

TOWN OF WALLKILL PLANNING BOARD

MEETING

JUNE 4, 2008

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

MEMBERS ABSENT: R. Carr

OTHERS PRESENT: J. Bacon, P. Hines

1. PUBLIC HEARING 7:30 P.M. - **CRYSTAL RUN CROSSING** - 2 LOT  
SUBDIVISION - Crystal Run Road (78-2-80.3) #17-08

G. Lake: Public Hearing started at 7:35 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 4<sup>th</sup> day of June, 2008 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Crystal Run Crossing, LLC, 851 West Genesee Street, Skaneateles, New York 13152 for the approval of land located on 2-16 Crystal Run Crossing Road adjacent to the intersection of Crystal Run Crossing Road and Exit 122 of NYS Route 17 West under Section 249-26.2 of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

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

T. DePuy: My name is Thomas DePuy with DePuy Engineering. I'm representing Crystal Run Crossing. They're proposing to subdivide what was called lot #3 of the original Crystal Run Subdivision into two lots. One would be 1.402 which has an existing building on it which was The Red Robin Restaurant. Lot #3A, the vacant parcel next to it which would be a one acre parcel and receive sewer and water service from the Town of Wallkill Water and Sewer system. Access would be off of Crystal Run through a common drive back through here. Basically we're just looking to subdivide the land at this time.

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

A. Dulgarian: After the Public.

H. Ross: After the Public.

W. Capozella: I will wait.

C. Najac: After.

T. Hamilton: After.

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

**MOTION to close this PUBLIC HEARING at 7:39 P.M. made by T. Hamilton and seconded by C. Najac.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

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

T. DePuy: Yes.

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

T. DePuy: Item #1. The Planning Board during their regular meeting of May 7, 2008 requested that the applicant resolve the exit safety problems at Chili's onto Crystal Run Road. We should discuss plans in that regard. We've contacted Lewis Sign, they're under contract to do the work. I'm basically been waiting for a letter from Mr. John Lippert. They

don't want to do out into the right-of-way until there is a letter from the Highway Superintendent. I already talked to Mr. Lippert and he is getting it together for me. Also besides putting a no left hand turn sign we're looking to put in a do not enter sign so you will see it from across the way as you come in there also. I think if we put that do not enter sign in it will mark it much better.

G. Lake: You know, that's one of the areas that we have the shared parking throughout.

T. DePuy: Right.

G. Lake: Throughout the whole thing and I realize this is down a little bit. Is there any consideration of trying to grade that so we can make that turn?

T. DePuy: Other than signage I don't. The islands were put in according to the approved plan. I was not in charge of the Site Plan at that time but I don't see what else we can do at this time.

T. Hamilton: Is there any way you can look at that?

T. DePuy: I can take a look at it but that is part of Chili's.

T. Hamilton: When we see items like this and know of safety problems when it doesn't work correctly we try and get it resolved.

T. DePuy: We're two lots away but we will agree to do the signage but we will have to talk to Chili's as far as grading and stuff.

G. Lake: Again, I was here when we allowed the shared parking and I had nothing against it personally but when there is a problem like this and that shared parking becomes everybody's problem also as far as that goes. I was hoping between the last time you were here and this time there was just a little more done. Signage is nice but if it's not clear and not replaced. I just thought that could be redone some how and I'm not a Traffic Engineer. You would have to talk to somebody that is but raising that a little bit or cutting the angle a little sharper so they couldn't do that and create the safety hazard that is there now. I just think that between now and the time we sign and let you go on this. I just think something has to be done more than just a sign.

T. Hamilton: It's just not the shared parking. That is actually a shared access drive going to Chili's and all of those four lots.

G. Lake: I agree with you.

T. DePuy: We will make that a condition. We will have to come to a work session with Chili's and this lot.

G. Lake: Okay. Go ahead.

T. DePuy: Item #2. Although the sketch plan now shows some landscaping, the landscaping with planted islands, etc. does not conform to the Town's landscape requirements. Again, this is sketch form only and is not being submitted for approval. We had done an additional sketch where we moved the building back and beefed up the landscaping area against the road and we also landscaped in the islands. Item #3. The development of lot #3A will be subject to SWPPP regulations. Item #4. The applicant's land surveyor should determine whether the lots can be numbered 3A and 3B. The County Clerk may not allow the subdivision to be filed with this numbering system. I left a message with the County Clerk and they haven't gotten back to me but they've allowed that before. Item #5. When and if the Site Plan is submitted for lot 3A, the Planning Board should consider a contribution to the right hand slip ramp onto Route 17 as mitigation for the type of use and the number of the traffic movements generated by the new development. We have no problem with that. Every project we've done in the subdivision has contributed based on the traffic generation. Item #6. The property corners along the easterly boundary between lot 3A and 3B have not been shown as being monumented. If new monuments are required they should be noted on the plan at each location. We will note them. We will set them and put them on the plan. We will be putting iron rods on the two sides and a concrete monument on the front parcel. Item #7. A schedule should be established for removing the sign pole within the Town right-of-way. We have Lewis Sign as the contractor for that

G. Lake: I will go back to the Board.

A. Dulgarian: My two biggest things were the landscaping and the turn and with all due respect to Mr. DePuy he had all this time and is going to put up a couple of signs. That's not what we were looking for. I sat here and talked about how dangerous that intersection is and we had the same problem on North Galleria Drive with Wal-Mart getting in and out and they had to re-design that. Human nature is the easiest way in and that was it. We're allowing

people to cut across three lanes of traffic there and turn where it is unexpected and a sign is not going to do it.

T. DePuy: Like I said, we will have to come to a work session with Chili's because it

involves their property.

A. Dulgarian: I'm not comfortable with what we're looking at tonight.

H. Ross: I conclude with everything Mr. Dulgarian has said.

G. Lake: Anything else, Mr. Ross?

H. Ross: No.

W. Capozella: On the map you show a note on the lot width.

T. DePuy: Yes.

W. Capozella: I know you put the note there but I'm just questioning if the Board is going to make a decision tonight by you putting that note on.

T. DePuy: That was just to let you know that we had reviewed that and it was grand fathered in with the clustered subdivision.

J. Bacon: With that the Board has the power to vary the setbacks, etc.

W. Capozella: If we move forward and approve this (not clear).

J. Bacon: Yes.

T. DePuy: Basically when the Site Plan comes in you get to re-approve that.

P. Hines: The lot line (not clear).

T. DePuy: Yes, but there were some other setback issues. It should be reviewed when the Site Plan comes in. We're setting the lot size and there are other items that are released.

C. Najac: I have no issue with the subdivision but I am definitely concerned about the safety. I thought we had discussed that before.

T. DePuy: Well, I misunderstood. I thought you wanted additional signage out there. We will have to bring Chili's on board.

T. Hamilton: The lot width doesn't meet. It's one big lot before us now. They're before us now, they can make that thirty one feet. They own both parcels.

T. DePuy: Yes, but the way the parking is being set up.

T. Hamilton: Well, you change it then. You're the one, why create a non-conforming lot that doesn't meet the zoning today when you can shift things around and re-arrange the parking. You don't know what size the building is yet. Give us a lot that meets the standards.

T. DePuy: That was for the clustered subdivision.

T. Hamilton: Here, you can move that one lot thirty one feet and then put a building on that which will fit and meet all the other criteria. You can't assume to come in and put on a larger building where you're not going to meet the setbacks and expect us to waive every single one of these items. You can make a two hundred foot width lot and then put a building on there that will fit. That's all I have to say.

G. Lake: Basically he is here for a subdivision only. You've heard the Board. I guess the first issue is does the Board feel comfortable with the access and with it being handled by him coming back to a work session to deal with that remembering that this is only a subdivision. He has to come back with the building and if they don't do it now we will surely nail him then. I'm assuming that they must have a buyer. That is your sledgehammer if they don't fix that entrance.

**MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments and this Board's comments made by**

P. Hines: The major entrance, you may want to stop the Negative Declaration if you're going to approve or not approve the traffic concerns.

G. Lake: It would be subject to all of these comments and he would have to fix these things between now and Final Approval.

A. Dulgarian: Mr. Lake,

G. Lake: Or, we can table it and make him come back, that's up to you.

H. Ross: I think we would decline the Negative Declaration at this time.

A. Dulgarian: I'm not comfortable with doing a subject to. We were pretty clear and I'm sorry there was a misunderstanding but we have had a good relationship with him and he knows what we want but in this particular case I thought we were pretty clear and we are just as responsible as anybody for messing up that intersection and here's our opportunity to get it right. I would not vote on this and would recommend to table.

G. Lake: Do you waive the sixty two day time frame?

T. DePuy: Yes.

**MOTION to TABLE for further review with applicant waiving the sixty two day time frame made by A. Dulgarian and seconded by H. Ross.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

2. PUBLIC HEARING 7:35 P.M. - **EISELE** - 3 LOT SUBDIVISION - Foster Road (29-1-16.2) #19-08

G. Lake: Public Hearing started at 7:52 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 4<sup>th</sup> day of June, 2008 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Robert L. & Evelyn Eisele, 84 Foster Road, Middletown, New York 10940 for approval of a three lot subdivision on Foster Road, 1,300 feet +/- of Foster Road and Scotchtown Collabar Road under Section 249-19 of the Zoning Law of the Town of Wallkill. All parties of

interest will be heard at said time and place. S/Gary Lake, Chairman

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

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

G. Lake: Do we have your mailings?

S. Plass: Yes.

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

S. Plass: It's a three lot subdivision, twenty acre parcel with one existing dwelling which would sit on the six acre parcel. Two proposed building lots, one being nine acres and one being five acres. We have a couple of comments. I haven't received comments from the Fire Department. Have you gotten anything?

G. Lake: No.

S. Plass: Eustance & Horowitz, I don't think they've even seen this yet.

G. Lake: Let me get back to the Board and then we will come back to this.

A. Dulgarian: I will wait.

H. Ross: I will wait.

W. Capozella: Wait.

C. Najac: Wait.

T. Hamilton: I will wait.

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

**MOTION to close this PUBLIC HEARING at 7:52 P.M. made by T. Hamilton and seconded by W. Capozella.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

G. Lake: Do you have Mr. McGoey's comments? The Fire Department no comments.

S. Plass: Yes. I haven't received anything.

G. Lake: No, they didn't send any to us.

S. Plass: The driveway I think the last time we were in we had approximately 11.5 percent grade. We have since changed it to ten percent.

A. Dulgarian: Was that on lot #1?

S. Plass: Yes. The speed on the road is posted at thirty. We did the site distance at thirty five. We will have the Superintendent verify that. The question on the easement, lot #3 has access over lot #2 for the driveway.

J. Bacon: Are you going to relocate it?

S. Plass: Not at this time

G. Lake: Mr. Bacon, shouldn't we get that legal easement over that property?

J. Bacon: Yes, one or the other.

G. Lake: Let's get it done.

S. Plass: Okay.

P. Hines: You should take off the map, driveway to be relocated.

S. Plass: Okay. I will put a note on the map about preserving the stone walls.

G. Lake: One other thing. We received from Orange County Planning about making these lots conform. This is a unique parcel and I think the last time and question me if I'm wrong but everybody thought it was a unique piece of property. I will go through the Board.

A. Dulgarian: Irregular configured lots but I understand the need to do that. I don't have an issue.

H. Ross: I agree with Mr. Dulgarian.

W. Capozella: I just have a question here on the notes. When you go for the Building Permit it is based on the septic system. It sounds petty but I look at these things and think about it afterward. That's not out there. If you need to pump up you will need something else.

S. Plass: Exactly.

W. Capozella: I don't even want to get involved in something like that.

C. Najac: I'm concerned about the stone walls. I was there the other day and saw a large number of large trees on the site.

S. Plass: I think we have notes on the stone walls and the trees.

T. Hamilton: It usually shows around each dwelling area. Where are they shown?

S. Plass: They're in the plan shown on the far right. We can add a note to save as many large growth trees as possible.

T. Hamilton: And show how many feet around the buildings.

P. Hines: The clearing limit lines.

S. Plass: The clearing limit line is on the plan.

T. Hamilton: There are so many lines on the map.

S. Plass: We can make it darker or something.

P. Hines: The lot is completely wooded and I think the clearing limit lines would be the better way of handling that.

C. Najac: I was looking at the site and there are a large number of big trees.

S. Plass: I will go out and try and locate what I can. I do know that only one lot will be built at this time.

G. Lake: Mr. Hamilton, do you have anything else?

T. Hamilton: Show the building setback lines. Lot #2 that line seems to go through part of the house. Is that the blacktop driveway?

S. Plass: On lot #2?

P. Hines: That's the driveway.

T. Hamilton: Also, lot #3 it looks like its marked "shed"garage.

S. Plass: Yes.

T. Hamilton: You can move that property line over.

P. Hines: It's an accessory structure.

G. Lake: Mr. Dulgarian, do you have anything else?

A. Dulgarian: I was just going to say I don't know why we have to mark trees that are beyond the limits of clearing, is that what you were talking about?

C. Najac: No. Just those that are within the limits.

G. Lake: Anything else? I don't have anything.

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

**A. Dulgarian: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

**MOTION for a THREE (3) LOT SUBDIVISION approval subject to all of Mr. McGoey's comments and this Board's comments made by A. Dulgarian and seconded by H. Ross.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

3. **GOLDEN TRIANGLE - EXTENSION to SITE PLAN/SPECIAL USE PERMIT & PRELIMINARY SUBDIVISION - Silver Lake Scotchtown Road (40-1-16) #74-02**

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

L. Wolinsky: My name is Larry Wolinsky with the law firm of Jacobowitz & Gubits here on behalf of Golden Triangle. With me is Lorraine Potter from Lanc & Tully Engineers. I'm just going to take a few minutes just to bring the Board up to speed on the facts surrounding this extension and Lorraine Potter can continue on the actual project status. We were here on December 5, 2007 to achieve a reinstatement or a re-issuance of the previous approvals that had recently expired. The Planning Board had granted us a new Site Plan and a new subdivision, both of them Preliminary. We also had a Special Use Permit that had not expired at that time but was about to expire two months later. While we were here at the Board meeting the Board also extended that for a six month period thereby bringing all at the same time frame. The six months is about to expire tomorrow and we had submitted the letter requesting the extension. I know that Mr. McGoey had asked in his comments about the status.

L. Potter: Good evening. I received Mr. McGoey's comments. We have gone through some of these comments. We still have issues that have not been resolved in regard to the Home Owner Association document. The Attorney will be contacted, Mr. Bacon, in regard to that. We're also working with John Collins Engineering who are co-ordinating the revisions and updating the plans for Silver Lake Scotchtown Road, the upgrade of that. We will be getting catalog cuts for the lighting system. In regard to possibly relocating the sidewalk. We had discussed this as far as being able to do this during the construction period. There was an order to possibly save some significant trees and we felt we would (not clear) the sidewalk rather than leave it in straight. That is something that can be done in the field with the Town Engineer at the time of construction to make sure it is specifically in the correct area. In regard to the start of the project and he is actually looking to start construction in 2009. In regard to the new exit ramp I've spoken to Phil Griely from John Collins office and he said that the process is still advancing through the Department of Transportation and through (not clear). They're continuing to answer comments and revise the plans. In addition, we have received the stormwater management agreement that would be required. The comments are concerns and questions and I don't know if anything has been answered. This project is a condominium. It has a Home Owners Association. Normally with a subdivision you would have a drainage district to cover that. This particular escrow or letter of credit could go on for an infinity. How would we handle this?

J. Bacon: I think (not clear).

L. Potter: In regard to outside agencies, we are involved with the Department of

Environmental Conservation. As you're aware the flat land mitigation took place last year. Temporary culverts were put in one of the streams and the Department of Environmental Conservation. We thought that would be covered under the Federal guide line permit which we received from the Army Corps. The Department of Environmental Conservation said that in order to remove those culverts at this time we would need to get a stream crossing permit or a stream disturbance permit in order to remove those. In the meantime we are also getting a permit for the final stream crossing even though we're not touching the density. The Department of Environmental Conservation is requiring it and with all of this we are requesting you to grant us an extension.

G. Lake: On this stream what's the latest word from whom you're dealing with this? I guess you're dealing with bed (not clear) on this?

L. Potter: Yes.

G. Lake: It was my understanding that the State kind of like and what kind of time frame we're talking about.

P. Griely: My name is Phil Griely from John Collins Engineering. We actually had a meeting with Brian on this from the Department of Transportation about a month ago to go through the changes. After the concept of the new Town road and the re-modifications by the Department of Transportation the road out by the fence. We've gotten some additional comments and re-submitted and circulated it. They presented the draft to "FHWA". We received back about a month ago comments that we have to incorporate into that document and submit it so we can proceed to the next step. Now, we're looking at getting that in probably within the next couple of weeks and the worst of the process is probably about six to eight months to get through Final Approvals. It is advancing. Both the Department of Environmental Conservation and the "FHWA" are supportive of it. We're now going through crossing the t's and dotting the I's. It's not an easy process. It is very time consuming completing that and the latest comments also get more complicated because of I-86 but right now the Department of Environmental Conservation learned a lot going through the Exit 122 interchange. They had met and have now advised us that we can incorporate into our modifications. So, it is advancing and we have their full support at this point.

G. Lake: So, you're talking another eight months just to get your paperwork back.

P. Griely: That would be to get the approval. We've gotten specific comments now.

G. Lake: So, you're saying eight months to a year?

P. Griely: One of the other things that they did ask us to expand in the modification report. If you remember the generic environmental impact study that we had done, we had to look at the potential development for phase #2. That was all included in the interchange modifications. They wanted it spelled out in detail.

G. Lake: Let me go through the Board to see if they have any questions. It's just for an extension on the first phase.

A. Dulgarian: I have a couple of things. You keep referring to the Town Road and the ramp. That's the same.

P. Griely: Both. I refer to it in two pieces because that's how the Department of Transportation refers to it. It's all one project. It all goes together but it's two ownerships. It would be built as part of the project but it would become a Town road and the reason is you have to have the Town road with the ramp connection. It's similar to Crystal Run Crossing. That's actually a Town road because the ramp was modified and it can't just end in a private development. It has to go into a Town road.

A. Dulgarian: The configuration is basically the same that we looked at?

P. Griely: That's correct.

A. Dulgarian: My other question is either for Mr. Bacon or Mr. Wolinsky. What happens if they're not ready in the Spring of 2009 to break ground? Is there another extension? They already have Preliminary so, we're good right?

J. Bacon: Yes. They have really eighteen months worth of additional extensions for the Special Use Permit. The code doesn't provide extensions beyond that point.

A. Dulgarian: So, are they still within that window?

J. Bacon: Right now, yes.

A. Dulgarian: When does that window expire?

J. Bacon: It expires eighteen months from now. They were given a six month extension and you're allowed to give two one year extensions.

A. Dulgarian: Now, the market being what it is if they don't break ground eighteen months from now . . .

L. Wolinsky: I don't have the code in front of me but I know that the new changes in the code cause the project expiration.

A. Dulgarian: I was just curious.

L. Wolinsky: We would have to re-apply.

A. Dulgarian: I just wanted to make sure.

H. Ross: I agree with Mr. Dulgarian.

W. Capozella: I'm satisfied so far.

C. Najac: But, they're only asking for six months?

L. Potter: We would like to ask for a year.

C. Najac: We can give a year.

L. Wolinsky: That's fine but we have three different kinds of approvals. On the Site Plan and subdivision you traditionally have been giving six months. If you're okay with it, we will take a year.

J. Bacon: If the Board does want to go with the year, the code does permit that.

P. Hines: That was one of my concerns, the time frames.

G. Lake: Anything else, Mr. Najac?

C. Najac: No.

J. Bacon: Mr. Wolinsky, can you draft a letter to the Board explaining where you are with the Department of Environmental Conservation.

J. Wolinsky: Okay, yes.

T. Hamilton: I would recommend giving them one year to make it easier.

L. Potter: Okay.

T. Hamilton: I don't know if you received it but there are a lot of items from Mr. Lippert that you might want to start working on.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

**MOTION for a ONE YEAR EXTENSION to Site Plan/Special Use Permit & Preliminary Subdivision made by H. Ross and seconded by C. Najac.**

**A. Dulgarian: Aye]**

**H. Ross: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

4. **ORANGE REGIONAL MEDICAL CENTER** - SITE PLAN/SPECIAL USE PERMIT & LOT LINE CHANGE - East Main Street (78-1-77) #60-06

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

J. O'Rourke: My name is John O'Rourke with Lanc & Tully Engineering.

G. Lake: I did bring the Board up to speed instead of several meetings since the last time you were here. They realize the highlight of the problems that we have solved at the work sessions and then we will let the Board take it from there. I thought it was the easiest way to

get right to the point on the different items that have been solved in the past few weeks.

J. O'Rourke: The handout was basically the old photograph just so you remember the general Site Plan. The plan is generally the same as was the original Preliminary Approval. Since that time if you remember some of the outstanding issues the Health Department approval for the water line extension which we have obtained. It was an issue with bonding and how we were going to set that up. It has also been resolved. The big issue, of course, was the traffic. Since that time John Collins Engineering, Mr. Griely is here, has coordinated with the County on the road improvements basically from the 84 overpass to the exit ramp of 122. The design has been coordinated so that it will stand alone if the improvements of 122 by the State are not conducted in a timely manner. We have coordinated that directly with the County. So we've extended it basically that entire lane. We coordinated the improvements associated with the County with the intersection of Golf Links Road, the traffic at our entrance and the proposed traffic light associated the Tetz project and they will all be coordinated and signalized together. In addition we've met with the Engineer and making modifications on the site, sediment control, stormwater management those have all been resolved. We're basically in front of you for Final Approval. I have Mr. Griely here to discuss the County improvements and also Mr. Esposito to discuss the landscaping as well.

G. Lake: Come on up for the landscaping. I'm not quite sure if my fellow Board members saw the last one you gave. Maybe if you can open that up.

S. Esposito: Sure. My name is Steve Esposito with Esposito Associates. This is just the overall plan and what this plan shows is the overall street tree planting. East Main Street is at the bottom of the page. The hospital is approximately in the center. The street trees that are on the plan will meet the requirements of the Town. One of the things that we did talk about the two detention ponds. The one at the entrance is a wet pond and what our concept is (not clear). There will be another row of trees here and a retaining wall before the first parking lot and in front of that will be substantial planting. Sheet #2 shows the area in the northwest portion of the site.

G. Lake: I just wanted you to show that. I will go through the Board.

A. Dulgarian: Mr. Esposito since you're here and I know we have covered this before but I might as well get your expertise while you're here. How does your landscape plans co-exist with snow storage?

S. Esposito: I have to show you the detailing.

A. Dulgarian: You don't even have to show me on the map. Tell me basically where you're

going to see where there's aisles that are going to be pushing snow out of the parking areas.  
S. Esposito: There are gaps along the planting to push it into lawn areas.

A. Dulgarian: So, there are actual gaps within the planting?

S. Esposito: Yes, to allow for snow removal. Some of the parking areas, the snow will be picked up and trucked out. There are designated areas for snow storage.

A. Dulgarian: Are the areas that are going to be removed from the area . . .

S. Esposito: I believe the snow storage areas . . .

A. Dulgarian: Not only the snow storage areas but the areas that you do not have the gaps or that you intend to have the snow removed is that labeled on the plan?

S. Esposito: The gapping is there. In fact there are no planting, it is just turf. Where the roadway will be coming through there will be a turf area and planting would be outside of that.

A. Dulgarian: I understand that part. Maybe I'm asking the wrong question.

G. Lake: You're looking to have it labeled on the plan?

A. Dulgarian: Correct. The areas that you are intending to have the snow removed from there is no place to push that snow. Is that labeled on the plan that it would be removed from this area? I would like to see that on the landscape plan.

S. Esposito: Sure.

G. Lake: What happens is we're always told there is a place for the snow and then we find a gigantic mound of snow taking up parking spaces. That's what we don't want to happen. I understand you want it labeled where it is going to be removed and where it is going to go?

A. Dulgarian: He knows that snow on his plan has no place to be pushed and I would like that area to be labeled. I have a question for Mr. Griely and I know that this has probably been covered. The Tetz section is contingent on 122 not being built? Now, at what point if he decides to make that investment on that? I know this all had to be talked about in the time table. Is that going to be built and then what happens if 122 comes through months later?

P. Griely: The County actually is holding a bond from the Tetz project as part of that approval. I think if the State improvement is within six months of when that was going to be built that they would go ahead and do the State improvements. I think that's how it was spelled out. Right now, we're going towards that everything from 122 from the exit ramp eastbound over through 84 has to be done for this project if the State is not doing their project. If we're ready to move forward basically that whole stretch has to be done for the plan and for the SEQRA findings. The improvements from the ramp . . .

A. Dulgarian: You're talking one or the other?

P. Griely: Correct. If the green on that plan is not ready to start construction . . .

A. Dulgarian: Then you're building . . .

P. Griely: Then we're building that. I believe that the bond the County is holding is for the Tetz portion which is kind of a musty color on the plan.

A. Dulgarian: Yes.

P. Griely: And then the blue color which was when we went through the SEQRA and the findings it was very detailed and spelled out that it be done by the hospital to make sure that work is done if the State isn't there. There are actually two separate bonds.

A. Dulgarian: So, it benefits both?

P. Griely: Correct. We're pushing the State because part of what we have to do there is widen the bridge.

A. Dulgarian: So, there's a lot of . . .It seems like such a waste.

P. Griely: Right.

A. Dulgarian: And I'm sure you are all over these guys about the time table.

P. Griely: Correct.

A. Dulgarian: I have nothing further.

H. Ross: Good luck with the Department of Transportation.

W. Capozella: I like the landscaping.

C. Najac: Since they're here I would like to ask them about one issue. The lighting. I want to see the minimum of lighting. Let's make sure it stays within your parking.

J. O'Rourke: We have a lighting plan. I'll certainly mention that to Mr. McGoey when we sit down. Obviously we want to keep them as low as possible and the less money we're spending.

C. Najac: That's correct. Let's do what we can.

J. O'Rourke: I agree.

T. Hamilton: The only comment is that they address whatever Mr. Lippert has to say.

J. O'Rourke: We had received a letter last week from Mr. Lippert.

T. Hamilton: We got this today.

J. O'Rourke: Yes. These are the comments that he gave us in a memorandum. We discussed them at our work session last week and we're in agreement including one of the items. He asked us to provide an overlay on Midway Park Drive.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: That's all.

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

**MOTION for FINAL APPROVAL subject to all of Mr. McGoey's comments and this Board's comments made by A. Dulgarian and seconded by H. Ross.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

G. Lake: And, we also have the lot line consolidation. The reason we're doing this is basically because of internal issues here with the Town Assessor.

**MOTION for a LOT LINE CHANGE (Consolidation) made by H. Ross and seconded by C. Najac.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

W. Becker: My name is Wayne Becker from Orange Regional. I just want to thank you for your support on this project. It's a major project for Orange Regional. It's a major project for the Town of Wallkill and thank you for your cooperation.

5. **JZM** - 2 LOT SUBDIVISION - Cross Road (19-1-11.2) #65-05

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

A. Fusco: My name is Al Fusco with Fusco Engineering representing JZM for a two lot subdivision. It has been before you. It's one hundred plus acres. We're dividing twelve acres off for a family member to build a house. We had received approval I believe in March

2007. We had requested an extension but we were weeks late. The reason for the extension is for the last twelve months we've tried to get a letter from the Highway Department saying that the prevailing speed is thirty miles per hour to the east and thirty five in the west. We sent two certified letters and other letters and got no response. I called today and there was nothing in the file. They thought that a letter was sent and got crossed but there was nothing in their files either. Basically what we would like to do is have this re-approved I guess at this point. Mr. McGoey did have one other comment about a driveway end section and of course the land surveyors seal is absolutely no problem at all. We did and we will confirm we did receive approval from Eustance & Horowitz for the septic and I believe that was six months ago. I do have that in hand that it was approved by them. Basically we've been treading water over one issue of the prevailing speed. We did certify it ourselves but it was required that the Town . . .

G. Lake: Well, I don't think the Town and I don't know and somebody correct me if I'm wrong. I think we always had the applicant go out and certify it and then submit that information to the Town.

A. Fusco: That's correct. We did.

G. Lake: And, you did that. I don't believe the Town is going to go out to do that for you.

A. Fusco: I meant that they had to confirm our certification and we've been trying to get that done for five months.

G. Lake: Why don't you send us a couple of copies of what you sent to Mr. Lippert so we have it in the record?

A. Fusco: And also, the Eustance & Horowitz approval for the septic.

G. Lake: Let me go through the Board. This has been done once and ran out of time.

A. Dulgarian: I have nothing.

H. Ross: Nothing.

W. Capozella: I'm okay.

C. Najac: Just one question on lot #1 about the road frontage.

P. Hines: Three hundred fifty feet.

T. Hamilton: Nothing further.

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

**A. Dulgarian: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

**MOTION for FINAL APPROVAL of TWO (2) LOT SUBDIVISION subject to all of Mr. McGoey's comments and this Board's comments made by A. Dulgarian and seconded by W. Capozella.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

6. **FAIR OAKS REDEVELOPMENT** - SITE PLAN - Shawangunk Road (3-1-46)  
#33-07

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

L. Jackson: My name is Leonard Jackson for Fair Oaks Redevelopment. This is a redevelopment project of thirty five acres. It's a bungalow colony. We've appeared here several times. We've had several work sessions and made certain modifications to see if this project is in the shape that this Board will approve as sketch so that we can proceed further with the details of the project. Since we've been here on several occasions we have modified the plan from the suggestions of the Planning Board and the Town Engineer. We have created more open space than we originally had by making half units rather than having all individual units. We provided twenty five feet clearance between all of the buildings. We retained the ball fields. We have maintained the access on Shawangunk Road generally in the location where the access is now. We have no new access points on any other roads other than Shawangunk Road. We've avoided the steep slope areas in this general vicinity at the suggestion of the Board. We will reconstruct the swimming pool and make it two pools in the same area. One pool currently exists. The total number of units proposed on the site are seventy nine units which is approximately what we have now. We will have five recreational buildings. The Board had asked for the use of the recreational buildings. They are, one is for counselors, the second one is for the lifeguards. One building will be for the chief counselor and family. One building will be used for arts and crafts. The fifth one will be for toddlers and day care. We are retaining the one existing building on the site. It will be used as a synagogue. So, I'm saying the total count is seventy nine units plus the five recreational buildings. We have conducted water testing. The site is served by a community water system. We will be upgrading that water system with a new water system. The wells have proved very nicely with the quality and quantity and we will be seeking approval for the new community system from the Health Department. The site is also served by a community sewage sub-surface septic system. We're going to build a new sewage treatment plant. We have an engineer working on the project. The New York State Department of Environmental Conservation will be the reviewing agency or Lead Agency for the sewage treatment plant. They will not review those plans until we get further along with this process and SEQRA determination. A question came up as to, this is by the way currently a summer use. It will remain a summer use. The attorney's will have to work out how to ensure that. We have advised the Board that there are some families who may want to use the facility occasionally

during the holidays occurring past the summer. We're not sure exactly how that can work. We don't know if we can keep the sewage treatment plant going to serve a few families once in a while. The same thing for the water system. It may be more affective and economical to close down rather than keeping it going full time. It becomes a technical issue on the use so even though we can propose it occasionally. We're not really sure if that is function-able. We have contact the Fire Chief and apparently the Chief has changed. The suggestion was that we provide a dry hydrant system which we will provide and will look further into since we have a public water system to serve the community and whether we can provide fire protection. That's still up in the air. I have tried to contact the new Fire Chief. I believes that covers where we are now. We have shown schematically heavy landscaping screening along Route 17. There is approximately a thirty foot change in the grade from Route 17 to the site depending on how you approach it. I think the Board was interested in screening the site and we will get into further details. We will provide that screening. That's where we are tonight and we request your sketch concurrence so we can move on.

G. Lake: How many single family units are there, roughly?

L. Jackson: In as far as the detached?

A. Dulgarian: They're all single family.

G. Lake: You have duplexes and single family.

L. Jackson: They're all single family but some are attached. I did not break it down as detached or attached.

G. Lake: The staff members now you were going to maintain the one building for the staff members I think the last time you said. Now, you're going to convert that into a synagogue.

L. Jackson: That's correct.

G. Lake: What happens to the staff members?

L. Jackson: They go into the recreational building.

G. Lake: Is that going to be a new building?

L. Jackson: They are, yes. Five new buildings, approximately the same size of one thousand square feet or twelve hundred square feet. Those units would be for counselors, lifeguards

and one for the Chief Counselor and his family. The other two are day care and arts and crafts.

G. Lake: And, your caretaker or your staff leader will he be there year round?

L. Jackson: I don't believe so. We believe we will close the place after the summer season.

G. Lake: I will go through the Board.

A. Dulgarian: What are we looking to accomplish tonight?

G. Lake: This is here for sketch consideration and if we like what he's done so far and whether he can move on. If you remember what it did look like, did you bring it along?

L. Jackson: No I didn't.

G. Lake: If you remember, it was a couple of loops compared to what it is now.

A. Dulgarian: Not only is the layout better, the map is one of the better maps we've looked at. The overlay is good and the vicinity map is good. Mr. Bacon, I know we discussed the bungalow before. Does this meeting everything required? I mean, the layout is a lot better.

J. Bacon: In terms of the seasonal use?

A. Dulgarian: I mean, that's all going to be . . .

J. Bacon: That's something that the Board has to discuss and if the Board agrees as to what a seasonal use means.

A. Dulgarian: Now, that is part of the description of a bungalow?

G. Lake: First off, it is an allow-able use we understand. As far as the buildings go, you know, they're not going to look like bungalow buildings like you and I would think of.

A. Dulgarian: Right.

G. Lake: Because they do have to meet the New York State Building Code.

A. Dulgarian: Correct and we're a lot better off.

G. Lake: They will either have a crawl space or put on a slab or whatever they do. I believe at this point we're looking at sketch.

L. Wolinsky: What we discussed the last time on the seasonal is that Mr. Bacon and I were going to work together on a course-ability provision but depending on the form of ownership we conceptually discussed putting in any associated documents a declaration and there would also be a record on the deeds. As far as what is a summer use again, this is intended to be a summer use. We wanted to be honest with you up front knowing that in all these places and I'm up in Sullivan County a lot, they come up for the Jewish holidays.

A. Dulgarian: You've been very forth-coming.

L. Wolinsky: What we're finding out is the way the sewer and water work it may not be economical for that to happen. So, I guess what we would like to do at the moment is just defer on the complete definition and obviously we will do it before Final Approval because it may become a mute issue. If it's not a mute issue then we will have to discuss which way to go.

H. Ross: I see you've basically allowed for one visitor space per unit.

L. Jackson: Actually no. The count is on the upper right hand side.

H. Ross: Your visitor parking. I just wanted to put that out there.

L. Jackson: The requirement is one hundred fifty eight spaces and we've provided for an additional eighty four.

G. Lake: Anything else, Mr. Ross?

H. Ross: No.

W. Capozella: I just want to bring up about maybe being abandoned and not taken care of. It's something to be looked at.

C. Najac: This is much better than from where we started out.

T. Hamilton: It's a great improvement. My one question is the next time before us give us the bedroom count. I don't see anything on that. You have one story, two story, etc. and nothing on the number of bedrooms so we have some idea of how many people will be

staying here. Another thing you mentioned about a synagogue on the site, how does that affect the taxing ability?

C. Najac: Are you proposing new lighting for the project?

L. Jackson: I actually have not considered that. I would think they would want some kind of low level lighting there.

G. Lake: I think we've come a long way. I am going to stick by my comment of when is it going to be used. You already answered a lot of it and one that it may not be feasible to keep it open and I know if I owned a place brand new how to use it beyond the ten weeks of summer. You already pointed out that may not be a feasible thing to do here.

J. Bacon: Other things we brought up before was the single ownership control and he brought up the synagogue, religious use is not allowed. He may have to have a separate lot for that.

G. Lake: I was going to see when we get to the work session we can discuss at that time how that would work.

**MOTION to accept the Site Plan as SKETCH made by A. Dulgarian and seconded by H. Ross.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

7. **FISHER RETAIL** - SITE PLAN/SPECIAL USE PERMIT - Tower Drive

(49-1-94.21)

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

A. Fusco: My name is Al Fusco with Fusco Engineering representing Fisher Retail.

G. Lake: Go ahead.

A. Fusco: You all are familiar with the project. We've all worked on it very hard together. We did receive sketch plan approval from the Board some time ago. We had worked very cooperatively with the Town Planners and, of course, the Town Planning Board Engineer to get to where we are at the present on the project. We've been fine tuning it over the past several months. One of the things that we have done is we did complete a traffic study. I did give a preliminary copy to Mr. Hines to forward to Mr. McGoey. We did discuss it between Phil Griely, myself, the developer and Mr. McGoey and in the Planning Board work session.

G. Lake: Did you also get together with the other applicants in the area?

A. Fusco: Yes we have and specifically . . .

G. Lake: So, basically this will end up eventually with a generic traffic study for Tower Drive..

A. Fusco: That's correct.

G. Lake: And Industrial Drive and Route 211.

A. Fusco: Absolutely.

G. Lake: Okay.

A. Fusco: One of the things that we had done is early on we had discussions whether we were going to come in across from the former Town Hall or down further and go with the adjacent roadway down here. There was still that question of . . .Mr. Griely did get in touch with Sells, and looked at it and what was decided over here is that on the former Town Hall property that they would have some internal roadway leading to basically where the exit is to the former Town Hall. So, at the present time the consensus is that we would keep the location where we had planned on it. Internally they were going to bring some roadways here and, of course, there would be a traffic signal that would be paid for by Fisher Retail or

shared at that point. In addition to that we have discussed during work sessions with Mr. McGoey was that we are going to need road improvements further up here with the left turn off of Route 211 onto Tower Drive. We would pay our fair share of any improvements towards that double left hand turn lane and to have it proposed in conjunction with all of the traffic engineers. In addition to it we discussed that there was some road widening needed on Tower Drive and was proposed that our project would handle one side of the road widening and the Frassetto project possibly would handle the other side. I believe that we have made progress in relationship to the traffic and everybody is agreeing to paying their fair share and an ultimate traffic study will reveal what is required. Obviously I had made mention that, to repeat myself, of a double left turn, about a traffic light across from where the old Town Hall was and various other improvements that will be required. I did forward that to the engineer for review. In addition to that, we have looked at the stormwater management. We have completed the plan and the report is about ninety percent complete. We should have that to the Planning Board Engineer for their final review. One of the things that we have had in the area is there was an isolated wetland over this area. It was pretty much created from all the water coming off of Industrial Drive developed areas here had placed their water down in here and there wasn't a good method for it to get out. There was some "ponding" and pooling in here even though it was a wooded wetland with short trees it did qualify as a wetland so we sort of moved our parking and moved stuff around. We do have under a half of an acre that we will need an Army Corps of Engineer Wetland Permit and we are proceeding on that basis. In addition to that, this plan doesn't depict it because this is just a Site Plan without the details but Mr. Torgensen was retained and he's done a detailed design in this area which I will supply at the next work session. It shows the detailed planting and design because as was requested we did want to make this front as much of a showcase as we can for people traversing along Route 211. Mr. Torgensen did work on this and we started working on the landscaping in that area because it was a focal point. At this time what we're looking for is a determination of acceptance for Lead Agency. We had sent out the appropriate mailings. You had created the proper resolutions and that's what we're looking for this evening is a motion to accept Lead Agency and we would also like to proceed towards ultimately a Public Hearing.

G. Lake: Maybe I just misunderstood you when you were talking about your entrance. That's where it's going to stay?

A. Fusco: Yes.

G. Lake: You're not going to move it?

A. Fusco: No, we're not going to move that. It's going to stay right here. We were asked to

look at the possibility of having it adjacent to Wes Warren Drive. After we had met with the developer here and they talked about some internal roads we decided to stay where we are.

G. Lake: Just so everybody on the Board knows, all the developments in this area we asked them all to get together so that we have the one solid traffic study for this entire area here down to Route 211 instead of having different opinions. Our Engineer is coordinating that entire effort to make sure we get the most out of what is needed. Let me go through the Board. We're accepting Lead Agency tonight.

A. Dulgarian: It's a good project.

H. Ross: I agree.

W. Capozella: I think it's good to go.

C. Najac: Nothing.

T. Hamilton: Nothing.

**MOTION to accept to become LEAD AGENCY made by T. Hamilton and seconded by H. Ross.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**