

TOWN OF WALLKILL PLANNING BOARD

MEETING

MAY 20, 2009

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

MEMBERS ABSENT: C. Najac

OTHERS PRESENT: J. Bacon, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - **POUND RIDGE** - 10 LOT SUBDIVISION - Route 211 West (49-1-85.1) #118-04

G. Lake: Public Hearing started at 7:41 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 on the 20th day of May, 2009 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Pound Ridge Meadows for approval of a ten lot conservation subdivision located on the south side of Route 211 West, 2,000 feet west of Ingrassia Road under Article III, Section 4, Paragraph G of the Town of Wallkill Subdivision Regulations of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

G. Lake: Do we have the mailings?

M. Hunt: Yes.

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

J. Atzl: My name is John Atzl with the firm Atzl & Scatazza here representing the applicant.

G. Lake: Give us a brief description and a little history of the project and what go you back here.

J. Atzl: Sure. This project received Preliminary approval for a twelve lot conservation subdivision back in the summer of 2007. At that time the Preliminary Approval had lapsed. We had been out there trying to get good percolation and we found them in proper soils. We

are now proposing ten single family homes and as you noticed on the plan we trying to preserve as much of the wood line. Right now it's a meadow surrounded by woods around the perimeter of the property and we're preserving ninety nine percent of the woodlands (not clear).

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

A. Dulgarian: After.

H. Ross: After.

R. Carr: I will wait.

W. Capozella: After.

T. Hamilton: After.

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

R. Scott: Good evening. My name is Robin Scott. My house is on Section 49-1-86. Anyway I've been in this home for twenty three years. I am surrounded on all three sides by wetlands. My concerns are my well, the drainage and the impact on the traffic. My well has never gone dry in the twenty three years I've lived there. I want to know how you can assure me that this will not impact me severely.

G. Lake: Okay.

R. Scott: The second thing I would like to address is the drainage. On the left side you have a running creek between myself and Club 211 that every year floods and erodes the road and the State has to repair it on both sides of the road. I want to make sure that we don't impact that also. On the Middletown side or the eastern side of my lot is also another registered creek that I've never really seen run but it is there and there's a culvert that runs from my side of the property over underneath the road there that's between the kennel and the existing dwelling. I want to know how that because I'm surrounded by the wetlands. I understand that they're not going to touch it but it doesn't mean that the drainage won't come that way. Thirdly, the traffic impact. Personally I don't appreciate the lane where it is and the fact that

it's a forty five mile speed area. On that lane is a bus stop. That curve is extremely dangerous. I had a young man just about hit a bus. I had a young lady who went off the road

and hit one of the trees in my yard. In 2004 we had a woman killed right across the street. I've had two separate incidents where cars have been hit in my driveway. There's a bus stop, like I said on Lewis Lane about a tenth of a mile from the entrance to this project. I want to know how you and the State are going to assure us that there's not going to be a severe impact with that as well. I watch people pull out of Lewis Lane and I've seen near misses. I've seen fender benders. I've seen busses almost hit. I've seen cars flip over and they have ended up in my yard. So, I want to know how you're going to guarantee us that this project will not impact us like that.

G. Lake: Thank you.

K. Brooks: My name is Kevin Brooks. I'm not sure where that access is.

J. Atzl: Actually this is the clearing and in here is where Middletown accesses their water line running through the property. Our proposed Town road will be coming right here. The only construction near Mrs. Scott's property would be for the access roadway. We're not going to touch any of the woods in this area here and the drainage we will abide by the New York State Department of Environmental Conservation requirements as far as drainage, runoff and water quality. This stream over in here which is actually a wetland drainage ditch we're not going to touch. Regarding other issues which pertain to Route 211 those are the New York State Department of Transportation issues and policing issues regarding speed. We have gone out there and done a distance survey and we meet the required site distances. I believe since Lewis Drive is on the opposite side they're site distance is much less than ours. We're on this side of the road and we can see up the road and down the road. From the edge of our conservation line on lots five through nine to the property line is in excess of three hundred feet.

K. Brooks: Thank you.

G. Lake: Just talk about your runoff a little bit . We will have that checked by our engineer that it will not run off this property. Maybe you want to touch on that as to how you will handle that.

J. Atzl: As proposed we're proposing swales (not clear). We're going to be draining actually to the east side of the property. There is a stream over there that will pick up any runoff coming off the site.

G. Lake: Have you done any test wells yet for the County?

J. Atzl: Test wells regarding water, no. Not yet. When we get our Preliminary approval and

figure out the septic systems then we will do it.

G. Lake: How many will he have to do Mr. McGoey?

D. McGoey: It depends on the number of lots and I'm not sure but probably one.

G. Lake: What happens with the wells it ends up being sent to the County and they will have them drill either one or two wells and do a percolation test on them to get the yield.

MOTION to close this PUBLIC HEARING at 7:49 P.M. made by H. Ross and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

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

J. Atzl: Yes.

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

J. Atzl: We have no problem with any of them. In regard to the City of Middletown we did send the City of Middletown Water Department back in August of 2007 and we never got any response.

G. Lake: Okay. Between now and the Health Department and the time you come back you will follow up?

J. Atzl: We will send the whole package again.

G. Lake: Behan's comments.

J. Atzl: In regard to Behan's comments that we addressed at the previous time that we were here for Preliminary approval their office recommended preserving the stone walls which we are actually in front of the houses on each side.

G. Lake: Okay. Between now and by the time you come back re-touch base with them . I believe that's not going to change.

J. Atzl: That's not a problem.

G. Lake: We already talked about the water shed. You will follow that up?

J. Atzl: Yes.

D. McGoey: The conservation easement Mr. Bacon will have to research it in regard to the Orange County Department of Planning letter.

J. Bacon: Did you receive that letter?

J. Atzl: I really didn't understand it.

J. Bacon: I would say their looking for some kind of alternative to having ten different conservation easements In another case we had it came down to one owner owning all of the conservation easement area.

J. Atzl: I don't see how one owner would have it. We can work with the County on that.

G. Lake: Look at it and just . . . I'm not saying what we did before is bad because it's an issue of who is going to control what but maybe just put some thought to it and I know the Town doesn't want it. If nothing else just make sure that the wording is correct to protect it.

J. Atzl: Yes.

G. Lake: Let me go through the Board.

A. Dulgarian: Well, I think we're looking at a project that has fewer lots and greater setbacks than what we previously approved. I think that given the intent of the project and I like it.

As far as the ownership of the easements it's something that always comes up and does need to be addressed and I would like to hear what Mr. Bacon has to say about that. As far as the public's concerns pretty much everything they brought up is checked by either our engineers and other agencies with the exception of the traffic and what we require there is to make sure the site distance is right. We're looking at ten houses on a thirty four acre parcel. I don't think that the intensity is too great. We have no control over how fast somebody goes or how they drive their car. We just have to make sure that the site distance is correct and it's not too intensive of a use and I think we've done that. I really have no problem.

H. Ross: I concur with Mr. Dulgarian

R. Carr: I concur with Mr. Dulgarian that the project had been approved. I do think that they should make sure they make another effort with the City of Middletown to make sure they are informed so they can't come back and say they didn't know anything. It's less intensive than what was previously approved. As far as the issue with the ownership of the conservation easements (not clear). I think there should be a way of finding out how to word it so people don't build there but it isn't their property.

W. Capozella: This project is back off from the road as much as possible and their will be less runoff. I know one of the concerns was about runoff and we work with the applicant to have as little as possible disturbance. The project has one driveway in and out. Obviously traffic always tends to be an issue. We do take these things into consideration and that's how we came to get to this process now and the layout that it is.

T. Hamilton: When that approval was given we need to make sure they comply with everything.

G. Lake: Okay. You have heard from the Board. Make sure you get back to Behan. As far as Route 211 goes, that is a State road and you would have to receive a curb cut from them and as far as the speed on that road goes it is a State item and is out of our hands. We're not blowing you off as far as the speed limit goes but the Town and the Planning Board has absolutely very little control when it comes to that.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for PRELIMINARY APPROVAL subject to all of Mr. McGoey's comments, Highway comments, and this Board's comments made by T. Hamilton and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

2. PUBLIC HEARING 7:35 P.M. - **MIDDLETOWN FEDERAL CREDIT UNION** -
SITE PLAN/SPECIAL USE PERMIT - 15 Carpenter Avenue (74-10-5, 6, 7 & 8)
#63-08

G. Lake: Public Hearing started at 8:07 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 on the 20th day of May, 2009 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of MPO Credit Union for approval of a Special Use Permit and Site Plan under Section 249-38 of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

G. Lake: Do we have the mailings?

M. Hunt: Yes.

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

K. Duggan: My name is Kevin Duggan representing the applicant.

G. Lake: Go ahead.

K. Duggan: Our project tonight is the MPO Credit Union is looking to put an addition on their purchase of the property on the corner of Carpenter Avenue and East Main Street. As part of the project we will remove the old Hansen Restaurant Supply building and construct an addition on the yellow house that's on the property to house the bank facilities. With that would be parking facilities and a drive-thru on the west side of the houses and the addition. The entrance would be placed on Carpenter Avenue and an exit only. That would be an entrance/exit off of Carpenter Avenue and an exit only off of East Main Street.

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

A. Dulgarian: I will wait.

H. Ross: After.

R. Carr: I will wait.

W. Capozella: After.

T. Hamilton: After.

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

MOTION to close this PUBLIC HEARING at 8:09 P.M. made by W. Capozella and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

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

K. Duggan: Yes.

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

K. Duggan: Over the past since the last month we had met with Mr. McGoey twice, the latest this past Monday. Basically we've been back and forth with Mr. McGoey and his office. The stormwater, we presented a rain garden. On Monday Mr. McGoey advised us that there are some more stormwater issues down Wisner Avenue basically where the track is and he requested that we put a pond on that. We will be going back to installing a pond, just so you

know we've been back and forth on that as late as Monday. I know your plans show a rain garden.

G. Lake: Where is that going to be?

K. Duggan: It's actually on this plan here.

D. McGoey: It was on the previous plan.

K. Duggan: The pond is going to be here. It will be where it was shown previously. We actually had a rain garden but at the latest work session it was requested to go back to the pond. It has to be worked out for size to make sure we meet the twenty-five year storm.

D. McGoey: Historically it has always been an issue down at the Orange County Speedway and this all drains down that way so I wanted to avoid any conflict.

K. Duggan: While we had a letter from the County saying they didn't have any drainage issues but Mr. McGoey researched it and found an issue. We're trying to comply and bring something back with the pond.

D. McGoey: The other two issues are landscaping,

K. Duggan: From the other night Mr. McGoey, we didn't have a chance.

D. McGoey: That's alright.

K. Duggan: We've done quite a bit more landscaping.

D. McGoey: I don't think we need to go over them in detail.

G. Lake: How about your pond since you're putting that back are you going to landscape that up a little bit?

K. Duggan: This was just the initial view but the landscaping, we will have landscaping around it, yes. I will have to meet with Mr. McGoey one more time. This was just to show where things are.

D. McGoey: The other significant issue is the number of lights.

K. Duggan: The issue with lights is if you go to (not clear) the Lighting Society requires that it should be a minimum of a one six foot candle for security and safety. As you look at this plan the most outer ring of everyone of these lights in the parking lot is a half a foot candle which means when two of those lights come together that's were you have one foot candle of light. As you can see we're really not even in compliance completely with that. I personally have a real problem with not meeting the engineering for the lighting for the security and safety. We had a letter that was reviewed by the Planning Board for Orange County that they felt the lighting was very good. We did try to help underneath the drive-thru we reduced it from one hundred fifty down to one hundred watts of light so there was a reduction for that but out in this area we looked at it and I feel that I would be negligent as an engineer and

liable if I don't meet the standards. I'm not comfortable with going any lower.

G. Lake: Is that the standard specifically for banks?

K. Duggan: No. That's the standard for all parking lots actually. We used show style boxed lights down. They don't shine out, even the light that's underneath. One of Mr. McGoey's questions was on the light underneath the canopy for the drive-thru. It's a straight down flat lens style and a surface mount so the light itself sticks out but the lens is flat and only comes out and there are no side components to the lighting. The only thing I can say is the type of light that we use if you want to look and if anybody drives along Highland Avenue at night where the YMCA is, the new parking lot has the type of lights that we show. The older lights that are there were you see the lens are much different but if you go look at the new parking lot. All the neighbors said they were going to have problems with it and everyone of them were very happy and came back to us and said thank you. The lighting doesn't shine out and, as you can see they're half a foot candle and we're nowhere near the property lines or anything else.

G. Lake: I think we have to worry about safety in the parking lots so I can understand that. I don't think there are really any houses around there.

K. Duggan: The houses are on this side. They will have trees and shrubs to block that even more.

G. Lake: Straight underneath the light what are we looking at, in that small circle underneath?

K. Duggan: That's a three foot candle.

R. Carr: I think the only place we need to talk about is the drive-thru. You mention five foot candles.

K. Duggan: On the lights underneath, yes. Where they are transacting money I do have the higher lights over there.

R. Carr: Will those be on all night?

K. Duggan: No. Those will go out when the back closes.

T. Hamilton: Is there an ATM?

K. Duggan: There will be an inside ATM and not an exterior one.

G. Lake: Where will it be?

K. Duggan: It will be going, they haven't come to a final decision but right now they're talking the rear door. They're still discussing it with the architect.

G. Lake: Will that be twenty four hours?

Unidentified Person: They will need a card to get in.

G. Lake: Okay.

T. Hamilton: I notice with some of the existing banks the ATM's are twenty four hours. All of a sudden now, I don't know if the bank made them change it they have these very bright illuminating lights for these ATM people. If you come up Route 211 they shine all the way out to the highway to brighten up that front parking lot.

K. Duggan: There is a standard. I don't have it with me and I apologize. I believe within ten to fifteen feet of the doors to the ATM there should be a minimum of ten foot candles but don't quote me on the exact number. I can get you that. I don't have that standard with me. Twenty feet out from that it should be down to five foot candles.

T. Hamilton: Are they the same type of down lights?

K. Duggan: Yes. We would make it a downward component so the lighting doesn't shine out.

G. Lake: Let me go through the Board.

A. Dulgarian: I like the project. I think it's going to be really good for that corner there as well. My concerns just reflect what Mr. McGoey has talked about regarding the drainage and the landscaping. I am comfortable approving it subject to Mr. McGoey reviewing those things. Mr. McGoey is one hundred percent correct with the Hulse Avenue and even the Citco and Lazier properties the water just goes all the way down and does flood occasionally. The retention pond if that's what it takes to make the project comply to not pass it's stormwater off onto the next property and as Mr. Lake said it should also be done with some landscaping but I think it's a great project.

H. Ross: I concur with what Mr. Dulgarian has just said. I liked the idea of the rain garden but I understand the need for the pond.

R. Carr: I agree with everything subject to Mr. McGoey's review.

W. Capozella: I'm okay with it.

T. Hamilton: Just one item, where you're showing that pond now, that is also where you showed the snow storage. Where will that go now?

K. Duggan: There won't be planting right here so snow can be pushed that way. Around here we have snow storage. The way we designed our plan approximately five to ten feet off the parking lot we can push snow up without destroying bushes and things of that nature. If you look at the landscaping plan it shows most of the trees and things back approximately ten feet from the parking lot so they won't get damaged. That was our attempt for the landscaping..

T. Hamilton: So that pond is almost up to the parking lot.

K. Duggan: We will adjust it to meet the requirements.

T. Hamilton: 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 W. Capozella and seconded by T. Hamilton.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

3. PUBLIC HEARING 8:24 P.M. - HASBROUCK - 2 LOT SUBDIVISION - Silver Lake Scotchtown Road (24-1-23.23) #09-09

G. Lake: Public Hearing started at 8:24 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 on the 20th day of May, 2009 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Gordon V. Hasbrouck and Robert H. Freehill, P.O. Box One, 12 Dudley Lane, Howells, New York 10932 for approval of a two lot residential subdivision, located on the north side of Silver Lake Scotchtown Road, 350 west of Blumel Road , under Article III, Section 4, Paragraph G of the Subdivision Regulations of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

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

D. Yanosh: My name is Dan Yanosh representing the applicant.

G. Lake: Go ahead. Is there a lot consolidation we're supposed to do on this? We didn't do it yet, right?

D. Yanosh: I wasn't here last month

G. Lake: Do we have his mailings?

M. Hunt: Yes.

G. Lake: Give us a brief description of what you want to do.

D. Yanosh: The proposal is for a two lot residential subdivision on a 127.4 acre parcel of land on the north side of Silver Lake Scotchtown Road for a single family house, individual well and sewer.

G. Lake: Is there anyone from the Public who wishes to comment on this application? Wait a minute. Let me go through the Board first.

A. Dulgarian: I will speak after.

H. Ross: I will wait.

R. Carr: After.

W. Capozella: After.

T. Hamilton: After.

E. Telefus: I'm concerned about the traffic on Silver Lake Scotchtown Road. I live on Blumel Road and there are two houses on Silver Lake Scotchtown Road. The pasture land behind me when it rains all that water runs down Silver Lake Scotchtown Road and I'm worried about it.

G. Lake: I'm just trying to figure out exactly where you live.

E. Telefus: I'm two houses from Scotchtown Presbyterian Church.

G. Lake: On Blumel Road?

E. Telefus: Yes.

G. Lake: Going towards Route 17K or going towards Route 211?

E. Telefus: It's the red house by the church.. It gets very wet back there and the water runs down from there down to the road so I'm worried about and how will he remedy it.

G. Lake: We will have him answer that for you.

J. Ool: On the Public Hearing you have a two lot subdivision and the map shows only one dwelling.

T. Hamilton: They're leaving one lot.

G. Lake: Mr. Yanosh, why don't you show her and take a minute to explain it.

D. Yanosh: Lot #1 is the new proposed lot. Lot #2 is the remaining. Really it's one lot and now we're creating two lots.

J. Ool: It looks like you're subdividing a third lot.

D. Yanosh: What I did was to enlarge the lot so you could see what was out there. It's going

to be two lots, 1.74 acres will have the house on it and the remaining will be vacant.

J. Ool: Couldn't hear.

G. Lake: You're going to have to speak into the microphone.

J. Ool: Can you show me the wetland area?

G. Lake: Put all your questions in and then I will have him answer everything.

J. Ool: I'm just concerned where the wetland is and if there is any buffer because we all have wells and the Scotchtown Presbyterian also has a well so if there are going to be additional wells being drilled will our wells be protected?

G. Lake: The church is on a well?

J. Ool: Yes.

G. Lake: There is a hydrant out front.

J. Ool: We have asked several times if we could be connected and it would be too costly.

M. Fox: I'm concerned about the closeness to the corner of Blumel Road and this new lot. Years ago it was before the Planning Board as a subdivision and they said it had to be I think three hundred and fifty feet off of the corner in order to have safe turning in and turning out. This was about ten years ago. The traffic on that road is unbelievable and the shoulder between the road and the land is almost nonexistent. If a school bus has to stop for a child there's not a lot of space for a car coming around that corner and I'm concerned about that.

G. Lake: Thank you.

J. Knosp: I'm concerned about the location and that's the reason I came. I believe it is the same property that was approved three years ago for a single lot at one time. Is this going to turn into three homes?

G. Lake: The only thing they're going to get tonight is for one house. That's what he is here for. He's showing us that it can support a house. If they want to do anything more they would have to come back.

T. Hamilton: They would also have to meet the zoning to determine how many lots they can have.

J. Knosp: The last time that it happened they wanted another lot there was never a letter sent about it going from one house to two.

A. Dulgarian: Where was that?

J. Knosp: It was the same property.

D. McGoey: A little verification. This Board approved a subdivision very similar to this and that lot was to have been merged with the adjoining property which I believe was the Fox parcel. That never happened although it got approved. They're back tonight seeking the same subdivision .

A. Dulgarian: Where is the Fox lot?

D. McGoey: Right next door, lot #23.

A. Dulgarian: Okay.

M. Fox: That is my lot.

G. Lake: Mr. Yanosh?

D. Yanosh: I think to answer your question there were two lots cut off back in 2005 to the west of Mrs. Fox's property and again Mr. McGoey is correct about the lot line change. It went through a year ago. That deal never went through and now we're back taking that lot away. The 1.74 acres is bigger than what the zoning requires. The zoning allows 1.5 acre lots so we can't cut that lot anymore than what it is right now. It's going to have to stay as one single family house. The traffic, on the site distance back to the west, the site distance to the east to the intersection again, we have no control over the speed on the road or how people go. The site distance is okay according to the rules and regulations. I know Mrs. Fox's driveway is right next to the two hundred twenty feet of ours and I think they are still in a safe spot. I didn't get any comments from the Highway Department so I think I'm okay that way. With wells and water, we're putting one more lot on. I don't know if anybody experienced any problems with the other two homes went in before but we feel that one more lot is not going to affect anybody's well to that degree. Just one more well should not affect anybody at all. We did have the Federal wetlands flagged out there and are noted on the

map. It's not close to any residence. The drainage, again there is a swale that goes through with a pond in the back. I think it is dry out there now. We're not proposing to disturb much of the property at all. The disturbance will be minimal.

G. Lake: Come on up to the microphone.

M. Fox: On one side of my property on the far end of my property where my driveway is. On the other end it's about twenty feet from my end of the driveway.

D. Yanosh: She's correct.

M. Fox: There's a very good distance between my driveway and the corner. There's three hundred fifty feet from the corner to the proposed driveway. If you go back a few more years when the property across the street it was determined that there would be no traffic coming into Silver Lake Scotchtown Road because of the transportation problem. Everything for the development across the street from where this house would be centers around the circle that exits through Blumel Road down the hill because it was said at a meeting that they didn't want anymore traffic going onto Silver Lake Scotchtown Road and that's exactly what is happening now.

T. Hamilton: I think that development with the circle I believe it was talked about not sending all of those homes onto Silver Lake Scotchtown Road. It's not the same scenario as all of those other houses.

MOTION to close the PUBLIC HEARING at 8:38 P.M. made by H. Ross and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

G. Lake: Mr. Yanosh, no additional runoff from the property of water? You will maintain it all on your property?

D. Yanosh: I could probably put a dry well on the property to take care of that.

G. Lake: This is outside of the water district? Is that a water main running through there?

D. Yanosh: It's a sewer line.

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

D. Yanosh: Yes.

G. Lake: Are you okay with that?

D. Yanosh: Yes.

G. Lake: I will go through the Board.

A. Dulgarian: No, not much. It's bigger than minimal. I understand the resident's concern but I do agree with Mr. Hamilton it's three hundred fifty feet away from the intersection although it's not perfectly ideal it is minimal impact. I have no issues.

H. Ross: Maybe an additional stop light.

R. Carr: I have to agree. One house won't increase the traffic. On the other hand if he should come back for further, we should be looking at an overall map to see what may happen.

D. Yanosh: We did discuss that.

W. Capozella: I think there was mention of wetland buffers.

D. Yanosh: There are no wetland buffers. It's Federal wetlands.

T. Hamilton: Nothing further.

G. Lake: Mr. Yanosh, the next time you should come back on this property you really should have an overall map because it could get to the point of a major impact and we really should have some idea.

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

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

4. **CROTTY ROAD LLC.** (Architectural Enhancements) - Light Manufacturing Warehouse Use - 135 Crotty Road (60-1-120) #21-09

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

P. Savad: My name is Paul Savad representing Crotty Road L.L.C.

G. Lake: Go ahead.

P. Savad: I really need a little guidance and a little help here. First I would like to hand out this to the Board. These are photographs of the existing building, existing drainage, the existing parking lot. This building was constructed in 1970 and received a Certificate of Occupancy in 1974 according to the Town records for a manufacturing warehouse. It's quite large and is over two hundred five thousand square feet with some small buildings in the rear completely existing. Right behind it is "Tilcon" and they have an industrial operation. The building is all sealed up (not clear).

G. Lake: Are they on the same site?

P. Savad: No. They're across.

D. McGoey: I think he's talking about Tetz.

P. Savad: No. I was told by the owner it was "Tilcon". Okay, I stand corrected. So, it's two hundred five thousand square feet on thirty seven acres. The County sends a letter from Orange County Planning that I need a brand new Site Plan. My understanding when I first met with Mr. McGoey was that we were going to update this and maybe add some handicap parking. The building has the following tenants: Red Cross is there, they have three thousand six hundred forty four square feet. You also have Homeland Security which is SAIC. My understanding is they have fifty thousand square feet of warehouse space and they do warehousing and sampling and may send things out. Now, I'm told that I have to go before the Zoning Board of Appeals and I'd like to get some guidance on that.

G. Lake: Okay.

P. Savad: First off, I want to give you a little history.

T. Hamilton: History, we've been here all of our lives.

P. Savad: No, but I want to discuss just the Certificate of Occupancies. In 2001 the zoning ordinance at that time has it as a manufacturing industrial district where articles and raw materials are assembled and packaged. Homeland Security comes in November 2006 and in July 26, 2007 you take out manufacturing and put in the OR zone. The first question is do we have to go before the Zoning Board of Appeals?

G. Lake: Without a doubt, you have to appear before the Zoning Board of Appeals. The Town did change the zoning, we can't do that.

P. Savad: Yes.

G. Lake: The Town Board did change to an Office/Research district. In saying that, the first thing I would like you to do is to explain to the Board and then I will give my own opinion about it. If you want to continue on, the answer is yes that you will have to appear before the Zoning Board of Appeals. Exactly what are you going to do? Do you have any idea?

P. Savad: I have the proposed tenant here but I just have to ask one question. Is this a legal pre-existing and non-conforming use that doesn't require Zoning Board approval based on the fact that Homeland Security came in and was a permissible use and is still there. The history of it since 1974 Tesa Tape Manufacturing and Homeland Security, I think comes under the definition . . .

G. Lake: First off, Homeland Security I'm really not positive what they do.

P. Savad: I don't have personal knowledge.

G. Lake: To my knowledge they were storing stuff there. I don't believe that this Board and we can look it up in the records but I don't think we gave them any type of approval to move in there, I don't know.

P. Savad: I know they came to the Town, that's what I was told.

G. Lake: Then they went up the other side of the hall.

P. Savad: That's probably correct.

G. Lake: The only reason I'm asking exactly what you're going to do there is just to give the Board some kind of idea what kind of impact it is. If you were coming in to this Board and wanted to build a brand new building someplace else. I think this building is basically it is what it is. That's why I say you have to appear before the Zoning Board of Appeals.

P. Savad: What will I be asking them for?

G. Lake: You will be asking for specific variances.

P. Savad: But, I think I may be grand-fathered in.

G. Lake: I don't think so. Mr. Bacon will have to answer that. I don't know. Let's get to exactly what you're going to do.

P. Savad: Let me bring up Phil Colon and he can tell you.

P. Colon: Basically we manufacture wood moldings.

G. Lake: Are they all wood products or pressed plastics?

P. Colon: No, just wood.

G. Lake: So, you use lathes, etc?

P. Colon: Correct.

G. Lake: Will you do much milling as far as cutting down to the size?

P. Colon: Yes. The main thing we do is we make it from rough lumber, cut it to size and then we press it accordingly.

G. Lake: How often will a truck come in?

P. Colon: The delivery of the rough lumber?

G. Lake: Yes.

P. Colon: About two or three times a week.

G. Lake: And, shipping it out?

P. Colon: We will ship out maybe two or three times a week.

G. Lake: Mr. Bacon, he is saying he feels he is grand-fathered in.

J. Bacon: I don't believe he is.

P. Savad: Well, based on the paperwork with Homeland Security and they're there and if they are there legally and they were there before the zoning was changed and there is no production of the use. Just look at the photos, it is what it is. I don't know why we need to go before the Zoning Board of Appeals.

J. Bacon: This Board didn't change the zoning.

P. Savad: No, but I think we're under the older ordinance.

G. Lake: Are you telling us something that this Board never gave approval for?

P. Savad: No, but I will leave that up to the Town.

G. Lake: If they went before the Town Board and then the Building Department and to my knowledge it was for storage only.

D. McGoey: I will tell you I spoke to the Building Department last week and they did not feel that Homeland Security was manufacturing anything. At most they might put a bed frame with a mattress in a truck.

P. Savad: So, I want to put this to bed because we would like to move on. Let me just say one thing. The last part of the definition is articles are assembled or packaged. It's not like we're taking the building and trying to change it architecturally. This is a manufacturing use.

G. Lake: Without a doubt. Unfortunately, I'm going to say I will be going on the side of caution and send you to the Zoning Board of Appeals. I just think it's the proper thing to do for you in order to avoid headaches down the road. It will come back to protect both yourself and us.

P. Savad: What I'm, the application . . .

G. Lake: Just let me go through the Board to see if they have any other comments or maybe

like to hear more about the operation.

P. Savad: I would like to get the tenant in before he goes somewhere else. We have a lease out.

G. Lake: Listen, I agree with you.

J. Bacon: I think the Board has asked the Building Inspector about the use.

G. Lake: I think it's just more than that. There was no consideration in this particular area on certain buildings without taking into consideration. However, I have to go on the side of caution to make sure he is protected as well as the Town.

J. Bacon: Send him to the Zoning Board of Appeals.

G. Lake: Let me go through the Board.

A. Dulgarian: I tend to agree with you that manufacturing belongs there. Having said that, it was taken away not by this Board and we don't have the power to do anything about it. We can't give an exception.

H. Ross: Zoning Board of Appeals.

R. Carr: I totally agree. I'm for it but I have to agree with sending them to the Zoning Board of Appeals.

W. Capozella: Zoning Board of Appeals.

T. Hamilton: Zoning Board of Appeals.

G. Lake: Anything else?

P. Savad: Two things. If I have to go to the Zoning Board of Appeals for a use variance and/or an interpretation ruling that it is an existing non-conforming use so this way the Zoning Board of Appeals . . . I'm not just going to be asking for a use variance. The second thing is by intensifying the use, I don't know. Tesa Tape used the entire building for manufacturing.

A. Dulgarian: Tesa Tape is not there right now.

P. Savad: Right. I think it's a pre-existing and a non-conforming use.

G. Lake: Okay, listen. Why don't we send you to the Zoning Board of Appeals. In the meantime I will have Mr. Bacon look into it and I will have him make contact with the Town Board and if he comes back to me with a different opinion then we will put you right back on.

P. Savad: Mr. Barrett knows everything about this building. You might find out from him.

MOTION to send applicant to the ZONING BOARD of APPEALS made by H. Ross and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

5. **ZONING AMENDMENTS**

G. Lake: We need to schedule a Public Informational Hearing on the latest changes.

MOTION to schedule a PUBLIC INFORMATIONAL HEARING for June 3, 2009 made by H. Ross and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES