

TOWN OF WALLKILL PLANNING BOARD

MEETING

AUGUST 15, 2007

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

MEMBERS ABSENT: C. Najac, H. Ross

OTHERS PRESENT: J. Bacon, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - ALAIMO - SITE PLAN/SPECIAL USE PERMIT
658 Route 211 East (41-1-61.21) #14-07

G. Lake: Public Hearing started at 7:31 P.M. M. Hunt read the Public Hearing notice.

G. Lake: Do we have your mailings?

J. Irace: We were instructed to fax the whole thing and I'm an architect out of Warwick and I represent Nan Clark who wants to open up a Beauty Salon on top.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York will be held at the Town Hall at 99 Tower Drive, Building "A", Middletown, New York in said Town on th 15th day of August 2007 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Nan Clark, 658 Route 211 East, Middletown, New York 10941 for approval of a Spa under Section 249-27C of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

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

J. Irace: My name is Joe Irace, architect.

G. Lake: Do you want to bring the Board up since the last time you were here and give us a brief description.?

J. Irace: Yes. The project is an existing motel building that sits to the left of the Galleria Drive entrance. Currently there was a ten room motel up there, a motel and a client is looking to rent it and turn it into a Beauty Salon, a personal care facility. They will take the existing ten rooms as they exist and simply occupy them for personal services including

nails, hair, facial treatments, massages. The building exists. We're not proposing any work to the building except landscaping and re-working the parking lot and just changing the sign.

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

A. Dulgarian: After.

R. Carr: I will wait.

W. Capozella: I will wait.

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 7:43 P.M. made by R. Carr and seconded by W. Capozella.

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

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

J. Irace: I do.

G. Lake: Have you answered all the comments?

J. Irace: We responded to the comments. There was an issue about additional parking which we addressed on that revised drawing in front of you. Just hatching it in and showing a

pavement detail for six additional parking spots. We are planning on removing the motel sign. That's been a concern since day one. We just haven't gone up there and done it. Everything else in our past correspondence has been satisfied in regard to the double striping in the parking lot, providing a landscape plan with planting details, a dumpster enclosure and everything that was told to us we've accommodated.

G. Lake: It's my understanding you're not going to have a free standing sign?

J. Irace: We are not going to have a free standing sign. It's going to be on the face of the building.

G. Lake: Let me go through the Board again to see if they have any comments.

A. Dulgarian: One obvious comment we're looking at the lot this size and how much lot coverage there is the snow storage. It's right in the landscaping and I know there's a note on the map that snow in excess will be removed off-site but I don't know a way around that end.

J. Irace: On page F-2 we've taken that into consideration. We did a calculation of assuming that we could stack about four feet of snow in those hatched areas which would basically be a one foot snow storm on the entire parking lot. We're assuming anything taller than four feet is probably unfeasible. Anything bigger than four feet stacked in these areas we would remove from the site. We're willing to remove it from the site.

A. Dulgarian: Right, but my point is that the area is also your landscaped area.

J. Irace: Well, that's the back of the building and those are really just scrubby kind of trees and bushes. The real landscaping is in the front and we're not touching that. That's where we're going to put the money on, the front of the building on Route 211 and we're not using that as a snow storage area.

A. Dulgarian: Even though I think that the landscaping all around the building should be good, they shouldn't be scrubbed in the back to be buried and kill with the snow. Now, each one of these rooms is going to exist as it exists now. Each one will have a bathroom.

J. Irace: It was a hotel. Each room does have a bathroom and did have a bathroom and to my knowledge there is no work other than simple painting, re-carpeting that's going to go in there. There are no walls to be removed.

A. Dulgarian: All the bathrooms are going to remain intact in all these rooms upstairs?

J. Irace: That's correct. It exists that way today. I was there recently and it looks just like this.

A. Dulgarian: And, it's going to be for hair and nails?

J. Irace: We're considering it personal treatment. The owner calls it a spa and that's a loose term and it's a catchy term. Unfortunately a spa is really a health care facility or a gym or a health club and it's considered not a health club. There's no movement, no exercise. This is one tenant per room that's going to receive either a massage or a facial treatment or nails or hair or some kind of skin treatment. It's one tenant per room. There will never be anything more than that. It's basically an office.

A. Dulgarian: Mr. Lake, I have no further questions.

R. Carr: Just one question. Did we refer this to the landscape people?

M. Hunt: No.

G. Lake: Mainly because it was pre-existing.

R. Carr: Okay. I figured that could beef up the landscaping.

W. Capozella: I just want to clarify that. You're going to have ten rooms, right?

J. Irace: Yes.

W. Capozella: Now, these rooms I know you're talking about a hair salon or what ever. These rooms are all going to be, none of these rooms are going to be rented out to anybody else, say a portion, like one room. When you go to a hairdresser some of them rent a chair. Even though you're the owner, somebody rents one of those two, three, four or five chairs they have. Now, there's going to be one attendant or what ever in each of these rooms. Are they working for one person or are they working for themselves?

J. Irace: To my knowledge they're working for one person. There will be a few treatment people in this building that might go from room to room. There's actually eight rooms up there. The one room downstairs which is handicap accessible but that's correct. I believe there's no other owners. It's one owner whose going to have people working for her.

W. Capozella: It's only going to be one person and not necessarily leasing a part out, renting something out and say, okay, here's your clientele?

J. Irace: Right. It's my understanding that is correct.

W. Capozella: Nothing else, Mr. Lake.

T. Hamilton: For some reason, I don't ever remember that many motel rooms approved. I remember possibly four. Rooms #5 and #6 they only have a shower. They have no toilet. It just doesn't seem like that there will be no renovations.

G. Lake: Well, didn't they get a Stop Work Order?

T. Hamilton: I thought so also. It says existing, how do you rent that and it only has a shower without a bathroom? My other comment is they have what they call an existing handicap treatment room downstairs. You never received a handicap treatment approval from anyone and yet, you're calling it existing. You never had an approval for that treatment room.

J. Irace: Well, we're calling all of them existing treatment rooms but the rooms are existing but they're treatment rooms.

T. Hamilton: The one that's handicap accessible. A handicap person should be able to say they want the same as everybody upstairs. This room downstairs, then handicap treatment room has a toilet and a sink. No shower, an individual shower, no big double shower if a handicap person for some reason wanted that bigger double shower so, it's not the same. You have to be able to accommodate the handicap person exactly the same.

G. Lake: We can ask Mr. Bacon to check on that. Yes. I kind of agree with Mr. Hamilton about the size and you're saying nothing has been done. It seems to me that there was a Stop Work order and since Mr. Hamilton brought it up so, I do think there's been modifications done up there. I think maybe they were done before you got involved.

J. Irace: That's very possible because I only got involved a few months ago.

G. Lake: But, the bottom line is I can't say one hundred percent but I will go ninety percent that there was a Stop Work order put on. I know myself I saw dumpsters out there, etc.

J. Irace: They just built the bar downstairs.

G. Lake: I'm saying a few months ago. I have to agree. I've never seen motel rooms put just

a bathroom in like they are set up here. Now, this is, it's kind of changed also so let me get it in my mind before we move forward. I thought we were talking a beauty salon and now we're talking a health spa or a . . .

J. Irace: No. It's a beauty salon. I have the code here and explains that this is considered a business group "E". It's a beauty salon. The owner calls it and people use the term loosely as a spa but the truth is the definition of a spa in the New York State Code is a health club and related to water activities as swimming and hot tubs. There's none of that in this. The word spa is gone and has been misinterpreted over the years.

G. Lake: So, I'm to assume what's going to happen is let's just say, haircuts, shampoos.

J. Irace: Massages, facial treatments, seaweed wrap. It's a personal beauty facility. It's a beauty salon. We're looking for an office occupancy and not a health club occupancy. We can't satisfy a health club occupancy because that's considered assembly and we don't have the parking space for that. We're not looking for that.

G. Lake: You want it as an office?

J. Irace: A business group.

G. Lake: I don't know. It's sounds like you're more on the other side to me. That's all I have. Mr. McGoey, do you have anything else?

D. McGoey: They have my technical comments. I will have to review the plans to make sure they are all addressed. One of the things is that the sign should be taken off.

J. Irace: That's fine. No problem. The owner is aware of that and they will take care of it.

A. Dulgarian: What are the hours of operation do they intend to have?

J. Irace: That's a good question. The woman, Nan Clark is sitting here, she can answer that. I would imagine 9:00 A.M. to 5:00 P.M.

A. Dulgarian: No evening hours or nothing like that?

J. Irace: Ms. Clark, do you want to address that comment. They want to know what the hours of operation?

N. Clark: 10:00 A.M. to 10:00 P.M.

J. Irace: 10:00 A.M. to 10:00 P.M.

A. Dulgarian: How many days a week?

N. Clark: Six days a week and closed on Sunday.

J. Irace: That might be idealistic.

G. Lake: Mr. Bacon, Mr. Carr has a question for you.

R. Carr: If the upstairs was constructed at some time previously without the proper permits, would our approval here tonight of that structure now, would that legalize something.

J. Bacon: I need to get a copy of that Stop Work order. I'm going to call Mr. Jaques and get a copy of that.

G. Lake: Anything else? I know it doesn't help but . . .

R. Carr: I don't know. It's the first time I heard it.

G. Lake: I thought Mr. Hamilton mentioned it the last time. What do you want to do? Do you want to wait and check this out?

A. Dulgarian: I'm only comfortable tabling it tonight.

G. Lake: I happen to agree with that.

J. Irace: We met with Mr. Jaques originally.

G. Lake: Who.

J. Irace: Eugene Jaques and his comments were that he would handle anything to do with the building at the time after we got through the Planning Board. He was there. He doesn't want to get into it until we have received the Public approval because he said it's just putting the carpet before the horse. So, if there are issues regarding the Stop Work order which is new to me I think that I'm more than happy to deal with him directly on that. What we're seeking is just the use of the building as a, changing it from a hotel to a business occupancy.

G. Lake: I think, that sounds fine and good except we have no way of knowing right now if the smaller rooms or what has been done there and whether it meets the codes today. Fire Code, Safety Code and what ever and I'm sure you will us do that. But to ask this Board at this point to turn around and ignore maybe that the possibility that things have been done up there with no approvals, we don't know if they've been done right or not and obviously Mr. Jaques isn't here to help us out. I'm going to recommend the Board to table it so we can contact Mr. Jaques and find out for sure that it meets what it's supposed to be and then after than you can come back at which time you will probably be done. I just think there are a few of those questions that I think we need some answers on yet.

J. Irace: That's true and that really has to do with the building itself, the construction of the building. This is an existing condition. There's no Stop Work order that I'm aware of. We're looking just for Planning Board approval. We've waited three months to get on tonight's meeting.

G. Lake: I will call the vote.

MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments and this Board's comments.

T. Hamilton: I'm making a motion to table.

MOTION to table for further review made by T. Hamilton and seconded by G. Lake.

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

2. PUBLIC HEARING 7:35 P.M. - **ORANGE REGIONAL MEDICAL CENTER** - SEQRA and SITE PLAN/SPECIAL USE PERMIT - 679 689 East Main Street (78-1-

77,20,40.2, 77.1, 73 & 74) #60-06

G. Lake: The second item on our agenda is a Public Hearing for Orange Regional Medical Center. We received the mailings, and I will ask Marylynn Hunt read the Public Hearing notice as it appeared in the newspaper.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York will be held at the Town Hall at 99 Tower Drive, Building "A", Middletown, New York, in said Town on the 15th day of August, 2007 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Orange Regional Medical Center, 4 Harriman Drive, Goshen, New York 10924, for approval of the proposed Orange Regional Medical Center, located on the north side of East Main Street (County Route 67) with Midway Park Drive forming a portion of its western boundary and identified on the Town of Wallkill tax maps as Section 78, Block 1, Lots 36, 40.2, 71.1, 73, 74 & 77. The Planning Board will hold a Public Hearing for a Special Permit under Section 249-40 of the Zoning Law of the Town of Wallkill, and on the Draft Environmental Impact Statement accepted on July 11, 2007 pursuant to the provisions of the State Environmental Quality Review Act and the regulations under NYCRR Part 617. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

G. Lake: Okay. Please state your name for the record, please.

S. Batulis: Scott Batulis.

G. Lake: Okay.

S. Batulis: Thank you.

G. Lake: Go ahead. Bring the Board up to date, since you're been here the last time. You've been to a few work sessions, and then we'll let you go through your presentation.

S. Batulis: Good evening. My name is Scott Batulis, and I'm the president and CEO of Orange Regional Medical Center. We're pleased to have this opportunity to appear before the Wallkill Planning Board to present Orange Regional's plans for the future. I know that the Planning Board is familiar with the proposal and has reviewed the DEIS, and deemed it complete for public comment. As stated this evening, this is about the DEIS, the Special Permit, and the Site Plan that we're working on this evening. Our presentation will be a Power Point presentation. I'll introduce Orange Regional Medical Center, and then I'll turn

it over to our team of experts. Our first presenter will be Tim Miller, of Tim Miller Associates. He's our planner and the author of the DEIS. Our next presenter will be Dr. Philip Griely, who is a professional engineer with a doctorate in engineering. He'll review the transportation aspects of the plan. The next presenter will be Art Tully. He's a principal in the engineering firm of Lanc and Tully, and he'll present the civil engineering aspects of the plan. And, finally, Steve Esposito, who is a licensed landscape architect, will review the landscape plans. This evening we will ask you to close the Public Hearing and establish a ten day Public comment period for post hearing comments on the DEIS. Thank you very much, and with that I'll begin the presentation. As you know, the Arden Hill Campus and the Horton Hospital, has served the community for over one hundred years. We're members of the New York Presbyterian Health Care System. We have clinical affiliations with the Westchester Medical Center, and the New York University Hospital for Joint Diseases. We currently have two campuses: the Arden Hill campus in Goshen, a 174 licensed bed facility. It's the third largest volume facility in Orange County. The Horton Medical Center in Middletown with 276 licensed beds, it's the highest volume hospital in Orange County. So, that's a total of 450 beds, with about fifteen out-patient locations. You can see there the Horton Medical Center Campus up in the top left. The proposed site is in the upper middle, and then the lower right is the Arden Hill Hospital in Goshen. Now, why a new hospital? A little background here. Both facilities are outdated. They cannot accommodate twenty-first century medicine or technology. There are significant economies of scale of bringing the two physical plants together, both in the physical space, and with medical, expensive medical technology. Neither site is large enough to accommodate the other, so that's one of the major reasons for bringing the operations together. The project is supported by the Berger Commission, which recommends the restructuring of hospital systems to properly utilize resources to improve the quality of health care. The project has also been supported by the largest grant, HEAL grant award in the state, and that was \$24.6 million. The new hospital allows us to offer all private rooms to patients. It allows us to expand services, and reduce the duplication of services. It allows us to consolidate patient volume in one location, so that we can attract specialists and sub-specialists to our area, and our community. And it supports new, higher level clinical services, and allows us to achieve a modern, state-of-the-art, and efficient facility to support care for our patients. And, especially if you know the Horton campus, it provides plenty of convenient parking. So now, I'll turn it over to Tim Miller.

T. Miller: Good evening, Mr. Lake. Tim Miller, I am the planner for the project. I'm going to talk a little bit about some of the physical aspects of the site. This is a map that shows the location of the property in the context of some of the regional infrastructure. The red is the project site. It's 61.5 acres, and it's located really quite centrally to Interstate 84, future Interstate 86. As you can see by the blue arrows, the green arrows, the red arrows, the regional road system, in combination with County Route 67, East Main Street, provides very

good access to all of Orange County, and the region. The hospital will have all private patient rooms, as Scott indicated. It will be 374 beds, the largest hospital between the Tappan Zee Bridge and Albany. Portions of the hospital will be seven levels. A total of six hundred thousand square feet of new construction will be provided in the hospital, and the costs are in the neighborhood of \$335 million of construction value, so this is a very important project for Orange County. This is a schematic of the site plan, and it shows the footprint of the hospital, the access locations, Midway Drive, and the main access from East Main Street. There is a ring road that traverses the entire periphery of the property, and that ring road provides access to the parking fields. There are a total of about 1675 parking spaces. Some of the features on the site plan. This is the main entrance to the hospital located where the green circle is. The out-patient entryway is located here, in the orange circle; and the emergency entrance is here; and the ambulance entrance is where the blue circle is; and then there is a helipad location on the site. There are a couple of renderings, just to give you an idea of the architecture of the project, as seen from a bird's eye view. This is the main entrance. It shows a very attractive entryway. This will be a notable project at this location in the Town. The out-patient entrance located on the side, to the north of the main entrance. Groundbreaking for the project is planned for the end of 2007. It's intended that the project be completed within approximately 36 months. About twenty acres of the site will remain undisturbed and be green. The project has been designed with minimal wetland disturbance. There are a number of wetlands on the site, but the minimal disturbance qualifies for a Corps of Engineers Nationwide Permit. The improvements to the property minimizes the disturbance of steep slopes. With respect to your land use and zoning provisions, this site has recently been re-zoned office and research, and that zoning provision provides for and allows medical and health related commercial uses. The area surrounding the site is all in this same office and research zone. The hospital is a permitted use in the district by Special Permit. It's consistent with the Town's Comprehensive Plan, which calls for office, research and medical development in this entire corridor, and the site has been designed, and it actually exceeds the landscape requirements in the new zoning. This is a map that shows your recently adopted zoning for the area. This is the project site. This area in blue is the corridor that has been zoned office and research. And, you can see that this project would be surrounded by similar land uses and would be consistent with the goals of the Town Zoning and Comprehensive Plan. The next table shows the area bulk regulations that are contained in the office and research zone. I won't get into this detail. This is a table that's from the Draft Environmental Impact Statement, which is posted on the Town's Web Site, and also on Tim Miller Associates Web Site, and it shows that in all cases the project is well in excess of the minimum bulk requirements outlined in the Town Zoning regulations. It fully conforms. There are specific requirements for a Special Use Permit, and I want to go over them ever so briefly. In order to grant a Special Use Permit, the Planning Board must find that the project is properly located with respect to your local infrastructure;

transportation, water supply, waste disposal, fire, police protection, and other facilities. You must find that the project will not create undue traffic congestion or traffic hazards and Phil Griely will talk on that particular matter. The project will not adversely effect property values, the character of the neighborhood or the pattern of development, and I think you can see from the last graphic that this has been a long intended use in this corridor and surrounding zoning also accommodates and is consistent with this type of use. The proposed project will encourage appropriate land use, consistent with the Town's needs, and it will not impair the public health, safety and general welfare. We believe that this project is fully consistent with the Special Use criteria. The project has been designed with energy conservation in mind, and I'm not going to read through this list. It is covered in detail in the Draft Environmental Impact Statement, but suffice it to say there has been an eye towards energy conservation and green technology in all aspects of the architecture and engineering of this project. This has two pages of some of the various items that are included in project plans that are directed towards energy conservation. And with that, I'm going to turn the presentation over to Phil Griely , who will talk about traffic and our plans for traffic improvement.

P. Griely: Good evening. My name is Philip Griely with John Collins Engineers. We prepared the traffic impact study, which is part of the Draft Environmental Impact Study. I'm not going to go into all the details of the study. It's on record in the Town. But, essentially the traffic study has been coordinated with the Town; since East Main Street is a County highway, with the County; and also with the New York State Department of Transportation, and in terms of the overall study and the coordination efforts, we have been working with each of the agencies to come up with a plan that will function for the hospital and also improve some of the existing conditions in the area. To just kind of step back a bit, in terms of the New York State Department of Transportation, as the Board is aware, is advancing plans for improvements to the Exit 122 interchange, and as part of those plans we have been coordinating our efforts with the DOT. In fact, the interchange will require some of the land that is owned by Orange Regional. I believe approximately four acres of land will be used for the new interchange construction. Our plans have been designed to accommodate any of the plans and several alternatives that the DOT is pursuing, but our plans are designed to incorporate and to work with any of those plans. We have also been coordinating closely with Orange County. Right now the East Main Street corridor has some traffic issues, especially during peak hours. What has developed over time with the development that has occurred, and which is on the table for building, that traffic will continue to increase on East Main Street. We focused primarily on the area from the new interchange from Route 17, future 86, across the site frontage, and over to Dunning Road. In terms of the area of traffic analysis , and as a result of that we have identified a series of improvements , and in the DEIS there is a table that summarizes that. There are about fifteen different improvements,

some of which are being advanced in association with other projects in the area. For example, the Tetz project, which has been approved, will install a traffic signal, and do some upgrades at the intersection of Midway Road and East Main Street. So, since we included that traffic in the future projections, we have shown those improvements in this table. We also have of course the DOT interchange improvements, and from a timing standpoint the DOT is looking to move forward with their final design, but we've also looked at a scenario, if the DOT is not complete with their interchange construction, how does the hospital function and operate in that interim condition? And we have been coordinating that with the County, and listed on this plan or on this table are individual intersection improvements but

more importantly is, how will the East Main Street corridor function? Basically today from the area starting at the exit ramp from Route 17, continuing across what is called the Monkey Farm Bridge, this is the frontage of the property, and then, you know, this is the Golf Links Road intersection, and then we traverse across 84, as you go further towards Middletown. Individual intersections are going to be upgraded, but more importantly what is shown in the plan, and primarily this yellow color, is we have been coordinating with Orange County for plans to upgrade that roadway. Right now you basically have a two lane road section. There is a short left turn at Golf Links Road, but essentially this is a two-way two lane highway. The plans are to upgrade that, and the roadway will be widened from between a four to a five lane section. There is five lanes right at the entrance to the hospital. This is the main entrance. And of course, upgrades through the intersection with Golf Links Road and Midway Park Drive. Now, from the hospital standpoint, we have Midway Park Drive as an access, and we have the main entrance of course on East Main Street. Those plans have also been coordinated. What you see here in this darker colored green area is the future DOT interchange, so the new interchange location, and the widening that will be done by the DOT, creates a five lane roadway which matches into the widening which is being coordinated with Orange County. What is also shown on this plan are some interim improvements. This line right here represents the existing alignment of East Main Street. This is the eastbound on-off ramp. What is shown in purple here is what has been referred to for years as the East Main Street slip ramp, and our project, just like other projects that have come along in the corridor, we have committed to our fair share contribution to that improvement, and that becomes a very important interim improvements to handle traffic and to deal with some of the current delays that occur in this area. What is shown in orange on this plan represents some of the improvements that are associated with the Tetz project, the signal, and some work on Midway Road and some work on East Main Street. As part of our coordination efforts with the County, one of the questions that was asked during the review of the EIS, what happens if the DOT project gets delayed or what happens if you're ready to open and the DOT isn't finished? Well, in talking with the Department of Transportation, they have indicated, you know, that they will maintain traffic during construction, of course, but we have coordinated

with the County to ensure that the section of East Main Street from where our access is, that this work will be done, and at this point here would be a right turn entry lane, so any traffic entering, coming from 17, would be able to enter in on a right turn lane coming in. There would be two through lanes that would carry through this intersection, continue up through Golf Links Road. Right now one of the problems that exists is that you only have a single through lane through this intersection, and in the afternoon rush hour queues will develop approaching that signal, and that will also create problems in terms of people being able to get into the left turn lane, to turn on to Golf Links Road. So again on this plan we would have two through lanes, an extended left turn lane. The left turn lane would be tripled in length, almost, for left turn movements onto Golf Links Road. So that will do away with one of the existing constraints there. The road widening again will extend all the way across the frontage, and if the DOT is not finished with their work, we're coordinating a plan where we would be able to continue two lanes from the hospital entrance up to and match into where the DOT would do their widening, and then we have also committed to working with the County on the upgrade, if necessary, of this section of East Main Street, if the timing is such that DOT is not ready yet, and that's all spelled out in the document. In terms of the timing, the County has committed to start construction in 2008 on East Main Street improvements, and part of that is because those improvements are needed, or will be needed, even if the hospital doesn't go ahead, to serve future traffic conditions. So, where we are now in the process is we have developed a coordinated effort with DOT and with the County. We do have some simulations if the Board wants to see them, but I think everybody knows what the problems are on East Main Street today at the interchange and at Golf Links Road, and we have looked at improvements, and included some recommendations from your own traffic consultant. For example, he had recommended picking up this additional through lane at our entrance heading eastbound. Our original plan was only to maintain the one through lane, and then open up into the two lanes. So we have been coordinating those efforts. We do have a simulation if you would like to see it, but I think we'd like to move on with the presentation and get whatever other questions there might be, in order to move the process forward.

G. Lake: Yes.

P. Griely: Thank you.

G. Lake: Thank you.

A. Tully: My name is Art Tully, from Lanc & Tully Engineers. We are the site engineers and we have designed the site grading, drainage and water and sewer services. The site has been designed in such a way that the building is situated, and the parking lot has been designed, so

that basically in terms of cut and fill material movement, everything should occur on-site. We don't anticipate having any excess material that's going to be required to be removed from the site. Additionally the stormwater drainage, all of the stormwater drainage on the site will be directed to retention areas. As you probably know stormwater has two basic components, one is quantity, and the other is quality. In terms of quantity issues, all of the stormwater generated on the site will be basically mitigated. Stormwater peak flows will be attenuated through the retention ponds, so that the run-off rate from the site after development will be no greater, and probably significantly lower, than the stormwater rate that presently exists there now. In terms of water quality, several issues, several design features have been built into the site. So there are these little areas here, and here, and around the perimeter of the site, are referred to as bio-retention areas. All of the stormwater drainage will be diverted to those. They will also be incorporated as part of the landscape plan. But basically they're filters for the stormwater as it leaves the site. Additionally the retention basins, the areas in blue, provide additional polishing of stormwater quality, and the basins down in this area here are anticipated to be basins that have water all year round, all the time, and we're looking at building those into a feature for the landscape plan as well, so that there can be an aesthetic attraction, as well as providing the necessary stormwater storage and treatment. In regards to sewer and water, we have met with Mr. Smith from the Town, on both issues of water supply and sewage disposal. Currently there are, in regards to water supply, there is an existing water main in Midway, which is a ten inch line, and then there is a twelve inch line that currently exists along East Main Street. The plan shows in that dark blue color, it's our proposal to take a water line through the site that would be a ten inch line, that would be looped through the site, and provide water to the building in the back, the maintenance building, to the hospital itself here, and then provide stubs for fire protection hydrants that will be located around the building. In regards to sanitary sewer, it's the red line that you see in the drawing. There is a sanitary sewer line that's proposed here, and it will come down to East Main Street, and over to Golf Links Road. There is an existing manhole here. We're anticipating a twelve inch line that would carry sewage away from the site, to tie into the existing Town sewer system in Golf Links Road, and as you probably know, the sewage treatment plant is actually basically right across the street from where the hospital is. As I said, the Town has adequate capacity in its sewage system, as well as sufficient flow and pressures in its water supply to serve the site. We don't anticipate any major improvements that have to be made to any of the off-site water and sewer. The on-site facilities will be owned and maintained by the hospital privately, and at no expense to the Town. That's it for the engineering features. I'll turn it over to Steve Esposito for the landscaping.

S. Esposito: Good evening. My name is Steve Esposito. We developed the landscape plan. The plans currently exceed the requirements of the newly adopted landscaping ordinance of

the Town of Wallkill. The plants that are proposed are native trees, mostly native trees tolerant to urban development. They also have a wide variety of specimens that are selected, with a good mix of deciduous trees, to the tune of approximately 380 deciduous trees, and over 215 evergreen trees. This variety is provided to give seasonal colors and beauty throughout the year. The entrance, the main entrance, which is located off of East Main Street, right there, will be developed as an attractive entrance, and also be integrated with the proposed stormwater ponds that Mr. Tully alluded to earlier. Another big component of our plan is the Healing Garden, which is located in the southeast corner of the building. It's an area where, you know, patients and visitors will be able to visit, they can meditate, pray, you know, just enjoy the outdoors during the nice months of the year. Also mentioned in the presentation were the bio-retention swale, which are also part of the landscaping plan. It's part of the new ordinance, we have to break up the large expanse of parking with islands, islands that are located through the parking lot, and in these areas stormwater will be treated, and also used as irrigation, as part of the street through plantings. Really, that's about it.

T. Miller: Mr. Chairman, we'd like to turn this over to the Public. Before we do so, I just want to mention one item that I mis-spoke about, when I was talking about the bulk requirements in the OR zone. The bulk requirements indicate a maximum building height of a hundred feet, and our proposed building heights is slightly higher than that, at 120 feet. Your zoning code provides that the Planning Board may waive this height matter when a structure is not within one hundred feet of a pre-existing residential use or district, as it relates to hospitals, and so, we will be asking for the Board's consideration on that particular matter. We will be discussing that further in the Final Environmental Impact Statement. I also just want to note for the record that any comments that we hear tonight from the Board or the Public, we will be responding to them in writing, in the Final Environmental Impact Statement. If it's the Board's pleasure, we can answer some questions, but there will be a full written response to everything brought forth at tonight's Public Hearing.

G. Lake: Okay. Thank you. I did talk to Mr. Bacon about that. Mr. Bacon, you did look that up, right? That is provided?

J. Bacon: That is correct.

G. Lake: That is a decision that this Board passed, is that correct?

J. Bacon: That's correct.

G. Lake: The Board is aware of it now. Let me go through the Board before I go to the Public. Mr. Dulgarian?

A. Dulgarian: After the Public.

G. Lake: Mr. Carr?

R. Carr: I'll wait.

G. Lake: Mr. Capozella?

W. Capozella: After.

G. Lake: Mr. Hamilton?

T. Hamilton: After the Public.

G. Lake: I will open this Public Hearing at 8:27 P.M. We are here to take your comments. We may or may not answer them tonight. As he just said, they still have to finish their final. We've been working on this for about a year, but surely we want to hear any comments, anything of interest to continue the process. Given that, I'll open it up for the Public Hearing. Do we have anything? Does anybody want to speak on this? Okay. Then, I'll take a motion to close this Public Hearing at 8:28 P.M.

MOTION to close this PUBLIC HEARING at 8:28 P.M. made by R. Carr and seconded by A. Dulgarian.

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

G. Lake: We do have a couple of additional letters. Who is representing you guys?

T. Miller: Tim Miller.

G. Lake: We do have a couple of additional letters that just came in today, which I think – the one from Behan Associates, we can handle that at the next work session. I believe all Board members have it. I don't know if you have it.

T. Miller: We have seen a copy of it, yes.

G. Lake: You have seen a copy of it. Okay. The County comments from the Planning Department, have you received them?

T. Miller: We have.

G. Lake: Okay. They did have a couple of good comments in there about public transportation, easy access in and out, and I can't remember what the other one was. I think there were a couple.

T. Hamilton: I have Sells' latest one.

G. Lake: Well, I'm coming to that. Okay. So, you know, at the next workshop session we can surely do that with the County letter, and like I said, I'm sorry I can't remember the other one, I should have written it down, but public transportation in and out was a very good comment. Sells'?

T. Hamilton: Well, that's actually back in July. They should have that.

G. Lake: You do have all of Sells' comments?

T. Miller: Yes.

G. Lake: You've been working with him directly, I assume?

T. Miller: Yes.

G. Lake: Just so the whole Board knows, before I continue, they will also be working with the entire corridor, up and down East Main Street, to make sure – obviously we're going to run into a few lights one after the other – to make sure of the best way to handle that. And at the work session, just so you guys know, we asked them to get together with all parties involved, from Quick Check, right down to Tetz, and obviously the DOT and the County

themselves, and make sure these things work logically, and keep the traffic moving. I don't believe that it is necessary, but is there anything you want to talk about on Mr. McGoey's comments? I know we went over most of them included on Mr. McGoey's comments. Some of the Board members did send in comments for that work session, which we did pass on at that point. Hopefully you will answer them satisfactorily. And at that I don't have anything else at this point. I'll going through the Board again, and we'll go one from there. Mr. Dulgarian?

A. Dulgarian: All of my concerns are on paper, either from Mr. McGoey or the County. I think the other thing you were leaning towards, from the County, was number #10, about what to do with the old building. I don't know if that's what you found interesting, but that's part of the document, or should be part of the document, and they say it's not answered to any degree of satisfaction. That's their comment, number #10. I think that's fairly important to show up in the final document. Mr. McGoey's got some comments. I know they discussed the landscaping around the stormwater detention areas, but if you look at the map there's not a lot around them. So, I mean, everything, all my concerns, somebody has brought up already and they're on paper, so that's it.

G. Lake: Mr. Carr?

R. Carr: I agree with Mr. Dulgarian. Most of everybody's concerns have been on paper and addressed, and I just want to say, you know, I want to compliment the hospital and its professions, that the document is fairly extensive, and comprehensive and pretty thorough. That's it.

G. Lake: Mr. Capozella?

W. Capozella: Well you guys have seen my comments. They're under #8, and although my name is Bill Capozella, not Phil, but you have my comments. I gave them to you in writing. I'm not going to waste everybody's time here tonight repeating the ones that I did have. The only thing I got, Mr. McGoey, looking over this again, is the traffic and, you know, the lights and contributions. I mean, there is a lot in there, but are we satisfied that all parties are treated fair now, that this is coming in? Because we have had projects like Tetz and the rest of them that have already been existing, and they are allocating money to improvements, but now we're adding this, the hospital to this, to that same section.

D. McGoey: I think the County stepped up to the plate with respect to helping the hospital, and helping this project move forward, by guaranteeing that the rest of the improvements on East Main Street will be completed before the hospital opens. They will also commit to that

if the DOT doesn't complete the exit that they will provide additional interim – all of which will be in a developers agreement at the conclusion of the project.

W. Capozella: We still have to work that agreement out?

D. McGoey: The developers agreement comes before final signature of the plans.

W. Capozella: Okay. Nothing else.

G. Lake: Mr. Hamilton?

T. Hamilton: With all that paper work going through your traffic and whatever else, I know that some of us have been a little concerned to make sure that we get this to work right, that it doesn't back up, because recently I know myself and a couple of other gentlemen, we were riding on East Main Street, like 5:00 P.M. in the afternoon, in the middle of the week, no holiday. There were no accidents on the road or anything else, and that traffic was backed up over 17. That was heading into Town, you know. We just have to make sure we get those lights working, and they get it to move, or it will be a nightmare. Landscaping, I know we mentioned about the stormwater, the small ponds at the entrance for the fancier entrance area, but what about all the other landscaping? You got some larger detention ponds. Are you going to take some of that water and use that to water all of the other stuff, if you need it, you know, rather than dipping into the Town's water, to keep all that other nice landscaping alive? That main section in the entrance, you show some small ponds in there. But the bigger ones down toward East Main Street - -

W. Becker: We're working on that.

T. Hamilton: It would be a shame to waste that water.

W. Becker: Absolutely. We're working out a plan for using that for irrigation, the detention ponds.

G. Lake: Please give us your name.

W. Becker: My name is Wayne Becker, with Orange Regional.

T. Hamilton: We covered the height, and we do have - - I was just curious, is there any - - I don't even think there is anything within one hundred feet anyway, that would exclude us from doing that.

T. Miller: We don't believe there is.

T. Hamilton: I don't think so. We do have the right to waive that height?

G. Lake: Yes.

T. Hamilton: I don't know of any that's within a hundred feet. That's all I have.

G. Lake: That was really something they called me on today, and so, like Mr. Carr said, they have been very diligent on almost everything - - on everything, not almost everything. I really don't have anything else. Mr. Hamilton, are you done?

T. Hamilton: Yes.

G. Lake: Okay. I really don't have anything else. The only thing I am going to ask you, we did get another letter from a Mr. Joseph Scali. I guess he owns the property next to you. He's on vacation. He's out of town. He would like to have time to make some kind of comment. I really don't know what it is. I know I said ten days. I kind of looked at maybe at least until the end of the month for written comments. The Public Hearing is closed. I don't know how long he's going to be away for, or anything else. I just got this letter today.

T. Miller: So, the 30th?

G. Lake: The 30th, the end of the month, that's it.

T. Miller: So the Board will receive comments on the Draft Environment Impact Statement until the 30th of August.

A. Dulgarian: The 31st?

G. Lake: The last business day of the month. This way, as I say, I'm not even sure what his involvement with that property if any is, or not, but he's a neighbor, I guess, that might own it. So just out of courtesy, we've caused no hard feelings yet, so why start now, I figure for an extra five days.

T. Miller: Mr. Lake, just to confirm, you closed all the Public Hearings; Site Plan, Draft Environmental Impact Statement and Special Use Permit?

G. Lake: The Public Hearings are closed.

T. Miller: Great. That you very much. We appreciate it.

G. Lake: Thank you. I believe that you are booked on the next work session.

D. McGoey: Yes.

G. Lake: Normally you are.

T. Miller: Thank you.

3. **WESTWOOD CHEMICAL** (Fence) - SITE PLAN - 150 Tower Drive
(50-1-13.121) #41-07

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

W. Greenlaw: My name is William Greenlaw.

G. Lake: Go ahead.

W. Greenlaw: Just a little housekeeping. Westwood Chemical is the facility in question. I do not represent Westwood Chemical however, I represent the Summit Research Laboratories, Inc. They are the current owners. We purchased the property last year and we're proposing to continue an existing fence around the remaining part of the property. There's an existing chain link fence, the back part of the property is wooded and doesn't have any neighbors.

G. Lake: Do you want the same height, the same as is there now?

W. Greenlaw: Yes.

G. Lake: Let me go through the Board.

A. Dulgarian: I have no issues.

R. Carr: You want to keep the fence that's there?

W. Greenlaw: About half of the property does have a fence around it. If you were to drive around the facility, you would see the fence but if you were to go to the woods you would not have a fence. What we would like to do is just fence the rest of it in.

R. Carr: I have no issues.

W. Capozella: Will it have the sleeves, what is it, just the top fencing?

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

W. Greenlaw: I'm not a fence person.

W. Capozella: It through me off. I was going to say is it going to be the same color, etc. This fence will be what, five feet?

D. McGoey: Six feet.

W. Capozella: Okay. That's it.

T. Hamilton: Mr. McGoey, I know that when Westwood was in, we were looking to (not clear).

W. Greenlaw: Enterprise Drive.

T. Hamilton: We were looking for landscaping on the exterior side of the fence to try and shield what the Public sees on the other side. Are we going to look at that? We don't know what's going to happen next door.

W. Greenlaw: We propose a minimum of six feet and we do have two gates on the back side so we can access down over. We're proposing to follow the natural tree line.

T. Hamilton: Mr. McGoey, what about that side?

D. McGoey: Maybe they can keep a natural buffer by moving the fence in.

W. Greenlaw: We're not going to disturb any of the trees that are there.

T. Hamilton: Any other industrial project that comes in we always try to add some additional screening so that the Public isn't looking in.

G. Lake: Mr. McGoey, can you take a look at it and put your recommendations down.

D. McGoey: I will.

T. Hamilton: And, if there isn't enough there, we can ask for more.

G. Lake: I think it backs up to Boars Head?

W. Greenlaw: Boars Head is in the back and there is a setback there from the fence, the existing fence. The new fence we're planning on having it further from the property line than the existing fence. What we, again we would entertain what the Town would consider.

D. McGoey: I will go out there and take a look.

T. Hamilton: Mr. McGoey, I notice a section on landscaping and we want to make sure that they have incorporated any new changes. If you can just double check that.

D. McGoey: I will.

W. Capozella: One more question. The optional on top, is that? Do we know what we're going with Mr. McGoey? It says optional.

W. Greenlaw: I'm sorry. It's doesn't show up.

W. Capozella: We're not changing the style of it?

W. Greenlaw: Yes. If you look at the side view on the drawing you're looking at, it just shows the one.

W. Capozella: Okay.

G. Lake: Anything else, Mr. Capozella?

W. Capozella: No. That's it.

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

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

MOTION for SITE PLAN approval for (fence) subject to all of Mr. McGoey's comments and this Board made by W. Capozella and seconded by R. Carr.

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

4. **ORCHARD ESTATES** - 3 LOT SUBDIVISION - Fair Oaks Road (14-1-72) #87-02

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

D. Getz: My name is David Getz.

G. Lake: We checked, you were here back in October 2006?

D. Getz: Yes.

G. Lake: Okay. I believe, if I am correct, since we've had no communication from you, your approval has run out at this point. Am I correct in assuming that?

J. Bacon: That's right. The code is actually very clear on that. If a request for an extension is not made in six months from the day that their Preliminary Approval is does expire. The

Board cannot extend that. The Town law is very specific on that point. In fact, it states that no Planning Board action shall be taken until a new application and filing fees are submitted.

D. Getz: Can we go through the technical comments? I feel from my point, and I have seen Mr. McGoey's comments, if we could I would like to wrap up the technical issues.

G. Lake: Well, that's all fine and good but we're under new codes that were approved by the Town Board only maybe a month or so ago.

D. Getz: Okay

G. Lake: And, I'm not even sure these technical review comments apply to this at this point. Mr. McGoey, I don't know if you've had a chance to look at this in that fashion yet?

D. McGoey: I'm sorry.

G. Lake: He'd like to look at your technical review comments even though we don't have the new application in tonight.

A. Dulgarian: And, our point is it may be mute because of the new codes.

D. Getz: The comments refer to the new regulations so, I'm ready to discuss them.

D. McGoey: Is there anything here that you can't address?

D. Getz: No. I would just like to highlight. We met with Mr. Lippert about the comment that mentions that the detention pond on the separate lot. We have a sketch that shows how

that can be broken off from lot #1 and still have a conforming lot.

D. McGoey: Okay.

D. Getz: We feel that our layout of the utilities . . .

G. Lake: There is a new frontage rule on that. Does that cul-de-sac make it?

D. McGoey: I don't know.

G. Lake: That's the problem. There's a lot of little things we're still learning now because we haven't had it that long. I know one is the frontage. Your cul-de-sac may or may not make it.

D. McGoey: The lot width is measured at thirty five feet from the centerline of the road.

D. Getz: We'll check all those. The lots were well over-sized.

G. Lake: We're not going to check them tonight. I would recommend . . . Unfortunately, if the owner of the property had that letter in before, it would be a better situation. Our hands are tied. We're going to have to table you. I would say make a new application. I don't think you have a lot to do. Get back to a work session. I have no way of knowing. You might loose a lot, I don't know. You may have to re-configure because there are new setback rules and new acreage rules. I know they were decent sized lots but there's not a lot we can do at this point without really having something solid.

MOTION to TABLE for further review made by R. Carr and seconded by W. Capozella.

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

5. MASONIC CREEK - 8 LOT SUBDIVISION - Silver Lake Scotchtown Road
(40-1-17.4) #26-03

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

G. Collins: My name is George Collins with Masonic Creek Associates. I'm a civil engineer. I'm just going to hand out pieces for a refresher and where we're at.

G. Lake: This is here for sketch. I think they have a couple.

G. Collins: In March of this year, we were in front of the Board and talked about our subdivision plan. And, the Board had a couple of issues with the plans mainly with the eight driveways, actually four driveways which were double driveways onto Silver Lake Scotchtown Road. And, also you generated a concern that we didn't have the feel and the look of a conservation subdivision. So, the Board tabled the issue for a condition that Behan Planning look at it. We met Behan Planning in April and we were able to come up with this idea here. Option #1 which is a plan that has more of a feel of a conservation subdivision and it has a central area for recreation with a gazebo with plant features here. In the rear portion there are walking paths and some benches and a foot bridge that crosses over the Masonic Creek. It really more of a subdivision that has some recreational use and also some more of a private community type field with the relocation of the stone walls along the property in the front and also has buffers in the front portion of the property. In order to reduce the number of accesses, this though here was to have a one way access, one way road that goes through the property and cut down on the numbers. This will be a private or public street and will be fairly wide.

G. Lake: We will talk about that street, you said public or private. If it is a private road, how would you keep it up, would it be an open development or through a condominium type?

G. Collins: We would do an open development plan with the Town Board.

A. Scott: I think it was one of the comments from Mr. McGoey. (Could not hear).

G. Collins: This option has a shared driveway access which would go here and a single

driveway that would have a shared maintenance with the business property owners and the single driveway would come in (not clear). We have minimized that. The other idea was a through way street and this would be a Town road. I met with Superintendent Mr. Lippert and he had some issues with this particular plan here because of snow removal. He also had a concern about our original (not clear). We could build the street to the Town standards for a two way street. He was okay with the individual driveway option. I think that's basically where we're at from the last six months or so. We wanted to get the Board's opinion and preference of the different options.

G. Lake: Thank you. Have you received a letter from the County? They did make a comment, a couple of comments. This is in the water and sewer district, I assume?

G. Collins: Yes.

G. Lake: For some reason maybe they thought you were going to have a well and septic so, I don't know whether that will change their comments or not. There was also a comment about the bridge over the creek and what impacts that would have on it. I assume you haven't gone that far to do that.

G. Collins: No we haven't. This area here is out of the Federal wetland area but we really need from the Board that this is acceptable.

G. Lake: On the first plan over here, the backyards, how big are they?

G. Collins: The backyards are, this one is very short and the comment from Mr. McGoey is to try to move the house. These two lots from the conservation easement in our mind would be about a twenty five foot buffer and then we would want to see a good twenty feet for outdoor use for each home.

G. Lake: Mr. Dulgarian, they're looking for a sketch. It's been a tough project.

A. Dulgarian: I will take door #1. This is the way the process was supposed to work. They were bringing us plans that were pretty much the same old thing, houses close to the road, eight curb cuts on a major road, calling it a conservation when it wasn't the intent. I will give them a lot of credit. What we're looking at here, and I happen to like plan option #1, I know there is some fine tuning but we're looking at one ingress, one egress, houses set back from the road, a different look for this small community. The footprints for the houses are not the same. I just give them a lot of credit for coming back with something different. You know, we keep sending people back and tell them to come up with something better to impress us. I

like it.

G. Lake: Are these the footprints for the homes that you plan on building there?

G. Collins: No.

G. Lake: Well, Mr. Dulgarian brought up a good point. You're representing that we're looking at four or five different styles or shapes.

A. Dulgarian: I mean, I'm not going to hold them to that but where the community looks different. When we looked at the first plan . . .

G. Collins: We are a building company and the principals do want to make a nice community here so we will do something to make it stand out.

R. Carr: Yes, I echo Mr. Dulgarian's comments. I don't know how long we have been saying no to the project and this, is amazing. I also say option #1 would be my preference. The footbridge, I don't know.

R. Carr: It was a County comment.

W. Capozella: I will agree with everybody. I believe the best options would be #1. The question would be the road. It is definitely an improvement.

T. Hamilton: Definitely #1. A question for Mr. McGoey now. If it goes to an open area development, do they still have to meet our setbacks and road frontage because he may have to re-configure some of these lots to meet the new zoning?

D. McGoey: Yes.

A. Dulgarian: It does appear that a couple of those lots will need the new requirements.

D. McGoey: Which is going to be one hundred feet, thirty five feet from the centerline of the road and one hundred feet wide.

A. Dulgarian: And that's for the R-1?

D. McGoey: R-1.

A. Dulgarian: Is that for a conservation plan also? There are no breaks for that?

D. McGoey: This is not a conservation subdivision. I have to look at the regulations a little closer.

T. Hamilton: What are the lot sizes?

D. McGoey: These lot sizes are pretty good.

G. Collins: They're well over.

T. Hamilton: I know, but with the new changes I'm not sure.

D. McGoey: We have to look at it.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

G. Lake: If I were to vote, it would be the first one. You know, I can think of a couple of projects in the Town that looked good on paper but when they were built, I can kick myself every day when I go by. Certain pieces of land no matter how hard you try maybe just shouldn't be built on. You are entitled to go through the system. I would have to go with option #1. I will tell the Board members to take a close look and go down Bert Crawford Road and look at a project we did down there where the house looked good on paper and it was probably the biggest mistake we ever made. As far as sketch goes, I'm going to say if I had to choose option #1. Personally, I don't believe anything more than four lots should be open development. I think it causes problems down the road. You're going to have eight (8) homes here. I'm sure by the time you're done they're going to four hundred thousand dollar homes. I can't imagine them being cheaper. I would not support an open development area for this. That's just me. I just want you to know where I stand now. If I had to choose, I would choose #1 at this point. Okay, you have the feeling of the Board on which way to go. You have some comments so you can go back to another work session.

MOTION for SKETCH PLAN approval for Option #1 approved subject to all comments from Mr. McGoey and this Board made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 4 AYES, 1 NAY

G. Lake: You have sketch plan approval. I don't want you to leave here thinking I'm for this project yet so I'm voting no.

TABLED for further review.

6. **QUICKWAY SITE LOT #5** - 3 LOT SUBDIVISION - Tower Drive (41-1-121)
#113-05

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

M. Blustein: My name is Michael Blustein with Quickway Industrial Park, Site #5 along with Mark Lukasik with Tectonic Engineering. We had a Public Hearing on this three (3) lot subdivision in June of 2006. At the time we held the Public Hearing was closed so, we waived time looking for a comprehensive traffic study which has now been provided. I think I have a list of about twenty (20) comments. A lot of the comments I think tie into the site plan approval for the motel site which is going to be one of the three lots. Lots #2 and #3 it's undecided what Mr. Frassetto plans to do with lots #2 and #3 but we're getting a generic approval by proving that we could fit three different parcels on the 10.3 acre parcel.

M. Lukasik: As Mr. Blustein alluded to, we are in receipt of Mr. McGoeys comments as well as a Sell's comments on the traffic report which was prepared by (not clear) on behalf of us. So, the first comment that Mr. McGoeys had alluded to was the review of the report itself which we can go over that letter. I've presumed you have a copy as well.

G. Lake: Yes.

M. Lukasik: The Sell's report has nine (9) comments. The first comment essentially just questioned what the peak period is, whether it's weekday or weekend. We will have Creighton Manning Engineering provide an analysis and response to that question. It's not a problem at all. The second comments alludes to a discrepancy in volumes between some of the background information of a previous study with the Town. We will also review that as well and provide a response. Item #3 mentions a couple of things. One mentions the Hannaford signal that we propose to add a set of heads to accommodate our site. It also discusses Route 211 and the potential improvements of the Tower Drive/Route 211 intersection. It also discusses plans for the improvements at our signal with Hannaford, namely an actual plan showing that we intend to add two heads and the striping would also have to be accommodated. With the intersection between the Hannaford with this site signal and Route 211 we feel that would be more appropriately addressed ultimately with the Route 211 turn lane improvements given that at that time that would be something that would be best coordinated at that time. It all involves the Department of Transportation signal. Otherwise, yes, we understand that we will prepare and provide basically a plan of that proposed intersection improvements for our signal. Item #4, is essentially asking us to assume that the traffic intersection directly opposite the Town Hall now, be essentially improved at some point in the future and to do our study based on the fact that the inevitable will happen and that some how that will be addressed. There are separate (not clear) to be held by Frassetto and with discussions with the Town about how that's all going to happen. I think everybody knows, that somehow, some way, we're going to get it fixed. Sell's just wanted it to be analyzed with that being fixed just to look at how that would be impacted. It's not a problem. We will make that revision. The fifth item, actually gets back to something that Creighton Manning has already recommended and this Board already wanted. It gets into the third lot being created by the subdivision. Originally we showed a secondary access road directly on to Tower Drive. There was a lot of back and forth discussion about that. As it stands right now, the plans indicate that any additional access to Tower Drive would be subject to by this Board and Mr. McGoey has alluded to that. We will clean up the language as the engineer wants it so that this Board has the power to review that. It is only at this time to be and designed as an emergency access in the traffic study. Item #6. We will take care of that queuing analysis. No problem. Item #7. It talks about information that was on earlier on a concept plan for site #4. The office building in front of the street here. Item #8. Bulk tables and pedestrian accommodations. That's not a problem. The details will be added to both the office building plan and on the site plan for the hotel. That will be the next item on the agenda. Item #9 refers to the impact information. We have already previously negotiated many months ago with the Town.

G. Lake: So, right now you've taken an access off the table?

M. Lukasik: This Board asked us originally shown on the concept plan that there would be an access roadway, a potential access roadway from Tower into the park. We had added a note indicating that anything that gets done there is subject to review by this Board. What ever wording you want on there, we will get it for you.

G. Lake: Mr. McGoey, I think the only thing this Board needs to look at right now is right across the street we have a major project we've been working on for about four years now and it's come a long way. We continuously have them to line up with yours. I don't know if you should take that off. We've been beating somebody up knowing you were going to come in with this especially the last six or eight months. He changed a lot of his access and a lot of his work to line up with your stuff. I just want to tell that to all my Board members

D. McGoey: Sell's is asking for a secondary access drive to line up with Fisher Retail.

M. Lukasik: Well, Sell's is indicating in their letter they don't want it there. The report basically indicates the same. They are saying within their report that they feel it would be an emergency access, if anything. Certainly, we can modify that note to basically say if the Fisher Retail project is in any way adjacent to this project that any emergency access is also going to be opposite that. Essentially the traffic report from Sell's is saying that this project can stand on its own without that access. The only need would be if some of the emergency services from the Town of Wallkill to be given another way in.

D. McGoey: Your traffic study is . . . There are obviously improvements required for Route 211 and Tower Drive. It probably will be constructed probably in April. You still know that, don't you?

M. Blustein: We would not be proposing any improvements for Route 211.

D. McGoey: All the other developers have contributed toward it. I don't think we have to face that yet.

M. Blustein: Our position is, we have given money and if they want to apply it towards Route 211, go right ahead.

D. McGoey: We want to make it one of the lots to Frassetto.

M. Blustein: We have paid based on overall square footage.

D. McGoey: We have to get the mitigation done.

M. Blustein: We were here a year ago and we submitted a traffic study. Now, here we are and nothing has happened. We submitted it to the Town in March. All I'm saying is the applicant is not going to contribute to Route 211. We are going to contribute our proportion similar to an agreement that was made over fifteen years ago based upon square footage of the building. Actually by dividing it into three lots you're creating more frontage requirements of the interior roadway. For the amount of total square footage on this site it would be much less than the original traffic mitigation planned for the entire Quickway P:ark. To say to us now fifteen years later when Mr. Frassetto has paid his share for every building he's put up, I don't know where the Town puts that money. I know that Mr. Frassetto paid for that light five times. All the money that Mr. Frassetto has paid, the Town can do what they want. We have a formula and we're going to stand by that formula and we're not offering any extra money. This agreement is in place and was signed by a Town Supervisor and approved by the Town Board years and years ago. Just because the rest of the Town is built up as Mr. Frassetto is building up he's paid his fair share and has always offered to pay his fair share every step of the way.

G. Lake: Let's get through . . .

T. Hamilton: Have them go to another work session.

M. Lukasik: There's no need to go through every single one. There are only a couple of minor.

G. Lake: Wait a minute. Is there anything important you want the whole Board while their sitting here do you want to point out?

D. McGoey: Sidewalks. Other projects on Tower Drive have been required to put in sidewalks. I'm going to suggest you stick to that.

G. Lake: I think as of the last year and a half we have asked for sidewalks. I don't know how the rest of the Board feels.

M. Lukasik: They're there. It's not an issue.

G. Lake: Right.

M. Lukasik: There's one lot where we didn't. We missed about fifty feet, no problem.

D. McGoey: We have been discussing about the infrastructure for the tree lots, would that be

constructed as part of the hotel project site?

M. Lukasik: There are a number of comments that will address various infrastructure and we can call it infrastructure but what it constitutes is sewer, water, roadway, sidewalk, storm sewer and also stormwater management.

M. Blustein: We will put that in an agreement for Mr. Bacon to approve. Lot #1 on site five is the only site plan application before the Board. Mr. Frassetto doesn't have anything pending for lots #2 or #3. It would be more likely that the hotel would get built first and if it's not we're prepared to put an agreement together that's satisfactory to Mr. Bacon that says if lots #2 or #3 goes first then there's an agreement in place that what we're calling Public improvements will get taken care of by whoever goes first. It's anticipated that it will be the hotel site but if somehow something happens we will prepare an agreement for that. It makes sense for the applicant and it makes sense for the Town.

G. Lake: So, basically the hotel site would do all of the improvements for the whole ten acres?

M. Lukasik: That's correct.

G. Lake: And, if lot #2 comes first, they will do it for the whole ten acres?

M. Lukasik: The entrance roadway basically from Tower bring it to the back to the hotel site.

M. Blustein: We can do an agreement.

M. Lukasik: They're also modifying the existing retention and detention facility that is out there today.

M. Blustein: Your concerns are also Mr. Frassetto's concerns. We will take that into account.

T. Hamilton: Mr. Bacon, I've never heard of one lot having to put in everything for the whole parcel? This applicant is telling us that everything is in that agreement.

J. Bacon: I think the Board in the past has phased new construction projects however, if there is a previous agreement . . .

D. McGoey: Generally it's for a conventional subdivision and then the developer usually

guarantees a letter of credit.

M. Blustein: I'm here for a three lot subdivision application.

T. Hamilton: That's one of those lots so, we should be able to question what's happening on that lot.

M. Blustein: Absolutely.

Unidentified Person: I'd like to . . .

T. Hamilton: Name, please.

Gerry: I'm here on behalf of the hotel project. We'd like to address the Board that we will do the grading for the hotel, we will do the traffic light and we will do the stormwater management pond. If you give us the approval for the hotel that we're proposing but if we don't get approval to build the hotel on this lot then they will charge us and we can't afford to pay them for the road and all of the improvements. It will involve extensive site work, etc.

G. Lake: I think that's between . . . What we're worrying about is we always have this pretty basic standard agreement on how we build sidewalks, the light. I think that's all we're looking for to move forward here at this point. Of course, we still have the other which you say you don't have to do because of an agreement made fifteen years ago, which I thought was on the top of the hill to be honest with you.

A. Dulgarian: Can we get a copy of that on how much was paid and, why are we always in the dark?

M. Blustein: I'd be happy to send it to you.

G. Lake: I don't know but I think maybe that would surely help us.

D. McGoey: There's a copy of that agreement.

G. Lake: So, I guess that will be up to Mr. Bacon to look into and honor that the Town has established it. If our Supervisor signed it then we should have to abide by it. As far as getting this road in and getting that document in black and white the way we've been doing it for the past twenty years, I don't know what the big deal is. I think you should get it to Mr. Bacon so he can review it and then everybody knows what we're talking about.

M. Lukasik: Okay. It has been reviewed and it exists.

G. Lake: I really don't understand sometimes why we have conversation when this is something new. It comes up too much anymore. I think it's a simple thing. What ever the agreement that we have dealt with in the past, I don't see the reason to argue about it anymore.

M. Lukasik: I don't either and if we can boil it down to this Board wants to see the improvements better shown on the hotel plan or what we're calling public improvements at the moment, you want to see them on these plans?

D. McGoey: We want them on the subdivision plan.

M. Lukasik: When we're talking about this application standing here tonight, you want to see those plans. They're all designed and reviewed.

G. Lake: We want to see in black and white exactly what we've been doing.

M. Lukasik: We can put it on this plan, if that's what is going to make you look at it and be able to feel you can make an intelligent decision.

G. Lake: Mr. Bacon, I think you need to look at the old document and advise this Board and when he comes in here he doesn't have to be put on the spot on something that we're not up to speed on. If there's an agreement and he has certain rights to that agreement, he has it.

A. Dulgarian: Suppose he was expected to a certain amount of money and the agreement with the Town and that's all been done, suppose the money still isn't there to do the mitigation that is required to move this project forward, what do we do then?

G. Lake: I think that's what Mr. Bacon has to tell us. Let Mr. Bacon figure it out and figure it out once and for all. Let's get this done.

M. Blustein: One more quick point, posting a letter of credit I mean, this is not going to be a Town road. It's going to be a private road.

G. Lake: Let's get it straightened out once and for all. Any other questions? We will put you back on the very next time we meet. Get together with Mr. Bacon, please and we're going to table it for further action and then we will get you back on.

MOTION to TABLE for further review made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

7. **QUICKWAY SITE LOT #5** (Hotel) - Tower Drive (41-1-121 & 14.1) #114-05

G. Lake: Are we going to table the hotel at this time, also?

M. Blustein: I'd request that you not, to at least just cover a couple of quick items because we do have an extensive letter from your professionals.

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

M. Lukasik: My name is Michael Lukasik with Tectonic Engineering. We're going to knock out 3, 4, 8 through 14, 16 through 22, 23 to 25, 27 to 30, 34 to 36, 39. Item # 1, we will just start there. The attorney for the applicant is going to submit the respective language to you just to get the ball rolling relative to your concerns about the hotel site. Item #2, I did want to just quickly highlight on that one. Yes, we understand that there is an extensive retaining wall between the hotel site and also site #4. What we would like to do is provide a detail basically for both projects that gives you a pictorial understanding and a set of limitations as to how these two walls get done whether together, independently, one before the other. We talked about this quite a bit with the office so that everybody can be comfortable with the designs necessary for this wall. The only reason I don't want to do a complete design for the wall at this time is my client needs to have that wall designed by a wall manufacturer and the cost to build that wall. I can certainly stipulate to a number of design considerations I believe would satisfy your consultants.

D. McGoey: I'm not sure that's going to be acceptable to our office nor the Building Department.

T. Hamilton: What you're saying now is, what about the rights (not clear) and what it's going to look like?

M. Lukasik: Well, the wall footprint, which is on the plan, the thing is whether we choose a uni-lock wall or manufacture a key stone wall, a mason wall, etc.

T. Hamilton: The landscaping for the wall?

M. Lukasik: The one thing we can't do which was shone originally was a number of large trees within that wall. It will blow it out. We can't do that. That was something that should not have represented by that architect to this Board. It's not practical. We'll discuss it a little further. Going to item #7. We need some computations regarding the stability of the swale above the wall relative to the drainage that's being pumped into it from this site. Everything is stable. We can submit those computations. If, in any way, after reviewing those, if your engineer finds them to be insufficient we will go from there. Jumping to item #31 and talking to your landscape architect I understand that comments are forthcoming within the next couple of days. We'll review those. Item #33 was the signal which was also raised by Sell's. We will get plans together that shows the outlines. There's still some work that needs to be accomplished.

G. Lake: I still have to come to that traffic light. Again, I still think we should ought to get the guy across the street involved so everybody knows at least what we're talking about. I just think it would be easier for the Board to make sure we get something that works.

M. Lukasik: Okay. So, would it be helpful if my plan indicates Fisher's current signal to have a signal for both.

G. Lake: Yes. Why don't you contact them or go through Mr. McGoey.

M. Lukasik: Yes. We can show them both. So, basically you want to see the whole corridor?

G. Lake: Yes. We might be having at four red lights on a very short span and, they have to be set as one.

M. Lukasik: The last one, item #38 to answer your question why we made a dramatic modification to the drainage. The answer is we had a stormwater management system which was designed for both at near term construction and also an open development. The flows

that were pushed into the culvert underneath the roadway on the initial plan that was submitted were only the near term flows. It did not accommodate the other. There were a number of comments which we felt actually at this point are probably going to be better answered when we translate the improvements on to the subdivision plan. We will address those and of course incorporate those improvements on the subdivision plat.

G. Lake: Okay.

M. Lukasik: At this point, it sounds like we're headed for another work session meeting.

G. Lake: Unless the rest of the Board doesn't have anything else on this . . .

A. Dulgarian: Nothing.

R. Carr: Nothing.

W. Capozella: Is this, you said the underground utilities were excluded?

M. Lukasik: I don't know. We need to figure it out.

T. Hamilton: Nothing.

MOTION to TABLE for further review made by T. Hamilton and seconded by R. Carr.

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

8. **CERASOLI** - LOT LINE CHANGE - Shaw Road (7-2-14.1 & 14.2) #42-07

T. Hamilton: Your name for the record, please.

D. Yanosh: My name is Dan Yanosh, surveyor for the applicant.

T. Hamilton: Do you want to tell us what you want to do here?

D. Yanosh: This is the Cerasoli property on Shaw Road. I subdivided, if you look at the left hand side of the map, existing tax map 14.1 and 14.2. I subdivided that lot for the Cerasoli's back in 1999. Mrs. Cerasoli's daughter and son-in-law live on that lot, 14.1. Mr. Cerasoli passed away a couple of years ago and Mrs. Cerasoli still lives in the existing two-story house on tax lot 14.2. The family is afraid that when she passes away, they will have to sell that big piece of property which is now eleven (11) acres and they can't really subdivide the rest of the property anymore. The site is not that great. So, we want to do a lot line change and cut the existing two-story house down where Mrs. Cerasoli lives into a 1.75 acre lot where the existing house, well, septic and barn are on there and transfer the rest of the property to her daughter. We would swap 9.56 acres from one piece of property to the other. No new buildings or anything. The existing house, the carriage house is on the property right now, on 14.2. That would be conveyed over to lot 14.1 with the same existing rental house that's been there for years, pre-existing. They will share a driveway coming in right now, a big driveway that comes in between the existing two-story house and the carriage house. There were issues as to whether the zoning was okay with this.

J. Bacon: Mr. Yanosh, the way I read the code is that under 249-(not clear), and you would have to go by the soils formula to determine the size of the lot.

D. Yanosh: Under the soils?

J. Bacon: Yes. Right now the two-story house, now you're going to be adding this guest house on that lot to the other (not clear).

D. Yanosh: This exists today with the carriage house on.

J. Bacon: You have an existing non-conforming now of which you're changing.

D. Yanosh: We're not adding more lots, it is going to lot #1.

A. Dulgarian: But, you're creating a non-conformity.

J. Bacon: And then he needs to look at the soils formula for lot #2 to make sure it conforms. I know you have plenty of room there.

D. Yanosh: So, you did adopt the new zoning?

J. Bacon: Yes.

D. Yanosh: The old one didn't say.

J. Bacon: It's in the two-family section.

D. Yanosh: I went to two-family which said 1.75 acres which is where I put it.

J. Bacon: The minimum of 1.75.

D. Yanosh: And, that's what I've done.

J. Bacon: Just check the soils to make sure it meets the new zoning.

D. Yanosh: Okay.

G. Lake: So, do we have to send him to the Zoning Board of Appeals or not?

J. Bacon: Yes. He's got to go to the Zoning Board of Appeals.

G. Lake: I will go through the Board.

A. Dulgarian: No.

R. Carr: No.

W. Capozella: You have a driveway easement there. When you do the lot change are you going to need that driveway easement?

D. Yanosh: Yes.

A. Dulgarian: So, you're splitting that driveway down the middle with that new lot line?

D. Yanosh: Yes. The carriage house would enter off of Shaw Road up the same driveway as the existing. It's a common driveway. It's a big wide driveway and the line goes down the middle. It just gives somebody the right to cross over the front and back, that's all.

T. Hamilton: Nothing.

MOTION to refer applicant to the ZONING BOARD OF APPEALS made by R. Carr and seconded by T. Hamilton.

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

9. **COOPER** - 2 LOT SUBDIVISION - Route 302 (10-1-2.21) #29-05

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

D. Yanosh: My name is Dan Yanosh, surveyor for the applicant.

G. Lake: Go ahead.

D. Yanosh: This is Lendle Lane is Circleville. A couple of years ago we went to the Town Board and requested an open development area for the property. We did get that. I can give you the minutes from the Town Board. We did adopt that in January 2006.

G. Lake: This was approved by the Town Board?

D. Yanosh: Right. Again, we're making the lands of Nickolson and Phillips larger than what exists today. The remaining lands of Cooper will be cut into two lots, one more lot really. We would be creating one more lot, extending the private road up into the back to service both of lots in the back. The lands of Fontana, tax lot #10, after we did the survey and stuff we found out he built his garage over the line. So, we have to correct that problem and give him a small portion of land add to this property to make it legal so he can sell his property.

T. Hamilton: Is it still Fontana?

D. Yanosh: It's still Fontana, yes. He wanted to sell the property and he found out his garage was wrong. I have no problem with Mr. McGoey's comments. I know we're in the process now with the Department of Environmental Conservation as to what we can do with our driveway going back through there. There is one that goes back there now that Mr. Cooper has upgraded over the years. Now, that we found this piece of wetland, we do have an application in so, we will work that out.

D. McGoey: And, you didn't show . . .

D. Yanosh: When they tell me what I can do with . . . The rest of the comments, I have no problem with.

G. Lake: Mr. Bacon, he went and got an approval from the Town Board, does that stay in affect?

J. Bacon: I think it would be a good idea for us to write a letter to the Town Board and see if they have a problem with it.

G. Lake: Why don't you contact the attorney.

J. Bacon: And, with the new zoning in affect, we should make sure.

G. Lake: I think this was done when a couple of Town Board members were there. So, why don't you contact Mr. Mackay and explain it to him.

D. Yanosh: I know Mr. McCarey was there. They were all there.

G. Lake: I would think it would be in affect, yet.

J. Bacon: I don't know why it wouldn't be.

G. Lake: Check with Mr. Mackay on that. Do we need to schedule a Public Hearing for this? Do you have any problems with any of Mr. McGoey's comments?

D. Yanosh: No.

G. Lake: Let me go through the Board.

A. Dulgarian: No.

R. Carr: No.

W. Capozella: Okay, I'm back to that easement again. Lendle Lane, what way are they coming in?

D. Yanosh: Showed Mr. Capozella on the map.

W. Capozella: What's this one?

D. Yanosh: This is an old easement that went to the back of this property when this property was subdivided many years ago. This was done back in 1935.

W. Capozella: Nothing else.

T. Hamilton: Nothing.

MOTION to schedule a PUBLIC HEARING for October 17, 2007 made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

10. **FIDANZA** - SITE PLAN REVISION - 491 Route 17M (38-8-9) #01-06

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

M. Olsen: My name is Mark Olsen representing the applicant.

G. Lake: Go ahead.

M. Olsen: We've been in front of the Board a couple of times. We sought a variance and received it for the use on the second floor. The assumption was that as far as the zoning indicated that there could only be one residence and my client fault it and since there were already two residences it was granted. We've located it on the drawings now. We're also eliminating some of the uses of the building so that it meets the parking requirements. The landscape company that works out of this building stores their equipment on the lot so there's very little availability for parking.

G. Lake: Professional office, what kind?

M. Olsen: Professional office as defined by the zoning, I guess. It could be architect, engineer, lawyers, any number of things.

G. Lake: Mr. McGoey, Doctors don't fall underneath that, do they?

D. McGoey: No. They would fall under a medical office.

G. Lake: Okay. Mr. McGoey, did you . . . You say you needed eighteen parking spots, and you have sixteen.

D. McGoey: He has the required amount, eighteen.

M. Olsen: That's true.

D. McGoey: Okay.

G. Lake: The whole back there, that's fifty feet of landscaping?

M. Olsen: Well, I actually drove by there tonight because I wanted to see what they're after hours storage was. There's a lot of equipment there.

G. Lake: Mr. McGoey, your item #4, do you think the variance they received ran out?

D. McGoey: Well, I just mentioned it to Mr. Bacon. The second residence already exists. They obviously got a retroactive variance.

M. Olsen: We received the variance in June 2006.

G. Lake: Let me go through the Board.

A. Dulgarian: I still think it's awful busy for that building. I was concerned initially that the landscaping is out in the right-of-way off the property but then my concern wasn't that great when I saw that the building is actually out in the right-of-way.

G. Lake: If you look at a lot of maps of the Washington Heights area you will see this a lot.

A. Dulgarian: The building?

G. Lake: Oh, yes. Maddy's Diner is actually where the road is supposed to be. McCarey's Car Wash, there has always been an argument.

A. Dulgarian: It's no big deal that the building encroaches into the roadway?

G. Lake: If it were any other place in the Town but the building has been there for a long time. That's only my personal feeling.

A. Dulgarian: I know that there's stuff parked all over there. I guess he meets the code on the parking. I just know that all that equipment is going to be outside the gate and along the roadway at some point.

M. Olsen: If it's any consolation, it will all be inside the gate.

T. Hamilton: Where do the employees park?

M. Olsen: I don't know to tell you the truth.

A. Dulgarian: That's a valid question.

G. Lake: During the day, I don't see a lot of cars out back.

R. Carr: It's a lot but it's existing. I don't have a problem.

W. Capozella: Nothing else.

T. Hamilton: Nothing further.

G. Lake: I don't have anything either. It's been there for a long time.

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

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

MOTION for SITE PLAN REVISION subject to all of Mr. McGoey's comments and this Board's comments made by W. Capozella and seconded by R. Carr.

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

11. **SAWKA** - 5 LOT SUBDIVISION - 57 Hubbard Road (6-1-24.23) #48-02

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

E. Johnson: My name is Ernest Johnson, the surveyor for Mr. Sawka.

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

E. Johnson: We're back to get a re-approval of the five (5) lot subdivision that Mr. Sawka had on Hubbard Road.

G. Lake: Did your approval run out?

E. Johnson: Yes.

G. Lake: Totally?

E. Johnson: Yes. When we came to the last one we had an extension and Mr. Bacon explained it to me. We made changes to agree to the new zoning to make them three (3) acre lots.

A. Dulgarian: Same number of lots?

E. Johnson: Same number of lots but we just re-configured them.

T. Hamilton: The new zoning?

E. Johnson: Yes.

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

E. Johnson: Yes I do.

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

E. Johnson: Sure. Item #1 is just basically stating that we re-submit with a new application. That's fine. Item #2. Mr. Sawka has done some of the improvements on building the road. Item #3. We have no problem with that. We'll incorporate the stormwater management facility into the maintenance agreement. I've already seen the Sell's report. Mr. McGoey, I already started to put the notes on. I got the new stormwater regulations from the Town.

G. Lake: Hold up a minute. You're going to have time to straighten them all out anyway. We're going to need a Public Hearing on this, don't we?

E. Johnson: Right.

G. Lake: How about, is this an open development?

E. Johnson: Yes, it's an open development.

G. Lake: Mr. Bacon?

J. Bacon: Yes.

G. Lake: Does that stay in affect, also?

J. Bacon: I don't see why not.

MOTION to schedule a PUBLIC HEARING for October 17, 2007 made by A. Dulgarian . . .

W. Capozella: Wait a minute. I have a question.

G. Lake: Yes, I'm going to come back to you. Go ahead.

W. Capozella: Just on the front you're supposed to need three acres, right?

E. Johnson: Right.

W. Capozella: If you look at lots #3 and #4, you're showing less than three acres. Am I reading that right?

E. Johnson: No. That's just the total under the environmental factor. The lot widths are up on the top.

W. Capozella: Okay. Very good.

G. Lake: Mr. Dulgarian, do you have anything, I got ahead of myself?

A. Dulgarian: No.

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

W. Capozella: No.

D. McGoey: I think Mr. Bacon should research whether the new lot requirements apply. If the engineer doesn't come in the next time, we've been asking that the engineering details be complete. I haven't seen them yet. My field engineer keeps telling me the topography isn't right, etc.

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

D. McGoey: Yes.

E. Johnson: Mr. Lake, can we ask one more question before we leave?

G. Lake: Sure, go ahead.

E. Johnson: One of the comments that Mr. McGoey had was about the lighting district in there.

G. Lake: Yes.

E. Johnson: Are we going to have to proceed with a lighting district. I mean, there's no another light anywhere out there on the whole development or anywhere around Hubbard Road?

G. Lake: I always like it just for safety.

D. McGoey: What we've been asking for them to put the infrastructure in for it and, you need a drainage district.

E. Johnson: It's a private road.

MOTION to schedule a PUBLIC HEARING for October 17, 2007 made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

TOWN OF WALLKILL PLANNING BOARD

AUGUST 15, 2007

R. Carr: Aye

W. Capozella: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES