

TOWN OF WALLKILL PLANNING BOARD

MEETING

MAY 7, 2008

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

MEMBERS ABSENT: T. Hamilton

OTHERS PRESENT: J. Bacon, D. McGoey

1. PUBLIC INFORMATIONAL HEARING 7:30 P.M. - **SMILEY FARM** - ZONE CHANGE from RA-1 to RA - Stage Road (61-1-2)

G. Lake: Public Informational Hearing started at 7:37 P.M. M. Hunt read the notice.

M. Hunt: PLEASE TAKE NOTICE that a PUBLIC INFORMATIONAL HEARING will be held by the Planning Board of the Town of Wallkill at the Town Hall, 99 Tower Drive, Building "A", Middletown, New York 10941 on May 7, 2008 at 7:30 P.M. or as soon thereafter as the matter can be heard on the proposed Zone Change from RA-1 to RA to tax map parcel 61-1-2, and a conservation easement agreement for tax map parcels 61-1-2 and 61-1-25.2 located on Stage Road in the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

G. Lake: Basically this was sent down to us from the Town Board to get our recommendation and have a Public Hearing on it under a program for the Smiley Farm. They've been working on it for a considerable length of time. I'll go through the Board before I go to the Public.

A. Dulgarian: I will wait.

H. Ross: I will wait.

R. Carr: I will wait.

W. Capozella: After.

C. Najac: I will wait.

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

none,

**MOTION to close this PUBLIC INFORMATIONAL HEARING at 7:39 P.M. made by H. Ross and seconded by A. Dulgarian.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

G. Lake: My only comment on the whole thing was basically were we getting close to spot zoning seeing that it kind of dissected the zone next to it. I had Mr. Bacon investigate that for us and it's pretty close to the fine line but it does meet, we do believe.

J. Bacon: Yes, I think balancing all the requirements for spot zoning because there's really no detriment to the neighborhood and the RA-1 zone is very similar to the RA zone but because there is going to be a conservation easement on it again, it's not going to be any detriment to any of the neighbors.

G. Lake: The only comment I would have on it's all up to the Board as far as recommending any changes. I would just throw this out to everybody. Why not go from the Smiley Farm to O'Haire Road or County Route 63 and just make that whole piece of land to the east I believe to be RA and do it all in one shot to ensure there would be no spot zoning. With that, I will go through the Board.

A. Dulgarian: I actually tend to agree with you. I think it's minimal impact by changing the zone. I also agree that cutting it down the middle although it doesn't meet the description of spot zoning it certainly appears to be. I would rather stay away from setting a precedence of cutting a swath right through the middle of that property. I do agree with you that with the

low impact and a lot of that property is being farmed. I don't have any problems with it.

H. Ross: I don't have a problem with it.

R. Carr: I have nothing else to add. I agree.

W. Capozella: I have a couple of concerns. What is the permitted use that he's not permitted in the RA-1? On "C" here it says "in the future if the building was to be sold and a subdivision obtained. My only concern is okay we don't have to go for it now to build another structure on it based on any agreements worked out but what happens when you do try and subdivide that? Would it be sold privately?

G. Lake: I guess your question would be if the time comes and he decides to sell that and ask for a house that they might put up . . .

W. Capozella: Can it get sold to anybody and be made a part of this property?

G. Lake: I was informed that in this program only certain sectors could be sold but I will have them answer that.

K. Oldes: I have been to the Town Board on this project for some time. In response to your question but my understanding is that they want it to remain as a family use (not clear).

W. Capozella: My question is whether it can be sold?

K. Oldes: Your other comment on why not take other parcels in the area to be made a part of it.

R. Smiley: I'm Russ Smiley. I'm here representing my parents. On that second home if we could have it, it has to stay within the project. This is where our major farm complex is now off of Stage Road. The second house has to be built in around this complex within I think is a thirteen acre area. It can't be out in the back somewhere. It cannot be subdivided. It will be written that it stays with the family. The reason we want the second home is because you never know what the second generation may want to stay with the farm, get married, and have a way to stay there. It would be written in the conservation easement that it cannot be subdivided. It would stay with the farm at all times.

G. Lake: Let me ask you something. I'm just curious now. What happens if and when you

just don't want to be there anymore? For example, the whole family wants to go south and you have to sell it?

R. Smiley: It has to be sold as a farm.

G. Lake: It has to stay a farm?

R. Smiley: Right.

G. Lake: I was just curious as what may happen down the road.

R. Smiley: It can be sold as another dairy farm. It could be vegetables, Christmas trees, etc.

G. Lake: Anything else, Mr. Capozella?

W. Capozella: No.

C. Najac: I think it's going to be a benefit to the Town. If we were going from R-2 to RA I would be concerned about it but the RA-1 and the RA are very similar.

G. Lake: I also think they should include the easterly side of the farm. We've had the hearing. We will send it back to the Town Board with our recommendation that we agree with them with what they want to do there and I would like to just add on to add the easterly portion from the Smiley Farm out to O'Haire Road at some point to consider changing that to the same zone.

A. Dulgarian: Is that a motion?

G. Lake: Yes.

**MOTION made to give our recommendation to the Town Board and also add on the easterly portion from the Smiley Farm to O'Haire Road to keep it all in the same zone made by A. Dulgarian and seconded by R. Carr.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

2. PUBLIC HEARING 7:35 P.M. - **SORGE REPAIR SHOP** - SITE PLAN/SPECIAL USE PERMIT - 378 Bloomingburg Road (3-1-89.11) #10-08

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 10941 in said Town on the 7<sup>th</sup> day of May, 2008 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Mark Sorge and Dean Soutar, 1835 Route 302, Circleville, New York 10919 for approval of a Site Plan and Special Use Permit for a repair shop, located on 378 Bloomingburg Road, County Highway #76, 300 feet south of Dosen Road, under Article 249-38C 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. Ptak: My name is Thomas Ptak representing the applicants. We're here to request an approval for a construction garage located on County Route #76. There are a number of items that we have to address yet with the Department of Environmental Conservation. I think the Board is aware that they have jurisdiction on building on a wetland. We need to find out exactly what they would allow. The wetlands have been added to the map. The Department of Environmental Conservation was out there the beginning of April to flag those wetlands. Right now we're waiting for them to tell us what their requirements will be.

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

A. Dulgarian: I will wait.

H. Ross: I will wait.

R. Carr: I will wait.

W. Capozella: After.

C. Najac: After.

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

**MOTION to close this PUBLIC HEARING at 7:53 P.M. made by A. Dulgarian and seconded by C. Najac.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

G. Lake: The one issue, you mentioned the Department of Environmental Conservation already which will have to be straightened out. The other one is, I guess, what we're calling it. A storage or repair shop and I think on the recommendation from our Attorney that a variance or an interpretation from the Zoning Board of Appeals to determine because this isn't the old HC zone anymore.

J. Bacon: Right.

G. Lake: So, they've taken a few things out and if it was totally a repair shop it would fit.

Am I correct in assuming that?

J. Bacon: Yes.

G. Lake: The storage doesn't fit?

J. Bacon: No.

G. Lake: So, I'm not sure that you want to go for a total variance on that or like an interpretation of your total operation. The Department of Environmental Conservation you have that to handle.

T. Ptak: So, based on that you want to send us to the Zoning Board of Appeals for an interpretation as to whether a contractor's shop use is allowed in the zone?

J. Bacon: Basically, yes.

G. Lake: So, and I'm not sure if he should be asking for if it is allowed or if he should be asking for a variance to put it there.

J. Bacon: I will check on it.

G. Lake: Because to go and say it's allowed and they say no you just used up your time at the Zoning Board of Appeals.

T. Ptak: Correct.

G. Lake: Then you would have to start again. Can I get a variance to put it there because the guy next door or right down the street or what ever the case, you have to check the area to see who else has something similar. You will have to do that. Mr. McGoey's comments, have you looked at them outside the Department of Environmental Conservation issues?

T. Ptak: I can briefly go through those. As far as item #3, the main portion of the structure will be within the one hundred foot buffer. The Department of Environmental Conservation will give us their comments based what they determine is acceptable to them. As far as the Army Corps generally (not clear). As far as the adjoining septic and wells we will show those. The landscaping will be predicated on what we have to do on the Site Plan. The site distances will be added what Mr. McGoey has asked for. As far as the installation of the

culverts again, the Department of Environmental Conservation will tell us what they will accept. As far as the actual disturbance we will mark that (not clear)..

G. Lake: Let me go through the Board before we send you on to the Zoning Board of Appeals..

A. Dulgarian: What exactly are you going to be doing here Mr. Ptak?

T. Ptak: We want to put in a contractor's shop on the property, five thousand square feet.

A. Dulgarian: For one business?

M. Sorge: We sell houses. We have several machines, dump trucks, bulldozers and we want to be able to park the machinery inside.

A. Dulgarian: And, you want to do your own repairs on those vehicles on the site?

M. Sorge: Usually I have a guy that comes to our site and he repairs them on site.

A. Dulgarian: So, it would be similar to what we permitted with 5L's.

M. Sorge: Yes.

A. Dulgarian: I really don't have a problem with the location. We just approved that little building next door there, very similar.

M. Sorge: That was the piece next door.

A. Dulgarian: My concerns on it are going to be and when you come back you have plenty of time to discuss this stuff. The outside storage of construction materials, outside storage of vehicles, fueling of the trucks. All those type of things. Is there going to be any signage out by the road and when you're pulling out of that site on Route 17M there with a dump truck and a dozer on the back, you have to know what the prevailing speed is and you really need to have very good site distance. I'm trying to remember. I know it's pretty flat.

M. Sorge: It is. There is a lot of site distance.

A. Dulgarian: I don't know if there is any clearing there or what but I know they don't move

that quick.

M. Sorge: It will be shown on the plan.

A. Dulgarian: Yes, but that's not the prevailing speed you are showing. It has to be calculated on that, correct Mr. McGoey?

D. McGoey: Yes.

A. Dulgarian: That's basically it. Mr. McGoey covered the stormwater and the wetlands. Did it call for the stormwater? Have we decided that yet?

D. McGoey: I don't know. If it's one acre or more.

A. Dulgarian: He has plenty of time. I have no problem with it per se. Just the outside storage.

H. Ross: Just to touch on what you're waiting for from the Department of Environmental Conservation. You have nothing to work with for the setbacks.

T. Ptak: Yes, but this is an existing piece of property. We didn't create it or subdivide it. There has to be some use provided.

H. Ross: You have to show that you're one hundred feet back from the boundary of the wetlands.

T. Ptak: That is correct.

H. Ross: I know you can ask for (not clear). My question is what are you going to do if you don't get positive feedback from the Department of Environmental Conservation?

T. Ptak: Generally they will allow some use of the property within a buffer area. Generally they would want you to stay as far as practical away from the wetlands but again, there's no guarantee.

R. Carr: Nothing that Mr. Ross and Mr. Dulgarian has already brought up.

W. Capozella: Not clear.

C. Najac: My concerns would be the possibility of outside storage and the possibility of fuel spillage. Also, the hours of the day when you would be moving your equipment on the property. I would also like the hours of operation.

T. Ptak: When we come back to the Board I will have the hours of operation.

G. Lake: Anyway, you heard from the Board about the outside storage is a big issue and you've already said you are not going to have any. You don't come back every night with your equipment, do you?

M. Sorge: No.

G. Lake: When you come back we will touch on the hours of operation. We will send him to the Zoning Board of Appeals for an interpretation.

A. Dulgarian: I think it's an interpretation of the use.

G. Lake: Well, can they go for both at once?

A. Dulgarian: Okay.

G. Lake: An interpretation of or a variance for the use since they need to go there and it involves two meetings before they're done.

**MOTION to send applicant to the ZONING BOARD of APPEALS for an interpretation or a variance for the use with applicant waiving the sixty two day time frame made by A. Dulgarian and seconded by H. Ross.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

3. **AMENDMENT to the ADULT ENTERTAINMENT LAW** - Chapter 249-27 of the ZONING CODE for TOWN of WALLKILL - Continuation of Discussion

G. Lake: This is a carry-over from the last meeting on the adult entertainment law that the Town Board sent over to us and we really didn't get a copy of it until the day before so we asked for a couple of weeks so all of you could look it over and see if they had any more comments. Mr. McGoey, do you want to comment on it? It's a pretty good law, I think.

D. McGoey: Yes. I commented at the last meeting. It's very comprehensive, much more so than what we have now. It also covers pre-existing, non-conforming businesses and brings them back and we have a couple of those. I think they should make sure the signage provisions in here so that we don't get signs that are suggestive. I think it's a good local law.

G. Lake: I will go through the Board.

A. Dulgarian: I tend to agree. It's pretty thorough, pretty restrictive.

H. Ross: I agree.

R. Carr: I have no problem.

W. Capozella: I have one comment and that is with the internet. I don't know if you want to make a comment about that. There's always some way around something no matter how much you put in.

D. McGoey: I think it's a good point. The definition here talks about DVD players. It doesn't say anything about computers.

C. Najac: I think it's a pretty good law.

**MOTION made to forward this back to the TOWN BOARD for their approval with**

**more tightening in the language computer/internet section and the signage section made by H. Ross and seconded by C. Najac.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

4. **RSR** - SITE PLAN/SPECIAL USE PERMIT (Extension to Final) - 65 Ballard Road (41-1-70.21) #50-07

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

C. Jacobowitz: My name is Charles Jacobowitz with Jacobowitz & Gubits. We're here on behalf of RSR. What we're here for tonight is basically to get an extension of the approval you previously granted. As you know we need to get the Department of Environmental Conservation approval. Revere is being processed and we would hope we would have an air quality draft next week and so, we're moving ahead as fast as we are able to do within the constraints of the Department of Environmental Conservation. What we would like to do is to get an extension in view of the fact the approval is needed from the Department of Environmental Conservation and we've applied for it.

G. Lake: I will go through the Board.

A. Dulgarian: Mr. Bacon, is this the first extension?

J. Bacon: The Special Use Permit was granted in October 2007. I think that's still good until

October 2008.

C. Jacobowitz: The Site Plan is what we need extended though.

J. Bacon: That's basically up to the Board.

A. Dulgarian: And, we are within the time frame of approving it?

J. Bacon: Yes.

A. Dulgarian: I have absolutely no problem giving it to them because obviously it's being affected by other agencies.

H. Ross: Is this going to increase the number of truck trips or anything like that?

C. Jacobowitz: I think we covered that when we had the plan approved. It would be a slight increase, maybe four trucks a day more.

R. Carr: I have no problem.

W. Capozella: On the one report I don't know why there are two different (not clear) on the scientific report.

Unidentified Person: This is basically a draft work plan to basically go out and first do our remedial investigation from the off-site area. These numbers are set with the Department of Environmental Conservation and this is a draft. I've been told we've had numerous comments from them and are in the process of responding to those comments. Once we have remedial investigation floor plan approved we will move forward with the remedial investigation. At that point we will come back with results. Then we will go out and do plans for a feasibility study which is how we will address those different levels of contamination within the regulations. That's kind of how the process works. At this point, this is only a draft and will probably be different in the end.

W. Capozella: It doesn't tell me . . .

Unidentified Person: Are you talking about the sediment samples?

W. Capozella: Yes.

G. Lake: Anything else, Mr. Capozella?

W. Capozella: No.

C. Najac: Nothing.

**MOTION for a SIX MONTH EXTENSION on SITE PLAN made by W. Capozella and seconded by R. Carr.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

5. **CRYSTAL RUN CROSSING** - 2 LOT SUBDIVISION - 14 Crystal Run Crossing  
(78-1-70.3) #18-07

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

T. DePuy: My name is Thomas DePuy with DePuy Engineering. I'm representing Crystal Run Crossing LLC.

G. Lake: Okay.

T. DePuy: Basically what they're looking to do is to subdivide lot #3 of the original Crystal Run Crossing project into two lots with one lot being one acre and the other 1.402. The lot #3B would house the existing, what was, the Red Robin and the lot next to it would become

it's own lot. Basically it's a two lot subdivision however as Mr. Dulgarian remembers this was a clustered subdivision so we were granted a lot of . . . We were granted a cluster and it released a lot of setback requirements on the lot because we had held a piece of land across the street from not being built. I think a lot of the questions that have come up about whether this has been grand-fathered in with respect to the original cluster approval. The zone has actually also changed from the original subdivision. We had done just a generic layout just to show that something could fit on and we basically showed a gourmet coffee shop. We only did that for generic purposes. We're not looking for any kind of Site Plan approval.

G. Lake: You're little generic building you have there?

T. DePuy: Yes.

G. Lake: Has that maxed out on the lot?

T. DePuy: We're showing a two thousand square foot building and we also have seventy four (74) parking spaces around it that we would be adding.

G. Lake: My question is how much can that lot hold the way you're looking at it?

T. DePuy: I would say it could probably go up to twenty five hundred square feet. It would most likely be some sort of an eating establishment. All these lots have shared parking in relationship to the site.

D. McGoey: Can I make one comment? I'm not concerned about the sketch plan. You don't leave any room for landscaping. You have a building on there. You have parking. We have buffer requirements between parking lots. We have aisle widths.

T. DePuy: That was before it was a cluster.

D. McGoey: Only if this Board . . . I don't think that particular Site Plan with respect to the size of the building this Board is going to consider. I don't want this to go into the file. I think you need to get a little more realistic on that Site Plan.

T. DePuy: I don't have a problem with that. Basically it matched the same layout we had on the other lot.

G. Lake: Go through the comments. We're going to be scheduling you for a Public Hearing

anyway. I think one of the biggest questions is does it still have that . . .and I guess that's for Mr. Bacon if they still have the status of that with the changing of the code.

J. Bacon: I looked at that and what the Town Board did when they passed that resolution under the clustering they gave the Planning Board essentially the power that normally would be within the jurisdiction of the Zoning Board of Appeals. The Planning Board has more power on this kind of project than they ordinarily would. That resolution is still good.

G. Lake: Okay. Go ahead Mr. DePuy.

T. DePuy: Item #1. The applicant is proposing a two lot subdivision of lot #3 of a filed map of Crystal Run Crossing, which presenting contains the Red Robin Restaurant. A sketch plan has been submitted to show the development of the second parcel to include a gourmet coffee shop. That was previously answered. Item #2. We should discuss whether the applicant is proceeding at this time with Site Plan approval for the gourmet coffee shop or otherwise, if this sketch plan has been submitted for subdivision purposes only. If or only subdivision, the sheet should be renumbered as a separate sheet 1 of 1 and labeled as a sketch plan only. We just did it as a generic. Item #3. The Planning Board Attorney was to advise as to whether the provisions of the previous Town Board approval allowing a commercial clustering still apply. That was discussed. Item #4. The Planning Board Attorney should advise whether the applicant must comply with the lot coverage provisions, or otherwise if this can be waived by the Planning Board in consideration of the Town Board's resolution authorizing clustering. Item #5. We would recommend that the sketch plan be designed in such a way that it meets the landscape requirements with respect to the width of the divider islands between the parking, the side lot buffers, front yard buffers, etc. We can look at that.

D. McGoey: The rest of the subdivision doesn't meet the new ordinance like the rest of the subdivision has landscaping, screening between the parking lots, landscaping between properties.

T. DePuy: We will go out and match up what we have.

G. Lake: That's basically it to try and match up what we have there. There is one that kind of got away from us a little bit and I won't mention which one. I think it is important to match up your neighbors on both sides of you. I don't know how the rest of the Board feels about that but I think we should make sure that happens.

T. DePuy: We will take a look at the generic layout and will go out and measure what islands

are out there. Item #6. We should discuss whether the newly adopted New York State Department of Environmental Conservation stormwater management regulations will apply in light of the fact that the site disturbance could equal or exceed one acre. The overall site is one acre. I really don't think we're exempt from it. We will go back and redo everything. Even if we drop below an acre I don't think we're exempt. It's part of the overall subdivision.

D. McGoey: Give that a little consideration in your sketch plan also.

T. DePuy: Item #7. The Planning Board should discuss with the applicant, mitigation contributions, slip ramp contributions, and widening of Crystal Run Road, as required of previous applications on this property. I'm sure we will do the same criteria. Item #8. Future submissions should include all required iron pins and monuments. The applicant's Land Surveyor should determine whether the Orange County Clerk's office will be satisfied with lots numbered 3A and 3B or otherwise if numbers only will be allowed. I will check with them to see what is allowed. Item #9. The Planning Board should discuss the need for a Public Hearing in light of the number of lots in this originally approved subdivision. Obviously, we will have a Public Hearing. Item #10. The Building Department has requested that the applicant resolve a problem with a light pole or sign pole being located on the property which is creating a dangerous condition. The engineer's letter indicated that the applicant will relocate the pole. We made arrangements to move it and it may have already happened.

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

A. Dulgarian: Although I was not part of this Board when the clustering was done on that commercial development, I did like it at the time. As I get older and hopefully wiser I tend to like this because there's less of blacktop in the day when you're trying to cut down on emissions and so forth. You don't have to drive from site to site. I do think it fits here and I do like it. I have no problem with the subdivision. I do agree that landscaping needs to be addressed regardless of what the old agreement said about clustering and the requirements of clustering. We're having everybody up their landscaping. It's important to us as a Town. Now, this is still the same property owner?

T. DePuy: No. They have been sold. This piece actually belongs to Crystal Run Crossing LLC. That was put back on with Red Robin went bankrupt.

A. Dulgarian: Now, is this parking lot connected to Chili's that can use the right turn out onto

Crystal Run Road?

T. DePuy: Yes.

A. Dulgarian: Then when you come back you're going to fix the right out only. The signage is gone. People are making right turns in from Crystal Run Road

T. DePuy: We replaced that and it got knocked down again.

A. Dulgarian: I guess it has to be re-designed then. If I'm going to vote yes on any proposal on this parcel it's going to hinge on that being corrected because it's ridiculous. I had a guy cut across two lanes to make a left.

T. DePuy: I know. We have had it knocked down twice. We will have to come up with some other design.

A. Dulgarian: I strongly agree with item #7. That's it.

H. Ross: I'm a little concerned that you make sure the landscaping better. The off ramp to Route 17 is right there so it's very visible from that corner. You may have to shrink the square footage of the building. I understand that this is only a generic sketch.

R. Carr: I really have no problems with it. I agree with Mr. McGoey about doing something about landscaping. I didn't vote for the other one because of the turn out to Crystal Run Road. If that can be re-designed somehow but I have no problem with the subdivision.

W. Capozella: My only concern is about the landscaping and the other comments already made.

C. Najac: I'm okay with the subdivision but I do agree that the landscaping needs to be beefed up a little bit so that it's something nice to look at. The other concern is the dimming of the lights.

G. Lake: Anything else, Mr. Najac?

C. Najac: No.

G. Lake: You've heard from the Board. I really don't have anything. I was on the Board

when we did this. I don't have a problem with the subdivision. I realize that's what we're doing right now is just the subdivision. You have a lot of comments to work on when and if you come back. I think it has developed and in my experience there for a while the parking was tough but lately as the whole thing has developed, the parking has seemed to have gotten a little bit better.

**MOTION to schedule a PUBLIC HEARING for June 4, 2008 made by A. Dulgarian and seconded by R. Carr.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

6. **EISELE** - 3 LOT SUBDIVISION - Foster Road (29-1-16.2) #19-08

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

S. Plass: My name is Susan Plass, surveyor.

G. Lake: Go ahead.

S. Plass: We have a three lot subdivision on approximately three acres and it would be two vacant lots and one existing lot. The existing dwelling also has a guest house on the same parcel. Right now the daughter will be going in the guest house and they are going to build on lot #2 and lot #1 would be intended for the summer. The cottage house, once the daughter moves out will be used as a guest house for visitors. I got Mr. McGoey's comments. The configuration of the lots. Basically, the daughter again, wants to build in the rear parcel. The

existing dwelling sits on about one third of the way through. We do have enough road frontage but everybody would have the minimum two hundred feet. There is an existing wood road that we're going to access the rear lot with. So, the lot configuration is holding some of the physical features that are existing in the field. Again, item #4 is about the guest cottage. We do have enough acreage but it would not be possible to subdivide that lot to meet the requirements that we have today. The speed limit I believe is about thirty five and our site distances are fine. Item #7 is a note about the trees and the stone walls for preservation. Iron pins and monuments are actually shown on the map. We have concrete monuments along the right-of-ways, etc. The property line is a minimum of twenty five feet. Some areas its greater than twenty five feet.

D. McGoey: I don't think it's parallel to the road but we have a minimum of twenty five feet.

S. Plass: Yes. I checked it this afternoon.

G. Lake: The configuration of the lots, so basically this is kind of like a family type thing that they want to try and do?

S. Plass: Right. Two children, the mother owns everything. The mother lives in the house. They wanted to subdivide it equally. I told them they really can't get equal acreage. I suggested holding the physical features to have at least some kind of boundary out in the field.

G. Lake: Basically this parcel is totally surrounded by the Palisades?

S. Plass: Yes it is except the land of (not clear) is actually grand-fathered in.

G. Lake: The wood road you're going to use?

S. Plass: It's pretty overgrown. I don't know. I couldn't find anything in the deed what it ever was. It definitely needs to be brought up but it was a road. There are no large trees in there.

G. Lake: I will go through the Board.

A. Dulgarian: I don't know. I think although the lot configuration are very unusual I think

they are kind of harmless out where they are and I know we're not designers. I guess I don't have any problems.

H. Ross: I can go either way on this.

R. Carr: The lots are unusual so I think it does go with the character of the neighborhood.

W. Capozella: I really don't have anything.

C. Najac: The only question I had was about the cottage.

S. Plass: That is a nice house. I skipped item #3. We left the driveway and it is at around eleven percent right now on lot #1. We could try and it down to ten percent. It would involve more disturbance, cutting of more trees. I know in the past this Board has allowed up to twelve percent so I'm leaving it as is for now.

D. McGoey: I would suggest you get comments from the Fire Department.

G. Lake: The Fire Department, is it Silver Lake?

S. Plass: I'm not sure.

G. Lake: It's very close to the water tower.

S. Plass: The water tower is to the south.

G. Lake: We will have to check and see who that belongs to. Mr. Najac, anything else?

C. Najac: No.

G. Lake: I think this is not bad for out there. As far as the driveway goes, I know twelve percent can be a little steep especially if the fire service comes, how much would you have to do to knock down a little?

S. Plass: From what I remember the driveway had to loop around and come back over. I don't know yet.

G. Lake: I'm going to say and my only thing is if the Fire Department comes back with a

comment from Circleville for example. There's been a couple of times where they've asked when roads get this long to make them a little bit wider than a normal residential driveway just simply as far as getting in there. I think it's something we need to talk about. If everyone is happy, we will call it sketch. Mr. McGoey do you need to have it back for another work session?

D. McGoey: Yes.

**MOTION to schedule a PUBLIC HEARING for June 4, 2008 made by A. Dulgarian and seconded by R. Carr.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

7. **SAWKA** - 5 LOT SUBDIVISION - Hubbard Road (6-1-24.23) #19-08

**Cancelled.**

8. **GRANDFATHER'S III** - 10 LOT SUBDIVISION - Van Burenville Road (22-2-35.228 & 222) #14-08

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

D. Higgins: My name is David Higgins with Lanc & Tully Engineers. Would you like me to

run through a brief presentation on the project?

G. Lake: Right. This is here for sketch. Right now, we do have comments from the Landscape Architect. We will give you a copy. I don't know if you got it. Go ahead.

D. Higgins: What we're representing is a proposal for a ten (10) lot residential subdivision. The property is located on the intersection of Van Burenville Road and De Block Drive. The property consists of thirty five (35) acres of land. There are Federal wetlands in this portion of the property. It appears that some arrowheads had been found some time ago. There is bedrock in the central portion of the site. Basically what we've done and this is in the R-2 district. We provided actually two different layouts of the project. We started out with a yield plan showing a proposed road with a lollipop configuration and ten lots around that road with eight lots around the road and two lots shown (not clear). As far as I know they meet all of the zoning requirements of the Town. They're outside the area of the wetlands. We've also kept the houses and septic systems basically outside the steep slopes on the north side. We also at the same time prepared a conservation subdivision map, essentially with the same sort of general layout. Again, it's a lollipop configuration and turned it a little bit with the same number of lots, ten around the proposed road and in the center which is all the bedrock area and what we basically want to do in there is to bring in some topsoil and establish some vegetation there. Also have a stormwater basin in the middle. I guess I can also mention we did take some site distance measurements for the proposed road. One of the issues that Mr. McGoey has in his letter is about the site distance from the road. The critical dimensions looking right is three hundred seventy five feet. We had gone out after and took more accurate measurements and we have just over four hundred feet which is still less than the four hundred seventy five feet that's needed for the forty mile per hour speed limit. We're in the process of obtaining the prevailing speed.

D. McGoey: In regard to the site distance I have some problems to the left with that huge tree which I would hate to see removed but it causes serious site distance problems. And, the guide rail to the right in addition and also the mailbox right by the road.

D. Higgins: We had it noted on the plan that there is a tree located within the right-of-way and when you're coming out of De Block Road looking left that tree basically the site distance is four hundred feet. Actually the site distance is less than what we have and if we cut that tree down it would improve the site distance tremendously.

G. Lake: Let me ask you something. That was a shale bank at one time. Is that going to be

able to accept the septic systems or are you going to have above ground septic systems?

D. Higgins: That's a very good question. This is a map that shows the soils testing that we did conduct on the site. Basically in this area around here you can see the triangles for the deep test pits. We did tests through here and throughout the site. Basically everywhere we did those outside of the area where the shale is we found at least four feet of soil on the deep tests. The idea here and I think one of the reasons why maybe the conservation subdivision might work out well with the areas with the bedrock where we have that lollipop road. We can put in a detention facility and basically make that into the rock and that way we can ensure that the flow of water would go into the detention facility and not into the pond. The septic systems would all be in areas that have at least four feet of soil.

G. Lake: You have done a couple of tests?

D. Higgins: Yes. The results are on the sheet. We show the deep tests and the percolation tests.

G. Lake: Basically if you're going with the conservation you're going with the one with all the houses outside that for the septic systems?

D. Higgins: Yes. One of the things that I know we talked about in the work session was that the areas that we're proposing the conservation is basically back here in the wetlands. You can do the same thing and accomplish the same thing with a yield count. I think the benefit of the conservation plan is that there is a little bit less road. The yield plan is twenty four hundred feet of road and the conservation is nineteen hundred feet of road. The road would be slightly higher with "8.7" percent for the maximum road grade on this layout and it was seven percent on the other. You have five hundred feet less road on this plan. Again, on this plan we're preserving this area and you're basically keeping this in a landscape park setting.

G. Lake: I don't know how anybody else feels. Have you talked to the Highway Superintendent because I'm assuming you will want this to be dedicated?

D. Higgins: I did have a meeting with Mr. Lippert several months ago but at the time the concentration of the discussion was with the site distance. I don't know if he provided any input to the Planning Board on his opinions on the road.

G. Lake: My only comment if you continue on would be to go over and meet with him about

the road and the location of the driveways. Let me go through the Board.

A. Dulgarian: We saw this before, right?

D. Higgins: I think you may have.

A. Dulgarian: What was it at that point?

D. McGoey: They lost their status.

A. Dulgarian: How many lots was it then?

D. McGoey: I'm not sure.

A. Dulgarian: I don't see much difference between the traditional and the conservation. Even in the conservation plan so much of that property is unbuild-able. I don't know what we're gaining from it other than the houses a little closer together and a little bit less blacktop. Now, you own the right-of-way or the existing road out to Van Burenville Road?

D. Higgins: Yes. Actually they own three parcels right now. The three parcels are essentially the bulk of the property here. They have a thin strip along this area here and also on this piece. He owns that.

A. Dulgarian: And then all those homeowners have a right-of-way?

D. Higgins: They have an easement with rights over it.

A. Dulgarian: Mr. Lake, I don't have a whole lot of problems with the conservation but again I hate that the stormwater retention again is going to be the center of the landscaping development. That disturbs me.

G. Lake: I think though Mr. Dulgarian, my only thought about that is I think there is some good imagination that can be put into that. This is a case where we're going to have to get Behan on it.

A. Dulgarian: I'm sure.

G. Lake: Let's make sure its done right and that the proper planning is done. I think it could

be attractive.

A. Dulgarian: You're right, it could be.

H. Ross: I'm not really clear on what we're gaining by having a conservation subdivision. They still have ten houses. I would prefer to see land preserved that could be used as opposed to the steep slopes. I would like to see what ever conservation areas set aside to belong to a few parcels with the potential of ten. I thought we were looking at eight, to tell you the truth. It definitely has to be seen by Behan. I think it may be a little too ambitious.

R. Carr. What is the definition of a cul-de-sac?

J. Bacon: Behan is the one who wrote the subdivision and we got her comments today. She said that the cul-de-sac should be measured from the longest part of the loop so you don't get automatic credit for having a loop that (not clear).

D. Higgins: From here?

J. Bacon: At the furthest end of your loop from the entrance on the public highway. The determination of your lot count should be an approve-able development. I think if you wanted to go ahead with this in a conventional subdivision you would need to go before the Zoning Board of Appeals.

D. Higgins: Just so I understand.

G. Lake: With the conservation subdivision the Planning Board has a little leeway to extend that length.

D. McGoey: You can waive it up to twenty five hundred feet but what I'm saying they have to do a conventional layout and they haven't done it.

D. Higgins: You're saying on this plan the cul-de-sac is measured from here to . . .

D. McGoey: All the way to lot #5. No, all the way back and that's much more than one thousand feet.

J. Bacon: The map that we have the scale is . . .

D. Higgins: I think the scale may be wrong.

D. McGoey: The conventional layout is one thousand foot maximum.

G. Lake: That's a change that has come from the zoning.

D. McGoey: I think we should probably have another work session.

G. Lake: Let's finish. Mr. Carr did I get to you?

R. Carr: No. I think there are too many houses in there to begin with and I do prefer the conservation layout but it has too many houses.

W. Capozella: I like the layout . . .

C. Najac: Everyone else has made the comments.

G. Lake: Anything else? I agree. I like the second one. The advantage I do see even though it may not be a true conservation that everybody is looking at we do disturb less and we have a little better change to maybe get a neighborhood feeling. I think that's one big advantage of the conservation subdivision. Get back to another work session. We will make sure we call and do a little more research with Behan and try to get a little bit better handle on her comment.

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

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

TOWN OF WALLKILL PLANNING BOARD  
2008

MAY 7,

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**