

TOWN OF WALLKILL PLANNING BOARD

MEETING

JUNE 30, 2004

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

MEMBERS ABSENT: None

OTHERS PRESENT: D. Brodsky, D. McGoey

1. **MILLER** - 5 LOT SUBDIVISION - EXTENSION to PRELIMINARY - Old Timers Road
& Mount Hope Road (62-1-52.2) #082-002

D. Yanosh: I am the surveyor for the project. We received Preliminary Approval from the Planning Board on July 16, 2003 and due to complications with the Army Corps of Engineers and going to the Health Department I just found out about the six month time frame for the extensions and we need probably another twelve months to get through the Health Department with scheduling back and forth. Even by the time we get approval from the Health Department getting scheduled back on the Board because you are backed up four, five or six months at least.

G. Lake: I will go through the Board.

A. Dulgarian: Is this the first extension?

D. Yanosh: Yes.

A. Dulgarian: Then, I have no problems.

G. Lake: Is this the first extension?

D. Yanosh: This is the first one, yes.

P. Owen: No questions.

R. Carr: Just Mr. McGoey's comment that the period is more than six months from the date of approval.

D. McGoey: It was granted Preliminary Approval in July 2003 so it is more than a year.

D. Yanosh: I understand.

G. Lake: That's why I just asked. Anything else, Mr. Carr?

R. Carr: Other than that, no problem.

G. Luenzmann: I have no problem with it.

G. Lake: Actually there might be a legal question on it.

W. Capozella: Other than that one question, no problem.

T. Hamilton: I agree.

G. Lake: So, you've been tied up in the Health Department and I know there were wetland problems.

D. Yanosh: Correct.

G. Lake: But you did not get an extension within the first six months?

D. Yanosh: It probably just slipped by. The subdivision laws, do you think it can be waived by getting a variance from it?

D. Brodsky: When was the request first made?

D. Yanosh: Probably just last week.

D. Brodsky: Unfortunately the code states

A. Dulgarian: Is Preliminary for only six months?

G. Lake: Yes.

D. Yanosh: We didn't know it either. If you look at the time frame when you get your approval by the time you go to the Health Department.

D. Brodsky: This has been almost a year.

A. Dulgarian: I mean how long has Preliminary been a six month time issue? Has that always been on the books or it's just that people haven't needed six months?

G. Lake: Right.

A. Dulgarian: Now things are backed up.

G. Lake: And you get caught in the Health Department that becomes nine months to a year. The problem I'm going to have and I called Mr. Brodsky last week or the week before when it first came to my attention. Somehow we have to figure something out because it doesn't make sense to have one part of the process to be six months and the other part one year.

A. Dulgarian: I agree.

G. Lake: We can grant him a year extension if he had come in on time. I asked Mr. Brodsky to do the research so we knew exactly where we stood.

D. Brodsky: The codes are restricted. It says that after that six month period the Board shall take no further action and it appears to indicate that you must have granted the extension within the six month period. Now, if a delay is caused by the Board, I would suggest that it's incumbent upon the Board to put the applicant on the next agenda or soon thereafter as possible because I can't see a Board delay affecting the Preliminary Approval without some recourse to the applicant. However, if the applicant had not requested an extension within that six month period, it's not the Board's fault. I don't really think that the Board has any discretions based upon my interpretation of the code. Now, if the applicant wants to go to the Zoning Board of Appeals to get an interpretation formally as to whether the code allows some flexibility then that certainly is the applicant's decision.

T. Hamilton: Question. If an applicant comes in and knowing how all the different organizations never get the stuff done in six months.

D. Brodsky: The problem is . . .

T. Hamilton: Can we at that point when he comes in to give him his Preliminary can he request a six month extension right away past his original six because he's going to be tied up?

D. Brodsky: No the way the code is written because he still has to prove hardship and you can't prove hardship the day after Preliminary so you have to actually go out and experience the hardship before you can come back.

T. Hamilton: We just better know that the applicant knows that he has to get in.

D. Brodsky: What I'm recommending is that the Board give priority on the agendas to these because they should not take very long anyway. The two issues are a) he needs the extension with the six month period and b) you have a hardship. Just like here you heard I'm in the County Health Department we made a prompt application and it's taking nine months to a year. We already recognize that as a hardship. In the future it would take two minutes if these are put on the agenda. I don't see any reason why we can't accommodate these types of requests in the future. It certainly should not take very long to get people in and out.

G. Luenzmann: I have a question. If you're in the County Health Department doesn't that mean that you've started the action?

D. Brodsky: Correct. They have the option or the right to come in within the six month period and request the extension.

G. Luenzmann: But it would be automatic because . . .

D. Brodsky: No. They have to actually come back in and prove that they've made the request within six months and that they have actually experienced the hardship.

G. Lake: I think Mr. Luenzmann's question should be that they're being tied up . . .

T. Hamilton: How can the time frame run out?

G. Lake: How can the time frame even begin when it is being tied up by other agencies?

D. Brodsky: The code says . . .

G. Lake: Not putting them on the spot but I think maybe a research would be good on that avenue. It seems to me that has happened before.

T. Hamilton: Even with Finals that are subject to and stuff like that.

D. Yanosh: What's the time, this is subject to?

G. Lake: When does the time start?

D. Brodsky: When does it start running? The code says when Preliminary Approval is granted and if there's an issue of that the Board can make a determination of when that approval was given. It's only based on when the resolution is approved.

D. McGoey: The issue was when Final Approval was granted conditioned upon certain things, the Chairman hadn't signed the maps yet and therefore the time frame didn't start. Preliminary Approval maps are already signed by the Chairman. He not only has approval but a signature as well.

D. Yanosh: This one we didn't have a signature. We just got a letter from the Board saying that it was approved.

D. Brodsky: You are sure you didn't have signature?

D. Yanosh: We just got a letter that it was approved and that was it. Procedure wise I understand the situation. If I get a Preliminary Approval tonight I have to come back within six months for an extension. So, what you're saying here at least five months from now I should call to be put on the agenda for a six month extension.

D. Brodsky: Correct. I think that the Board would be sensitive to that to put you on quicker simply because you need the extension, the time is going to run out and that you wouldn't take up a lot of time on the agenda.

D. Yanosh: I will have to make my calendar, to come back for an extension.

T. Hamilton: What happens now with this application?

D. Brodsky: You have to make a determination as to whether the Preliminary Approval was granted and if a request was made for an extension within six months. I don't think the code gives you any leeway. The applicant can certainly go to the Zoning Board of Appeals for an interpretation if the applicant feels but otherwise the code is pretty clear on that. It says specifically the Board shall take no further action after six months.

D. McGoey: Why don't you just set a date for the Public Hearing?

D. Yanosh: I will just go through another Public Hearing and go through that.

G. Lake: Does he have to put a new application in?

D. Brodsky: Everything.

T. Hamilton: No changes when you come in with this new application?

D. Yanosh: We're working with the Army Corps of Engineers. No lot changes, no. We will be doing Army Corps of Engineers stuff and Health Department stuff.

T. Hamilton: As long as we won't have to go through . . .

D. Yanosh: The lots will be the same size.

D. Brodsky: I did suggest to Mr. Lake and you might want to suggest some modifications to the code to the Town Board just to make this more consistent with what the realities are of these Preliminary Approvals. That's something the Board may want to consider.

R. Carr: Will this affect you in the Health Department?

D. Yanosh: No. The application is in to them. I think that should be fine.

R. Carr: And that application isn't tied with the Preliminary that's now . . .

D. Yanosh: We still have an active application with them on this.

MOTION to TABLE for further review made by P. Owen and seconded by G. Luenzmann.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

D. Yanosh: And to schedule a Public Hearing.

T. Hamilton: Do you have the application in?

D. Yanosh: I can bring one tomorrow and do it that way.

G. Lake: Let's see when we can get him on.

MOTION to schedule a PUBLIC HEARING for September 1, 2004 made by P. Owen and seconded by G. Luenzmann.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

2. **BALL CORPORATION** - SITE PLAN MODIFICATION - RTO/Exhaust Stack - Ballard Road (41-1-70.11) #070-004

G. Lake: Bring the Board up to speed please and what the problem is..

J. Raths: We're proposing installing some emission reduction equipment to meet our Title 5 Air Permit for the State of New York.

G. Lake: How much are we adding on?

J. Raths: It's not adding to the building or anything, it would be strictly a piece of equipment.

G. Lake: It will fit alongside the building?

J. Raths: It will be located to the south side of the building.

G. Lake: Okay. If I understand this correctly and please correct me if I'm wrong, this is being mandated by the Department of Environmental Conservation, is that correct?

J. Raths: I believe so.

G. Lake: A new scrubber or something for the emissions?

D. Brodsky: Is there a regulation to that effect or a letter that we have?

G. Lake: I believe. Mr. McGoey, at the work session.

D. McGoey: They do have a requirement from the New York State Department of Environmental

Conservation and they have a deadline for it. The only big question I had on speaking with the noise is the fans on the equipment and the location of similar equipment.

J. Raths: I do have the location of that. I talked to the "RTO" vendor and got some additional information at seventy three decibels at about fifty feet away from the units. The closest property line is three hundred thirty feet

D. McGoey: The ordinance says you can't exceed the ambient noise level at the street. We can check with the Building Department to see if they have any record of any noise related issues.

G. Lake: I will go through the Board.

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

R. Carr: Do we have anything that says anything about the technology?

D. McGoey: I don't think that's really our job.

R. Carr: What's the size of the future equipment that's on the side?

J. Raths: It will be sixty by thirty and then an additional twenty five feet high.

R. Carr: Would it be visible?

J. Raths: It would be visible from Ballard Road. We will have a fence around it about eight feet high with slats

G. Luenzmann: I am concerned about Mr. McGoey's comments.

W. Capozella: Nothing further.

T. Hamilton: It is an industrial area and in fact, it's on the side of the building that furthest away from any residential areas.

G. Lake: You do have Mr. McGoey's comments. Do you have any problem with any of them? The height of the stack? Is it higher than the present building?

J. Raths: There will be an exhaust stack that would be fifteen feet higher or a total of fifty feet high.

G. Lake: From the ground? Mr. McGoey.

D. McGoey: The ordinance allows stacks as long as it does not exceed fifteen feet from the height of the building.

G. Lake: Do you have a problem with any of Mr. McGoey's remaining comments?

J. Rath: No.

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

D. McGoey: No. What type of fence are you proposing?

J. Rath: It will be a chain link fence with slats.

D. McGoey: The Board has been going with evergreen slats.

J. Rath: That's fine. Right now I propose eight feet. Do you have anything else you would like to see?

D. McGoey: It's not going to cover the equipment.

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

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for SITE PLAN/SPECIAL USE PERMIT MODIFICATION subject to D. McGoey's comments made by P. Owen and seconded by G. Luenzmann.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

3. **COVENTRY COATINGS** - SITE PLAN/SPECIAL USE PERMIT - Industrial Drive (41-1-25.221) #072-004

R. Kossar: I'm the Attorney representing the applicant Coventry Coatings. My client is engaged in the manufacture of automotive coatings and also CD disc coatings. He is presenting in Rockland County. We want to purchase a building located at 31-35 Industrial Drive in Town of Wallkill. It's a twenty thousand square foot building. We need a Site Plan and Special Use Permit approval and what I would like to do is essentially make a presentation similar to what we did at the work session before Mr. Lake and Mr. McGoey on May 24, 2004. The one thing we haven't received which we requested on or about May 25, 2004 from our Engineers Lanc & Tully were the comments from the Silver Lake Fire District. We never got anything back from them to my knowledge.

G. Lake: They were contacted though?

R. Kossar: Yes by letter and telephone several times.

G. Lake: Verify that and then between now and the Public Hearing try and contact them again.

R. Kossar: We gave them a package with all the information.

G. Lake: Contact them again that your Public Hearing is a certain date and you would appreciate their comments at least forty five days ahead of time.

R. Kossar: What I would like to do is turn the presentation over to my client, Bruce Sklak who is the President of Coventry Coatings.

B. Sklak: Coventry Coatings has been in business in Rockland County for about twenty three years now. I personally have been in the coating business for over forty years. I'm proud to say we've never had an accident down there or have we ever been cited for any sort of breaks in code or anything like that. We've never had a fire down there or needed to have help from the Fire Department. We've run out of space down there. We're now running from four different buildings and to continue to survive and grow we need to have larger quarters under one roof. We manufacture "CD" coatings that we ship worldwide to such companies as Sanyo, Sony, Pioneer, JBC. That one particular product, we're the only manufacturer in the world. On the coatings, we count among our biggest customers people like Mack Truck and we sell and manufacture coatings for Mack Truck under label. I personally live in the Town of Cornwall in Orange County. Our Vice President lives in Orange County and our General Manager lives in Orange County and we're looking forward to perhaps a larger work force and we would very much like to move to this area and have the ability to have a larger building.

G. Lake: Let me go through the Board.

A. Dulgarian: I know we're just here to set the Public Hearing but I will tell you when it comes time for the Public Hearing what I'm going to be interested in on this Site Plan is, the questions I'm going to ask you are there going to be any outside storage of empty barrels, empty pallets, empty anything.

B. Sklak: No.

A. Dulgarian: Everything is inside the building?

B. Sklak: Everything is inside.

A. Dulgarian: I'm going to be concerned about landscaping. When someone comes in with a new application on an existing building we try to get as much landscaping as possible. Also, you said you're working out of four buildings now. Is this building going to be sufficient or are you going to be coming back to us a couple of years from now for an addition?

B. Sklak: Hopefully no.

A. Dulgarian: This is what you need? You're not using one hundred percent of the building initially?

B. Sklak: No. The four buildings that we're in have very low ceilings and they really limit are ability to work high as you would with coatings and then run down. We're in twelve foot ceilings in buildings that were built in the early nineteenth century. We need to have the space. The cubic footage will almost be three times what we're working with out of the four buildings.

A. Dulgarian: Out of the four buildings?

B. Sklak: That's correct plus the four buildings are in different areas. You have to go on the road. If it's raining or snowing or wet it's all outside. We feel that we will be much more productive under one roof.

A. Dulgarian: That's about it for now.

R. Kossar: Also, Mr. Dulgarian with respect to the landscaping there is extensive landscaping now. I don't think that will be a big issue. I know how you are with landscaping.

A. Dulgarian: We're going to review it. The outside storage is a big deal. The other thing can you supply us with the materials on what you're going to be using?

B. Sklak: We've, in fact, done all that We will give it to the Board as well. The day after our last work session they were delivered to the Silver Lake Fire District in its entirety.

A. Dulgarian: It sure sounds like you've done your homework

D. Brodsky: Can I interject?

G. Lake: Let me finish with the Board first.

D. Brodsky: Excuse me.

G. Lake: Le me finish the Board first. Is that okay?

D. Brodsky: Since this is a new application before us, the applicant is not the owner and we don't really have any authorization.

R. Kossar: We understand. We will obviously have both the applicant's and owners endorsements.

D. Brodsky: The problem is the Board is considering an application and I'm wondering if they're considering something premature and you may not have the authority at some point?

G. Lake: Can we move forward even to set a Public Hearing?

D. Brodsky: I would suggest that we, you can obviously discuss whatever issues are pertinent to the technical aspects but I would suggest that if the applicant wants to have this considered that we either have them waive the sixty two day time frame pending receipt and provision of the Board. If you want to go through Mr. McGoey's comments, you can do that but then we ultimately table it with the waiver of the sixty two day time frame and then providing the authority and then we can set the Public Hearing. I wouldn't really want to set the Public Hearing without any authority. It will

be a mute issue.

R. Kossar: Are you saying that the sixty day period would commence upon filing the owner's endorsement?

D. Brodsky: No. We would have to put you on to set another Public Hearing.

R. Kossar: We would have no problem waiving the time frame.

T. Hamilton: The sixty two is after we close the Public Hearing, right?

R. Kossar: That's what's he talking about.

P. Owen: I don't know. I just want to make sure everything is in place.

B. Sklak: We're very proud that we've never had a problem at the other site. We have cut off valves and fusible link valves and we have dykes around the tanks. Our processing is done in sealed vessels so they don't give out any fumes. We have an extensive grounding set up. We have dry chemicals over the high risk areas. We have wet chemicals in other areas. We've done this for a long time and never had a problem. We are proud of that so we will make sure we have all that data for you.

R. Carr: Nothing.

G. Luenzmann: The only thing that I would be interested in is the safety issues throughout the building and the toxic materials. Hopefully we can get a presentation on that.

B. Sklak: I could do a bit of that now if you would like or do you want to wait.

G. Lake: Why don't we let him get that down on paper to give to everybody so you can read it.

G. Luenzmann: Are you going to leave those buildings down there and come to this building?

B. Sklak: That is correct.

G. Luenzmann: So, you're going to vacate from Rockland County and come up here?

B. Sklak: That is correct. In Rockland County we rented for some time and we've just outgrown it. Now the benefits of owning our own building is so clear cut.

G. Luenzmann: Is there a lot of truck traffic?

B. Sklak: No. We have about two trucks in the morning delivering raw materials and a UPS truck that comes in every day. We have about three or four trucks that leave in the evening before five o'clock. We don't run a second or third shift. We don't operate Saturday or Sunday. It's very minimal traffic.

G. Luenzmann: The only other thing is Industrial Drive is kind of an area where we have, we don't have heavy manufacturing and buildings that look like factories. They are kind of office buildings and landscaped so when you drive by and the aesthetics of the area lends itself to a very pleasant surrounding. We would be looking for that also.

B. Sklak: Needless to say, we have access to paint the outside.

G. Luenzmann: I would like to see a rendering of what the building is going to look like when completed along with all the accruement's in place.

B. Sklak: All these things as I stated before are going to be internal. We have no intentions of putting tanks or storage or skids or anything like that outside. For all intense and purposes other than additional landscaping the building is going to look exactly as it does now. There's no reason for us to change anything about it.

G. Luenzmann: We might ask for some more. We just want to see the whole plan.

B. Sklak: If that's the worse of it, we will be happy to comply because I have to live there also. I shop in the Town. There's no reason that this would become a plant like some of the other plants up on the hill on Tower Drive.

W. Capozella: I would be concerned about the chemicals and what codes they have to meet and that's what we would be looking for to see.

B. Sklak: Okay.

T. Hamilton: I agree with everything else.

G. Lake: When they were at the work session we asked them to contact Silver Lake Fire District immediately and I'm kind of surprised they haven't gotten back to you yet. I think you should follow up with them and that we're very interested in their comments.

B. Sklak: Do you want that before the meeting?

G. Lake: Yes. Try and get it done a little bit before the Public Hearing so everybody has time to read it.

T. Hamilton: Any fumes or odors because there are developments in close proximity. If you can get

the information in to us so there won't be any surprises.

B. Sklak: There won't be a surprise. Outside the building you can't smell it and again, the process itself is in enclosed vessels. When we do mix all the tanks have covers on it. Everything is done exactly right. We've never had a problem down there.

A. Dulgarian: We're so worried about the type of business. Normally when we have an industrial use like this we also ask for truck trips, that type of thing.

B. Sklak: That's in the submission.

T. Hamilton: You could reiterate what you just said.

A. Dulgarian: I apologize.

G. Lake: We need to set a Public Hearing tonight. Mr. Brodsky, what can we

D. Brodsky: Due to the backlog on the Board's agenda's and if there predisposed to move this application along perhaps we might want to do instead of tabling is to give the applicant enough time perhaps up until the date that Mary Lyn has to publish for them to supply us with the authorization and if they provide it by that time we will publish and if they don't provide it by that time they will be taken off.

G. Lake: Basically you're saying we can set a Public Hearing for September 15th right now and they have to between now and then provide the document.

D. Brodsky: I think that's an option that the Board has. That way you're not proceeding with a Public Hearing that is mute and it will give the applicant some time to get the authorization. If they don't get the authorization, there will be no Public Hearing. It's off and get them to acknowledge that's the case.

R. Kossar: And we concur with that.

G. Lake: One other question. Mr. McGoey's comments, have you had a chance to look at them? Are there any that stick out?

R. Kossar: We did receive them and actually other than the blank photograph we gave you at the submission of Lanc & Tully I think we can handle everything. Obviously we will provide you with real photographs. They were just landscaping.

G. Lake: Mr. McGoey, are you going to need another work session?

D. McGoey: I don't think so.

T. Hamilton: Maybe if you can contact the Fire Department.

R. Kossar: I will do that tomorrow.

T. Hamilton: To get back to us

G. Lake: In all fairness to Mr. McGoey, try and get his comments answered as quickly as you can.

R. Kossar: Okay.

MOTION to schedule a tentative PUBLIC HEARING for September 15, 2004 with Owner's Endorsement to be received no later than August 1, 2004 made by T. Hamilton and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

4. **GOLDEN TRIANGLE** - SITE PLAN/SPECIAL USE PERMIT - Silver Lake Scotchtown Road (40-1-16) #074-002

L. Wolinsky: I am here for the applicant. With me is Fred Wells, Planner. We're here this evening hopefully for the acceptance of the Draft Environmental Impact Statement for Golden Triangle and to get the required Public Hearing scheduled. Since we've met with the Board at a special meeting a number of months ago we've been working in a work session with Mr. McGoey and with your other consultants to get the document in the shape that it's adequate to go out for public comments. I believe we've done that. There's still some minor cleanup items which are of a repetitive nature that

needs to be included which Mr. Wells will work with Mr. McGoey to finalize that before we actually circulate the document to the involved agencies.

T. Hamilton: Is the document for the complete project?

L. Wolinsky: Correct.

T. Hamilton: And not just portions?

L. Wolinsky: Yes.

T. Hamilton: Are we going through the big projects on this one?

D. McGoey: The generic for Phase II.

T. Hamilton: All our information is out for the exit ramps and access are included?

D. McGoey: Yes. You're talking about the Board's concern about Exit 120 with the construction. I will tell you what the language that the applicant has put in the document. It says that the principal component of the proposed project as indicated on the Master Plan is modification of Exit 120 Route 211 East, construction of the new Town road to Silver Lake Scotchtown and Route 211. It will be contingent of Route 17 and Exit 120 to indicate modification the primary objections of the project sponsor. . . of future development depicted on the Master Development Plan. And it goes on to say also that as required by SEQRA several alternatives in the build out plan have the development basis for the characteristic analysis of the range of potential impacts. Those specific approvals with respect to the SEQRA process being sought from the Town Planning Board are the alternatives presented.

T. Hamilton: Didn't we have a specific layout of what we were looking for the exit ramp and how the road works. It says modification. It doesn't say what the modifications are that we were looking at.

D. McGoey: The plans show the modifications.

T. Hamilton: The ones that we were interested in?

D. McGoey: Yes.

T. Hamilton: Okay. Not just to have the word modification not knowing what . . .

L. Wolinsky: No. It's described in the document and it's depicted on the map in the document.

D. McGoey: And I suggest in my technical review to further clarify to get the findings statement (not clear).

G. Lake: Mr. Brodsky, do you agree?

D. Brodsky: Yes.

G. Lake: And you've seen the document?

D. Brodsky: Yes, and their response to my comments.

G. Lake: Let me go through the Board.

A. Dulgarian: I have nothing at this time.

P. Owen: Nothing further.

R. Carr: Nothing further.

G. Luenzmann: I have nothing at this point other than Mr. McGoey's comments.

W. Capozella: Nothing.

T. Hamilton: We're accepting as complete?

D. Brodsky: Right. You still have the inquiry after the hearing. You still can make additional comments based upon the input that the Board receives at the hearing from other agencies or the public.

G. Lake: If you could, can you give us another full set for our newest member.

L. Wolinsky: Everybody will get the final Draft Environmental Impact Statement. Throw out whatever you have before that.

F. Wells: Let me clarify that. There are two volumes. Volume II will remain as is.

G. Lake: I just want to make sure that Mr. Capozella has the history so he can get up to speed on the project. Mr. McGoey, all we're doing is accepting . . .

D. McGoey: A formal motion which Mr. Brodsky worked on.

D. Brodsky: I have a resolution for the Board and we have to set a Public Hearing within sixty days

unless the applicant waives it.

G. Lake: I don't think we can make the sixty two days. The first thing, do you waive the sixty two day time frame?

L. Wolinsky: Sixty days, it's not sixty two.

D. Brodsky: It's sixty.

L. Wolinsky: Before I waive it let me see where we're going because if we're going next December I can't waive it. If you're talking about September . . .

G. Lake: October 6th.

L. Wolinsky: How about the second one in September, is that available?

G. Lake: Actually the 15th doesn't look too bad.

MOTION to ACCEPT the DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) as complete made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED.

D. Brodsky: Will you waive the sixty day time frame?

L. Wolinsky: Absolutely.

A. Dulgarian: Now, what is that for? The review of . . .

D. Brodsky: The Public Hearing will be for the Draft Environmental Impact Statement document as well as Site Plan, correct?

L. Wolinsky: SEQRA suggests that when you do the Draft Environmental Impact hearing you also open the Public Hearings for the other items and then typically what happens is the Board will keep the Public Hearings opened on all the other items until SEQRA is finished. It just remains open. That's the way we typically do it.

T. Hamilton: All of this is generic. We don't know what's going in those sites.

D. Brodsky: Phase I we do have.

L. Wolinsky: Just to refresh you. There is a two lot subdivision which separates the residential from the commercial and then there's a Special Permit as your ordinance requires and then there is a site specific Site Plan requirement on page 1. So, there's three that we're dealing with.

D. McGoey: We're not asking them to act on the Special Permit for the overall project. We're asking for the Special Permit on Phase I.

T. Hamilton: That's what I'm trying to say.

MOTION to schedule a PUBLIC HEARING for the Draft Environmental Impact Statement for review on September 15, 2004 made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION to have the PUBLIC HEARING run for the Site Plan Phase I and Special Use Permit for September 15, 2004 made by G. Luenzmann and seconded by R. Carr.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

5. **GUTTIEREZ** - LOT LINE CHANGE - Ridgewood Avenue (75-4-14 & 15) #032-004

B. Babcock: I am with Roger Ferris Land Surveying. Back in December my office prepared a plot plan for Mr. Gutierrez who owns two lots on Ridgewood Avenue which is in Mechanicstown. We proposed a house in the middle of the two lots and indicated that the lot line would be deleted. The Building Inspector would not issue us a Building Permit and he instructed us that we needed to come to the Planning Board for the removal of that line.

G. Lake: I will go through the Board.

A. Dulgarian: No problem. It makes the lot a lot bigger. It's fine.

P. Owen: No problem.

R. Carr: I agree.

G. Luenzmann: No problem.

W. Capozella: No problem.

T. Hamilton: It's fine.

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

B. Babcock: No. Just to let you know that the grade is a gently sloping lot and there are no drainage issues.

D. McGoey: Okay.

G. Lake: Do you have any other questions, Mr. McGoey?

D. McGoey: No.

MOTION for a NEGATIVE DECLARATION made by P. Owen and seconded by G. Luenzmann.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for a LOT LINE CONSOLIDATION made by R. Carr and seconded by W. Capozella.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

6. **VILLAGE OF GOSHEN** - 2 LOT SUBDIVISION - Stony Ford Road (61-1-19.22) #069-004

J. Ulrich: I am with Alpine Environmental Consultants and I'm here with Kevin Ford who is a Village Trustee and also the Warden.

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

J. Ulrich: It's very straight forward, a two lot subdivision. The Village of Goshen is purchasing the lion's share of the Crystal Run Village property on Stony Ford Road. The intent is to develop a municipal water supply for the Village of Goshen and as most of you probably know in the drought of 2002 we received emergency authorization from the County Health Department and the Department of Environmental Conservation to use this well on an emergency basis. This is really just one of the approvals that we need to obtain in order to develop it for permanent use. That's it in the nutshell.

G. Lake: Mr. McGoey's comments. Did you receive them?

J. Ulrich: Yes. We received comments from Mr. McGoey and actually I just handed in a revised map and really we want to come to you tonight. There are really just a couple of issues that we see because the lots conform. It is very straight forward. The use is fairly benign. I know when I bumped into Mr. Lake you asked me have you really looked into this. Actually those three binders that you back on the chair are our pump test results and water supply application. We have that much of looking into it.

G. Lake: The reason I asked you are you leaving it for Wallkill.

J. Ulrich: Believe me. We pumped it three hundred eighty thousand gallons a day for five and a half months in the worst drought since 1965. The draw down at the edge of the property was a tenth of a foot and we still had thirty feet of reserve draw down in the well. Even the neighbors had no impact. Crystal Run had no impact. Actually part of our thing with the Department of Environmental Conservation and State Health is we're going to put a "T". I talked to Mr. Smith about this. We're going to have a "T" for emergency use because we're coming out right opposite your water plant.

So, if you need the water, it's there.

G. Lake: If you go down Goshen Turnpike just before you go over the Wallkill River over the bridge that one on the right hand side. We have a well site there.

J. Ulrich: Yes, you have four or five wells in there and you drilled a new one this Spring. If you need it all you have to do is ask. It's going to be a condition of our water taking permit that we provide an emergency hookup to Wallkill. We've already put that into our environmental document. There are only a couple of issues outstanding. One of Mr. McGoey's comments was tying it into the Town control system and we're going to tie into monuments 14 and 15 and before we do that field work we just want to know in terms of monuments, can we just monument the lot that we're purchasing because Crystal Run Village is staying here. What are your requirements going to be there so our surveyor goes out there just one more time?

D. McGoey: Your lot.

J. Ulrich: That's easy. It would be just two concrete monuments.

T. Hamilton: In fact, it is in his document here.

J. Ulrich: Really that's it.

G. Lake: Let me go through the Board.

P. Owen: Nothing.

R. Carr: Nothing.

G. Luenzmann: Where's lot #2?

J. Ulrich: Lot #2 is the big lot.

G. Luenzmann: Okay. I didn't see it. Where is the pump station?

J. Ulrich: I will show you on this map. The revised map is in accordance to Mr. McGoey's comments.

G. Luenzmann: Do you have take a pipe line to get into?

J. Ulrich: Yes. It will be a buried water main but the pump house will be right here. It is going to be a twenty by twenty split face concrete block building. The pumps are down the well. This will have the valve control panels and so forth. We will have a fence around it.

For something of this nature and we operated it for five and a half months without a single complaint from any of the neighbors with respect to noise, traffic. It's really one water operator coming in the morning to check it and that's it.

G. Luenzmann: That's all I have.

W. Capozella: Nothing.

T. Hamilton: One question. The pipe line is going to be gone?

J. Ulrich: Believe me. One minute I've been hearing about that, one minute after we have all of our approvals we're going to start digging.

T. Hamilton: Was there a problem with the access across some of these properties?

J. Ulrich: We do have to get an easement across Chester La Baron's property.

T. Hamilton: In the Town of Wallkill?

J. Ulrich: Yes. We were successful in that regard for the emergency use and we have to go back. We're negotiating with Mr. La Baron right now. It's all public knowledge. We did an appraisal. Had an appraisal done by an appraiser. It's all flood plain and wetlands. Our appraiser said the value is twenty five hundred dollars. Mr. La Baron engaged an appraiser and he maintains that the value is seventy five thousand dollars. One way or the other, however the negotiations are up, we're going to be in the middle somewhere.

T. Hamilton: I had a conversation with Mr. La Baron. I just wanted to know where that was at.

J. Ulrich: We have to close out that negotiation to finalize that easement.

T. Hamilton: Can we go approval here without him having that?

D. McGoey: I don't think it is even subject to the water line use. They have a well there.

J. Ulrich: That's really a private issue between us, State Health Department and Mr. La Baron on that property.

G. Lake: Mr. Dulgarian do you have anything on this?

A. Dulgarian: No as long as they kind of co-exist with us.

MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey's comments made by G. Luenzmann and seconded by W. Capozella.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Oppose

MOTION CARRIED. 6 AYES, 1 OPPOSE

MOTION for 2 LOT SUBDIVISION subject to Mr. McGoey's comments made by G. Luenzmann and seconded by W. Capozella.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Opposed.

MOTION CARRIED. 6 AYES, 1 OPPOSE

7. **SCHNEIDER** - 2 LOT SUBDIVISION - Stony Ford Road (46-1-59) #075-004

E. Gannon: I'm the land surveyor and I'm representing Mr. & Mrs. Schneider.

G. Lake: Mr. McGoey?

D. McGoey: Did you get my comments? I had a lot of comments. We tried to accommodate the applicant for tonight's meeting passing over a work session because the applicant had already purchased the modular home. I have a lot of comments and issues that were on my first set of comments and I'm on the second set of comments. I also walked the field and the lot is in the flood plain. You can't build on it anyway unless you make provisions to elevate the house above the one hundred year flood plain which hasn't been done. I don't think we can take any action on this. It's a substantial amount of wetlands. If you look at the house next door, you will see a front fill.

G. Lake: Are they allowed to even build on that flood plain?

D. McGoey: Under special conditions and you would have to prove that you're not going to impact downstream or upstream properties by filling the lot.

G. Lake: I know the work session he was talking about. I don't know what happened but the applicant's representative did not show up. We did put them on for the courtesy but I don't see how this can move forward.

D. McGoey: If you do come back you're going to have to co-ordinate this data with the water data because this only has the random datum.

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

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES