

TOWN OF WALLKILL PLANNING BOARD

MEETING

JULY 11, 2007

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

MEMBERS ABSENT: None

OTHERS PRESENT: J. Bacon, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - **POUND RIDGE** - 12 LOT SUBDIVISION - Route 211 West (59-1-85.1) #118-04

G. Lake: Public Hearing started at 7:39 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 July 11, 2007 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Pound Ridge Meadows for a twelve (12) lot conservation subdivision located on the south side of Route 211, two thousand feet west of Ingrassia Road under Article III, Section 4, Paragraph G of the Town of Wallkill Subdivision Regulations of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

G. Lake: Do we have the mailings?

J. Atzl: Yes.

G. Lake: Please give us an overall, bring us up to date since the last time you were here.

J. Atzl: This is actually the first Public Hearing so, I will just make a brief presentation. This is thirty four acres located on the south side of Route 52 and what will be a twelve (12) lot conservation subdivision.

T. Hamilton: You said Route 52?

J. Atzl: Route 211. I'm sorry. My name is John Atzl with Atzl, Scatassa & Ziegler, P.C.

What we've presented is a twelve (12) lot conservation subdivision and as you can see we have the roadway coming down in the middle of the property and it will end in a "T" turn around for any future development to the parcel to the south. We're preserving the large tree that is located on lot #10, I believe and we're trying to locate the stone wall that runs along the roadway which is the dark green areas and we were trying to minimize the amount of disturbance on the whole site. We are going to be servicing the lots with wells and individual septic systems. We have read Mr. McGoey's comments and we don't have any real problems with any of his comments. We still have a lot of drainage work to do. One thing that I would ask of Mr. McGoey is if he had any contact information from the City of Middletown Water Department?

D. McGoey: No.

J. Atzl: Regarding any of their requirements because we've been trying to notify them and getting some feedback from them numerous times and we've gotten nothing from them.

G. Lake: Have you called or sent correspondence?

J. Atzl: We've made telephone calls . Our only alternative at this point is to Federal Express them a letter and a set of maps and see if we get any kind of a response from them.

G. Lake: Yes. Okay. I think surely extend to them something in writing with a return receipt and prove that you've done everything and if they have not responded by that time.

H. Ross: Do it with a return receipt and direct it to the Commissioner of Public Works.

G. Lake: One more thing. We haven't seen this in a while. Show why this is a conservation subdivision and what land is left open so we get a better idea for the Public. We have worked with you but this is the first time for a lot of people.

J. Atzl: This whole area here is, a darkened areas are the wooded areas and they're all going to remain except for the construction of the roadway. This house here we are going to waiver the two hundred foot requirement. We have one hundred and seventy feet but it is located in the pasture areas that exists now. This is the large tree I was speaking about on lot #10 that is going to remain. We're providing a conservation easement along the whole rear of all the lots on the east side of the road and on the west side of the road, this whole area here

has a conservation easement. One of the landscape architect's comments was that she wanted more conservation area on lot #1. We're only showing it here. We will expand that

as much as possible after we get our drainage sorted out and figure out how much area we need for retention. This is actually the only wetlands that's located on the site. This will all remain natural. This whole area and the conservation easement will remain natural. Actually there's very minimal amount of grading for each of these lots to construct these homes. The rear of the homes is the construction area. I mean, we are going to have to disturb back there for lawns and septic areas. Other than that, we're trying to conserve as much as possible. These are the existing stone walls that are on the site that will remain. The only ones that will be removed are this one on lot #10, the area of this one here will also remain except for construction of the driveway. This one and this one will also remain. (Showed the Board on the map).

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

A. Dulgarian: After.

H. Ross: After.

R. Carr: I will wait.

W. Capozella: After.

C. Najac: After.

T. Hamilton: After.

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

E. Jones: I have a question. Are these single family homes?

G. Lake: Yes.

E. Jones: Where is the main road going to be getting in and out?

G. Lake: Do you want to show her?

J. Atzl: This is the end of the road.

E. Jones: Where is Route 211?

J. Atzl: This is Route 211 and these are the trailers. This is actually, I guess, the existing

entry for Middletown water. We're coming in here and coming around and then we will end up; with a "T" turn-around at the end of the property.

E. Jones: I would just like to express the fact that it's a very dangerous road and particularly at the Ingrassia Road intersection and Tally Ho Road. The records over the years will show how many deaths and serious accidents have been on that road.

G. Lake: Okay. Anybody else?

L. Leary: Was there a traffic pattern study done on this?

D. McGoey: No.

L. Leary: Doesn't that have to be done?

D. McGoey: Not necessarily. They have an environmental assessment form prepared with some traffic counts as well as the intersection analysis because of the significance of the impacts on in and out traffic.

L. Leary: Thank you.

G. Lake: Anybody else?

Unidentified Person: Could not be heard.

G. Lake: Sir, you're going to have get back to the microphone.

Unidentified Person: There is some wetlands to the west of my house. I'm concerned about a lot of water flow.

J. Atzl: We're not proposing to do anything out in this area in here.

G. Lake: The advantage of a conservation subdivision is that if you get a piece of land like this one, we try to get the houses a little tighter and away from the main road, away from the side yards and remain as much vegetation in everything green. Your house must be down off the map a little bit I'm assuming the way you were looking. Everything green he's never going to touch except for the grading of the road. That stays. The amount of homes are condensed down unlike a conventional subdivision that would take it right out to the edges. When you go by, you won't see it and as far as water when we're done with the process he's

not allowed to let any excess water run off that property.

Unidentified Person: What is that one area?

J. Atzl: That is part of the pasture land, part of an old farm road at one time.

Unidentified Person: Thank you.

M. Decker: You may have already answered the questions that I'm asking. This is going to be on Route 211, correct?

G. Lake: Yes.

M. Decker: Now, what are the prices of these homes?

G. Lake: We don't know that. Our job is to make sure it fits with the rules and regulations of the subdivision. I assure they're going to be in the price range of any home that's being built today. There's not a density bonus involved here of any kind.

J. Atzl: These will be typical two thousand to four thousand square foot homes and most likely four bedroom homes, whatever the market.

M. Decker: What size lots are these homes being put on?

G. Lake: We're going to take your questions because normally at public hearing's they are not answered so give us all your questions and then we will answer them.

M. Decker: Okay. The lot size, I would like to know. The backyards, where are they going to be located. In other words, why I'm asking this question I'm on Pilgrim Corners Road and across the way is where the farm pastures was that was sold. Well, I had no way of knowing before this meeting that you're coming in from Route 211. Am I going to be able to look out my window and see backyards? The water. Are these going to be drilled wells? I think that's all the questions I have now.

G. Lake: Do you want to answer those questions?

J. Atzl: The minimum lot size that we have here is 1.858. Lot #6 is 1.358 acres which is allowed under the conservation criteria. The largest lot #1 is over five and a half acres. Yes, it will have individual drilled wells for each home. Are you located on the west side of the

site or the east side?

Unidentified Person: She's on Pilgrim Corners Road. It's right in front of the property and right in front of her.

J. Atzl: I don't believe that with the conservation area that we have and the wood line that's going to remain. I don't believe she will be able to see it at all.

G. Lake: I'm sorry. You're going to have to come up. You have to come up and speak at the microphone so we get your name.

J. Atzl: As I indicated earlier, the two lines along the perimeter of the property will remain as meadows and during the winter you probably can see through the trees.

G. Lake: Trace out your property line, the outer property line.

J. Atzl: This is our outer property line. The conservation easement is here and here.

G. Lake: What that means, the conservation easement, that means they're never going to build anything in that portion of land. That's always going to stay vacant. That's why the houses are in the middle. This is something new that the Town has been doing. We've been working on this for about the last six months to a year. We're all at this point learning about it. About how far are you from the property line?

S. Neiger: You said no extra water would runoff of there?

G. Lake: Correct.

S. Neiger: Where is it going to go? I still don't understand.

G. Lake: They will engineer it out and our engineer will check it. There's rules and regulations of stormwater management that they will have to follow and maintain any water that comes down. Like water that comes off the property today . . .

S. Neiger: Right.

G. Lake: It cannot exceed that amount.

S. Neiger: There's a lot of water that comes off that into a ditch on Route 211. I know because I live on Route 211 and I have a lot of problems with water. I'm pumping it out of

my cellar.

G. Lake: It's coming off the road right now?

S. Neiger: There is basically no drainage to stop the drainage down that road. It comes across Route 211. I get all that water. You said they're going to have their own wells and septic systems?

J. Atzl: Yes. Individual wells and individual septic systems.

S. Neiger: The back of the property (not clear).

J. Atzl: No. It's part of the City of Middletown water.

G. Lake: Anyone else?

M. Decker: I have one more question I forgot. Now, these are going to be wells that will be drilled, correct? And, there's going to be how many homes:

J. Atzl: Twelve.

M. Decker: Okay. I don't want my vein cut into which you can't guarantee that.

G. Lake: The Health Department, they make them drill . . .

D. McGoey: On a twelve lot subdivision they property would make them do one or two test wells and see whether the aquifer is capable of sustaining the subdivision. At that time you may want to watch the drilling with you well and your water main to see if you have any problems.

M. Decker: I will. Thank you.

Unidentified Person: Will we be notified when the Health Department starts?

D. McGoey: I'm not sure how that would happen.

H. Ross: Make yourself known to the County Health Department and say that you have a concern and they will probably follow through as long as you call them and let them know.

G. Lake: Anybody else?

MOTION to close the PUBLIC HEARING at 7:59 P.M. made by R. Carr and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

MOTION CARRIED. 7 AYES

G. Lake: Mr. McGoey's comments, you say you're not going to have any problems?

J. Atzl: No. We have no problems with Mr. McGoey's comments or Mr. Lippert's comments or the drainage engineer for Mr. McGoey's office. Actually what we're going to do is we're going to come up with a solution for the drainage and have our engineers sit down with his engineer and go over it to make sure that it's acceptable before we return.

G. Lake: Mr. McGoey is there any particular comment here that you want to touch on before we go through the Board?

D. McGoey: No. There isn't. I just think that they need more details before we go to Preliminary Approval.

G. Lake: Well, we're only accepting this plan as sketch, right?

D. McGoey: Right.

G. Lake: And then, they're back to another work session?

D. McGoey: Exactly.

G. Lake: Let me go through the Board.

A. Dulgarian: I think this is the best example we've seen so far on the intent of the conservation subdivision. I like that they saved a lot of stone walls. I like that there is going to be a lot of undisturbed areas. The only thing I wish is that the front house is a little further off. It is a good effort. I don't really have a problem with it. Mr. McGoey were you questioning something about the site distance?

D. McGoey: I didn't question it. I asked that he certify that it meets AASHTO standards at prevailing speed.

A. Dulgarian: At prevailing?

D. McGoey: Correct.

A. Dulgarian: Now, they're using posted right now, correct?

J. Atzl: Yes. We're using posted on all the lots and it will be based on prevailing speed.

A. Dulgarian: Again, I feel that it's a pretty good attempt at what we were looking for and I like it so far.

H. Ross: I agree with Mr. Dulgarian. When you test the speed limit, you might be using a radar gun or how will you do it?

J. Atzl: We're probably going to pace and follow.

H. Ross: You didn't mention Behan in terms of . . .

J. Atzl: I don't think Behan actually has anything. Most of her comments, we've already addressed in regards to saving the tree. We will, if the Board does see fit, we'll extend the conservation easement around that large tree, around lot #10. We don't have a problem with that.

H. Ross: That's good. The only other question I have is in the corner of the first plan where you had the various site maps, the lands marked County of Orange are the City of Middletown's water shed on the back end of your site?

J. Atzl: Yes.

H. Ross: I hope the City of Middletown takes an interest in protecting their water shed.

R. Carr: My main concern is that your site distance is at posted speed. I doubt that is prevailing speed out there. Mr. McGoey, according to the stormwater runoff, is there a peak flow?

D. McGoey: Yes, the discharge.

R. Carr: Okay. So, the peak water discharge, that won't after stormwater management plan what exactly . . .

D. McGoey: It should be reduced down to pre-development flow.

R. Carr: Okay. That flow is so close to Middletown and that they definitely should contact the applicant. I got to disagree, I guess a little bit. I don't think this is what I picture as a conservation subdivision. There's not much here that isn't to me a standard subdivision other than your off the road but I think you have to be off on this piece of property anyway and to worry about the front. To me, you're not preserving much in terms of what I understand a conservation subdivision. The tree was initially the main focus. It's tucked behind someone's house. The house on lot #10 is right in the middle of a tree row that is the only other main feature there. You know, some properties just don't lend themselves to a conservation subdivision. I just don't see it as one. That's all I have.

W. Capozella: On the variance that they're going for, that's not something that we will do.

G. Lake: This is here for sketch.

W. Capozella: That was a thing I was going to say to the public. It was a good question they brought up. This is still at sketch, about the runoff, about the traffic. We're still going to take a look at anything and questions they brought up and they're going to answer those questions. Other than that, I don't have anything.

C. Najac: I agree with Mr. Ross and Mr. Dulgarian as far as the conservation subdivision. Part of the conservation subdivision was to limit the look from the road. As you go by after this development is in, you wouldn't even know that the project was there. Whether or not there are wetlands in there, the view other than the road cutting through will not change.

T. Hamilton: Mr. McGoey, on the site distance I don't want to end up with another distance like Elise. That curve, somebody coming from the west end heading east on that with that turn the way it is how far are they going to see? We want to make sure from all three sides.

G. Lake: Okay. You heard the comments from the public and the Board. I think we're gone around this quite a bit. I think you're headed in the right direction. I like this one better than I liked the one with everything down on one side. What you have to do, you have to get us some verification that you did notify Middletown.

J. Atzl: We will.

G. Lake: Send them a Registered Letter or whatever you have to do and you do have to work on the prevailing speed. If the Board has nothing else, motion to accept this as sketch?

J. Bacon: There is one thing that needs clarifying before Preliminary Subdivision approval just understanding about the conservation subdivision is that there's a conventional layout that's from an engineering standpoint is work-able and I notice that the stormwater basin seems to be located in the wetlands which wouldn't be allowed but I think from my perspective I have make sure that is a do-able lot, a do-able plan for the number of lots he's asking for with the stormwater basin not being located in the wetlands.

J. Atzl: Yes. Actually that was because the stormwater basin was located there before we had the wetlands flagged. There is adequate room to move to move that basin out of the wetlands.

MOTION to accept this as SKETCH PLAN made by A. Dulgarian and seconded by T. Hamilton.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

2. PUBLIC HEARING 7:35 P.M. - **FOXWOOD** - 7 LOT SUBDIVISION - Mount Hope Road (62-1-16.1) #57-06

G. Lake: Public Hearing started at 8:12 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 11th day of July, 2007 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Foxwood Enterprises II, 229 Route 302, Central Valley, New York 10917 for the approval of a seven (7) lot subdivision on the intersection of the south side of Mount Hope Road and the east side of Mount Hope Road, Section 62, Block 1, Lot 15.1 under Section 209-G of the Subdivision Regulations 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.

J. Atzl: My name is John Atzl with Atzl, Scatassa & Zigler, P.C., the surveyor for the project.

G. Lake: Go ahead. Bring us up to speed since the last time you were here.

J. Atzl: This property is located on the east side of Reinhardt Road at the intersection with the south side of Mount Hope Road. The large parcel is actually almost sixty nine (69) acres. The lots actually extend much further down. What we're proposing is a seven (7) lot conventional subdivision plan with the homes fronting on Reinhardt Road and the homes would be actually, as you can see, they would be much further set back much further than the minimal setbacks required for the zone. Each home will have it's own septic and it's own well. This area down here, the wetland area, will not be disturbed and if the Board so sees fit I believe the applicant is willing to agree to a conservation easement towards the rear of each parcel if the Board requires.

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

A. Dulgarian: Later.

H. Ross: After.

R. Carr: I will wait.

W. Capozella: After.

C. Najac: After.

T. Hamilton: After.

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

L. Robbins: Is this coming off Mount Hope Road or Mount Hope Road? What lot is it because we got a letter saying it was coming off of Reinhardt Road?

J. Atzl: Each driveway are accessing off of Reinhardt Road and some lots are fronting on Reinhardt Road.

L. Robbins: So, it has nothing to do with Mount Hope Road?

P. Murray: The property abuts Mount Hope Road.

L. Robbins: Thank you.

G. Lake: Anybody else?

MOTION made to close this PUBLIC HEARING at 8:17 P.M. made by A. Dulgarian and seconded by T. Hamilton.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

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

J. Atzl: Yes we've received Mr. McGoey's comments, Mr. Lippert's comments and your landscape architect's comments.

G. Lake: How did you make out with the Indigo Creek there? Have you notified Middletown on this?

P. Murray: As with the previous applicant, we made telephone calls and were unable to successfully contact them. We will put something in writing. I also looked at the U.S. grid and the Indigo Creek flows to the southwest toward the Town of Wawayanda. I'm not sure what impacts it would have with the City of Middletown.

G. Lake: It's been a long time but I do know that years ago Middletown was going to dam up someplace out there from the Indigo Creek to add into the Mount Hope Reservoir that they have right off Mount Hope Road there or feed one of the other ones. I forgot it's been so long. I do think that's part of their water shed, I believe. In saying that, surely again, you should really on the pretext send to them Certified Mail so when you come back to this Board and say we called them and we have a Certified Letter saying we sent them something. At that point if they feel it's not a concern and they don't respond there's not much we can do about that. We surely want you to make that effort. Do you have Mr. McGoey's comments? Do you have the site distances?

J. Atzl: We will provide that.

G. Lake: Let me go through the Board before I go to the Public. This is like the sketch plan again.

Mr. Dulgarian: I think they're very limited to what they can do on this property and they're

within the limits of the law. Again, very limited. I don't have a problem.

H. Ross: Can you verify the measurement of the actual speed to the prevailing speed?

P. Murray: I have that noted.

R. Carr: I really have no problem with this. Is this a conventional subdivision?

P. Murray: Yes.

R. Carr: Just a note that on one of the maps you have a proposed conservation easement in there.

P. Murray: Proposed? We were proposing it for the Indigo Creek. If the Board doesn't feel it's necessary.

A. Dulgarian: No, we will take it.

H. Ross: I agree.

R. Carr: I have no problem with it.

W. Capozella: I understand about the sketches. I think this is the one that we finally agreed on. It's the best of what we've gotten to work with.

C. Najac: I have a question on the large lot .

G. Lake: I think the offer is on the table. I will ask that Mr. Bacon look at that feasibility and exactly how that should be done. It's conventional right now and they've made an offer.

C. Najac: If we make that a conservation easement now, it's a good way of preserving the land.

P. Murray: Mr. Chairman, if I may, we have shown (not clear).

T. Hamilton: On the site distances, Mr. McGoey is there any reason why they can't contact our Police Department.

D. McGoey: Sure and they could see if they have any information.

T. Hamilton: They have a speed machine and they leave it out a few days and monitor the time, speed, etc.

J. Atzl: We have two intersections. We have Old Timers Road and the intersection with Mount Hope Road.

MOTION to accept this as SKETCH made by C. Najac and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

3. **BAUM** - 9 LOT SUBDIVISION (Extension to Preliminary) - Route 211 East
(31-1-17.2) #111-02

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

Spokesperson for Roger Ferris (name not clear): I work for Roger Ferris. I'm here representing Mrs. Baum tonight.

G. Lake: Do you need an extension?

Spokesperson for Roger Ferris (name not clear): Yes sir.

G. Lake: Our first problem is we received your letter asking for the extension on . . .

J. Bacon: On May 15, 2007.

G. Lake: May 15th. Historically, when somebody asks for an extension we always ask for the letter to be in before the date runs out. That date ran out on May 1, 2007. So, you're about two weeks late. That's the first problem. Would he have to re-apply?

J. Bacon: Yes. He would have to re-apply and pay the fees again. It's a whole new application.

G. Lake: I think that's where we're at right now. You're going to have to file another application again. It's one of those unfortunate things.

Spokesperson for Roger Ferris (name not clear): Usually we're on top of that. I'm kind of surprised. We're like a week away from having approval from the Health Department.

G. Lake: Right.

Spokesperson for Roger Ferris (name not clear): This poor lady has been dragged through the mud trying to get the subdivision approved and now this.

G. Lake: Unfortunately, if it was a Sunday date or something you can look at it the next day but to let two weeks go by. It's pretty clear.

Spokesperson for Roger Ferris (name not clear): This will break her heart, I can tell you that.
G. Lake: We've done this a hundred times. I just don't think legally this Board can move forward now. The other problem that I think and Mr. McGoey might have to help me out on this because you had an agreement or a handshake I believe on fixing the road out there and I'm not sure all parties have an agreement with that anymore.

Spokesperson for Roger Ferris (name not clear): No. I have heard that there is not an agreement. I don't know if the Town is . . .

D. McGoey: There's a meeting being set up.

Spokesperson for Roger Ferris (name not clear): July 23rd, I believe.

D. McGoey: Right. Just so the Board knows, the former Highway Superintendent passed on to Mr. Lippert agreed verbally that he would construct the improvements if the applicant paid for the materials. We had a meeting on the Wolfe Subdivision a couple of weeks ago and Mr. Lippert changing his position in that regard because of what he perceived from the policy of the Town Board not wanting the Department of Public Works to construct the

improvements. So, he suggested that we have a meeting with the applicant and the Highway Superintendent and try to hash it out.

G. Lake: Right now it's a seasonal road if it's not brought up. It very well might change.

D. McGoey: It may involve one or two lots.

Spokesperson for Roger Ferris (name not clear): That's an easy one. The road it not that bad. The one about the date is.

G. Lake: It's just a matter of re-filing and paying the fees again at which time we will get you back in.

Spokesperson for Roger Ferris (name not clear): Okay.

G. Lake: And, by that time, hopefully we have answers to what is going to happen after you have that meeting. Are you in on that, Mr. McGoey?

D. McGoey: Yes. It will be a work session.

T. Hamilton: And, as long as nothing else has changed on that Site Plan when they come back in.

Spokesperson for Roger Ferris (name not clear): We haven't made any changes. Just going through the Health Department process.

D. McGoey: At this point, Mr. Hamilton, because the Wolfe Subdivision has changed what they want to do. They wanted to dead-end with a cul-de-sac.

Spokesperson for Roger Ferris (name not clear): This Town doesn't want a dead-end there. It doesn't make sense to do that. I met with some of the Highway fellows out there and it really doesn't make sense. Who would take that road and make it a dead-end? It doesn't make sense.

G. Lake: So, we're going to table you for now and take no action until you make a new application and we have a meeting with the Highway Superintendent.

Spokesperson for Roger Ferris (name not clear): Okay.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

4. **ORANGE REGIONAL MEDICAL CENTER** - ACCEPTANCE OF DEIS - 679 to 689 East Main Street (78-1-77,20, 40-2, 77.1, 73 & 74) #609-06

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

A. Cutignola: My name is Ann Cutignola representing Tim Miller & Associates. We have submitted the DEIS under Orange Regional Medical Center and the appropriate Site Plan for your review. It is complete for Public review and hopefully we can schedule a Public Hearing. Any comments that you have on either the Site Plan or the DEIS will be addressed as part of the Public comment period.

G. Lake: Okay. I'm just going to run through the Board real quick right now just in case there's any new questions.

A. Dulgarian: I don't have anything.

H. Ross: Let me just say that I'd be happier if we had something that I understand it's beyond your control which is a clear understanding of who is doing what, when regarding highway access. That's a main problem that I find very darkening.

A. Cutignola: You received . . .

H. Ross: Everything you guys, and I'm saying it's beyond your control when we are faced with a situation.

A. Cutignola: If the State does everything wonderful, a lot of that goes away but if the State does not we are (not clear). There is a lot of stuff.

G. Lake: Anything else Mr. Ross?

H. Ross: No, that's it.

G. Lake: Just so you know Mr. Ross, we do have those same questions also. I know traffic has been a concern of everyone.

R. Carr: I don't have any problems.

W. Capozella: We're just going to accept it as complete or . . .

A. Cutignola: Just complete for the purpose of scheduling the Public Hearing.

W. Capozella: For example, do we need to discuss anything or is it something that can be discussed down the road?

J. Bacon: I had a question about that.

W. Capozella: Because I did some homework on the archeological study in the State of New York and so forth and you wouldn't believe how many sites there are and how much stuff is out there. In all honestly when I look at this it doesn't seem to be a lot of harm in the study. I just thought I would bring that up. There is an opinion here about a buffer zone being made tributary. The only other thing I did see was the Fire Department. I agree with it but it's something that I'm looking at and we will have to decide.

A. Cutignola: Can I respond to that?

G. Lake: Let me get through the rest of the Board.

C. Najac: There are a lot of issues. I'm still not sure about the timing and understanding who is supposed to do what.

A. Cutignola: We're not sure at this time either.

C. Najac: I would like to see something in writing. Your map was to show that you were to pay for the light at your entrance and it didn't show up on the last set. The stormwater is pretty good. I had my doubts about it but I have to say in reading the whole document it lists all the problems and you're going to mitigate. You've mitigated everything. This is my chance to get it on the record.

T. Hamilton: I have nothing further.

A. Cutignola: We're looking to see that you are determined that we're complete for Public review and that we've given everybody enough feedback. The comments that you have verbally or in writing we will respond to those as part of the FEIS. We're not looking for you to say that . . . We have tried to answer everything as best as we can but using energy as an example. If a comment was made then we would show and demonstrate how the building would be energy efficient and then we would respond to that how we're going to handle that. In terms of archaeology, this parcel we're doing the top of the line. If you have a parcel and you're going to build a building you hope that there's nothing there. And then, in Phase 1A they can say it is not likely that anything is going to be there. Then you hope that when they go to the Phase IB, we thought there was going to be something there based on the history and the river and the topography but we didn't find anything. That also did not happen so we are committed to the highest level of dealing with whatever archaeology is there. In Mr. McGoey's comment he indicates we can put a sentence in the FEIS that says any artifacts that were to be recovered, although we don't know and even the archaeologist acknowledges that it's not likely but it's not so unlikely that they're willing to just say that there's nothing there without going out there and digging. If something was to be recovered as part of that digging we will deal with that accordingly and it will be stated.

W. Capozella: I guess my comment to the Board is how far do you go if you don't find anything. Like I said, there's so much listed.

A. Cutignola: Archaeology is working on a plan which would be pretty specific with what OPRHP is going to accept and she's going to finalize those details.

D. McGoey: They will probably have what I call stone and bone (not clear) on the site of your construction. That's probably what they would have.

J. Bacon: Do you have a Phase III study approved by the Archeological Society?

A. Cutignola: You have to define what the study involves and they would be foolish to move forward without knowing before. It's not really a question of approval. It's a question of any information that when you complete what they've agreed to that they're going to be satisfied.

J. Bacon: What's your time line on defining?

A. Cutignola: On defining what needs to be done?

J. Bacon: Yes.

A. Cutignola: The archaeologist has to do his field work. As I indicated in one of my very first comments, the full report is now available and I'm going to replace it with a field letter of the whole report. That's already been indicated.

J. Bacon: Just so the Board knows, a year ago last spring the office of parks and recreation updated their guidelines on this. So, although the applicant did research in the past they came back with updated guidelines and made them go back and do more.

A. Cutignola: Right. There is really nothing further that can be done and we're going to recover whatever.

J. Bacon: Mr. Lake, I have a question on the traffic. Did you happen to read Bernard Kalus's letter? One of the things that I've gotten is that how difficult it would be to get it into the DEIS before publication of the five lanes.

P. Griely: We can add it in. The whole question here was, we were asked to look at what would happen in the interim position and what would be needed to satisfy that? That's why it was a four lane analysis. The County has indicated that we would provide five lanes as part of this re-construction. What we tried to show was even with four lanes we could accommodate the traffic issues but it can be added in.

A. Cutignola: The four lanes really represents the actual impacts. The fifth lane would only make it better. We had actually wanted it to be discussed with the four lanes.

P. Griely: Correct. I think based on our reading of Mr. Kalus's memo, he's saying put it in

the FEIS just so that you show what it is but we have the worst case analysis. If it were the other way around I would be more concerned.

J. Bacon: It seems to be that it's the most likely scenario, that you got funding for the five lanes.

P. Griely: Again, we were showing what was needed to accommodate the traffic conditions without even providing it.

T. Hamilton: Mr. Bacon, are there any regulations on putting items on the internet?

A. Cutignola: We do that with all of our DEIS's.

J. Bacon: The other issues with Mr. Kalus have they been satisfied?

P. Griely: The items that he has here are really technical comments. I think a lot of this is going to have to go into the FEIS. We're expecting some other comments in terms of technical reviews, the Town, the State, the Department of Transportation and so forth.

J. Bacon: Well, the one I'm thinking about is the data from the County.

P. Griely: Yes.

J. Bacon: That doesn't seem to be . . .

P. Griely: We can pull it forward. What happened was . . .

J. Bacon: He's just asking for a summary.

P. Griely: Yes and the summary is actually in the technical appendix under CD. What we tried to do is to have that all condensed in the document but we can add a summary table up front.

G. Lake: So, you have been in constant contact with Sells', have you?

P. Griely: Yes.

G. Lake: I thought we did and it was to make sure that because of the size of the project that you were talking.

P. Griely: We were.

G. Lake: So, when these things. . .

P. Griely: In terms of a time line, a week ago I spoke to Mr. Kalus and then I spoke to him again on Monday and we actually delivered an additional CD because he couldn't find the CD that we gave him about two weeks ago for the SEQRA analysis. So, we're working together and he's just as overwhelmed as the rest of the consultants in terms of the work.

G. Lake: Okay. If the Board has nothing else, motion to accept the DEIS as complete . . .

MOTION to accept the DEIS as complete made by A. Dulgarian and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION to schedule a PUBLIC HEARING for SEQRA as well as a SITE PLAN/SPECIAL USE PERMIT for August 15, 2007 made by H. Ross and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

5. **DR. ROMANO** - SITE PLAN REVISION - 18 Golf Links Road (78-1-42) #63-04

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

D. Yanosh: My name is Dan Yanosh surveyor for Dr. Romano.

G. Lake: Go ahead.

D. Yanosh: It's an existing building. It was Dr. Levy's office. Dr. Romano is a chiropractor also. A couple of years ago we wanted to a new building up and take this one down. It was too much so we're back to renovate the rest of the building. The garage is on the left hand side there. We want to make that into office space. We're here for Site Plan approval. We have additional parking and we will clean up the landscaping.

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

D. Yanosh: Sure.

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

D. McGoey: The only one that he probably can't was he wanted a double entrance.

D. Yanosh: It's there now.

D. McGoey: Did you want to close both sides and make it a single entrance?

D. Yanosh: Well, we're going to leave it the way it is.

D. McGoey: Do you need any approvals from the Orange County Department of Public Works?

D. Yanosh: The Orange County Department of Public Works reviewed the plan and you said they had no problem.

D. McGoey: I think everything else is pretty clear.

G. Lake: Let me go through the Board.

A. Dulgarian: No. It's pretty reasonable.

H. Ross: I don't have anything.

R. Carr: I have nothing.

W. Capozella: No.

C. Najac: Difficult to hear.

D. McGoey: That's on Golf Links Road and it would be up to the County.

C. Najac: Even if it doesn't the turning lane doesn't go back to your property.

D. Yanosh: They would have to take our property then.

C. Najac: We just want to make sure you're covered.

D. Yanosh: Unless they widen the existing entrance.

G. Lake: Yes, but I thought they were shoving Golf Links Road over.

D. McGoey: They don't have anything done yet.

G. Lake: Can we do it subject to and contact the County and see what they have to say about it?

D. Yanosh: They've looked at it.

G. Lake: Did they give you any comment on it?

D. Yanosh: They said they had no problem with the driveways where they were. We would probably have to move this down to the south some more.

G. Lake: Anything else, Mr. Najac?

C. Najac: Nothing.

T. Hamilton: Not right now.

G. Lake: I don't have anything. You have no problems with the comments?

D. Yanosh: No, none at all.

MOTION for a NEGATIVE DECLARATION subject to all comments by Mr. McGoey and this Board made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for SITE PLAN REVISION subject to all comments by Mr. McGoey and this Board made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

6. **STORAGE USA** - SITE PLAN REVISION - 295 Ballard Road (78-1-82) #18-07

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

M. Sandor: My name is Michael Sandor, engineer for the applicant and Michael Patroni.

G. Lake: Go ahead.

M. Sandor: Back in May of 2003 this project actually received Site Plan approval. The Site Plan approval was contingent on an addition to this building. If you're looking at it from Ballard Road, it would be on the right hand side. That was contemplated at that time, a three story addition the full length of the building, one hundred seventy five feet, three stories high for thirty six thousand square feet. The applicant is now proposing, modifying that addition to generally one story building placed around the existing building. At the back of the building it would be a one-story building. On the side of the building it would be a one-story building with the except for the (not clear) building. The reason here is that these buildings would be accessed from the street more than the aisles with roll-up doors. I do have a general rendering of what's proposed.

G. Lake: How about the outer buildings? These are also buildings along the outside?

M. Sandor: Yes. The outer buildings, one-story, roll-up doors.

G. Lake: So, they would be your typical storage building?

M. Sandor: Yes.

G. Lake: You have the addition on the back and now you're scrubbing that whole thing?

M. Patroni: I'm sorry.

G. Lake: You were going to add on thirty thousand square feet.

M. Patroni: Right.

G. Lake: What's driven the change to this magnitude?

M. Patroni: I guess the market. The market says one-story withMostly it's for fire prevention, as a one-story building. We also prefer it. We are losing approximately six thousand square feet. We were approved for thirty six thousand square feet. With this change, everybody wins.

G. Lake: Let me go through the Board.

A. Dulgarian: I know this is here for sketch and you want to get some kind of an opinion. I think for the amount of traffic that's on Ballard Road, I don't like the aesthetics of those buildings facing Ballard Road like that. I think it's very ambitious. What you're showing us right now, I don't like it at all. I really would have to be convinced. I know there are some factories but we're really changing what has happened at that corner and I don't think this fits in the line with the type of development that we've been allowing. Although it is the same usage, it's totally different.

H. Ross: I agree with Mr. Dulgarian. Perhaps with additional landscaping but with the corridor the way it is. I have a problem with the aesthetics also.

R. Carr: Yes. I also agree. Although it's the same use (not clear). I don't know even if the aesthetics were changed it would work.

W. Capozella: I kind of understand what you're doing as far as access to all of these additional buildings. To me it seems like it would be more practical to add on a building is more reasonable than to add a bunch of additional buildings and several structures that you have to work with. I know it's self-storage. They're not the greatest looking buildings. I don't see the aesthetics of this.

C. Najac: This sketch is not doing any justice at all.

T. Hamilton: I just think it's a little ambitious. It may also cause a problem with the Fire Department to access. We don't know what the back is going to look like.

G. Lake: I kind of have to agree. When I first looked at it, it jumped out as being awful busy. I don't know if you've done anything else as far as the runoff and that along with the added coverage.

D. McGoey: I haven't gotten any answers on that.

G. Lake: I know this is only here for sketch but I think the Board would like to see maybe if you do something more creative. That whole area we have taken care to protect as it changes. I know when this first came, I was pretty sure I voted against it this whole idea here. To see this much added all over the place, I think you should go back and go to the drawing board and be a little more creative on what it's going to look like.

M. Patroni: Not clear.

T. Hamilton: Mr. McGoey on the 1.2 with that light. How far are they going to go or have they made any changes for that?

D. McGoey: I don't think they're going that far.

T. Hamilton: Do you remember what that sketch showed?

D. McGoey: I think on both sides they were looking to (not clear).

M. Patroni: Your objection is mostly on this is aesthetics, I guess.

A. Dulgarian: There are two objections for me personally. One is aesthetics and secondly as Mr. Hamilton brought up it's very busy. It's just a very ambitious plan.

M. Patroni: We have thirty six thousand square feet of two-stories already approved. Would you rather see three stories of thirty six thousand square feet?

G. Lake: I think the big difference here is you had your approval for an addition to an existing building that was going to tie into this building. Where now, you might have

knocked down six thousand square feet but we're looking at three additions to the building and six little out buildings.

M. Patroni: So, essentially it's still the aesthetics, I guess.

G. Lake: I say aesthetics and I think it's busy.

M. Patroni: I understand the aesthetics but (not clear).

G. Lake: In regards to what?

M. Patroni: The addition that was already approved.

G. Lake: I would say yes then if you have that approval. You have the approval for that and I just think this has a long way to go.

D. McGoey: It was approved in 2003 and they didn't get a Building Permit so they have lost the approval.

G. Lake: Anything else?

NO ACTION TAKEN.

7. **McKEE PROPERTIES (Paulius)** - SITE PLAN REVISION (Fence) - Tarbell Road
(1-1-46.12) #23-07

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

P. Cramer: My name is Pat Cramer with Four Leaf Company. About ten years ago we bought the property on Tarbell Road. We have been anxious to fence it in both from a safety standpoint from some of the kids that have turned in into running their motorcycles down there. I want you to know that the folks up here have always been cooperative when we call for help. Both the Supervisor and the Police Department has been outstanding. But now the Department of Environmental Conservation wants us to grow some vegetation on that property. We thought that this is a perfect time to come in and ask for your consideration to allow us to put up a fence which would then protect the property somewhat from being abused.

G. Lake: Mr. McGoey, do you have something?

D. McGoey: I just made a statement.

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

A. Dulgarian: No, they're talking about a five foot, is it a slab or is it chain link?

D. McGoey: It's a chain link fence.

A. Dulgarian: It is strictly natural?

D. McGoey: It's a gravel bed.

P. Cramer: It was the McKee Sand & Gravel pit when we bought it. They closed it down and we bought it. I'm sorry.

H. Ross: It faces on Route 17K?

P. Cramer: It faces Tarbell Road on the east side and Route 17K on the south side.

D. McGoey: Route 17K?

P. Cramer: Goshen Turnpike, I'm sorry.

A. Dulgarian: It wouldn't change the characteristic of the neighborhood.

H. Ross: Yes, it's a move to prevent vandalism. It's a good idea. Do they want you to stabilize it?

P. Cramer: No. We've seeded it three or four times and we keep losing it so, we thought we would try this.

G. Lake: You're getting a lot of four wheelers on the property?

P. Cramer: Yes. Exactly. In fairness I just didn't want to play that hard. We just don't want the kids getting hurt out there. It's attractive.

W. Capozella: I'm looking at five hundred and forty five feet, right what you want to do?

P. Cramer: Right.

W. Capozella: I'm not familiar with that.

P. Cramer: The bottom line is they have a tendency and when the police do respond they're on the inside.

W. Capozella: I'm fine.

C. Najac: No problem.

T. Hamilton: My only question is, I read the article in the paper about this. It kind of through me off. I didn't know what they were talking about. We never heard any of this stuff and we find out it was for a fence.

P. Cramer: Right.

T. Hamilton: I was just a little confused.

P. Cramer: What really happened was that I call from the newspaper saying why did you people by that, who are you and what do you do? I explained what I did in Chester and sure, that's our game plan to create ratables and jobs at some point but all of that would have to come here first.

T. Hamilton: We've been surprised a lot of times. The paper always seems to get it before we do. That's all I have.

P. Cramer: That's my fault and I apologize. The reporter happened to be there.

G. Lake: I don't have any problems.

MOTION for a NEGATIVE DECLARATION subject to all comments from Mr. McGoey and this Board made by T. Hamilton and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for a SITE PLAN REVISION (Fence) subject to all of Mr. McGoey's comments and this Board's comments made by T. Hamilton and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

8. **FRANCESE COMEDY CLUB** - SITE PLAN/SPECIAL USE PERMIT - 400 Route 211 East (54-4-1.2) #121-05

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

M. Montgomery: My name is Michael Montgomery, Registered Architect with Lan Services and I'm representing the future proprietor, Mr. Richard Francese. He's in the audience and will be available to answer any questions on the operation point of view. Also, in attendance here is the property manager for the Wallkill Plaza. As you know, the Wallkill Plaza is at 400 Route 211 East. It's a large shopping center now. It's established at about two hundred and three thousand eight hundred square feet and it's located on a twenty five acre lot. It's located in an HC, Highway Commercial zone which allows a shopping center and eating and drinking establishments. We are seeking a Site Plan approval and a Special Use Permit for a comedy club in one of the vacant tenant spaces. It's identified as space #4 on the plan. It's two thousand five hundred and eighty one square feet and we're looking to convert that into a comedy club with a future name of Manhattan Comedy Club. There's a plan in the application which shows the space, the proposed seating. We estimate that there will be at maximum occupancy one hundred seventy two patrons and that's based on a square foot analysis based on the New York State Code. We are in receipt of your engineer's comments and are prepared to respond or discuss them since those comments have actually been submitted and revised on the plan.

G. Lake: Mr. Bacon, I know we talked about this before the meeting a little bit. Since, I believe they already have eating and drinking with that site I guess there's a question do they have that approval already.

J. Bacon: It was with a bundle of approvals when the plaza was approved for eating and drinking goes with the site and he doesn't need any special Public hearings just for him to have his use.

G. Lake: Mr. McGoey, your comments anything you want to discuss that we should take care of?

D. McGoey: Yes, there are. The Site Plan that I had showed a number of dumpsters which were not in enclosures throughout the back of the building. I recommended that we seek the cooperation of the mall owner and create dumpster enclosures to those dumpsters as part of the approval. Is that a problem?

M. Montgomery: Aside from them being located in a haphazard and they're not orderly, they are fairly clean. There's not a lot of debris or trash so, I don't know why you would hold this approval or this application. As I said, I don't think there is a problem but that's for the Board to decide. Also the property manager had indicated that they might possibly look at an alternate option of not enclosing all the dumpsters but maybe getting some sort of compaction equipment and reducing the number of dumpsters which would, in effect, make it

less costly. They would be looking into some other solution that would resolve the comment to the Board's satisfaction.

D. McGoey: Just to add, we have set a precedence, we've asked on every mall to do this.

A. Dulgarian: Yes. We've done it all over and we're not signaling you guys out but what happens is when we have an opportunity to visit a site because they're making some sort of change on that site, we take that opportunity to dress that site up to what we feel is current requirements of this Board. So, that's where that came from. It's an opportunity for us to take anything that we can and bring it up.

M. Montgomery: I understand.

D. McGoey: Yes, outdoor seating. I don't know whether the venue demands it or not.

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

R. Francese: My hours including days or . . .

G. Lake: Yes. I have to assume . . .

R. Francese: Thursdays to Sundays, hopefully. Definitely Friday 8:00 to about 10:30. Saturday 8:00 to about 12:00 midnight. There is the possibility of private parties or something like that after new shows.

G. Lake: We're not looking at something like an Outback where people are coming to eat. They're coming to the club and being inside

R. Francese: Yes.

A. Dulgarian: Is there a bar in there?

R. Francese: Yes, it will be in the front.

A. Dulgarian: And, you're going to close at 10:30 on a Friday?

R. Francese: If I can do two shows on a Friday, possibly but my target is one for Friday and two on Saturdays. The show itself is about an hour and a half.

G. Lake: Anything else, Mr. McGoey?

D. McGoey: No.

G. Lake: Okay, the dumpsters. Let's get that.

T. Michael: My name is Tom Michael. I'm the Senior Property Manager. I received this information just recently. We just wanted to here from you. There is the possibility of an alternative compactor dumpsters and dumpsters tends to be an issue where the public likes to use it as a dumping ground.

D. McGoey: The Board has required . . .

T. Michael: Compactors for us might give us the ability to have two compactors or three compactors versus ten dumpsters. We just want to take a look at that.

T. Hamilton: I know once before we addressed the problem of the hallway that runs to the back.

T. Michael: (Not clear). Both sides are locked.

A. Dulgarian: I have no problem with visiting and seeing what the best alternative is for them. I pictured this actually if it's going to be more of a bar operation or midnight or one or whatever. That doesn't really bother me because of the location. I remember we had one up the street but there was a lot against but where this one is whatever his hours are, they are. It is what it is. I really don't have an issue with that. I do think though Mr. McGoey's comment #5. I don't agree with outdoor seating but there has to be something done whether it's an awning or an area or something because with this type of business people are going to go out and smoke or hang out or talk about what they're doing or get out of the noise for a little while. Something has to be done and I don't know what it is.

T. Michael: There is a covering at the mall.

A. Dulgarian: I think this is low impact for where it is and for what he's looking to do. I think it will be fine. I don't have an issue with that. The important question is, is the Shop Rite moving out of that mall?

T. Hamilton: He read it in the paper.

H. Ross: I don't have anything to add.

W. Capozella: Nothing to add.

C. Najac: Yes, comment #8 on sidewalks. I realize it's quite a bit to ask for this approval.

G. Lake: I don't have anything else. I agree with Mr. Dulgarian.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for SITE PLAN approval subject to all of Mr. McGoey's comments and this Board's comments as well as you getting back to us about the dumpsters in the back made by T. Hamilton and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

9. **FUENTES DAY CARE** - SITE PLAN/SPECIAL USE PERMIT - Rykowski Lane
(60-1-96) #38-07

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

J. O'Rourke: My name is John O'Rourke with Lanc & Tully Engineering. I'm representing Fuentes Day Care. This is a proposed eight thousand roughly square foot day care center located on Riverside Drive. That is the cul-de-sac located off of Rykowski Lane. We have a maximum build-up of ninety seven (97) students with a total of twenty two (22) staff at complete build-out. We would love to get there but we're not starting that large. We have adequate parking. The comments, we have no concerns with any of those. The site has existing water, existing sewer. We have provided architectural renderings I brought for you but basically we're here for Site Plan//Special Use Permit and to schedule a Public Hearing.

G. Lake: Let me go through the Board while you're getting out what it's going to look like.

A. Dulgarian: I know we're just scheduling the Public Hearing but now, there is an outside playground all fenced in?

J. O'Rourke: Yes. It's in the back. If you look at the larger scale. We have two scales on the plan. There's a playground area on the side and in the rear of the building.

A. Dulgarian: I have some questions at the Public Hearing.

H. Ross: I'm a little concerned about the layout but I share what Mr. Dulgarian brought up.

R. Carr: One thing that we talked about before, it's a good use for out there because of people working in the vicinity. Why can't we have the building up in the front instead of parking?

Why all that asphalt?

A. Dulgarian: Why are the aesthetics to see a parking lot rather than the building?

J. O'Rourke: Well, actually it is somewhat for the function of the building. We're trying to . . . If you will notice, we have fencing across the front. We're limiting the access to the children in the back for two reasons. One, we don't want to have access around the building basically to protect the children. The second thing is, we were trying to get the playground and children as far away from the road as possible. That's why we have the parking up front and the building in the rear.

R. Carr: It seems to me the building could still be in front and the kids are in the back and not by the road.

J. O'Rourke: But, we would have to have the parking lot in the back. We're trying to, see if I move the building up then in the back I would have a playground area and then the parking. We're trying to isolate the children. Basically you can't access that entire site because there is fencing across the front. You cannot access the entire site without going through the building.

R. Carr: Okay.

W. Capozella: Nothing.

C. Najac: Nothing.

T. Hamilton: No problem with the water and sewer?

D. McGoey: None.

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

J. O'Rourke: No.

G. Lake: Mr. McGoey, do you need him back to another work session?

D. McGoey: Not before the Public Hearing.

G. Lake: Do you have a copy of the Fire Department's comments?

J. O'Rourke: No I don't.

G. Lake: You have a copy now.

J. O'Rourke: Thank you.

MOTION to schedule a PUBLIC HEARING for September 19, 2007 made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

10. **QUICKWAY #4** - SITE PLAN/SPECIAL USE PERMIT - Office Building - Tower Drive (41-1-120) #28-00

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

M. Lukasik: My name is Michael Lukasik with Tectonic Engineering.

G. Lake: Go ahead.

M. Blustein: It's been about a year or so since we've been before the Planning Board. We recently had a work session meeting with Mr. McGoey probably back in May. The project remains essentially the same as what's been before you before but just to re-cap, it's been a while. We're basically roughly a sixty thousand square foot office building, a general office

portion, potentially to be medical, four stories on the Tower Drive side. Basically a four story on the side facing Route 211. Parking is in the front on Tower Drive side and also acts as parking on the Route 211. We received comments both from Mr. McGoey and also as of today landscaping comments.

G. Lake: The big thing, I thought, Mr. McGoey, are the monuments up and lined up at the new road here, across the street. Wasn't that worked out?

M. Blustein: We have a meeting on the 23rd of August.

G. Lake: For the road right here. Did you bring a picture of the building?

M. Blustein: Not this time.

G. Lake: This is right next door.

M. Blustein: The only answer that might come up Mr. Lake is to re-align the road is going to take away some of the parking. To do that, we'll probably need some sort of a waiver of the parking requirements because to do it would take away about twenty five (25) spaces plus or minus if we re-align it.

D. McGoey: And, also for the buffer?

M. Blustein: Is the new zoning going to change the buffer from twenty five feet to ten feet?

D. McGoey: I don't know.

M. Blustein: We do have a meeting in reference to the road and we do intend to try and come to some sort of resolution to more align it. We would just need some sort of guidance from the Planning Board or the Zoning Board to make that happen.

G. Lake: It is were re-aligned and I don't know but is there a possibly of having shared parking?

D. McGoey: Well, they have a lot more parking spaces than they need.

M. Lukasik: The parking we have on there gives us the flexibility to have (not clear).

G. Lake: So, you're telling us these are all medical?

M. Lukasik: We can't possibly go all medical but we do have approximately right now I believe one floor for medical. So, one floor of the building which we would have to either give that up to comply or request an easement.

G. Lake: I can tell you this much for the both of us since you will be going out the same route we go out on. No matter how you cut it, I'm not talking about the rest of the Board but I'm talking about some of us here and there have been a lot of near misses and I realize we're getting a red light but I hope something is worked out because I really thought that light was done for now and to line that up better.

M. Blustein: I think we can make it happen.

G. Lake: If it means sharing parking some how across the way once you move the road over or until that happens I think something, like I said . . .

M. Blustein: I do know the same day as that meeting, I know the meeting is about the light going in so I know it's in the works.

D. McGoey: I didn't have it in my schedule but can you call me.

M. Blustein: I believe the meeting is the 23rd. It is in the works.

G. Lake: Right.

M. Blustein: If we do it that way we're going to need some relief from the parking.

G. Lake: I think this is a case where it would be better for everybody.

M. Blustein: Right.

G. Lake: Anyway, go ahead. I didn't mean to get you off track.

M. Lukasik: That's really question #1 and we felt we would bring it up right away also.

M. Blustein: In addition to comment #1 Mr. McGoey raised an issue of an improvement to Tower Drive. I know we have been through this before. Mr. Frassetto, back in the early 1990's came up with a formula for the square footage and the Town came up with a square footage agreement on how much they would pay as a mitigation contribution for each building they built. And, they've paid for every building that has been built with the

exception of Tower Drive. This particular project. Mr. Frassetto already donated basically and it hasn't been officially done but when the Town wanted to put that ordinance in to open up Town Hall we gave them permission to go in and do that. Also, the Supervisor recognized that Mr. Frassetto in that agreement has paid for the light to be installed by a different developer. He paid a lot of money towards that.

D. McGoey: To add to that, we have a lot going on Tower Drive. Regardless of whether we waive the fees, we have to evaluate the needs for Tower Drive and with this site and the site below them and the Fisher Retail across the street. I think we have to look at the cumulative impacts.

M. Lukasik: A traffic study was prepared by the Frassetto's and the Patel's, the site #5 applicant for the hotel down below. That traffic report was submitted, I want to say in January and is currently under review by Sell's. I'm sure they will be producing some sort of recommendations.

G. Lake: You can check with Sell's on that.

M. Lukasik: With respect to #2 raised by Mr. McGoey, this revolves really around the retaining wall. We've got a wall between the two sites. We have the internal problem of what we do when it's on the line, over the line. We've been back and forth with both partners in the project to discuss it and during the work session as well. Essentially what we have is what we think we can add to our plans now is we have a wall system that can be done independently either way. What we would do is we would stipulate on the plan in a couple notes which has been from the Building Department and some revisions so that when the time comes for enforcing, either the hotel is going up first or this site is going up first. Basically the walls will be designed to span or accommodate which ever one isn't there yet. The intent would be if the lower site goes first the Frassetto's will bring this wall in right away because it would be a lot cheaper to do it all at once. There is a chance that the hotel might not happen. With respect to this application here and the wall would essentially start here.

G. Lake: The wall . . .

M. Lukasik: Well, it's starting at basically if you draw the imaginary property line out there where the land is now that's where that wall will be. So, to accommodate the lower wall during the final design one of two things could happen. The wall can be put in deeper and buried back such that the lower wall can be constructed without undermining the upper wall. Or, the effect of the site for the wall design may show that everything is okay and you can

just build the wall. Those are the two options. So, the study of the shop drawings and the final design will show that wall is actually constructed in place and it can be done either way.

G. Lake: How high is it?

M. Lukasik: The lower wall is generally, we're talking an aggregate of about thirty feet at a time. The lower section does have a couple extra bump outs.

A. Dulgarian: Do you have the landscaping on that?

M. Lukasik: There's a fair amount of landscaping proposed for it. Because they are segmented walls we can't put any large trees but there is a fair amount of ground coverage, nothing that will tower up on it and blow the wall out.

D. McGoey: The maintenance and the construction of that is important. I will need an opportunity to take a look at it at some point.

M. Lukasik: The subdivision is stipulating two maintenance agreements from all parties that are part of parcel #2. #3, the newly proposed landscape regulations, we can accommodate that. With respect to the building height, fronting the street we wind up being on the new roadway on the side when you go against the ordinance definition of building height I think we come up with something on the order of fifty nine feet and three inches is what it comes out to be which is under the sixty feet. It actually is 61.6. #5 asking for the easement for the stormwater drainage pipe, that easement is indicated on the subdivision plan on the lower site. We can cover it from that aspect. #6, the water line. We will make that a moderate modification to the plan.

G. Lake: This is what, a four-story?

M. Lukasik: Four-story.

G. Lake: If you're going to relying on Town pressure, you may have to put a booster in.

M. Lukasik: One of the question in here is relative to the water pressure and the fire hydrant. The flows were found to be average. Given our computations for it looks like a booster will be needed. What we would do is we can put a note on the plan that basically says at this time it appears that a booster may be required. Ultimately subject to final designs by the mechanical engineer. Relative to the Highway Department, we actually did receive comments back in April of 2006 and I think there were three or four comments on it. The

only one of any major consequence was making sure that we had the details identified correctly for Tower Drive. We made some modifications to those details to bring it in line with the Town specifications for the roadway. #9, Fire Department. We tried like heck to get something back. I think we sent it four or five times. We haven't gotten anything.

G. Lake: None at all?

M. Lukasik: Our office made another reach out either yesterday or today trying to get something back.

G. Lake: Internal hydrant then?

M. Lukasik: We have to.

G. Lake: Reach out to them one more time.

M. Lukasik: We will try.

G. Lake: I will also try to reach someone.

M. Lukasik: #10, we talked about the fire flows. #11, the storm water management. The storm water plan is combined with the hotel and the site project down below. One comment will be added on it is that some of our on-going work on the lower site we've made additional modifications of which your engineer has not reviewed. That will all be submitted in advance for the next meeting. #12, we understand the Town is working up some maintenance language.

G. Lake: He is some advise from the Highway Department. I will give it to you right now. Let me go through the Board and see if they have any new questions.

A. Dulgarian: No.

H. Ross: No.

W. Capozella: Unable to hear. I'm for office space and office buildings for jobs and so forth but I would like to see as much green as can possibly be done .

M. Lukasik: We don't have any plans to cut back on any of the buffer areas.

C. Najac: Nothing.

T. Hamilton: One thing. You're coming in for this building now.

M. Lukasik: We can stand on our own here. We don't need the Site Plan and the current design down below to make this site work.

T. Hamilton: The hotel?

M. Blustein: We have certainly had, the Frassetto's have had a number of agreements in the span but essentially what we have done is we have brought a portion of the wall onto the property such that we can work completely separate.

T. Hamilton: If you look under the definition of a buffer, it's almost to where that wall is.

J. Bacon: We can ask the Building Inspector if he would agree to that.

G. Lake: So, do you know when that meeting will be?

M. Blustein: We do know, the 23rd of August,

M. Lukasik: I would like us to be scheduled for a Public Hearing.

G. Lake: Do you want them back for another work session?

D. McGoey: Yes.

MOTION to schedule a PUBLIC HEARING for September 19, 2007 made by H. Ross and seconded by W. Capozella.

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

11. **HAIR BY SEBO** - SITE PLAN/SPECIAL USE PERMIT & LOT LINE CHANGE -
Route 211 East (43-2-22.11, 22.121) #43-04

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

D. Yanosh: My name is Dan Yanosh surveyor for the project.

G. Lake: Okay.

D. Yanosh: We were here back in January and there was a discussion as to the parking. We went to the Zoning Board of Appeals and in May we got an interpretation that it was an eating and drinking establishment and the variance was granted. We took care of Mr. Hamilton's questions about the landscape area for the buffer zone in the residential side. We're eliminating the retaining wall in the back and the parking area in the back. We will landscape that. The Newman property there, she came to the Zoning Board meeting and requested a fence so we're going to put up a small fence to screen her from the back of the building. With the greenery, she won't see any more garbage or the dumpster back there. I did beef up the landscaping. I did include most the stuff that Behan wanted. We have the sidewalk in front of the building and we will put landscaping in there. One of the last things I have to do is to submit to the Department of Transportation. I have an engineer working on a storm water management plan.

G. Lake: Let me go through the Board.

A. Dulgarian: We've seen it and they've improved it. I have nothing further.

H. Ross: I agree with Mr. Dulgarian.

W. Capozella: I have nothing.

C. Najac: Nothing.

T. Hamilton: Nothing.

G. Lake: I don't have any problem.

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

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

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

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for LOT LINE CONSOLIDATION subject to all of Mr. McGoey's comments and this Board's comments made by H. Ross and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

12. **TOWN OF WALLKILL** - 2 LOT SUBDIVISION - 600 Route 211 East (41-1-6.2)
#60-07

D. McGoey: My name is Richard McGoey and I'm here for the Town to request the Planning Board's relief for a two lot subdivision.

G. Lake: I think we all looked at this.

MOTION for a NEGATIVE DECLARATION made by A. Dulgarian and seconded by T. Hamilton.

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for a TWO (2) LOT SUBDIVISION for the TOWN OF WALLKILL property on Route 211 East made by A. Dulgarian and seconded by T. Hamilton.

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

13. **ZONE CHANGES** - PUBLIC HEARING

MOTION to schedule a PUBLIC HEARING on the PROPOSED ZONE CHANGES scheduled for August 15, 2007 made by C. Najac and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES