

TOWN OF WALLKILL PLANNING BOARD

MEETING

AUGUST 19, 2009

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

MEMBERS ABSENT: None

OTHERS PRESENT: J. Bacon, W. Hauser

1. PUBLIC HEARING 7:30 P.M. - **SCHLEIER** - 4 LOT SUBDIVISION - 237 Derby Road (21-1-44.32) #09-08

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

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 99 Tower Drive, Building "A", Middletown, New York 10941 in said Town on the 19th day of August, 2009 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Sylvia Schleier, 237 Derby Road, Middletown, New York 10940 for approval of a four lot Residential Subdivision, located on the West side of Derby Road, 3,500 + feet West of Van Burenville Road, under Article III, Section 4, Paragraph G of the Subdivision Regulations of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

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

D. Yanosh: My name is Dan Yanosh, surveyor for Mrs. Schleier.

G. Lake: Give us a brief description.

D. Yanosh: This will be a four lot residential subdivision. We have one existing house on the property which is on lot #3. There will be 76.6 acres for that one. We will be putting in a Town road, six hundred twenty one feet of a new Town road. Three lots with three new houses on lots #1, #2, and #4. Lot #1 would be 3.87 acres. Lot #2 will be 3.79 acres. Lot #4 will be 6.99 acres and each will have a single family house with their own well and septic system.

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

A. Dulgarian: After.

H. Ross: After, please.

R. Carr: I will wait.

W. Capozella: After.

C. Najac: After.

T. Hamilton: After.

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

MOTION to close this PUBLIC HEARING at 7:33 P.M. made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

G. Lake: Mr. Yanosh, Mr. McGoey's comments are a considerable amount.

D. Yanosh: Yes. A lot of them are for details. The septic systems with Eustance & Horowitz. I did talk to Mr. Lippert about my road. I do have seventy feet of right-of-way

going out to Derby Road. I talked to him about that and what I'm probably going to do is make my entrance, the dedication to the Town at 74.96 foot of road frontage out there and give it a wide strip to go back to reach the utilities. So, I will design that road a little bit better to take care of the details that Mr. McGoey wants on that situation.

G. Lake: Mr. McGoey's comments, I don't think we have to go through each one of them.

D. Yanosh: I have no problem with any of them.

G. Lake: Are there any of them that you would want to talk about?

D. Yanosh: None of them really. The only one item #19 about the test wells. I guess that is something that Eustance & Horowitz can look at when we review the septic systems with them. I believe we can start that with them right now between Preliminary and Final approval.

G. Lake: I think the test wells are done by the Health Department, aren't they?

D. Yanosh: That's if they want to. This is not a Health Department submittal.

W. Hauser: The Health Department would be for a five lot subdivision and this is a four lot subdivision.

G. Lake: Let me go through the Board.

A. Dulgarian: No real problems with the subdivision. Just Mr. McGoey's comment about no further subdivision on lot #3.

D. Yanosh: I should have done that. It was my mistake, yes.

H. Ross: That was one of my questions.

R. Carr: I have no problem with it. I still would have preferred a project like this to have a private road.

W. Capozella: Nothing to add.

C. Najac: Nothing further.

T. Hamilton: Have you seen Mr. Lippert's comments about the note?

D. Yanosh: That's a normal note anymore. He has four comments.

T. Hamilton: And, the road to be staked out in the field so that visual observations of existing conditions can be reviewed.

D. Yanosh: Mr. McGoey's note #10 states a road opening permit and a site meeting with the department.

T. Hamilton: The centerline stakeout?

D. Yanosh: I talked to Mr. Lippert today. I might move the road over to the left a little bit more to utilize my driveway that's there right now to give them a wider strip through there. I will be working on that.

T. Hamilton: And, the other signage?

D. Yanosh: He had no problem. He said all we're probably going to need is a street sign. He said there was no need for a speed limit sign out there. I talked to him today.

T. Hamilton: The fifteen inch drainage pipe?

D. Yanosh: When I talked to him today he said when we get into the construction and stuff like that. My engineer will be doing some more drainage. That was one of Mr. McGoey's comments under the stormwater management. He's on vacation and hasn't had a chance to look at the whole thing. We have to go to Eustance & Horowitz and he said he had no problem.

G. Lake: I guess you might convince the Conservation (not clear). I guess we can give you a Preliminary and get you back to another work session.

W. Hauser: Mr. McGoey has indicated that no action be taken.

G. Lake: How come?

W. Hauser: Because of the volume of his comments. That doesn't mean the applicant can't continue to work on the project.

G. Lake: Let's get you back to a work session and get it cleaned up. You know the Public

Hearing is closed. Do you waive the sixty three days?

D. Yanosh: Yes.

G. Lake: You should be able to get on a work session fairly quickly.

MOTION to TABLE for further review with applicant waiving the sixty three day time frame made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

2. PUBLIC HEARING 7:35 P.M. - **OMNIPOINT** - SITE PLAN/SPECIAL USE PERMIT - Wisner Avenue (50-2-26.22) #66-07

G. Lake: Public Hearing started at 7:39 P.M. M. Hunt read the Public Hearing notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York will be held at the Town Hall at 99 Tower Drive, Building "A", Middletown, New York 10941 in said Town on the 19th day of August, 2009 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of T-Mobile Northeast LLC f/k/a Omnipoint Communications Inc, 4 Sylvan Way, Parsippany, New Jersey 07054 for approval of a Special Use Permit and Site Plan to locate a wireless telecommunications facility at 100 Carpenter Avenue (on the North side of Wisner Avenue), under Chapter 221 of the Town Code and Section 249-39 and 249-40(B) 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.

T. Bonomolo: My name is Tara Bonomolo. I'm an Attorney with the law firm of Snyder and Snyder LLC representing the applicant.

G. Lake: I assume that you're aware that we didn't get any new maps?

T. Bonomolo: We didn't submit new drawings because new drawings aren't required but we did submit the new coverage map to you that were requested.

G. Lake: Okay. I think there was a slight misunderstanding. We're going to go ahead with the Public Hearing. This has been published and everything and then we're going to have to table you and get you back on another work session. There are a couple of comments from Mr. McGoey had and maybe you can touch on those tonight.

T. Bonomolo: Yes, that would be great because actually spoke to Mr. McGoey and we had discussed the main thing that was outstanding which was the coverage map at the additional site. I explained to him that we had submitted those at the end of July and he indicated that he didn't receive them. I spoke with the Planning Department and they indicated they had been forwarded. Apparently there was some mis-communication somewhere but it was my understanding from Mr. McGoey that was what he was waiting for so I don't know what the other issues might be.

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

A. Dulgarian: I will wait.

H. Ross: After please.

R. Carr: I will wait.

W. Capozella: After.

C. Najac: After.

T. Hamilton: After.

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

MOTION to close this PUBLIC HEARING at 7:41 P.M. made by H. Ross and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

G. Lake: You've already explained the coverage map. Let me go through the Board.

A. Dulgarian: Nothing additional. I was under the assumption we were going to table it.

H. Ross: We had a question to see the difference which apparently to me is not much between the next twenty feet on the tower. We did get a clarification of Mr. McGoey that we take no action at this time.

T. Bonomolo: If I may, as the last meeting Omnipoint T-Mobile would be willing to construct the tower at the proposed height of one hundred and eleven feet but make sure that the foundation of the tower could structurally handle a twenty foot extension if another carrier was to come in and needed the additional height. So, in other words you don't see a significant difference in height from T-Mobile (not clear)? If a carrier were to need that additional height the pole would be constructed so that it could accommodate another carrier.

G. Lake: It would be very similar to what we have out back. Anything else, Mr. Ross?

H. Ross: No.

R. Carr: I have no problem. The applicant is only looking for one hundred and eleven feet based on the coverage map it doesn't look like a twenty foot or thirty foot higher doesn't increase the area that much.

W. Capozella: I don't really have anything. We will need a note for the construction of the pole.

C. Najac: On the additional height just make sure you can meet the setback requirements.

T. Bonomolo: Yes.

T. Hamilton: So that if it does goes higher that it's not going to be closer than what it should be.

T. Bonomolo: Right. Your setback requirements is the height of the tower plus sixty feet so let's say we would increase it to one hundred thirty one feet, the setback would then be one hundred eighty one feet and we are more than two hundred and fifty feet from the property line.

T. Hamilton: And to have additional space at the bottom for any additional user.

T. Bonomolo: Yes, it's a twenty five hundred square foot so it could accommodate additional equipment at the base of the tower.

G. Lake: Mr. Hauser?

W. Hauser: The question that at one hundred and eleven feet and as stated by one of the Planning Board members that you have now provided the coverage map that you can take one hundred and eleven feet and that is your maximum coverage that can be obtained at that height and any increase from that one hundred and eleven feet (not clear).

T. Bonomolo: That is true.

W. Hauser: I would suggest that it be documented and stated to the Board that one hundred and eleven feet is your maximum level and that no better coverage can be obtained by going higher.

T. Bonomolo: It's marginally better coverage.

W. Hauser: In other words an additional half a percent doesn't . . .

T. Bonomolo: Right. Our position is the coverage that comes from the increase is marginal coverage. If the Board found that, that increase (not clear) we would build it higher but we feel we had proposed it at one hundred and eleven feet and we feel that's the height that would optimize our coverage and won't have an impact on the area.

W. Hauser: To make that statement, the Board members are not experts in telephone coverage.

T. Bonomolo: We had submitted a sworn affidavit from our engineer stating that this site remedies our gap.

W. Hauser: And, that covers . . .

T. Bonomolo: Yes.

W. Hauser: The design for additional users . . .

T. Bonomolo: At twenty feet above? Well, first of all the tower itself is proposed at one hundred and eleven feet is constructed and designed for four additional carriers to co-locate. That would be below. In addition we could construct a twenty foot extension to that tower and that would probably be the maximum.

W. Hauser: How many additional carriers would that allow?

T. Bonomolo: That would allow two slots for antennas.

W. Hauser: So, we're talking about six additional carriers on this tower?

T. Bonomolo: That would be the maximum.

W. Hauser: Which I think is reasonable.

T. Hamilton: Listening to that now the four slots on the space below you is that going to give anybody any coverage? Are you going to be able to help anybody?

T. Bonomolo: It might. I mean other carriers operate at different frequencies and have different coverage patterns so some carriers may be able to go lower. Your code requires co-locations.

T. Hamilton: I'm just worrying about giving twenty feet for two locations and four that are lower and maybe none of these other carriers would help at all so, at the most we may only get two.

T. Bonomolo: I can't speak for the other carriers.

G. Lake: Let's go back to another work session and send Mr. McGoey all of our comments and get it straightened out.

T. Bonomolo: Can I just ask what is the point of the work session and what's going to be resolved?

T. Hamilton: So that he sees the plans and everything that he has requested so he can review.

T. Bonomolo: I don't think that there are any other plans.

W. Hauser: Let me just understand now. You say you have a coverage map. I think that's what he is concerned about. In my file here I'm not sure we got copies of that. That is the information he is looking for and for certification by the applicant that there is that the coverage at one hundred eleven feet is what he was waiting for. That is why he has taken the position that he doesn't recommend action at this time. I don't have a problem with you taking an action as long as the applicant were willing to answer any questions that may come up.

G. Lake: Do you want to look at this real quick Mr. Hauser?

T. Hamilton: Can I ask you a question about that? Mr. McGoey's comments from August 11, 2009 states that basically he hasn't received the plans and reports in accordance with his requests by our office.

T. Bonomolo: It was filed July 1st. That's the only one I've ever seen.

G. Lake: I will now go through the Board for any other questions.

A. Dulgarian: Yes. On this map you submitted the yellow dot is representative of the tower locations?

T. Bonomolo: I believe that the yellow dot is the pole locations.

A. Dulgarian: Yes, but right now that's right in the carpet network building.

T. Bonomolo: Yes. It's at the old location at 254 Wisner Avenue.

A. Dulgarian: I'm questioning the accuracy of this. So, where is it in relationship to this?

T. Bonomolo: It should be about here. You can see the race track.

A. Dulgarian: That's it Mr. Lake. I think that's what he is talking about, the boundaries between property lines and such.

T. Bonomolo: I picked that up myself.

G. Lake: Mr. Hauser?

W. Hauser: It would appear that the submission which was dated June 9, 2009 is still lacking some details for the retaining wall construction, things like that. This was brought up in Mr. McGoey's memorandum that he hasn't received anything that explains his comments.

T. Bonomolo: Right. Our engineer had spoken with Mr. McGoey and we also had a discussion at our last meeting that information regarding the structural for the tower and also for the retaining wall is part of the technical portion.

G. Lake: You need to give this Board that information before we act.

T. Bonomolo: What we discussed at the last meeting was specifically that Omnipoint would not undergo a geo-technical investigation before the site was approved and that these would be done as a condition of approval before the signing of the Site Plan by the Chairman. That is what we also discussed with Mr. McGoey.

W. Hauser: I'm not if the Planning Board can grant an approval conditional upon . . .

G. Lake: Right.

T. Bonomolo: We can't define the details without a geo-technical investigation.

W. Hauser: As a Planning Board I believe it is vital to rely upon an applicant to submit the necessary details because it is part of your design and I'm not sure that the Planning Board should be put in a position that they should render a decision with some conditions that are based on the geo-technical investigation. You do have Sketch Plan.

T. Bonomolo: It was my understanding talking with Mr. McGoey that it was how we were going to proceed with respect to the outstanding items.

G. Lake: The Board isn't going to approve without seeing a map showing what is supposed to happen on the site. I apologize if there was a misunderstanding there but at this point as Mr. Hauser just said looking at that and unfortunately Mr. McGoey isn't here tonight.

T. Bonomolo: Right. If I can get some clarification after this meeting.

G. Lake: What I will do we will table you this evening and get you back to another work session. We're not that busy and then we will try and clean this up. We never approve anything without looking at a map. I would not sign it on a subject to where we're waiting for something.

T. Bonomolo: That is exactly what Mr. McGoey said that we would not be able to get the plans signed but that we could have an approval.

G. Lake: The Board has a right to look at that map. They might find something they don't like. I don't know. We're used to having maps.

T. Bonomolo: If I can speak with Mr. McGoey with the understanding that we proceed for another work session.

G. Lake: We will get you on immediately.

T. Bonomolo: To get in touch with him and figure out how we're going to proceed.

G. Lake: I believe he will be out until next week. Do you waive the sixty three days?

T. Bonomolo: Yes.

MOTION to TABLE for further review made by T. Hamilton and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

3. **ACCESS MINI STORAGE** - SITE PLAN/SPECIAL USE PERMIT - Extension to Final Approval - Gibbs Court (50-2-66) #56-06

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

G. Bergman: My name is Gerald Bergman with Clough Harbor Associates representing the applicant Access Mini Storage.

G. Lake: Mr. Bacon, did you look at this?

J. Bacon: The Special Use Permit, we can extend it but it will expire on January 3, 2010 and the Site Plan provided by the Board's discretion.

G. Lake: Okay. So, you're looking for an extension. Can you give us a reason?

G. Bergman: The economy.

G. Lake: Let me go through the Board.

A. Dulgarian: If counsel advises that it's okay to do it, I don't have a problem.

H. Ross: Is this the final?

G. Lake: It is the final extension, I believe.

J. Bacon: For the Special Use Permit.

H. Ross: And, if they don't start?

G. Lake: They start all over again.

H. Ross: Okay.

R. Carr: I have no problem.

W. Capozella: I don't have anything except for Mr. McGoey's comments.

G. Bergman: They're mostly housekeeping items and we will fix it up.

C. Najac: Nothing.

T. Hamilton: Nothing.

G. Lake: I don't have anything.

MOTION for an EXTENSION to FINAL SITE PLAN/SPECIAL USE PERMIT until January 3, 2010 made by T. Hamilton and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

4. **STUDIO AYO FITNESS** - SITE PLAN/SPECIAL USE PERMIT - Caldor Plaza - 360 Route 211 East (50-1-36) #32-09

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

J. O'Rourke: My name is John O'Rourke with Lanc & Tully Engineers representing the applicant.

G. Lake: Go ahead.

J. O'Rourke: I'm here basically for the next two items. Remember this is the Caldor Plaza internal to the building and it is an adult fitness center basically aerobic, dance. They bring their own mats. It will have showers and is approximately three thousand five hundred square feet. It's part of the project as we're going along including the Caldor Plaza with the section for one parking island, landscaping, curbed, striping and re-paving.

G. Lake: Okay. Now that's going to follow along the agreement.

J. O'Rourke: Yes.

G. Lake: And, the owners realize they are responsible to continue on to the next step.

J. O'Rourke: Yes. If you remember in the Developer's Agreement, this is Phase II. Jumping Jake was Phase I.

G. Lake: I just wanted to get that stated up front on the records so it's on the tape and in the minutes so there are no questions about it. Go ahead.

J. O'Rourke: Basically we're here before you. I received Mr. McGoey's comments. Comment #1 relates to the Certificate of Occupancy for the studio is that the landscape island and parking be installed. We have no objections. That makes perfect sense. So, prior to the issuance of a Certificate of Occupancy, that would be installed. Item #2 relates to your Attorney as to whether a Public Hearing is required.

G. Lake: We already discussed that. Go ahead.

J. O'Rourke: Comment #3 relates back to Comment #1 about the Certificate of Occupancy requirements prior to the issuance of any Certificate of Occupancy. Between that and the Developer's Agreement we feel that the Town is pretty well protected.

G. Lake: I will go through the Board.

A. Dulgarian: Quickly if you will, walk me through what improvements will be done in the parking lot for Jumping Jake, for Studio Ayo Fitness and then NGO Day Spa. Obviously this is a phasing for you to re-calculate them all.

J. O'Rourke: That's correct.

A. Dulgarian: And we're looking at the corresponding phasing is going out on the improvements of that lot.

J. O'Rourke: That's correct. There was an overall improvement plan that was prepared and then each tenant as we get more tenants we're doing different sections basically relating to the parking requirements. Jumping Jakes will be to the right of that. The heavier dark area is for this plan.

A. Dulgarian: And then the next one moves to the left?

J. O'Rourke: Yes.

A. Dulgarian: What about overall site improvements?

J. O'Rourke: All site improvements relates to the Developer's Agreement and once we meet fifty percent occupancy the site improvements are done and we have a separate . . .

A. Dulgarian: And, fifty percent is by the number of units or the number of square feet?

G. Lake: Mr. Bacon?

J. Bacon: I believe it's by the number of square feet.

A. Dulgarian: I just wanted to make sure that was what we discussed. Good. So, you are

moving along and we will get another viable property back. Mr. Lake, if you're asking me what I think, I think it's a good use. I'm happy to see something happening in there and I think it's good for the Town.

H. Ross: I have one question on Mr. Lippert's comments about the project accessing Route 211 and Carpenter Avenue which are New York State and Orange County Roads respectively. As such, their specifications and permits govern. Aren't we giving the main drive to the mall?

G. Lake: A small section of the main drive and I forget exactly where the line is, is right now a Town road. For the last few years, I don't think the Town has done anything to maintain it but the Town is going to turn it over to them.

H. Ross: I wanted to make sure.

J. O'Rourke: The main access is pretty much all the way up to the building as a Town road at this point.

A. Dulgarian: All the way?

J. O'Rourke: Within fifty feet, yes.

H. Ross: Mr. Lippert is contingent that it's not correct yet but will be shortly.

J. O'Rourke: It is now. We will take it back.

G. Lake: Anything else, Mr. Ross?

H. Ross: No.

R. Carr: I think it's going good. My only concern would be in moving forward across the parking lot. That I think we have to look at what we're going to look for. We went along with this parking because we had Jumping Jake and we didn't want to delay them anymore. We had some islands in here. I just want to see this continued on and you did a great job getting the drive in by Cheeseburger In Paradise. I just don't want to see the same thing. We never really did look.

G. Lake: I'm not really sure about that. I thought there was an overall . . .

R. Carr: I think we said we would not tie it in.

A. Dulgarian: We didn't want it wide open.

R. Carr: Yes. We did not talk about any curbing.

G. Lake: In this Developer's Agreement on this parking lot, didn't we address the whole parking lot?

J. Bacon: We did have an overall Site Plan that we had approved.

G. Lake: I think we did Mr. Carr.

R. Carr: At the time I think we said that part of that I mean we weren't going to hold up Jumping Jake.

A. Dulgarian: So we left it open.

R. Carr: Yes. Let's re-visit this whole big area.

J. O'Rourke: That's all designed.

R. Carr: Sometimes when we do these things we do it to try and accommodate Jumping Jake getting in there quickly but I believe we really didn't want to get tied in with it just being re-stripped.

J. O'Rourke: There's an overall plan that shows landscaped planters across this entire along with planters along this access road. I don't want to get into it now but there was an overall map that showed landscaping of the entire parcel.

R. Carr: That's my only concern because I remember at the time.

J. Bacon: It was supposed to be flexible if the Board felt that there should be some additional things that need to be done.

J. O'Rourke: I don't think we have a problem with that.

R. Carr: We never really got into the details. The stuff being done in front of Jumping Jake and these two proposals I have no problem. It is an improvement but I look at this and I couldn't tell you what those plants are.

J. O'Rourke: What I would offer, obviously the next time we appear before this Board we're going to be over the fifty percent so at that time I think we can answer.

R. Carr: Okay. I will be happy with that.

G. Lake: Mr. Carr, anything else?

R. Carr: No, that's it.

W. Capozella: We're heading in the right direction.

C. Najac: I also have to say we're moving in the right direction.

T. Hamilton: Can we get the correct wording on that?

G. Lake: The next item is also this and we would continue to look at the landscaping and drainage on the next phase.

T. Hamilton: Are they phasing?

G. Lake: Yes. I would consider it phasing. Anything else, Mr. Hamilton?

T. Hamilton: No.

G. Lake: I don't have anything to add.

MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments and this Board's comments and to keep open the option of looking at the landscaping and the parking lot with the next applicant made by H. Ross and seconded by W. Capozella.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for SITE PLAN/SPECIAL USE PERMIT subject to all of Mr. McGoey's comments and this Board's comments and to keep open the option of looking at the landscaping and the parking lot with the next applicant made by T. Hamilton and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

5. **NGO DAY SPA** - SITE PLAN/SPECIAL USE PERMIT - Caldor Plaza - 360 Route 211 East (50-1-36) #34-09

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

J. O'Rourke: My name is John O'Rourke with Lanc and Tully Engineers representing the applicant.

G. Lake: Go ahead.

J. O'Rourke: This is a repeat of the prior applicant.

G. Lake: I will go through the Board.

A. Dulgarian: Nothing additional.

H. Ross: Nothing additional.

R. Carr: Nothing additional.

W. Capozella: Nothing additional.

C. Najac: Nothing additional.

T. Hamilton: Nothing additional.

G. Lake: I don't have anything.

MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments and this Board's comments and to keep open the open of looking at the landscaping and parking lot with the next applicant made by A. Dulgarian and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for SITE PLAN/SPECIAL USE PERMIT subject to all of Mr. McGoey's comments and this Board's comments and to keep open of looking at the landscaping and the parking lot made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

6. **TETZ/PHILLIPSBURG** - SITE PLAN REVISION - 63 Cemetery Road (78-1-29)
#35-03

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

R. Winglowitz: My name is Ross Winglowitz with Engineering Properties representing the applicant.

M. Blustein: My name is Michael Blustein, Attorney with Blustein, Shapiro & Rich.

G. Lake: Go ahead.

M. Blustein: This is just a modification to the approved Site Plan. The two additional silos are being added to provide different types of mixes for different type of customers otherwise there are no other changes.

G. Lake: Several of us did visit the site. For the members that were unable to visit, there would be no new construction. That's one thing I went to look at when they told me of their problem. I was just curious to see if any digging was going to go on. Everything is there. I did call some of you. I will now go through the Board.

A. Dulgarian: My understanding is that the footings are there or the foundation. It's just a matter of putting the silos up. I think it's a very minimal change.

G. Lake: Again, it was brought to my attention and that's something I did go down and see so I could stand here and tell the rest of you what was there and not.

H. Ross: It's not like their increasing anything.

R. Carr: I have no problem with it.

W. Capozella: No problem.

C. Najac: No problem.

T. Hamilton: Any increase in capacity?

M. Blustein: There is no increase in capacity.

T. Hamilton: Nothing else.

G. Lake: I don't have anything else.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for SITE PLAN MODIFICATION subject to all of Mr. McGoey's comments and this Board's comments made by R. Carr and seconded by T. Hamilton.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

7. **AIDEN ESTATES** - 15 LOT SUBDIVISION - Bart Bull Road (31-1-29.4) #81-02

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

T. Olley: My name is Thomas Olley, Engineer for Aiden Estates representing the applicant.

G. Lake: Go ahead.

T. Olley: The main issues that were outstanding was in a clarified memorandum that had come down from the planners the day of the Public Hearing back in May and we've had a couple of work sessions and the last one was represented by Behan, Mr. Bacon and the

Chairman. We went through the procedure and at the end we all agreed that the lot count that we had come up with was arrived at by the proper procedure by the code. Mr. McGoey's review letter indicates this in his first item. The second item in Mr. McGoey's comment letter is a reference for Mr. Bacon. The comments, #3, #4, and #5 refers to your language. Item #3 is whether or not we have to redo the waiver on the cul-de-sac length. The last time we were here we demonstrated it was within the guidelines and so forth. Just from the applicant's perspective if that should be put in a resolution and if so, we are so inclined to do that this evening. Mr. Bacon had brought up a court case regarding the adequacy of checking with the Natural Heritage on the flora and fauna. We did have a biologist come out at the site and do a study in regard to endangered species and threatened species. He submitted that to the Board I believe in the May submission and it indicated there were no habitats of endangered or threatened species on the site. I think he's just looking for you to indicate that it was adequate for SEQRA purposes. Comment #6, Mr. McGoey in his last review in reviewing the Environmental Assessment Form questioned whether or not herbicides and pesticides would be used. We indicated in the Environmental Assessment Form that as part of the development of the site it would not be used but there was no way we could make sure that they would. Homeowners in keeping their home and gardens may indeed use it. Mr. McGoey was just looking to get some guidance from the Board whether or not because of that note that we had placed that the Environmental Assessment Form should be incorporated in the plan. Whatever your pleasure is on it.

W. Hauser: We're suggesting that you do.

T. Olley: Okay. We'll go ahead and do that. We got a copy of Mr. Lippert's review. Apparently when we submitted the plans the Planning Board didn't get it over to Mr. Lippert or he didn't review it. We did address all of his comments. We will check in again with David Fritz to make sure that it has been taken care of.

G. Lake: Check with him between now and final.

T. Olley: I had a conversation with Mr. Lippert two weeks ago and we went over all of the changes and he was comfortable with them but obviously you don't have anything.

G. Lake: Let's get a letter.

T. Olley: Okay. The other comments, Mr. Hauser, I don't know if you are making a recommendation what we show for easement for the drainage swales for the wetland areas be included in the road right-of-way or a municipal parcel. Right now, they're shown as easements. The two detention basins are shown as easements. There were a couple of dry

swales that are at an angle from the right-of-way.

W. Hauser: I think that's subject to the Town. General practice some municipalities obviously want them dedicated to the Town in fee as property acquisition. Others want them in the right-of-way. Mr. Bacon can expound on it. It sounds to me it was not necessarily required as part of the road right-of-way but clearly there has to be a definition so that the homeowner doesn't say you don't have a right to come in and clean up the swale. That's to make sure there is no confusion. I would have to defer it to the Town.

T. Olley: We have no preference. The only thing that I would agree to the particular area that we're talking about there are very narrow fingers of the road right-of-way so if you transferred them in fee there would just be some very narrow strips so I think including the drainage easement in the deed of conveyance would make it clear to the owner.

W. Hauser: That's what (not clear).

T. Olley: The detention basins are much larger and I would just ask on the last item I do believe that Mr. McGoey's office has completed the review. We have a letter before. We did have a couple of catch basins to address one of his comments. What we're seeking tonight is a Preliminary Approval and I don't know if it's appropriate but because we have to go to the Department of Environmental Conservation and the Health Department if the Board would grant us a one year period because we simply can't get through those two agencies in a timely manner.

G. Lake: Right, and everybody on this Board knows that. I think our Attorney will have to advise us. If you were here the second time around for the extension for a year I don't know if we can do it right off. Let me go through the Board while he is looking at that. You have a valid point. You're one hundred percent right and this Board knows you're not going to be back for a year. Mr. Dulgarian, any comments?

A. Dulgarian: Yes. I have no problem with the subdivision per se. I have a question on the individual lots, on the deeds, what's going to reflect the conservation limitations? Is that going to be on each deed and the line?

T. Olley: Yes. Each lot has a conservation easement so the meets and bounds description of those areas would be included as well as the utilities to be installed out there.

A. Dulgarian: So, in other words, here is a lot that has seven acres, lot #4 and the house pretty much sits on an acre, those other six acres are not useable for anything and it will be deeded as such?

T. Olley: Which lot are you looking at?

A. Dulgarian: Lot #4 in particular.

T. Olley: A number of the lots are also encumbered by wetlands, State regulated wetlands so we tried to at least follow along the buffer line with our conservation easement. The restrictions would be that they couldn't do anything with those lots in the back.

A. Dulgarian: And, again, that would be reflected on each deed?

T. Olley: Yes.

A. Dulgarian: Mr. Lake, Mr. Carr obviously will cover the stormwater. That's another concern of mine. Other than that, like you said, it's been around a long time.

H. Ross: I just want to get a clarification on the terminus of road A with road B (not clear).

T. Olley: That's correct.

H. Ross: Mr. Lippert doesn't have a problem with that because . . .

T. Olley: Well, that came out of a comment from the engineering, Mr. Lippert and the members of the Board so to look at extending that road onto the adjoining property or even the ability of extending that road onto the adjoining property. In that case the code calls for a turn-around and Mr. Lippert has reviewed this several times and he is comfortable with the configuration of that.

H. Ross: That's all I have.

R. Carr: Before it became a conservation subdivision it was designed as a "U" with the houses along . . .

T. Olley: Yes.

R. Carr: My feeling is this was never a great conservation subdivision and we haven't had that many of them. The only thing you've really done is it's better than before and you pushed the houses back obviously. Outside of that this highlights the difficulties of having

the conservation easement going across the different properties because I really don't see any way this is a conservation subdivision when the easement is right in their backyards. To me, it's not a great conservation subdivision. I can't believe that the Town would take little pieces of property and the liability involved. There is always going to be a liability if there is an easement.

G. Lake: The Town isn't taking it.

R. Carr: I thought that was the point. The Town is going to own that lot?

G. Lake: Oh, you're talking about the retention pond?

R. Carr: Yes.

G. Lake: I'm sorry. I thought you meant the conservation easement.

R. Carr: No, on the retention pond. I just don't understand it.

W. Capozella: I know we've seen this project a lot.

C. Najac: I know we've looked at this a long time.

G. Lake: Anything else, Mr. Najac?

C. Najac: No.

T. Hamilton: On the easement and the retention pond you're talking about going through the Town. I haven't heard yet of anything going before the Town Board to take care of the maintenance of these different areas.

T. Olley: We've agreed that we will petition the Town Board for the formation of the lighting district and the drainage district and we will do that before final.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

G. Lake: Okay. Believe it or not Mr. Carr I kind of agree with you about the use of the conservation law but unfortunately that's the law that has been drafted and handed down to us. The applicant has a right to do it and I don't know how to change it but I do agree with

you. It's a much better project than what it started out in the beginning and I think they worked pretty hard with us to get it to this point. I really don't have anything else.

MOTION for PRELIMINARY APPROVAL subject to all of Mr. McGoey's comments and this Board's comments made by

G. Lake: Hold up. I'm sorry. Mr. Bacon, six months?

J. Bacon: Six months and then he would have to come back.

G. Lake: So, you will have to keep track.

T. Olley: We can mark a calendar in the office.

G. Lake: Again, we realize we can't physically push through the Health Department.

MOTION for PRELIMINARY APPROVAL subject to all of Mr. McGoey's comments and this Board's comments made by

J. Bacon: Don't we usually do a Negative Declaration first?

G. Lake: I'm assuming. Didn't we do that? To protect us we will do it again.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for PRELIMINARY APPROVAL subject to all of Mr. McGoey's comments and this Board's comments made by R. Carr and seconded by T. Hamilton.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

T. Olley: Mr. Chairman, do you want to re-visit the waiver for the cul-de-sac?

J. Bacon: You can do that now or you can wait.

G. Lake: Why don't we do it now. Just so everybody understands we have the right to waive that. Unless anybody has a comment on that to re-visit or do that waiver.

MOTION for the Planning Board to grant a waiver on the cul-de-sac made by C. Najac and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

8. **CROTTY ROAD, LLC** - SITE PLAN REVISION - 135 Crotty Road (60-1-2.12)
#21-09

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

J. O'Rourke: My name is John O'Rourke with Lanc & Tully Engineers representing the applicant.

P. Savid: My name is Paul Savid, Attorney for the applicant.

G. Lake: Okay. You went to the Zoning Board of Appeals?

P. Savid: Yes, at the July 13, 2009 meeting it was by a unanimous vote . They decided that it was a pre-existing and non-conforming use as manufacturing warehouse and if anybody wants the minutes I will give them to you. I have the actual minutes of the hearing.

G. Lake: We will take one.

P. Savid: I got it online.

G. Lake: Thank you. You received that on . . .

P. Savid: We received the variance on July 13, 2009.

J. O'Rourke: And, it is also noted in Mr. McGoey's comment #1.

G. Lake: Okay. I just wanted to make sure. Tell us what you're doing.

J. O'Rourke: The applicant is before the Board and Mr. McGoey had raised a concern about the eighty eight parking spaces. We've met with him at a work session and (not clear) and we also added a handicap ramp as well. We met with Mr. McGoey concerning that and he was satisfied. In addition at the work session he has asked us that the Board may have concerns with the stormwater drainage and landscaping. To that end we have designed ten basin inserts. We feel that putting these into the catch basins. Unfortunately because of the configuration of the existing utilities we really weren't able to put in any detention basins or anything else in. Mr. McGoey had also suggested at that time to look at landscaping. He had requested in his third comment that we bring in some photographs of the existing landscaping. I went out to the site and photographed the area. Basically on this side of Crotty Road is fairly well hidden. What we showed on the plan and on sheet #3 it shows it a little bit better. The proposed landscaping is basically where it impacts this village. If you look at photograph one which is the main entrance you can see basically where the building is set but we propose trees and landscaping basically in this area. Photograph two demonstrates is the height difference between the road and the actual parking lot and it shows the power lines. So, unfortunately we weren't able to put trees in there and that's why we kind of moved them back. Photograph three is going toward the site and you really can't see the site which is up toward the left. Photograph four is basically the entrance where there is some idle landscaping. Photograph five is the upper parking lot and behind the guide rail we're proposing additional landscaping of trees running along here. Photograph six is more a clarification of photograph one just at a different angle. Photographs seven and eight. Seven is the existing entrance to the building. Again, not visible from the road but there is existing landscaping in that area.

G. Lake: Is that the entrance you would be using?

J. O'Rourke: No. That is the entrance to the whole building.

P. Savid: There are over three hundred parking spaces.

J. O'Rourke: Again, photographs nine, eleven and twelve are the same for the main entrance. Photograph ten is the existing handicap ramp which we are removing and putting in a concrete ramp.

G. Lake: Right. Well, we're going to have to schedule you for a Public Hearing. Let me go through the Board on this before I even ask.

J. O'Rourke: If I may Mr. Chairman we humbly request that the Board waive the Public

Hearing. It's not required under your code. It's an option you certainly have. We went to the Zoning Board of Appeals and had a Public Hearing there. There were no comments. It's in an industrial zone. Again, it's been there forever so we would request that you waive the Public Hearing.

P. Savid: I'm the Attorney. You may recall or may not recall we were before you on May 20, 2009 and on April 29th we filed an application for architectural enhancement and they decided to take the twenty five square foot building in the rear as is. The architect had brought in his pieces of architectural moldings, passed them around and everybody said they liked it but before we could act we would like you to go and straighten out with the Zoning Board of Appeals. My client is telling me he will go in as it is. If he needs to make any changes such as putting in an office space or any structural he would apply for a Building Permit but he already appeared before you and we need to get him in. He is ready to go into the existing building in the rear. You would have approved him that night but for the fact that you wanted us to go before the Zoning Board of Appeals.

G. Lake: No. We had to send you to the Zoning Board of Appeals because the zone out there has changed. It's not an industrial zone anymore.

P. Savid: Right. On that part, I agree with you.

T. Hamilton: It's part of our approval process.

P. Savid: What's that?

T. Hamilton: We still go through our normal approval process when we review different items on there.

P. Savid: I agree with you. The fact that we had to go to the Zoning Board of Appeals I believe you liked the use and it's perfectly acceptable. That's my argument.

G. Lake: Mr. Bacon?

J. Bacon: The site had a previously approved Site Plan approval, is that correct?

G. Lake: Yes. Why back when they produced trailers back when it was built and you're talking and then it went to Tesa Tape who made masking tape.

J. Bacon: So, it's an amended Site Plan so I guess the Board would have to decide whether or

not the amendments are so significant that it would be subject to a Public Hearing

G. Lake: Did Mr. McGoey just suggest a Public Hearing?

W. Hauser: It's just a matter of formality. In my opinion you always have the right to waive Public Hearings if the Board in their own judgement feel that the changes are not sufficient to warrant a Public Hearing.

G. Lake: Did anybody show up for the Public Hearing at the Zoning Board of Appeals?

P. Savid: No. No one showed up.

G. Lake: Let me go through the Board.

A. Dulgarian: What are we talking about, the whole project?

G. Lake: Everything, yes.

A. Dulgarian: How much of the building are you using?

P. Savid: One. It's on the narrative that you have.

J. O'Rourke: We're using one hundred twenty thousand square feet of vacant space out of a total space of about two hundred twenty square feet.

P. Savid: That's in the one building and then we have the building in the rear that's twenty six thousand square feet. We have Blue Cross and Homeland Security.

A. Dulgarian: What are we looking at tonight, Mr. Lake?

G. Lake: The others are already done.

A. Dulgarian: We never saw that, did we?

G. Lake: I know we never saw it.

A. Dulgarian: So, all we're concerned about is this application and do we need to have a Public Hearing? My interpretation of a Public Hearing is based on the type of use, the location of this use and the similarities between what was approved previously and I don't think they would require a Public Hearing. That's all.

H. Ross: I have to agree with Mr. Dulgarian.

R. Carr: It's just a question, how many square feet is the applicant using?

P. Savid: The applicant has decided to sign a lease for twenty six thousand three hundred forty square feet building in the rear.

R. Carr: So, all we're looking at and correct me if I'm wrong, just this?

P. Savid: Yes.

R. Carr: I have to agree with Mr. Dulgarian and Mr. Ross on not having the Public Hearing.

W. Capozella: No problem.

C. Najac: I agree on waiving the Public Hearing.

T. Hamilton: Do they comply with the parking regulations?

J. O'Rourke: Again, we substantially met your calculations in the parking area and we have expanded it. Landscaping along the visual you're not going to see it. The other stuff, it's like going into somebody's backyard and actually to rip out pavement and expand additional pavement and we would prefer not to require that.

P. Savid: I think we have one hundred more spaces as it is.

J. Bacon: Note #3 addresses that.

T. Hamilton: With new applicants coming in we make them beef up the landscaping in the islands according to our regulations.

J. O'Rourke: And I would add we are beefing up the stormwater. We are beefing up the landscaping. Again, every time we have a new use in this building we have to come back in front of this Board. We are two thirds in. We are trying basically to just generate some money to start paying for this building. We paid one hundred thousand dollars just in taxes and it's been in the deficit for two years now.

T. Hamilton: As long as they meet the landscape regulations.

G. Lake: Are you talking about the main part or this?

T. Hamilton: It may be part of the landscaping regulations.

G. Lake: Can he meet some of it?

J. O'Rourke: Again, we have not met internal to the parking lot itself. When you have two aisles you have to put a landscape planter in. We're not proposing that. You asked for lower parking spots through there. We will be back here for the next tenant.

H. Ross: Will you look further into that?

J. O'Rourke: Absolutely. Again, on the exterior we are adding landscaping.

H. Ross: What about along Goshen Turnpike?

J. O'Rourke: We don't, our property I don't believe touches Goshen Turnpike. That whole area you can't see it.

H. Ross: I'm willing to wait.

G. Lake: If they're coming back in, at that point they have to understand once they come in for the next tenant we will be looking at it closer for them to move forward.

P. Savid: If I may we just discussed this and the next time we come in with a tenant we're going to address your concerns.

T. Hamilton: Mr. Hauser, the lighting?

W. Hauser: The lighting was not address. Mr. McGoey did not make comments on it.

G. Lake: I don't think there was a lot of lighting on that building.

W. Hauser: I think you should show on the map the areas of the building that are occupied. There is no notification on this plan.

J. O'Rourke: We have no problem adding that to the plans.

W. Hauser: I think the Board should know that on the basis of the next application what phase it is and it should be reflected.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

9. **SMITH** - 2 LOT SUBDIVISION - 1851 Route 211 East (3-1-46) #28-09

Cancelled.

10. **CRYSTAL RUN CORPORATE PARK II** - SITE PLAN/SPECIAL USE PERMIT
Crystal Run Road (78-1-17.2) #27-09

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

P. Abt: My name is Wheldon Abt. I'm the architect for the project. With me is Peter Albert who is the developer and Jeff Chumard who is (not clear).

G. Lake: Go ahead.

P. Abt: This is a Sketch Plan submission for the project called Crystal Run II which is located here. The present Albert Company has a eighty six acre site. The solid green area is the thirty eight acre portion that they're proposing to develop into a hotel/conference center. This area here the State is taking for Exit 122. Crystal Run Corporate Park is at this location. This is where the new hospital will be. This is East Main Street and Dunning Road and Ballard Road. We have been working on this project with work sessions this spring and summer working with Mr. McGoey and making some modifications to it. The proposed plan, this is the new East Main Street Extension coming around Crystal Run Road. This is the light at the ramps with Exit 122. The project is proposing an entrance here and another access onto East Main Street. It would be a seven story office building with a parking garage shared by the office building and the conference center with a walkway between them. This rendering is a view of the project from this location, from the new road looking at the project. This is the office building and this is the parking garage with a connecting bridge to the convention center and hotel. It's a seven story office building consisting of two hundred twenty thousand square feet, a six story parking garage. The first and second floors of this complex are the convention center, the public facilities of the hotel and the rooms are above. The site runs to the Wallkill River. This portion of the site will remain primarily open space and the flood plain is approximately here. There are some areas of wetlands within this flood

plain area but it will be used for stormwater management and portions will be used for recreation. The elevation of the main level is about fifteen feet below the elevation of the road so this road would come down into the project. In talking with the Town they are interested in having the road connect from this intersection into this area of the road Crystal Run probably over to Rykowski Lane. So, we modified the site. Originally we didn't actually know that the Town wanted to do that. We modified the plan so that a Town road could connect directly into this intersection. This diagram of the road system is really showing basically the main circulation system and lights around. We feel that this project would work well with it as well as with the Town road. We've actually done traffic studies and this would actually relieve some of the build-up of traffic at the intersection even when combined with the Town road. We've done studies at the site for soils and drainage and they're part of the plan. We have comments from Mr. McGoey that are addressed. One of the main issues with this project is getting the right to come on to this road as access for the project. That would probably will be the next step to clear with the Supervisor. One of Mr. McGoey's comments address that. If the State indicates that they don't want access across this area, that's probably the next issue to work on.

G. Lake: If you're not able to achieve that agreement with the State what would happen at that point?

W. Abt: Well, when we started the project we didn't know the Town wanted this road so we would have to reconsider the access and circulation of the project.

G. Lake: I know from the last work session that we had with you we did discuss that and you haven't talked to the State at this point yet?

W. Abt: Well, I think that the first step is to present this plan to the Town.

G. Lake: Because the State is taking a big chunk of the site.

W. Abt: Well, they changed their minds several times but they're taking all of this.

G. Lake: And, that's for sure at this point?

W. Abt: It seems so. The Albert's and I have been working on this site for a number of years and the plans have changed considerably. These plans were developed over the past eight to ten months.

P. Albert: It's good to see you again. I just wanted to add that the plans for the State (not

clear) and I have been told that they're now approaching the property owners on further takings.

W. Abt: As was mentioned in Mr. McGoey's comments, these roads create a subdivision and we didn't plan on having a subdivision. This parcel probably will become a subdivided lot and we will show it in that way. This parcel is intended to be part of the project. It's part of the areas where some of the existing natural features can be kept. We can't use it for anything else but it will stay as part of the project. As I mentioned before we're still evaluating some of the wetlands as to whether or not (not clear).

W. Hauser: The road that goes through there, the circular road that goes through there, is that intended to remain under the ownership?

W. Abt: Well, this being a Town road is something new to us.

W. Hauser: That's what I understand.

W. Abt: Well, because of that we're reconsidering things and maybe this would be a Town road and I think the point is we want it to stay the way it is.

W. Hauser: I understand what you're saying but you need to verify that.

W. Abt: That parcel is what is going to (not clear) this drawing.

G. Lake: Let me go through the Board. It's only sketch at this point.

A. Dulgarian: All this is pretty new to me. All the roads, etc. Now, on your flow charts to your left, the player road there, what's that Ballard and Route 211 and East Main Street?

W. Abt: This is Ballard Road.

A. Dulgarian: Yes.

W. Abt: Route 211, Dunning Road and East Main Street and one of the purposes of this is we're showing the intervals with the light.

A. Dulgarian: Years ago, I know there has been a whole bunch of alternate plans. Nothing at this point is lining up with Ballard, it's only that far, correct?

W. Abt: Well, it could come into Ballard Road.

A. Dulgarian: No, what I'm saying is with Exit 122.

W. Abt: No. About ten months ago they had a different configuration that was going to in Ballard Road but that I believe was opposed by the hotels and they dropped that.

A. Dulgarian: I have nothing further.

G. Lake: The reason the State went this way was for the State Police and their response time onto Route 17 and Route 84. I think that had an awful lot to do with it.

H. Ross: The flood plain is (not clear).

W. Abt: That has to be looked at as far as permissibility of construction. It's not part of the structure but the service parking in the one hundred year flood plain and what that would entail to do that is it would involve grading in some of the flood plain and in order to do that we would have to lower the grade at some of the flood plains so that (not clear). It's a good location to create some wetlands because it borders the Wallkill River. That's something that we may need to fill some of this area up and with a project of this size and type it's necessary to have the parking garage to have the parking close enough to the users. You still need a lot of parking. We have significantly more than what is required but we also have shared parking facility for the hotel/conference center that would have a different use than an office building use.

H. Ross: I have a concern with structures within the flood plain.

W. Abt: There are no structures in the flood plain, just surface parking.

R. Carr: It's very exciting. If something happens on the adjacent property and if this were not proposed and East Main Street came around is the State proposing a light where you have it?

W. Abt: They will have a light here.

R. Carr: So, there is a light proposed?

W. Abt: Yes.

R. Carr: I just thought the traffic would flow much better than that. I think the traffic is a challenge for you. That would be interesting to see what the traffic study shows. With the river so close I would like to see some innovative issues on the stormwater.

W. Abt: We have some areas where we can do that.

R. Carr: That's all for now.

W. Capozella: I would be concerned about water as sewer as you move forward and I do like the parking garage.

C. Najac: I like the parking garage and if you're going to go that far why not pick up the additional spaces there?

W. Abt: We're also proposing parking underneath the hotel so, there is quite a bit of garage parking. Particularly with a hotel you need a variety of places where you can park for accessibility. Garage provides for some convenience but some surface parking is necessary. Remember this is on a plateau significantly above the Wallkill River. Under your requirements it's not going to change much. It will change a little bit.

C. Najac: If you can add two more floors in the parking garage you may be able to eliminate those spots. Just a thought at this point.

G. Lake: Anything else, Mr. Najac?

C. Najac: No.

T. Hamilton: Be aware of our time frame because you can get only so many extensions. Just make sure you watch the time frame so you won't have to come back and start from scratch.

G. Lake: My only other comment is I think this is an exciting project. The initial gut feeling that I see is the traffic. I don't think we've seen too many projects of this magnitude. We have a long way to go and a lot of work to do. I think at the next work session I would like to see you get the Water Superintendent at a work session with us and the Highway Superintendent for any concerns they may have. I just think you should get that out of the way up front. I think it's important to get these people out of the way. I also think you should make contact with the emergency services up front now also.

C. Najac: I just want you to be aware that I still have a concern about that parking.

G. Lake: We can get through that at a work session. Does the Board have any other comments? I didn't know you were looking for sketch tonight. I thought you really wanted to get it introduced to the Board.

W. Abt: True. We're not asking the Board for Sketch Plan at this time.

G. Lake: You are?

W. Abt: We're not.

G. Lake: Okay. That's what I thought. It was just an introductory on the project. I guess we will table you for further action. That's the easiest way to go at this time.

MOTION to TABLE for further review made by H. Ross and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

11. **MAPLES FIELDS** - SITE PLAN/SPECIAL USE PERMIT - Schutt Road (72-1-12)
#51-08

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

Spokesperson for Engineering Properties: We were before the Board in May on this project for concept Site Plan approval and the Lead Agency coordinated review was performed and letters went out and I believe it's been fifty days since it was completed and we're back before you. The Planning Board did accept being Lead Agency.

G. Lake: Does anybody have any comments? We did assume Lead Agency.

Spokesperson for Engineering Properties: The other issue that came up at the meeting was sidewalks. We did submit a letter and indicated a potential sidewalk from the entry drive on Schutt Road to the existing end of the sidewalk. We also included with that there are some problems with doing this. We are in agreement from the last work session it's a good idea. We were concerned about a couple of areas and we highlighted them on the plan. There is an embankment with evergreen trees looking west in front of the church. They would have to be removed in order to accommodate. In addition, that property goes to the centerline of the road. So, this would be in the assumed driveway and actually on property owned by the Town but within the Town's right-of-way. There was one problem area that we wanted to point out. Again further north along Schutt Road there is a wetland area that comes close to the road and we would have to bring the sidewalk directly adjacent to the road and would cause a potential harm to pedestrians with vehicular traffic. I would definitely recommend that you go out and look at the area. I know Mr. Bedell has been contacted and he is not thrilled about the idea of any sidewalk on his property. Again, we also have the issue with the wetlands. Those are the two areas of our main concerns. In regard to SEQRA we met with Mr. McGoey at the July work session and we talked about the SEQRA process and the potential proceeding under SEQRA with an expanded Environmental Assessment Form towards a Positive Declaration so we can do scoping on it. We have completed both Parts I and II and submitted it and have outlined for a potential Part III Environmental Assessment Form where we could study impacts identified by the Board and it's consultants. That was also submitted for tonight's meeting. I know there are comments regarding Part II. I don't know if you would like me to go over them. I would be glad to. I think the bigger issue is how are we going to proceed.

G. Lake: Mr. Bacon?

J. Bacon: The Board has looked at this for quite a while and you have to decide what the

significant impacts are in relation to traffic, visual impacts or whatever else there is. This is one of the bigger projects and I thought it would be a potential thing to go through the Environmental Impact Statement.

G. Lake: I will go through the Board. I guess the decision I'm looking at is that we go to an Environmental Impact Statement.

A. Dulgarian: Because of the size of the property, the number of units on the property, the location, the topography issues I think it would be need an Environmental Impact Statement. Having said that, getting back to the sidewalk situation we have a bit of a dilemma here on what is best for the Town. Now, with Mr. Bedell's property unfortunately he's got eleven or almost twenty foot evergreens that are going to come down. He shouldn't be penalized to do that. There would have to be some sort of restoration and an agreement there. He has a pretty good privacy row of trees there. I do feel the sidewalks are needed there so we do have to come up with some sort of plan for that.

G. Lake: Plus he still owns to the center of the road.

Spokesperson for Engineering Properties: The survey shows the ownership the property line to the center of the road.

G. Lake: Mr. Bacon?

J. Bacon: If he owns to the center of the road the Town could say it is a right-of-way which means that the Town has the right to maintain the drainage and that type of thing but going down the street is a different story.

G. Lake: That's something that was just thrown in tonight and how do you handle that and obviously he hasn't been in to subdivide or do anything and has never asked to do a right-of-way as we always do when projects come in.

A. Dulgarian: That's going to create a problem.

G. Lake: Yes. That's just something that we're going to have to try and handle somehow.

J. Bacon: What about putting the sidewalk on the other side of the street.

Spokesperson for Engineering Properties: That's possible but it would mean having to cross the street. It would mean crossing twice.

G. Lake: And, the sidewalks on already on the other side. I don't think there are any on the opposite side of the road.

H. Ross: I would say we go to an Environmental Impact Statement.

R. Carr: I agree.

W. Capozella: Agree.

C. Najac: Agree.

T. Hamilton: Agree.

G. Lake: Any other comments?

Spokesperson for Engineering Properties: I believe the next step would be for the scoping document for a scoping session.

G. Lake: Let's table you for further action and let me get together with Mr. McGoey and then we will get going once I get the information and we will get back together.

Spokesperson for Engineering Properties: Thank you.

MOTION for INTENT of the Planning Board to become Lead Agency made by H. Ross and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

Tabled for further review.

12. **ORANGE REGIONAL MEDICAL CENTER** (Healing Garden) - Amendment -
679-789 East Main Street (78-1-77) #60-06

G. Lake: Your name for the record please.

S. Esposito: My name is Steve Esposito with Lanc & Tully Engineers.

G. Lake: Go ahead.

S. Esposito: We have an amendment for the healing garden. It wasn't part of the original plan. It was talked about in concept. What we would like to do since we're here on the site is to really construct a retaining wall in that area of the site. It would be more economical for us to do it right now and once that is done the hospital will start a campaign to try and secure the funds. I know everybody is very excited about the project.

T. Hamilton: One quick question for you.

S. Esposito: Sure.

T. Hamilton: Where is this on the site?

S. Esposito: This section of the main entrance, right here where the drive is coming up. That's the main drive to the main entrance to the building. This is actually at the right front corner of the hospital.

T. Hamilton: What was there before?

S. Esposito: Some landscaping, etc.

R. Carr: When you say the front, is the front towards East Main Street?

S. Esposito: Correct.

W. Hauser: A suggestion for you. You may want to show it on a location map.

S. Esposito: Actually it is.

G. Lake: Okay. Why don't you take this and show everybody where it is.

A. Dulgarian: We talked about it.

G. Lake: I actually thought it was approved with the original.

S. Esposito: It was discussed at some point in time but it wasn't part of that Site Plan because of financial commitments. There's a lot of activity now in regard to raising the necessary funds.

G. Lake: I will go back through the Board.

A. Dulgarian: I know it was talked about earlier on and for reasons you stated I think it's a great addition . I have absolutely no problem at all.

H. Ross: I like it. Let's do this.

R. Carr: The wall is going on but the garden might not go in right away?

S. Esposito: Correct.

R. Carr: So, what would be there?

S. Esposito: If you look on page 2, whatever the original was will be installed.

R. Carr: I have no problem.

W. Capozella: No problem.

C. Najac: No problem.

T. Hamilton: No problem.

G. Lake: Basically your amendment will have a 4.5 foot wall and add a garden eventually.

S. Esposito: Correct.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

TOWN OF WALLKILL PLANNING BOARD

AUGUST 19, 2009

MOTION CARRIED. 7 AYES