

TOWN OF WALLKILL PLANNING BOARD

MEETING

APRIL 19, 2006

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

MEMBERS ABSENT: P. Owen

OTHERS PRESENT: J. Bacon, D. McGoey, B. Ostrer, S. LaBruna

1. PUBLIC HEARING 7:30 P.M. - **VIKING REALTY** - SITE PLAN/SPECIAL USE PERMIT - 47 Crystal Run Road (78-1-15) #95-05

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 19th 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 Viking Real Estate, 215 Greenwich Avenue, Goshen, New York 10924 for approval of a Site Plan at Section 78, Block1, Lot 15 on the West side of Crystal Run Road, 245 feet North of Route 17 Westbound, Exit 122 ramp under Section 249-40 of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake Chairman

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

M. J. Sandour: My name is Michael J. Sandour. I represent MJS Engineering for my client.

G. Lake: Bring the Board up since you were here last.

M. J. Sandour: Sure. This is an existing building along Crystal Run Road which has an existing access. We propose to fix up this building exterior and also provide a paved parking lot, striping. There is handicap spaces in the back. We will supplement the landscaping. We went our the comments that were received by your Engineer. We went through them, we have no comment, no problems with making any of those changes to the plan. That's basically what took place from the last meeting. This will be a real estate business out of this office.

G. Lake: And, that's all? That's the only use for this building?

M. J. Sandour: Yes.

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

A. Dulgarian: After the Public.

H. Ross: After the Public.

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?

MOTION to close the PUBLIC HEARING at 7:38 P.M. made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

G. Lake: You mentioned no problems with any of the comments that Mr. McGoey had?

M. J. Sandour: None.

G. Lake: Did we get comments from the Highway Department?

M. J. Sandour: Obviously those would be inputted from his as well. We're willing to work with him for whatever he wants.

D. McGoey: The restrictions on the left turn lane.

M. J. Sandour: Excuse me?

D. McGoey: The restrictions on the left turn on the site.

M. J. Sandour: That's fine. I will go over these with the Highway Department. Unfortunately we didn't get their comments in time.

G. Lake: You have complied with all the other comments on this Site Plan?

M. J. Sandour: Yes.

A. Dulgarian: My questions relate to the left hand turn. How is that going to be done, just with signage because that doesn't work?

D. McGoey: That's all they can do unless you put a barrier in the middle of the road. I don't think you want that.

A. Dulgarian: I know the one at Stewart's doesn't work. As far as comment #7, existing trees should be labeled as to remain. They were up there cutting down trees so, how does that play?

D. McGoey: What did they cut down?

R. Velour: It was authorized by Orange & Rockland because they were under the wires. They cut the trees down that were under the wires.

A. Dulgarian: That was a private contractor though, correct?

R. Velour: It was a contractor hired by Orange & Rockland, not by us.

T. Hamilton: That was that big tree that partially fell on your site?

R. Velour: That one and two in the front were also under wires.

T. Hamilton: Two in the front?

R. Velour: Yes.

T. Hamilton: Those small little maples that you say are existing?

R. Velour: They were big right by the road.

T. Hamilton: Because I don't see the red maples yet you're saying their existing. I went by there today. I don't see any red maples in the front.

A. Dulgarian: I don't have any problems with this. I think it's a good use of the property. I don't think the intensity would be too much. I would like to approval subject to Mr. McGoey just reviewing the landscaping to make sure it's sufficient to what we've been requiring the other people in that area to do. Other than that, I don't have any problems.

H. Ross: I agree.

R. Carr: I really don't have a problem. I think that is a difficult spot. I agree with the right turn in, right turn out. The deceleration lane is a big plus. It's a tough spot. The utilities are near the existing building. I don't have a problem with the use. I agree with Mr. Dulgarian on beefing up the landscaping.

W. Capozella: The left hand turn is a tough spot. With the landscaping, maybe there's something that he can do with the landscaping to make it difficult for people to see on-coming traffic but they don't have to go left anyway.

A. Dulgarian: Oh, I don't know about that.

W. Capozella: Well, what I'm saying is, if we're looking to do something.

A. Dulgarian: We will leave that up to Mr. McGoey.

W. Capozella: Originally I was concerned about any landscaping in the front.

T. Hamilton: They're beefing up the landscaping but will they have existing red maples on or not.

M. J. Sandour: That was something we had put on. There were two in the front. I believe part of those came down as well.

R. Velour: Those were the one's that Orange & Rockland. There were also some limbs on the, I guess they were maples, I'm really not sure up by the road, branches that also came down and interfered with the wires.

M. J. Sandour: Out in the front by the road there's an offer of dedication. What we've done we've shown some new landscaping behind that line. We would be happy to meet with your Engineer to go over additional landscaping required to supplement the stuff that was out closer to the road.

G. Lake: We've just over the last two years have really tried to pull a lot of things together and up the landscaping. Meet with Mr. McGoey. He know what we want and he will probably ask for more landscaping. Mr. Hamilton, do you have anything else?

T. Hamilton: No, that's all. Is the fire truck still there?

M. J. Sandour: It's for sale. It's parked up in the back though, and that will be out of there soon.

T. Hamilton: Okay.

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

MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments and this Board's comments, and landscaping made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for SITE PLAN/SPECIAL USE PERMIT subject to all of Mr. McGoey's comments and this Board's comments, landscaping and Highway comments made by R. Carr and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

2. **TETZ** (Phillipsburg) - SITE PLAN/SPECIAL USE PERMIT - FINAL - Cemetery Road (78-1-29) #35-03

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

R. Stack: My name Rosemary Stack, Attorney for the applicant, E. Tetz & Sons, with Jim Ullrich from Alpine Environmental Consultants and Phil Griely from John Collins Engineers, also Gary Tetz from E. Tetz & Sons.

G. Lake: Okay. You're here for Final, Conditional Final? We've had several meeting since the last time you were here and we've had a lot of correspondence back and forth. I don't know if the Board wants to go over every twenty five or some items. They have been worked out. They have agreed to them at a work session. Mr. McGoey?

D. McGoey: Yes.

G. Lake: Why don't you just come up and give us a quick summary of the last couple of weeks so we get that on the record showing the work sessions and the way we actually stand.

D. McGoey: We performed a though review of the plans. There were a number of items that are listed in our comments of April 7, 2006. We held a work shop session with the applicant this past Monday. We went over these comments point by point. Many of the comments relate to the off-site improvements some of which are being denied by Orange County Department of Public Works and not the applicant. So, we made recommendations that those comments be handled in a developer's agreement. There are other issues that still have to be shown on the Site Plan which the applicant has agreed to in their letter dated April 18th to the Board so, I'm satisfied that they can comply with everything that I've listed in this without difficulty.

G. Lake: Thank you. Mr. Dulgarian, I will start with you and then go through the rest of the Board to see if anybody has any comments or questions.

A. Dulgarian: I don't have any comments at this point. It's been around for a long time. I believe this Board, our Engineer, and our Attorney has done a very though job on this. I have no issues right now, some of them Mr. McGoey's comments.

H. Ross: I agree with Mr. McGoey.

R. Carr: We've been through this a long time and I feel comfortable with it.

W. Capozella: As far as the Site Plan, as far as the noise, the trucks standing still or whatever, those

issue are in the Draft. I haven't had a real issue with the Site Plan other than the heliport but I haven't found anything to say whether Town Law or FAA said it could or could not exist. That would be my only objection.

T. Hamilton: I know most of this has been around. Most of Mr. McGoey's work going through all these different items making sure that everything that he has requested or talked about has been put into all our documents and so forth and especially after the last work

session we went through them one by one and the applicant had no problem and made an agreement on these comments.

J. Ullrich: As I recall.

G. Lake: Again, and I'm not going to labor on the amount of work we have done on this. I think this Board worked super hard and I know the Board has bigger understanding. I know in the last month they worked very hard to understand everything. I really don't have anything else except one other thing. The landscape plan, how did you make out? She did not respond.

R. Stack: No, she did not respond. She's on vacation. Our Landscape Architect is actually in the same area. He was with her before. He doesn't think she will have a problem but he did put a call in to her. She's on vacation all week. One other thing, just so it's clear for the record, Mr. Lake we do have FAA approval on the heliport.

T. Hamilton: Yes, in fact on that landscaping the document lists what she recommended but if and when she returns we will make sure that she agrees with. I don't think we will have a problem.

J. Ullrich: That can be worked out.

R. Stack: There's no problem with our Architect speaking with her and coming to some kind of an agreement on that.

G. Lake: Okay. Then if the Board has nothing else. Mr. Ostrer?

B. Ostrer: As drafted there are two typographical errors. On the front page the word "Conditional" inserted between granting and final. I left the word "Conditional" out although Mr. Hamilton indicated that it does so reflect in the body of the document and there's a typographical error on page 6. I'll fix both of those and give the corrected version to the Board.

T. Hamilton: The little word "ed".

B. Ostrer: Yes.

MOTION for a CONDITIONAL FINAL subject to SITE PLAN/SPECIAL USE PERMIT subject to all of Mr. McGoey's comments, this Board's comments and Attorney comments made by A. Dulgarian and seconded by T. Hamilton.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

3. **MICROTEL** - SITE PLAN/SPECIAL USE PERMIT (Re-approval) - Crystal Run Crossing (78-1-80.4) #06-04

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

T. DePuy: My name is Tom DePuy representing Microtel.

G. Lake: Go ahead.

T. DePuy: This project had been given Conditional Final on August 4, 2004. I guess there were some questions that didn't get answered so we're looking for a reinstatement of the approval.

G. Lake: I think your problem is that you've run out on the time of your approval. Our records don't indicate that anybody had filed for an extension so basically I don't think this Board and I can refer to our Attorney. I don't think this Board could just reinstate it without going through the proper steps. Unfortunately, I think that's where we're at. Mr. Bacon, do you have any comment on that?

J. Bacon: No. I met with Marylynn and I got the relevant document that occurred. I looked at Mr. Brodsky's file which talked about that Final Approval was granted August 4, 2004 and subject to Mr. McGoey's comments as the Board generally does. Then the plans came in to Marylynn's office. There were two conditions that had to be met. You received correspondence from Mr. DePuy October 7th that says there was an agreement attached showing that the conditions are met but then

after that there's nothing in the file until June when Mr. DePuy sent in a revised set of plans.

G. Lake: That was the last one.

J. Bacon: Yes, June, 2005. At that time Marylynn advised Mr. Safe's Attorney that the Site Plan had expired. If the Conditions for a Final Site Plan approval were not met six months without an extension letter. The Board is fairly lenient on that as long as the letter is in before the expiration date and the Board doesn't act until after that, it's okay.

G. Lake: Let's talk about Mr. McGoey's comments and then we're just going to have to schedule you for a Public Hearing. There's fourteen comments. Are you going to have any problems with those comments?

T. DePuy: No. I can very much answer them all. I dropped the drawings off today. No problem.

G. Lake: Let me go through the Board.

A. Dulgarian: Nothing.

H. Ross: Nothing.

G. Lake: I know this is new to you.

R. Carr: Nothing.

W. Capozella: Nothing.

T. Hamilton: Nothing further.

MOTION to schedule a PUBLIC HEARING for May 17, 2006 made by R. Carr and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

4. **BERLIN LLC.** (Retail) - SITE PLAN - Route 211 East (43-2-43) #74-04

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: We've been here a few times already and what we've done here is reduce the size of the building and took away the Subway from the front. We pushed the building back so it's behind the Greg Rowe building. That reduces the size by forty feet which takes care of the use of the parking spaces, reducing the limits of disturbance and all the rest there. Again, this is here just for sketch so we can proceed further if this layout is to your satisfaction. We will continue with Mr. McGoey's comment on the drainage, lighting, signage and all that we have to do with the project.

G. Lake: We're down to what, Mr. Yanosh two uses here or three uses?

D. Yanosh: Three uses. We took off the thirty foot Subway which was in the front. There's a lot of landscaping in the front here, that's why I landscaped the rest of the side coming in. We still do an issue with the lady next door's entrance. We've been to the Department of Transportation and showed them what we wanted to do. They're saying get the cars off the road as best you can. We approached the lady next door in negotiations as to what to do with it. We don't want to get too involved in it right now but we will let you know. She wanted money for the situation. If this looks okay we'll try and give this to the lady next door to maybe get some type of an agreement from her to lay it out.

G. Lake: You can't get the driveway off the other property or off her property?

D. Yanosh: There is an easement. The shaded area in the front is an easement that was existing when this lot was subdivided back in 1987 or 1986. That's been there. That easement was created back then. It was made so people could get in and back and forth.

D. McGoey: It's kind of crazy to have three separate driveways.

G. Lake: Yes it is.

R. Carr: And, they're not even out to the road, they're kind of open. I still think this is aggressive for the uses. There are a lot of drainage issues with the stream flowing through there. I do think this plan is a lot better than what was here before and I do like the driveway.

A. Dulgarian: It seems to be a reasonable use of the property with minimal impacts and you can't deem the property worthless. It about as good as it's going to get. I know also that if something changes and you have to come back it's going to be real hard.

H. Ross: This is a step in the right direction. I just want to make sure you don't have any drainage discharge.

D. Yanosh: We didn't do any calculations because this is here only for sketch.

W. Capozella: I will have to agree this plan has better usage. I like the idea of the office in the back. Before we had trucks going in and out of there and more heavy traffic. These uses seem to be more reasonable. I therefore believe it's a better use of the property.

T. Hamilton: I agree with all the comments. The main thing is as long as they can work out the stormwater which seems the issue right now. Otherwise, landscaping here looks like it's beefed up pretty well. The driveway, I don't know how they can work that out with the neighbor but at least get an indication on what to expect on that. That's all I have.

G. Lake: Okay. You've heard the comments of the Board. Hopefully you can work out this driveway issue. I think that's a main concern. I think the Board is happy with the new direction so I guess we can continue on.

D. Yanosh: Okay.

MOTION to TABLE for further review made by H. Ross and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

5. **GORDON WALLKILL** - Lot #1 - Office Building - SITE PLAN - Goshen Turnpike & Crystal Run Road (60-1-68.11) #78-05

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

D. Seewald: My name is Douglas Seewald from Pietrazak & Pfau and with me this evening is Michael Blustein, Attorney.

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

D. Seewald: We made a revision based upon the last work session meeting. We are proposing twenty four thousand square foot building with access being off of the existing entrance from the Professional Building on Crystal Run Road. We have developed the

landscaping, lighting and draining plans with the stormwater pollution prevention plan. If possible schedule us for the Public Hearing on this application.

G. Lake: Mr. McGoey's comments, there's twelve of them. Do you have any comments with any of them?

C. Seewald: No, I don't believe so. We actually have the architectural renderings for the building here tonight.

G. Lake: Why don't you show them to us.

M. Blustein: I think with respect to the second one about Medical/Dental office building. It's going to be modified so that it could be one of the uses. It's going to be more of a general office type because right next door that is going to be a medical/dental and it's going to be kind of tough to lease it out so, I think the Medical/Dental use is more restrictive than just a general use.

G. Lake: Yes.

M. Blustein: So, we're going to design it so that it includes the Medical/Dental use but it's not going to be limited to just that.

G. Lake: Should we know how much it would be?

D. McGoey: Yes. Generally we ask you to show the approximate square footage of each of the uses and that can vary as long as you stay within the parking requirements. So, when we do the Special

Use Permit at least they're on the plan. The Board requested as part of the previous Site Plan with the building next door that they try to combine the stormwater management facility and if the applicant is willing to do that. You might want to explain why you couldn't do that.

C. Seewald: The existing drainage is in the rear of the medical building. The invert elevations were basically the same as the South of our stormwater pond. There would have been several hundred feet between the two of them. We had no pitch to convey the stormwater back to the pond. We are capturing all the entrance runoff which is in the rear of the existing building and treating that.

G. Lake: Mr. McGoey, have you looked at that a little bit, then?

D. McGoey: Yes. They can comply.

M. Blustein: Other than that, I don't think we have any real issues with the comments.

G. Lake: Let me go through the Board before we schedule the Public Hearing.

A. Dulgarian: Mr. McGoey's first comment about snow storage. There's not much area there and I don't know exactly the formula. I hate it when it is packed in right on top of the landscaping or whatever. I would like to see that addressed.

H. Ross: Nothing.

R. Carr: The one thing in looking at this I would like to see moving forward with more of a buffer out that way from the road. Crystal Run Road is supposed to be widened some time in the future?

D. McGoey: They're straightening it as part of the previous project.

R. Carr: Okay. And, where does that put the road in relation to that?

D. Seewald: The road is actually shown on the plan.

R. Carr: Okay. In my opinion there could be more buffer from the road. It would be more attractive from the road.

W. Capozella: I like the idea with the landscaping I kind of agree with Mr. Carr that maybe we should have our Landscape Architect should look at it just for the type of bushes, etc. I do have a question, though, on the landscaping. Mr. Seewald explained the plan to Mr. Capozella.

T. Hamilton: With these islands in the parking lot we're asking to be put in there to break up that parking lot. We started it with other applicants and if they can't show a decent or large enough spot for snow storage that we were going to request a note on the plan that it would be removed off site if you had no place to put it without damaging the landscaping and what ever else. That is something

we started to do.

G. Lake: Okay. So between now and your Public Hearing can you have the landscaping according to your picture. It looks pretty nice. You might want to just touch base with our Landscape Architect just to get information from her. And, the snow storage has become a big issue maybe you can figure out. Mr. LaBruna, do you have anything with this down along the aquifer?

S. LaBruna: Yes. This is the one in proximity with the Department of Environmental Conservation wetlands. You might be able to incorporate some bio-retention area in the back. I think the Landscape Architect can work something out.

G. Lake: On the stormwater, can you get something to Mr. McGoey and then he can relay it on?

S. LaBruna: Definitely.

G. Lake: And then between now and the Public Hearing, we should have plenty of time to address that.

S. LaBruna: Sure.

MOTION to schedule a PUBLIC HEARING for June 21, 2006 made by R. Carr and seconded by W. Capozella.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

6. **COLANGELO CAR WASH** - SITE PLAN REVISION - Route 211 East (41-1-41.2) #41-04

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

My name is Karen Bernstein. I'm counsel to Mr. Colangelo. We're here because we bonded out what's to be an unresolved issue on the site. It's a very complicated one because it's a legal matter. Mr. Bacon might support this opposition.

G. Lake: Hold up please. Mr. Bacon?

K. Bernstein: It's not clear to me when we had an architectural review process and the actual clarification of precisely what the color will be and listing that color on the plan. You can, in fact, condition, and there's a reason for that. There are two fundamental laws associated with what you do. The broadest is (not clear) to make sure there are no environmental issues. But at the same time when you make a decision. I want to give you one demonstration. The question is "green". And, Mr. Carr said is this going to be the color and the Architect for Mr. Colangelo said, no that's washed out. It's going to be better. You said, that's fine. I'm really concerned about the landscaping. Now, the question is, and then there's some story about how Mr. Colangelo painted it some sort of yellow. But, he's now toned it down and now we have to change it. Showed different aspects of "green". The problem is that, I suppose is rely on Benjamin Moore paint. In an ordinary situation with the Town Architect approval and should that say this will be painted green, Benjamin Moore 354 or what ever. But since that didn't happen we went to Benjamin Moore and we asked him for the information about the color of the stucco.

G. Lake: Basically, I think we were lead to believe we had re-developed that whole corner with the applicant right down the street and at the same time the applicant was in and I think he got done because he was a smaller applicant than the one on the corner. The one on the corner was a very nice right now and my recollection is that we did ask at that time and maybe it wasn't as formal as it should have been but to have it kind of tie into that situation that was being developed along that corridor. I think the brightness of it is what surprised some of us. I think at that point we were hoping to bring it more in line with what's happening at. In no way were we infringing on his rights and you used the words legal matter and I'm always hesitant to keep going. I hope you're just talking about resolving something.

K. Berstein: I understand. I believe you're referring to Banta, is that correct?

G. Lake: Yes.

T. Hamilton: We know where the corner is and a lot of other people here know that.

K. Berstein: Yes, you know. I understand that.

T. Hamilton: Let's cut to the chase here.

K. Berstein: But what I'm saying here that Banta, I came for the first time today and looked. It can't be bad where Mr. Colangelo's property is.

R. Carr: Can I just ask something? I didn't know what you were talking about for the longest time but are you looking to keep the color?

K. Berstein: Of course. He's in operation.

R. Carr: Just to go back to what you said before when I questioned the color because . . .

K. Berstein: It's not going to be that color.

R. Carr: And, what was the . . .

K. Berstein: It was a bit washed out from the painting. There was no reference to Banta, by the way, on this. You, Mr. Carr then said, what are you going to do on the roadside. The reason because it's going to be a very natural green, this has been washed out by the sun. It looks good and I appreciate what the applicant has done. I don't know what the plans are and how it's going to look. What does a natural green mean? I'm sure that Mr. McGoey is the most talented man in the world and he should be able to (not clear). But if he is going to become an aesthetic determinist of things in this area, I think you need something to use specifically. Why Mr. Colangelo's business (not clear), if that item had worked. It's no different than the Chuck E Cheese.

G. Lake: Okay. Mr. Bacon?

J. Bacon: Well, generally the Board approves projects with many, many comments and some may be aesthetics or engineering and the Board makes the decision accordingly. I would that it extends to the aesthetics and I think that the Board stated green was the recommended color?

K. Berstein: No. Actually, that's just the point. What it said,

G. Lake: You know what, excuse me for a minute. We're catching Mr. Bacon off guard because I don't think he was really . . .

K. Berstein: Mr. Bacon and I have had very long discussions.

T. Hamilton: Excuse us, miss. We have a Chairman here who runs our meeting.

G. Lake: Now, I just don't know how much he's dug into it talking to each Board member.

J. Bacon: I guess your position is that you are satisfied with the color and you're not going to change it? Is that it?

K. Berstein: My position is it's a costly and unnecessary. The only reference in the minutes is to the word green. I think if ended up saying we must change it, I would feel compelled.

G. Lake: Hold up. Let me go through the Board.

R. Carr: Mr. McGoey, did have a conversation with the applicant at one time when the building was a different color?

D. McGoey: Yes. We had a meeting with Mr. Colangelo on September 8, 2005. It was myself, Mr. John Ward, and Mr. Fritts from my office and Mr. Colangelo. And at that time he offered to bring in the renderings including the colors and the rendering was going to include awnings that were going to be similar to the awnings provided by Banta because his Architect talked to the Architect of Banta. We were going to look at that before he went any further. That never happened. He chose to paint and then re-paint the building from a very yellow that it was to the off color that it is now without coming back.

R. Carr: So, he knew that there was a problem there.

K. Berstein: Now, again, for the record.

G. Lake: Let me continue with the Board.

H. Ross: There are very different shades of green or whatever color.

K. Berstein: But why.

H. Ross: Up to this point, I don't really have a problem with the color of the building per se, I'm more concerned about the process.

R. Carr: I feel very strong that, Route 211, and I think it came out . . .

A. Dulgarian: You said that the first thing you see when you come off Route 211 is that.

R. Carr: Absolutely. It is the gateway to the Town. I think when I saw that picture and I think the color was very similar to the green that's up there, that's what prompted my request and that the drawing was unacceptable. I also think that having had that feedback, and having had further feedback from the Town who said that color is certainly not acceptable, let's figure out the color. It's the fact that he went ahead and did the "apples and pears" without consulting no one who was concerned by the Planning Board, Engineer and Supervisor's office. It's much like what I objected to in the picture.

K. Berstein: Even when you see it now

R. Carr: Yes. The opportunity is to change that. It's one of the things we've talked about with larger projects that work out the way you hope. I really liked how you saved the trees. I thought the whole concept was really nice. To me the color just distracts from that area.

K. Berstein: I can understand you.

W. Capozella: Let me start out by saying. Obviously the first day I saw that color there wasn't any doubt in my mind that it wasn't what I envisioned. I don't think that's how this whole process started to get you back here is the fact that we looked at it and said, wait a minute this wasn't what we really wanted.

K. Berstein: The first color?

W. Capozella: Well, yes but now this bright color that's again up there. It was my understanding that we were going to blend all those buildings in as close as possible. I looked at it and said it sticks out. It doesn't blend in with the rest of the corridor. We've been trying to blend in everything as best we can to make it look nice and this doesn't. I will leave it at that.

T. Hamilton: I go along with the other members. I remember the fact that we spoke about that we had the Banta project in and the color scheme they were going to use and if I'm not mistaken we requested that this project use the same type of color schemes to blend in with what Banta was doing on their projects and then we saw something that was quite a bit brighter than the rest. Then it changed to another color.

A. Colangelo: My name is Anthony Colangelo. With all due respect to the Board, I beg you to approve this project. I want to clear the record. I've been to Mr. McGoey. Mr. Fritts was not in the office. It was Mr. McGoey and the Town Supervisor. They had asked me not for a rendering, samples. I had a special box built with the sign coverage and the colors by the sign company made. I had the color mixed, put on a piece of board and a piece of the split face block. I had that delivered by Mr. Fritts. On the Saturday meeting, Mr. Ward expressed liking the colors of our existing building in Danbury which were these colors. He was a little concerned about the signage being too red. He wanted a burgundy and I remember him mention burgundy because he was wearing a burgundy shirt. I had the samples made, sent them over, didn't hear anything back. The yellow was offensive to the Town. I respected that. I went right in and changed the colors. It did not unfold the way it was described by Mr. McGoey. Now, Banta. After during the whole process, two years of work sessions with Mr. McGoey it was never mentioned to me. During the approval process Banta was never mentioned. The communication said, listen we're doing a development project, I would have worked with you guys. Mr. Ward called me after the building is up, the colors are up and said, change the colors. I basically got booted. So, now you guys are telling me you don't like the colors after the fact.

G. Lake: Okay. I think we can go on a long time.

A. Colangelo: One other thing.

G. Lake: That's it. We're not going to discuss it very much longer. I do respect you but by the same token, I think he came to this Town wanting to do business in this Town and this Planning Board to the best of our ability at the time thought we were getting something a little different. I think it's up to him what kind of legend he wants to be to this Town. You want to be part of the Town or you want to be an outcast.

A. Colangelo: Oh, no.

G. Lake: That's it. I'm not asking you to comment. I'm just giving you my opinion. I think you heard what the Board wants. I think we're going to table this. You can make your legal decisions. I think it's up to you guys if, you're the gate to this Town. I do remember Mr. Carr said that. I do remember him saying that. We can go back and forth but we're trying to be the best we can for the Town. We come down that road everyday. It's not a reaction just from this Board. The reaction came from outside as well. So, I think you need to make a decision and do what you have to do. I don't think we have to labor the fact. I don't believe this is necessarily a Planning Board matter at this point. I know Mr. McGoey carries out the wishes of this Board immensely and sometimes he gets a bum rap from people. I'm going to make a motion to table this. You make your decision. You know the Town's decision and then we will go from there and hopefully everybody comes out happy. Mr. Dulgarian do you have something?

A. Dulgarian: Yes I do. I believe it is within this Board's power to review architectural designs including color. It's not only within our power, it's our obligation to do that. I think that's kind of what was done here unfortunately it may not have been understood when we said calm down the color, earth tone is what I was thinking. It's also our obligation to keep within the pattern of development on a certain corridor like we did on Crystal Run Road, etc. That's what I feel on this project, just for the record.

G. Lake: You know the opinion of the Board.

K. Berstein: I'm not sure I do.

MOTION to TABLE for further review made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

7. **WALDEN SAVINGS BANK** - SITE PLAN (Sketch) 2108 Route 302 (8-9-5) #12-06

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

J. Tirolli: My name is John Tirolli, representing Walden Savings Bank. G. McKay is my site man and Mr. Cox, President of the bank. We're here to go over the Preliminary Sketch Plan for use of the property. The bank has a contract to purchase that property and would like to, in essence, as you can see from the Site Plan would remove the current building and replace it with the footprint that we show here with four lanes to drive up for service, utilize almost the entire parking lot as it is paved as well as additional paving. Turn some areas that aren't paved into grass areas and landscaped areas. Part of this process is to get approval from the Building Department to put up a small pre-fab bank as we show on the Site Plan to be used during the construction phase. That, the bank officials have met with the Town Supervisor and the Building Inspector. We need to get your feedback so we can advise the Building Inspector as to your opinion on that. The nature of this plan is that the intensity of the Site is not going to change substantially. There would be about fifteen (15) employees maximum in this building. We provided for the parking for those according to the code and then some. There were two sewer systems that were designed for the restaurant. One of them is going to be dismantled. The other one has more than double the capacity sewage disposal that we need for the fifteen employees so we have room with the existing system for an initial load as well as a one hundred percent replacement. We plan to use the curb cut on Route 302 for our entrance and exit. We would also like to use access that we have on Creamery Road as we've indicated on the plan. I will let Mr. McKay show you the type of bank they propose to build. It's almost identical to the Pine Bush or Washingtonville branches.

G. McKay: There's two branches in the area. While you're looking at those photographs, the amount of pervious area, building and parking, is going to increase over what is there now by seven percent. Our total disturbance on the site is less than an acre therefore, we're not required to do a retention. It's a small increase in the pervious area is almost insignificant as you can see. The footprints are very similar.

G. Lake: Mr. Dulgarian, anything at this point?

A. Dulgarian: Nothing.

H. Ross: Nothing.

R. Carr: Just a couple of things. It's a shame the building has to come down but the time has come. I disagree you as far as that the intensity of the use is the same. I know that was previously a restaurant and I don't think I saw that many cars in it. With three drive thru's.

J. Tirolli: Four.

R. Carr: Four drive thru's. So, I disagree with the intensity of the use. I'm looking to see what happens to traffic right there. That's a horrible place for traffic. You have Goshen Turnpike by the light. Your hours probably, I don't know, wouldn't go at the same time as the school busses in the morning. We also have that same problem with camp coming out. It puts a lot of traffic on Creamery Road. This bank will be convenient. That would be my concerns. I don't know how you can mitigate that intersection because it's failed totally. It's getting that way more and more.

J. Tirolli: By intensity, the bank starts up later than the school system starts up. They obviously don't run the night. They're busier at lunch time to make deposits. Even when you had a restaurant, we would agree that it wasn't used to the full extent that it could have. My point that if it was a restaurant use at certain times of the day, it would be more intense.

R. Carr: My concern is, what is the affect on the traffic. We're talking about employees, school busses, etc.

G. McKay: There is one mitigating factor. The bank that was across the street, Citizens Bank, they've closed and moved to the Bloomingburg branch. What they took away, we're hoping to replace.

R. Carr: I agree. Did they have a drive-thru?

G. McKay: Yes.

J. Tirolli: I will let Mr. McKay give some observations at Washingtonville.

G. Lake: Let me finish with the Board.

W. Capozella: My general opinion on this is it's a reasonable use of the property. I guess you would want to take a look at the traffic on how much more that's going to add to that section.

T. Hamilton: I think looking at the property and the driveways especially trying to get some islands for some landscaping and so forth. The four lanes of drive-through going all the way around. It's not leaving us much room to do anything landscape wise to hide some of this blacktop. Also, I don't

know. I think that road is tight going in there quite often. It's narrow going up to the park. Besides the camp, you also have the normal park traffic going in and out, even with the other new road they still use that. Have you heard anything from the State Mr. McGoey where they wanted the drive lined up with Berry Lane across coming out.

G. Lake: That was at the Planning.

T. Hamilton: Did you receive this?

J. Tirolli: No, I did not.

T. Hamilton: Lining your entrance and exit with Berry Lane across the street.

J. Tirolli: We don't line up, we go off the property.

G. Lake: We will give you a copy and also comments from Orange County Planning.

T. Hamilton: Then, the other thing about Citizens Bank, is that building empty?

G. McKay: Yes, vacant.

T. Hamilton: Why can't you rent that and not have to put a temporary building on the property?

G. McKay: They wouldn't sell it to us.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No, that's all.

H. Ross: The four drive up units, will you have four tellers or will it be automated?

G. McKay: Usually the situation is one teller per two units. They alternate.

H. Ross: The hours for the drive-through?

G. McKay: Generally our normal operating hours are 8:30 to 4:30 every day with the exception of Thursday until 7:00 P.M.

H. Ross: The people coming to the lobby.

G. McKay: I think much of the lobbying and drive in traffic is, I'm going to say generally around 8:30 to 9:00 to 10:30. There is a burst at lunch time anywhere from 11:00 to 2:00.

H. Ross: That could be when the busses run through. You might not need four drive through's.

G. McKay: One of the other things, the last drive-in we will put in an ATM twenty four hour in there. The newer generation cashes checks so that should take some of the load off.

H. Ross: Creamery Road could also be a problem.

R. Carr: Your parking requirements?

J. Tirolli: There's a table on the plan. Required is thirteen (13), we provided twenty seven (27).

R. Carr: I'm just curious. Mr. McGoey, this is just paved?

D. McGoey: Yes, in good condition.

R. Carr: In good condition but there's no stormwater required?

D. McGoey: There is stormwater required but they don't have to meet the new Department of Environmental Conservation regulations but still some is required by this Board.

R. Carr: I don't know. It looks like a ton of parking and paving.

G. Lake: Mr. LaBruna, do you have something?

S. LaBruna: Yes. I don't know how the Board feels about sidewalks on Route 302.

J. Tirolli: We've got a lot of room between the pavement and Route 302 and our pavement for sidewalks and lots of landscaping.

G. McKay: We're a community bank and we would like to get in as soon as possible.

G. Lake: The house on the corner, did you take that over?

G. McKay: Yes we did.

G. Lake: Are you going to join that to this property or what's going to happen to that small.

G. McKay: There is a separate septic on that lot as well although it does encroach on ours a little bit. The intent is when this is demolished the house will be demolished as well.

G. Lake: How about that lot, are we going to leave it as is?

G. McKay: It will be combined.

A. Dulgarian: As part of this plan?

G. McKay: Yes. At the time actually that was acquired after-the-fact after we started work and realized we didn't really want something that was an eyesore adjacent to us.

G. Lake: My only other comment and like I said I think it's going to be a real plus for the Town because I live out there. Creamery Road, I'm not discouraging you but I can tell you from experience the amount of unwanted traffic that cuts through. It might be something you want to look at and make your decision there. That is also the road that leads up to the Town Park.

J. Tirolli: We've only shown it as a one-way in at this time.

R. Carr: If the traffic backs up here and they can't make a turn they will cut right through there.

G. Lake: And, I'm talking from experience. Mr. Hamilton, do you have anything else?

T. Hamilton: Yes. Maybe there's a possibility of them widening that drive down to Route 302. It might help.

J. Tirolli: We don't have a problem except that when you try and get the Department of Transportation to do any work in the right-of-way we're talking September, October before we even get a permit. They want to have the bank opened by late Fall and before Winter comes. To do that as an improvement of the corner lot, we can talk about it but if we have some problem with the Department of Transportation when we have an approved curb cut, it's time that we lose of up to five or six months.

T. Hamilton: Just one quick item. Can we make sure that with the rendering of the building we can have on the rendering and stipulate a color?

G. Lake: I think you heard the comments from the Board. I think everybody pretty much likes the idea. You heard their comments. I guess we do not need a Public Hearing, Mr. McGoey?

D. McGoey: I don't think there's a problem.

J. Bacon: No.

G. Lake: I guess right now the next step would be go back to another work session, finish up and come back.

J. Tirolli: I didn't catch that. We do or don't need a hearing?

G. Lake: No. How do you guys feel about the temporary bank?

G. McKay: Just to give you an idea of what we're looking at. It's a small structure.

G. Lake: I think you may have to appear before the Town Board.

G. McKay: We do have a letter in to them on this and assume they might defer it to you.

T. Hamilton: No.

G. Lake: Because it's a temporary structure.

T. Hamilton: Like a sales office that people put on when they build a home.

G. Lake: I don't have a problem with it.

J. Tirolli: We will meet with Mr. McGoey to give him the landscaping plan, the lighting plan and make another appointment to come back.

G. Lake: And when you're ready, we will get you back on.

J. Tirolli: Excellent.

MOTION to TABLE for further review made by T. Hamilton and seconded by W. Capozella.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

8. **MEADOWOOD ASSOCIATES** - SITE PLAN REVISION - Dosen Road (14-1-31.1) #45-05

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

J. Tirolli: My name is John Tirolli representing Meadowood Associates. As you recall six or eight months ago we had the Site Plan approved to convert an existing dwelling to an office space for two thousand square feet as well as putting an addition to the wood frame shop adjacent to it to add accessory storage. The owner is here and has asked if you can amend your final resolution so he could make a small addition to the rear of the wood frame shop as well.

A. Dulgarian: The one in the front . . .

J. Tirolli: The one in the front you approved along with the house conversion. The new part is 37' x 24' in the rear.

T. Hamilton: Which has been approved?

J. Tirolli: You approved the conversion and you approved this addition to the front. And, he's asking for that also to be considered in the rear.

A. Dulgarian: For what?

J. Tirolli: The same, accessory storage.

D. McGoey: Mr. Lake, I performed a field review out there and he's modified the shed in the back where the addition is going on the Site Plan.

J. Tirolli: Come up.

D. McGoey: You modified the shed in the back without Planning Board approval.

K. Babcock: We put a shed style roof on it so we could put the roller under it.

D. McGoey: It's still an addition to it.

K. Babcock: I didn't show.

D. McGoey: You did work on it.

K. Babcock: Yes, it was a shed style roof.

J. Tirolli: Are the footings in?

K. Babcock: No, nothing like that.

D. McGoey: No footings but the rear property line is there.

A. Dulgarian: How big is this?

K. Babcock: Roughly ten by ten. We just came off the back and saw the shed and . . .

A. Dulgarian: Was this a condition of the Site Plan?

K. Babcock: It's small.

J. Tirolli: The proposed addition is 37 feet long and even that is in excess of the zoning requirements. He only added ten for the shed roof, that wouldn't gotten the side yard.

D. McGoey: We need to see it on the Site Plan.

J. Tirolli: I wasn't aware of that.

K. Babcock: Once I have this other building up, once we're approved for this building, I don't have a problem with tearing that down.

T. Hamilton: But once you come in with an application before us for a project at that point the application comes in to us everything ceases. You can't do anything on that property. You can't change anything. You can't add anything. When you're in to us you're locked into what is on the current Site Plan until you receive approval.

K. Babcock: Yes.

T. Hamilton: Nothing else can be changed or added.

K. Babcock: Just to clear the record, this little shed is not part of the shop. That's where we're proposing the addition on. This was an existing shed on the other side of the property, the other corner. It was kind of an eyesore. Right now, we're kind of strapped for the storage part. I put that little thing on there.

A. Dulgarian: It's not a problem but you have to show it on the Site Plan.

D. McGoey: The other thing you did was you have two or three parking spaces back here. You will have to put a retaining wall in there or something.

J. Tirolli: Well, they're not proposed there. He's done that temporarily in violation of the Building Code.

D. McGoey: You have an excavation back there.

K. Babcock: There is a spot.

J. Tirolli: We don't have any proposed parking back there. If you want to modify the Site Plan, you will have to come back to the Board. You will have to build it the way it is approved. Do you want to stay with what we have?

K. Babcock: This spot that we're talking about, this other parking area, I'm going to have to come back.

J. Tirolli: We will come back to another work session.

MOTION to TABLE for further review made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

9. **DUNKIN DONUTS** - SITE PLAN - East Main Street (50-2-14.11) #13-06

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

C. Johnson: My name is Charles Johnson from Fellenzer Engineering.

G. Lake: Go ahead.

C. Johnson: We are proposing a Dunkin Donuts on East Main Street by Schutt Road. It will be an eighteen hundred square foot building. The entrance is across from the existing car wash. There would be two-way traffic on the left side of the property and one-way traffic by the exit when you

drive up.

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

C. Johnson: Yes.

G. Lake: Do you want to touch on them a little bit?

C. Johnson: Sure. We have stormwater management, dry wells in front of the property.

T. Hamilton: Which comments are you looking at?

C. Johnson: That's #2.

T. Hamilton: What ever happened to item #1?

C. Johnson: We will require a variance to the front setback of the building.

D. McGoey: You will require a variance from the driveway also.

C. Johnson: Also, the driveway. The side setback. The one-way driveway will also require a setback variance for the ten foot required.

G. Lake: The easement for Orange & Rockland, you know that's there, right?

C. Johnson: Yes.

G. Lake: Are you going to deal with it? Do you need any confirmation to go within it or anything?

K. Duggan: My name is Kevin Duggan from Fellenzer Engineering also. The building as designed is outside the easements required. That's why it's so squeezed into that corner of the property. Basically, we meet all the setbacks for Orange & Rockland's easements. We will as we progress through this, we will be sending them copies to confirm everything. In

past conversations with them, they're concerns are that there be no dumpsters, anything of a permanent nature within their easement setbacks which we have kept everything out. That's one of the reasons why we put in a dry well stormwater as opposed to trying to put in a pond because that would be right underneath their power lines and it would cause a problem with access to them. All of those dry wells would have a twenty loading in case they had to bring a truck across there for them to work.

G. Lake: Okay. So, basically you have to go to Orange & Rockland then about the easement?

K. Duggan: Yes.

T. Hamilton: For the landscaping too on what you can plant in there, height wise and what ever?

K. Duggan: Yes. They'll talk to us about that. They basically won't want anything over two or three feet inside their easements because they won't even accept a light pole within those easements. Any lighting there has to be low bollard style and no higher than what a car would be. We won't be able to put an iron ten foot light pole in that area.

G. Lake: Back with the issue of the traffic light. Have you talked to the County about that at all?

K. Duggan: Not with this particular plan. We were working with them on a similar building, not Dunkin Donuts. They requested us to move down from here. The original Site Plan that was approved by the Planning Board years ago had the entrance coming out combining with Dr. Johnson's entrance.

G. Lake: Right.

K. Duggan: At that point it had been approved and they were trying to modify something, the County said they don't like that entrance. They would rather see that entrance terminated because it's too close so, we moved it down here directly opposite the car wash and lined it up with them. At the time we worked with the County they like it here. We'll confirm for the traffic flow. The Dunkin Donuts that we propose is mostly a morning traffic where the people would be leaving the Town so they would be heading toward the right of this drawing and then they would come in and then most of them would be making a right hand turns

going out so they would keep the traffic flow. I mean, obviously there would be some that will decide they want to turn left but the majority will be heading out of Town.

G. Lake: As of right now, you have to get this driveway cut approved by the County?

K. Duggan: Yes. It's a temporary cut that was approved from when they went in to clean the lot. We will get a permit.

G. Lake: Okay. The Dunkin Donuts, is it going to be strictly a Dunkin Donuts or are you going to squeeze in a Baskin & Robbins?

K. Duggan: No. We talked to the owners and it's strictly a Dunkin Donuts at this Site.

G. Lake: What about the two-level parking?

K. Duggan: We didn't quite understand what the concern of two-levels?

D. McGoey: Well, people having to walk from one level to another is a concern. With a facility like this, you have to park your car in the lower level and walk up stairs to get a donut and coffee.

K. Duggan: They would be walking down to come into the building, not up. It was basically because of the easements there, Orange & Rockland is not going to like a lot of grading changes so we're trying to do as much as possible to go with the flow of the property. It's a small retaining wall. It's about a three foot high retaining wall between the upper and the lower sections. If we start trying to level that out you're going to end up with a very large cut probably at the back of the property which Orange & Rockland would have an issue in terms of having access to their vehicles.

G. Lake: And, that's between the . . .

K. Duggan: Between the upper and lower lots.

G. Lake: Right here?

K. Duggan: Correct.

G. Lake: And, what's going to happen, a rail up or something on top?

K. Duggan: Yes, there would be a guide rail. It would probably be a decorative guide rail, probably something wooden to keep it looking nice.

G. Lake: The driveway access between the adjacent property?

C. Johnson: We had been in front of Mr. McGoey at one point. He actually had another applicant come in with a project right next door that, I don't believe they're now progressing. I'm not sure what the story is but we thought there might be a potential instead of having two separate driveways. I saw their application and their driveway came right down here. We thought, we originally had this right against the property but we thought the Town might want it combined.

G. Lake: I will go through the Board.

A. Dulgarian: Well. With all the restrictions on this Site, I don't know if this is the best use for that. I'd like to see something smaller on that. I don't like that the building has to be pushed that close to the road because of the restrictions. I don't like the blacktop is right up to the edge again, to all of the restrictions. I'm also not keen on the two-levels. I'm not entirely sold on this. It's too ambiguous for the Site.

H. Ross: No storage?

K. Duggan: Generally it would be to the western side of the property and then down between the entrance road and . . .

A. Dulgarian: Where, on the western side, in the landscape area?

K. Duggan: Showed Mr. Dulgarian and had a discussion. We're looking at the snow removal which would be to the western side of the property and down between the entrance road and the first level of parking. At the rear level it would be up towards the rear corner.

G. Lake: Anything else, Mr. Dulgarian?

A. Dulgarian: Not at this time.

H. Ross: How deep is the driveway?

C. Johnson: About ten feet.

R. Carr: I agree with Mr. Dulgarian. It's a pretty intensive use because of so many restrictions. There's no landscaping between the edge of the road and your driveway, is that my understanding?

K. Duggan: We're looking at this particular picture, yes but we're going to look at pulling the curb of the road in somewhat in order to provide landscaping there.

R. Carr: Okay. That would be a problem. I don't really have a level with the bi-level parking and the existing driveway. It does give you an opportunity to do some landscaping to block the back. It just is an intensive use. Dunkin Donuts, the people are constantly in and out. There will always be traffic. That's all I have at this time.

W. Capozella: The property has so many restrictions and it seems a difficult sell to me right now based on the location.

T. Hamilton: Since this is here for sketch, do you feel you can come up with a better sketch that's going to give us something that's going to fit in here without the restrictions and the Zoning Board of Appeals problems. The one thing I kind of like about it is it's probably going to take some of the traffic off the one on Route 211 and after seeing this and never thought about it when they were in then is that if we had some kind of drive through on Route 211 you wouldn't have that parking problem there. At the Route 211 site, they all have to pull in, stop, and get out of the car to get in. The drive-through is going to alleviate some of that problem. I think it's going to take some off the other side and, I guess on East Main Street, I don't see a problem with that driveway where it is. Where your property monument is on the East Main Street road, what's the depth in there?

K. Duggan: From the actual pavement to . . .

T. Hamilton: Yes.

K. Duggan: It's about fifteen feet. What I found out is under the previous ownership the County came in and took instead of the normal fifty foot wide easement, they took an extra ten feet on this side for future widening of East Main Street. That's where this ended up becoming an issue with the setback of the building from the original application. This is actually very similar to the sized building of the original application.

T. Hamilton: I'm just looking at your scale and it looks like it's probably even more than fifteen feet because one inch is twenty.

K. Duggan: It's forty feet total from the centerline of the road instead of the normal twenty five feet.

T. Hamilton: And, the parking lot, break it up a little bit with some landscaping where that retaining wall is that might help. Just do a little more work on what you have there and lots of luck if you have to go to the Zoning Board of Appeals.

G. Lake: Okay. When you're building this, is it strictly going to be a Dunkin Donuts, will you be baking there or cooking?

Mr. Berlin: Not on this site.

G. Lake: It's just strictly a satellite store.

Mr. Berlin: Correct.

G. Lake: Do you really need it that big to just sell from?

Mr. Berlin: No, it can be smaller but we tried to push the envelope as big as I could.

G. Lake: Well, I think you heard the Board as far as being ambitious. I believe that. I don't really have a problem having that at that location but I would like to see is a little imagination used, not only in the layout of the property but even in the front of East Main Street because it's turning into being a very nice main thoroughfare for the Town. I just want to say up front we're not looking for a block building. The reason I asked if you're going to be baking and cooking is because of the size.

Mr. Berlin: That wouldn't work.

G. Lake: I think it's do-able with a little imagination.

Mr. Berlin: My question on the two-tiered parking. We don't have to do that, we can blend it down and then have a curb at the bottom. It's not set in stone that it has to be the way it is. We felt

because of aesthetic reasons coming because of the length of the property and as you drive by it was more appealing.

G. Lake: I think the Board might like to see a better picture. I don't have a big problem with it. That's why I'm not looking for a block building. I'm looking for something attractive and I think a little imagination can be done here.

Mr. Berlin: I think all we were trying to get was some sort of appeal from the Board. That's why we didn't spend the extra energy.

G. Lake: Right. I think the Board has been pretty honest with you.

Mr. Berlin: Is split face or stucco, is a general feeling what you would be looking for so when I prepare I don't surprise anybody?

G. Lake: Take a drive down East Main Street.

Mr. Berlin: That's too hard. I'm not sure which one to follow.

K. Duggan: We can go with a split face block and then do a decorative top half. We don't really have a problem with it.

G. Lake: Just so we're not looking at a block building.

K. Duggan: We understand.

G. Lake: And then, we will go from there.

A. Dulgarian: I don't care what it looks like, you still have to get a little further away from that road.

Mr. Berlin: Right. We were talking possibly of having a one way in and a one way out. That would eliminate a certain amount of feet also.

K. Duggan: Not so much out. I guess we were looking to see. I know I hear your request but it's up to you if you want to go for referral to the Zoning Board of Appeals about the frontage setback. They're kind of leaning that they would like us not to do that.

G. Lake: You have to realize that even though you go before the Zoning Board of Appeals and receive that, it doesn't mean this Board has to agree. We might still ask you to move it back. I think the first step is to work on it a little more and use a little imagination.

R. Carr: Don't they have to appear before the Zoning Board of Appeals any way?

K. Duggan: We're going to need the Zoning Board of Appeals for the right side of the property so, I guess we're looking for a referral for that part and then we will iron out the rest of it.

G. Lake: It's up to the whole Board. I think there are enough concerns not to send you at this point.

K. Duggan: Obviously, we know we have to do further work for this plan whether we pull it back or not, we have no choice but the right hand side.

G. Lake: I understand that but I'm only one person.

T. Hamilton: With all the restrictions he needs from Orange & Rockland and everything else.

G. Lake: It's up to the Board.

T. Hamilton: They don't have to be referred by us, do they Mr. McGoey?

D. McGoey: They either have to be referred by us or the Building Department.

Mr. Berlin: Right. We can't go on our own. We understand that.

K. Duggan: With all the things you're asking us as we progress but if we could take the other at the same time it just saves us months versus waiting for one to come back and then re-visit. We can't move forward without your blessing anyway but to get to the Zoning Board of Appeals.

A. Dulgarian: Yes a referral gives them the wrong idea. I would rather do a denial.

R. Carr: And, I think that's what I sense.

Mr. Berlin: I'm pretty clear that I'm not going anywhere. It's very clear that it's not a denial but I understand I'm not going anywhere on this until you're happy. I simply wanted to alleviate the three or month window if we even get that far.

R. Carr: And, I'm saying by us denying, you can go before the Zoning Board of Appeals.

G. Lake: The problem is , will they need better plans when they go before the Zoning Board of Appeals. I just think there's too much to do yet. I don't have a problem. I think it's going to be a half way decent project.

T. Hamilton: I think it would be better for them to come back with another sketch for us to look at.

G. Lake: It doesn't make sense to have them spend money until we are satisfied.

H. Ross: Actually bo doing another sketch, you may avoid needing them.

Mr. Berlin: I was just trying to get a feeling from the Board so, I'm pretty happy.

G. Lake: I will tell you, I thought it's a work-able thing. I think it's a go but I want to see what you can do.

MOTION to TABLE for further review made by G. Lake and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

QUICKWAY INDUSTRIAL PARK - Overview

G. Lake: Good evening. Are you representing all three?

D. Schmalzle: Yes. And, the reason we did this is just because they are just so interrelated and we wanted to come in at one time so we could get everything.

G. Lake: I will tell you what. I think it's important to the Board as a whole to understand all of it at one time and then we will go back and then we will separate them out.

D. Schmalzle: Okay.

G. Lake: The reason is, you're talking the big flat piece on the bottom for the hotel and you're talking about the piece on top and there will be a couple of lots up there to sell. I just think everybody should get a good overlay of what you want to do at the bottom, what you want to do on top. I meant to talk to you before but I got tied up.

D. Schmalzle: I figured that with the work sessions. It's important to look at it at a whole and then break it up because they are separate applications. Basically there on the bottom across from Hannaford, the Frassetto lot, by Mr. Youngs lot that we want to subdivide into three lots. Currently, the front two lots are not, do not have a lessee or any of that property for sale for that property. We have other contracts for the motel lot which is the one in the back and, which we have also submitted in the Site Plan. When we came in with the subdivision in the work session Mr. McGoey asked us to lay something out there so that we could show that the front two lots were develop-able and could be utilized in the future. What we did is, we picked a couple different uses; one being the restaurant because of the large parking requirements and then the other one as a office building and so on. The reason we did that is mainly for stormwater. We wanted to show that we're pretty much developing the whole system. We have enough room for our stormwater in the future because we didn't want to subdivide the lot again and have problems with that down the road. So, that's the reason why we show it as we did. We're figuring at this point somewhere around eighty percent "impervient" cover on the entire lot, that includes the pond itself. Looking at that, it's a reasonable estimate for commercial investors of the site.

G. Lake: On this map here, Banta's property if you don't mind pointing out . . .

D. Schmalzle: It's up here.

G. Lake: And, the Super 8 is . . .

D. Schmalzle: Is right down here.

G. Lake: And then, the water tank?

D. Schmalzle: The water tank is over here.

G. Lake: Why don't we go to the next section so we can continue up? Show me where the water tank is again.

D. Schmalzle: The water tank is right here.

G. Lake: I know the Board is familiar with it but I just want to make sure.

D. Schmalzle: So, as you're coming up Tower Drive you have the flat area down below which is what we want to break into three lots. As you come up past the water tank, you have another flat

spot up here, you have the bank here, you have the new Town Hall here.

G. Lake: I know you just described what you want to do on this lot for everybody briefly and then we will just back up.

D. Schmalzle: What we have is a sixty thousand square foot office building, four-stories with parking underneath in the basement area and associated parking along the side of it. Again, because of the elevation difference, we're going to have a large retaining wall between Site #5, the motel site and the office site up above. We have done considerable amount of work on that which we are prepared to present to you tonight.

R. Carr: So, that's going to be four stories?

D. Schmalzle: It's going to be four stories height.

R. Carr: And, it's going to sit on top of the wall.

D. Schmalzle: Correct.

R. Carr: Then, can I just ask why is there any reason you move that forward so that your parking is off the road hidden behind the building and you don't have the four-story building but just on the top.

D. Schmalzle: Again, this is going to be very prominent and that's what they're looking to do is to show this office building. It's going to have a gorgeous views from up there and we really wanted to put that up front so that it's visible from Route 211 and Route 17. That's the reason why they want to move it forward. Also, to take into the benefit of being able to have parking down below because if you put it back up above you're going to have, it's going to be very difficult to get the required parking under the code.

G. Lake: Now. The reason I wanted them to take the time to show us the entire parcel, the reason I did that and I wanted to make sure everybody knew exactly where the Banta site was, the water tank is, the office going on top of the hill and then next to that is the Town Hall. What we've done with the Town and what we've done with Banta is try to tie that in using our Landscape Architect. I think what we have here is an opportunity to go from the new bank that's going to go in on Route 211 right around Super 8 by the time they're done with all their landscaping, follow it right on top of the hill and the Town Hall buildings are also going to be with our Landscape Architect.

A. Dulgarian: What new bank on Route 211?

T. Hamilton: On the Banta site, they're going to re-build that bank.

G. Lake: I guess what I'm trying to point out to everybody is we really have a chance right here to carry out and show everybody what we want to do. We really got a good start with Banta. We're going to have our Landscape Architect. We've already had a couple of meetings with her to do the new Town Hall and I think this should be a priority to get her on this project almost immediately so we can continue tying this whole corner up and then we will really have something to show. I feel that's super important to get that done.

A. Dulgarian: I agree where you're going with that. My I go further? I know we required sidewalks in front of Banta.

G. Lake: I believe we did.

A. Dulgarian: Would it be appropriate in my opinion to have sidewalks in front of the office building and down to the restaurant with the days of gas at four dollars a gallon for people looking to get out and enjoy the air. I also feel it's a golden opportunity as well to make the building the centerpiece and not the parking and then you still having way out by the road instead of having landscaping, building, parking in the back. I don't know about the topography would do that but I think we need to gain on that wherever we can. Here's our opportunity to get it right from the start. I have no problem with a nice looking office building that peers down into the Town and it's aesthetically pleasing.

T. Hamilton: Especially talking about the nice office building looking down you have to remember there's other buildings that are down at the lower level, I'd like to see some kind of idea on how you're going to cover up the equipment that normally goes on the roof of a building that normal people won't see that this office building will be looking down on. They can have a nice view but you don't want to look at air conditioning units, cooling towers, and everything else.

A. Dulgarian: That's real cool but where's that view from.

D. Schmalzle: This is from Hannaford's near the traffic light.

G. Lake: I don't mind you looking at that right now but we have to get all the names on the record so we know who we're talking to.

A. Dulgarian: It was getting exciting.

10. **QUICKWAY INDUSTRIAL PARK** - LOT #5 - 3 LOT SUBDIVISION - Tower Drive
(41-1-121) #113-05

G. Lake: Let's start with the first application, the three lot subdivision. Do you have Mr. McGoey's comments?

D. Schmalzle: Yes I do.

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

D. Schmalzle: Sure. Comment #1 is just an explanation of what we're proposing to do.

M. Blustein: Item #2, I think you're talking about the lot width. As I read the Town Code it's the allowable distance between with the side lot line and the front building line. So, if you look at the building it's parallel to the street you need two hundred feet and I think this shows close to one hundred feet. You can evenly see that the fifty foot flag lot, if you will, but the Town definition for lot width is clear at the building line and not at the street. So, I don't think that's an issue.

G. Lake: Okay, Mr. Bacon, you're going to have to research that.

J. Bacon: Yes.

D. Schmalzle: This application should be reviewed by the Planning Board simultaneously to the Site Plan for the three intended uses. Item #4. The area location map should be made larger. That's not a problem. Future submissions should note concrete right-of-way monuments and iron pins. That will be done. The datum, we will tie into the Town's datum. That's not a problem. Once we have all the easements and cross easements identified on the Final Subdivision Plat for such things as drainage easements, water easements, sewer easements, right-of-way, landscaping, stormwater, wall easements, all those things will be back and forth between the upper lot and lower lot. The easements would be very expensive on this site.

G. Lake: You're talking about all these easements. You mean, from one property to the next or like you say, walking through?

D. Schmalzle: Because of the retaining wall between lot #4 up on top and the motel lot down below, currently they're both the same owner.

G. Lake: Right.

D. Schmalzle: So, we're going to have easements for both properties so that when and if they are not the same owners they still have the ability to maintain the wall, plant landscaping, maintain storm; all those sort of things so that if one property owner can't say you can't on and keep your stormwater maintained by the wall.

G. Lake: Well, you almost answered my question. When you're talking about taking care of that wall which is very substantial and you talk about having easements between a couple of different property owners, why wouldn't that just be on a property owner instead of five, ten, twenty years from now us ending up in Court but not us but somebody ending up in Court and you're looking at a wall falling down. If somebody goes belly up.

M. Blustein: I think it's more of a way of taking care of the site so it would work better as opposed to having one lot with everything on it and another lot with everything on it. It's a common wall so you'd have to. It's going to happen. It's going to have separate ownership because Mr. Frassetto is not going to be building the hotel.

G. Lake: Right.

M. Blustein: So we have to be able to some sort of an agreement that if Mr. Frassetto wants to improve the landscaping because of his office building he would have to be able to walk or be able to go down and work on it if it's on the hotel property.

D. Schmalzle: And vice versa.

G. Lake: Fine. I agree. Who's going to own the wall?

D. Schmalzle: Currently it's on lot #5.

M. Blustein: Site #5 would own it but Site #4 would be able to do work on it as needed. It would be similar to a private road agreement.

A. Dulgarian: But doesn't a problem arise that why am I the owner of Site #4 going to spend money on Site #5's wall?

M. Blustein: That's an agreement that Mr. Bacon and I can work out.

T. Hamilton: It will have to be a maintenance agreement between all the parties.

D. Schmalzle: Right.

T. Hamilton: Similar to a roadway and accesses more than one lot because of the maintenance agreement being drawn up if either/or has to keep and maintain that wall.

D. Schmalzle: Either/or, or both.

M. Blustein: The same way with the stormwater. Stormwater is another one that has to be done that way.

T. Hamilton: But, what he was saying too though, the more I'm thinking about it is why would you put a substantial wall up that's really only for the office building and put it on the hotel property?

D. Schmalzle: Well, because . . .

T. Hamilton: It doesn't benefit the hotel at all. It's there to hold up the property of the office building.

D. Schmalzle: Well, no. It's giving more room for the motel because if you went . . .

M. Blustein: It would keep more distance.

D. Schmalzle: Right. Basically you have a twenty to thirty foot elevation difference from one to the other. If you were to go with a two to one slope, you're talking about twenty five or thirty feet on both properties that wouldn't be usable for either one and we all know that the cost of property has skyrocketed so you want to get the most benefit out of the property that you have. That's why it would be beneficial to both.

W. Capozella: I think having that wall although I don't really like it because it's not under one ownership, the only thing is if you have a maintenance agreement if you're the office building, maybe you'd maintain that side because you don't want to look at it if it's falling down and the hotel maintains the other side. It turns out that the hotel and the office building is looking at their sides.

T. Hamilton: Mr. Bacon, how does this work out for setbacks from property lines on what you do on property lines, like you can't park or have a driveway within so many feet. What happens with this wall and the parking and the setbacks?

J. Bacon: Well, the property line is right along the wall. If they want to use that wall as a divider

they would still have to maintain.

T. Hamilton: They would still have to meet the setbacks.

M. Blustein: Isn't the wall right on the line?

D. Schmalzle: Right.

G. Lake: Okay. Go on. What else to we have here?

D. Schmalzle: Item #8. Recommended a traffic study. That has already been ordered. We were ready to go out and do the counts when we realized that the schools were not in session so we decided to hold off until schools got back in session before they went ahead and did the counts so that we would have a more accurate representation of all traffic including schools along with the morning traffic. That should be done and available to you probably the first week.

T. Hamilton: Along that same line, are you figuring in with the Town Hall and the Court sessions and the new court that will be running in the mornings and the evenings. Those counts are going to change now once we move up there.

D. Schmalzle: And, if you have any of that information on the Town, if you can provide it to our traffic engineer he can incorporate that.

T. Hamilton: Just call the Town Hall and find out when the Court sessions are.

M. Blustein: No problem but I can check.

D. Schmalzle: Did the Town do any traffic studies on that?

D. McGoey: I don't know.

D. Schmalzle: If we could come up assuming that the Town did that and can provide it to us.

A. Dulgarian: Don't we have a couple lots approved already as far as warehousing that didn't get built?

M. Blustein: Do you have any idea what the mitigation project is going to run because it says we're recommending this project contribute to double left turn lane on to Route 211 East?

D. McGoey: What comment are you referring to?

M. Blustein: Item #9.

D. McGoey: We have some numbers. The numbers are in the comprehensive traffic study and contribution would be made on the basis of adding traffic movements to that intersection by the project. The traffic study will show how many additional trips would be made during peak hours at that intersection and then would be added into the comprehensive traffic study.

M. Blustein: Which was done, when?

D. McGoey: About a year and a half ago.

M. Blustein: I can't make a comment on that number until we have an idea.

G. Lake: That's all part of that whole study, right?

D. McGoey: Yes.

G. Lake: That we've done?

D. McGoey: Yes.

G. Lake: Maybe he can explain the whole procedure to you.

D. McGoey: I've got the numbers.

D. Schmalzle: And then the last item, that you do not recommend action at this time. I would like to have some action on it because without the subdivision the one Site Plan can't move forward.

A. Dulgarian: Which Site Plan is that?

D. Schmalzle: The motel site. The three lot subdivision needs to go through the process simultaneously or else we can't move forward.

G. Lake: I realize that. The only other thing and I don't know if can straighten it out you said you were going to give us a traffic study between now and sometime in May so, we haven't seen it. I'm just curious how it's going to work. That lane coming off Route 211 and I know it's on the other side of the road and somebody had an accident just up a little way. Will be shifting this road a little bit?

D. McGoey: Mr. Lippert has some thoughts about having a center lane the entire length of Tower Drive so, that would be one of his comments.

M. Blustein: The whole lane of Tower Drive?

D. McGoey: The whole lane probably runs to the Town Hall site.

R. Carr: What was that?

D. McGoey: It would be a permanent lane.

R. Carr: The whole length?

D. McGoey: Yes.

M. Blustein: Having the turning lane going both ways?

D. McGoey: Certain entrances would be one way and . . .

G. Lake: There's a problem now up there so, I want to bring it up now so there are no surprises later on.

D. Schmalzle: It would be on the Banta side.

T. Hamilton: That's retail.

D. Schmalzle: It's really just. We have no idea what's going to go in there at this point. It's just a concept to show that the lots were build-able.

G. Lake: Okay.

D. Schmalzle: I don't want to put the impression forward that we're not going for Site Plan approval on the subdivision.

G. Lake: I don't have a problem with scheduling the Public Hearing for it. I just want to make sure that again, this whole corner is going to be a done deal from here on in and if we mess up now, we mess up and then we will have to live with it and pay the consequences. So, I didn't know Mr. Lippert was talking about a center line.

D. McGoey: Yes.

T. Hamilton: Don't we have something else coming in?

D. McGoey: I haven't seen anything yet.

T. Hamilton: I believe it's coming up.

G. Lake: Let me go through the Board to see if they have any comments on the three lot subdivision

and then we have to schedule a Public Hearing.

A. Dulgarian: I don't have any reason to hold up the Public Hearing.

H. Ross: No problem.

R. Carr: No problem.

W. Capozella: No problem.

T. Hamilton: No problem.

MOTION to schedule a PUBLIC HEARING for June 21, 2006 made by R. Carr and seconded by W. Capozella.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

11. **QUICKWAY INDUSTRIAL PARK** - LOT #5 - Hotel - SITE PLAN - Tower Drive (41-1-121) #114-05

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

D. Schmalzle: My name is Donald Schmalzle. We also have some comments from Mr. McGoey on lots #4 and #5. I don't know if you want to take those now.

D. McGoey: Stormwater management.

D. Schmalzle: Yes.

A. Dulgarian: Whereabouts is lot #4 and lot #5?

D. Schmalzle: Showed Mr. Dulgarian. Lot #5 is the three lot subdivision.

A. Dulgarian: Site #5. You have lot #1, lot #2, and lot #3.

D. Schmalzle: Right. It's the original Frassetto subdivision, this lower portion is lot #5.

A. Dulgarian: Site #5.

D. Schmalzle: Site #5 and this one up on the hill is Site #4.

D. McGoey: The stormwater management.

D. Schmalzle: The stormwater management, we have no problem with any of these comments.

G. Lake: Well, the stormwater management or like the stormwater from that whole hill up there.

D. Schmalzle: Right.

G. Lake: Is that going to change much?

D. Schmalzle: No. It's not going to change at all. It's all been going to the pond any way. The only thing we're doing now is making the pond into a wet pond so that we can comply with the Department of Environmental Conservation Quality Regulations that we have to abide by. So, basically what we're doing is cleaning that pond out and making it a wet pond.

G. Lake: And, the Town land next to it. I think some water is flowing that way.

D. Schmalzle: Some of that water is being directed into there and that is also incorporated.

G. Lake: Is it incorporated?

D. Schmalzle: Yes.

G. Lake: Easements. Are there any added easements the Town and you were talking about yet or have they been squared away?

M. Blustein: For which?

G. Lake: I don't know. I hear there's a sewer easement someplace.

M. Blustein: Yes. We will have sewer and water easements going up that road that also is for lot #4. Sewer easement up above. There's also negotiations going on for the road, the light, back access back through the site. All those things are still in negotiations. They have not been resolved.

T. Hamilton: Oh.

M. Blustein: We met last week with Mr. Ward and I just talked to the Town Attorney in the hallway and I think we're getting closer to a comprehensive agreement with the whole thing.

T. Hamilton: What is it tying in?

M. Blustein: It's going to tie in with the Town Hall and it's going to tie into the office building.

G. Lake: Are you going to tie around the back to the Police Department, if you don't mind my asking?

M. Blustein: What's that, that road?

G. Lake: Yes.

M. Blustein: Yes. That's what we're talking about. We originally when we got Site #10 approval, which we have to get extended, we've been trying to get this worked out since last July. Everybody agreed to give an emergency access for the Police on a dirt/gravel road in the back of the Police and around Town Hall out to Industrial/Tower roads where the light's going to be. Now, we're contemplating a full road going in rather than a dirt road for an emergency access only. That's still being discussed.

T. Hamilton: If I'm not mistaken I thought we worked on an agreement with the Banta people to supply emergency access down through their parking lot for the Police so they could get straight down to Route 211. So, I don't know what happened now.

G. Lake: I'll find out for everybody.

D. Schmalzle: The hotel site is a four-story hotel located on lot #3 of the three lot subdivision. The total square footage is fifty five thousand seven hundred thirty four square feet. That's the total of all four floors. It is an extended stay facility, the definition of an expanded site is for business travelers that are here for or in Town for a week at a time. It's not intended for month long, two months, six months. I'm not saying that there won't be a convention or that sort of thing who will take a block of rooms, if they have a lot of people coming and going so that they have rooms available. It's not going to be the same person there all the time. The client attorney sent a letter to

Mr. McGoey and the Town Attorney addressing that issue.

G. Lake: How about the general public walking off the street, are they going to be able to get a room for the night?

D. Schmalzle: Yes. They will be able, again. It's not going to be strictly for business.

G. Lake: How many rooms?

D. Schmalzle: One hundred rooms.

T. Hamilton: Can I ask something on that for Mr. Bacon? Mr. Bacon, they were just talking about the room uses and so forth from the public to the businesses that have three or four blocks of rooms, if there any way or can we legally stipulate that we don't want, I know we have people all of a sudden now in Super 8 and Howard Johnson's now that the County has been putting up in rooms there and now all of a sudden we have school busses stopping to pick up children. Is there anyway we can stipulate that it won't happen at this type of an establishment?

J. Bacon: I will have to look into it.

T. Hamilton: It was first brought to my attention was when I found out that the school busses were stopping there and picking up children. It's either the County that's putting the people up.

J. Bacon: Living there on a full-time basis?

T. Hamilton: It's just something to look to see if we can stop that from happening, let's make sure we get that in there. I just want to cover our basis now while we can.

G. Lake: I will go through the Board to see if they have any other comments.

A. Dulgarian: I have nothing further.

H. Ross: Are you planning on having conference areas in the facility?

D. Schmalzle: No. It's strictly rooms. There will be a little lobby.

T. Hamilton: Swimming pool or anything?

D. Schmalzle: Yes, an indoor pool.

T. Hamilton: Their own restaurant?

D. Schmalzle: No restaurant.

A. Dulgarian: Mr. Lake is it appropriate to see that rendering on it now?

G. Lake: Which one?

A. Dulgarian: This one.

D. Schmalzle: This is the front view and then we have the side view. There should be enough for each one of you plus some extras.

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

A. Dulgarian: No.

H. Ross: No.

R. Carr: I really don't have a problem.

W. Capozella: Just my general, since we're here for what, general opinion, right?

G. Lake: Well, we're scheduling a Public Hearing.

W. Capozella: Public Hearing for the hotel?

D. McGoey: It's not for the hotel.

W. Capozella: Just for the subdivision.

G. Lake: We did that.

D. McGoey: The hotel is not ready for a Public Hearing.

W. Capozella: I guess my general opinion when I originally looked at this, I wasn't totally thrilled about a hotel up there yet, looking at the area just the general sketch there's no question of what we have in the area to see probably the usage for it.

D. Schmalzle: Correct, these are the corporate plans.

W. Capozella: As long as you have the right colors.

D. Schmalzle: It's the opposite. I do not know colors and I'm partially color blind so don't even ask me.

W. Capozella: Is this a chain of hotels or are there other ones like this?

D. Schmalzle: Yes. And, I was just told there is a small conference room, but I guess it's only fourteen by thirty.

T. Hamilton: Nothing.

G. Lake: You have all of Mr. McGoey's comments?

D. Schmalzle: I have all of his comments.

G. Lake: Have you heard back from the fire department though? I know we didn't get anything from the Department of Public Works yet.

D. Schmalzle: We had called the fire department and the response they gave us was that would, when they got the drawings they would then comment on them. So, we did make an attempt to get comments from them ahead of time.

G. Lake: Okay. Mr. McGoey, you have quite a bit more of site work on this and the stormwater?

D. McGoey: Yes. I think we have to think about having it superimposed on the whole process. It's a Type I action and look at it comprehensively for the office building, the hotel, the restaurant.

A. Dulgarian: Site work also?

D. McGoey: Yes, and the traffic study.

D. Schmalzle: The traffic study is encompassing all of the land of the project?

D. McGoey: Right.

J. Bacon: It would certainly help the Planning Board to look at it comprehensively and see how each of the components fit in with the overall plan. I know that some of the lots are not in for development right now but eventually they will be developed. And, many times the Planning Board look at the overall in anticipation of all lots being developed.

G. Lake: Do we send out the intent to become Lead Agency?

D. McGoey: I would. It's considered a Type I action.

G. Lake: So, we should table this for further action and start that process.

D. McGoey: Right.

D. Schmalzle: I have a question. How do we work the two separate actions?

D. McGoey: It's basically all one owner. You're talking about easements between the properties, you're talking about traffic related, you're talking about sharing the sewer and sharing water. I would want to see a comprehensive landscape plan with sidewalks.

D. Schmalzle: Is there a time frame for when we're going to be able to get all comments pulled together?

D. McGoey: They can be pulled together in a work session. We can bring in the Highway Superintendent in to the work session and also the Water Superintendent.

D. Schmalzle: Because I'm a little confused that we had three of these already and you hadn't pulled them together at that point. We did want to get in front of the Board to get your input up front.

G. Lake: Right, and again. That's why you're here tonight is to kick off what ever direction you need to go and due to the magnitude of the project I think the Attorney and Mr. McGoey

is right as far as us sending out to become Lead Agency and that's the beginning of the process.

M. Blustein: I think that I can understand your wanting to coordinate everything along with the traffic study. I disagree though that this has anything to do with an Environmental Impact Statement. It's hardly that big of a development in total to warrant to that. I mean, what are the issues? The issues are traffic.

A. Dulgarian: The issues of the stormwater runoff alone are big.

M. Blustein: Why can't we do a long form Environmental Impact?

D. McGoey: Why don't we get the long form in and let this Board determine themselves to be Lead Agency?

D. Schmalzle: That's not a problem. The long form has already been submitted. We have no problem with it.

M. Blustein: I think all the information you're asking for is going to be contained in that.

D. Schmalzle: Right. I think if we pulled together a table of contents for the environmental impact it's going to be, the affects are going to be landscaping, traffic, and stormwater which we have already shown.

T. Hamilton: Water and sewer, police, fire. There's a lot.

MOTION to TABLE for further review made by T. Hamilton and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

12. **QUICKWAY INDUSTRIAL PARK** - LOT #4 - Office Building - SITE PLAN - Tower Drive (41-1-120) #28-00

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

D. Schmalzle: My name is Donald Schmalzle representing the applicant. This is about a sixty thousand square foot four-story office building with part of the basement designated for parking. It will be on the lot across from your Town Hall. We're here in front of you for Site Plan approval. What we have done, we have some renderings of what this is going to look like both from down on Site #5 and also from . . . I'll let the man who did it, explain it.

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

B. Folzcanzer: My name is Barry Folzcanzer. We had the opportunity to work on the site for the office building and we propose a building, that going to be, we hope next door to your new municipal facility. These are renderings from our office indicating the view from the parking lot

side, that's from the East looking at the new building from northeast and from the southeast you get the views. We also brought a combination of our building superimposed on the landscape architect's design for the wall. That has to do with the back of the hotel property and that's the rear of our property shown here in a hatch line on our Site Plan. That's technically off the property which I hope answers some of the questions that the Board members had earlier about the wall, in fact, being almost . . .

A. Dulgarian: Where's the wall on that?

B. Folzcanzer: This is the wall. It curves around. This curve is plants and we're standing half way across the lower flat area. Half way across what would be the future development of the subdivided lots down below. It's not a straight wall. The advantage of the wall means we don't have to put slopes down which would be about seventy or eighty feet sticking out.

By compressing it into a retaining wall, but then instead of making a straight wall having it terraced and staggered. This is what the landscape architect has been working on.

A. Dulgarian: That's not going to be hidden by anything except Site #5.

B. Folzcanzer: Actually, it is. It will be hidden by most of the hotel. The irony is that part of this will be visible around the ends of the hotel building. It was an alternative rather than coming to you with a straight twenty foot wall which would have been easy enough to build. For the concept here, I hope I'm answering another question that came up earlier, the issue about why the building moved forward clearing there's the sense of wanting to be more present at the crest. It's an extraordinary view and an extraordinary site but the other real advance is a more economical one. By pulling the building forward to the west, we're able to take advantage of the sloping site. As the building comes you can then park underneath it. If the building is further back, you're down on grade and you can't so you end up getting a building and additional parking that we could have covered. This is a very strange with a combination of three different uses. There's one thing wrong with the drawing. The eye height is slightly too high. You'd have to be about twenty feet tall standing half way to look at the building. It should be lower. One of the other things that's important for us is that because we did the parking with an open parking basement level, you can't see it from below because of the angle of the wall. In this case, it's going to be perfectly nice but effectively invisible from down below. I was asked by Mr. Frassetto, this is a building that will be more special types and location. They asked us to do something a little better than a little box. He gave us the freedom. It's not every client that does that or walk in my door and asks us to do that. We think that's an advantage and we hope to make it a nice office building.

A. Dulgarian: This drawing you just gave us, is this reflective of the location of that building?

B. Folzcanzer: Yes.

A. Dulgarian: Thirty feet or so off the line?

B. Folzcanzer: No. It's sixty some odd feet back. The height requirement is either fifty feet or the height of the building.

A. Dulgarian: That's near the top of the wall.

B. Folzcanzer: No. The top of the wall is just off our property line on the hotel property. I think that clarified the other problem that you were concerned about.

A. Dulgarian: It's a shame to have a four-story building.

T. Hamilton: What's the height of the wall itself?

D. Schmalzle: It about three feet I think. I think the highest spot is about twenty six feet.

T. Hamilton: You're probably going to see some of it on either side of the restaurant. Not all of it will be buried.

B. Folzcanzer: Absolutely. There will be a partial visibility of the wall and we hope total visibility of the building and the purpose of making the building as nice as it is because it's going to be visible.

T. Hamilton: Are you going to put a Welcome to Wallkill on one of the walls?

B. Folzcanzer: Are there any other questions?

A. Dulgarian: You're going to be looking down at the back of that motel?

B. Folzcanzer: At the back of the motel is a finished wall and to our advantage the pitched roof of the motel leaves just a less and undesirable condition looking down on a lot of new equipment which we could have. It's actually to our advantage to have the pitched roof on the building below.

A. Dulgarian: We're going to have the dumpsters and all that stuff on the west side of that hotel or what ever?

D. Schmalzle: No, the dumpsters are going to go behind it.

B. Folzcanzer: I also wanted to make another comment that I thought that the chairman about the inclusive all the landscaping on Tower Drive. You almost own a quarter to a third of Tower Road on the left side going up the hill, that's the water tower property. So, the landscaping plan that will be involved by your people and we hope to coordinate it with you is really going to be from across

the light on Route 211 all the way up on the left side of that street and following it up to your new building. I agree, that's perfect planning opportunity. We can contribute the whole front twenty five foot buffer along the front coming up to the top. There's actually a twenty five foot buffer on our property but in fact there's additional town land. So, we're realizing what the planting characteristics are coming up the hill. It will be greater than just a buffer. That's only our contribution, not the right-of-way space out to the curb. So, it's actually going to be bigger than that. I think the sidewalks may be on the other side of the street, I'm not sure. It may not be on our side.

G. Lake: Why don't we get them back to a work session. Let's get the Landscape Architect down here. I know she's already received some of the information. Let's pull this all together and I guess the big question right now is are we going to go with the SEQRA operation. I think the work session looking at the whole thing. I haven't heard from the fire department yet. So, before we jump too quick I think that's where I would like to see start.

D. Schmalzle: We did talk to Mr. Smith concerning the water and sewer and as far as this there was no problem with water. As far as Mr. Smith is concerned there was no problem with water and sewer capacities for this project.

G. Lake: I'm not saying there is but at this point I don't have correspondence from him. We have to pull that information. Let's get them back to another work session. The whole Board knows what we're talking about now. I'm torn between, do we really need a Type I action or can we do it with a short form and I think another work session would answer a lot of those questions for myself and then I can bring it back to the Board and then maybe continue on from there.

D. McGoey: Part of the work session is going to identifying what we want. It might entail two work sessions. Let's get one under our belt. I will talk to the Highway Superintendent.

G. Lake: Like I said when we started, I really think we have a golden opportunity to do this one right, right around from the Banta property all the way around and then have something to really cling at. I think that's why it would be advantageous to show up at a couple work sessions.

MOTION to TABLE for further review made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES