

TOWN OF WALLKILL PLANNING BOARD

MEETING

JUNE 16, 2004

MEMBERS PRESENT: G. Lake, W. Capozella, A. Dulgarian, T. Hamilton, P. Owen,
G. Luenzmann

MEMBERS ABSENT: R. Carr

OTHERS PRESENT: D. Brodsky, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - **CONCRETE PROPERTIES** - 5 LOT SUBDIVISION -
Hufcut Road (12-1-57) #089-003

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 600 Route 211 East, in said Town, on the 16th day of June, 2004 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Concrete Properties for approval of a five lot subdivision on the corner of Lybolt Road and Hufcut Road under Section 24-19 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: Before I go to the Public, bring us up to speed since the last time you were here.

J. Tirolli: We have made the changes requested by your Engineer. We submitted the plans to you. Also, we have already had our joint inspection with Eustance & Horowitz. This week they asked for three test pits and all three were satisfactory. We will be responding to their three comments this week and getting their approval. Other than that, we have four new building lots on Hufcut Road. There is an existing house on the large lot, #8 and using the old entrance to the gravel pit as one of the driveways with three more entrances on Hufcut Road. As you know, the mine has been reclaimed and seeded and this is the final use of the property.

G. Lake: Let me go through the Board.

G. Luenzmann: I don't have any questions right now.

W. Capozella: No.

T. Hamilton: Just that you've met Dick's comments, the latest ones?

J. Tirolli: Um.

T. Hamilton: Site distance and stuff?

J Tirolli: What's the date on the latest?

D. McGoey: June 7, 2004.

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

T. Hamilton: I just want to make sure.

J. Tirolli: I think I'm covered. I will go over it with Mr. McGoey.

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

MOTION to close this PUBLIC HEARING at 7:38 P.M. made by T. Hamilton and seconded by G. Luenzmann.

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 4 AYES

G. Lake: There are only four comments. Try and do the one regarding the site distance.

J. Tirolli: The site distance, we've indicated a table that the site distance as shown is satisfactory at the prevailing speed.

D. McGoey: Does it say it meets the AASHTO standards?

J. Tirolli: It doesn't say that however, I will add it. We've noted that the clearing that is recommended along side the road is all within the Town right-of-way.

G. Lake: Okay.

J. Tirolli: So, you don't have to go to a neighbor and ask permission to clear the brush. Site grading for lot #6, we actually have no grading on lot #6. At one time we showed grading on four lots. We

have since modified that to the current plan that shows no requirement for grading.

D. McGoey: I thought there was a big nob on lot #6 that wasn't taken down.

J. Tirolli: It isn't a large nob. It falls off and we've accommodated that because of the sewer pipe. Prior to that I showed some grading and we've since re-arranged that.

A. Dulgarian: Came in at this time.

J. Tirolli: I will look at it again but I don't think any grading will be necessary on lot #6. The typical driveway profile we have and is combined with the right-of-way grading on the bottom left hand side of sheet #2 which shows the negative pitch as required and the profile into the driveway.

D. Brodsky: Came in at this time.

J. Tirolli: In that same detail, we don't indicate any piping HDPE because we have one existing driveway with a pipe. The other driveways are on the top of the hill so we're not proposing a ditch.

G. Lake: The only question I have is, on the first comment, the plans will meet those standards?

J. Tirolli: Yes. When I stated that it met the requirements for the prevailing speed it means I've looked at the AASHTO standards. I will add the note that it does meet those standards.

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

A. Dulgarian: I have no comments on this.

G. Luenzmann: I don't see any problem with it.

W. Capozella: No.

T. Hamilton: Nothing.

MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey's comments made by T. Hamilton and seconded by G. Luenzmann.

A. Dulgarian: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

MOTION for PRELIMINARY APPROVAL subject to Mr. McGoey's comments made by G. Luenzmann and seconded by W. Capozella.

A. Dulgarian: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

P. Owen: Came in at this time.

J. Tirolli: We would also ask you to consider, since we've finished with Eustance & Horowitz if you could consider final approval subject to Mr. McGoey and Eustance & Horowitz letter of approval. It would save us a trip back here and another item of your agenda.

D. McGoey: We don't do that very often.

G. Lake: No we don't. It will be up to the Board.

D. McGoey: I don't mind but it's just not common practice.

A. Dulgarian: I know they're in a hurry but everybody is. I would be worried about any sort of precedence having the next guy coming in and may have a project that needs a little bit more scrutiny.

J. Tirolli: With Eustance & Horowitz or Mr. McGoey's comments?

G. Lake: It's just that normally we wait until we receive the correspondence from Eustance & Horowitz before we give Final or any other agencies. In this case, there aren't anyone else. That's what we normally do.

P. Owen: I concur.

G. Luenzmann: I think we should follow our normal procedures and hold off until everything is received.

W. Capozella: I'm in favor of holding off.

T. Hamilton: The same.

2. PUBLIC HEARING 7:35 P.M. - **CM & SONS** - MINING AMENDMENT - County Route 76 (3-1-114) #091-003

G. Lake: Public Hearing started at 7:45 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 600 Route 211 East, in said Town, on the 16th day of June, 2004 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of CM & Sons, P.O. Box 223, Allendale, New Jersey 07401 for approval of amended soil mine located on the west side of County Route 76, one half mile south of York Road under the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

R. Noble: I am the Attorney for the applicant. With me is Steven Esposito. He's the landscape architect and Mark Siemers, who is the applicant's engineer. This project had a soil mining permit going back to 1990 and it was re-evaluated by the Board in 1999 and then again in 2000. As you know, we've had some difficulties and what we've done through our appearances at the work session meetings is try to refine what will address the buffer areas on the plans and address the comments of your Engineer with respect to a detention basin, the overall plan and to get our documentation on. I believe the Town has received the copy of our mining permit from the Department of Environmental Conservation. I've provided a copy of a consent order which we entered into with respect to some other issues that were occurring. What we would like to do is hear the comments of your Engineer. I understand there is a review letter. We're prepared to go through those. I would also like to explain to you the buffer plan which we have in mind.

G. Lake: Okay. Do you have a copy of that letter?

R. Noble: Yes. Mr. Brodsky was kind enough to provide that to me.

G. Lake: Okay, so you do have the latest comments from our Engineer?

R Noble: Yes.

G. Lake: Why don't you give us a brief description of what some of the big items were before I go to the Public and show us where the changes actually are. I believe that may answer a few questions.

R. Noble: Okay.

G. Lake: Mr. Esposito, are you in Court yet or are you out?

S. Esposito: Right now, one part is resolved because we have a Certificate of Occupancy pending on the salt storage and the other part we're sort of on hold until the further action of the Planning Board. This is really the proper place to be.

T. Hamilton: I just wanted to check with our Attorney whether we should be doing anything until they are out of court.

D. Brodsky: I don't think it necessarily prejudices the case that we have pending up to this point. It doesn't necessarily allow them to claim that they failed to comply previously.

J. McKay: The litigation is on a separate track. This Board should do what they normally do and let this proceeding take place. The litigation is on a separate track. The litigation will handle itself.

G. Lake: Okay.

T. Hamilton: I remember the one time we were told not to proceed.

G. Lake: I think the Board was interested in that.

D. Brodsky: If they're willing to comply at this point I think that the Board certainly should let them know what the standards are for compliance.

G. Lake: Thank you.

S. Esposito: One of the issues was the buffer which was to have remained undisturbed. We've looked at the impacts of that area of the site. There will be a berm of varying height along the lower area. On the top of the berm will be natural planting's and the area will be re-seeded. Up to the corner of the property line, a berm wouldn't be very effective and also the wetlands would remain. We're proposing a fence along the property line. Also in the north corner of the site we're recommending more than what's there now. We are also following the information of Eustance & Horowitz in this section. (Not clear).

G. Lake: Let me go through the Board.

R. Noble: I think probably the best way is they will probably be responsive to your Engineer's

comments.

A. Dulgarian: After the Public.

P. Owen: After the Public.

G. Luenzmann: After the Public.

W. Capozella: After the Public.

T. Hamilton: Same.

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

W. Demeter: I live at 200 York Road. I'm just curious on what they mean by an amended soil map. What do they mean? I don't know what it is.

G. Lake: Mr. McGoey, please explain.

D. McGoey: The applicant had an approval a number of years ago for a mining operation on the site. Since that time there had been modifications to that which did not receive Planning Board approval including the cutting of trees within the three hundred foot buffer so the Planning Board has requested the applicant to come back and submit the revised mining plan and the landscaping plan to correct the buffer problem.

G. Lake: Anybody else?

MOTION to close this PUBLIC HEARING at 7:55 P.M. made by P. Owen and seconded by G. Luenzmann.

A. Dulgarian: Aye

P. Owen: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED.

G. Lake: Why don't we go through Mr. McGoey's comments? Do you have his comment letter?

R. Noble: Yes. The first comment is the three hundred foot setback from Bloomingburg Road was noted as previously undisturbed. The site plan has been changed and it now simply reads a three hundred foot setback. The Planning Board should discuss how this note should be worded in light of the removal of the vegetation and the redevelopment of landscape screening. I guess our point there is that it's no longer undisturbed. There's going to be affirmative buffering and planting in there. So, if it's anything that is appropriate to what we propose, we would be happy to label it in that fashion. Whatever you think would be an appropriate label for what's actually going on there.

G. Lake: Probably better labeling in this case so everybody knows.

D. Brodsky: Is there an obligation to maintain now or are they just leaving the landscaping as is?

S. Esposito: We're actually proposing to revert back to a meadow so it would be more natural looking.

T. Hamilton: What was there before is no longer there now. There were trees there. Aren't you going to put trees back in here. You're just going to have a meadow lawn and grass, etc.

S. Esposito: The planting that we're proposing are just on the berm for screening.

A. Dulgarian: The question was, what type of planting if not trees are they shrubs?

S. Esposito: Small trees and shrubs.

T. Hamilton: Small trees and shrubs.

S. Esposito: It would be a multi-stem tree and shrubs so they would be able to survive in the natural environment.

T. Hamilton: Pine type?

S. Esposito: I have a planting schedule. Berry, "forthysia", honeysuckle and shumac. The idea is to make it look like a natural landscape not to have it look manicured.

T. Hamilton: What will happen in the winter when most of those won't have leaves?

S. Esposito: That's why we're having the fencing and berm as well. The shrubs are more towards softening the berm itself.

R. Noble: The next comment is the site grading plan on sheet #3 is not consistent with the Esposito landscape plan labeled as Sheet 6. We discussed with the applicant whether additional grading is proposed in this area and if in fact the Planning Board wishes to see any additional grading with the exception of that required for the construction of the berm.

S. Esposito: If we look at the two plans there's a note on sheet #3 that says refer to sheet #6 for the finished grading which would be the buffer and the berm.

D. McGoey: The grading is different and the contours aren't there.

S. Esposito: Spoke to Mr. McGoey.

D. McGoey: I will take a look at it.

R. Noble: The next comment is the development of the detention pond to its full size is ongoing based on our field review of May 26, 2004. Substantial work remains in this area. We did have a work session with Mr. McGoey and he stated that he wanted to see that enlarged and that's now shown on the plan and upon approval we will complete the rest of the work. I think that is pretty much straight forward. Item #4. We should confirm with the applicant that additional mining is not proposed and that the only work remaining includes the overburden piles, spreading of top soil and construction of the reconfigured detention basins. Aside from what was originally proposed, there's no additional mining. The original plan that we were operating under demonstrated the mining area. We filed that with the Department of Environmental Conservation and they required some additional reclamation bonds. That's been paid and we have a new permit so we're just going to mine according to that plan.

G. Lake: So, there is going to be. . . I read this as, I think we're under the impression that the mining operation was done.

D. McGoey: That was my understanding also. The only piles out there now are stockpile of overburden that he's going to use for spreading.

R. Noble: I think if you compare the original plan, there are some areas around the perimeter of that which can still be mined.

D. McGoey: I don't see where they are.

G. Lake: I guess what we're looking for right now is yes, there is mining to be done yet or it is not.

R. Noble: The answer is yes.

G. Lake: Okay. Our next question then is, has it been shown on the plan that it is remaining to be

done or it is going to be done. Otherwise, what is going to happen, we're going to have the situation that we had before where things were being done and somebody doesn't know what's happening and that's what we want to avoid right now.

R. Noble: The plans should clearly demonstrate areas remaining. You're right.

A. Dulgarian: I will take that a step further. It should not only show where it is left to be done but a time table of when it will be done and when the reclamation will be finalized. We would like some sort of a time table as to when this is going to happen. That may be part of the problem when this went sour on us that we never knew what was going to happen when. If we can have a better control on this.

R. Noble: The landscape that's proposed we want to put in immediately. We want that in before.

G. Lake: We're assuming that you will take care of that as soon as possible. Is your Department of Environmental Conservation permit still active?

R. Noble: The Department of Environmental Conservation permit is for three years and I'd spoken to the owner extensively about this and he said that is approximately the amount of time that it is going to take to do the reclamation, mine the few areas that are left and then completely reclaim. He can't get his bonds back from the Department of Environmental Conservation unless all the reclamation has been completed on the site.

G. Lake: But his Department of Environmental Conservation permits are in place at this point and time?

R. Noble: Yes. The permit goes for a three year duration. I think it's from April 7, 2004.

T. Hamilton: Oh, it's from now. Three years from now. It's not that it started when it first started mining or is it. . .

R. Noble: It has three year intervals.

G. Lake: I think we had a conversation with them a couple of months ago about revisiting that application.

D. McGoey: I know that they had them on the violations.

G. Lake: Do you have a map of the areas to be mined?

D. McGoey: The areas that I see that they are going to lower in elevation I thought they're labeled as stockpiles of overburden. My understanding was they were going to use that to spread it on the

neighboring site. I thought the mining operation was done.

S. Esposito: It's actually the areas which would be under sheet #3 and it designates areas for 2004 reclamation. The overburden would be used in two areas. One, on the westerly side of the site around the detention basin, the reclamation as well as building the berm along the road. Those areas as part of the reclamation plan needed to be reclaimed by 2004. The areas that the piles are sitting under, is the area that still is going to go down. That's the area.

G. Lake: The piles haven't gone down yet?

S. Esposito: There's an area that hasn't been. If you look at sheet #2, there's the holes and then the existing grade. That area is going to come down to the elevation that's stated on the reclamation plan.

R. Noble: I just spoke to my client about it and the Department of Environmental Conservation is actually a five year duration permit but he told me that there's no way it's going to be more than three years. The limited area that remains to be mined is an area along York Road and what Mr. McGoey assumed about the overburden piles is correct. It will be used for reclamation and spreading out and a berm. If that needs to be better labeled and if you want something clearly delineating an area that remains then we can do that.

G. Lake: I think the problem is no place on the map was areas to be mined. I think you can see where our confusion is. We're looking at areas that we believe are going to be reclaimed and actually they still have to be mined. I think we need to clean up that portion of it and give us some dates. Mr. Dulgarian said how long was this going to be so that we have definite answers. I know with the original permits you were supposed to be reclaiming as you went along.

R. Noble: I think. . .

G. Lake: I think that is where the confusion is tonight.

R. Noble: This is just by deduction because the things that are labeled as reclaimed as reclamation areas the center area which doesn't say area to be mined but I think that is explicitly the area to be mined because as I look at it it's got another area which says future leaf composting and concrete recycling which was part of another application. The salt storage buildings you know where they are and then these large areas that are to be reclaimed.

G. Lake: All areas that have to be reclaimed, I'm assuming that's what it is here for and not mine it. I thought it was done and Mr. McGoey thought it was done. I realize you have your Department of Environmental Conservation permits in place. I realize you have been up there a long time with them but I think we should get that clarified that this is going to be mined and reclaimed at a certain date.

R. Noble: That's fine.

G. Lake: I just think that's where it gets confusing some times.

R. Noble: I think that's something that can be done. I'm not a mine operator so I don't know the appropriate comment.

G. Luenzmann: Just answer me one question by reclaim you mean that's what you're going to mine or what you had previously mined and you're going to reclaim it back to a natural setting?

R. Noble: That much I do know. Reclamation is the process of restoring the area that's been mined.

G. Luenzmann: So, that's what you're going to put back in a natural setting?

R. Noble: That's right.

G. Luenzmann: So where it doesn't say reclaim that means you haven't mined yet?

R. Noble: That's right. That's what I said by deduction. It was the one that was not labeled.

G. Luenzmann: I am kind of concerned that our Engineer didn't understand.

R. Noble: I think that's why he brought it to the Boards attention in his memo and I think we need to label that.

G. Lake: Let's finish up the comments.

R. Noble: Item #5. The Planning Board should determine if the Esposito plan, including the berm to complete the project from Bloomingburg Road is acceptable. I think that's a matter for discussion.

G. Lake: Let me go through the Board.

A. Dulgarian: Let's start with the landscaping. On sheet #6, Mr. Esposito is this the same thing you're showing us up there because I don't see. You're saying the view heading south you have a berm with planting back in there. I don't see that.

S. Esposito: The dark green strip is the existing vegetation.

A. Dulgarian: That's only in there. The three hundred feet is not from the road, it's from the side of the property, correct?

T. Hamilton: From the property line.

S. Esposito: From the property.

A. Dulgarian: From the side property?

D. McGoey: No.

A. Dulgarian: And this is where you're proposing a fence?

S. Esposito: Yes.

A. Dulgarian: Dick, this detention pond?

D. McGoey: It is for on-site.

A. Dulgarian: Does anything run in there?

D. McGoey: No.

A. Dulgarian: How did we ever make out with them with the brine situation?

D. McGoey: That has been corrected.

A. Dulgarian: All the stormwater and runoff and all that has been addressed?

D. McGoey: Yes.

A. Dulgarian: You just have a question about the size of the pond?

D. McGoey: The size of the pond has been answered. They have a monitor right there when to turn the pumps on

A. Dulgarian: No but what about the stormwater runoff?

D. McGoey: That has to be increased in size.

A. Dulgarian: The only other thing I have is that I strongly recommend that everything on this plan be clearly identified. We went into this thing in good faith and I think we were either taken advantage of or mislead or totally ignored to what we had asked to have done and I would be very reluctant to have any grey areas whatsoever when we're talking about what is going to be mined where, the time table and we were totally mislead the last time. I don't want to be put in that position again.

G. Lake: Well noted. Anything else, Mr. Dulgarian?

A. Dulgarian: No.

P. Owen: We can do without that fence.

S. Esposito: It was instant. We were looking at something we could get up there quickly without an impact. We don't have a lot of room between the road, the property line, and the existing tree line. We can do supplemental planting in there.

P. Owen: To fill in.

T. Hamilton: Better than the fence.

R. Noble: We will take that two hundred sixty feet and we will make a fence.

T. Hamilton: Dick, so we can get could planting to buffer year round?

D. McGoey: Some evergreens, hardwoods and stagger them.

T. Hamilton: Or go with a chain link and put the pine in between the slats like we've gotten on top of the hill. I would rather see planting in this case.

R. Noble: We have no objection to that.

G. Luenzmann: The wooden fence is no going to last long.

G. Lake: Mr. Owen, anything else?

P. Owen: No.

G. Luenzmann: The only comment I have and I would just like to echo what Mr. Dulgarian said and that is that this plan needs to be implemented or engineered to really understand and not be surprised later on. I don't really have a clear idea what the answer is with items #1, #2, or #3. Item #1, the three hundred foot setback, Dick was mentioning about maybe a note should be placed on there in lieu of landscaping, is that what you're talking about?

D. McGoey: Previously the note said that the area would be undisturbed. Now, it's called a setback. I don't know what a setback means.

G. Luenzmann: Yes.

D. McGoey: I'm not sure if that's a mining setback?

R. Noble: We would take a suggestion if you want to call it. What it should say is that no mining is going to occur within that three hundred feet.

G. Lake: I think we are starting with a determination of a setback and less landscaping.

T. Hamilton: Increase the landscaping.

D. McGoey: A landscaped buffer.

T. Hamilton: What was there before? There were trees and everything else there before.

R. Noble: We agree to label it a three hundred foot landscape buffer.

G. Luenzmann: Is item #2 referring to your plan to put in some fences?

R. Noble: I think item #2 had to do with a conflict in reading the sheet #3 as opposed to #6 because there was a topography superimposed on it. We will agree to remove the topography.

G. Luenzmann: The pictures that you passed around, I thought the berm was very nice. I didn't like the fence. Make it natural because it will last for forever and it will look good. It seems to me that your whole plan here is part one, what's it going to look like with presentation and part two, is where are you still going to mine. It's as simple as that.

W. Capozella: Maybe you can clear up something for me. You mentioned about a mining permit. You had one in 1990, 1999 and 2000.

R. Noble: There are two levels of permitting. In order to mine and open mine in New York State you need a permit from the Department of Environmental Conservation. According to your land use ordinance it is a special permit use in the PID district and that needs a requirement of this Board also. You have maybe twenty six different enumerated special permit uses in the PID and this just happens to be one of them and it's called a sand and gravel mine.

W. Capozella: You have a permit that was issued in the year 2000.

R. Noble: I think I can clear that. We had perhaps some un-clarity about what the duration of our permit here was. That's why we're back here straightening that part out. The Department of Environmental Conservation permit runs for five years. That means we have file a mining plan and reclamation plan with them but they're not going to approve something that's not approved by the Town neither. I mean if you don't have a lawful permitted use, the Town will stop you.

W. Capozella: Are we going to issue that?

G. Lake: We're only doing the Site Plan. The Department of Environmental Conservation issues the mining permit.

R. Noble: Could I make one comment? I believe it's considered Site Plan/Special Permit.

G. Lake: You're right. Anything else, Mr. Capozella?

W. Capozella: No.

T. Hamilton: Nothing further.

G. Lake: Okay. The fence is out. You're going to take care of the whole three hundred feet. You will also clean up the language on the plans to show us what is to be mined and when it will be reclaimed and exactly where things are going to be piled so there are no questions. Anything else, Mr. McGoey?

D. McGoey: I just want to clarify the three hundred feet, are you going to plant trees in that whole area?

T. Hamilton: Because previously it was undisturbed.

D. McGoey: Right.

S. Esposito: Trees on the berm.

D. McGoey: No, we're talking about the whole three hundred feet now.

G. Lake: You shook your head yes. You were going to eliminate the fence and then you were going to take that three hundred feet and landscape it.

S. Esposito: I guess we will have to define the landscaping.

G. Lake: I think the Board should realize this up front but at the same token, we would like to see something to get that feeling of what was there before.

S. Esposito: There were some hedges that were in there that we could re-establish, some brush.

G. Lake: To get it back to the natural state as quick as possible. Anything else, Mr. McGoey?

D. McGoey: No.

D. Brodsky: Part of the problem with this applicant I think has been monitoring and the applicant is in for a Special Use Permit to continue and on-going mining operation. I would like to throw out instead of giving an unlimited Special Use Permit perhaps you might want to consider limiting it for a particular period of time that the applicant is continuing to implement the measures and at that point we could then renew the Special Use Permit. It is something for the Board to consider.

T. Hamilton: How does that work with the Department of Environmental Conservation though because if their permit is five years?

R. Noble: I understand what you're saying. You may have an existing mining permit but not be able to use it if the Special Use Permit expires.

G. Lake: Right.

T. Hamilton: I didn't know if the Department of Environmental Conservation would go along with knowing that you don't have one.

R. Noble: I think they feel that whatever we have to do with the Town of Wallkill, we have to do with the Town of Wallkill.

G. Lake: What do you want to do?

T. Hamilton: We don't have time frames from them.

R. Noble: I understand your concerns. I just conferred with my client and he didn't have any objections to a three year permit. He think's that is appropriate to do the work.

G. Lake: Fair enough, Board?

P. Owen: I only have one question. Who supervises the site, the Department of Environmental Conservation?

R. Noble: They do. They come out there and check quarterly and check in what's going on.

P. Owen: Okay.

R. Noble: I have a suggestion because I think monitoring is an issue and perhaps if you want I can put something on the plan that we'll submit some kind of as-built or as-mined plan to the Board maybe six months prior to the expiration of the permit. That gives your Engineer a chance to look at what's going on.

T. Hamilton: What about the bond?

R. Noble: We have a one hundred ten thousand dollar bond with the Department of Environmental Conservation.

MOTION for SITE PLAN/SPECIAL USE PERMIT subject to D. McGoey's comments made by

A. Dulgarian: I'm not ready to approve this subject to Mr. McGoey. I would like to see a revised plan. I haven't had a chance to look at it. We've been stuck with this before and I don't want to be stuck again.

G. Luenzmann: I agree with Mr. Dulgarian because, not because of what happened in the past but because there are some major issues here and I would like to see Mr. McGoey get a chance to get another Site Plan.

R. Noble: Can we try and convince you that the issues are just labeling and changing this. I'm been trying to make a careful list of conditions as you've gone down them. I've been willing to transcribe the minutes and get a full submission for that. We're talking about the same plan. We're talking about five or six very easily defined issues.

D. Brodsky: I think the quantity and quality of the landscaping is still something that's an issue, is that correct?

T. Hamilton: Let him get his stuff together and come back.

MOTION to TABLE for further review and an updated plan

G. Lake: Mr. Brodsky?

D. Brodsky: Yes.

G. Lake: There is a motion to table for further action.

D. Brodsky: Can we get them back on within the prescribed period of time?

G. Lake: Do we have to get the sixty two time frame waived?

D. Brodsky: If they get a waiver, it would be a lot easier otherwise, I'm not sure that the clock would tick until we actually receive the plans with the revisions.

G. Lake: I'm mean, the problem is we're talking October.

S. Esposito: On a practical sense, we do the berm and do the planting and screening up which everybody wants to do, we need a little time to do that. The best time to do the planting is in September.

G. Lake: I believe we need a waiver on the sixty two day time frame.

D. Brodsky: I'm not comfortable tabling it right now. The better action is to do it subject to, there is too much the Board has to review. Would you be willing to waive the sixty two day time frame or do you want the Board to make a decision today based on what's been submitted?

R. Noble: I have tried to make some reasonable suggestions. The problem is if you're talking about October that's a really long period of time. I know you're busy. If you got us on in a quicker period of time, I promise to take five minutes of your time. I think we can get the plans together and get back on and just get it done.

G. Luenzmann: What are we talking about? One more work session with Mr. McGoey?

R. Noble: I think what the Board needs to look at is the landscaping. The other things are labeling.

S. Esposito: They are really notes on the drawings.

G. Luenzmann: Just to make sure that it's done.

R. Noble: I understand your concerns but it really is a review of the landscape plan.

A. Dulgarian: My opinion is we need to follow the proper procedures and get everything done on our end and give Mr. McGoey a chance to review it and suggest to us and then make a determination. I'm very leery of doing a subject to and very leery of letting this go without it being complete.

G. Lake: The first meeting of September, we have four Public Hearings and seven other items. We can do it but

D. Brodsky: Mr. Chairman, let's waive the sixty two day time frame. I think you have to make a decision by mid-August.

P. Owen: The thing is, the plan as it is right now and I can only speak for myself it's tough to approve it the way it is now.

G. Lake: We're losing something on July 7th. We can put them on that meeting.

MOTION to TABLE for further review and receipt of revised plans made by A. Dulgarian and seconded by G. Luenzmann.

A. Dulgarian: Aye

P. Owen: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

**MOTION CARRIED. 6 AYES
Rescheduled for July 7, 2004.**

3. **NEWMAN** - 10 LOT SUBDIVISION - EXTENSION to PRELIMINARY - Foster Road
(44-1-42) #121-002

G. Lake: Why do you need the extension?

M. Siemers: Basically we're still in the Health Department. We scheduled all the joint soil testing and should be taking place soon.

A. Dulgarian: Is this your first extension?

M. Siemers: Yes.

MOTION for a ONE YEAR EXTENSION of PRELIMINARY APPROVAL made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

4. **MILLER** - 7 LOT SUBDIVISION - Mount Hope Road (65-1-5.22) #045-004

D. Yanosh: I am the surveyor for Mr. George Miller. It is a sixty two acre parcel of land on the south side of the Mount Hope Road next to the Jehovah Witness Kingdom Hall. It is a proposed seven lot subdivision all with frontage off of the County Highway. They meet the two hundred foot and the soils formula and the new acreage for the lots. Also included in your packet was a future layout of lot #7. You can see the back of the property back there is pretty steep. There are some wet areas in the back. The soils aren't the greatest up on top of that hill so we show a sketch of a small little road coming in off of Pocatello Road. The soils work has been done on the property.

G. Lake: Have you been to the County? This is a County road, right?

D. Yanosh: It's got to come from you here to go to the County. Yes it does.

G. Lake: The County Department of Public Works?

D. Yanosh: It has to come from you to go to them. I can't go directly to them.

T. Hamilton: You mean about the driveways?

D. Yanosh: The driveway cuts, yes.

T. Hamilton: Because that could all change.

D. Yanosh: If you go down the road I have the site distances all the way through there. We tried to keep them as close together as possible, lots #5 and #6 are together, lot #4 is next to the existing house, #3 and #2 are together, and #1 is in the front.

T. Hamilton: That's for the County to say, not us.

D. Yanosh: I can't submit to them. It has to come from the Board.

T. Hamilton: We are here to set the Public Hearing, right?

G. Lake: Let me go through the Board at this point.

A. Dulgarian: Fine.

P. Owen: No problems.

G. Luenzmann: I don't see anything wrong with it.

W. Capozella: Nothing.

T. Hamilton: What about note #2? Do we have that?

D. Yanosh: The forty two acres. Yes, I submitted an extra sheet. That lot has 077DE soils, 20BC, which are crappy soils. You can't do much with it anyway.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

G. Lake: The site distance, have you looked at that?

D. Yanosh: Yes.

G. Lake: At the prevailing speed?

D. Yanosh: You can see either way. It's a straightaway right through there. There is no problem with site distance either side of the road. The plans have to be sent to the County. We've taken care of the profiles already. Sheets #2 and #3 have blowups of each one of them.

G. Lake: Are you going to have any problems with any of Mr. McGoey's comments?

D. Yanosh: No. It is mostly open field. There are some wooded areas in the middle of that existing house. We can show the tree lines. The majority of the whole property is open field.

MOTION to schedule a PUBLIC HEARING for October 6, 2004 made by G. Luenzmann and seconded by A. Dulgarian.

A. Dulgarian: Aye

P. Owen: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

5. **MILLER** - 4 LOT SUBDIVISION - Van Duzer Road (65-1-2.2) #046-004

D. Yanosh: I am the surveyor for the project. This is on Van Duzer Road. This is down the street, up a little bit further from the one previously approved a couple of months ago. A one hundred and five acre lot in the RA zone and proposing three lots right now with the remaining lot #4 for a future subdivision. With this one, I did submit a plan with the future layout on it as an extra sheet. It came through again with another possible sixteen lots off the rest of the property. Again, due to soils conditions and wetlands and water in there. We did meet with the Highway Superintendent out there with the driveway locations. We walked the site with him and he was okay with them. We will verify again one more time and stake them out.

G. Lake: You did meet with him about the site distance is one of Mr. McGoey's comments.

D. Yanosh: Yes. We moved them a little bit from what he had because of the acreage. We will flag it and go through it one more time with him.

T. Hamilton: You have two hundred on lot #3?

D. Yanosh: He mentioned lot #3. I have to make it a little bigger.

T. Hamilton: What's the footage on lot #1?

D. Yanosh: Go to sheet #2.

G. Lake: Mr. McGoey's comments, there's like fifteen of them. Are you going to have enough time to straighten them out? Do you have any problems with any of them?

D. Yanosh: No. Van Duzer Road was upgraded by the Town a couple of years ago.

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

A. Dulgarian: No.

P. Owen: Nothing.

G. Luenzmann: I don't have any problem with it.

W. Capozella: Nothing.

T. Hamilton: Nothing.

MOTION to schedule a PUBLIC HEARING for October 6, 2004 made by A. Dulgarian and seconded by G. Luenzmann.

A. Dulgarian: Aye

P. Owen: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

6. **MILLER** - LOT LINE CHANGE - Mount Hope Road (64-1-7) #047-004

D. Yanosh: I am the surveyor for the project. This is down the street from the Jehovah's property closer to Mount Hope. It is an existing small little undersized lot in the Town of Wallkill. Due to soils restrictions we need to have a three acre lot. The existing acreage for the lot is 1.27 acres so instead of going for a variance and the rest of it we decided to take some more land from Mr. Miller.

They're going to sell it to KJG Properties, enough acreage to make it a three acre lot. The lot with and all the setbacks will be conforming to the current zoning.

A. Dulgarian: You adding fifty feet of road frontage?

D. Yanosh: Yes. We're adding another fifty feet to make it two hundred.

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

D. Yanosh: The one hundred foot utility easement. We know that in the back it goes through. The 77AC, that is a three acre lot. That's why I had to make it bigger. Dimensions of the house, we can

show those. The house next door, we can show where the septic is. The rest of the Miller property is vacant right now. I've got a call into the Department of Public Works. There is an existing culvert there right now, an existing driveway cut. You can pull right into the lot. I do have a note on the plan on sheet #1 that indicates a highway permit is required. We're also in the process of getting approval from Eustance & Horowitz.

G. Lake: I will go through the Board.

A. Dulgarian: As long as Mr. McGoey is satisfied, I don't see any negative impacts. No problem.

P. Owen: I think it's fine.

G. Luenzmann: I have no problems.

W. Capozella: No problem.

T. Hamilton: No problem.

MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey's comments made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for LOT LINE CHANGE subject to Mr. McGoey's comments made by A. Dulgarian and seconded by G. Luenzmann.

A. Dulgarian: Aye

P. Owen: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

7. **PETERSEN** - 3 LOT SUBDIVISION - Gordon & Lybolt Roads (12-1-2) #057-004

D. Yanosh: I am the surveyor for the project. This project's been before you a few times. It got final approval back in September 2003. Mr. Petersen didn't file the map and his time frame elapsed after the signature. We're here again for another approval of this three lot subdivision. It's on Gordon Road across the street from other houses that were built on that road and borders the Town of Crawford.

T. Hamilton: Agricultural District notification?

D. Yanosh: That's something that was never required before.

T. Hamilton: We've been doing it for a while.

G. Lake: Mr. Brodsky?

D. Brodsky: Yes.

G. Lake: Are we treating this as a brand new application since the time ran out?

D. Brodsky: We have to because the prior approval is now void. However, in reviewing it any new provisions have to be taken into account as well. We have to also determine if there are any changes that may affect it.

G. Lake: My next question to you then, is this is a three lot subdivision. Do we need a Public Hearing?

D. Brodsky: I believe so.

T. Hamilton: The Agricultural District in the new zoning.

D. Brodsky: Send out the Agricultural District notice along with the Public Hearing.

G. Lake: I will go through the Board.

A. Dulgarian: I have no issues.

P. Owen: Nothing.

G. Luenzmann: No problems.

W. Capozella: Nothing.

T. Hamilton: Nothing.

MOTION to schedule a PUBLIC HEARING for October 6, 2004 made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye.

P. Owen: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

8. **ABSOLUTELY FLOWERS** - SITE PLAN REVISION - Route 211 East & Dunning Road
(53-5-2 & 3) #029-004

K. Duggan: I am from Fellenzer Engineering representing Absolutely Flowers. We're here for a sketch plan review for a site plan revision. Absolutely Flowers is at the corner of Dunning Road and Route 211 East. What our client is looking to do a couple of things right now. The first thing is she wants to remove the lot line between the two parcels, 53-5-2 and 53-5-3 and make that one large

parcel. While doing that, one reason is that existing lot line actually passes through part of building #1. When we do that we would like to add, combine the buildings by adding a storage area making it one large building by putting an addition in between and combining them. We would also add a walking corridor to the rear of that and on the north side they would like to add a circular greenhouse.

G. Lake: Did you get a copy of correspondence from Orange County?

K. Duggan: I received that yesterday. In responding to that the biggest issue we see is there is a request to basically turn the walking cooler to the rear and build a road to the back. That has quite a steep drop off there. It would be an expensive proposition at least. I didn't get a chance to put a number against it but you've got a very steep drop off that would require

a large retaining wall system to perform that. Our client is here. She has been there for twenty years?

J. Barberio: I've been seventeen years at that location.

K. Duggan: She's never had a problem with accidents or anything turning out onto Dunning Road. We were not looking to change the ingress or egress at that point.

G. Lake: Mr. McGoey, this letter from the County. This is their road. Did you get a chance to see that?

D. McGoey: I didn't see that for some reason.

K. Duggan: I actually received it yesterday.

G. Lake: They have a couple requests concerning Dunning Road. Do they take jurisdiction on that? Do you have any curbs on Dunning Road?

K. Duggan: We do not show any curbing at this point and time. It's probably not that big a deal but we don't have any proposed at this time. The driveway entrance we didn't show any changes in that so we didn't show a profile because we're not changing that. She's been there seventeen years. This is not changing the number of spaces that are currently available there.

T. Hamilton: You would have to because you're increasing the square footage. Square footage determines the number of parking spaces.

K. Duggan: We are aware of that. We would probably have to go for a variance if it's not granted through here.

G. Lake: We can't.

K. Duggan: You have to send us to the . . .

G. Lake: Zoning Board of Appeals.

K. Duggan: So, we would have to go there.

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

K. Duggan: No I don't.

G. Lake: We have seven comments from Mr. McGoey. Have you had time to look at this?

D. Brodsky: Yes.

G. Lake: The Zoning Board of Appeals, is that . . .

D. Brodsky: I think it has to go to the Zoning Board of Appeals. As I understand the current non-conforming structure pre-exists the code, is that correct?

G. Lake: Probably.

D. Brodsky: But that doesn't allow them to expand on that non-conforming use. In order for them to expand the structure in an area which would violate the code, they would have to go to the Zoning Board of Appeals to receive a variance.

G. Lake: That would be for lot coverage plus parking?

D. Brodsky: Yes.

G. Luenzmann: Let me ask you a question. The parking issue is based on square feet for a retail space, is that true?

T. Hamilton: Yes.

G. Luenzmann: What I'm suggesting is a florist does quite a bit of business with the telephone. In other words, a lot of people don't go to the florist they use the telephone. Does that decrease or mitigate the parking requirements?

T. Hamilton: No.

K. Duggan: I understand that would be for the Zoning Board of Appeals.

T. Hamilton: We can only go by what the book tells us.

G. Luenzmann: I understand but my question is a florist does most of their business by the telephone.

D. Brodsky: You can refer or recommend it to the Zoning Board of Appeals if you have a position on how you would like them to determine it.

G. Luenzmann: I think it's a good use. If you had to do it over again, you would get a front setback along Dunning Road and you would need more parking requirements but right now it's been there for all these years and it hasn't caused a problem.

G. Lake: Right Mr. Luenzmann. I agree with you one hundred percent but unfortunately that is outside of this Board's realm. It would cause headaches down the road.

T. Hamilton: But also the application that's going in next door to her, I believe this applicant was here that night saying how hard it was to get in and out of their own parking lot. Now all of a sudden there's no problem.

J. Barberio: Out of my parking lot?

G. Lake: Let me go through the Board.

A. Dulgarian: I know they have to go to the Zoning Board of Appeals. The problem here is you can't meet the property requirements?

K. Duggan: We've used up every piece of flat space without building a huge retaining wall.

P. Owen: That's it.

G. Luenzmann: I think they have to go to the Zoning Board of Appeals but I would like to go on record that there is some consideration for this because of the type of business it is.

W. Capozella: I guess they have to go to the Zoning Board of Appeals. I guess my comment is this isn't really increasing your business, it would be for storage?

J. Barberio: All we're doing is trying to clean up and make it more visible.

K. Duggan: The building space is not being used for retail. It's being used basically for storage.

J. Barberio: The greenhouse is just for display.

A. Dulgarian: The existing building #2 is going to be a part of this?

K. Duggan: It would be a separate tenant at this point. It's still there. She's putting the storage in between. It would be one building with a firewall separation.

A. Dulgarian: What's in that building now?

J. Barberio: A cell phone business.

G. Lake: Mr. McGoey, what about these Orange County comments?

D. McGoey: They're fairly significant.

G. Lake: They would have to be incorporated?

D. McGoey: It depends if they need a permit from the County and they insist on this the answer is yes.

K. Duggan: I have to check that out. We're not changing the entrances to the County Road so I have to check with legal advice and determine if that's what's needed there.

G. Lake: We can just send them. We don't have to deny them do we?

D. Brodsky: You can make a motion to send them to the Zoning Board of Appeals. Get them to waive the sixty two day provision allowing them time to go the Zoning Board of Appeals then the application will still be pending when they come back.

T. Hamilton: Sixty two days from what?

D. Brodsky: Where are we, at sketch right now?

G. Lake: Yes.

MOTION to refer applicant to the Zoning Board of Appeals made by P. Owen and seconded by T. Hamilton.

A. Dulgarian: Aye

P. Owen: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

9. **STACK** - 15 LOT SUBDIVISION (Sketch) - Howells & Bowser Roads (21-1-20.31) #104-002

K. Duggan: I am from Fellenzer Engineering representing lands of Stack in the Town of Wallkill at the corner of Howells & Bowser Road. This is a Preliminary Sketch plan. We've been to Mr. McGoey a couple of times and is now here. This is proposed as a fifteen lot subdivision at the corner of Bowser and Howells Road. The back pages are blown up a little bit to get some better views of it. As it's proposed, lot #15 is where my applicant actually resides. He will have three additional lots on his side of the road and the eleven lots would go on what would be the east side of Howells Road. This is a rather long cul-de-sac. We've discussed it with Mr. McGoey a number of times. We came up with a "T" intersection at the end instead of a circle with an emergency access road going down along the property line there. The purpose of the "T" was the essentially the land owners of Robert & Diane Lazier might someday want to subdivide and if a put a circle they wouldn't have too much access. Not that they would, we just gave them the opportunity for some day in the future. Going over Mr. McGoey's comments, item #2 I believe my understanding is the cell tower site is a dead issue. I talked to my client and that fell through. This was started by a previous engineer firm back in I believe 2001 and with that start we've been working under the old zoning codes. I guess that's the question.

G. Lake: We will straighten that out now.

T. Hamilton: Isn't this a new application?

D. Brodsky: It is just subject to the ordinance, that's all. They would have to update to the current codes.

K. Duggan: I can't tell you what the differences would be.

D. McGoey: Lot size and two hundred foot frontage.

K. Duggan: We will review that.

A. Dulgarian: We can't even look at it if it isn't up to code.

G. Lake: Why don't we just, he has two or three more comments. It's only here for sketch.

K. Duggan: I guess one of the biggest things I would want to discuss is your views on the cul-de-sac. That's a large issue.

D. McGoey: I think the cul-de-sac versus the "T" turnaround. I don't think anybody has a real issue.

K. Duggan: I don't want to go through this and revise everything. If everybody is okay with it.

G. Lake: My only comment is to make sure that the Fire Department doesn't have a big problem with it.

K. Duggan: I will talk to them and show it to them and see what they have to say.

G. Lake: Is this a thirty foot road?

K. Duggan: I think we went with the twenty four foot pavement and then the shoulders.

D. McGoey: Right now we've got curbs.

K. Duggan: It's your preference. Do you want swales or curbs?

G. Lake: Do you want curbs way out there?

T. Hamilton: That's in the drainage district.

G. Lake: If you can make it work out without. . .

K. Duggan: I think they look fine. I've lived in neighborhoods without curbs my whole life.

A. Dulgarian: I don't believe they need curbs out there.

G. Lake: Talk to Mr. Lippert and see what he has to say about it.

T. Hamilton: Will they need a drainage district or anything?

D. McGoey: Yes, they will need a drainage district.

Tabled for further review.

10. **BOWSER** - 2 LOT SUBDIVISION - Bowser Road (21-1-27.32) #084-003

M. Mendel: I'm representing Michael Miele for a two lot subdivision. We've gone over all the addressed issues from the last meeting. And, we welcome any new issues that may have come up since then. What we're looking for is final approval. Approval has been signed off on the septic systems.

G. Lake: These twelve comments, are these old or new Mr. McGoey?

D. McGoey: These are new.

G. Lake: Have you seen these?

T. Hamilton: They were prepared June 7th.

D. McGoey: They missed a work session.

M. Hunt: I spoke to Mr. Miele and advised him.

D. McGoey: It was the 7th of June.

G. Lake: Let me go through the Board.

A. Dulgarian: Other than Mr. McGoey's comments I have nothing further.

P. Owen: Other than Mr. McGoey's comments.

G. Luenzmann: Yes, the same thing. We went through this before and didn't have any problem with it.

W. Capozella: The same.

T. Hamilton: As long as Mr. McGoey's concerns are resolved.

P. Owen: The main thing before we do anything else is whether this was subdivided over the last ten years or not.

G. Lake: Do you have problems with any of them?

M. Mendel: No. We've been trying to get Eustance & Horowitz out there to review our percolation and we just seem to get them. We've been trying to get them for three weeks. Hopefully it will happen soon.

T. Hamilton: What happened with the work session?

M. Mendel: I don't know. I think our work session was switched. I was going to go to it.

D. McGoey: We had two of them scheduled and both of them filed for subdivisions and didn't show.

M. Mendel: I had it in here to go and then they said it was switched. I don't know. I will have to find out.

G. Lake: Do you want them back to another work session on this?

D. McGoey: There are a lot of issues and they still don't have the septic systems approved.

M. Mendel: The way I understand that is it will be approved when Eustance & Horowitz gets out there. I think the issues are not major issues that we can't handle.

T. Hamilton: Dick is the one.

M. Mendel: I understand.

D. McGoey: Is everybody comfortable with the flag lot and that one hundred foot utility easement that crosses in front of the house?

G. Lake: Are there poles there?

M. Mendel: That easement has been moved. It was originally there. It's not there anymore. It's back here someplace.

T. Hamilton: It goes to the back of the property?

M. Mendel: Originally when we looked at the tax map it will show that easement but it's really back here.

T. Hamilton: We have to see where it is.

D. McGoey: Agricultural District. Did anybody verify whether this is within five hundred feet of an agricultural district?

G. Lake: There's black dirt across the street. I think we should send you back to another work session. Let's get it squared away.

D. Brodsky: I don't see anything in the title report that indicates when the property was subdivided, if ever. I think that's still an issue.

G. Lake: That will have to be verified then.

Mr. Bowser: Pardon me, but I'm Mr. Bowser. That property was never subdivided.

G. Lake: You're just going to have to verify it. That's all.

Mr. Bowser: The Town should be able to verify that. I've been paying taxes on it for over twenty five years.

MOTION to TABLE for further review made by T. Hamilton and seconded by W. Capozella.

A. Dulgarian: Aye

P. Owen: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Opposed

MOTION CARRIED. 5 AYES, 1 OPPOSED

11. **GET NAILED SALON** - SITE PLAN/SPECIAL USE PERMIT - 790 Route 211 East (41-1-80) #049-004

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

L. Strait: I want to move by beauty salon on the premises.

G. Lake: And you want to go down to 790 Route 211 East?

L. Strait: Yes.

G. Lake: It was a Doctor's office. It was approved last year for another Doctor but he backed out.

A. Dulgarian: I have nothing.

P. Owen: Nothing.

G. Lake: All we're doing is setting a Public Hearing.

G. Luenzmann: I don't have anything.

W. Capozella: Nothing.

T. Hamilton: What's the Public Hearing for?

D. Brodsky: Special Use in the MI zone.

T. Hamilton: Service. Isn't a Doctor's office a service?

D. Brodsky: If you want, I will take a look.

T. Hamilton: I thought a Doctor's office was a service also.

D. Brodsky: If the doctor never moved in, it starts over.

MOTION to schedule this PUBLIC HEARING for July 21, 2004 made by G. Luenzmann and seconded by W. Capozella.

A. Dulgarian: Aye

P. Owen: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES