

TOWN OF WALLKILL PLANNING BOARD

MEETING

JULY 2, 2008

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

MEMBERS ABSENT: A. Dulgarian

OTHERS PRESENT: J. Bacon, W. Eustance, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - **SMITH** - TWO FAMILY - SITE PLAN/SPECIAL USE PERMIT - Watkins Avenue (38-12-5) #106-07

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

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York will be held at the Town Hall at 99 Tower Drive, Building "A", Middletown, New York 10941, in said Town on the 2nd day of July 2008 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Raymond Smith, 214 Watkins Avenue, Middletown, New York 10940 for approval of a Special Use Permit for a two-family house, 210 Watkins Avenue, Middletown, New York under Article 249-21-C-9 of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

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

D. Yanosh: My name is Dan Yanosh surveyor for Mr. Smith.

G. Lake: Since you were here last just bring the Board up.

D. Yanosh: What I had done is I've moved the house forward from where the previous one was located. I moved the parking to the back of the property. We have four parking spaces there for the two-family house. We're going to use the existing driveway that encompasses both lots, 210 and 214 next to 212 next door where Mr. Smith lives right now. It would be a joint easement between the two of them to use that existing driveway which means that there will be no new driveway cut on Watkins Avenue. We show a drainage area in the back here to collect some of the runoff off of the driveway in the back. We will propose a contour right there for one of them. I will do some more grading for the requirements and we're pretty much set.

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

H. Ross: After.

R. Carr: I will wait.

W. Capozella: I will wait.

C. Najac: After.

T. Hamilton: After.

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

MOTION to close this PUBLIC HEARING at 7:46 P.M. made by R. Carr and seconded by H. Ross.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

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

D. Yanosh: Sure. I have no problems with any of them at all. The elevation, check valve and some more grading on the parking lot I have no problem with all of those things.

G. Lake: Anything comments from the Fire Department at all?

M. Hunt: No.

G. Lake: I will go through the Board.

H. Ross: I don't have anything.

R. Carr: I have no problems with this. There are a number of two-families in the area and it doesn't change the character of the neighborhood.

W. Capozella: Mr. Yanosh, what is this going to be like? Just the two-story standard kind of structure?

D. Yanosh: Right.

C. Najac: No problem with what's laid out and I know we discussed this before but Mr. McGoey's comment about the engineering signature? When I got on you regarding this part of the deal was that everything had to be designed and sealed by the time it was delivered to us. That's all I have to say.

T. Hamilton: The same thing. I have a question on the engineering tonight. I don't think the surveyor should be answering engineering questions. Somebody should be here to do it.

G. Lake: Yes. I don't know if you were here at that meeting.

D. Yanosh: I was.

G. Lake: It was discussed in length that we prefer not having plans and we really don't want them anymore without the proper stamps on them.

D. Yanosh: Sure, no problem.

G. Lake: I know it's a little pain sometimes but we want to try to avoid any problems.

D. Yanosh: I'm sorry it happened and from now on they will be.

G. Lake: I don't have anything.

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

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for SITE PLAN/SPECIAL USE PERMIT (Two-Family) subject to all of Mr. McGoey's comments and this Board's comments made by W. Capozella and seconded by H. Ross.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Nay

G. Lake: Aye

MOTION CARRIED. 5 AYES, 1 NAY

2. **FAIR OAKS REALTY** - 8 LOT SUBDIVISION - Shawangunk Road (3-1-112)
#90-07

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

A. Wilkinson: My name is Alexis Wilkinson with Reilly Associates representing Fair Oaks Realty for the preliminary site plan commercial park at Fair Oaks. Just to give you a little update from the last time that we were here and we had met on special occasions for work session meetings with a couple members from your Board and the Town Engineer. We had resolved some of the outstanding issues that were mainly some of the comments that were presented by the Board the last time we were here. So, I will briefly update you. I gave you a smaller version of what's on the board. One of the main issues that came up and seemed to be a main concern for the Board was the buffering because we are a commercial/industrial use adjacent to some existing residential facilities. Just to remind you this facility is located off of Bloomingburg Road between Shawangunk Road and Gillen Road. What we had done was have a landscape architect go out and do an inventory of what the existing buffering and street conditions are to stay with your code. What you see on your plan in front of you, everything in yellow is the existing tree line and what is presented between purple and green is what we think would work as some supplemental buffering to help soften the overall development. So, you can see there are substantial existing buffering and with the implementation of some of the other proposed planting I think we have adequately addressed your buffering concerns. Some of the other issues that came up and was presented by your engineer included coordination with the Fire Department. We actually are a split zone here where part of our development lies within the Bloomingburg Fire Department and the other portion of it lies within the Circleville Fire District. You will see on the other site plan the dash line that kind of splits it not exactly in half. We were successful in doing a coordination with Circleville and have gotten their input which included from the last session that was talked about including what material would be used for the emergency access points. We propose three additional emergency access points to the adjacent road. It was their opinion they would like to see that area paved because of a maintenance issue. We have obliged and updated our plans to call for a paved emergency access and to address both the issues of both our client and the Fire Department. We are proposing to gate those entrances for security purposes. We are still coordinating with them the exact gate. We had input, like I said, from Circleville but we would like to get input from Bloomingburg. In general it would probably be the typical swing gate that would have a keyed access that they would use. A letter was circulated I believe to the Board from Circleville saying they were fine with the layout and that it was ample for the circulation of their vehicles to get around the site. One of the other issues that did come up and we were advised at our last work session meeting is the intent to dedicate the roadways to the Town. The question had come up and the client has agreed that they intend to convey these roads to the Town if they accept them. All the roads will be built to Town specifications. A letter was actually circulated by our attorney to that affect but basically we did agree that sidewalks are not necessary for this development but everything else would be. We have actually, just to bring your attention to one of the other concerns that

was presented by the Board the last time we were here regarding the density of this development. By the direction of our client we kind of softened that. We attempted to reduce the impervious areas so as not to be as close to the maximum limit of sixty percent. One of the other major issues that is also on-going with the Counties is we have gone out and checked the site distance for the proposed access and grades with the standards as specified by the Department of Public Works. We have addressed that adequately. One last issue that did come up and again the attorney has issued a letter in response to this and that was the potential connecting to the inter-municipal sewage district. So, we have actually circulated a letter to the districts asking that they potentially extend the district to us and if they did so we would agree to tie into the district. At this time we do continue to show on lot sewage disposal. One of the last issues before I turn it back to the Board is was the comment about the cul-de-sac length. The last time we were here there was a question of whether the Town limitation actually applied to this type of development. Our attorney's opinion is that it does so he had issued a letter asking for a release from that requirement because according to the zoning it seems that it's deferred to the Planning Board. With that I will turn it over to you. G. Lake: At the work session we did discuss looking into that municipal sewage agreement between Sullivan County and Orange County. We also did ask you to consider talking to the bungalow colony about the packaged plant that they were proposing. I don't know if you have decided to look at that or not. It might not be feasible but that's something we did ask.

A. Wilkinson: As a quick update to that, there are on-going discussions with the client from that perspective. From an engineering viewpoint not that it's not feasible but it is not desirable because they are uphill from us and again we actually feel we are doing a better service handling our own on-site and we have adequate flows.

G. Lake: It's just something that we asked to have looked at so we had some answers. Let me go through the Board.

H. Ross: You're actually correct.

G. Lake: We actually got it at the prevailing speed out there and not the posted. Otherwise, if it's posted forty five or fifty five we all realize people don't do that. So, we ask that the site distance be based on the prevailing speed and not the posted speed limit. That's nothing new. We do that all the time.

A. Wilkinson: Okay. That's fine.

H. Ross: A lighting district.

A. Wilkinson: In my opinion and from what I know they're going to have the typical lighting that is required.

R. Carr: Just the same issues. I still would want to be looking at a buffering plan instead of what I've just seen in terms of landscaping and buffering the project. The stormwater management on that because there are a lot of wetlands and water flowing to this area. I do like the idea if it works out into the possible sewer plant. That would, I think, become a big plus.

W. Capozella: The site plan that you just gave us as far as the existing . . .

A. Wilkinson: Where the tree lines are?

W. Capozella: Basically my concern is the outside. Basically you're telling us that you will be cutting some of that.

A. Wilkinson: Correct.

W. Capozella: Okay. My other question is you mentioned and I don't see it in our notes but you talked about the Town taking over these roads? If I understood you correctly you're saying that the Town wants to take over these roads?

A. Wilkinson: No, no. In our work session meetings and with discussions with Mr. Lake he asked us what our position was and that we needed to establish a position. So, the position of my client is that they would be willing to do it. In order to make that happen and to make sure that all the roads conform to the Town standards.

G. Lake: What happens, Mr. Capozella, at the work session it came up as to whether it was private or become a Public road. At that point, Mr. Ted Young was also there representing Mr. Lippert from the Department of Public Works so they're not surprised a couple of months from now or whenever it comes back in to find out that they might be getting a new section of road.

W. Capozella: We're not making them . . .

G. Lake: They have the right to petition the Town Board and go through that step.

W. Capozella: Nothing else.

C. Najac: I mentioned before the lighting issue.

A. Wilkinson: The lighting will be adjusted as each site plan is developed.

T. Hamilton: In fact, the same thing with the existing tree lines. I've noticed that a lot of these yellows are not on their property. We are looking for buffering on their own property. In fact, on the water and sewer it's nice to say at this point yes you can hook in if it gets passed. When it gets time that the costs come in based on your usage and what the impact is and when you go to sign up it may be a different figure.

G. Lake: It was just pointed out at the work session that it might be more viable for them to do that. It gives them time to look at all the alternatives.

T. Hamilton: Yes, but when they do the study they're going to look at how many people are there that are going to say yes they're coming into this and if there aren't enough people to go into it, they're not going to pay for it. They have to have people to say yes. The site distance, let's make sure that we can see from all directions pulling out of your project or coming up and down the road.

A. Wilkinson: That was part of the Town standards.

T. Hamilton: We don't want blind spots.

G. Lake: I will go on the lighting on more time. We do have a few standards and I don't have them on top of my head but try and get the foot candles down to three or four at the ground, twelve feet out. We will try and make sure you get that information.

A. Wilkinson: Is that something that can be done along with the site plan? We're not necessarily proposing it with the infrastructure as far as the road.

G. Lake: We like to make sure we get it down within the documents.

C. Najac: This is a blank piece of paper and our chance to make sure.

G. Lake: If the Board has nothing else, basically tonight . . .

A. Wilkinson: I didn't touch on one thing but we do have our attorney here.

T. Mathes: My name is Todd Mathes. We sent a letter in draft formation to all the involved

agencies (not clear).

G. Lake: We have to send that out. We haven't done that yet.

J. Bacon: You have to move that.

G. Lake: That's what we're going to do now. We're going to send out for the intent to become Lead Agency.

T. Mathes: I don't know what the normal protocol is. We can package it up and send it down here so you can inspect it to see that it is all in order.

G. Lake: That's exactly what will happen.

T. Hamilton: Don't we have to see the draft first and go through it before we say yes?

T. Mathes: You can't go through parts two and three of the environmental assessment form.

J. Bacon: Send down the draft and we will make sure everything is in.

G. Lake: Yes.

MOTION to send out a letter if intent to become LEAD AGENCY made by T. Hamilton and seconded by C. Najac.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

3. **DILORIO** - SITE PLAN REVISION - 1050 Route 211 East (44-1-31) #11-07

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

J. Davis: My name is James Davis representing my client.

G. Lake: Go ahead.

J. Davis: What we have here tonight is a sketch plan. It's a development of an existing parcel and what we want to do is expand the building and the parking area.

D. McGoey: Are there anything in those comments that you have a problem with?

J. Davis: They are pretty standard. As far as the Fire Department, do you send a set to them?

S. McGoey: Mary Lynn takes care of that.

J. Davis: Okay. As far as item #9, we had ten sheets and what happened was at the work session Mr. McGoey and I went over some things and made some changes and we didn't want to come back in with ten full sheets with the lighting, landscaping and everything since this is a sketch we still may have some more changes based on your comments tonight.

D. McGoey: Based on my field review, if you could expand the landscape area in the building to make it wider. There should be plenty of room. Right now it's very narrow and if you can also remove that obnoxious light that now lights the site.

J. Davis: Okay.

G. Lake: Mr. McGoey?

D. McGoey: Yes.

G. Lake: The whole thing, I guess I looked at the map thirty three hundred square feet. The first floor twenty four hundred and then the basement forty nine, is there something wrong there?

D. McGoey: No. Part of the basement is going to be leased and part will be for storage.

G. Lake: Let me ask you. If the first floor is twenty four hundred feet . . .

D. McGoey: No, the first floor is . . .and the back side of the second story is below grade.

G. Lake: Okay. Mr. McGoey's comments, you've answered most of them or do you think you can before we continue on?

J. Davis: Yes. We have no problem with any of them. As far as the actual dimension, actually I did have one question. The actual dimension of the existing building and part of the existing building that we want to lease is 48.2 feet setback and the new building we're proposing it to be sixty feet. The setbacks are fifty feet. Am I going to need a variance for the 48.2 feet?

G. Lake: I think that's an Attorney question. It's existing, it's there.

J. Bacon: In that case . . .

G. Lake: Let me go through the Board.

H. Ross: I don't have anything in particular. I do agree on increasing the landscaping. We're looking for a good presentation towards the road.

R. Carr: Yes. I do agree the landscaping needs to be beefed up. Do you need all that parking?

J. Davis: We meet the parking based on . . .

R. Carr: Forget about the code. Do you need that much parking? It looks like a ton of parking. I don't know if we have . . .

G. Lake: Maybe we can bank some.

R. Carr: Yes. I can't see that much paving and I can't imagine where you need eighty six (86) parking spaces for this. Also breaking up these parking spaces with some sort of islands to break from all that pavement. I just don't think we need that many spaces.

J. Davis: How much would you like us to bank?

G. Lake: We will talk about that. It's just an idea.

J. Davis: Okay.

W. Capozella: Are you saying that the existing building is greater than thirty five feet?

J. Davis: I don't think they're over thirty five feet.

C. Najac: Nothing further.

T. Hamilton: And we would want to know what type of retail we're looking at to come up with the parking and also the lighting and make sure the site distance is checked because you're right on Route 211.

G. Lake: If you're happy with the sketch, I guess we can then have him go to the next step. Mr. McGoey, before we schedule a Public Hearing can we get him back to another work session and then let him define the set a little better?

D. McGoey: Yes.

J. Bacon: I don't see the need for him to need a variance.

G. Lake: Okay. You have a ruling from our Attorney that there is no need to go before the Zoning Board of Appeals.

MOTION to accept SKETCH PLAN made by C. Najac and seconded by T. Hamilton.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

4. **TENKATE** - SITE PLAN/SPECIAL USE PERMIT - Collision on Wheels - Alton Road (8-8-9) #32-08

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

K. Tenkate: My name is Ken Tenkate.

G. Lake: Okay.

K. Tenkate: I'm proposing Collision on Wheels which is a mobile operation. I also would like to ask for two vehicles on the property. The main reason for me being here is I have to register with the Commissioner of Motor Vehicles for the State. I have to get a letter from the municipality saying I meet the requirements.

G. Lake: Requirements of what?

K. Tenkate: A letter from the municipality where the repair shop is located and indicate that it complies with the zoning, building regulations and codes. It's not an actual location because it's mobile. We go to dealers, residences. It's not a repair shop on the premises.

G. Lake: Let me go through the Board.

T. Hamilton: I'm looking under Home Occupation. How many bays?

K. Tenkate: Two bays.

T. Hamilton: Do you live in the house?

K. Tenkate: I do not live in the house.

T. Hamilton: Our definition of a Home Occupation is something customarily carried on in a dwelling unit and only by a member of the family residing within the dwelling unit, is clearly incidental and secondary to the use of the dwelling unit for residential purposes, is conducted wholly within the principal building, and in no way changes the character of the structure as a residence. You're not going to meet these requirements. In no way can this be considered.

K. Tenkate: When I came to my work session your Engineer recommended that we ask for it to be a home office space.

T. Hamilton: I'm just saying it doesn't meet the criteria on the four or five items. I don't think it meets any of them.

K. Tenkate: No work is going to be performed at the home. The only reason I'm here is to ask for the letter that Motor Vehicle needs stating that I meet all the requirements. Nothing is conducted outside the home only answering my telephone to do my administrative work.

T. Hamilton: What I told you is what the definition reads.

C. Najac: Will you have employees that live in the house?

W. Capozella: I don't have anything other than (not clear).

G. Lake: Mr. Capozella, are you done?

W. Capozella: I'm done.

H. Ross: I'm in sympathy with your desire to have this use. The problem here is in order to go forward is we have a repair shop that doesn't exist.

K. Tenkate: I understand and that's why I'm here.

H. Ross: I think you may need the Zoning Board of Appeals under the circumstances.

R. Carr: The fact that we are somehow approving a repair shop for the State of New York how that impacts if you were not in that area. It doesn't appear to be a repair shop as Mr. Hamilton said and that's what they're looking for. A repair shop doesn't meet those requirements. I empathize with you but I don't know if this is the way to get it done.

K. Tenkate: What if the vehicles were off-site, would that meet the criteria?

G. Lake: The problem that we have is first off we can't change the law. We enforce the law. We can't waive from it. Now, if you're going to tell us that you're the only person there and we haven't even talked about signage yet. I don't know if you will be putting up a sign out front.

K. Tenkate: There would be no sign. According to Motor Vehicle Registration it has to be on the vans. No work would be done at the house.

G. Lake: Like Mr. Najac said, I think your option here is to go before the Zoning Board of Appeals and try and get relief from them and even then when you come back this Board may or may not approve it or they might approve it with conditions. As you're asking for it tonight I don't think the Board would go for it simply because you really don't meet anything in the Home Occupation section. You can go to the Zoning Board of Appeals and seek relief from them which would allow you to conduct your business the way you want to do it.

J. Bacon: Did you talk about having the vans on another site?

K. Tenkate: No. This is the first time I came here. It would take time to get a lease on another site. Millions of people all over the country operate home businesses out from their homes.

T. Hamilton: Yes but they don't have three vehicles parked out in the driveway.

K. Tenkate: If it was just about the vans I would rent space and not have them at the house.

J. Bacon: You may want to go to the Zoning Board of Appeals and see what they say about the vans on the site and if that doesn't work out then (not clear).

K. Tenkate: The next piece of property over from me, the big house, they were zoned . . .

J. Bacon: That's something you can let the Zoning Board of Appeals know.

K. Tenkate: They had an antique shop at the house.

J. Bacon: The Zoning Board of Appeals will also ask you if it's going to change the character of the neighborhood also.

T. Hamilton: The one thing about the antique shop, everything is inside the building. I'm just giving you the scenario and besides our actions with a Special Use Permit requires a Public Hearing and the neighbors will be notified. I don't know who might come here and might not want your use.

K. Tenkate: I understand.

G. Lake: I'm assuming you're going to try and appear before the Zoning Board of Appeals?

K. Tenkate: Yes.

G. Lake: Mr. Bacon, can we just table him and forward him to the Zoning Board of Appeals?

C. Najac: Does he have any other options?

G. Lake: I don't know.

K. Tenkate: Would it be possible to rent a place for the vans and keep my home office approved for that?

G. Lake: That's up to you.

K. Tenkate: Would I have to go to the Zoning Board or to the Planning Board for that?

T. Hamilton: It would be us for the Home Occupation.

G. Lake: You have a right to have an office in your home and I'm not sure if that's going to help you with what you need.

J. Bacon: If you get that kind of approval then you could at least have that in hand and then go to the Zoning Board of Appeals to get the vans back on site at some time in the future.

K. Tenkate: I need a letter for Motor Vehicle Registration.

R. Carr: I would say one of the things, as Mr. Lake said put the vans someplace else which I don't think is a big issue. If we approve a building office does that satisfy and something you said about this being an authorized repair shop something along those lines and that wouldn't be the approval that you would be getting. I don't know that it satisfies that. At one point didn't you say that the State recognizes mobiles?

K. Tenkate: Yes they do.

R. Carr: There's got to be something that they've dealt with before then because I can't believe that other people. . .

J. Bacon: As long as the registration number is on the vans.

K. Tenkate: I will leave you with the regulations also. I've had sessions with the Department of Environmental Conservation. We're operating in California and in Florida.

G. Lake: I think your best bet is to go through the Zoning Board of Appeals.

J. Bacon: If he only has his office on the site then I don't see how it doesn't meet the Home Occupation.

T. Hamilton: We have to watch the wording on Home Occupation.

J. Bacon: You can put on restrictions.

T. Hamilton: But according to our code under a Home Occupation it doesn't meet.

J. Bacon: But if he is operating his office then . . .

T. Hamilton: Then, we're getting into him having an office in the house but not the repair business.

J. Bacon: If the State accepts that then they can do that.

G. Lake: Will you be storing oils or winter wiper blades? I'm not quite sure what would go in there.

K. Tenkate: I will have a sixteen gallon waste can. I use such little amounts of fluids.

G. Lake: I think we should table it and send him to the Zoning Board of Appeals. I think that is the safest for everybody.

MOTION to refer applicant to the ZONING BOARD of APPEALS made by C. Najac and seconded by H. Ross.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION to TABLE for further review made by C. Najac and seconded by H. Ross.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

5. **MILLENNIUM MANAGEMENT** - SITE PLAN/SPECIAL USE PERMIT - County Highway 78 (69-1-1.2) #62-07

Cancelled.

6. **QUICKVIEW PROPERTIES WAREHOUSE** - SITE PLAN/SPECIAL USE PERMIT - 307 Bloomingburg Road (3-1-33.11) #32-08

Cancelled.

7. **SCENIC VIEW PHASE II** - 13 LOT SUBDIVISION - Leafhaven Court (19-3-3.1)
#82-07

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

J. Tirolli: My name is John Tirolli representing Scenic View.

G. Lake: Go ahead.

J. Tirolli: This is a thirteen lot subdivision located between Leafhaven Court and the Cross View subdivision which you gave sketch plan approval recently. As you recall three years ago we went for a seven lot off of Scotchtown Collabar Road with Leafhaven Court. At the time you had asked us to leave the rear of the property a proposed offer of dedication at the end of Elise Court through to Cross View. We did that and the filed map has that on it. At this time we finally wanted to proceed. We had a couple of work sessions with some members of your Board, Attorney and Cross View on how to work out the connection who should go first. As it turns out Cross View has an approved sketch plan for a conservation subdivision and it does leave a stub for us to connect. What we've done is we've taken the end of Elise and run it through Cross View. They left their stub back there on the backside of this wetland with a reservation between two lots. We felt this was better than the plan we presented to you a few years ago. We show two alternates. One was to come from Elise this way to the backside of the wetland. At that time Cross View had a very long road. The other alternate was to come here and connect on the front side of this wetland. We talked to the Cross View owners about this and explained it to them and they don't have a problem with it as long as they don't lose any of the lots. We have done the analysis and seventeen lots is permitted by your soils. We have thirteen on our conventional and on our conservation plan. This plan really completes that desire that the Planning Board had and now, obviously we cannot move with our plan until Cross View finishes its pavement here. They have a by-right to go here. We can't go first because Elise Court already has the maps with the dead end. What we presented to your engineer is a conventional plan and then the conservation and there isn't much difference because of some scattered wetlands we have. The only distinction is that this cul-de-sac goes two hundred feet further in the conventional plan to give the extra lot width. We shortened it in the conservation plan and it leaves more open spaces but that's the best that we can do. We don't have a fifty acre sand and gravel parcel that we can come up with more lots than we have. We have heavy wetlands between Leafhaven Court and a big pocket here and then a pocket here. We've completed what you wanted on the previous approval. I think we've done it in a way that makes sense. We would like to continue the process.

G. Lake: Basically you could be going for seventeen but you're looking at thirteen.

J. Tirolli: That's correct.

G. Lake: I looked at this before. Obviously the other one has to go first in order for this one to happen. Let me go through the Board and this is here for sketch only. I think the Behan report kind of supports the connection at least down to Scotchtown Collabar Road. There are a couple of things in there asking you to tighten up a little bit. I think that's just a case of going through the process. I know you're working with Orange County Land Trust in the back.

H. Ross: I think in principal it makes good sense and probably good planning. I'm a little concerned with, you're dealing with driveways and streets which accumulate rain water. In terms of sketch I like the way its going. Make them a little closer together.

J. Tirolli: We show thirteen. We've done soil testing. We obviously haven't been before the Board of Health and we haven't designed the stormwater detention areas. There's a possibility that between the Health Department the stormwater requirements will be made as well. It's in our interest to shorten that cul-de-sac because it's three hundred dollars a foot.

H. Ross: It lessens the impact.

J. Tirolli: I've shown you probably the biggest footprint on the conservation plan giving me enough room to plan the sewer systems to handle the stormwater. The conservation area won't shrink and if anything it will get bigger.

R. Carr: Yes. I agree about having these roads connected. One thing that I do think people have a problem with is anything that is going to become a shortcut. I think jogging the road some so there is no chance of people making it a shortcut. It also slows people down. I think in that area people just drive faster. In terms of whether it be a conservation, I don't know that it really shortens the cul-de-sac.

J. Tirolli: We had it around the back of this wetland and that's when Cross View had a very long road. Now they've stopped with a cul-de-sac. They have an offer through two big lots and if we did go that way.

R. Carr: I'm not saying. I'm just saying.

J. Tirolli: My solution . . .A three way stop sign.

R. Carr: It slows people down. I don't think that's how we should be planning.

J. Tirolli: We can wiggle to the extent that we meet the highway.

R. Carr: I'm not saying that they have to make a ninety degree turn. I liked the old one and I understand why you can't do it.

G. Lake: Do you have anything else?

R. Carr: No.

W. Capozella: I think it's kind of hard for myself to make a decision on the conservation and the regular layout. It all depends what you do with the extra land. It would make my decision easier with who is going to own that property and maintain it

J. Tirolli: We're giving you what the regulations require us to do. The decision is yours. You certainly know more about what the Town's needs and desires are for the open space than we do.

W. Capozella: I would like to have some kind of a decision whether we contact Orange County Land Trust.

J. Tirolli: I don't think we're the best promoters for that. I think the Town has more weight than we do.

G. Lake: I think we have met with Orange County Land Trust.

D. McGoey: Right.

G. Lake: So, there is a slight possibility that they might be interested.

W. Capozella: Again, just looking at that.

G. Lake: I have to agree with you on who is going to maintain it.

C. Najac: On the conservation (not clear).

J. Tirolli: The soils that we've checked out they will not be raised. We call it reserve sewer areas. It's just the areas set aside for that. The plans are so close that I did it on the conservation.

C. Najac: Looking at the two, I would probably say the conservation plan. Can you point out to me what the build-able land is?

J. Tirolli: I believe on the clear copy there is a table. On the left hand side.

C. Najac: Yes, but can you point it out to me on this map.

J. Tirolli: I haven't delineated the areas. The soils types are there so, that's one determination. The slopes are here. I haven't shaded that but if you would like to see that we have the background for the calculation so we can certainly do that.

T. Hamilton: Nothing further.

G. Lake: It's been a long time coming and we've worked on it for a long time. I'm really torn which way you decide to go. I guess both sketches at this point are pretty close. You have all the comments. I think the consensus is that sketch is acceptable which is including you defining them and making the decision which one you want to go with. I think the consensus is the conservation.

J. Tirolli: I will be happy to do that.

R. Carr: Again, I don't know what discussions but you put Orange County Land Trust in there. Everything I know that they've done they require some kind of money. I just know that usually there is money involved. I don't know how realistic it is.

D. McGoey: Maybe rather than tell them they get to choose and I think the Board is comfortable with either and if the Orange County Land Trust shows an interest then the Board should provide the information. You might want to do that another night.

G. Lake: I realize that but they're asking for sketch.

J. Tirolli: I'm not and I will tell you why. Out of fairness to them and they're fine with this

connection but if they have an objection then we will have to get back together.

MOTION to TABLE for further review at Mr. Tirolli's request and re-schedule for September 3, 2008 made by R. Carr and seconded by W. Capozella.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

8. **CHARLYNN LLC** - Living Skin - SITE PLAN/SPECIAL USE PERMIT - Goshen Turnpike (1-1-58.21) #33-08

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

T. DePuy: My name is Thomas DePuy with DePuy Engineering. I'm representing Charlynn LLC. This is the building located on the corner of Route 17K and Goshen Turnpike. I think it was recently in front of the Board where Building Arts was moving in the back side. Living Skin now is looking to occupy the front side of the building. They're looking for seventy five hundred square feet and we also have the proposed three thousand square foot mezzanine. When we looked at the site the existing building we're proposing to make this access actually one way because they had a problem with not enough room to park. So, we're going to go to diagonal parking and we will have a sidewalk and medium running along here. We want to make this part of the building the front entrance which would be occupied by people coming to the Living Skin facility. The parking in the back would be for employees. The architect that looked at the building they would like to dress it up a little bit on that corner. They want to put a glass atrium for a main entrance to kind of dress this area up. Right now, there are two large overhead doors which would be eliminated and then they would put some windows in here and make this a glass atrium in here. It would have an

entrance point on that which would reflect back on the site. Also, the diagonal parking gives us enough room for a five foot wide sidewalk which would have an easier access for wheel chairs and also there would be no bumper overhang or anything like that. The site didn't have a dumpster on it so we're proposing to put a dumpster back here and will take care of all these facilities. We're going to have more green space in here and then we will have more green space as we run down through here and kind of dress that side of the building up.

G. Lake: Let me go through the Board.

H. Ross: It's a pre-existing building. I don't have anything.

R. Carr: I don't have anything.

W. Capozella: I don't have anything.

C. Najac: Nothing.

T. Hamilton: Nothing.

MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments and this Board's comments made by H. Ross and seconded by T. Hamilton.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for SITE PLAN/SPECIAL USE PERMIT subject to all of Mr. McGoey's comments and this Board's comments made by H. Ross and seconded by C. Najac.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES