

TOWN OF WALLKILL PLANNING BOARD

MEETING

JUNE 1, 2005

MEMBERS PRESENT: G. Lake, W. Capozella, R. Carr, A. Dulgarian, P. Owen, H. Ross

MEMBERS ABSENT: T. Hamilton

OTHERS PRESENT: D. Brodsky, D. McGoey, S. LaBruna

1. PUBLIC HEARING 7:30 P.M. - **ROSS** (TWO FAMILY) - SITE PLAN/SPECIAL USE PERMIT - Belmont Avenue (76-5-4) #13-05

**Re-scheduled for June 15, 2005.**

2. **SAWKA** - 5 LOT SUBDIVISION - FINAL - Hubbard Road (6-1-24.23) #48-02

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

E. Johnson: My name is Ernie Johnson. I'm the surveyor on this project.

G. Lake: Tell us where you're at.

E. Johnson: On Hubbard Road, we've been here quite a few times. This is a five lot subdivision, four new lots and an existing home.

G. Lake: This is open development?

E. Johnson: Open development, right.

G. Lake: And, that's all been approved by . . .

E. Johnson: That's all been approved by the Town Board.

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

E. Johnson: I have his comments and, I believe when I spoke to Mr. McGoey today, he had reviewed these as per an extension, right Mr. McGoey?

D. McGoey: Just an extension.

E. Johnson: Just an extension, not for final because that's what it was first in for. Since that time I talked to Marylynn, I talked to Eustance & Horowitz. We've had approval of all the septic systems on all the lots. We got better percolation than what we had the first time. Mr. De Winters, one of the few comments that he wanted to change on the map is that when we first designed the system we were in a shallow trench. We now can go to full septic systems because of the new percolation results and were witnessed by Eustance & Horowitz.

A. Dulgarian: The first results were based on soils?

E. Johnson: Were based on my and Mr. Buckstad's. We percolated them out in the field and did them. Then we came back out and percolated every lot again with Eustance & Horowitz as a witness and, actually they came out better than the first time.

G. Lake: Do you have anything else?

A. Dulgarian: That's all I have.

P. Owen: I have nothing.

R. Carr: I have nothing.

W. Capozella: Nothing.

H. Ross: Nothing.

G. Lake: Mr. McGoey, this has been here for a while. Basically we can do Final Approval subject to Eustance & Horowitz.

D. McGoey: I think Eustance & Horowitz is done pretty much.

G. Lake: They had to provide that to you?

D. McGoey: Yes. Did you satisfy the other conditions?

G. Lake: We need verification from Eustance & Horowitz?

D. McGoey: All I have to do is check to make sure he's satisfied the conditions on the approval.

D. Brodsky: Mr. Lake, I shall tell you than item #1 has not been taken care of on Mr. McGoey's technical review comments from December 8, 2004. I have not seen any proposed agreements nor, have I been able to review the boundary line issue for lot #5. I have not been provided a map to take

a look at it.

G. Lake: Can you answer that?

E. Johnson: I can get all that stuff to the Town Attorney within a day and straighten that right back out. Is that okay with you?

D. Brodsky: Fine.

E. Johnson: I will have it here before the end of the week.

G. Lake: I don't have a problem with you getting all the documents for the Attorney. Obviously you know nothing will be signed until that is taken care of.

**MOTION for FINAL 5 lot SUBDIVISION APPROVAL subject to Mr. McGoey's comments and the Attorney's comments made by A. Dulgarian and seconded by R. Carr.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

3. **RIVENBURGH** - 5 LOT SUBDIVISION - FINAL - Shaw Road (24-1-55.1) #27-04

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

M. Siemers: My name is Mark Siemers with Pietrazak & Pfau.

G. Lake: Tell us how you made out since you were here last.

M. Siemers: To update you, we have the Eustance & Horowitz approval for all the septic designs and wells and I'm sure you have the approval letter. I have taken care of Mr. Lippert's comments and forwarded the plans to him. I haven't received any comments.

G. Lake: Have you discussed with him the type of pipe?

M. Siemers: Yes.

G. Lake: Are all of Mr. McGoey's taken care of?

M. Siemers: Yes. I actually took care of his comments from May 20<sup>th</sup>.

G. Lake: You've been around a while with this also.

M. Siemers: We're asking for Final approval tonight.

G. Lake: I will go through the Board.

A. Dulgarian: I have no issues but as you said, it has been around for a while. I think it's a good project. My only question is, with those barns, you went to the Zoning Board of Appeals so you could keep them?

M. Siemers: Right.

A. Dulgarian: And, that all worked out?

M. Siemers: Yes. There's a note on the map regarding that issue.

A. Dulgarian: Thank you. That's all I have. I have no problems.

P. Owen: Nothing.

R. Carr: They are good sized lots and the houses are well set back. I have no problem.

W. Capozella: I don't have my notes from before, but I don't know what was ever done for lot #2. I think I just mentioned because of the way lot #3 swings around and why lot #2 wasn't extended but I can't remember.

M. Siemers: The reason for that is lot sizes are based on what soils you place the septic systems in and to get lot #3 the lot size needs to be a little bit larger and since there are wetlands back here anyway we took that little bit of land.

W. Capozella: Okay. I just remembered raising the question.

H. Ross: I want to say thank you for saving the barns.

G. Lake: Yes. I think that's what made this exceptional that we would make an effort to save those. Anything else?

D. McGoey: No.

D. Brodsky: No.

**MOTION for FINAL APPROVAL for FOUR LOT SUBDIVISION subject to all of Mr. McGoey's comments and this Board's comments made by R. Carr and seconded by A. Dulgarian.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

4. **BLANCHFIELD** - 2 LOT SUBDIVISION - Ingrassia Road (36-1-19.1) #152-04

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

D. Yanosh: My name is Dan Yanosh, surveyor for the project.

G. Lake: Go ahead.

D. Yanosh: It's a two lot residential subdivision on Ingrassia Road right next to Consolidated Rail overpass that's right there. Lot #1 is going to be two acres with road frontage on Ingrassia Road. Lot #1 has the existing house. It contains 22.29 acres in the RA zone.

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

D. Yanosh: Sure.

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

D. Yanosh: Yes. We did talk to the gentleman from the railroad but again, we're not using any of that right-of-way or anything through there anymore. We moved the road over so I think it's sufficient.

D. McGoey: Oh, you didn't move the road?

D. Yanosh: We're going to keep our driveway where it is but we have a fifty foot wide access. The agricultural district, I did send the notices out.

G. Lake: You said, you did send out the agricultural notice?

D. Yanosh: Yes. The overall plan Mr. McGoey wants you to look at. The rest of the comments we have no issues with.

G. Lake: Is this the overall?

D. Yanosh: Yes. For now, this is probably the maximum we can get due to wetlands.

D. Brodsky: Why is that being dedicated?

D. Yanosh: To give more swing for the road if it goes through there. My overall plans shows a Town road coming in for the future.

G. Lake: The Highway Superintendent's comments?

D. Yanosh: Again, it's a very flat area at the end. I can meet with him and straighten it out what he needs. If he wants a culvert I have no problem doing that.

G. Lake: We will do this subject to you straightening that out with him.

D. Yanosh: Sure. I have no problem with that.

G. Lake: I will go through the Board.

A. Dulgarian: I have nothing.

P. Owen: Is this (not clear).

D. Yanosh: What it is, this property, you will see two (2) tax map lots on it of 19.1 and 19.2.

P. Owen: Yes.

D. Yanosh: There was a survey error years ago when it was sold to a previous owner.

R. Carr: I have no problem. Is there any way that the house could be moved back a little further. The neighbor's house is pretty close to the line as his. Is there a way you can move that?

D. Yanosh: I can show it back further.

W. Capozella: That existing driveway that you have, is that like a right-of-way?

Mr. Blanchfield: I own it but the railroad has a right-of-way to use it.

D. Yanosh: It goes back and forth. You see the driveway that starts in the beginning is his driveway and cuts across out to the railroad property and back on to his. It's an existing right-of-way from years ago that everybody uses back and forth.

H. Ross: If the future subdivision goes through (not clear).

D. Yanosh: It's just that the overall plan is just a rough sketch to say this is the most we can ever do on it.

H. Ross: That way we could put the road.

D. Yanosh: Showed Mr. Ross.

**MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments plus the Highway Superintendent's comments and this Board's comments made by W. Capozella and seconded by R. Carr.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

**MOTION for TWO LOT SUBDIVISION approval subject to all of Mr. McGoey's comments plus the Highway Superintendent's comments and this Board's comments made by P. Owen and seconded by A. Dulgarian.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

5. **BAIN DAVIS** - 2 LOT SUBDIVISION - VanDeWark Road (61-1-32) #127-04

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

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

G. Lake: Go ahead.

J. Lanc: We are here for Final Approval on a two lot subdivision. As you may remember, we did some changes from a three lot subdivision to a two lot subdivision of which we received Preliminary Approval. We did the percolation tests and other tests and were witnessed by Eustance & Horowitz. I understand that they were writing a letter of approval. I didn't get a copy but I spoke to them yesterday and they said a letter was going out. I also received the comments from Mr. McGoey. We don't have any problems with those. We actually modified the plan to show that we moved the building from the location where it was originally. I'm showing it on this plan in green. We moved

it back to the pinkish color. I know where the location of the wells and septic systems are. We are not in conflict with them. I just have to show them on the map.

G. Lake: Is this an open development road or, is this just being done by easements?

J. Lanc: This is being done by easements.

G. Lake: So, we're going to end up with seven (7) different parcels off this, if I'm counting correct?

J. Lanc: Two of them front on Stony Ford Road. They do not have to use our driveway.

B. Davis: If I speak correctly after speaking with Mr. Brodsky, I told them that they had an option to either be granted an easement and participate in the road and maintenance or to not use and say they wouldn't use it and not participate. So, that's what I have told them.

G. Lake: As far as I'm concerned with easements for this many properties, my fear is that down the road when the properties start changing hands, we have seven properties and the Town will probably get involved in nasty little arguments. I kind of like the open development. That way everybody knows where they're at. Mr. Brodsky, did you look at these easements and agreements yet?

D. Brodsky: I think I may have provided them with a sample. I don't know if I've actually seen the agreements.

J. Lanc: Two of the lots on the right side as you enter the driveway which are owned by the same person.

G. Lake: I understand.

D. Brodsky: Frankly, there's very little I think we can do in order to bring in the existing lots that are accessing. Even if it's open development road they still can reject the obligation to participate in the maintenance agreement.

G. Lake: I realize that. I just prefer everybody knowing that we're going to have a total of seven homes off this road. I will go through the Board.

A. Dulgarian: I'm not a big fan on the plan. I don't know how else you can do it though. I prefer the open development area also over easements to prevent problems down the road..

G. Lake: I think the point that we're at . . . Are you satisfied?

D. Brodsky: I think the agreements can work equally well with this plan as they would with an open development area road simply because you already have effectively five lots on this road so, there's not a whole lot you can do in terms of bringing in uncooperative owners into the maintenance

obligation anyway. Frankly, even if you consider approving this, leaving it as it is, you would still have the same problem. People would still be accessing over this driveway.

G. Lake: Anything else, Mr. Dulgarian?

A. Dulgarian: No.

P. Owen: I kind of feel the same way as Mr. Dulgarian.

R. Carr: Certainly the lots are a lot better than the initial plan that we saw. I have to agree with Mr. Brodsky. In one sense those lots are already accessing this road. I have no problem.

W. Capozella: Again, I was just going to . . . I'm not in favor of easements and right-of-ways anyway especially when it's multiple of them with no maintenance agreement.

G. Lake: There is a maintenance agreement.

B. Davis: There has not been but now one has been created.

W. Capozella: Who is in charge of that, just one resident?

B. Davis: I've been doing it myself but actually another person on the road who has the skill of doing it has done more physical work than I have. I have seen to what had to be done but he's done more because he's got the equipment and likes to do it.

W. Capozella: Legally, you're the only one legally responsible.

B. Davis: That is correct.

W. Capozella: And then, what's going to happen with the proposed one? Is that going to be written into the maintenance agreement or not?

B. Davis: Yes. It's forty percent of all maintenance costs would be borne by my lot, thirty percent by the new lot, twenty five percent by the Mann lot, and then five percent up front.

W. Capozella: That's already been agreed on?

J. Lanc: Yes.

H. Ross: The emergency services?

G. Lake: It has been sent to them. As a matter of fact, we send every project to the emergency services.

H. Ross: Will they be able to access that road to get to the dwellings at the end of the driveway? Is it adequate?

G. Lake: Again, it was sent to them. Do you have anything else?

H. Ross: I'm not crazy about it either but that's the situation.

G. Lake: Mr. McGoey's comments you've already answered.

J. Lanc: Yes.

G. Lake: The Highway Superintendent has comments.

D. McGoey: Mr. Lake, can add one to it.

G. Lake: Go ahead.

D. McGoey: Mr. LaBruna and I were just talking and the flood plain is not shown on this plan and it should be.

J. Lanc: No problem. I can add it.

D. Brodsky: Can you also add the bounds of the easement area. I would prefer to see that all the lots have access over both parcels.

J. Lanc: Spoke to Mr. Brodsky.

D. Brodsky: As long as the map shows that and all parcels have equal access on both sides.

J. Lanc: Spoke to Mr. Brodsky.

D. Brodsky: Provide me with a copy of the map and I can compare the descriptions.

J. Lanc: And, I will show the meets and bounds on the map.

D. Brodsky: Perfect. Thank you.

G. Lake: Do you have any problem with the Highway Superintendent's comments?

J. Lanc: No problem.

G. Lake: Any else from the Board?

**MOTION for a NEGATIVE DECLARATION subject to all comments and checking on the one hundred year flood plain and the Highway Superintendent's comments made by R. Carr and seconded by P. Owen.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

**MOTION for TWO LOT SUBDIVISION subject to all comments stated above made by P. Owen and seconded by R. Carr.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

6. **A & D MANAGEMENT** - SITE PLAN - East Main Street (50-2-23) #33-05

**Cancelled. Re-scheduled for July 20, 2005.**

7. **SALANDINO** - TWO LOT SUBDIVISION - King Road (20-1-3) #36-05

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

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

G. Lake: Tell us where you are on this.

J. Nosek: This is a proposed two lot subdivision on approximately thirty six acres of land on King Road. Lot #1 is 5.66 acres. Lot #2 is 30.7 acres. We will be cutting off two lots, two single family lots and will be serviced by individual well and sub-surface septic systems. Access will be provided over King Road. We do have some Federal Wetlands that we have shown on the property. They've been flagged by our wetland consultant. There is some disturbance for the lot #2 driveway. I believe that we are well below a tenth of an acre.

G. Lake: What's going to happen to the rest of . . .

J. Nosek: That's all part of lot #2. Lot #2 is 30.38 acres. There are no plans for that lot. There is a fairly large area of wetland through the center. I don't know if it's possible potential way in the back of the property. I don't know if we will need either a private road up through there would be feasible to cut off the number of lots.

G. Lake: You have comments from Mr. McGoey. Do you want to go through them?

J. Nosek: Sure. Item #1 is just noting the wetlands. Comment #2 regarding lot #2, there is no intentions to subdivide at this time. A no further restriction note would perhaps de-value the property as there is the possibility of a possible lot line change perhaps down the road but there is no intention at this time of doing any further subdivision.

D. McGoey: The Board generally asks you to show an overall development.

J. Nosek: That's not a problem. I can prepare an overall development map. I think that the maximum potential would be approximately four lots given the amount of wetlands. We can prepare that.

G. Lake: Yes. I've been asking applicants to do that.

J. Nosek: The Highway Superintendent verification, that's not a problem. We can address that.

D. McGoey: Just a point on site distance, I did a field review and I have some issues here with the site distance there with that curve in the road.

J. Nosek: Okay.

D. McGoey: I think we should have a meeting with the Highway Superintendent to look at that.

G. Lake: We've also been asking not to use site distance at the posted speed but at the actual prevailing speed.

J. Nosek: I understand that. In this particular case I don't know if the prevailing speed would be much higher than the posted speed only because of the curve that's in the road right at the turn.

G. Lake: I think you will be surprised.

J. Nosek: The notes pertaining to the stone wall, we concur. We will add those notes. The septic approval by Eustance & Horowitz, we understand. Comments from the Conservation Commission should be received. I haven't received anything. I don't know if Mr. LaBruna has had a chance to review it or not. Concrete right-of-way monuments and iron pins, that's not a problem. To show the adjoining septic, I have no problem with that.

G. Lake: I will go through the Board.

A. Dulgarian: I would like to see the overall development plan before we go any further.

P. Owen: I would also like to see the overall development plan.

R. Carr: Ditto on the same. The other thing I couldn't find where the driveways are located. It would almost seem to me there's an old road into this, right on this line. No matter where that proposed driveway is, it seems very close to that sharp turn. It almost seems like there's an old road right on the turn that may be better for distance each way. And, a lot of wetlands. On the stone wall within the right-of-way, to me that's a beautiful old country road and I don't know if we're not widening the road.

G. Lake: I believe that this is a Highway request that when this happens that they go from the centerline to the edge of their property.

R. Carr: Again, I just think . . .

G. Lake: I think we could probably ask.

R. Carr: It's a stone wall and every place else, even in the woods, we say please don't touch that stone wall. Here's one that is beautiful. I think it's wrong to knock it down.

G. Lake: I think we can ask the Highway Superintendent maybe to waive that on this if the Board feels that way. You're right. We do try to keep these things.

R. Carr: It just changes the character.

G. Lake: I will have Marylynn send him a letter and you can also check with him and tell him we had that discussion, if that's okay with the Board.

W. Capozella: On the road that goes to lot #2, I know it's going to cross through the wetlands. I didn't get a chance to walk through there and take a look at that. Is there going to be much disturbance with that road that will affect anything as far as the wetlands go and how bad is that?

J. Nosek: If you look at sheet #2, showed Mr. Capozella.

D. McGoey: A suggestion, you could use a wide gate right there through the stone wall. You could use that for his driveway. It might give better site distance.

G. Lake: Anything else, Mr. Capozella?

W. Capozella: No.

H. Ross: Nothing.

G. Lake: You heard the comments from the Board.

J. Nosek: Yes.

G. Lake: I think there's still a few things you have to do before we take any further action.

J. Nosek: Okay.

G. Lake: Mr. McGoey, do you think you need them back for another work session?

D. McGoey: I think we need a joint meeting with the Highway Superintendent. Maybe we can deal with it all at that time.

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

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

8. **PUN KIN KWOK** - SITE PLAN - 254 Route 211 East (50-2-31) #37-05

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

S. Plass: My name is Susan Plass with Leo Carroll's office.

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

S. Plass: There are three restaurants in this building and the owner wishes to put in a liquor store. It's where the old Happy Club used to be on Route 211.

G. Lake: For retail, you still meet the parking requirements?

S. Plass: Yes. We have one extra spot.

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

S. Plass: Yes.

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

S. Plass: Okay. Item #2, the handicap access, there's existing ramps plus there are several locations where a sidewalk is the same elevation as the pavement so they can access the walkway from the parking lot. Lighting, is just what's existing. There's no proposed new

lighting at this time. The landscaping has not been completed yet. They're still working on the Indian Restaurant.

G. Lake: I will go through the Board. As far as the landscaping goes, I think this is a good opportunity to forward this. We have a new landscape architect that we're now working with. Part of the goal for this Town is to enhance the landscaping. It's bare.

R. Carr: There's very little you can do.

S. Plass: There's trees up in front here. There's existing shrubbery up there but it's looking kind of shabby.

G. Lake: I think this gives us an opportunity to get some input with somebody that knows that really should happen. We've been working on that point on Route 211. If it comes back and says there's nothing they can do, that's fine.

R. Carr: I really just don't know.

G. Lake: I agree, and the answer to that would be to forward the plan to the landscape architect.

A. Dulgarian: I agree with the landscaping deal. As a rule whenever anybody comes back with an existing building we try to get better landscaping, especially on Route, especially now that we have a landscape architect, yes, let's do that. As far as the type of business, I know the building next to it or a couple of buildings down had an issue in that whole neighborhood about safety. I think there's a big difference between selling liquor and consuming liquor on site so, I don't have an issue with that. I know it's been brought up in conversations so, I really don't have a problem with what we're looking at here.

P. Owen: If we could do something with the landscaping although I'm not necessarily hopeful that much can be done on this.

R. Carr: I agree with Mr. Dulgarian with the liquor store. Usually they're not opened that late. In terms of the landscaping I think that's probably a good idea. In terms of that it would be very difficult for a landscape architect looking at this particular Site Plan and gauge what to do since they would have no idea with this where it looks like the lot ends, just with blacktop all the way over to Arby's.

S. Plass: Yes.

R. Carr: There's no line here. The other thing I would say when we send this is this sign, the other thing it doesn't show is that there is another entrance right here. There are two many. You have three and that big cement block in the way. I pulled in there today and its just in a bizarre for that.

That should all be brought up. There's too many spots for people coming in and out. It's all wide open. Other than side, they're doing a nice job of fixing up the place.

W. Capozella: My only comment on that is the usage. I'm not really thrilled about the usage. I know there's been liquor stores up and down that place that have come and gone many times. I know everybody has their own priority on what type of business should be in there. My general feeling is putting a liquor store in there based on the history up and down that road, I'm not really in favor of the usage.

H. Ross: I concur of getting a landscape architect to look at this is a good idea. Also, this is an inbound anchor to Route 211. An improvement isn't going to be too hard to make. I agree the number of driveway cuts here, it might be possible to do something with that.

G. Lake: We can do a Negative Declaration subject to Mr. McGoey's comments and having the landscape architect work with you to see what can be done.

A. Dulgarian: I know they're probably in a hurry but I would like to see this after it comes back from the landscape architect especially since it's the initial one we're starting on Route 211 and if we approve it subject to we may not get to see it.

G. Lake: I was trying to figure out is how we can do a subject to, it's really not a reason to hold them up but ask them to come back.

R. Carr: The only thing is what if the landscape architect said they should do this and they say they don't want to.

G. Lake: We all know it's already there.

R. Carr: If you're going to go through the landscape architect.

P. Owen: What's the harm of waiting to see what they come up?

G. Lake: I'm trying to be fair on both sides.

**MOTION for a NEGATIVE DECLARATION subject to all comments made by A. Dulgarian and seconded by P. Owen.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

G. Lake: I think you know where the Board is coming from. No matter what, we will get you on within thirty (30) days so we can see what this will look like with the landscape architect.

S. Plass: Do you send it or do I?

G. Lake: Call Marylynn to get the name and we will notify them also and hopefully Mr. McGoey and I will talk about it Monday at the work session.

**MOTION to TABLE for further review made by A. Dulgarian and seconded by P. Owen.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

9. **MAJESTIC CARPET** - SITE PLAN - East Main Street & Fair Avenue (74-9-1) #131-04

**Cancelled. Re-scheduled for July 20, 2005.**

10. **SAWRANSKY** - LOT LINE CHANGE - Midland Lakes Road (24-1-4.2 & 4.3) #42-05

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

D. Yanosh: My name is Dan Yanosh, surveyor for the project and with me is David Sawransky, the owner of the property. This is a small, simple little lot line change to bend the line around. Mr. Sawransky has a two-family house here on tax lot 4.2. He wants to probably put a garage up later on down the road so, he just needs some more land on the side. We meet all the requirements for setback and side yards. It would just give him more room.

G. Lake: I will go through the Board.

A. Dulgarian: No issues.

P. Owen: No problem with it.

R. Carr: No problem.

W. Capozella: Nothing.

H. Ross: Nothing.

**MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey's comments made by R. Carr and seconded by A. Dulgarian.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

**MOTION for LOT LINE CHANGE subject to Mr. McGoey's comments made by R. Carr and seconded by P. Owen.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

11. **BERLIN** - RETAIL & OFFICE - SITE PLAN - 787 Route 211 East (43-2-43) #40-05

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

J. Nosek: My name is John Nosek, surveyor for the project.

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

J. Nosek: We're proposing a relatively small retail/office Site Plan on the north side of Route 211 East. Before you we show the general building layout, the parking layout. There are some Federal Wetlands on the property in the area of the existing stream. We've shown those. We want access off of Route 211. There is existing water and sewer utilities in Route 211 so we will be connecting to those facilities. Pretty much that's it. As far as drainage goes, there are two lots. We're not sure exactly which route we're going to go but there is an existing culvert pipe that drains at the low end of the property. We're in the process of talking to the adjoining property owner to see if we can upgrade that pipe to account for our drainage. The other option would be to take all the drainage down to Route 211 East through a closed piping network and then bring it down to Route 211 to an existing catch basin about two hundred feet down from our site.

G. Lake: Obviously, you know we're going to have the drainage taken care of.

J. Nosek: It's just to be a general feel of the Board. There's a lot of engineering detail that still has to be done.

G. Lake: Right. I will tell you. You can meet all the parking and control your stormwater management and everything with this layout?

J. Nosek: Yes. As far as parking goes we did it according to the parking calculations. As far as the drainage concern, we have, the plan is basically that we will be below an acre of disturbance. The total disturbance, I will provide that on the plan in terms of the total amount of disturbance. Our plan would be, as I said, see if we can replace the culvert pipe at the low point of the property. There is a piping system that goes onto the adjoining Site Plan and then carries that storm drainage down to the State Highway where it goes under the culvert.

D. McGoey: You're still supposed to reduce your pre-development flows. Those pipes, I've looked at them and there's a question about the size of those.

J. Nosek: If we're going to be required to meet pre-development rates, then we're going to have to some sort of an underground type system under the parking lot here. We are pressed for room here. There is not a lot of space available. As far as meeting the Department of Environmental Conservation criteria, if I can keep below an acre of disturbance then I don't need to require that.

D. McGoey: You don't have to comply with it, but some of it. Are you sure you're under an acre?

J. Nosek: It's pretty close but basically we're below an acre of disturbance if you do the calculations on the general size of it.

D. McGoey: It's going to be really tough.

G. Lake: I think it's pretty ambitious. I just think it's very ambitious for a piece of property this size. I don't know what. Between now and the time you do come back, I hope you use some imagination as to what this is going to look like. With four different type uses, I realize one is an office.

A. Dulgarian: I also say it's very ambitious for what they want to accomplish here. If you remember, I believe this is right next to Rowe's Auto Body and we had many issues with the neighbors and the topography in the backyard and screening from the neighbors, everything you could think of in this area and he was before the Zoning Board of Appeals a couple of times as well as the florist. I think all of that needs to be looked at. I think it's a lot for this little piece of land and I think there's some homework to be done here.

P. Owen: Yes. I feel it is also ambitious for the size of the property. It's an awful lot of building and parking lot coverage on a small piece of property.

R. Carr: I think ambitious doesn't even describe it because not only is it a narrow site that it's small

and you're building from wall to wall with it but it's also a site that has a lot of water problems. The culvert's that run over there, they were just put in a year ago because of the water flooding those driveways. In terms of Route 211, you have a gravel driveway, you have a house that sits up behind here and you also have the driveway for the next house. Basically you end up having three roads coming out here, all right next to each other. This all faces out to the back of the building next door. I will tell you, I just don't see any way as well as the water that flows through there. The other thing is someone up here is putting a a lot of fill in. I just don't see any way that this is the right use for this property.

W. Capozella: It's a small piece of property. I think I will be hard pressed for me to be in favor of something like this especially looking at it right now.

H. Ross: I'm concerned about the topography and the runoff. I think it's a large footprint for the lot size. I think this will also give us an opportunity to once again forward it to the landscape architect. I would like to see a planting solution.

J. Nosek: We were looking toward the lines of perhaps enlarge the culverts for a little more capacity so that we could perhaps eliminate the drainage concern that's existing now prior to.

H. Ross: You will have to work with Mr. McGoey. It's not going to be easy.

R. Carr: One question, Mr. McGoey. On the building next door, how does the water there drain? Does it go to a pump?

D. McGoey: No.

R. Carr: Where does that . . .

D. McGoey: Diagonally across their parking lot to the State storm drainage system, as I recall.

R. Carr: That just drains to . . .

D. McGoey: The stream down.

R. Carr: And, that just empties out to that stream?

D. McGoey: Basically.

R. Carr: So, you would be looking to just put this water with that lot?

J. Nosek: We would evaluate the existing capacities of the pipes that are there but, yes if it warrants we would propose to increase the culvert sizes to handle the additional runoff generated from proposed Site Plan in an attempt to assure we don't create a ponding condition or a flooding

condition that. I'm not sure that putting a stormwater detention pond

is the answer on this particular site because it's relatively small and it does commercial properties on both sides.

R. Carr: I agree.

D. Yanosh: May I ask a question? I know Mr. Rowe built first. I did his Site Plan, his additions and I know he had questions with the neighbors cutting trees and doing some grading. I don't think he ever had a drainage issue with his Site Plan. There is a drainage problem. It does come down from Scotchtown and comes to our property. Now, the complex next door to us, did that have a drainage study done when that was built? Was anything done on that one?

D. McGoey: I don't remember but it still doesn't solve the problem.

D. Yanosh: What we're going to generate we will take care of.

A. Dulgarian: I understand where he's coming from but it's going to be very hard for you to have post equals pre when the majority of this site is either blacktop or building.

J. Nosek: It really isn't a very big site. We're talking less than an acre of disturbance. So, yes there will be an increase in runoff and yes, I will have to account for that but this isn't a ten or twelve acre site development.

A. Dulgarian: I'm just looking at proportionate to what you have and proportionate to what you cover.

D. Yanosh: And, what we've done too, we have to worry about the slope of the hill in the back.

G. Lake: First off, this is really more sketch than anything else at this point. I don't believe you've been with the whole Board on this site until tonight. I really don't think we're ready to set a Public Hearing on this. I think you also understand that during sketch, the Board's chance to get a look at it. I think you know our feelings on this.

S. LaBruna: There is a drainage problem in the back and is this a one-story?

J. Nosek: One-story building.

**MOTION to TABLE for further review made by H. Ross and seconded by P. Owen.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

12. **SILVER LAKE DELI** - SITE PLAN REVISION - Silver Lake Scotchtown Road (24-1-36.21) #42-04

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

D. Yanosh: My name is Dan Yanosh, surveyor for the project and with me are the owners of the property.

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

D. Yanosh: It is the existing Silver Lake Deli. We were here quite a while ago. You turned us down. We wanted to change the one little store here in the front to a pizzeria. We went to the Zoning Board of Appeals and after many months and trials and tribulations, they turned us down for the pizzeria. They did give us the variance to make the building bigger. The code requires the building to be 1,500 square feet and now we're going to have 3,300 square feet. We're going to have walk-in freezers to the back. One of Mr. McGoey's comments is it will be enclosed. You won't be able to see the back of the freezers and a storage area along the side. We will clean up the parking, put some more curbs down and do some planting. I guess we will have the landscape architect do that, also.

G. Lake: Does your parking meet?

D. Yanosh: Mr. McGoey had a question about the seating and stuff like that. I went with a straight neighborhood grocery store. One space for one hundred fifty square feet. In a neighborhood grocery store, you have an area set aside for a storage room as part of the warehouse.

D. McGoey: The eating and drinking is the area for serving and the preparation of food so the deli counter, the area in front of the deli counter and if you have seating, the seating.

D. Yanosh: I didn't know it was that way. I will have to change that.

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

D. Yanosh: Yes.

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

D. Yanosh: The landscape plan, I guess we're going to have to, just subject to the new route.

G. Lake: Let's see what the Board feels. Mr. McGoey, did you review his landscaping?

D. McGoey: They did add a few hardwood trees. I still think there could be some more.

G. Lake: I'm going to say yes. I think we will be doing it subject to.

D. Yanosh: The dumpster enclosure, no problem. We will have the green inserts. The grease trap detail, parking regulations. The walk-in freezer in the back will be fully enclosed. Site lighting, we do have lighting here now. If we do show light on the side, I will show the detail. Did Mr. Lippert have a comment on this about the pavement? The Town did just cap the road all the way through.

D. McGoey: The drainage direction and contours need to be evaluated for stormwater and to eliminate puddling.

D. Yanosh: Okay, we will do that. The handicap aisle, twenty six feet. I can change that.

G. Lake: I will go through the Board.

A. Dulgarian: Is it the Board's decision on the landscape architect, do we believe that this project should be reviewed also?

G. Lake: I think Mr. McGoey said he feels it could be a little better.

A. Dulgarian: I agree with that but with all due respect then you say we are doing a subject to but the liquor store.

G. Lake: You're right.

A. Dulgarian: Having said that, I have no problem. I think it's going to be very nice but I think they have a little bit more work to do. You have the parking calculations, you have the landscaping, you have some other issues.

D. Yanosh: How long does the landscape architect take?

G. Lake: We're developing that now.

A. Dulgarian: I would like to hear the opinion of the other members but I have no problem with this getting approved at some point. It's going to be good but again, we need to make sure everything is resolved.

P. Owen: I didn't realize what a . . .

G. Lake: Eventually we won't be running into this.

P. Owen: Can we get the landscape architect to a work session?

G. Lake: Eventually that's what will happen. This won't happen in the future.

R. Carr: I do understand what Mr. Dulgarian is saying. I would say that they are away from Route 211. To me, it sounds like overkill on this particular one. This looks like it will be a great improvement. I tend to think we're getting carried away with the landscape architect on this.

P. Owen: Mr. Ross brought up a good point before about where the liquor store is at that point being the start of the Town of Wallkill entry on the heavily traveled Route 211 East. I think on that project it's necessarily warranted.

G. Lake: Remember, what projects we use the landscape architect on at this point.

W. Capozella: I think it's a good usage. I will just make a comment as far as the landscaping. It would be nice to see what they can do with something like this especially that it's paved however, looking at this it will be a definite improvement from what it is right now.

H. Ross: I don't have a problem doing this conditionally.

G. Lake: I have to agree with Mr. Carr. Again, at this point in time, the landscape architect is our choice which project to use it on. Mr. Dulgarian is one hundred percent right. I think we should do this one ourselves. Anybody else?

**MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey's comments, the Highway Superintendent's comments and the Board's comments made by R. Carr and seconded by W. Capozella.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

**MOTION for SITE PLAN REVISION subject to Mr. McGoey's comments, the Highway Superintendent's comments and the Board's comments made by P. Owen and seconded by R. Carr.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

13. **FINI** - SITE PLAN/SPECIAL USE PERMIT - Cemetery Road (78-1-26.2) #128-04

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

T. DePuy: I'm Tom DePuy With DePuy Engineering.

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

T. DePuy: We had several work sessions and we're back in front of the Board. We have already had a Public Hearing. I think there might be two minor outstanding items. The Planning Board Attorney was to review the easements for drainage across the adjoining property for acceptability.

D. Brodsky: I don't think I have ever seen them. I don't have them in my file. Were they sent over?

T. DePuy: Yes.

D. Brodsky: When were they sent over?

T. DePuy: About six weeks ago.

D. Brodsky: I apologize. Somehow it did not make it into my files. If you could re-send them. I'll make a point to review them. I will also need a map to compare them.

T. DePuy: I have an extra set.

D. Brodsky: I will review it and execute it. If it's acceptable then you're all set.

T. DePuy: Eustance & Horowitz approval of the septic system is required. We met with them and have done the initial review. We also had them out in the field witnessing the percolation test so, we will follow up with them and get the approval. It appears that the test pit for the proposed infiltration basin shows groundwater at 7 feet 2 inches with the basin averaging a depth of six feet. This leaves only 1 foot 2 inches of usable soil for infiltration. I put the elevation of the top of the pit. We actually have 2 feet 3 inches. It falls between the two contours. I will supply that on the drawing.

G. Lake: I will go through the Board.

A. Dulgarian: I know we've seen this before but what are we going to see from Route 17? I see you have a stockade type feet?

T. DePuy: Yes. We put a stockade fence. The tree line will still stay because that's on the right-of-way of the State.

A. Dulgarian: What are the clearing marks in the back, that's just for the fence?

T. DePuy: Yes. We're going to clear out and grade that back side. We have the septic system and have a little bit of outside storage area.

A. Dulgarian: What's in the outside storage area?

T. DePuy: We have the diesel tanks there and then they're going to store some materials out there. That's why we put the fence up, to screen it.

A. Dulgarian: How high is the fence?

T. DePuy: I believe it is a six foot fence.

G. Lake: Maybe tell them what it will be used for.

J. Fini: I have an excavating business and a well drilling business also. Most of what will be stored will be piping and stuff like that.

A. Dulgarian: I'm just concerned with the view from Route 17.

G. Lake: Are you going to see anything from Route 17 basically?

T. DePuy: We put the fence up mainly for the winter when the leaves come off. Most of that wooded area is on the State right-of-way.

R. Carr: How far back is that?

T. DePuy: There's about forty feet from the edge of pavement to the stone wall.

G. Lake: I think we asked him to put the fence up that high because of some of the well drilling stuff that can't be put down.

P. Owen: I don't think really we're going to be able to see much of anything. I vaguely remember talking about the fence just in case as an additional buffer.

R. Carr: I have no problem with the project. The whole problem was with the drainage.

D. McGoey: Yes and they're done a lot of work on it.

W. Capozella: The proposed building, that's just for the storage of your equipment?

J. Fini: Tractor trailer and equipment.

W. Capozella: What ever equipment is going to be there it's not exactly work-shop related?

J. Fini: Just minor things.

H. Ross: Elevation here, the tennis courts sits down from the highway a considerable amount. People passing by would perhaps see the roof of your building from the highway and that would it be?

T. DePuy: Yes. We are cutting so, the building will sit down a little bit and actually that berm's up a little bit because that was excavated for a ditch line down through there.

H. Ross: I'm curious of where the trees stop.

G. Lake: I don't have anything.

**MOTION for a NEGATIVE DECLARATION subject to all comments made by R. Carr and seconded by H. Ross.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

**MOTION for SITE PLAN/SPECIAL USE PERMIT subject to all comments made by R. Carr and seconded by W. Capozella.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

14. **MIDDLETOWN HONDA** - SITE PLAN REVISION - 84 Lane (78-2-11) #164-04

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

G. Bergman: My name is Gerald Bergman with Eustance & Horowitz.

G. Lake: Go ahead.

G. Bergman: We're here seeking Final Approval of the Site Plan for Middletown Honda. Just an update on where we've been since the last time we were here. On May 9, 2005 we received variances from the Zoning Board of Appeals for several items including a determination of the statute of the zoning law that this applied to and the Zoning Board did, in fact, uphold that this complied with 249-14, I believe. Additionally, we revised our Site Plan, revised the drainage portion of the Site Plan. The reason for the revision was due to the construction of this site and the underground was just too expensive for the project. At the Board's request, there was a request from Mr. Dulgarian that we show where the parking is. We are in fact here seeking Final Approval of this Site Plan.

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

G. Bergman: Yes I do.

G. Lake: Do you want to go over those, please.

G. Bergman: I will. The resolution for the ownership is the first comment and we did supply the Board's Attorney with all that information on the ownership of both parcels. This was also brought up at the Zoning Board of Appeals and they ruled on that also. The second comment has to do with 249-14 verses 249-12. The Zoning Board of Appeals did rule that this proposed use complies with 249-14.

G. Lake: You said they did rule in your favor?

G. Bergman: Yes. The third comment has to do with a dimension. That is twenty four feet which is the requirement for two-way traffic. The site lighting plan was submitted. That will become part of the set. The landscape plan needs labeling. Recommendation that hard wood trees be provided along the detention pond. I'm not sure. I think we did add red bud trees to the landscape plan since the last submission along the detention and along 84 Lane. We staggered the white pines and the red bud trees.

D. McGoey: A red bud tree is not a hard wood tree.

G. Bergman: It certainly not an oak but it is an ornamental tree which the Board at one time asked us for ornamental trees. I believe they asked for Bradford pears at one point and our landscape architect put red bud.

D. McGoey: I don't think they grow the same.

G. Bergman: As?

D. McGoey: As a hard wood tree.

G. Bergman: Such as a?

D. McGoey: Bradford pear.

G. Bergman: I think the red buds do but if you want me to change it to Bradford pear, that's not a problem.

G. Lake: You had a landscape architect do this?

G. Bergman: Yes.

G. Lake: I think the Board would like that changed.

G. Bergman: We will certainly agree to do that.

G. Lake: The Highway Superintendent, six foot right-of-way reserved for a turn around on 84 Lane. Have you talked to him about this at all?

G. Lake: Mr. McGoey, have you talked to him about it at all?

D. McGoey: The last conversation I had is that he doesn't want anything to do with 84 Lane. He's not going to maintain it. He's going to stop where the young lady used to sell the hot dogs.

G. Lake: That's what happens now.

D. McGoey: Right.

G. Bergman: It does go down a little further but that's basically where it stops.

A. Dulgarian: Who clears the road now?

G. Bergman: The Town clears some of it and Lowe's clears it.

R. Carr: And, the Town road is only up to the corner?

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

A. Dulgarian: My issue is strictly on the parking. I think this is a big improvement. I know they need the room. You show service needing eighty spaces?

G. Bergman: Yes.

A. Dulgarian: On the colored coded map here fifty eight and that doesn't include any employees.

G. Bergman: The regulation includes employee parking in with sales and with service.

A. Dulgarian: Well, in sales you're showing twenty six and you need thirty three.

G. Bergman: Sales we show twenty eight.

A. Dulgarian: Here, it says thirty three. It's not so much the amount or where it's going to be but are you going to be able to put everything on this site?

G. Bergman: Yes we will.

A. Dulgarian: Are you willing to put that on the map that all parking will be done on site?

G. Bergman: Absolutely.

A. Dulgarian: Are you still going to have the lot downtown?

Unidentified Person: For a while until we get everything done.

A. Dulgarian: I counted two hundred seventy cars on that lot, not including what you have here and I was just wondering where they were going to be?

Unidentified Person: Right now, Honda gave us an extra two hundred forty cars for building the new site and that's why there's so many cars. Once we go through these, our buying will be different.

A. Dulgarian: I think this is a tremendous improvement to what is existing but you can't believe the other people that say how come I can't park on other people's property. It's a good looking project.

G. Berman: We think it is a good looking project. We will put a note on the plan.

A. Dulgarian: Thank you and good luck.

P. Owen: Nothing.

R. Carr: It's a good project.

W. Capozella: Just a comment on the landscaping. I know you said something about red bud or what ever. I don't know what it is.

G. Lake: He is changing it.

W. Capozella: That's my only concern right now.

H. Ross: The location of these trees are only at the edge of the parking lot?

G. Bergman: No, it's all around. There's a landscape plan toward the end.

G. Lake: I think it's a vast improvement in that whole corner.

**MOTION for a NEGATIVE DECLARATION subject to all comments including a note that all parking will be on the property made by A. Dulgarian and seconded by P. Owen.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

**MOTION for SITE PLAN MODIFICATION subject to all comments stated above made by A. Dulgarian and seconded by R. Carr.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

15. **GREEN** - SUBDIVISION MODIFICATION - Bendlin Lane (32-1-167.1) #107-02

G. Lake: Mr. McGoey, you had that one . . .

D. McGoey: The Green subdivision.

G. Lake: Right, the one up in Howells. We just need to make a modification to it.

D. McGoey: To modify the subdivision lot lines to accommodate an error in the boundary.

**MOTION made for SUBDIVISION MODIFICATION due to an error in the boundary made by W. Capozella and seconded by A. Dulgarian.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**