

TOWN OF WALLKILL PLANNING BOARD

MEETING

JULY 21, 2004

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

MEMBERS ABSENT: None

OTHERS PRESENT: D. Brodsky, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - **GET NAILED SALON** - SITE PLAN/SPECIAL USE PERMIT - 749 Route 211 East (41-1-80) #049-004

G. Lake: Public Hearing started at 7:30 P.M. M. Hunt read the Public Hearing notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 600 Route 211 East, in said Town, on the 21st day of July, 2004 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Get Nailed Salon for approval at 749 Route 211 East under Section 249-38 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: Name for the record please.

G. Strait: Gloria Strait.

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

P. Owen: After the Public.

R. Carr: Nothing now.

G. Luenzmann: Nothing now.

W. Capozella: Nothing now.

T. Hamilton: After the Public.

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

MOTION to close this PUBLIC HEARING at 7:32 P.M. made by P. Owen and seconded by G.

Luenzmann.

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

G. Lake: You want to move into the Doctor's office down next to Weinert's, correct?

G. Strait: Yes.

G. Lake: You were here a month or so ago. The work session has been done.

D. McGoey: The only issue I have is you want landscaping. It is a little difficult down there because the front is all paved. There is some planting around the building. It's quite attractive.

G. Lake: You're right. I went down and I don't know where they would add it but we can ask if they can squeeze more in. Let me go through the Board.

P. Owen: I have no issues.

R. Carr: I have no problems. It's an existing building. It's better used than being left vacant.

G. Luenzmann: I have no issues. I think it's a good use for that building.

W. Capozella: No issues.

T. Hamilton: No issues.

MOTION for a NEGATIVE DECLARATION made by T. Hamilton and seconded by G. Luenzmann.

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for SITE PLAN/SPECIAL USE PERMIT made by P. Owen and seconded by G. Luenzmann.

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

2. **RUSSO** - 2 LOT SUBDIVISION - FINAL APPROVAL - Dosen Road (14-1-14.42) #086-002

G. Lake: Name for the record please.

D. Yanosh: Dan Yanosh, the surveyor for the project.

G. Lake: You're looking for an extension?

D. Yanosh: No. When I called it was close to being approved by Eustance & Horowitz in the time frame of getting on the agenda and taking care of all the engineering. We did get approval from

Eustance & Horowitz for the septic system design. I think there's a copy of the letter on file with the Town. We've satisfied all the Highway Superintendent's comments. There is really no need for an extension. We're here for Final Approval for this two lot subdivision.

G. Lake: Mr. McGoey, it wasn't published that way? Is that going to be a problem?

T. Hamilton: It was published for an extension.

G. Lake: That's why I'm asking.

D. Yanosh: It's not a Public Hearing.

D. Brodsky: Do they have Preliminary?

G. Lake: Yes.

D. Brodsky: I believe he's alright for Final.

G. Lake: Yes, I mean if he's caught everything up and got it done. Let me go through the Board.

P. Owen: Nothing.

R. Carr: I have nothing.

G. Luenzmann: No issues.

W. Capozella: No issues.

T. Hamilton: Just as long as Mr. McGoey says the wetland boundaries are okay.

D. McGoey: Yes.

T. Hamilton: I have no problem.

G. Lake: All the comments have been handled, Mr. Yanosh from all previous work sessions?

D. Yanosh: I think so. Mr. Lippert looked at it and said he had no problem.

G. Lake: He's just referring to past comments.

MOTION for FINAL APPROVAL subject to all comments made by G. Luenzmann and seconded by P. Owen.

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

3. **LONGABARDI** - 24 LOT SUBDIVISION - EXTENSION TO PRELIMINARY - Mapes Road (48-1-4.9) #076-002

G. Lake: You're here for an extension?

D. Yanosh: Yes sir.

G. Lake: Why?

D. Yanosh: We're into the Health Department. We had some issues with the Health Department and the City of Middletown. We're correcting all those issues right now. Hopefully a joint inspection with the Health Department will be within the week. We talked to the City of Middletown on one of Mr. McGoey's comments about the well draw down test. We have to test one or more of the wells this coming week. It will probably be done this coming Friday or Monday. The City of Middletown has been notified that we will be testing those wells in the area. The engineer has gotten in touch with them so, everything is okay in that respect. We talked to Mr. Lippert today. As far as he knows Highland Lakes Road in the City of Middletown has no problem with us opening up the road again. They're code Orange alert has supposedly been lifted. So, we're okay with that. Mr. Lippert says when Fall comes, he's going to clean the road up and re-grade a few spots so that will be opened up for access. It will give us a two way access into the property. We will be giving money to the Town for the paving of Mapes Road and in front of the subdivision. We have no problem with that. We're in that process right now.

D. McGoey: You said the owner's were willing to pay for some paving in Mount Hope?

D. Yanosh: Not in Mount Hope, just in the Town of Wallkill. We're opening up the other side to come in and we feel right now that's our access in. Between now and Final I will have to talk to them and sit down with the Board and see what happens.

G. Lake: Your first approval though, you got it on November 19, 2003?

D. Yanosh: Correct.

G. Lake: So, it's lapsed that six months?

D. Yanosh: We had a meeting with Mr. Lippert on April 31st. After that meeting we called the Town to see about an agenda for a work session. We were told the work session was needed. We have a work session scheduled for June 21st. That was the first time we could get on for a work session. Once that was held, we found out we had to have this updated Preliminary Approval. We got caught in the time frame of the scheduling.

G. Lake: So, you did get to Mr. Lippert and just so before I go to our Attorney on this to get this ruling because this has been a problem and basically you did call in before the six months was up to try and get back on a work session and we could not accommodate you.

D. Yanosh: Correct. So, with those circumstances?

D. Brodsky: I think that's a position of the Board they've been taking is if the applicant cannot get back into the Planning Board for purposes of requesting an extension within six months because of the Planning Boards' scheduling issues then we don't want the applicant to be penalized because of that time frame.

G. Lake: Okay. Let me go through the Board.

P. Owen: Nothing.

R. Carr: The biggest I have with this subdivision was going through Mount Hope and you're saying now that the Town is going to open up the Wallkill side?

D. Yanosh: Correct.

R. Carr: Is that a paved road?

D. Yanosh: No. It's a dirt road all the way through. He has some drainage to do because it's been vacant.

G. Lake: I think between now and the time it gets all settled out, get us a letter from Mr. Lippert so the Board can have it.

D. Yanosh: He has agreed that the status has been cancelled. The Public Works intends to repair the road.

R. Carr: The other thing because it's becoming an issue on Preliminary Approval. Is a work session required in order to seek an extension?

D. McGoey: No.

R. Carr: I don't know what the answer is.

G. Lake: I think the problem is one part has six months and the other says one year. Anything else?

R. Carr: No.

G. Luenzmann: I have nothing.

W. Capozella: This was way before my time. I'm not in a position for any comments.

T. Hamilton: Nothing.

G. Luenzmann: Under those circumstances, I would like to entertain a motion to extend the Preliminary. Do we do a year, Mr. McGoey?

D. McGoey: I'm not sure the ordinance says a year. Site Plan you can.

D. Yanosh: We're fine with six months.

G. Lake: Are you okay with six months?

D. Yanosh: Yes. We feel within a month or so we'll have approval.

MOTION for a SIX MONTH EXTENSION of PRELIMINARY APPROVAL made by G. Luenzmann and seconded by P. Owen.

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

4. **NUNEZ SALON** - SITE PLAN/SPECIAL USE PERMIT - 216 Commonwealth Avenue (38-11-2) #051-004

J. Ramus: You requested some pictures of this project.

G. Lake: Explain a little bit and pass them down. Why don't you refresh everybody's mind and tell us exactly what it's used for now and what you want to do with it and then we will go from there.

J. Ramus: The building was a pre-existing commercial carpet store and we wish to change it into a beauty salon.

G. Lake: The reason you're here is because it's a non-conforming use in a residential area and the Building Inspector wanted you to go through the process to make sure it had the proper approvals.

J. Ramus: Yes.

G. Lake: Anything else you want to say about it here?

J. Ramus: Just a few comments that I received.

G. Lake: Let's go through the comments.

J. Ramus: The first one was about the application for the existing commercial establishment. Mr. Steenrod, noting that it was a pre-existing non-conforming. The second comment had to do with the parking calculations. It was an error on our part. I went back and checked the section 249-12 and the new calculations met the same amount of parking spaces so that won't change on the plan.

A. Dulgarian: Came in at this time.

G. Lake: So, you're okay on the spaces?

J. Ramus: Yes.

G. Lake: You don't need any more or less?

J. Ramus: No. The handicap parking spaces is just a detail note and some stripping to be added on the detail. It's so noted. The last is the photographs for the landscaping.

G. Lake: Let me go through the Board.

A. Dulgarian: Nothing.

P. Owen: Nothing.

R. Carr: Nothing.

G. Luenzmann: No problem.

W. Capozella: No problem.

T. Hamilton: The Highway Superintendent's comment about resurfacing the parking lot?

J. Ramus: The surfacing has been redone and it's on the last page.

G. Lake: I think that comment from the Highway Superintendent is that he wants to meet with you about a couple of drainage issues with water runoff.

J. Ramus: Okay.

G. Lake: We will give you a copy of that if you want?

J. Ramus: Yes.

G. Lake: Are you going to be able to clean up the landscaping a little bit around it?

J. Ramus: That was done.

G. Lake: Maybe just a couple of shrubs on the corner just to clean it up.

R. Carr: Where is the main access of the building, by the front door?

J. Ramus: The access is going to be on the side where the pavement is.

G. Lake: On the side facing Commonwealth Avenue, I think you do have a little room there just to maybe jazz it up a little bit. Mr. Brodsky, do we need a Public Hearing?

D. Brodsky: I think you probably do unless the Board determines that the use is the same.

G. Lake: It was a carpet warehouse type of operation.

D. Brodsky: If you say it's the same then it's a continuation of a pre-existing, non-conforming use. If not, then the code allows a difference on conforming uses, a Special Use Permit as long as the Board determines the new use is even the same or more restrictive.

G. Lake: Let me go through the Board.

A. Dulgarian: I don't believe it's the same use but I don't believe the intent of the use is defective of the lot in point.

P. Owen: I would agree.

R. Carr: I agree.

G. Luenzmann: I think it's a good use for the location. I have no problems with it.

W. Capozella: I don't see any problem.

T. Hamilton: I don't see any large impact on the use.

G. Lake: Can we give them approval subject?

D. Brodsky: A Special Use Permit, I think. I'm reading 249.

G. Lake: That's what I'm saying. All we have to do is give him a Special Use Permit.

D. Brodsky: Correct.

G. Lake: I don't think the Board needs a Public Hearing, correct?

T. Hamilton: In order to do that, do we need to have the Public Hearing?

A. Dulgarian: You asked me if I thought they were the same, but they're not the same. For that reason there should be a Public Hearing. My point was that the impact is not going to be any greater.

G. Lake: That's what I thought.

P. Owen: I know what he was saying. I missed it myself.

D. Brodsky: Mr. Lake, am I correct in that there is no current Special Use Permit?

G. Lake: Probably not.

D. Brodsky: The code is allowing you to give them a Special Use Permit.

G. Lake: So, we need a Public Hearing?

D. Brodsky: Yes. If this is a permitted use then you may be able to allow it.

D. McGoey: It's not in the H-C zone, it's in a residential zone.

G. Lake: Right.

D. McGoey: What I'm saying is this isn't only a Special Use. It is pre-existing, non-conforming.

G. Lake: I'm just asking. Do we need a Public Hearing on it?

D. McGoey: You don't necessarily have to give them a Special Use. It is pre-existing and non-conforming.

D. Brodsky: I think it would only be a Special Use within this particular zone. Is that correct?

D. McGoey: It's not a permitted use.

T. Hamilton: We should probably refer him to the Zoning Board of Appeals.

D. Brodsky: If you need a Public Hearing for the Special Use Permit.

T. Hamilton: It wouldn't have to go to the Zoning Board of Appeals?

D. McGoey: Yes, but it's a pre-existing, non-conforming. It's one service establishment for another service establishment.

G. Lake: Let's get the Boards' feelings on it. Do we hold a Public Hearing on it?

A. Dulgarian: Yes.

P. Owen: Yes.

R. Carr: In a case where it's up to us, I would probably say we don't need it but I would also have to go along with our Attorney.

G. Luenzmann: I would say we don't need one but if the Attorney says we do then I would follow the Attorney.

W. Capozella: I would agree.

T. Hamilton: Have you looked under non-conforming?

D. Brodsky: Under 249-32(A)(3) conditions for continuation of a non-conforming use. The non-conforming use shall be changed to another non-conforming use without a special permit from the Planning Board and then only to a use to which in the opinion of the Board is the same or more restrictive in nature.

T. Hamilton: So, we need the Public Hearing.

G. Lake: You're right. I think it's too bad.

MOTION made to schedule a PUBLIC HEARING for October 20, 2004 made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

5. **NICAJ** - 9 LOT SUBDIVISION - FINAL APPROVAL - Sands Road (14-2-22.3) #040-001

G. Lake: Your name for the record.

J. Nosek: I'm John Nosek with Roger Ferris Engineering & Surveying.

G. Lake: Bring us up to speed. It's been a little while since you've been here.

J. Nosek: We've requested a couple of extensions. We've been in the Health Department for quite some time. We finally have resolved with the Health Department and obtained our Health Department approval. We do have Preliminary Approval. We're proposing a cul-de-sac extension approximately eight hundred and fifty feet off of Sands Road.

G. Lake: This is the old farm?

Mr. Nicaj: Yes.

G. Lake: When you were here before us you wanted a Town road?

J. Nosek: Yes.

G. Lake: Way back when you first started?

J. Nosek: It's been offered for dedication to the Town.

G. Lake: I don't remember that. Mr. McGoey, is that correct?

D. McGoey: Yes.

J. Nosek: We're proposing a total of eight lots, one of which will have Mr. Nicaj's house on it, the existing house. There is an older existing house which will be replaced by a new home on it's own lot. We're proposing a cul-de-sac. Each lot will be served by individual septic system and well. Those systems have been approved by the Health Department. I do have a copy of the Health Department approval letter. I did receive Mr. McGoey's comments. I don't know if you want me to go through them now.

T. Hamilton: Mr. McGoey, is there anything?

D. McGoey: We need the notes. Were there any changes made during the Health Department review?

J. Nosek: There were a number of septic systems which were shifted and located. If you look at lot #7 you will see it's up in the back further. The soil conditions were not very good. We did omit one lot. If you look at the soils testing in the area of lot #7. That used to be a lot but the soil conditions were not very good there so we ended up combining that with lot #7. We lost one lot and we shifted a few of the septic systems over to better soil areas.

D. McGoey: The other issue we have to resolve is the Highway Department requiring only a twenty foot wide pavement and the Fire Department wanted a thirty foot pavement. We're setting up a meeting with the Chiefs to see if we can resolve this.

J. Nosek: I did speak with Mr. Lippert late last week. In fact, Mr. Nicaj was on the telephone with us. We had a three-way conversation call and basically what we're proposing is a twenty four foot wide road. We are also proposing the one and a half inch asphalt concrete top course for the shoulders on each side which effectively would give an emergency width of thirty feet. Mr. Lippert didn't have a problem with that. The only request he had was he did not want paved swales. He didn't like the paved swales. We initially talked about curbing and I impressed upon him that when we had gone through the original proposal that the Town, we were of the opinion and the Planning Board agreed that given the fact that this was kind of a rural area with no curbing in the area or even close by that we would be able to go with the twenty four foot road with three foot paved shoulders to give a thirty foot wide appearance and his only request was he did not want swales.

D. McGoey: Do you have any problems with the notes I requested with respect to the lot lines? A lot line that goes through a house.

J. Nosek: In fact I have an extra set of plans here that I brought which we did provide that notation that all those would be removed prior to the issuance of a Building Permit.

D. McGoey: Site distance, you can certify that to meet the AASHTO standards for the prevailing speed?

J. Nosek: Yes I can.

D. McGoey: That's all I have, really.

G. Lake: I will go through the Board.

A. Dulgarian: Nothing.

P. Owen: Nothing else.

R. Carr: Nothing.

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

W. Capozella: Nothing further.

T. Hamilton: Nothing.

G. Lake: Do we have to give this a Negative Declaration?

D. McGoey: You did that already.

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

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

6. **ELDERLY WOMEN LLC** - SITE PLAN - Rykowski Lane (60-1-84) #065-004

G. Lake: Your name for the record please.

J. O'Rourke: John O'Rourke with Lanc & Tully Engineers.

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

J. O'Rourke: We're here before you this evening with an amended Site Plan. We were here earlier this year. This is lot #2 on Rykowski Lane. Earlier this year you granted a Special Use Permit and a Site Plan approval for a medical office space for orthopedics at this location. That project fell through. We have a new purchaser of the property remaining medical office space and three thousand square feet of office space. It's a slightly smaller building and slightly reconfigured. It generally remains as originally approved.

G. Lake: You were here and got approval for a medical and this is going to stay medical?

J. O'Rourke: That's correct. Originally we were approved for medical and retail. Remember they were going to have a small area.

G. Lake: Yes, I remember.

J. O'Rourke: All medical except for three thousand square feet is regular office space.

G. Lake: Before we go through the notes and everything let's get this out of the way. Are we going to need a Public Hearing?

D. Brodsky: I don't think if in the Board's opinion it's a minor change. I don't think you need a Public Hearing.

G. Lake: Let me go through the Board before we go through the notes. Do you have the comments?

J. O'Rourke: Yes I do. Again, item #1 there are no responses, just a different footprint.

R. Carr: I'm sorry. There were no changes in the footprint.

J. O'Rourke: No. His comment says there's a different footprint and parking configuration.

R. Carr: This doesn't look familiar to me at all.

J. O'Rourke: The old footprint generally was shifted over here a little bit. Actually it was turned, if I remember correctly. It went this way. It was turned in the front and in the back.

R. Carr: I just didn't remember.

J. O'Rourke: If you took this and made it a little wider and ran it that way. Item #2, we've already actually updated this and we've delineated and put dimensions for the parking and the access way. Item #3. Break in the curbing should be provided. We've provided that space for the drainage to flow through into the proposed dry swales for the water quality. Item #4. The wet tap. We've noted that as cast iron and we also added a note about the locking glands. That's not an issue. Item #5. Comments from the Fire Department. We have not received any. We're not aware if the Town has. Item #7. The Planning Board should discuss the need for additional landscaping. We have no problem with that. We pretty much matched the landscaping we did before but we have with the revised plan modified some screening along the building as well as in the front and along the side. The side to the existing building over here is fairly heavily wooded. There is really no need for screening and in the back there's a nice little stone wall.

D. McGoey: Along the front maybe.

J. O'Rourke: We actually did. Item #8. He wanted a note about the sign. We have no issue with that. Item #9. Stabilization of the side slopes. We can address that. We actually have a detail that we've added to that. Item #10. Details of the outlet structure. We've modified the outlet structure that Mr. McGoey asked for. Item #11. We revised the detail for the dry swale and we increased the outlet from twelve inches to fifteen inches.

G. Lake: By any chance do you have any idea what it's going to look like.

J. O'Rourke: No. We have the owner here. I don't have it here.

G. Lake: I think the Board would have liked to have seen that. That's our fault because we didn't ask for it. Let me go through the Board.

A. Dulgarian: I don't have a problem with the Special Use but the Site Plan. Isn't that different now?

G. Lake: Just re-explain.

J. O'Rourke: The parking lot and the building have been modified.

A. Dulgarian: So, it's not the same Site Plan?

J. O'Rourke: No. It's the same use. The building is smaller and has been re-located. The parking has about the same numbers but re-configured with some grass islands in the center.

G. Lake: So basically the building is smaller than the original?

J. O'Rourke: Yes.

A. Dulgarian: My point being that I have no problem with the use permit that has been granted but the Site Plan. Can we accept this Site Plan?

D. Brodsky: It's in your discretion of the amendment. There are actually two categories where you can handle it as a modification provided it has already received Final Approval previously. One is where it could be a minor change or two, where none of the structures have been built. It's the Boards' sole discretion. I don't think you need a Public Hearing and can deal with it right now.

A. Dulgarian: I can be sold on that the impacts between the first Site Plan and second Site Plan are not that different.

P. Owen: Nothing.

R. Carr: I actually do not care for this one. That is a major commercial development. It is very attractive out there. What I noticed is that with the other building and it's parking it was a little different. Here, we're getting a narrow ridge. There is another issue where the entire lot is being used. When the entire lot is being used, I guess it would be a lot more attractive if the parking weren't as dominant. I'm curious as to why you re-positioned the building because the parking almost seems to dominate the site as you go by. To me it would be a lot more attractive if the parking could be behind the building rather than dominating in the front.

J. O'Rourke: The client had chosen that building size. The parking, again, is for the access. It doesn't work to have it in the rear of this building the way it's configured. It does seem to fit into the adjoining properties on both sides. This one is rotated. The parking here is practical.

G. Lake: Practical for the use of the medical use?

J. O'Rourke: Yes. As you notice we have quite a few handicap spaces up against the front of the building.

R. Carr: Four.

J. O'Rourke: I believe there are about sixteen.

R. Carr: That's my issue and throughout the Town we cover and cover lots with buildings and then with the parking lots. It just is not attractive. That's my issue with it. It would be an attractive use if the parking were different. I liked the other Site Plan better.

G. Luenzmann: I have no problem with it. Most of the medical buildings are somewhat similar with the parking close to the building. As long as it's landscaped and attractive and Mr. McGoey's comments about more landscaping along the front, I have no issues.

W. Capozella: I really liked the layout of the building prior. I heard what Mr. Carr was saying about the parking lot. I wish it had been laid out a little differently.

T. Hamilton: Mr. McGoey, you haven't seen the lighting layout?

D. McGoey: I haven't seen the change in the lighting. I wanted them to reduce the lighting somewhat.

J. O'Rourke: I understand your comment You just wanted us to reduce the wattage. We have no problem doing it.

T. Hamilton: On this layout here I see some light poles on the other property next door but I don't see any lighting on this and also, the parking re-configured from what it was before that we should get comments from the Fire Department. Did they comment on the first building?

D. McGoey: I don't remember if they did.

T. Hamilton: With this one you don't have any access to the rear.

J. O'Rourke: There wasn't any access to that rear.

T. Hamilton: I don't have them both in front of me.

J. O'Rourke: I apologize. I didn't realize you were concerned about the previous one.

T. Hamilton: Generally we like to see what the change was. We get hundreds of Site Plans before us and can't always remember what the old one looked like.

J. O'Rourke: There is a lighting plan attached to the drawings. There was a lighting plan that was part of the plan set.

T. Hamilton: The landscaping on that left hand side, where is that? I see one little tree on that side. The rest of it looks like it's on the other person's property.

J. O'Rourke: No. It's wooded. If you look in here there is a small scribble in through here. This is heavily wooded in through this whole stretch. Unfortunately I have some rocks that come down from their property onto our property here. If you want, we could add some in through this area but this is all heavily wooded both on our property and the other property.

D. McGoey: Here is a copy of the lighting plan.

T. Hamilton: You will check on the height, etc.

D. McGoey: Yes.

T. Hamilton: Not that we're lighting up that whole area.

D. McGoey: Right.

T. Hamilton: Is it a two-story. Is there a full basement?

J. O'Rourke: We added a note on the plan that it's a one-story building with no basement. I'm sorry. The previous building was slightly smaller. It was twelve thousand four hundred and some change.

T. Hamilton: This one is larger.

J. O'Rourke: Yes. I apologize. It is in keeping with Rykowski Lane.

D. McGoey: Mr. Hluchan, do you want to explain about the building architectural and rendering?

G. Hluchan: I'm one of the partners of Elderly Women LLC. This is intended to be my new home for my consulting business as well as the home of a local doctor who currently practices on Route 211. Between the two of us we will occupy about fifty percent of the building. The other fifty percent will be available for lease to medical. There's two reasons we changed the configuration of the building from the former to what you see now. The first is that the square configuration lends

itself well to a single occupant. For a multi-tenant occupancy our goal was to have all doors direct from the outside at grade access, handicap accessible for medical use. We didn't want any internal common space for each individual tenant and the occupants being myself and my partner in this particular project would have our own separate entrances to the building. The second reason is if you're familiar with Rykowski Lane, as you come in to Rykowski Lane it tends to bend down and around to the left and at the top of that hill is where you will get a direct view into what will effectively be the front of the building. If we were to turn the building ninety degrees and put it anywhere on the site you would have to come all the way down the hill and be directly in front of it across from the new Credit Union that's being built in order to appreciate the front of it. So, we believe that as you enter Rykowski Lane this is going to be the visible part of the building which is the front facade. Chris DeHaan is currently designing the building for us. It's going to be a one-story masonry building, most probably red brick with a peaked roof on it. Ironically, not by plan, it will have a look not terribly unlike the Credit Union across the street except for a one-story building. It's also got a brick facade, arched windows and a peaked roof. It will be of a similar look. We're looking to create a Class A building. We're looking for medical clients and we think that corridor is right for it. Obviously we're not the first. There's other people who are buying property down there with the same idea and certainly we want to keep up the scale of our building for our own business benefit. We

believe it's going to be a first class very attractive building and it should work well with that site.

G. Lake: Mr. Hamilton, anything else?

T. Hamilton: No, other than can we just have some of rendering that we can keep in our file?

G. Hluchan: Certainly.

G. Lake: Mr. McGoey's comments, you have no trouble with any of them?

J. O'Rourke: No.

G. Lake: Anything else from the Board?

P. Owen: We're not going to need a Public Hearing on this, are we?

G. Lake: No. I have no other comments. You pretty well covered it. Do we have to do a Negative Declaration on this?

D. McGoey: I don't think so unless you think it's a significant change.

A. Dulgarian: Then we don't need it because we don't think there was a significant change.

MOTION for SITE PLAN approval made by G. Luenzmann and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Nay

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES, 1 NAY

7. **RAYMOUR & FLANIGAN** - SITE PLAN/SPECIAL USE PERMIT - 30 Gibbs Court (50-2-35) #060-004

K. Moss: I am Vice President of Real Estate for Raymour & Flanigan Furniture. With me tonight is Jim Little, director of design, Lorraine Potter from Lanc & Tully. We're here on an application for a modification of an existing Site Plan. I believe you're all looking at the drawing of the former Shop Rite grocery store on Gibbs Court off of Dunning Road. We're here to modify the footprint of the building. We have received your Engineer's comments and incorporated all of them into a revised drawing. If I could I would like to show you what Raymour & Flanigan elevation changes would be.

G. Lake: As you're showing us the elevation, you mentioned there might be a change in the footprint. Maybe you can show us what will be coming off or added on.

K. Moss: Yes. If I could I will hand several of these out to the Board to remind everyone what the elevation facing Dunning Road looks like. If I could remind you there is a dock area, a garden center, and a small recess. This is the same elevation as you're looking at. We're going to pull off the dock. We are going to remove the garden center and then build where this elevation from side to this existing point of the building. This is what the whole elevation would look like. As a demonstration of a number of other projects we have done like this, this is five other stores that we've done in this same motif.

G. Lake: So, the front is actually now going to be facing . . .

K. Moss: Facing Dunning Road, that's correct. This is a sample board and these are the materials that we would use on the facade. I will now turn this over to Lorraine Potter for any questions on the civil drawings.

G. Lake: You will be taking the entire building?

K. Moss: Yes we will.

L. Potter: I just wanted to explain in the area of the loading dock that is going to be removed we are incorporating adding islands here, modifying this island, modifying the parking in this area, adding landscaping, modifying here and adding one catch basin and the lighting that would be on there. The plan that we have revised has an inset here specifically showing what it will look like including the lighting and the landscaping. I have revised plans. I have plans for Mr. McGoey to review and a plan for the Planning Board. We would request that the Board entertain approval of the Site Plan subject to Mr. McGoey's review.

G. Lake: Let me go through the Board. I'm sorry. Were you done?

L. Potter: I believe we've satisfied all of Mr. McGoey's comments including adding two detail sheets as requested.

G. Lake: I will go through the Board.

A. Dulgarian: I think it's nice that something is going to go into that building. I think it's going to look great. Having said that, I have a problem with them changing the front of the store when the parking is designed on the old front of the store. The only savior that may be that I don't believe it's going to generate as much traffic as a grocery store would. I would like to hear the rest of the input on that but when this was designed, it was designed for everybody to be parking out front so you could get in there.

G. Lake: That's a very good point. I just wanted to ask them at this point obviously this was designed as a grocery store. Are you going to keep all that side parking? Is it needed? I don't know what your numbers are.

L. Potter: The parking is going to remain as it is with the exception of the area that we showed you where those loading docks are and what not. We have excess parking.

G. Lake: Did you do the calculations yet?

L. Potter: Yes we did. For the furniture store now, we are required to have one hundred and twenty

one spaces. We have three hundred and eighty one spaces.

G. Lake: I think that's what Mr. Dulgarian was referring to. Is there going to be a secondary entrance from the parking area?

K. Moss: There may be. We haven't determined that.

A. Dulgarian: They don't want a whole lot going out the back door.

G. Lake: I didn't mean to interrupt.

A. Dulgarian: That was my main issue. Because of the type of business and the difference in the traffic, I think it will probably work. I'm sure it's going to be nice.

P. Owen: You know, if we had this at the beginning but at this point we're working with an existing building. Considering that there's probably close to one hundred and twenty one spaces right out in front anyway which would match the furniture store business.

R. Carr: No. I think it's great to have someone go in that building.

G. Luenzmann: I have no problems. I just want to make sure you're going to make this the front and it's going to look like that.

K. Moss: Yes.

G. Luenzmann: I have no problem with it.

W. Capozella: I'm in agreement also.

T. Hamilton: Just one question, on the building being unoccupied for over a year.

D. Brodsky: I do see that if Special approvals are granted at no substantial construction is done during the year. I haven't been able to locate the provision if the use hasn't been occupied within a year.

G. Lake: I agree if there's been no construction.

T. Hamilton: We've had buildings that were closed and they didn't have the Special Use.

G. Lake: You're one hundred percent right.

D. Brodsky: I'm looking for the definition that supports that.

G. Lake: I think this is a great use for the building. I understand that if it were new it would probably be different. I'm just trying to buy some time.

K. Moss: To help you buy time we would really do it differently also.

G. Lake: I think it's going to be a great spot for you and a great use for the building. Mr. Brodsky, how are you making out?

D. Brodsky: The only provision that I can see is there is no substantial construction within that year after the permit is approved then the permit expires. The other provision where there is expiration after one year if the use is not on-going applies to non-conforming uses. I don't see it.

G. Lake: Okay. So, we can go ahead and make a motion for Site Plan?

D. Brodsky: As far as the Site Plan if the Board deems it a minor modification certainly you can entertain a motion.

MOTION for SITE PLAN MODIFICATION subject to all comments made by P. Owen and seconded by W. Capozella.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

8. **WEINER** - MEDICAL OFFICE - SITE PLAN/SPECIAL USE PERMIT - East Main Street (73-1-20) #043-003

A. Fusco: I am representing Weiner Medical Office space. Dr. Weiner is with us. We have proceeded with the engineering comments. We have submitted material about a month ago and made all the appropriate changes. We did get a letter from him this week indicating that he's satisfied with all the changes that we have made. There is one item I really need to discuss with the Board. The Fire Department had requested an additional hydrant at the entrance of the project where the ingress and egress is. At the work session meeting with Mr. McGoey he didn't indicate that he felt it was needed because there is one on the easterly corner of the property, an existing one. The Fire Department had asked for it. We did place it on the map even though we didn't think it was totally necessary however, we have provided it and it's up to the Boards' discretion whether they wish us to include that or not.

G. Lake: Mr. McGoey, this hydrant issue.

D. McGoey: The other hydrant is so close to the property, I didn't see where it was necessary.

G. Lake: One story or two stories?

A. Fusco: It's a two-story.

G. Lake: I have to agree with Mr. McGoey. The hydrant is right there. We don't like going against the Fire Department too often. We really take their comments seriously but in this case I think it is a little much. Let me go through the Board and see if they have anything else.

A. Dulgarian: When this was before us before where did we leave off on sidewalks?

G. Lake: I don't think we really discussed them, did we because of it being a County road and the County historically has not wanted sidewalks.

A. Dulgarian: What about the sidewalks up East Main Street further?

G. Lake: That was because of the school.

D. McGoey: It was a Town project. They had a Community Block Grant to put the sidewalk in by the school.

A. Fusco: One of the things the County has done is they've sent notices out to all the municipalities. They're saying if any sidewalks are permitted after being identified by the Town Board they want no responsibility, no maintenance or anything.

G. Lake: We run into this on Dunning Road also. Anything else, Mr. Dulgarian?

A. Dulgarian: No.

P. Owen: Nothing.

R. Carr: Nothing.

G. Luenzmann: I'm just wondering what the issue was here.

G. Lake: On what, the sidewalks?

G. Luenzmann: Not the sidewalks.

G. Lake: There is none.

A. Fusco: The only thing that happened is at the last meeting the Fire Department gave us a list that day and that's why we weren't approved at the last meeting. We made all of those changes and the only one up in the air with the engineer was the hydrant.

W. Capozella: No problem.

T. Hamilton: Nothing.

MOTION for SITE PLAN/SPECIAL USE PERMIT made by G. Luenzmann and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

9. **AIDEN ESTATES** - 16 LOT SUBDIVISION - Bart Bull Road (31-1-29.4) #081-002

T. Olley: I'm representing the applicant. Since we were before the Board last, we've addressed the

engineer's comments and we also eliminated the one lot that was fronting on Bart Bull Road that was troubling some members of the Board with regard to the setbacks to be achieved for that lot. So, it's down from a nineteen to a seventeen and now to a sixteen lot subdivision. What we're seeking tonight is, if there are no other further issues, or issues that can't be addressed in the interim, we respectfully request of the Board to schedule a Public Hearing for this.

G. Lake: Let me go through the Board.

A. Dulgarian: I have nothing.

P. Owen: Nothing.

R. Carr: Nothing right now.

G. Luenzmann: Nothing.

W. Capozella: I made a note that there was one lot that was under the two acres.

T. Olley: Lot #4 is 1.8 acres.

G. Lake: Can you beef that up?

T. Olley: We can take some acreage from lot #2 and bring it up.

G. Lake: Mr. Capozella, anything else?

W. Capozella: No.

T. Hamilton: Do we have the new plan with the latest lots?

T. Olley: Yes.

T. Hamilton: I'm just looking for the sizes and how big the lots are.

T. Olley: They're shown on sheet #2.

T. Hamilton: Mr. McGoey, that well location on lot #4 up that close to the road, is that okay where it is?

T. Olley: Yes.

D. McGoey: Well, it meets Health Department standards.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: That's it for now.

G. Lake: Do you have anything else?

A. Dulgarian: Is this where the compost guy was trying to get?

T. Olley: Yes.

T. Hamilton: Is this in an Agricultural District though?

T. Olley: Yes.

D. Brodsky: He should send out the agricultural notices as well.

MOTION to schedule a PUBLIC HEARING for November 3, 2004 made by G. Luenzmann and seconded by T. Hamilton.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

10. **FAIRGROUNDS PLAZA** - MODIFICATION TO PHASE IB - Route 211 East (50-1-35)
#040-004

M. Arcangel: I have a whole group of people with me tonight. I would like to initially go through some of the presentation and then specifics especially the elevations of the buildings. I have some people who can explain what those buildings are. As you recall, this is the existing Stop & Shop, the

existing parking lot. This is the existing Majestic Carpet. It will stay there. What we're proposing is, this would be a restaurant, Cheeseburger In Paradise. This will be the Hollywood Video. This would be Auto Zone. This will be retail and retail here. The one's that are retail are the one's we don't have specifics on the tenants. We do have a specific for this one. This would be Rockaway Bedding. We're trying to locate to this location so we can do renovations to the Caldor building. For the most part, we have revised plans. We apologize, we did not put the revision dates on the last revision. It was an oversight on our part. One of the things that I would like to go into is the site lighting. We have a revised site lighting plan. Mr. McGoey and I have to work on that. We understand that we're looking for three foot candles. We have no problems complying with that. We just have to work on the minimum/maximum of these candles. That's something we can do. With regards to Cheeseburger Paradise, which is this particular building, we had a discussion the last time. The floor plan itself is somewhat confusing because there was seating shown on the outside of the restaurant. We weren't really sure at that point what the count was for the number of seats and whether or not we had all of our seating capacity for people waiting. We've revised the Site Plan what those numbers are. We've taken three our four tables on the outside of the building considered to be a waiting area and gave some benches. There are designated areas for waiting outside.

D. McGoey: Is there inside waiting also?

M. Arcangel: I believe there's four seats inside as well as six or eight seats on the outside.

G. Lake: You say four seats, you mean benches?

M. Arcangel: Four benches, I should say. Why don't you introduce yourself and maybe you can explain that better than I could.

R. Shrimplin: One of the concerns of this building was seating outside of the restaurant. To orient you, this would be facing the street here. There is a feature that services the main entrance for the building. This area here has two patio areas of the building. One down here had some tables. Those have been removed for clarification. Where there was one bench there, we've now added two more for a total of three. Those tables were moved inside. The pattern on the patio has been made easier for the customers to maneuver down the aisle. Also inside the building, originally there were three benches that were proposed. We've added three lounge style seats within the area.

M. Arcangel: If you recall the last time there were three tables here. We weren't sure whether they were in the seating count or what the intended use was. As we now know, they're for outdoor waiting.

T. Hamilton: Is there any kind of protection for the people waiting in that area during inclement weather?

R. Shrimplin: Yes. They are covered with an awning which would match the roof on the feature

here.

M. Arcangel: This may be the proper time to show you the elevation of the building that corresponds to this.

R. Shrimplin: What you're looking at is the concepts for Cheeseburger Paradise. It would be roughly sixty seven to sixty eight hundred square feet in size. It's very close to a square building footprint. The keynote feature to this is this tower.

A. Dulgarian: Where's that on the map?

R. Shrimplin: It's shown on the corner on the right hand side and also at building "A".

M. Arcangel: I think you want to know where the tower is, correct?

A. Dulgarian: Yes.

R. Shrimplin: The tower is on the southeast corner of the building facing the entrance drive. The signature feature is on the water tower and it kind of gives it a nice view to it. Again, the tower is shaped as part of the entry foyer. It kind of sits on an angle. It's difficult from the drawings here. It's made of galvanized steel and made in a tower pattern. The roof material is standing metal. The colors are slightly off as far as far as the shades. It's really supposed to be more of a fatina like the natural fatina for oxidized copper. You will probably see it on some restaurants and office buildings. It has a very nice epoxy look to it. This is the front elevation and the front patio. There are approximately ten to twelve tables out there, each of which will accommodate four seats. This patio here on the right side of the building is for waiting. It will be covered with this awning. The rest of the building is a combination of two primary materials. One is (not audible), and the other is the scenic fiberboard siding. It's an alternative to the vinyl siding and has a much more durable look. It's very resistant to cracking and chipping. It gives an excellent finish to it. This is the rear and right elevation of the building. The rest of the building is proposed as material (not audible). It's a stucco type material.

G. Lake: Let me ask you. How about the dumpsters there?

M. Arcangel: You will be able to locate it on the Site Plan.

G. Lake: Are they visible or are they in an enclosed?

M. Arcangel: The dumpsters will all be enclosed.

G. Lake: I just wanted to make sure it wasn't a surprise later on. The dumpster enclosure, it looks like a separate little pod out there on the Site Plan here. Is that going to be incorporated into the same colors and everything as the building?

M. Arcangel: Yes.

T. Hamilton: Do you have a detail on that?

M. Arcangel: We can certainly do that.

G. Lake: We have been trying to have the dumpsters as of late to be enclosed so when you go by you don't see them. It's actually incorporated in some way or another.

M. Arcangel: Such as an extension of a wall or something?

G. Lake: Right. The reason for that is because so many of these are self standing out in the middle.

G. Keurajian: What we've done in the past, we've used split face, fractured face or similar materials on the three sides and then whatever the gate is going to be constructed with a cap on.

G. Lake: We would like to have it look as much like the building as possible. I think that's what we're asking.

G. Keurajian: And from an operational standpoint, we want it to look as attractive for the customers as possible.

G. Lake: Unfortunately from our experience, we've had to ask to get that done. So, we're just asking you now.

D. McGoey: On sheet #1, it shows a dumpster but they only have three sides that match but the front is a chain link fence which you're probably going to see through. You could make that gate the same color.

G. Keurajian: Do you have a preference regarding the materials for screening the dumpsters? We're using split face block. We're not really incorporating that into the building however, we can paint it to match.

D. McGoey: Match it to the color of the texture which ever seems to hold up the best.

G. Keurajian: Okay.

G. Lake: What's the next building you want to talk about.

M. Arcangel: I would like to talk about other buildings that I'm directly responsible for which are Hollywood Video to start with. The building I'm speaking of is building "C" for orientation. It's

here in the middle. The agreement we have with Hollywood Video which is in the neighborhood is to go an lease what we call a turn key. So, we do everything and then they just come in and open. Through the course of trying to make the balance of the buildings somewhat uniform or different, we started with a concept. I went to Hollywood Video and I convinced them this is what I want to do to match the rest that I'm going to do and this is what we came up with. This will be the front elevation as it faces Route 211. It's fractured face block painted. What we tried to do throughout this building and the other ones I'm going to show you is we tried to add these elements or columns on all the corners to give it some kind of continuity between all the buildings. Instead of having a rectangular box or square box, we tried to take these elements and put some dimension into it. As you see, this would be the side elevation which we carried through. We've also tried to carry that through the other side and then in the back as Mr. McGoey and I had mentioned together when we were trying to figure out what to do is this back elevation is what people will see. That will be the side that will be seen most often. Not that we convinced but we persuaded them this is what we would like to do. We feel with that elevation and the similar materials around the entire building. The back of the building but it's not a generic back of the building squared off. It has a lot of detail and a lot of character to it.

G. Lake: Will it be carried all the way around?

M. Arcangel: Yes.

G. Lake: We're not going to be surprised?

M. Arcangel: No. That was something you were very strong about because we knew the Board's comments previous to going to Hollywood Video and talking about that. The other thing Mr. McGoey and I always talked about is where the opportunity arises, whether the Auto Zone is here of the Cheeseburger Paradise over here that the back wall have some sort of landscape screening so that you're not looking at the first eight or nine feet of masonry. That's something that we can do in all cases.

A. Dulgarian: Is that on any of these maps?

M. Arcangel: I would have to see. If it is there are a lot of materials that are there from before that we've agreed to replace if they're not adequate. It was set up to have that back screening originally. We can certainly make a commitment that we can do more than that.

G. Lake: I just noticed those little lights shooting up into the sky. Is that something that they're going to be doing?

M. Arcangel: No.

T. Hamilton: No laser light shows?

M. Arcangel: Actually what I told them, one of the key issues that we talked about at one of the work sessions was that any lights that are attached to the building, whatever you want to call them, would be cut off lenses, flat lenses and strictly pointed down. Everybody has been instructed. It's not going to be a visible lens from the street or the back of the building. It will be strictly cut off with a flat lens.

G. Lake: Anymore buildings you want to talk about?

M. Arcangel: If you don't mind.

G. Lake: Yes, let's do it.

M. Arcangel: The next building I would like to talk about is pretty much similar in nature. All are retail buildings. Each of which we took the same concept and tried to elaborate the same element throughout the three buildings. For example, this is building "B" which is the largest of the buildings. The choice of materials and color combinations we're going to try and make as much similar as we can throughout all the buildings. This front elevation actually faces into the parking lot, the same way Stop & Shop does. This is three combinations of block. There's a scored block, there's a fractured face block, and there's a plain block all of which will be painted to similar colors of Stop & Shop. That's where we kind of started with this concept. Again, we've added all these columns on the corners to break up basically the format of a square building. Pretty much, if you will, this is building "F" and "G" which relates to the one in the back here. They kind of follow the same concept trying to use the same materials with the same columns, get a little bit more of height in the front for signage and so forth. All of the block will be painted and the last building which is the one next to Stop & Shop is the same way.

G. Lake: To be added.

M. Arcangel: Which will be added. Actually there's probably going to be about six inches in between the wall from Stop & Shop.

G. Lake: Let me ask you. I'm just curious. On your original approval how does your square footage add up? Are they about the same?

M. Arcangel: Actually from the last meeting, we made one building smaller so, we're below the original approval.

G. Lake: Let me go through the Board before we get into Mr. McGoey's comments to see if they have any questions about what we've done so far.

M. Arcangel: I'm sorry. One more building for Auto Zone. This is Chris Sigler from Auto Zone and I would just like to explain to the Board what my agreements with Auto Zone is. My agreement

with them thus far we would basically lease or ground rent. They would come in and do their own construction for site work in that particular area and they would build their own building. I can't very well speak for them and spend their money so it's easier on their behalf and I've given them basically the format of the elevations and everything and tried to do it the same as the other buildings. I would like him to speak to you on that building.

C. Sigler: I'm with Auto Zone. We are based out of Memphis, Tennessee. The address is 123 South Front Street, Memphis, Tennessee. The zip is 38103. I come before you tonight and basically you all currently know what we do for Auto Zone. We are a retail sale of auto parts. We do not have any service bays and we don't do service in our stores. It's strictly retail sales. As far as the operations of our store, the hours will be similar to the ones that we have here now. Typical hours are Monday through Saturday 8:00 A.M. to 9:00 P.M. and then Sunday 8:00 A.M. to 6:00 P.M. Whatever the store is here, I'm not sure what their hours are but it would be similar to those. What I wanted to show before you is a copy of a front typical Auto Zone store. This is our corporate layout of our store that we did. It's a smooth type block, painted with tones of grey, light grey and you can see the striping bands. Though to fit into the theme of the whole shopping center and what's going on what I would like to propose to you is something very similar to the Blockbuster (Hollywood Video), a little bit more architectural features than that with the bumped out corners of the buildings, the raised roof line there on the front. Again, we would try to match the colors that are proposed within the rest of the shopping center but have a little bit more different architecture so it's not the same building. As far as the rear of the building I understand you don't want a blank wall. Seeing the Blockbuster (Hollywood Video) elevation. On the back of our building or where our down sprouts are, I don't know if you noticed on the Cheeseburger building it looks like there's a facade on it but I'm not sure. What we typically do in that situation is where the down sprouts are we paint it to match the building. We can also do a fake poly-plaster behind that.

T. Hamilton: Can't you put them in the bump outs?

C. Sigler: The way it's designed right now, our buildings like that, it's not. We will build our building and then come out with four inch bump outs on this with a veneer so the back of our building is pre-designed. I think it would be a maintenance issue if something ever happened inside that poly-plaster, crack, break.

G. Lake: The dumpster location. I'm looking at the plan and it looks like it's an independent dumpster out there and everybody's going to be looking at it. We're looking for the same thing.

C. Sigler: I was speaking with Mr. Arcangel earlier and what my opinion was that we could come off the front corner of that building and somehow come off with a wall. It might not be right off the front corner but come back a little bit and it would be a wall that matches this building and wraps around and has a wooden gate.

T. Hamilton: On the corner, you're going to have a dumpster?

C. Sigler: It would be back a little bit.

M. Arcangel: Right now the dumpster, what I think he's saying is we could extend the wall building from a certain height so it would not be visible from Route 211. As you look at the front of the building there will be a wall extension to secure it.

C. Sigler: It would be the same material. The material that I would propose on this is the base would be a split face block. The middle portion would be three faced block and then above that. I apologize if it's not as detailed as the others.

G. Lake: I'm glad to see that you came in to match because I wasn't sure Auto Zone was willing to do that.

C. Sigler: If you were to tell me we could do this, this is what we would like to do.

G. Lake: I was afraid I was going to have to tell you that we weren't happy about that one.

T. Hamilton: One item that I notice on the existing store, can we kind of police the area of the parked cars. There are a lot of people doing their own auto repair in your parking lot.

C. Sigler: Where the existing store is?

T. Hamilton: Yes. We don't want that to happen here.

C. Sigler: I understand that. We don't encourage it. We don't help them.

T. Hamilton: It should be policed. It's got to be kept cleaner. I see all kinds of oil stains out front. We're not looking to have that happen here. The other site is very unsightly now.

G. Lake: Let me go, Mr. Dulgarian do you have anything at this point?

A. Dulgarian: Are they looking for approval tonight?

G. Lake: Modification.

A. Dulgarian: So, it's now or never. I have a couple things. The parking requirements for the restaurant. Do they stand up alone to what is required for that restaurant? What is the required parking here for a seventy five hundred square foot building?

Unidentified Person: Seven thousand.

A. Dulgarian: Oh, it's seven thousand now.

Unidentified Person: It will be a shade less. It is ten per thousand per the code that we have listed.

A. Dulgarian: And you came up with sixty four on this side of the road. My question is around the restaurant do you have enough parking for the seating?

M. Arcangel: We do believe we have it. There are some. If you went to the full seventy, we have sixty four on the restaurant side of the road but we do have the parking on the opposite side of the road and that was some of the shared parking in a manner that the original plan was done.

A. Dulgarian: That's not the end of the world but what I'm getting at is what we did recently with Krispy Creme, we would like to see a pedestrian crossing colored and maybe a ramp because if this does not stand alone on the parking. I have no problem with using it there but it's got to be safe for your clients to get in and out of the restaurant. My other question, it's an awful lot to consume tonight. I know we saw the footprints before, that's fine. But now, we're seeing what they're going to look like on a case by case basis. Start with building "A" you have at least three high visible sides. One side going towards the back or the west side but the north side, the south side and the east side are all varied. They should all look like store fronts and to have one rear view doesn't impress me. That's going to be highly visible where everybody comes through this parking lot connection and with all the rest of the development that's going to be done here, that's going to be highly visible. I don't see any of our favorite Bradford Pears going down Route 211 like other applicants before us. My biggest concern is those buildings are visible.

G. Lake: We have talked about bringing in a landscape architect which might help. We have sent that letter to the Town Board already. Maybe we could get them to agree.

A. Dulgarian: This is a prime example.

G. Lake: And whoever we pick, take a look at it and we might be able to get some more landscaping.

A. Dulgarian: One of my last things, I believe we're looking at things and possibly a lot more stuff done. What we're looking at here is going to be done. The rest of the site will be down the road. There's a lot of land that you could use for snow storage. On build out you won't have anyplace for storage. Now that this is becoming a shopping center, when it's one store it's not an issue but with all the problems we've had with Orange Plaza, all the problems we've had with the Galleria, when they start filling their parking spots with snow it's going to be an issue here also. You show two little biddy spots. Along with snow removal is all the equipment. It is left on the site so you need a place for the equipment also. None of that is really shown on this. They attempted it.

M. Arcangel: I think we have six extra acres at this point. I agree with you at some point and time that becomes a greater problem. The last couple of years we've hauled a lot of snow.

A. Dulgarian: I do agree with you. Right now it's not going to be that big of an issue. I just want to bring that up now.

L. Wolinsky: Mr. Dulgarian, if you recall we only have a Special Permit and Site Plan for only Phase 1 although a number of years ago we did SEQRA on the entire thing. So, we have to come back at some point in time on the Caldor portion.

A. Dulgarian: Is this three separate properties? The property in the back of Caldor's, is that his?

L. Wolinsky: This was part of common ownership. It was part of the unified larger shopping center. This was Phase I which the Board approved. We're in tonight for a modification for what was originally approved.

A. Dulgarian: What's your modification in all due respect that when we see this with several footprints, that means one thing. When they come back to us and all of a sudden you see what those footprints are going to actually look like and then we get one attempt to get it right. I think you've done a really good job with the architecture of these buildings, keeping them similar. My only thing is again we only have one shot. I would like to get it from every angle. I don't know what's required. The landscaping, how we can get as much as we can. I have no problem with the traffic flow. I do however recommend that between the parking lot on the south side of the restaurant that we have some type of pedestrian crossing area.

G. Lake: I think he did agree to do something with the pedestrian parking?

M. Arcangel: Yes. We can put a crosswalk or a ramp cut and curbs.

L. Wolinsky: We will agree to that as a condition. Mr. Dulgarian, we're also okay if you want to put a condition on a sign off from your landscape consultant provided you are able to get one.

A. Dulgarian: Right now, we're relying heavily on Mr. McGoey to do everything. I hate to do that to him. I know he is very confident and can handle it but we're just throwing so much stuff at him.

L. Wolinsky: We're happy to condition it.

G. Lake: Hopefully we will have that input in time to try it here.

M. Arcangel: We're open to that. What ever that may be.

P. Owen: It is a lot at this point. To try and just lay everything out and conditioned upon Mr.

McGoey's approval and review. I would like to see some of the suggestions we've made on paper before we go ahead.

R. Carr: Yes. I echo everything Mr. Dulgarian said. The landscaping to me doesn't look like it does here. I think to somehow get a consultant in on this would help. At some point the landscaping has to be covered for all buildings. It is a lot to just say approve it conditioned to. The landscaping . . .

M. Arcangel: Seems to be the issue.

R. Carr: I think that's a key looking point, is the islands and the landscaping. It makes it more attractive.

M. Arcangel: I can honestly tell you over the course of the last two or three years and I've been involved in the last six months with this project and Mr. McGoey actually asked me to look at the maintenance and it hasn't been that well, the landscaping included. I can tell you for a fact that once this is being built and completed it will be maintained accordingly but presently it hasn't been.

R. Carr: That's right.

M. Arcangel: And, it's obvious.

R. Carr: It's kind of a sad thing when you drive by Route 211. It looks like someone started something and left it. It's so visible.

M. Arcangel: The reason we're here is trying to take that from a one building piece of property with twenty some odd acres and put some life into it. That's one of the reasons for the road going in to Carpenter Avenue. Up and down Route 211 you can see the difference in the last two or three years. It's a matter of saying to you or however to work it out that you hire somebody or I give you money to hire a landscape consultant and we would agree that if it is reasonable we would be more than willing to do that. To give you where I am with this is I have some situations with some tenants. It's not putting pressure on you. It's really my problem. It's now. Cheeseburger Paradise would like to start. Hollywood would like to start. Auto Zone I think is a little further behind. Those two particular tenants want to start now. I hope there's a way we can figure out the landscaping.

G. Luenzmann: We've looked at this for years. Now we're getting down to when it's going to get built. We're trying to make sure the landscaping is done. I will put my trust to Mr. McGoey because he pretty much knows what the Board is after. One of the comments that I thought was very valuable was trash disposal because of people repairing their vehicles. That is something to really watch out for.

W. Capozella: Actually the more I look at it the more it grows on me. I like the idea of getting away

from a strip mall like everything else. I don't have an issue with that. The parking doesn't seem to be an issue. I guess the thing is what can be done to break it up a little bit more to make it presentable as you drive down the road. Whatever you can do to make it that much better.

T. Hamilton: I think everything's been discussed.

G. Lake: Mr. McGoey's comments, basically we've touched on all of them except for the annexation of land.

L. Wolinsky: Can I explain that situation?

G. Lake: Sure.

L. Wolinsky: Just part of the Site Plan has this driveway that goes out to (not audible). This part of the property is actually located in the City of Middletown. The Town and the City entered into an agreement to allow the Town to annex this piece of property. Because the shopping center had not designed yet, the annexation never has moved forward. We would like to build this but we still have to go for either the annexation or some other kind of a approval from the City to construct this. We've discussed the appropriate mechanism towards that being accomplished. The concern that was raised if this doesn't get built, we have to be sure that the traffic from this works coming out here. The second issue is securing conclusion of this at such time as approved for construction. We would secure it. The third issue is to make sure that nothing else could be developed here until the annexation were resolved. We will put a note on the plan that this would not be developed other than the road. Understand that when we first came in with this modification (not audible). You can confer with your Attorney.

T. Hamilton: You spoke about having something written here that you can't develop anything on that piece but if that is in the City of Middletown how can we do that on our approvals here if that annexation doesn't go through?

M. Arcangel: Part of it is in the Town of Wallkill.

L. Wolinsky: This driveway is wanted very much. We're immediately going forward with that. We just need to do it in a way to not delay the ability to test (not audible).

T. Hamilton: Yes, but if that doesn't get annexed, what's to stop the City of Middletown, them going to the City of Middletown and getting approval.

D. Brodsky: That's my concern but if their willing to accept a no-build zone as a condition for our approval.

M. Arcangel: To be honest with you, it's more advantageous for the City to let us go ahead.

G. Lake: But isn't there some kind of a swap already in place?

L. Wolinsky: There's an agreement in place and the provisions of that agreement is it's a financial deal.

G. Lake: Right.

L. Wolinsky: Where, they're sharing, the Town and the City of Middletown are sharing the taxes on the entire shopping center on a percentage basis.

G. Lake: Okay. Anything else from the Board.

A. Dulgarian: Where does this road come out on Carpenter Avenue? Is it where it comes out now?

P. Griely: It would be a new road.

G. Lake: The Caldor road has been done away with.

A. Dulgarian: We're talking tonight about a curb cut we don't even know where it comes out?

P. Griely: No. Where it ties in is at the fairground area. Even if this wasn't built you can physically get to Carpenter Avenue through the Caldor shopping center. This would be further to the west, I guess southwest.

A. Dulgarian: So right now that elevation is quite high.

P. Griely: Correct. The location is good in terms of sight line and everything else. You are going back up high.

L. Wolinsky: Again, it's the same location that was shown and approved on the original plan. We didn't alter that. The access point is the same. Understand, we would also have to get a County curb cut permit.

G. Lake: Okay, Mr. Dulgarian?

A. Dulgarian: Yes.

G. Lake: So, the walkway from the other side to the restaurant, you don't have a problem with that.

L. Wolinsky: No.

G. Lake: Square footage is a little less than the original?

L. Wolinsky: Correct.

G. Lake: The landscaping, if we can get somebody on Board, you're willing to let us.

L. Wolinsky: Yes.

G. Lake: Obviously Mr. McGoey will sign off on everything.

D. McGoey: If I have to, I will retain a landscape architect and then get reimbursed from the Town through the applicant.

G. Lake: Do you agree to that?

M. Arcangel: Yes.

MOTION for MODIFICATION of SITE PLAN made by G. Luenzmann and seconded by T. Hamilton.

A. Dulgarian: Are you sure you want to take it up to a vote?

G. Lake: It is up to you. Make a motion to table it then.

A. Dulgarian: I don't know.

G. Lake: It's not new. It has been around. I think it's an ideal chance. They've done business in the Town. They're not new people. I think it's an ideal chance to get that portion of Route 211 a big shot in the arm. I think they've agreed to us having a landscape architect look at it. I think we have Auto Zone to build a building very similar to the others there. And, it's smaller than what the original approval was for. Do you want us to go forward?

L. Wolinsky: Can you take a straw poll because I don't want to be in a position where it gets denied.

M. Arcangel: I can tell the Board that Mr. McGoey knows me well enough and when I make a commitment. I've been around for a long time.

L. Wolinsky: The only thing I would say to the Board is please remember that this was a fully approved Site Plan and what this gentleman is saying is that he's willing to alter that and do what the Board wants.

G. Lake: I think part of the problem also is that it's so long in between, which isn't your fault.

L. Wolinsky: Procedurally where we were.

G. Lake: I have to go through work sessions sometimes.

L. Wolinsky: I understand.

M. Arcangel: We've been waiting three months to get back on.

D. McGoey: It was tabled on April 21, 2004.

M. Arcangel: I would have been here a lot sooner if it had been possible but it wasn't.

R. Carr: And really, I from everyone's standpoint, everybody agrees this is a good project. It's just that you get only one shot and it just seems like there's a lot of stuff. I can well appreciate your standpoint. If we can accelerate some of these.

G. Lake: Mr. Carr, let me tell you. I get a call every day from people wanting to be moved up. There's not a day goes by that I don't get a telephone call. Call the vote.

A. Dulgarian: Yes, I'm thinking about it.

G. Lake: Is that a yes or a no?

A. Dulgarian: That's a yes only because Mr. McGoey is stepping in. I really hate doing that.

A. Dulgarian: Aye.

P. Owen: What are the conditions to the motion?

G. Lake: Subject to all of Mr. McGoey's comments, correcting the sidewalk, they're going to hire an independent landscape architect to make sure the landscaping is to our satisfaction.

P. Owen: Aye.

R. Carr: Will the road be bonded before completion.

L. Wolinsky: Before the plan is signed and we can start construction.

R. Carr: You're going to complete the road by what time?

L. Wolinsky: You mean, when will the bond expire?

R. Carr: Yes.

L. Wolinsky: In case we never build it, we will make the bond evergreen.

M. Arcangel: We would build it tomorrow if we could.

L. Wolinsky: Our big tenant there, wants it built. Tomorrow, I'm drawing up the annexation papers. It's going forward right away.

R. Carr: A reluctant, Aye.

T. Hamilton: This was previously approved and what we've been going through tonight we've gotten an invitation from the applicant. We were talking about landscaping, which he's already indicated that he will add to whatever comes up from the landscape individual. We discussed with the applicant on keeping color schemes completely around the building to make them look so you're not looking at a back, plus adding landscaping in the back if they can get it. The road configuration has been there since the original so every little thing that we've thrown at the applicant tonight we've gotten a verbal agreement on record that he is going to handle it.

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

L. Wolinsky: Thank you for your understanding.

11. **VERIZON** - SITE PLAN/SPECIAL USE PERMIT - (Alternate Site) 795 Route 17M (36-2-4) #052-003

S. Olsen: I'm representing Verizon Wireless.

G. Lake: Go ahead.

S. Olsen: I won't bore you with the whole history of this. Last month we were at the Zoning Board of Appeals for an area variance from the requirements for certain dwellings to be set back one thousand feet from the tower. The Zoning Board of Appeals granted the variances that were needed

last month and now we're here.

T. Hamilton: What was the variance?

S. Olsen: It was a variance that allowed us to install a tower within one thousand feet of existing residential homes.

A. Dulgarian: The variance from the tower to what?

T. Hamilton: What did it vary to?

S. Olsen: You would have to look on our plan, all the dwellings that were within the one thousand feet are shown on there and they gave us, this is where you put the tower. I believe we're talking about the closest dwelling at seven hundred and fifty feet.

T. Hamilton: That's what we're asking. If the zoning asked for one thousand feet and you asked for something less, that's what we're asking.

S. Olsen: Yes.

T. Hamilton: So, what did you get less on?

S. Olsen: It's on the plan that you have before you.

T. Hamilton: But, I asked you a question. I didn't ask to dig out the plans.

S. Olsen: It will take a second.

G. Lake: Do you want to closest or the furthest?

T. Hamilton: Each one that he had a variance on.

S. Olsen:	36-2-7	794 feet away
	36-2-8	832 feet away
	36-2-6	779 feet away
	36-2-5	756'/775 feet away
	22-3-10.11	706 feet away
	22-3-26	916 feet away
	22-3-25	921 feet away
	22-3-12.3	756 feet away

S. Olsen: The closest one is going to be seven hundred and six feet away. The Zoning Board granted

that variance so we were authorized to do that subject to this Board's approval of the Special Use Permit.

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

S. Olsen: What is the date of the last comments?

D. McGoey: July 16, 2004.

S. Olsen: I don't believe I received them.

D. McGoey: They were sent to Tectonic.

S. Olsen: We didn't get those. If I could have a copy now, I could probably address them.

G. Lake: Can someone give him a copy?

R. Wilson: I am with Verizon Wireless.

S. Olsen: Comment #1 is a correct statement. We were directed to go to the Zoning Board of Appeals as I stated. We received all the variances. Comment #2. I think I just answered that. Comment #3. How many users the mono-pole has been designed for?

R. Wilson: I believe in the structural analysis report that was provided previously, I believe was a four carrier tower.

G. Lake: We will have to check that. Obviously we already know that they are co-existing.

R. Wilson: I have no problem making sure that final design is the tower that we purchased would be for five carriers.

G. Lake: So, five carriers then?

S. Olsen: Yes.

G. Lake: I think that's what we've been asking for, at least five.

S. Olsen: We can do that.

R. Wilson: We will make sure, if I had miss spoken and said four. We will make sure it's for five.

G. Lake: Okay.

S. Olsen: Comment #4. To verify the one hundred by one hundred foot leased area is satisfactory for five users and the one hundred fifty foot height tower is satisfactory for the five users. I think we addressed this months and months ago. We can't tell you what another carrier is going to require because it involves their network which is confidential. There's no way of us knowing that however, based on a one hundred fifty foot tower at that location given the location it should be appropriate for everybody but I can't commit to that.

G. Lake: I think what the Board asked for if I remember correctly and you're right it's been months now, what the Board has asked for is first off to make sure we have enough room at the base of the tower and obviously you know all the equipment has to be close to the same or a little bit bigger but it just can't be three times the size of one and the other person will only have a third of his size.

R. Wilson: Based on our experience and development the network in the area, one hundred by one hundred leased area typically a fenced in compound somewhere around seventy five by seventy five. I've been to numerous sites that hold five carriers that have FCC Licenses that operate in this area were all able to fit within a seventy five by seventy five fenced in area so, a one hundred by one hundred leased area I've never seen requiring more than that. That includes the shelters and the tower itself.

G. Lake: I just don't want to see this Board get wrapped up into a situation which we already got wrapped up into once where we tried to get co-location and it got quite involved. Before I sign off, I will want it verified.

R. Wilson: What I can do for you, is on the plan we can show. Verizon Wireless uses the largest shelter. We use a twelve by thirty shelter. I know that currently Nextel uses a twelve by twenty and Cell One uses a twelve by twenty. T Mobile uses outdoor equipment. AT&T is not in this area and Sprint uses outdoor equipment. What I can do is show you, we will dash in on the plan those dimensions of those other carriers that we know what their current size is demonstrating on the plan that all five carriers for a five carrier pole for those dimensions would fit within that compound.

G. Lake: Okay. That's only fair. We got into a nasty situation back and forth.

R. Wilson: Based on the site that you're referring to, that was a thirty by thirty leased area including the tower and including the electrical panel in there. Obviously we're talking one hundred by one hundred instead of a thirty by thirty.

G. Lake: Go ahead.

S. Olsen: Comment #5. That's correct. We have been advised by the Building Department that there are no outstanding violations. Comment #6. We have offered a twenty five thousand dollar bond for removal.

G. Lake: Okay. Is that an offer?

S. Olsen: It looks like it says, this amount will be reviewed as acceptable and a recommendation made to the Planning Board upon final site plan approval. I assume it means it is acceptable.

D. McGoey: I will check that out. Do you have a problem modifying it a little bit another five thousand if it becomes necessary?

R. Wilson: No.

S. Olsen: Based on the ones I've done previously, it was twenty five thousand dollars. It seems to be consistent with the numbers. Comment #7. Mr. McGoey must verify the adequacy of the structural information. I don't know if that's been done yet.

D. McGoey: No.

S. Olsen: Comment #8. The applicant should verify the one hundred fifty foot tower is satisfactory for five users. I think we've agreed to do that.

R. Wilson: I know we've talked about that before. The one hundred fifty foot tower, obviously if another applicant comes in because of your process with the zoning ordinance the other carriers would obviously have to justify the need for another tower somewhere else. For your benefit, that's the portion of the ordinance that helps you to evaluate that for the other carrier.

S. Olsen: Comment #1 on page 2. I think what that refers to, I can't stand here in front of you and tell you that one hundred fifty foot tower would work for every carrier. I think it will but what we're willing to do is to design it to be expandable to one hundred eighty feet just in case they need some additional height. We wouldn't build it that high but the foundation would be set for that height. Otherwise if we don't do that, there will be a major problem down the road

R. Wilson: All that would be is when we do the "geotec" report which is done when they sized the foundation for the tower and they sized the steel for the one hundred fifty, we will have them size everything for a one hundred eighty foot tower. The foundation would be designed and installed for one hundred eighty. The tower would be designed and installed at one hundred fifty and then if another carrier comes in and says this site will work for us but we need to be at one hundred sixty. They will have to come in front of this Board and the Board would have to grant that approval for the extension but the tower, foundation and steel would already been in place so they could do that. Again, we have no intention of building the tower any higher than one hundred and fifty feet.

A. Dulgarian: I apologize but I believe I missed one of the meetings. This is a one hundred fifty foot mono-pole, what does it look like?

S. Olsen: I believe we have a visual.

A. Dulgarian: Did they do a balloon test on this site?

R. Wilson: We did.

A. Dulgarian: I know I missed a meeting. I know the other balloon test, we weren't even made aware of it.

S. Olsen: We notified the Town the day we were doing it.

A. Dulgarian: Didn't we have a problem where, wasn't there something about fair market value?

G. Lake: I don't know if that's in our realm to do something like that.

A. Dulgarian: Isn't that the whole purpose of having . . .

G. Lake: You're right. We got dragged into a land type of thing a while back and we had a few work sessions on it. That's why we wanted to make sure that the land was large enough to hold all carriers.

S. Olsen: I can tell you we have leased all the land. That should not be an issue. We have agreements with every other carrier out there. We need them and they need us and we do this on a daily basis where we co-locate and there are master agreements in place where we've already agreed to do this. It's just a matter of making application to us or us to them.

A. Dulgarian: My only other is if the Zoning Board of Appeals wanted to give them a variance, so be it, I don't agree with it but that's what the direction was. We're looking at a Site Plan. I don't have any issues.

P. Owen: I have no issues. Variances were approved.

R. Carr: No comment.

G. Luenzmann: I have nothing.

W. Capozella: Nothing.

T. Hamilton: Nothing.

G. Lake: We did receive a call tonight about maybe camouflaging it some way. I don't think there is a lot out there to blend it in. I know the last time we got involved we asked them to paint it or

something and it was a terrible mistake on our part. Outside of that, does anybody have anything else? Mr. Brodsky, what are we doing, Site Plan and Special Use?

D. Brodsky: Site Plan and Special Use Permit.

MOTION for a NEGATIVE DECLARATION subject to all comments made by G. Luenzmann and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Nay

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES, 1 NAY

MOTION for SITE PLAN/SPECIAL USE PERMIT subject to all comments made by G. Luenzmann and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Nay

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES, 1 NAY

12. **DULANEY** - 2 LOT SUBDIVISION - Cottage Street Extension (40-1-21.31) #080-004

W. Butler: I am with Leo Carroll & Associates. It is a two lot subdivision on the northeasterly corner of Mud Mills Road and Cottage Street Extension. There is an existing house on about eleven acres. We just want to add one more house. Do you want to go over the comments?

G. Lake: Before you go through all the comments have you resolved the problem of the water and sewer district?

W. Butler: We did a lot of research and we can't find the deed or anything for this easement.

G. Lake: Did you go down to the Water Department and talk to Mr. Smith?

W. Butler: I talked to the Water Department. We talked to Eustance & Horowitz.

G. Lake: And, the wetlands?

W. Butler: The wetlands we have placed a call to a wetland specialist. He will set up a date so we can designate that. Everything else is on the plan now.

G. Lake: So, the wetlands aren't marked?

W. Butler: No, not yet.

G. Lake: Mr. McGoey?

D. McGoey: Yes.

G. Lake: The sewer item, the easement going through for the sewer line.. Your comment indicates a sewer service ladder was proposed to be connected.

D. McGoey: I don't think it's in the district.

G. Lake: And, he wants to connect to it?

D. McGoey: He wants to connect to the sewer line.

G. Lake: He would have to go to the Town Board.

D. McGoey: To be included as an out of district user.

G. Lake: Do you understand what he just said?

W. Butler: Yes.

G. Lake: This Board can't do that. What you're going to have to do at this point if you want to hook into the sewer district is petition the Town Board. You will have to go to the Supervisor's Office and find out what the procedure is there. And then they will have a meeting and a Public Hearing and at that point they will make a decision whether you're in or not and then you will come back to us.

Tabled for further review.

13. **FOXWOOD ENTERPRISES** - 10 LOT SUBDIVISION - Mount Hope Road & Rhinehart Road (62-1-16) #039-004

P. Grady: I'm the Engineer for the applicant. We're here before the Board for a ten lot subdivision. One of the lots contain an existing dwelling. We were before you in the month of May. We have proposed two sketches and shown the Board. The plan before you is the plan that the Board had felt was more appropriate for this site. What we had done is put the bulk of the property to the existing dwelling which makes up about fifty three acres. The parcel contains a total of seventy seven acres. We have provided which we believe are a complete set of plans for submission of Preliminary. We have shown there is an environmental sub-district the follows the stream that cross-cuts the property. We've had the wetlands delineated. We added the soil types and we've done the soil formulas. We've provided deep hole percolation tests for the lots. We have received the comments from Mr. McGoey. We will be addressing those comments. We would like to see if the Board feels the plans are complete enough to schedule a Public Hearing for the project.

G. Lake: If everybody remembers when this came in they had those long flag lots clear across the property. At a work session we asked them to try and do something different instead of those long lots.

A. Dulgarian: No further subdivision on lot #8?

P. Grady: That's correct. That's our intent and we could put a note on the lot.

A. Dulgarian: I would like to see that. It's a lot better than the previous one. They are decent sized lots.

P. Owen: No problem.

R. Carr: No problem.

G. Luenzmann: I like this. It's much better.

W. Capozella: Lots #9 and #10 may become an issue with somebody getting in and out of the driveway because they come barreling down the hill there.

G. Lake: Between now and then they will have to address that.

P. Grady: We have the driveways shown but we have to provide the site distances as Mr. McGoey had suggested.

W. Capozella: I know because I live off of Daly Road and it's hard trying to get out of there sometimes.

G. Lake: Between now and when they come back they will have to work it out to the prevailing speed. That might change the driveways somewhat. Anything else?

W. Capozella: No.

T. Hamilton: Just the Agricultural District notification.

D. McGoey: You will have to verify if there are any lands of an agricultural use within five hundred feet.

P. Grady: I saw that in Mr. McGoey's comments and I had planned on coming down to see the Assessor's Office to get that information.

G. Lake: Mr. McGoey?

D. McGoey: You could probably schedule this for a Public Hearing.

G. Lake: Okay. Another work session?

P. Grady: I am on the work session schedule I believe for September.

MOTION to schedule a PUBLIC HEARING for November 3, 2004 made by G. Luenzmann and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

G. Lake: One more thing before we end this evening. The Proposal from the Town Board regarding procedures for amending Chapter 249. It has to do with holding the Public Hearings at the same time that we do. Mr. Brodsky came up at the last work session on Monday. He reviewed it pretty good. It really doesn't make a lot of difference to us. It's just to speed up the changing process.

D. Brodsky: That's correct.

MOTION to send this back to the Town Board as written made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES