

TOWN OF WALLKILL PLANNING BOARD

MEETING

MAY 2, 2007

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

MEMBERS ABSENT: None

OTHERS PRESENT: J. Bacon, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - **DIAMOND/STEWART** - SITE PLAN/SPECIAL
USE PERMIT - Rykowski Lane (60-1-20.2) #102-06

G. Lake: Public Hearing started at 7:40 P.M. M. Hunt read the Public Hearing notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York will be held at the Town Hall at 99 Tower Drive, Building A, Middletown, New York in said Town on the 2nd day of May, 2007 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Richard Diamond, M.D. and Jeffrey Stewart, M.D. for the approval of Site Plan and Special Use Permit located on Rykowski Drive under Section 249-39 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.

T. DePuy: My name is Thomas DePuy with DePuy Engineering.

G. Lake: Do you want to bring the Board up to date since you've been here last?

T. DePuy: Basically Dr. Stewart and Dr. Diamond are proposing a seven thousand square foot building located on Rykowski Drive down about eight hundred feet from Rykowski Lane and Crystal Run Road. They get their access off of Rykowski Drive on the lower part of the property. We've kind of hugged the building in the parking lot towards the southerly side of the lot in order to preserve the existing trees and stuff up here and in order to give a buffer against the three residential properties in the back. The project itself will get sewer and water service from the Town of Wallkill Public Water and Sewer system. We have the dumpster located towards the rear of the parking lot. Stormwater will also be collected to the

stormwater system which will be collected and brought to a small pocket pond over here to the rear of the property. We will discharge to the small intermittent stream that's over on the westerly side of the project. Basically, along this property line is an existing stone wall and tree line which we want to preserve all the way to the rear. The buffer area against the residential area will be preserved. We tried to preserve a small portion of the stone wall and the tree line along Rykowski Drive about half way up the property. We've also added some additional trees around the building itself and we also planted some additional evergreens against the buffer zone up against the residential areas. Also, I have the Architect here if you want a presentation on the building.

G. Lake: Why don't you just hold up the rendering and then I will go to the Public and then if there's more questions you can give a quick surmise of what the . . . just so everybody

R. Spisto: I've also got the elevations if you would like to see it?

G. Lake: Oh yes, please. Yes, that would be nice.

R. Spisto: My name is Richard Spisto with Design Group & Architect Builders out in Central Valley. The building is a seven thousand square foot building. It's a one-story building, slab on grade. The design is for a single office at this time for the Doctor's. The base will be of cultured stone around the building and a multitude of a two part system of hardy plank siding, some of it will be vertical siding. You end up with a metal roof. All of these materials are sustainable. I have examples of the materials if you would like to see them also.

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

A. Dulgarian: After please.

H. Ross: After.

W. Capozella: I will wait.

C. Najac: After.

T. Hamilton: After.

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

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

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

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

T. DePuy: Yes.

G. Lake: Do you want to, the landscape I have it here in front of me and I think the rest of the Board does? Are you satisfied with the landscaping?

T. DePuy: Yes. She asked for an additional sidewalk to be extended out and it is shown on the Site Plan. We had stopped the sidewalk at this point and she requested that it be extended to the sidewalk by the road.

D. McGoey: One of the problems I had to do with some significant trees on the site. There are some very nice trees on the site. Are you preserving any of those?

T. DePuy: Yes. Well, we didn't actually locate them. We're preserving all these up through here and along both stone wall lines. We are preserving up through here and back around like that.

D. McGoey: Do your plans clearly show that?

T. DePuy: Yes.

D. McGoey: It looks good in green here but is there something that . . .

T. DePuy: Well, we . . .

A. Dulgarian: The limits of the clearing line.

T. DePuy: We indicated the buffer line right down here.

D. McGoey: Yes. I saw that.

T. DePuy: We will delineate that line better.

D. McGoey: And, the stone walls I also mentioned have some significant growth also.

T. DePuy: Yes. We will preserve the two sides. This one is over the right-of-way line which the Highway Superintendent asked us to remove. The guess the next one is the Highway Department. I talked to Mr. Lippert . His only real question was about dedication. The document has our offering for dedication and we've also been in contact with R. J. Smith who has Rykowski Drive himself. We will do a dedication with him.

D. McGoey: Okay. He does have several comments.

T. DePuy: I have gone over them with him. He had no problems.

D. McGoey: My only significant issues are the stormwater management.

G. Lake: Right.

D. McGoey: There are quite a few of those.

T. DePuy: Yes. I talked with Mr. Lippert in the office. We went over them and we don't have any problems. I think part of the problem was we didn't have the proper drawing. I went over that with him and we had no problem with meeting his request on the pocket pond

and then we're going to reduce the velocity in the one pipe and he went over . . . We already got that all done.

G. Lake: Is there an annual report or something on that drainage ditch? Actually I'm just

looking at Mr. Bacon's comment. I don't know if that's a . . .

T. DePuy: I think the Town Ordinance has to be adopted.

G. Lake: Right. That would fall under that?

D. McGoey: Yes.

T. DePuy: We had that note on but were waiting for the resolution.

G. Lake: Let me go through the Board. You actually have no problems with all those comments and all that?

T. DePuy: Yes. In fact, we've done all the calculations.

A. Dulgarian: Anything from the Fire Department comments? He's requesting about the fire hydrant location. Is there a fire hydrant near there?

T. DePuy: I believe there is. It's right here on the side.

A. Dulgarian: So, it's right next to the building?

T. DePuy: Yes, it's right here.

A. Dulgarian: Can you locate that on your map?

T. DePuy: Yes. It's shown.

A. Dulgarian: Mr. Lake, I really have no problems with this. It looks like a very nice project and keeping with the pattern of development that we have out there. I think that any questions that have been raised have been technical in nature for landscaping. I have confidence.

H. Ross: I'm satisfied.

W. Capozella: I have one comment the last time we saw this about the parking lot and that is why the whole parking lot way out front versus wrapping it around the back of the building.

T. DePuy: We had a slope problem here. It slopes across this way and we also wanted a buffer against the residences. It kind of forced us to hug everything down instead of

wrapping around the side and having to cut down or removing some of the natural green line that we're trying to preserve.

W. Capozella: Nothing else.

C. Najac: The only question I have is the lighting after hours?

T. DePuy: Yes. We will have the lights dimmed down after hours.

T. Hamilton: Mr. McGoey, on the landscaping and the trees remaining, I mean what was supposed to remain and what doesn't. Is there any way to identify that?

D. McGoey: I don't know how much clearer it can be.

T. DePuy: We will delineate exactly the clearing line.

T. Hamilton: Do you have to clear all of that?

T. DePuy: Where, up here?

T. Hamilton: Yes.

T. DePuy: Up through here and back, yes because basically why we have to clear is to get the grading in against the building because we want to bring the water around the back side and that's why the Landscape Architect has the heavy screening on the back side.

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 made by H. Ross and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

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

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

2. PUBLIC HEARING 7:35 P.M. - **DUNKIN DONUTS** - SITE PLAN/SPECIAL USE PERMIT - 711 Route 211 East (41-1-20) #38-06

G. Lake: Public Hearing started at 7:53 P.M. M. Hunt read the Public Hearing notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York will be held at the Town Hall at 99 Tower Drive, Building A, Middletown, New York in said Town on the 2nd day of May, 2007 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Berlin L.L.C., 19-21 DeWitt Street, Middletown, New York 10940 for approval of Site Plan/Special Use Permit located on NYS Route 211 East 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.

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

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

J. Quinn: Sure. The last time we were here was back in March for a twenty four hundred square foot Dunkin Donut site on Route 211 next to Eckerd's. Since that time we developed these plans with the Engineer's comments. Some of the major changes to the plan is a change in the queuing line around the building. The Board had a concern that there wasn't enough stacking. Originally the stacking came in through here. Since that time we provided the Site Plan to go all around the building without impacting any of the parking areas or circulation on the site. That's pretty much where we are. We've addressed all of Mr. McGoeys comments to the Site Plan and sidewalks in the frontage. The drainage has been taken care of. We increased the size of the snow storage area.

G. Lake: Let me go through the Board. As everybody should remember we asked them to make the driveway for the drive through longer because of what we see going on at McDonald's.

A. Dulgarian: After please.

H. Ross: After.

W. Capozella: I will wait.

C. Najac: After.

T. Hamilton: After.

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

Unidentified Person: I want to be clear on where this is going to be. Is it between Eckerd's and the bank?

G. Lake: Yes. Why don't you show her on the map?

J. Quinn: Sure.

Unidentified Person: My concern would be to find out how far back this will be from my

property in the back yard.

G. Lake: Are you next to the park?

Unidentified Person: Yes.

J. Quinn: That's a long way. Show her to give some idea.

Unidentified Person: Thank you.

G. Lake: Anybody else? Hearing none . . .

MOTION to close this PUBLIC HEARING at 7:59 P.M. made by A. Dulgarian and seconded by T. Hamilton.

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

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

J. Quinn: Yes.

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

J. Quinn: Sure. Most of the comments are technical and we've addressed them all. I will touch on the main ones. #2. The New York State Department of Transportation. We submitted a full Highway Work Permit application to them. We received correspondence back from them indicating that they would only allow one access point. When we met in December the original Permit Engineer said the layout was okay. Then another Engineer

looked at it and only wanted one access point for this property. Now, we're sending a new complete set of plans for his review. That is part of the Highway Work Permit process. As you can see most of the site is not impacted. This was the exit out on the original plan.

G. Lake: Did they indicate why it's down to one?

J. Quinn: It's my understanding that it's their policy to try and limit the amount of curb cuts, although the site currently has two existing curb cuts. He didn't have all of the information. They will look at that on an individual basis.

G. Lake: I don't know what you guys feel about that. I think it's better the other way, myself.

H. Ross: I agree.

G. Lake: Okay. Let's get back to that.

J. Quinn: Item #3. We will make more clear. Item #4. We will label the storm drain. #5. We will show the separation distance. Item #6. The Fire Department. I have not received any comments from them. The applicant was in contact with the Local Fire Chief for the March meeting. He hasn't gotten back to us since.

G. Lake: I don't think. If you're going to have trusses, and also a Knox box. If they don't send anything it's kind of tough. Go ahead.

J. Quinn: Item #7. I received the Landscape Architect's comments. We will address them. Item #8 and #9. I had our surveyor go through and we will revise that. Item #11. We had completed a stormwater report a month ago. I can give you another copy.

D. McGoey: I just have some problems with not providing a detention basin

J. Quinn: We have it off-site.

D. McGoey: What happens when (not clear).

J. Quinn: There is a boxed culvert.

D. McGoey: The boxed culvert may handle it but I'm going to say it again. What happens downstream because that's private property? The Town ordinance says you're supposed to have post-development flows not to exceed pre-development flows.

J. Quinn: Items #12 and #13 were discussed and #14, we will add a note regarding the significant trees on the site.

G. Lake: Let me go through the Board and then we will go back to the driveway cuts.

A. Dulgarian: Although it's a small lot, I think they did a nice job getting the professionals to get the flow and usage out of it. What I like about it is I like that they listened to Mr. Carr and this Board about moving that window. We have all those problems with McDonald's and still do. I like that they increased the snow storage area although I want Mr. McGoey to review that and make sure it's not in the landscaping area and there is enough room to do it. I like the sidewalk. I think it fits out there. I like the project. My only concerns would be I really prefer the two road cuts and if it goes to one it kind of changes everything to me. I know that's not in their control. But, how do we approve something and then it gets changed and it's a whole different map to me? Secondly, Mr. McGoey's concerns about stormwater runoff, I don't know how you would blacktop any property that is and you're going to get post development rates that are going to be less than (not clear).

D. McGoey: We should have a detention basin.

A. Dulgarian: Right, but I'm saying it's not on this map. I don't care when we blacktop anything you have more.

D. McGoey: Right.

J. Quinn: Some of the report that we completed didn't address that.

A. Dulgarian: But like Mr. McGoey stated that in our regulations that post development flows shall not be greater than pre-development flows. As long as that's addressed I don't really have any other issues. Landscaping, I will leave up to Mr. McGoey. The stormwater I leave up to Mr. McGoey and if they change to one, I would like to see it come back to us. Other than that, I like it.

H. Ross: I agree with everything that Mr. Dulgarian has stated. I also agree if the curb cut changes down to one, it should come back to us.

W. Capozella: It's a reasonable use for the property. I don't have an issue with it. Again,

with the cut, what really transpired?

D. McGoey: The State controls it.

W. Capozella: Are we moving forward with one curb cut?

G. Lake: No. So far, I agree. I would rather have the two curb cuts. I think we ought to, if we decide to move forward, to support that somehow to the State and that we would like to see it.

J. Quinn: The State in their letter stated that (not clear). We provided a traffic improvement plan with a left turn lane and provided additional striping.

W. Capozella: Do we have a copy of that letter?

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

P. Griely: My name is Phil Griely with John Collins Engineers. We did the traffic study and the additional improvement plan for Route 211. Mr. Quinn gave me a copy of the second letter that came from the New York State Department of Transportation along with some additional correspondence. That is really more of a general letter saying they're going for less curb cuts. I did have the opportunity to speak to, that letter from written from Poughkeepsie. I did get to speak to the Regional Clerk today on this and they. There's a policy for one curb cut but there are as this type of use when they use two curb cuts. This does meet their reservations and when I did speak to him today he said just get a view from the Town what they want and then come back. I just want to make it clear. I spoke to them today and if the Town feels that two curb cuts will serve, they will listen to that. Thank you.

G. Lake: Anything else, Mr. Capozella?

W. Capozella: No.

C. Najac: I like the project. I have the sidewalk. I have a concern on the lighting.

J. Quinn: I don't think the foot candles extend beyond

C. Najac: What about the three foot candles?

J. Quinn: I only portion of the site that looks like it's encroaching is the rear of the building.

We can address that. I believe you're looking at 3.8 and 4.6.

D. McGoey: You're showing 4.6 along the entrance drive and 4.3.

J. Quinn: We can lower them.

T. Hamilton: Mr. McGoey one question for you on the drainage flow. Is there any way they can lessen that if they (not clear)?

D. McGoey: They may be able to with bio-retention.

G. Lake: I think the feeling of the whole Board is that they would like to see two curb cuts and the representative knows our feeling. I don't know,

D. McGoey: We can send a letter to the Department of Transportation.

G. Lake: Why don't you get a hold of Mr. Bacon and, do you want him to do it?

D. McGoey: Yes, he can do it.

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

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for SITE PLAN/SPECIAL USE PERMIT subject to all of Mr. McGoey's comments and this Board's comments made by T. Hamilton and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

3. PUBLIC HEARING 7:40 P.M. - MILLET AUTO RETAIL - SITE PLAN/SPECIAL USE PERMIT - Dunning Road (50-2-4.31) #115-06

G. Lake: Public Hearing started at 8:14 P.M. M. Hunt read the Public Hearing notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York will be held at the Town Hall at 99 Tower Drive, Building A, Middletown, New York in said Town on the 2nd day of May, 2007 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Millet 21st Century Ventures, L.P. for approval of a Site Plan/Special Use Permit for Tax Map Parcel Section 50, Block 2, Lot 4.31 located on the west side of Dunning Road, 600 feet north of East Main Street under Section 249-28C 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.

G. Shaw: My name is Gregory Shaw. I'm with Shaw Engineering representing the applicant tonight.

G. Lake: Just bring us up since the last time you were here.

G. Shaw: Yes. We were before this Board, I believe the first part of March and we did this presentation before the Board regarding construction of an eighteen thousand square foot

building on a seven acre parcel on the west side of Dunning Road. We have received, at that time, the comments from your Consulting Engineer and we believe we have revised his comments to his satisfaction with respect to his first review. We also received comments from the Orange County Department of Public Works which we revised the drawings accordingly and these drawings reflect the comments of the Orange County Department of Public Works. So, we're before you tonight eventually looking for approval for a Special Use Permit and Site Plan approval for this building. With respect to the comments, I did receive the comments from your Consulting Engineer. Unfortunately, I did not receive the landscaping comments from about two weeks ago so I was not in position to revise the drawings to her comments because I didn't have the comments but we will be more than happy to do so.

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

A. Dulgarian: After.

H. Ross. I will wait.

W. Capozella: After.

C. Najac: After.

T. Hamilton: After.

G. Lake: Is there anyone from the Public who has comments on this application?

MOTION to close this PUBLIC HEARING at 8:17 P.M. made by W. Capozella and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

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

G. Shaw: Yes I do.

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

G. Shaw: Absolutely. Item #1 was for us to provide an architectural rendering which we presented to the Board. Item #2 was the horizontal and vertical datum. We would be happy to comply with that. Item #3. Concrete monuments we provided at all angle points along the County Road and iron pins at all other property corners. The drawings will reflect that on the next revision. Item #4. We will provide the note regarding the dimming of the site lighting in the evening as requested by Mr. McGoey. Item #5. The sewer lateral connection will be provided. Item #6. We will address the Town's Landscape Architect's. I do have one issue I just would like to discuss with the Board when the time is right.

G. Lake: Continue with that one.

G. Shaw: Her comment, her recommendation to cut back about eight parking spaces in the front of the building where we have sixteen spaces. According to the zoning, we're obligated to provide sixty spaces. We're providing sixty eight. She's recommended that they be deleted from the sixteen spaces in front of the building. Our preference would be to leave the spaces because they're in the front of the building and they're for the customers convenience. That would be our request for this Board to consider that issue.

G. Lake: Okay.

R. Carr: Came in to the meeting at this time.

G. Lake: Go ahead. We will come back to that.

G. Shaw: Fine. Item #7. The note regarding the MCGA lug retaining glands. That is already on the drawings. Item #8. Removal of snow by the owner when the site cannot store it. That is already on the drawings. Item #9. Evergreen inserts in lieu of black vinyl through the chain link fence. Mr. McGoey recommended that the Board make the call on that issue. Regarding the storm water pollution prevention plan, we did submit that in to the consultants. Mr. McGoey has asked me for a legally binding maintenance agreement for

sand filters. We will provide that. We will complete the notice of intent and we will revise the diversion ditch to indicate stone check dams. We will revise the location of the silt fence. Those are Mr. McGoey's comments. I can tell you that I took the liberty because most of the comments from the Orange County Department of Public Works centered around the entrance. I did not want to come in to this Public Hearing tonight with it still being out of wack. I took the liberty of sending it to Mr. Kennedy and he looked at it and said that it met his comments, of course, subject to the permit procedure from the Department of Public Works. I feel confident him telling me that his issues have been addressed at least enough at this point and time.

G. Lake: Let me go through the Board and then . . .

A. Dulgarian: I like the use. I like the location. I have a couple of minor concerns. Is there any way to decrease the number of blacktop there, because it's pretty minimal right?

D. McGoey: Behan recommended reducing some of the parking spaces. They've got eight parking spaces more than what they need.

A. Dulgarian: The ones along the back?

D. McGoey: No. She's suggesting removing them from the front. I somewhat agree with the applicant that he can have parking in the front but maybe he can eliminate four in the front and have an island in the middle and then putting two on each side of the building.

A. Dulgarian: My other comment is. I agree with Mr. McGoey. Anything to cut down. We're looking at a clean sheet of paper and the artist's revision here is really nice but when we're looking at the front of that building there is absolutely no landscaping along the building or anything like that to dress that up. I think that the landscaping needs to be beefed up and reviewed. The last thing I have is the nature of this business, you're going to have road bikes, dirt bikes. There's not going to be any test areas or anything on site for dirt bikes or ATV's?

G. Shaw: We spoke about that at the last meeting and what the discussion was that the personnel from the facility, if they had a bike or a piece of equipment that they were going to test out that they would utilize the rear portion of the property.

A. Dulgarian: You have some wetlands there. If you're going to do any of that, it has to be on the Site Plan just like we did with, what was it Caterpillar, Mr. McGoey where they had an area to test their equipment?

D. McGoey: Yes.

A. Dulgarian: We need to see that and see where it's going to be and to know that it doesn't disturb anything else on that property. My feeling is if it's not on the Site Plan, it's not going to be allowed. So, I think if you're going to need it you better show it.

G. Shaw: I understand. We better agree to it.

A. Dulgarian: Other than that, I like the project. I think it's going to be very nice for the area. I like it.

H. Ross: Again. I like it and agree to the test area. I'm not interested in seeing it go into a track.

G. Shaw: No it won't be.

H. Ross: It may not be but it goes with the attractiveness.

G. Shaw: I understand.

H. Ross: Otherwise, I like it a lot. I would say that while you could have planting around the building. I like the way the rendering looks, clean and open. Nice plan.

R. Carr: I like the project. You have no problems with any of the landscape or the architect?

G. Lake: The main thing he talked about was removing some parking spots in the front.

R. Carr: Yes. That's a good idea.

G. Lake: This may be worthwhile getting into. What I heard from the previous Board member about the eight foot wide sidewalks we have in the front, we would like to have some planting in there. That could be problematic. What we do have are plants and trees in the lawn area in front of the building. Your Landscape Architect commented on that a couple of times that she would really like to see that beefed up. Rightfully so. What I offering to do what she wishes with respect to buffering the front of the property and leave the sidewalk the way it is. We have an eight foot wide sidewalk and with that we have four handicap ramps going up from the spaces which is going to take up part of the sidewalk. There's really not much room for planting up there and I really don't think that they would do the building justice. What I'm suggesting is similar to what she suggested is that we (not clear) front of the property as a possible alternative.

G. Lake: You're not finished with the Board but I have to assume you also want to use that for display like you're showing in the picture here.

G. Shaw: No. It will not be used for display. There's just no room for it.

A. Dulgarian: There's going to be no outside display of motorcycles, etc.?

G. Shaw: This is Jim Banta who is representing Honda.

A. Dulgarian: Because I know Cycle Motion has hundreds of them.

J. Banta: If I may, the architect that we hired by Design Forms for Honda. That is a photo-typical building. We don't have the actual room on our curb to put bikes on there. We just don't have the width but I would like to ask and have the ability to maybe put one or two in the grass during the day and bring them in at night. Most of our product is going to be inside and everything indoors so, I wouldn't say that we're going to line up the sidewalk. We don't have that much concrete to do that but we do have a lot of grass area on the southerly side and the front. We can put one or two out front.

G. Shaw: If the Board feels comfortable we can put locations on the drawings. It's not our intent that we store equipment on the sidewalk and we will not because there's just not sufficient width.

A. Dulgarian: Fine. I think they are going to need display areas and again, if that's something they're going to do it will have to be indicated on the plans.

G. Lake: Anything else, Mr. Carr?

R. Carr: I have nothing further.

W. Capozella: I would just go one step further with the notes on the outside storage. Other than that, I like the usage. I would like to see more greenery in the front.

C. Najac: We covered most of the issues already. It's a good location for the project. The lighting shows five foot candles is there a reason to have that?

G. Shaw: No. There is not. We will knock them down.

C. Najac: I'm glad to see the sidewalk.

G. Shaw: The sidewalk we're proposing will be in this direction.

C. Najac: Yes to the end of your property line. If you're stopping at the stone wall, maybe you can do something to get around that.

G. Shaw: I need to clarify that. This is the by-pass channel for the stormwater sand filter. Basically it is a rip-wrap line swale about four feet wide which in case the sand filter gets surcharged, it's relieved by draining through this area. That is why I stopped the sidewalk short of it because how would I miss possibly stormwater coming down this channel with a sidewalk crossing it. I would suggest possibly leaving it if the Board can live with that.

C. Najac: What do we do then when the next person comes in and I ask them to put in a sidewalk and he can't attach to your sidewalk?

G. Shaw: If you feel you need that extended, we will have to come up with something. It's a valid point.

C. Najac: Maybe a culvert.

T. Hamilton: The other problem is we definitely need some sort of designated area for the storage..

G. Shaw: It would be a display area, not a storage area.

T. Hamilton: I meant a display area because one day it may be in the grass and the next time it would be somewhere else. Let's make a designated spot for it. And, the area that you were talking about testing, what are you going to do?

G. Shaw: Basically equipment that's being serviced. The technician would probably say, a dirt bike for example. He wanted to test drive it. It would only be the personnel for Honda who would take the equipment out and test drive it and then bring it back to make sure it's operating properly. It would not be there for customers. It would be just employees.

T. Hamilton: Now the dust. What are you going to do for dust control?

G. Shaw: It's a valid point. I don't view it getting a lot of use. The equipment that's being tested is . . .

T. Hamilton: The next thing we know, the bikes are going around there and . . .

G. Shaw: We will have to review that issue.

D. McGoey: There are also the wetlands in that area.

G. Shaw: It's very narrow maybe a ten feet wide.

G. Lake: Do you actually test drive? Do you have to do that?

J. Banta: Depending on what the service is, if we're going to put new tires but if we're testing the cylinders or the upper end, we're going to have to run the bike. I can't take dirt bikes out on the open road because they're not registered.

G. Lake: I don't have anything. I think he has covered everything. Do you guys feel you want to see this back or do you think we can do a subject to with them cleaning it up and before I sign it have it checked?

A. Dulgarian: As much as I would like to accommodate him, I definitely would have some reservations approving a plan that we don't know where everything is.

G. Lake: Okay. That's why I'm asking.

A. Dulgarian: It's just me. If you guys want to put it through, that's fine.

G. Lake: No. There are items.

A. Dulgarian: I have no problem. I would like to know where everything is and stormwater might be thrown into Mr. McGoey's lap and this is Site Plan.

G. Lake: I'm for it.

A. Dulgarian: I really would like to accommodate these guys. I don't think it's right as a member of the Planning Board to put this through without knowing where everything is going to be on the site first.

G. Shaw: Mr. Chairman, I'm getting a sense from the Board. I think the biggest obstruction we have to getting approval tonight is the taking of the bikes in the back and it comes up

close to the wetlands and how we're going to handle the dust and the limits of the area to be disturbed. If the Board re-considers giving approval tonight because time is of the essence for my client to take that off entirely.

G. Lake: But, if it's something that he said he needs to do, then. By the same token you might have a Code Enforcer goes by and sees it happening six months from now or a year from now and then the guy is reporting you. So, I realize you want to move but I also realize if you take that off the table and you want to put it back on, you're going to have to come back and you might be dealing with . . .

A. Dulgarian: Can they do a modification later on?

G. Lake: He would still have to come. That's up to them. I just want them to understand.

H. Ross: The plan has to show where they will be tested in order to bring it out. Show it on the plan. You could run a twenty five foot circle in the back.

J. Banta: I may want to develop that back piece later one. It's not something that I would want. It just happens to be an extra five acres that we have on that parcel.

H. Ross: We need to see it on the plan.

A. Dulgarian: Are you planning on developing the back parcel further? How are you going to access that?

J. Banta: It would be accessed from the same curb cut and the drive would extend along the side of the building.

A. Dulgarian: Are you going to have additional flow through the parking lot?

J. Banta: I would bring it in from Schutt Road. I'm not going to jeopardize this building by putting some kind of access back.

T. Hamilton: One thing we forgot. I would recommend that we the evergreen inserts.

G. Lake: I agree.

T. Hamilton: I've seen the vinyl inserts in Rockland and they have deteriorated over the

years.

G. Lake: Okay. What do you guys want to do? Do you want him to come back? The Public Hearing is closed. We can get him back in by June 20th, that's the next open spot.

R. Carr: Let me say this. I would just assume that it not be there and the applicant knows that he will be in violation. He may not need it.

G. Lake: So, you're removing that?

G. Shaw: Off the table.

G. Lake: Anything else? Mr. McGoey?

D. McGoey: I just want to make sure that Mr. Dulgarian is okay with beefing up the landscaping between the parking lot and the road.

A. Dulgarian: Yes.

G. Lake: And, are we going to cut down on a couple of parking spots up front?

D. McGoey: Yes. Four in the front and make it landscaping instead of parking and then two on each side.

C. Najac: And, the sidewalk with a culvert.

G. Shaw: Those are minor changes.

A. Dulgarian: I'm good. I just know that if I'm buying some monster quad, I may be jumping on it and testing that thing before I go home. It's just unfortunate that they can't do that.

W. Capozella: Nothing else.

C. Najac: Nothing else.

T. Hamilton: Nothing else.

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 made by H. Ross and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for SITE PLAN/SPECIAL USE PERMIT subject to all of Mr. McGoey's comments and this Board's comments made by T. Hamilton and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

4. **RING RETAIL** - SITE PLAN/SPECIAL USE PERMIT - 40 Dunning Road
(78-1-55) #87-06

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

K. Duggan: My name is Kevin Duggan with Fellenzer Engineering representing Mr. Ring.

G. Lake: Go ahead.

K. Duggan: We're coming back in front of you. We've been in front of the Zoning Board of Appeals and received our variances to the property. We have comments from Mr. McGoey and Orange County Department of Public Works. I will start with the Orange County Department of Public Works because they kind of tie in with Mr. McGoey's comments. Basically they want more surveying information on the plans. We're putting the surveyor out to get all the information and adjust it from the County's standpoint. We will take care of those with the new surveying which ties in to comment #2 of Mr. McGoey which states to have the land surveyor verify the horizontal and vertical datum has been tied to the Town. On #1, we changed the wording, that the variances have been received. Item #3. We will show the concrete monuments and iron pins. #4. A bull nosed curb detail will be required. Item #6. The sign, we will relocate that. It's an existing sign but we will take that off and relocate it in an approved location. That's not an issue. I think the biggest issue that we need to discuss is the landscaping. We had provided some pictures of what's existing there. We will get the Board's input whether that's acceptable or what else they might want. Item #8. The stone wall, the limiting of curbing would have to be shortened a little bit That will be corrected. Item #9. The relocated stone wall, basically it's hard to tell. I agree. The wall was kind of proposed, that's going to be removed and we're going to make sure that the thirty foot wide paved area for cars so there would be access for two-way traffic there. I will correct that to make it a little more clearer. Item #10. We will add another drawing that shows the Isolux curves to clean up the drawing. At this point, my thoughts are discussion on the landscaping.

G. Lake: Yes, that's one. You're changing this from Professional to Retail at this point?

K. Duggan: Correct.

G. Lake: What's the retail, may I ask?

K. Duggan: He's going to have like a sports equipment which might be a paint ball shop, sports equipment for retail.

G. Lake: Let me just ask the Attorney, are we going to need a Public Hearing for this? It's been an office for as long as I can remember.

J. Bacon: But it's never had a use for retail?

G. Lake: Not that I know of.

K. Duggan: But it's a permitted use in the PID zone.

T. Hamilton: No. It's permitted by a Special Use Permit.

G. Lake: Any structural changes on the outside for this use or the inside?

K. Duggan: No. At this point he's just going to clean it up. Basically it's a multi-level building inside and he's just going to basically clean the walls, paint it and use it. The front entrance is set up on grade and basically where the handicap is so he won't need a ramp in that area.

G. Lake: It's not going to be a dual use building with someone living there are they?

K. Duggan: No. It's all retail. No residential living at all.

D. McGoey: One of the things you should be aware of is the new paved driveway in the front. I don't think the Engineer has really anticipated the grade difference between the entrance drive and the driveway up to the handicap parking. The large trees in the front are going to come down. They are major trees.

G. Lake: Does she need that much parking?

D. McGoey: Well, he doesn't have any access to the handicap unless he builds a ramp someplace. The back is two-stories essentially.

K. Duggan: There's potential. I could take a look. It would be a long ramp, where you see parking lot #1, the one space on the side of the building, that could possibly make a long handicap ramp from there. I would have to check the distance from the elevation. I'm not too sure.

D. McGoey: I would rather see you re-grade the front sidewalk to make the ramp there rather than to pave that whole front lawn.

G. Lake: Let me go through the Board and then we will schedule the Public Hearing.

A. Dulgarian: I don't have any problem with the use but I would like to see the parking in the back. It really would change the appearance. Anything else, I will address at the Public Hearing.

H. Ross: Yes. I agree with Mr. Dulgarian. I agree with Mr. McGoey's suggestion about accommodating the handicapped.

R. Carr: I have no problem with the use. Trying to put the parking in the back (not clear).

W. Capozella: I'm going to agree with Mr. Carr. I understand the usage and I don't really see an issue with that. Again, I'm for it. We're taking something over and adding the parking in the front, paving it. At this point, I'm not in favor of it.

C. Najac: I agree with the usage.

T. Hamilton: Nothing further.

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

G. Shaw: So, I just want to make sure. Before I remove that front parking, I will see what I can do with putting handicap along that side getting an accessible/appropriate ramp in lieu of that parking. That's the critical issue, there? Obviously, moving the sign, also. Is everybody else comfortable with the other things?

G. Lake: Yes. I think that's the biggest worry.

G. Shaw: I just want to get it right so, when I come back.

C. Najac: And, the sidewalk along the road.

G. Shaw: I have that.

MOTION to schedule a PUBLIC HEARING for June 20, 2007 made by H. Ross and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

5. **SAM'S CLUB (Gas Station)** - SITE PLAN/SPECIAL USE PERMIT - North Galleria Road (78-1-5.12) #18-05

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

L. Snyder: My name is Leslie Snyder with the Law Firm of Snyder & Snyder.

G. Lake: Okay. You were here at the last meeting. We just tabled you so we would have a full Board. The Board has discussed it. I don't know if you have any questions for the Board. I will go through the Board and then call the vote. You've been here so long. There really isn't a lot more to say, I don't think. Let me just see if the Board has anything to say and then we will go from there.

A. Dulgarian: I have nothing new.

H. Ross: I would like to say that I think I can support this. I would like to see the time frame for the review of impact moved up from two years to three and I would like the crosswalk arranged, minimum but as necessary so that if there are people who are parking for the train

and don't wish to pay the fee to the MTA, that they don't get struck down by traffic trying to get to the train.

G. Lake: Okay. If the Board wishes to drop this re-visiting. The only thing that I would add to that is if you're going to drop it from three years down to the two years when we re-visit for safety and the things that you were concerned about that it's two years from the time of Certificate of Occupancy and not time of when I sign the maps. I think there's a big difference.

R. Carr: Nothing new.

W. Capozella: I wasn't here the last time. As I said previously, I had not been completely in favor of it. I have to admit that I can't imagine a project that's gone on this way for more than. In saying that, in reviewing the project myself as a Board member and just looking at our zoning in 249-1 and 2 to look at the overall purpose of what we're really trying to accomplish here. And, if you look at the reduction of traffic congestion for the safe circulation of vehicles. I mean, I agree to a certain point with the traffic study. I know what the consultants do with it. Increased traffic, I don't think there's any doubt. To say it's only going to increase by one car I find that hard to believe. Take a look at E-2. Provision of areas for commercial and industrial activities and locations appropriate thereof. I think I've said this before. Is it appropriate to have a gas station at that location? Again, I still have an issue with that. And, the overall, you look at it as a whole. Does it enhance it, obviously a gas station doesn't but it's one of our purposes as we look at our chapter and say, what is this really doing for us? Obviously, a gas station in an area that, it's still questionable. The other thing that I would like to note is the Special Use Permit. What are really doing in the Town of Wallkill with a Special Use Permit? You look in the chapter 249-38, 39 and 40. You have sections in there, 2, 3, 4, 5 will not bring undue traffic or congestion. #3. Will not adversely affect the value of property; character of the neighborhood or the pattern of development. Will it change the pattern of development? It's going to. It's going to have an affect. One of the other issues in there will it encourage appropriate use of land consistent with the needs of the Town of Wallkill. I know we have gas stations all up and down there. I've used some myself. However, in that area I'm still not convinced on that. Two other points I would like to make. One of the issues that I know was brought up and not necessarily by myself but as far as the project adding on. I know we overlook something and now we're adding on a gas station after-the-fact. I know, in particular, I've seen gas stations on their properties. Again, it's something that . . . One of my other objections is that I'm wondering if I'm setting a precedence by saying, okay Sam's Club can add a gas station. What's to prevent anybody else? We're going to have gas stations all over the place. Again, setting a precedence and I'm not sure.

C. Najac: Wow. How do you follow that? I've been thinking about this for a while. I've been dead set against it. I see just what happens when you add into a parking lot. I also agree that they've tried to mitigate several issues. They have done a lot of work. They have also offered to do something that I have not heard anybody else doing before and that is to allow the project to be re-evaluated and then we're modifying that by shortening the time. And then, the visual lighting in the parking lot. This is really tough. You will find out when I vote. You are saying that this is fully for Sam's Club members?

L. Snyder: Yes.

T. Hamilton: I think everything was hit on. One other question I have is the possibly of construction, that there is no impact on the existing corridor of the parking, etc. Also, a crosswalk.

G. Lake: A crosswalk from where to where?

T. Hamilton: From the train station across.

A. Dulgarian: Doesn't that change your parking calculations? You're going to invite.

T. Hamilton: They will just do it. They have sidewalks on the opposite side along North Galleria Drive. Anybody that wants to walk, they don't have a safe way except in the parking lot.

G. Lake: I really don't have anything else. We've talked about this for so long. As far as the parking issue. People might be doing it now but my only comment is a sign up by whoever it is, Customer Parking Only eliminates that. I'm not sure I want to put the liability of somebody else's parking problem because each should be standing on their own.

T. Hamilton: We never thought we were going to have people walk to the Galleria and we have it.

G. Lake: I'm just not supporting parking in somebody else's parking lot across the street to do somebody else a service. If they're walking, they're walking.

MOTION for a NEGATIVE DECLARATION subject to this Board's comments made by H. Ross and seconded by T. Hamilton.

A. Dulgarian: Nay

H. Ross: Aye

R. Carr: Aye

W. Capozella: Nay

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES, 2 NAYS

MOTION for SITE PLAN/SPECIAL USE PERMIT subject to this Board's comments made by H. Ross and seconded by T. Hamilton.

A. Dulgarian: Nay

H. Ross: Aye

R. Carr: Aye

W. Capozella: Nay

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

6. **HIGHLAND PARK** - 2 LOT SUBDIVISION - Scotchtown Collabar Road (29-1-55)
#208-02

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

A. Fusco: My name is Al Fusco with Fusco Engineering.

G. Lake: Go ahead.

A. Fusco: Basically we have been here a couple of times during this year and went to the Public Hearing during which we did receive some Public comments and also comments from the Board. In addition to that, we have received comments from the Orange County Department of Public Works and the Town Planning Board Engineer. In this regard we have identified all those but not the letter just recently received but we have complied with all of the Planning Board Engineer's comments in addition to which we have further developed the site and taken into consideration the suggestions of the Conservation Commission to move the house a little bit to give some more room in between the wetlands and the home site as suggested. We are in the process of completing all of the Orange County Department of Public Works requirements. The new plan which you don't take into consideration because they were just dropped off today does comply with all of the recent comments.

G. Lake: When we first saw this plan there were ditches which I now see on this map one of them. I believe there was a total of four (4) when I went out and checked it. I think I've asked this before and I'm almost positive I've asked it before. Those ditches are basically done to drain out a wetland. Now, I realize I see you have some wetlands on there but it still bothers me a little bit. I don't see where the other three ditches were at one time. Some how, I'm trying to keep my train of thought because this has always bothered me that somebody went in there of late being next to the Palisades Parkland and everything and just opened up four major ditches that ran a few hundred feet. I really thought and I apologize if I didn't and I will have to look but I kind of thought we asked for that to be identified because I believe somehow the existing dwelling but I believe it was before your time permit that to be done. I see you've located one. I don't quite think it was like that.

A. Fusco: Mr. Chairman, if I may we have set the dates. We have not changed the plans and it's unfortunate and I wasn't able to get the new revisions on them. With this plan which you don't take into consideration does show extra ditches. Your comments are correct. You did make it very clear to me and it is shown on the new plan that you haven't seen because it was dropped off in the office today. In that regard, we do have the other ditches shown. Those ditches were dug by the property owner. I didn't know that was investigated. Afterwards, I went and it wasn't the contract purchaser. It was the existing owner that had gone in there and he was in a situation, that's what he reported to me. I talked to him about it and he seemed to know very little about engineering and/or wetlands and/or anything. It wasn't done by the contract/purchaser to try and get another lot. It was done for whatever reason by

the home owner.

G. Lake: In all due respect, you know it is done.

A. Fusco: I don't disagree with that.

G. Lake: I don't see how.

A. Fusco: I don't disagree with that. He just didn't know it was illegal to go into the wetlands. I didn't mean he didn't do it to drain the land, obviously why would he put in a ditch otherwise. He was ignorant of the law. What we did do, is I did show the additional ditches. We did re-calculate the wetlands and it is under one tenth. We've been in there a couple of times. At that point, we have tried to comply. We've elevated the house as per our last meeting. We gave them more backyard and moved it over to keep it out of the wetlands as per the Conservation Commission. We've flattened out the driveway which had been a little bit steep and I believe we complied with all of the comments that were asked of us at the Public Hearing. Since then we have received comments from the Planning Board Engineer and we are complying with all of those as well in addition to Orange County Department of Public Works. We're at the point where I believe that we have met the accommodations that was requested of us.

T. Hamilton: My comment I know the plans in front of us does not show the ditches but Mr. Fusco your stamp is on that plan. Why don't those ditches show? Did you draw those plans? Your stamp is on them.

A. Fusco: Absolutely.

T. Hamilton: Why aren't the other ditches on there that we had requested previously before this and now you're tell us the next new one you put them on but these plans that we are looking at does not represent the project. That's our problem.

A. Fusco: Our surveyor went out there and he identified the one ditch. I sent him back out to identify the rest of them and he did put them on the Site Plan.

T. Hamilton: If he didn't see those ditches the first time because they have been there for a very long time.

G. Lake: Let me go through the Board. I'm really not sure just yet. The main thing is it was mitigated by . . .

A. Fusco: Bob Torgensen.

D. McGoey: One of the problems I found in my field review was that there weren't any (not clear) inside the wetlands. I didn't find any red flags out there.

G. Lake: My question is how do you know and I do realize. I think this is one of the few times that I think we ought to have our own wetland expert go out and take a look at it. Anyway, let me go through the Board and see what you guys want to do and then we will go from here.

A. Dulgarian: Well, I would need either Counsel or Engineer to tell me how to handle this and I'm not that bright. It seems to me that if you illegally drain the property and now you're saying that this property won't take sheet flow, how do we know that. I have a problem that this property could take the two houses based on the wetlands. What we're looking at now we shouldn't even be looking at because it was illegally drained. I need some guidance on that. That's my stumbling point on this.

H. Ross: The fact that the property was illegally drained and we don't know where the ditches were, that could be a problem.

R. Carr: I also agree. There's only one other instance that I can remember that something like this occurred. There are concerns and there seems to be some question as to the proper delineation to those wetlands. I think we should have someone go out and look at it. I also think there is a problem with the driveways for site distance. It's a tough site.

W. Capozella: I agree. We're looking at the wrong set of plans.

A. Fusco: I didn't do that to confuse anybody. We received comments April 23, 2007 and we made the changes subsequent to that. I didn't mean to do it to disrupt to say you have the wrong plan. The plans we submitted that to be submitted two weeks ahead of time. Based on those plans we received comments on April 27 and we addressed them in an effort to say we are addressing them. That's the reason for that. These were based on the April 25, 2007 comments.

W. Capozella: My only concern is,

A. Fusco: I understand.

W. Capozella: Either way, it's just I would have loved to have the correct plans.

A. Fusco: I understand.

C. Najac: Yes. Not knowing where the ditches are presents a problem.

T. Hamilton: Nothing further.

G. Lake: Yes. I realize that it's touchy but once something is brought to our attention I think we do have a gentleman or a firm we can hook up with. I think I want to see our guys to the evaluation. I think it's one of the few times I've ever asked for it but I think the future owner of that house. I really think that's the right thing to do at this point.

A. Fusco: Just one thing. Do I ask in that regard, I think I know the people you're talking about. We used them on the Wallkill Manor site. If they would work in conjunction with Mr. Torgensen so they can interact since he's been there before.

G. Lake: I think we're looking to get an independent.

A. Fusco: Of course. I understand that.

G. Lake: Evaluation. It's so noted but then I'll talk to the Board but I think we really want an independent guy to go out there and come back to us without any arm twisting or anything.

A. Fusco: Okay.

G. Lake: I just don't know an easier way to put it.

A. Fusco: I just meant that they could either show them the records and where they identified.

G. Lake: We're going to table this for now.

A. Fusco: Who do I contact to set this up or what ever or are you?

G. Lake: We will take care of it.

MOTION to TABLE for further review made by A. Dulgarian and seconded by W. Capozella.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

7. **SMILEY** - 2 LOT SUBDIVISION - 2268 Goshen Turnpike (61-1-25.2) #08-07

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

R. Ferris: My name is Roger Ferris representing the applicant. The applicant is also here tonight.

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

R. Ferris: We requesting to cut the existing parcel off the farm parcel. It has water and sewer.

G. Lake: This is hooked to the Town water and sewer?

R. Ferris: Yes.

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

R. Ferris: Yes.

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

R. Ferris: The first comment is about the agreement with the Town Board on the conservation easement. It's in progress.

G. Lake: Is this going to affect it any?

R. Smiley: No. I'm Ross Smiley. This lot had an exemption from the original application.

G. Lake: That's what I wanted to know. I wanted to make sure.

R. Smiley: When we applied to the Town we said we wanted this out otherwise, this would have been attached to the easement.

R. Smiley: This was never part of the original.

G. Lake: Okay.

R. Ferris: The second comment was based on acreage. The size of the lot should be under the soils formula. It's serviced to public water and sewer so, I would think the forty thousand square feet would be sufficient.

D. McGoey: Yes. There's no soil formula.

G. Lake: It's in the water and sewer any way.

J. Bacon: That's my opinion about it.

R. Ferris: Comment #3 concerns water and sewer so, we won't need a septic. The property lines will be shown.

G. Lake: Let me go through the Board.

A. Dulgarian: So, this 2.25 is originally from the one hundred one acres?

R. Ferris: That's correct.

A. Dulgarian: No problem.

H. Ross: No problem.

R. Carr: No problem.

W. Capozella: Nothing.

C. Najac: Nothing.

T. Hamilton: Nothing.

G. Lake: I don't have anything.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for TWO (2) LOT SUBDIVISION subject to all of Mr. McGoey's comments and this Board's comments made by T. Hamilton and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

8. **MOSLEM** - 2 FAMILY - SITE PLAN/SPECIAL USE PERMIT - Route 302
(10-1-15) #17-07

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

Mr. Moslem: Basically the property, the house burnt down.

G. Lake: Right. We have to schedule you a Public Hearing. Do you have Mr. McGoey's comments?

Mr. Moslem: No I do not.

D. McGoey: I sent them to your Engineer, Kirk Rother.

Mr. Moslem: Right.

D. McGoey: I have one issue and that's site distance. It's terrible. There's nothing on the plan to correct the site distance.

G. Lake: Do you understand what he's talking about when he said the site distance going out of the driveway?

Mr. Moslem: Yes.

G. Lake: And at the prevailing speed which means the actual speed that the people go, and not necessarily what is posted. Basically, we're going to schedule you a Public Hearing tonight but really for your own good you should have your Engineer here. He may have been able to have answered some of these questions.

G. Lake: Let me go through the Board to see what other comments they may or may not have.

A. Dulgarian: My biggest concern with a two-family out there is whether it would change the characteristic of that neighborhood and that's what I'm going to look at between now and the Public Hearing. That's my main concern.

H. Ross: I agree with Mr. Dulgarian on whether it would change the characteristic of the neighborhood. I also have a concern about the driveway and site distance.

R. Carr: I share those two concerns.

W. Capozella: Nothing else.

C. Najac: Nothing more.

T. Hamilton: Mr. McGoey (not clear).

D. McGoey: He could remove the stone wall. I'm not sure.

G. Lake: Mr. McGoey, the survey are they close?

D. McGoey: I don't know.

G. Lake: Because I know it drops down in the back and it's wet. Have your Engineer re-check your septic to make sure it can support. We're going to schedule you for a Public Hearing for June 20, 2007.

MOTION to schedule a PUBLIC HEARING for June 20, 2007 made by H. Ross and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

9. **POUND RIDGE** - 10 LOT SUBDIVISION - Route 211 West (49-1-85.1) #118-04

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

J. Atzl: My name is John Atzl with Atzl, Scatassa & Zigler representing the applicant.

G. Lake: Go ahead.

J. Atzl: We were here back in March or February and the Board chose the conservation layout that we're doing and we had gone and elaborated on that and submitted a stormwater management plan to the Town Engineer and we provided road profiles and some more details. We're here to request a Public Hearing if the Planning Board chose to be fit. We do have a number of issues with Mr. McGoey office that we have to take care of but we think the sooner we get the Public input then we will move along.

G. Lake: Let me go through the Board. There are a few comments that Mr. McGoey does have which I don't think we need to go on. Mr. McGoey did we have a couple of layouts on this where Behan wanted them to move over to one side?

D. McGoey: Yes.

G. Lake: We had another work session or something and they came back.

D. McGoey: We had several alternatives and we did have a work session. The Board favored alternative #4 at the February meeting.

J. Atzl: The layout you have in front of you is correct.

G. Lake: I just wanted to make sure that the old ones don't pop up.

A. Dulgarian: I'm interested in hearing what everybody else has to say about that. I didn't

know that we had settled and I would prefer. There's nothing really creative in here that shows the intent of a conservation subdivision.

H. Ross: I'm also concerned. I don't like it when the conservation easement falls in the back of everybody's backyard. Just because it's part of a way of figuring the lot formula and being more advantageous for meeting the purpose of the law, not that it's a violation of the law.

G. Lake: Just, not to help you out but we did have different layouts and Behan had this whole thing and had it shoved all to one side. At that time part of the problem was who was going to take that, who was going to maintain it or who was going to do what ever with it if we did that. I think another thing that came up at one of our meetings and we kind of asked because this is a tremendous piece of land in the back here which I can't remember off the top of my head but I think it's almost landlocked so, I think that's why you see that coming down to a "T", correct me if I'm wrong.

J. Atzl: Correct.

G. Lake: They had shown us different alternatives, I do have to say that but by adding all to one side without the mechanism in place yet who would take it or what ever. That's all I have to say to bring them up to speed on it.

J. Atzl: Anything else, Mr. Ross?

H. Ross: Not clear.

G. Lake: I think that was all done at a work session.

J. Atzl: There was a lengthy discussion back in February and actually when we first came back last year into the moratorium this Board actually said that this was one of the best examples of the conservation subdivision,

G. Lake: Because it was one of the first ones that we saw. At this time and I think we did send this to Behan and they had come out with something.

J. Atzl: Her layout did not comply even under the conservation subdivision and she had development in wetland areas.

G. Lake: Let me finish going through the Board.

R. Carr: I think having a conservation similar to the one out on Route 17, that's a conservation subdivision. Here, it's in the backyard. I don't know. If you had said this was a conventional subdivision I would agree but I don't know that it meets the intent. This is someone's backyard and you're going to say from here on they can't use it. We're kidding ourselves I think if this is a conservation subdivision. How long is the cul-de-sac?

J. Atzl: The cul-de-sac I think is about thirteen hundred feet. We do need a waiver but that was actually asked for by your Town Engineer and the Town Superintendent of Highway for future development of the adjacent parcel. We did actually submit an alternate layout that showed a shorter road which conformed to the Town requirements with a right-of-way going through but the Board actually chose this way out.

R. Carr: I just don't see this as a conservation subdivision. That's all I have.

W. Capozella: I have to agree with Mr. Carr. I don't really have an issue with the layout. I like the fact that the houses are pushed back and tucked in there. I've always struggled with conservation subdivisions. We look at it so many different times however, just looking at the current layout I like it.

C. Najac: This was in earlier and I think one of our objections is the visual impacts from the road and you're minimizing that on Route 211. I understand the comments about being in the backyard but as long as the homeowners are told and it is put on their deeds, they know. Otherwise, not bad.

T. Hamilton: I agree with the homes being back off the road. A comment made earlier at a work session before this meeting is that we don't have the ability or the mechanism to maintain and whatever the conservation easement. At this point now we're better off leaving it with each individual home owner until they set something up. We don't have anything that says who will maintain it, what happens to it. The way it is set up now, each home owner is going to have it designated on their deed.

A. Scott: The last comment on the mechanism of the conservation easement. Difficult to hear. We're trying to comply with everything.

G. Lake: Mr. McGoey's comments are you going to have any problems with those?

J. Atzl: No. Actually we've already met with the Town Superintendent of Highway and he has no problem with it. One of the driveways is coming off of his street and no curbing at the end of the street. We have two drainage comments that we have to address to zero increase.

D. McGoey: The drainage comments have to do also with the Middletown water supply and I asked the applicant to check the watershed regulations and complying with those in addition to the Department of Environmental Conservation regulations for stormwater treatment.

G. Lake: I guess we can schedule you for a Public Hearing. I would suggest you go back to another work session. The City of Middletown that is, we have had projects where we ran into a few surprises being right next to their watershed so pay a little extra attention to that and make contact with them between now and your next work session. The Board as a whole I think could be a little split on the layout so, I don't know if you want to move on to a Public Hearing with this layout or if you want to work on it a little more.

J. Atzl: No, we're very comfortable.

G. Lake: This is the one that was probably one of the first ones that came in as a conservation subdivision.

J. Bacon: Did they follow up with Behan Associates?

J. Atzl: They gave us a report.

G. Lake: I believe they will have time to do that between now and the Public Hearing.

MOTION to schedule a PUBLIC HEARING for July 11, 2007 made by H. Ross and seconded by W. Capozella.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

10. **FOXWOOD** - 7 LOT SUBDIVISION - Mount Hope Road (62-1-16) #57-06

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

P. Grady: My name is Patrick Grady and I'm an Engineer for the project. We've had several work sessions with Mr. McGoey and the plans have been forward to Behan. We've had two reviews from them. What's presented before you is, we have three plans. You have the conventional layout, the eight lot and then a conservation subdivision based on eight lots. We also have a seven lot conventional subdivision. We're basically here tonight looking for the Board's opinion on which layout would be most appropriate. We believe that the seven lot conventional probably would be the most appropriate for the area based on the existing area and the homes and the way Reinhardt Road is done and currently developed. This particular piece doesn't really lend itself to your new conservation zoning. As per the Town Engineer and the Planner we submitted both plans for your review.

D. McGoey: Just for your information, did you get Behan's comments?

P. Grady: Yes.

D. McGoey: The most recent ones?

P. Grady: Yes we did.

D. McGoey: Where she recommended clustering seven dwelling units along the private road.

P. Grady: Yes, and possibly moving it out.

D. McGoey: Right. Have you looked at that?

P. Grady: I don't believe it's feasible. I don't believe it's the intent of your conservation subdivision. You're creating a private road which really is undesirable. It conforms more to the neighborhood of the conventional layout than bringing in a loop road.

D. McGoey: I think what she's saying is it creates a sense of neighborhood in a new neighborhood and it also avoids the disturbance along Reinhardt Road.

G. Lake: Are you talking the seven lots off an open development?

D. McGoey: That's what she is suggesting. I don't know. Maybe it could be a Town road.

R. Carr: I couldn't understand. Are you talking about making a loop road from Reinhardt coming up in and back around to Reinhardt?

D. McGoey: That's what it is, creating a loop. I'm not sure. Because of the grading it might be tough to get that loop out back up that grade.

P. Grady: Especially with the ditch and the drainage. The disturbance that you're going to cause to that property would be great and then the maintenance that the Town would be subject to in the future. I really don't think . . . You still also have to maintain the roadways, the plowing in the winter and salting. I don't see what the benefit it would go to that area.

G. Lake: If you went to open development if anything it does everybody would own it and that's the end of it. As a Board member for open development I'm not a fan of more than four or five in an open development.

D. McGoey: He does have an open development proposing for four lots.

R. Carr: And the other three are along the road.

D. McGoey: Right.

R. Carr: The eight lots under the conservation has the open development?

D. McGoey: Right.

P. Grady: The only problem we have with that is we did receive new comments from the Highway Department or Superintendent of Highways. In our open development layout, this is the end of the private road and we provided a "T" turn-around at the end as opposed to a full blown out cul-de-sac. You have a narrower road and you only have four or five homes and a "T" turn-around is typically accepted for emergency services. Your Highway Superintendent may misunderstood but recommended a ninety foot diameter cul-de-sac which for our open development plan does not work. It pushes everything back and would cause more disturbance.

G. Lake: Basically, all he's looking for is direction on which way to go.

P. Grady: The conventional layout is one lot less than what we're proposing with the open development.

H. Ross: Is lot #1 existing?

P. Grady: Lot #1 is . . .

G. Lake: Mr. Dulgarian, do you have any particular?

A. Dulgarian: I'm looking at drawing #3, the eight lot conservation subdivision. At least it's set back from the road.

D. McGoey: They're asking for a waiver of the two hundred foot setback.

G. Lake: He already mentioned that.

P. Grady: You could come in with a cul-de-sac road and then come in with a road and develop off of that we could maintain the two hundred foot setbacks which would be consistent with the intent of the conservation development. Basically it's a property that really has a long stretch along existing land with wetlands that predominate a large portion of property in the rear. It is really not productive to bring any kind of road in off of the property. Again, as I stated, if you look at the existing Reinhardt Road, all the homes on that street are thirty, forty, fifty feet off of Reinhardt. The conventional layout is consistent with the character of Reinhardt Road.

G. Lake: Let me ask you. The land in the back there looks like mostly wetlands back there. Is any of that in the Middletown watershed?

P. Grady: I don't believe so.

G. Lake: I think you ought to check that. It used to be called the Indigo Creek. Middletown was going to build a reservoir back there at one time.

T. Hamilton: The eight lot conservation plan, you have four lots in an open development area and three other ones. Now, how do we work the conservation easement with four lots in an open area development? How do we handle that?

J. Bacon: There doesn't have to be Town access.

T. Hamilton: I mean, you're giving them an open development where the Town doesn't maintain anything.

J. Bacon: I would have the conservation easement drawn for those property owners.

T. Hamilton: But you have a private road created by one section.

G. Lake: Okay. Let me go through the Board.

A. Dulgarian: I'm a little baffled also. Maybe the applicant is right. Maybe it isn't conducive to the conservation development. I know they're entitled to do seven based. It just doesn't do anything for me. We're trying to improve what we're planning here and what we're allowing to happen and I know that the existing neighborhood is going to be very similar if we go through with a conventional. It doesn't mean it can't be better. I'm not the Engineer on the project.

G. Lake: I agree with you one hundred percent.

H. Ross: I think maybe the conventional or the conservation. I don't know which I prefer. The technical concerns concerning the open development might be, but I don't know.

R. Carr: I read that but . . . On the other hand the seven lots conventional subdivision kind of does fit. If we can't have the loop road then I'm kind of leaning toward the seven lot conventional subdivision.

W. Capozella: That's my opinion. The seven lot conventional based on what I know about that property instead of making a loop down in there. I think it would be a nightmare.

C. Najac: The seven lot conventional subdivision is probably the best to look at but it wouldn't hurt my feelings.

P. Grady: The conservation layout is based on (not clear) and we have provided a conventional. In fairness, the applicant has met several times at work sessions and plans were forwarded up to the Planners and they're first comments were try to bring it into this flatted area where you see on the conventional layouts lots #3 and #4 and provide a cul-de-sac in there. We've done that. Now it goes back to the Planner. Now, they're looking for a loop road. I just don't want to get into giving you something, coming back. It's really a small subdivision and we were looking to see if we could have or schedule a Public Hearing.

D. McGoey: Let me have my two sense.

G. Lake: Let me finish with the Board.

D. McGoey: Okay.

G. Lake: And then you can have your two sense and I'm going to add mine otherwise we might be here all night and that's not going to happen.

D. McGoey: Alright.

T. Hamilton: To me it's razzle/dazzle. It's more like being shuffled around. It's just too much here and not knowing.

G. Lake: Mr. McGoey?

D. McGoey: Lower the lots coming off of Reinhardt Road. I had major problems because of the grade and the driveways so steep. They needed a lot of site disturbance to develop the home sites and the driveways. They needed retaining walls. I suggested that they eliminate every other lot and try for a four lot subdivision. Then Behan made recommendations of getting four lots off of Reinhardt Road and coming into a private road. I felt that was probably or would serve the purpose of getting away from the site disturbance along Reinhardt Road. My choice and my recommendation would be that they maybe (not clear) private area road and maybe have two other lots out on to Reinhardt Road for a total of six lots.

G. Lake: As far as my opinion, not every piece of land that is picked up is build-able. When we run into pieces of land like that we're constantly being asked to put an awful lot on it. I think at this point I would try to lean with the Reinhardt Road plan and when I say that I meant maybe the conventional. I would surely be opened to up to maybe four and maybe possibly five off of an open development road which again, if you go to the Town Board and you receive that permission to do an open development road. I don't believe in any more than that. I think it would start causing headaches but that becomes now back to where you have to figure out the economics of that. We did four units on this one and it seems to, I think you just had a different opinion on what an open development really is and what I got. The homeowners have to get into an agreement and they're the ones that maintain that road, not the Town.

P. Grady: I understand. It's a private road.

G. Lake: That would be my limits as far as. You know, I go out there quite a bit because I have a relative that lives out that way now. I'm getting to know that neighborhood pretty good. Like I said, myself I would probably go with the conventional first along Reinhardt Road first and I could be swayed by the second one I talked about. I think you have some work to do to convince the Board which way you want to go.

P. Grady: I can appreciate you have a lot before you. And believe me, there is no razzle/dazzle here. I don't play those kind of games and I represent other municipalities. I'm quite straight. What you see is based on requests from the Town Engineer and the Planner. I truly believe this site is set up for a conventional layout and I disagree with Mr. McGoey that it's four lots. All these houses shown have good driveway grades of ten percent or less. Granted they are set down from Reinhardt Road but they are clearly out of wetland areas. We're out of the poor soil areas. I thought we had a compromise where we would go from eight conventional to seven conventional. That's where we're leaning and I'm looking for the Board to say, yes or no. To go back and forth with the process the way it's set up that would be another year or more. I don't think that's fair to the applicant. We need to move on with the project.

T. Hamilton: Mr. McGoey, did you check the soils?

D. McGoey: They submitted a report to change the soils types in those areas where the septic is proposed. The Board has to determine whether to accept that.

T. Hamilton: How do we do that?

D. McGoey: He has classified soils.

P. Grady: That was through the County Soil Conservation Service. That wasn't done by us. It was done by the request of Mr. McGoey and we sent it to the County Soil Service.

H. Ross: You're having septic systems?

P. Grady: Yes. The applicant hired someone from Soils Conservation and they went out and had the maps and checked and said that the map was incorrect. We provided an adjustment.

D. McGoey: It was based on slopes also.

G. Lake: Anything else guys?

J. Bacon: Does he have a long form Environmental Assessment Form?

G. Lake: Anything else, Mr. Bacon?

J. Bacon: Also, I think check out the Middletown watershed issue.

P. Grady: Yes. We will check that.

J. Bacon: And probably get a letter from the National Heritage. There are probably wetlands that run off slope areas. We may need to look at that also.

MOTION to schedule a PUBLIC HEARING for July 11, 2007 made by R. Carr and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES