

TOWN OF WALLKILL PLANNING BOARD

MEETING

JUNE 3, 2009

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

MEMBERS ABSENT: None

OTHERS PRESENT: J. Bacon, D. McGoey

1. PUBLIC INFORMATIONAL HEARING 7:30 P.M. - **COMPREHENSIVE PLAN IMPLEMENTATION - PHASE III** - Amendments to Chapter 209 and 249 of the Town Code and modification of Town's Current Zoning District Map

G. Lake: Public Informational Hearing started at 7:32 P.M. M. Hunt read the Public Informational Hearing notice.

M. Hunt: Please take notice that a Public Informational Hearing will be held by the Planning Board of the Town of Wallkill at the Town Hall at 99 Tower Drive, Building "A", Middletown, New York 10941 on June 3, 2009 at 7:30 P.M. or as soon thereafter as the matter can be heard on the proposed Comprehensive Plan Implementation Phase III - Amendments and modification of the Town's current Zoning District Map. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

G. Lake: Thank you. Before I go to the Public we have had a couple of work sessions on this ourselves and we have some things that we will recommend to the Town Board. I will go through this Board before I go to the Public to take any comments. Mr. McGoey, do you want to explain it a little bit?

D. McGoey: Some of the substance of the proposed changes by the Town Board includes changes in the Conservation Subdivision Regulations based on concerns that the Planning Board has raised and the Conservation Board. The ability to actually implement the law and achieve the goals that the Town Board. It seems to the Board based on our work sessions that the tools that they're giving us aren't going to help the Planning Board to provide for a better Conservation Subdivision. Some of the other changes are a new water resource protection law. Essentially what that does is provide the Planning Board with an opportunity to protect water of the Town that are not presently protected by other State and Federal Laws

and provide buffer areas for residential/commercial and multi-family housing projects and waterways that aren't otherwise regulated. It also provides for a plan override districts which allows the Town Board to approve mixed uses in the R-2 zone and the old R zone that were not allowed in those zones. There were also some zoning map changes and some editing done. That is the substance of the changes.

G. Lake: Also, the Town Board will be having their own Public Hearing on June 11, 2009. Let me go through the Board before I go to the Public.

A. Dulgarian: Nothing.

H. Ross: Nothing.

R. Carr: Nothing.

W. Capozella: Nothing.

C. Najac: Nothing.

T. Hamilton: Nothing.

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

**MOTION to close this PUBLIC INFORMATIONAL HEARING at 7:38 P.M. made by T. Hamilton and C. Najac.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**

H. Ross: I have a few concerns about the Conservation Subdivision requirements. I don't believe that multiple dwellings are in anyway appropriate for this. I'm also troubled by the fact that the newer zoning changes are not identified by property owners. The property owners I feel should receive official notification of which way their zoning is switching. This is an opportunity of ill-will all over the place and they have remained totally unaware of it. I still hope to see a requirement for a brief paragraph in plain English stating why the applicant believes he was achieving some sort of conservation goal as opposed to getting a couple of extra houses on it. I will make more comments at the Town Board.

G. Lake: Anybody else?

C. Najac: I have some concerns about this.

G. Lake: Come on up and give your name please.

D. Sumner: My name is Devlin Sumner and I'm a member of the Conservation Commission. We've been following the code and implementation changes as closely as we can. As far as the water research portion of it goes I will say that we strongly support the concept. We think there are some innovative aspects to the law but we still do have some concerns with it. It's been difficult to find out if our concerns have been addressed or not. The Conservation Subdivision portion of it we're also very concerned about and I would say our concerns with that are greater. We did see some substantial changes in the most reason version and we really haven't had a chance to really go through those. We will be doing that to the best of our ability.

G. Lake: Did you receive the new packet?

D. Sumner: We did not receive it. We downloaded it from the website and we didn't receive official notification either. It was our reading of the package that we were on the circulation list but we did not receive a letter. We didn't see the Public Notice. I don't know when that was put in the paper.

G. Lake: Just so everybody knows we did have a couple of meetings. We had sent a couple of joint letters on one of the issues. Is there anybody else on the Conservation Commission

that would like to speak? I know we closed the Public Hearing but I just want to point out we don't send this out. We have to wait until it is passed down to us from the Town Board so I was under the impression that had sent you a copy.

2. PUBLIC HEARING 7:35 P.M. - MAY - 2 LOT SUBDIVISION - Pond View Drive (78-1-90) #59-08

**MOTION to re-schedule a PUBLIC HEARING made by H. Ross and seconded by A. Dulgarian.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**

3. PUBLIC HEARING 7:40 P.M. - JUMPIN JAKES - SITE PLAN/SPECIAL USE PERMIT - 360 Route 211 East (50-2-36) #14-09

G. Lake: Public Hearing started at 7:43 P.M. M. Hunt read the Public Hearing notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York will be held at the Town Hall at 99 Tower Drive, Building "A", Middletown, New York in said Town on the 3<sup>rd</sup> day of June, 2009 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Jacob Cascioli, Junpin Jakes, 982 Main Street, Fishkill, New York 12524, for approval of Jumpin Jakes, a children's entertainment center located at 360 Route 211 East, Middletown, New

York 10940 under Section 249-26C 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 you have the mailings?.

J. Sweeney: I do.

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

J. Sweeney: My name is James G. Sweeney the attorney for the applicant and owner.

G. Lake: Okay.

J. Sweeney: Maybe we could ask Mr. Higgins who is the engineer for the project.

D. Higgins: My name is David Higgins and I'm here for the applicant Jumpin Jakes for the proposed children's entertainment use in approximately nine thousand square feet of the former Caldor Plaza located between Route 211 and Carpenter Avenue. The use would involve some children play areas and various other entertainment. We can supply additional information on the type of equipment (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.

C. Najac: After.

T. Hamilton: After.

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

**MOTION to close this PUBLIC HEARING at 7:48 P.M. made by W. Capozella and**

**seconded by R. Carr.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**

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

D. Higgins: Yes I do.

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

D. Higgins: Sure. Would you like me to summarize them?

G. Lake: Why don't we run them down real quick.

D. Higgins: Okay.

D. McGoey: You probably won't have any problems with items #1 and #2?

D. Higgins: Yes. In terms of item #2 you asked for us to give the details and dimensions for curbed islands. We do show the curbing on the detail sheet if your looking for basically the radius, etc.

D. McGoey: The radius, etc. yes.

D. Higgins: We can add that.

D. McGoey: The confusion on the landscape schedule and the street, are referred to as “Pc” along Carpenter Avenue.

D. Higgins: That’s a typographical error . It should have said “Pca” which is (not clear).

D. McGoey: And we have to make sure we are in compliance with the landscape section of the ordinance. Section 249-100 should be confirmed with respect to the number and type of trees.

D. Higgins: Okay.

D. McGoey: The grease trap has not been resolved to date. The applicant’s engineer will be discussing this with the Sanitary Superintendent. Details are to be provided.

D. Higgins: I saw Mr. Ingrassia the other day and he had indicated to me that the owner would provide a letter that the former food service had a grease trap and in the case it would not be necessary.

D. McGoey: Will we get a letter?

D. Higgins: Yes.

G. Lake: So, you’re willing to do what the Sewer Superintendent requests and he not get a letter because we won’t sign off.

D. Higgins: Okay.

D. McGoey: The as-built utilities?

D. Higgins: We have shown on the plan the same information that was available on the mapping. The sewer main, water valve, catch basins and any other information we would add to that.

D. McGoey: The Sewer Superintendent should advise he is okay with everything before we sign off. There is serious confusion on who is responsible for the construction of the

improvements. Your note #6 indicates that it would be the responsibility of the property owner. Is that all of the improvements shown on the map and would the improvements in front of Jumpin Jakes be done before a Certificate of Occupancy.

D. Higgins: It's our intention to identify the property owner. We have shown the striping of the driveway, etc. Those would be the responsibility of the owner. The landscaping in front of Jumpin Jakes also will be the responsibility of the owner. As far as the timing . . .

J. Sweeney: That's something, if I can jump in. If you haven't heard this before let me try and suggest it for your consideration. As you know we have talked about and have generally agreed to the sidewalk improvements as being obligatory by the owner at fifty percent stage of occupancy. Would you consider the same relationship and timing for the landscaping? Landscaping gets expensive. It's the same reason that sidewalks get expensive. If you could consider that at the same time of occupancy we would put the landscaping in.

G. Lake: We kind of talked about this a little bit and I think at some point and we talked about this at the last meeting that we understand you want to get this right but by the same token we need to come up with a number that's fifty percent to figure out how we're going to bring the whole property up to the new codes.

J. Sweeney: Yes.

G. Lake: If fifty percent is okay with this Board and you're to say that's going to stop you and it's going to kick in and you start doing the landscaping and start fixing the aisles.

J. Sweeney: I think the aisles and that type of thing we will do. I'm talking about landscaping inside.

G. Lake: Right, but we're looking at the entire parking lot. It has to be brought up to standards. I think we talked about it quite a bit the last time. I think maybe when you get to the next part of this we can nail that down better. Surely seven thousand square feet out of one hundred twenty thousand.

G. Lake: Go ahead Mr. Hamilton.

T. Hamilton: Just one item. Even talking fifty percent they could end up with one small retail type of operation as the far end of this building and right now we have Jumpin Jakes if something should happen at the far other end how are we going to tie it in with that whole parking lot. It needs updating now in most places with pavement and everything. Right now we have it more or less isolated at this one end. It's going to be hard to figure out what to do.

J. Sweeney: That's a risk but the likelihood is that the improvement and expansion of this building is going to focus off of what's there and with Jumpin Jakes there it's likely that it will expand around that because of the infrastructure. That's where it will spin off. I think your point is heavier on the other side of the balance beam and things are going to work around Jumpin Jakes.

T. Hamilton: Why doesn't Jumpin Jakes go up to where the restaurant is and do something up there?

J. Sweeney: I don't know. I haven't any idea.

D. Higgins: Any change of use as I understand correctly would have to come back before the Planning Board.

J. Sweeney: Every use has to come back.

G. Lake: Again, Mr. Hamilton that's why at fifty percent or at thirty percent to start bringing it up. Right now we have a building just sitting there with only one tenant in.

J. Sweeney: You have a situation where you have a guy who owns the building and trying to get something in there and I told you that the last time.

G. Lake: Right. The problem is how do we get this done for everybody?

J. Sweeney: You have to take some risks on both sides.

J. Bacon: Mr. Lake, I have a suggestion. I think as they get more tenants in he will then have more money for financing to do it. I think you have a plan that breaks it into stages where you have so many square feet are done you do a certain amount of landscaping and pass that off to the tenant and they share an amount of landscaping costs as the property gets built.

J. Sweeney: Are you talking a proportional approach? How do you do that?

J. Bacon: At ten thousand square foot increments or whatever we get a certain amount of islands or you have a plan that is in stages.

J. Sweeney: I'm not adverse to that and surely the reasoning is to come up with something

that works.

J. Bacon: Well, that way you're taking care of the parking lot as per the number of cars that will be using that space.

D. Higgins: We've already done. We actually have two landscaped islands in front. I think the landscaping portion in the parking lot (not clear).

D. McGoey: Each use will come in will establish the square footage and we will know how many parking spaces that they will be required to upgrade and we will make them do that portion of the parking lot, including the islands and the landscaping.

R. Carr: It would be nice to know what the overall plan is. Right now we just have the landscape plan and the parking lot right there. We really should know what is the total proposal and all the infrastructure around. How many square feet or how it gets done has it's own component for that section of the parking lot. I don't know what it is.

J. Sweeney: We just don't know.

D. Higgins: The majority of the parking lot but at this point and time it's not practical.

R. Carr: I would like to see when this is all rented out because then I think this Board and everybody would like to see that. What does it look like otherwise what are we doing. Every time you come back we will look at this section and see what we're going to do. Really it should be the entire site as ideally at the end that this is what it should look like and then you say you take this section and say you have a third rented, let's do this side of the main drive.

G. Lake: When they come back that's what they will have to do.

T. Hamilton: I think what Mr. Carr is trying to get at is that we should have the whole layout of that parking lot. Not saying that they have to do it right now but

J. Sweeney: Right.

T. Hamilton: But draw the parking lot out with the islands and everything else which I think it would be better for any new tenant that wants to come for. He will look and see what that parking lot looks like before he makes a deal. At least put it on paper drawn out not saying that have to do it all now. Let's see what the overall is going to look like.

J. Sweeney: I agree. It's not a bad idea. My problems are your problems and my client

wants to get going.

J. Bacon: It could be part of the subdivision.

D. Higgins: We could incorporate that.

J. Sweeney: Or we could do it with the subdivision so that would not hold up Jumpin Jakes.

R. Carr:

H. Ross: As long as they comply I don't care how but Jumpin Jakes should move forward.

G. Lake: We can handle that with the subdivision.

J. Sweeney: Your Public Hearing is for both subdivision and Site Plan.

R. Carr: Mr. Bacon is that okay?

J. Bacon: I think the Board would like to see a conventional plan with everything and what would the timing be. I think the Board would like to see a conceptual plan sooner than later.

J. Sweeney: What I would suggest to you is that I will give you some ideas as a conditional approval to the subdivision. Site Plan wise, I would like to see that get done.

J. Bacon: I think if there is a promise by the owner that . . .

G. Lake: I think a couple of things have come up which once you start giving and start approving things without getting up front what you want and what you want to see it's very hard to do later on. That comes with my experience since I've been here. I think if the parking lot and how it's going to function, I think at some point and time you have to decide so we can look at it. It's something we probably should have talked more about at the last meeting. It just scares me when we start piecing things together. It will be a big project eventually. I think we have to be a little cautious. A couple of good items came up. Mr. Carr might be right in saying let's see what it is going to look like on a piece of paper. We're not asking to build it right away

J. Sweeney: I just want to say something.

G. Lake: Hold up please. Mr. Najac, do you want to say something?

C. Najac: I kind of agree with doing that first and kind of leave Jumpin Jakes out of the equation for a moment and do it subject to.

J. Sweeney: I'm not holding you to any time frame.

G. Lake: Well, we closed the Public Hearing.

J. Sweeney: I'm not holding you for either one. Let me see if I can pull it all together. I'm not adverse on the subdivision for Wallkill Acquisitions to proposing to you or showing to you next month a plan that shows landscaping, the details, the infrastructure you're talking about tonight and working out with your Attorney some type of a proportional approach to installing those over a long range if it ever happens. In terms of the Site Plan, Jumpin Jakes I would like to get that over and done tonight.

C. Najac: What I'm saying is if we do the Wallkill Acquisitions first we can get your subdivision approved and once that's done then we can look at Jumpin Jakes approval. It's just out of order.

G. Lake: We will come back to that. Let's continue with the comments. Note #7, which states we should request an explanation of Note #6 on Sheet 1 placing the responsibility for the improvements to the parking lot including landscaping on the owner of the Plaza. Although we do not take exception to this, we should discuss the timing for the improvements and whether they will be tied to the Certificate of Occupancy for Jumpin Jakes and the easements? You're going to be able to work them out?

J. Sweeney: These are cross easements, yes.

G. Lake: The last time is the sidewalks and stormwater management. Mr. McGoey have you seen anything on that?

D. McGoey: I have not. They agree to do the stormwater management so we will need to see that along with the overall parking.

D. Higgins: Okay, but what has to be . . .

D. McGoey: Well, in some of the other parking lots there are some treatment catch basins to handle the increase.

D. Higgins: Okay.

G. Lake: Let me go through the Board.

A. Dulgarian: I tend to agree that we have a build-out for Site Plan, parking, landscaping and snow storage which I don't believe is enough on this map. It's just our experience of seeing how much blacktop you have here and how little snow storage. I do agree with what Mr. Bacon and Mr. Carr said that we have to see what this looks like just like we would with a housing development that's phased. Let's see what it will look like at the end and then we will determine how much gets done at which point. We need an overall view. The other question I have, didn't we talk about the parking directly behind the bank that is in the right-of-way coming from Cheeseburger In Paradise? I thought we were going to try and get rid of that because we had enough spots.

D. Higgins: I remember seeing some notes but I thought it had to do with additional green areas on the side of the building and I thought we said we were not incorporating that.

A. Dulgarian: What does the rest of the Board think about, Mr. Lake? That's bothering me. I don't remember how we left that.

G. Lake: I'm sorry what was that Mr. Dulgarian?

A. Dulgarian: The parking directly behind the bank as you're coming out of Cheeseburger Paradise, I always thought that was a little tight and if I'm the only one that thinks it, so be it.

G. Lake: I think the comment was through the traffic flow across that and I think they said they were going to re-stripe it or something for now and then work the parking lot.

A. Dulgarian: I saw people backing out of those spots and backing directly into the driveway and I didn't know if those parking spots were needed with all the parking you have. I don't know, maybe Mr. McGoey should look at that a little bit more.

D. McGoey: Are you looking at the new plan that shows the re-configured access drive?

A. Dulgarian: May 19<sup>th</sup>?

D. McGoey: May 19<sup>th</sup>. The access drive is kind shifted away from those parking spaces.

T. Hamilton: I think they did mention when we brought that up that it may have been a contract with the bank that they had those many spots. That's why they ended up shifting the

access drive.

A. Dulgarian: That's all I have. I have no problem you with each new tenant doing a portion but I do agree that we should see a full build-out.

H. Ross: I agree with everything Mr. Dulgarian said and I'm a little concerned that if you don't put in a grease trap that you attach a note to the plan that states the limits. That's it.

R. Carr: And with me, when I looked at what we were doing before we were talking about the subdivision when I saw here we were doing the Site Plan it just scared me for instance where you have the striping and I appreciate that. It's a whole lot better the way you have the traffic going across there. I would much prefer curbing because no one pays attention to striping in that parking lot. My second point, if we approve this when do we ever get the opportunity to say let's look at putting curbing in there rather than striping. This project was originally part of the other project next door and it was going to be phased in with that and all of a sudden it didn't work out that way. I'd like to see what it is so we're all in agreement and I don't want to impede Jumpin Jakes but that's what I saw when I said we're looking at Site Plan.

J. Sweeney: I understand. I think with some type of a resolution where we tie up all these long range things with the final infrastructure plan on subdivision we will do it in proportion and come back.

R. Carr: I don't know and I will defer it to legal counsel but I don't know how you would tie in improvements to a subdivision and not a Site Plan.

J. Sweeney: On Site Plan there are some very definite things you want done and don't want done immediately. That's all we're looking at.

R. Carr: Right. That's my concern. I mean, everybody can debate about the percentage when that actually gets done. I would like to know what it is we're agreeing to and whether it gets done at what percentage. I would just like to know what it is we're agreeing to now and what we're agreeing to for later.

J. Sweeney: Fair enough. I understand.

W. Capozella: I really don't have much. I think we handled all the concerns. I think it's important that we get tenants in there and get this rolling in some direction.

C. Najac: I agree with everything said including the grease trap.

D. Higgins: I spoke to him about that and I believe it is there. We will look at it.

T. Hamilton: I have a concern about any islands, etc.

G. Lake: In plain English, I would like to see a tenant go in there but I have to agree about what Mr. Carr brought up tonight about the Site Plan and if we approve this Site Plan as is and I sign off on it as is, that's what it is.

J. Sweeney: You can see what it is, yes.

G. Lake: And, to say we're going to handle a Site Plan issue in a subdivision issue on Wallkill Acquisitions would be extremely wrong on my part to go that route.

J. Sweeney: What I'm suggesting is, is that we give you in terms of the subdivision approval, we will give you an end of the day plan.

G. Lake: I understand what you're saying. I think where we're going to disagree at this point is that if we approve a Site Plan that is in front of us at this point and time which is this one, that is what we are approving. I understand one hundred percent you're saying tomorrow

you're going to come in with a whole new plan showing us what we want to see but that isn't an approved plan.

J. Sweeney: No.

G. Lake: This one is.

J. Sweeney: You're right, it's not. So, what do you want to see on the Site Plan today?

G. Lake: I don't see us approving if there are concerns with this Board to do with the parking lot, the drainage, the landscaping and I'm more than willing to call the vote but I can't and as much as I want to support it. I know under Site Plan approval I can never support it because this is what I would be approving. It could be two years before you come back. I know exactly what you're saying.

J. Sweeney: I appreciate that and I'm going to approach a new issue. What do you want right now with this limited Site Plan?

G. Lake: Well, I think . . .

J. Sweeney: Other than what you have in front of you.

G. Lake: Well, I think what Mr. Carr brought up and a couple of other members brought up but what is it going to look like at the end of the day.

J. Sweeney: I'm willing to give you the end of the day but the second line is today.

G. Lake: If you're going to tell us I guess you're only going to have that one use in there forever.

J. Sweeney: I can't tell you that.

G. Lake: Then I don't think you can tell us. I think you have a one hundred seventy five square foot building that you have to show us a proper Site Plan. We're not saying you're going to build it but I'm going to sign this thing on a Site Plan that . . .

J. Sweeney: What you're saying Mr. Lake is that you want a Site Plan for the whole deal instead of what I was suggesting is that on subdivision we give you what is essentially Site Plan on the subdivision approval. I just want to get this Jumpin Jakes thing going right now.

G. Lake: I didn't think this was going to come up this way but I'm only telling you what I'm thinking and I don't think you can achieve what you want to achieve but in saying that . . .

D. McGoey: Mr. Lake, can I suggest that each tenant that comes in may be responsible for a portion of the parking lot and that Jumpin Jakes do those two rows of parking as part of their Site Plan.

G. Lake: I don't think that's the issue that I have. I'm more than happy to have them do that. The issue that I have and a couple Board members brought up is that you have a total site. Once I sign off on that total site. There's no phasing there. There's no line saying it's going to be done September 1st. When I sign that map, that's what it is.

J. Sweeney: That's the key. I don't think we're asking you to sign off on the whole site. I'm not asking you to do that. I'm asking you to sign off on a little piece of the site.

G. Lake: But there is no phasing here either. I know that but I think as Chairman I have to tell you how I look at it. I think if I'm going to sign a site plan approval this is what I'm going to sign and that's what we have. I'm not a lawyer so I will have to leave that to my attorney.

D. Higgins: Mr. Chairman previously we had submitted a map that had essentially shown the full parking lot and nothing proposed that is related to the subdivision you recently asked for. We showed striping and some landscape islands just in front of Jumpin Jakes with the specified parking for that use and the dumpster on the side of the building. Those were the only exterior improvements that were associated with Jumpin Jakes. Now, I think we may have complicated the map because we were asked to provide all the other information that was part of the subdivision plan and I guess the whole site. I don't know if all that landscaping and striping has complicated this and I think it has. If you want I can remove that information and get it basically back to just the Site Plan so as you say you are approving just the Site Plan you would be just approving just those improvements that are on that plan. Then the subdivision plan would have all of the improvements such as curbing, landscaping, all of those things.

J. Sweeney: That's why I was asking what do you want now for this and we can show you.

G. Lake: I will call the vote unless anyone else has anything to say.

A. Dulgarian: I have a question. Mr. Bacon, what are your feelings on this? I understand what Mr. Lake is saying but I also would like to see the applicant be able to move forward and I think this is a small portion of the big project but I don't want to give up either.

J. Bacon: Well, (not clear).

J. Sweeney: And the guy behind me wants to do something also.

G. Lake: Believe me, I wish . . .

A. Dulgarian: Mr. Bacon, can we come back to the Site Plan as the applicant is suggesting?

J. Bacon: No.

G. Lake: You have a couple of choices. I can call the vote and see how it goes. I can table you and get you back on the seventeenth if you turn the plans around very quickly.

D. Higgins: You said the seventeenth?

D. McGoey: Give them a week.

R. Carr: Like a week from Friday.

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

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**

4. **WALLKILL ACQUISITIONS** - 3 LOT SUBDIVISION - 360 Route 211 East  
(50-2-36) #05-09

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

J. Sweeney: My name is James Sweeney representing the applicant. It's the same deal.

G. Lake: We'll table you on this also to come back on the seventeenth.

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

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**

5. **WALLKILL HAMLET ASSISTED LIVING** - SITE PLAN/SPECIAL USE PERMIT - Rykowski Lane (609-1-99, 100, 101 & 102) #22-09

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

D. Higgins: My name is David Higgins with Lanc & Tully Engineering.

G. Lake: Okay. Go ahead. I'm going to let you tell us about it and what you have to do to try and achieve it.

D. Higgins: What the applicant is proposing is a living facility on Rykowski Lane and the intersection of Riverside Drive. The property is located in the Office/Research zone but unfortunately at this point and time it's not allowed within as a permitted use. My understanding is that the Town Board is in the process of amending the local law and will allow this building in that district. My understanding is that it was inadvertently excluded from the list.

G. Lake: Just to remind everybody that this has no place in the Town, I don't believe. So, the Town Board has to act on this and make that decision to allow this use someplace. I just wanted everybody to know.

D. McGoey: It is currently being reviewed.

D. Higgins: Basically it will be a four-story, two hundred bed assisted facility. It is proposed to have two entrances one on Rykowski Lane and one on Crotty Road. This is the first time Lanc & Tully has presented it to the Planning Board. We show landscaping and sidewalks around the building.

G. Lake: It's going to a four-story building. My first suggestion is to make sure you get to the local Fire Department which will be Mechanicstown to make sure we get any of their comments. You might want to get to them quick. There is not a lot we can do for you tonight until the Town Board does decide and I did see one of the Councilmen. My only thing to them is that it is added into the zoning and not spot zoning and to make it a use within that zone. Mr. McGoey's comments, are you going to have a problem with any of them?

D. McGoey: There will be a question about sidewalks. Every applicant that comes before the Board we've been asking for sidewalks.

G. Lake: Right. He already mentioned it.

D. Higgins: One of the things based on my experience with facilities might have walking areas that are interior to the site. We actually show sidewalks.

G. Lake: My only comment there is and I'm hoping that you follow the buildings that are there. I think you happen to be in an area that's going to end up being a pretty nice area to walk around anyway. So, I think in this case sidewalks would be a benefit and what has been built there so far has been very nice, I think. Let me go through the Board to see if they have any comments and answer any questions.

A. Dulgarian: No. I really have nothing at this time.

H. Ross: I'm a little curious about the closeness to the Wallkill River.

R. J. Smith: It's on the other side of Riverside Drive. It's shown on the entire subdivision map. It's behind the new day care facility.

R. Carr: Nothing but I'm not totally sold for this area. My first time noticing this, the first thing I saw was the parking being put in the front again. I would rather it be moved back to give yourself a little more green area. It's an attractive little development.

G. Lake: Anything else, Mr. Carr?

R. Carr: No, that's it.

W. Capozella: I was wondering the type of people being there whether it would be all senior citizens or mixed ages and what kind of care do they need.

Unidentified Person: First of all, this project would be monitored by the Department of Health. The average age would be about sixty and older. We are not a nursing home.

W. Capozella: Do these people actually drive?

Unidentified Person: Very few are going to drive.

C. Najac: I was looking at your parking (Unable to hear).

R. J. Smith: When the Zoning Law several years ago was adopted and initiated nursing homes and such facilities were permitted and later the PID zone was inadvertently taken out so right now no one can come in with a nursing home or a related facility. This would be a facility that is in between leaving your home for care and to the other extreme nursing home care.

T. Hamilton: I have a concern about other people trying to get in to the facility such as younger persons. What happens if it doesn't get filled, will they try and fill it with other people for complete occupancy?

R. J. Smith: The Glen Arden complex where you have to come in and buy into a unit putting up several thousand dollars and then you pay a monthly fee but the majority of the population is not for that. This is a straight rental. There is no buy-in price wise. The prices would range from thirty four hundred dollars a month to forty two hundred dollars a month, total care. There is not a facility like it in Orange County. There is a waiting list of people waiting to get in such facilities. There is always a financial risk but in this case with the model they have there will still be a waiting list.

T. Hamilton: My question is it like a hospital room or an apartment setup?

Unidentified Person: One is a one-bedroom unit with it's own bathroom and a kitchenette, The other unit would be what we call a friendship suite, two residents in a room with a sitting area.

T. Hamilton: Will it be strictly for seniors in age? What if there is someone younger that requires that type of service?

Unidentified Person: Strictly for seniors.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

G. Lake: You've heard the concerns of the Board. I have to agree with my board members on the parking for you to look at and where you can come up with something a little more attractive for that area.

D. Higgins: Do you have any idea whether landscaping between that area and Rykowski Lane would help?

G. Lake: I think we will leave that up to you to try. I don't want to jostle your plan around and then have you come in and say this is what you told me to do. I think you should look at it and see what you can do and maybe push the parking around a little bit. What I see so far looks good. We can't take any action right now but thank you for sharing your information with us. The Town Board action won't stop you from getting on a work session and start as much as you can do. At this point the Town Board hasn't acted on anything but we do have openings and you might be able to cut down some of the time.

T. Hamilton: The total amount of parking spaces that you're providing shows seventy three. Is that what is there?

D. Higgins: Seventy three, yes.

T. Hamilton: Is that going to be enough for two hundred units. You will have two hundred units, employees, medical personnel coming in and out and visitors. Is seventy three going to be enough? I know we have a problem with some of the medical buildings in the same area and we were going to try and not have it happen again. What will happen on the weekends when there will be a lot of visitors? Make sure you have enough.

D. Higgins: We will take another look at it.

G. Lake: Does anybody have anything else? Hearing none,

**MOTION to TABLE for further review made by H. Ross and seconded by R. Carr.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**

6. **MAPLE FIELDS** - SITE PLAN/SPECIAL USE PERMIT - Schutt Road (72-1-12)  
#51-08

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

R. Winglowitz: My name is Ross Winglowitz with Engineering Properties.

G. Lake: Go ahead.

R. Winglowitz: We've been in front of the Board a few times in the past. We have made a number of changes since the beginning. Since we last met April 1, 2009 jointly with the Conservation Committee at a work session with the professionals. As a result of those meetings included in the plans before you are revisions most notice-able of which is the removal of a single family lot which was on the northwest portion of the site. We had re-designed them in compliance with all the zoning but after several discussions with everybody involved the applicant has decided to remove them from the application. In addition, one of the other major changes has resulted from the comments is a slightly configuration of this area. There was concern by the Board and the consultants about the road used to go to the property line and along the property line. We have it pulled away from the property line

similar to the proximity of the homes in Canterbury Knolls so it was re-configured so that the rear yards abut the rear yards of the units in Canterbury Knolls. In addition we did some re-configuration here to preserve more of the tree line next to building #14 and #21. At the last meeting I mentioned that we added parking and shelters at each of the entrances. We had contacted the school district and they said there would be no pickup internally and that it would be at each entrance. I will be glad to answer any questions the Board may have.

G. Lake: At our one work session as he did mention Behan was also there and the Conservation Commission was represented. I will go through the Board.

A. Dulgarian: Other than re-visiting the sidewalk and Mr. McGoey's comments. The other question I have is the required open space which is color coded on here. I would like to see what . . .

R. Winglowitz: The shading and cross hatching across the conservation area. That includes basically everything including the Central Hudson easement. That is part of the conservation area.

G. Lake: Including where the ten houses were going to be?

R. Winglowitz: Yes.

A. Dulgarian: Including the build-able?

R. Winglowitz: The build-able portion, the specific calculation for build-able required three acres and open space proposed 17.7 acres.

A. Dulgarian: So, where is that build-able 17.7 acres?

R. Winglowitz: This area here where the single family homes were going to be.

A. Dulgarian: Is that build-able up on that ridge?

R. Winglowitz: Yes, that all is under your criteria.

A. Dulgarian: And, where else?

R. Winglowitz: The area back here.

G. Lake: Mr. Bacon, let me ask you a question. Where they had the ten houses they have now shown it as conservation. That can't be reversed?

J. Bacon: That is one of the comments from Orange County Planning. It can't be held by the Home Owner's Association.

G. Lake: Who's going to hold that?

R. Winglowitz: That will be part of the discussion of how they want it protected.

A. Dulgarian: So, is that the responsibility of . . .

R. Winglowitz: No, it's just an enforcement. Nothing can be built there. So, it's part of the Home Owner Association property but the restriction of doing anything is a benefit to the Town so that they have the enforcement rights. If the owner person that has the enforcement rights is the owner of the property then we've got a problem.

G. Lake: Okay. Anything else, Mr. Dulgarian?

A. Dulgarian: Yes. I have one quick question. Being that this is all fairly new to us, when you have an area like that which falls under a Home Owner Association type of thing how is that affected acceptance wise, ratable wise. If that property cannot be used for anything else can they come back (not clear).

J. Bacon: I think the property will be assessed as a whole right?

R. Winglowitz: Yes. This will be one large parcel including the deed restricted area. It would be assessed as one piece.

A. Dulgarian: That's all.

H. Ross: Nothing.

R. Carr: I have an issue with enforcement.

J. Bacon: You wouldn't want the Home Owner Association to have the enforcement of their own property.

R. Carr: Right as well as the conservation easement.

J. Bacon: The conservation easement would be placed on the deed and will be recorded. Then you would have to have some type of enforcement. It would become a violation of the Site Plan as well if anything was done on that property.

G. Lake: Mr. McGoey, Orange County Land Trust, they won't look for a piece of sidewalk?

D. McGoey: It has power lines through it. It's something we should send over to them to see if they're interested.

G. Lake: Mr. Bacon, you should probably call and see how the Town will handle that.

J. Bacon: Okay.

G. Lake: Somebody has to give us that answer, whether it's going to be the Code Enforcer or strictly the Building Department. Anything else, Mr. Carr?

R. Carr: No.

W. Capozella: One of the things that I would like to see on a project like this with multiple dwellings on the water and sewer to see if the Town has the capability for this type of development and number of dwelling units.

R. Winglowitz: That was one of Mr. McGoey's earlier comments.

W. Capozella: I'll be looking for that letter.

R. Winglowitz: It would be in the SEQRA document.

W. Capozella: The other thing is I see a clubhouse. Will there be other facilities available?

R. Winglowitz: Clubhouse, a tot lot and a pool area.

W. Capozella: The pool?

R. Winglowitz: The pool is directly behind the clubhouse.

J. Bacon: You may want to look at the recreation very carefully.

G. Lake: Anything else, Mr. Capozella?

W. Capozella: No.

C. Najac: Not clear.

T. Hamilton: The build-able area?

R. Winglowitz: There is a section here and another section over here.

T. Hamilton: You call that build-able? How do you access it?

R. Winglowitz: You would have to get an access to get to it.

Unidentified Person: I'm the owner of the property and there actually is a farm road that goes through the wetlands here.

T. Hamilton: Is that going to be used? I mean, you're saying it's build-able.

R. Winglowitz: We're not going to build around the entrances now, anyway. Even if it gets counted we will still have three times the build-able area. This does meet the qualifications of the code.

T. Hamilton: If you can't access it, it's not build-able.

R. Winglowitz: If I took it out, this is probably twelve acres right here. We're talking seventeen in total.

G. Lake: Anything else, Mr. Hamilton?

R. Winglowitz: It's all deducted in the calculations.

T. Hamilton: Mr. McGoey, did they straighten out the site distance?

D. McGoey: Not yet.

R. Winglowitz: We talked about the sidewalk issue earlier. We've agreed to the concept. We did talk about eventually having a site visit and I spoke to Mr. McGoey about verifying the site distance at that time. We can put a note on the plan indicating the build-able, site distance and the prevailing speed.

D. McGoey: The prevailing speed.

R. Winglowitz: We show it on note #8.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

R. Carr: I look at the stormwater management pond and it is directly in front of that row of trees. I just don't know how practical it is. I just question how you can excavate and put in that pond right at the edge of the trees.

R. Winglowitz: This is really the only area that is significant of trees that would be removed. There is a tree line here and over here so this is the only area we are removing from Schutt Road all the way back to this post tree line. As we process with the details we will take care of that.

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

**MOTION for SKETCH PLAN approval made by W. Capozella and seconded by C. Najac.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**

**MOTION for Planning Board to send out notices to become LEAD AGENCY made by**

**R. Carr and seconded by A. Dulgarian.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**