anyway that you can put the septic down there?

J. Nosek: I don't believe so.

A. Dulgarian: We were also thinking if you could get that up the hill and you have the other one up the hill you could use a joint drive.

J. Nosek: If you look at the map you will see that the contours is really only about two feet above the Federal wetlands. I would like to point out that these are all the existing homes here. We're quite a ways back. I could look to pull the house back even further and put it along the edge of the wetland but I really don't want to do anymore wetland disturbance than is necessary.

G. Lake: Anything else?

R. Carr: Let me ask you. What's the three thousand feet now for the driveway?

J. Nosek: Yes. We show on the map we're at three thousand one hundred eighty.

R. Carr: How would you mitigate that? I thought there was something about a tenth of an acre.

J. Nosek: The tenth of an acre is four thousand three hundred and sixty. We're below that.

R. Carr: Well, this is one of those ones where the moratorium came into play. As we said the last time, it would be a different project and it wouldn't be laid out this way. One other thing, if you can try to preserve whatever trees.

J. Nosek: That's not a problem.

W. Capozella: Again, I know we talked about lot #2. It's always buyer beware but we do have some obligation. They are decent sized lots. There are just a lot of wetlands.

T. Hamilton: I have a question for Mr. McGoey. Lot #1, the house and the septic tank right behind the house.

D. McGoey: Yes.

T. Hamilton: The proposed dwelling and the septic tank to the right, that septic tank can be within one hundred feet from a well?

D. McGoey: Yes.

T. Hamilton: The tank can?

D. McGoey: Yes. It's a steel structure.

J. Nosek: Fifty feet from the well for the tank.

T. Hamilton: I thought it was the septic system.

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

MOTION for a NEGATIVE DECLARATION subject to all comments made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

MOTION for PRELIMINARY SUBDIVISION APPROVAL subject to all comments made by R. Carr and seconded by T. Hamilton.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

3. **PADUCH** - TWO FAMILY - SITE PLAN/SPECIAL USE PERMIT - Highland Avenue Extension (30-13-4) #124-02

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

M. Paduch: My name is Mike Paduch.

G. Lake: Tell us what you want to do. You need to get a Public Hearing set.

M. Paduch: Yes. I was before you in December with this proposed two family. I was adding an extension. I was denied and sent to the Zoning Board of Appeals and received a variance

and is so noted on the plan. I'm back before you to set a Public Hearing for the Site Plan and Special Use Permit. If you want I can answer Mr. McGoey's comments.

G. Lake: Do you have any problems with any of those comments?

M. Paduch: No.

G. Lake: Let me go through the Board.

A. Dulgarian: Nothing at this point.

R. Carr: No problem.

W. Capozella: I know there are two-family homes on that street already, right?

M. Paduch: Yes.

T. Hamilton: Nothing.

MOTION to schedule a PUBLIC HEARING for May 4, 2005 made by T. Hamilton and seconded by A. Dulgarian.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

4. **BOWSER** - 2 LOT SUBDIVISION - Bowser Road (21-1-27.32) #84-03

M. Miehle: We had a work session a couple of months ago addressing some of the final comments, which I can go through if you would like. We have not yet had the joint inspection with Eustance & Horowitz for the septic system due to the weather. We have their comments and we've revised them but are still waiting. That's pretty much all we have left unless something new comes up.

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

M. Miehle: Yes.

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

M. Miehle: We had to verify for the agricultural district and put the appropriate notes on the plan which we did. The Highway detail that was provided has been put on the plan. A note to be added that there's no wetlands or Flood Plain. That was placed in the notes. Also, that we tie into the horizontal and vertical datum. We added that note.

D. McGoey: I think you have the wrong comments.

A. Dulgarian: Yes.

D. McGoey: There were a later set.

G. Lake: Anything of significance, Mr. McGoey?

D. McGoey: No.

G. Lake: When was this subdivided last, more than ten years ago?

Mr. Bowser: It was never subdivided.

G. Lake: Let me go through the Board.

A. Dulgarian: I really have no issues here.

R. Carr: Nothing.

W. Capozella: No.

T. Hamilton: No.

G. Lake: I don't have anything.

MOTION for a NEGATIVE DECLARATION subject to all comments made by A. Dulgarian and seconded by T. Hamilton.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

MOTION for a TWO LOT SUBDIVISION subject to all comments made by R. Carr and seconded by A. Dulgarian.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

5. **ULTIMATE BUILDERS** - 3 LOT SUBDIVISION - Reservoir Road (32-1-43) #165-04

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

C. Foti: My name is Cecil Foti with Fusco Engineering.

G. Lake: Go ahead. Tell us what you want to do.

C. Foti: We're proposing a three lot subdivision on a twenty five acre parcel on Reservoir Road. It has one existing dwelling. We're proposing two new lots with individual water and individual sanitary.

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

C. Foti: Yes I do.

G. Lake: There are fourteen of them. We're setting you a Public Hearing tonight. Do you have any problems with any of those?

C. Foti: No, not really. We're working on most of them. There are a few things that can't be handled between Mr. McGoey and myself.

D. McGoey: This is a very difficult site. There's a gorge that runs down the middle, down the water line easement. It happens to be crossing the driveway which seems to me is going to be very difficult to do. I saw the profile. It doesn't show the rock cliff that you have to go up on and I think somebody ought to dig deep hole tests up there and have them witnessed before we go too much further.

C. Foti: Okay. There have been deep tests done up there. If you walk up this road, up this ridge (not clear). In fact, I was up there today because you had mentioned that stream.

D. McGoey: Yes.

C. Foti: That basically seems to come in from the (not clear).

G. Lake: Mr. McGoey, basically we're scheduling the Public Hearing.

D. McGoey: Okay.

G. Lake: If we set that hearing for June 15th, does that give him time to get back to a work session and get everything done.

D. McGoey: Yes.

G. Lake: The last thing we need, maybe the Conservation Committee since there's some pretty steep slopes back there to look at this also and get back to us by June 15th?

S. LaBruna: Yes.

W. Capozella: I had a question on lot #3 with the, obviously he owns the road and there's an easement that goes into the dirt road.

C. Foti: Basically what this is there is a fence enclosure there and I guess that's where they tunneled to put their water line.

W. Capozella: It appears it's being used as a driveway anyway.

C. Foti: That actually gives an easement to the City of Middletown. It's an old haul road that they used to use. They tunneled all this debris. In fact, this depression I think is actually caused by that water line that was put in.

T. Hamilton: But he could use that for his own driveway so that we wouldn't have two cuts on the road.

G. Lake: I'm wondering. He just mentioned the City of Middletown with the water line. What's this, an easement to pump water from one reservoir to another?

C. Foti: This is actually a water main. This twenty foot easement comes up along like that. That's an old haul road the City used.

D. McGoey: Why can't you use it for a driveway?

T. Hamilton: Instead of having two driveways.

C. Foti: I guess I could. I would have to check site distances. From the time I presented it to you at the work session I moved my driveway in order to maximize site distances.

D. McGoey: Why don't you check your site distances.

C. Foti: The only other thing is, there are wetlands.

D. McGoey: Are they shown?

C. Foti: Yes.

G. Lake: Let me go through the Board.

A. Dulgarian: I would just say that make sure all your pins can be found because if we go out there and we can't find them.

C. Foti: There are stone walls.

A. Dulgarian: Anything to find the edges of the property.

T. Hamilton: He's got to mark them anyway.

D. McGoey: They don't generally mark them until after approval.

C. Foti: That's correct. We can put the wood stakes in. Can we perhaps get Eustance & Horowitz since Mr. McGoey wants the deep tests verified, can we perhaps get Eustance & Horowitz come to do joint inspections?

D. McGoey: Yes. I would suggest that because of the bedrock there.

R. Carr: The moratorium is, how many new?

D. Brodsky: Three new, there is one existing and two new so it's okay.

D. McGoey: This house is under construction.

A. Dulgarian: What's the deal there?

T. Hamilton: He probably had the Building Permit before the moratorium.

D. Brodsky: I don't have an answer to that. I would have to look at it. I'm not sure the moratorium actually addresses that. I will look into it and get back to the Board.

G. Lake: Yes, get back to us on that so he can get these big issues taken care of.

MOTION to schedule a PUBLIC HEARING for June 15, 2005 made by R. Carr and seconded by A. Dulgarian.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

6. **BANTA** - SITE PLAN/SPECIAL USE PERMIT - Tower Drive & Route 211 East (41-1-32.3, 39.5 & 39.12) #12-04

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

L. Potter: My name is Lorraine Potter with Lanc & Tully Engineering.

G. Lake: Before I let to you give us your presentation, did you receive from the Town Board the clustering?

L. Potter: Yes. It was approved on March 30, 2005.

G. Lake: We knew that but I wanted to make sure it was on the record.

L. Potter: Two things tonight. We're requesting the lot line change which is, there are five lots on the site. The clustering approval went through and what we're also proposing is two lot line changes. Where the bank is now with the yellow is the existing property line. The proposed property line is here. For Pizza Uno, there's a proposed lot here which will wipe out the portion of the existing line between Howard Johnson's and Super 8. So, there's five lots. One of his comments was the elimination of a lot line here. The reason for this is, the property is in two different school districts. We had called the school districts to confirm that.

D. McGoey: How about the landlocked parcel in the back?

L. Potter: That parcel has always been that way and the fact that we have the clustering we would rather keep that parcel the way it is. Looking at some of the tax maps, the parcel adjoining this has a fifty foot strip that comes out to Industrial Drive and it appears that it was some sort of a future road possibly going through there. Also the Town, as you are aware, purchased the property up here. We will also have to get an easement agreement from the adjoining property owners.

D. Brodsky: To you.

L. Potter: No. Not from us but for the Town coming into our property, they have to get another agreement from the adjoiner.

D. McGoey: We are getting that agreement.

L. Potter: You are getting that agreement. Okay.

D. McGoey: The Town has met with that applicant and they're willing to grant it.

G. Lake: Tell the whole Board about that please.

D. McGoey: The Frassetto building #10 which is presently before you, they have a right-of-way that parallels their property and comes out to Tower Drive and Industrial Drive. Frassetto plans to put an emergency access road across that right-of-way and they are agreeing to allow the Town to use that for police and ambulance.

A. Dulgarian: Is that the one we just had?

D. McGoey: Yes.

G. Lake: That's why we did it that way.

T. Hamilton: That's also for a sewer line.

D. McGoey: There's no sewer line there.

G. Lake: There could be a need for it for the new Town Hall buildings up there.

D. McGoey: Okay.

G. Lake: What is needed, they might need a way to hook the two buildings into the sewer system.

L. Potter: We weren't aware of that.

G. Lake: No. Shame on us because we should have made you aware of that. We're not sure if they can go to the front out to Tower Drive or if they need to go down the hill to hook up on the Route 211 side.

L. Potter: Okay.

G. Lake: I guess what we're asking now is also looking for an easement for the emergency access and an easement to let us hook into the sewer.

L. Potter: It has been given to Mr. Brodsky in regard to the easement and also the

D. Brodsky: Cross easement and the emergency easement.

L. Potter: Right.

D. Brodsky: The emergency is just for police, fire and ambulance.

L. Potter: Right, because when we met with the Town that was all they had asked us. I'm sure Mr. Wolinsky will take that up.

G. Lake: Mr. Potter, do you think there's a problem with them going along with a sewer easement?

L. Potter: I don't think it will be a problem but I can't answer for them.

G. Lake: That's fair.

L. Potter: He is agreeable.

G. Lake: I realize that.

L. Potter: One of his other comments was that we didn't show a specific location for the easement itself. It was going to be determined that the Town at the time didn't know exactly where they wanted it and they were going to work that out with our applicant.

G. Lake: Okay.

L. Potter: That would also include the lot line change and the cross easement and the emergency access. The other that we're looking for is a Site Plan and Special Use Permit. You've seen the Site Plan before. We've made modifications as requested. I've reviewed Mr. McGoey's comments. If you want me to address these I can.

D. McGoey: Only a few of them I think. First of all, do you have any problems with any of them?

L. Potter: No I don't.

D. McGoey: Okay. What about snow storage, which I think is a concern of the Board?

L. Potter: There's not an actual area on this for snow storage and of course you never know how much you're going to get. We were willing to leave this area for snow storage which would be up in this area here and if there is excess snow we will put a note on the plan and make it known that the snow would have to be removed from the site.

G. Lake: Is the Board satisfied with that?

A. Dulgarian: Yes, but we want the applicant be known that this is something that is going to be enforced.

L. Potter: Right.

A. Dulgarian: We had this issue in the past. We were told by the Town Board to inform them when ever the designated snow storage areas are not used and they will enforce them. I don't know to what extent it will be enforced. That has been a big issue where we have just enough parking on the site. Nobody ever removes snow from the site. It's just too expensive. They always tell us they're going to put here, put in there and they never do. So, it's something we're pushing for. If that verbiage is going to be on the plan we're going to hold you to it.

L. Potter: Okay.

T. Hamilton: You mentioned lot lines and so forth. Have you changed the amount of lots?

L. Potter: Yes. There was one.

T. Hamilton: You have more lots now?

L. Potter: One lot, yes. This has become a lot of Pizza Uno because each of the tenants has to be on it's own lot even though there is a cluster agreement it has to be on it's own lot.

T. Hamilton: Mr. McGoey, they need a subdivision.

D. McGoey: Pardon me.

T. Hamilton: They need a subdivision.

L. Potter: A lot line change is also a subdivision in the way the Town of Wallkill does it as far as my understanding is.

D. McGoey: You're creating more lots than there were?

T. Hamilton: One more.

L. Potter: There has been. This has been on there for a while. This is the lot for the Pizza Uno.

G. Lake: This is what we've been looking at right along though?

L. Potter: Right.

D. McGoey: So, we need a subdivision also.

L. Potter: isn't a lot line in the Town of Wallkill also known as a subdivision approval?

D. Brodsky: No.

L. Potter: Okay.

D. McGoey: You're creating more lots.

T. Hamilton: If you moved all the lines around and started out with four and you end up with four, then it's not.

L. Potter: Okay.

G. Lake: Mr. McGoey, anything else?

D. McGoey: That's all I have unless you want to discuss the landscaping.

L. Potter: On the stormwater we will be giving you a revised plan. We meet the criteria and need to do (not clear)

D. McGoey: Okay.

A. Dulgarian: You said you could get her to briefly overview it. If she could just touch base with us to let us know what's going on as briefly as possible.

K. Arent: My name is Karen Arent, Landscape Architect from Goshen, New York. On this project we are putting one hundred thirty eight deciduous trees, one hundred twenty four evergreen trees, six hundred thirty nine shrubs, five hundred ninety three evergreen shrubs and two hundred (not clear). Most of the material will be facing the public road. You asked for additional trees and we did add more in this area. We have curbing on one side, sidewalk and we also put landscaping in the detention area. In here, which is a very difficult area, we will be putting in items that bloom at various times during the season. We added a lot of trees in the parking area to shade the parking area from the road. We also have landscaping around the buildings, various shrubs and some trees.

A. Dulgarian: No. I mean it sounds impressive. I can't wait to see what it looks like. You've given us a very nice presentation. I can't wait to see it.

K. Arent: The other thing is we're installing an irrigation system.

W. Capozella: What are the sizes of the trees in the front?

K. Arent: They are between twelve and fifteen feet mature.

D. McGoey: Mr. Lake, can I add one more thing?

G. Lake: Go ahead.

D. McGoey: The Friendly's addition to the building (Perkins) to start, because they were only going to interior renovations.

A. Dulgarian: Perkins.

D. McGoey: I'm sorry, Perkins. Perkins is under construction now. What I discovered after a telephone call was that they added a canopy to the outside and should have received Planning Board approval and it didn't. It's now on this Site Plan so, I just wanted everybody to be aware that it's almost constructed.

A. Dulgarian: Does it have an impact on anything we should know?

D. McGoey: No.

T. Hamilton: Is that going to blend in with the rest of the building?

D. McGoey: Absolutely. It looks very nice.

G. Lake: Let me go through the Board.

A. Dulgarian: I think everything has been covered. The notes about the snow removal are very important to me. I know we've spent a lot of time on this project. I like it.

R. Carr: I just want to say it still has a lot of blacktopping. That was my problem with it and I think you've done a very nice job of dressing it up. I think it's a great project. If it looks as good as you've drawn it will be a very nice project. Just one question for my information. What was the traffic mitigation for here, the light? Is there anything with the light?

D. McGoey: No. The left turn lane. I got that analysis of forty six thousand dollars.

R. Carr: Do we have something with that light in the overall generic?

D. McGoey: Yes. The traffic signal will be modified to allow a double left turn. It's part of your SEQRA Negative Declaration to add the traffic mitigation contribution plus the contribution to the left turn lane.

W. Capozella: I like the overall look of the project.

T. Hamilton: Mr. McGoey, one thing. You checked into the lighting in the parking lot?

D. McGoey: Yes.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

G. Lake: Mr. Brodsky, do we have to do a subdivision on this?

D. Brodsky: I think you do.

MOTION for a TWO LOT SUBDIVISION made by R. Carr and seconded by A. Dulgarian.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

MOTION for SITE PLAN/SPECIAL USE PERMIT FINAL subject to all of Mr. McGoey's comments and the Board's comments made by A. Dulgarian and seconded by W. Capozella.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

MOTION for LOT LINE CHANGES made by T. Hamilton and seconded by A. Dulgarian.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

7. **HRABOWSKI** - 3 LOT SUBDIVISION - Dosen Road (22-1-39) #144-04

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

J. Nosek: My name is John Nosek with Roger Ferris Engineering & Surveying.

G. Lake: Go ahead.

J. Nosek: This is a thirteen acre parcel which has an existing dwelling on it, an existing garage, a shed. What we're going to do is cut off two new single family building lots that would be lot #1 and lot #3, four acres and 3.38 acres with individual wells and septic systems. The rest of the land which will be about 5.2 acres will include the existing dwelling, garage and shed. The property is located at the intersection of M & M Road and Dosen Road. It also has frontage on VanBurenville Road.

G. Lake: Basically you're here for us to set you for a Public Hearing. Mr. McGoey's comments, have you had a chance to look at them?

J. Nosek: I don't have any problems with any of them. The only concern or question is regarding item #4. There are no wetlands or flood plains on the site. There is a Department of Environmental Conservation wetland down towards the low end of lot #1 and #lot #3. Somewhere in here we've sent the maps to the Department of Environmental Conservation and requested a delineation and hope to have them in the next two weeks. I do need to show the Department of Environmental Conservation wetlands.

D. McGoey: Okay. I just want to bring up two other issues. The area where you show the septic system there's a stream that runs right through there and I think that has to be moved. I'm recommending that this house be moved back to the stone wall. That the house may be even with the stone wall in front of the house so you can preserve the rest of the stone wall. It's too close to the road.

J. Nosek: I don't have any objection to moving it back. In other words, the back face of the building would be pretty much where the stone wall is?

D. McGoey: No, the front face would be at the stone wall.

J. Nosek: Okay. I don't have any objections to that as long as the owners don't object.

D. McGoey: I don't feel they will. I was in the field with them and were quite happy.

J. Nosek: Mr. McGoey, when I was out there doing the soils testing, I distinctly remember that it was at the corner of the two stone walls. I really don't recall a stream going through there.

D. McGoey: It was coming right through the stone wall.

G. Lake: Let me go through the Board.

A. Dulgarian: Make sure that everything is marked so we can find the property.

R. Carr: I have nothing.

W. Capozella: Nice sized lots and a nice property out there.

T. Hamilton: Just make sure you do the agricultural district notice.

J. Nosek: Yes.

MOTION to schedule a PUBLIC HEARING for May 18, 2005 made by T. Hamilton and seconded by W. Capozella.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

8. **HAMRE** - 2 FAMILY - SITE PLAN/SPECIAL USE PERMIT - 1661 Route 211 East (46-1-4) #09-05

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

J. O'Rourke: My name is John O'Rourke with Lanc & Tully Engineers.

G. Lake: Go ahead.

J. O'Rourke: This is a proposed, there's two lots. What we're proposing is to do a lot consolidation to eliminate the landlocked piece in the back and basically take their existing house with an addition so it would be a two-family. Basically his father-in-law and mother are moving up. It's in the R-2 zone and is allowed in the zone. Basically we're here for a Special Use Permit for a two-family.

G. Lake: Let me go through the Board.

A. Dulgarian: I have nothing.

R. Carr: Nothing.

W. Capozella: Nothing.

T. Hamilton: Nothing.

MOTION to schedule a PUBLIC HEARING for May 18, 2005 made by R. Carr and seconded by A. Dulgarian.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

9. **DULANEY** - 2 LOT SUBDIVISION - Cottage Street & Mud Mills Road (40-1-21.31) #80-04

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

S. Plass: My name is Susan Plass with Leo Carroll Associates.

G. Lake: Let me ask you the big question first. You received from the Town Board the sewer extension?

S. Plass: Right. It was approved March 30, 2005.

G. Lake: They approved the whole parcel, correct?

S. Plass: Yes.

G. Lake: Go ahead.

S. Plass: It's a twelve acre site with one existing dwelling and one proposed dwelling which will be tied into the municipal services. It's a two lot subdivision.

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

S. Plass: Yes.

G. Lake: Do you have any problems with any of them?

S. Plass: The only question I guess I have is we haven't received any comments from the Highway Department.

G. Lake: He indicates that the sewer easement should support access vehicles. The driveway location on the creek re-alignment easement needs to be discussed before permits are issued. Town of Wallkill details apply.

D. McGoey: Do you have a problem with those?

S. Plass: Yes. The creek re-alignment, it was just shown on a filed map. Twenty years ago it was shown on a filed map. I have no idea what's going on with that. Are they re-aligning the creek?

D. McGoey: I don't know.

S. Plass: We showed it because it was on the filed map.

A. Dulgarian: Who was the easement to, the Town?

S. Plass: Actually, I don't know.

A. Dulgarian: Just trying to decide or figure out why it's done the way it is.

S. Plass: Just trying to give lot #1 as much land as possible. You can't really go down here because of the creek.

A. Dulgarian: I love that piece of property.

R. Carr: I have nothing.

W. Capozella: Nothing.

T. Hamilton: Nothing.

D. Brodsky: They received the approval for the sewer extension from the Town Board.

MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments and the Board's comments made by T. Hamilton and seconded by W. Capozella.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

MOTION for 2 LOT SUBDIVISION subject to all of Mr. McGoey's comments and the Board comments made by R. Carr and seconded by A. Dulgarian.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

10. **ROSS** - 2 FAMILY - SITE PLAN/SPECIAL USE PERMIT - Belmont Avenue (76-5-4)
#13-05

G. Lake: You're here to have us set a Public Hearing?

Mr. Ross: Yes.

G. Lake: You have four comments from Mr. McGoey. Did you think you will have any problems with them between now and the Public Hearing?

Mr. Ross: The comment was basically to move the house back.

D. McGoey: Basically the house sits in front of the other houses and usually we want to keep the houses in line. I understand you may have a problem with the rear yard setback.

Mr. Ross: Yes.

D. McGoey: If you can push it back a little bit.

Mr. Ross: I will push it back as far as I can. I have no problem with that.

MOTION to schedule a PUBLIC HEARING for June 1, 2005 made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

