

TOWN OF WALLKILL PLANNING BOARD

MEETING

SEPTEMBER 1, 2004

MEMBERS PRESENT: G. Lake, R. Carr, A. Dulgarian, T. Hamilton, G. Lunzmann,
P. Owen

MEMBERS ABSENT: W. Capozella

OTHERS PRESENT: D. Brodsky, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - **SCENIC VIEW** - 7 LOT SUBDIVISION & LOT LINE CHANGE - Scotchtown Collabar Road (19-1-8.12) # 47-03

G. Lake: Public Hearing started at 7:35 P.M. M. Hunt read the Public Hearing notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 600 Route 211 East, in said Town, on the 1st day of September, 2004 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Scenic View Land Developers, Inc. for approval of a 7 lot Subdivision on Scotchtown Collabar Road, near Cross Road under Section 249-19 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: Since the last time you were here why don't you bring us up to date.

J. Tirolli: This is a seven lot subdivision located on Scotchtown Collabar Road. It includes a public road about nine hundred feet in length from a dead end cul-de-sac. The total area of the subdivision is approximately one hundred and one acres. There are several wetlands on the property which we've shown. This subdivision also includes a lot line change for lands of Weinert. It is a narrow strip of lands that goes along their property and we are conveying that strip of land to them which they have agreed to accept. The stormwater pollution prevention plan is shown here on several sheets and will be incorporated into the overall plan. This plan is certified to meet the stormwater regulations. One of the important parts of the plan is in this area. We have received the comments from your Engineer and we have received from Eustance & Horowitz the sign-off on the septic system for the seven lots. Your Engineer had a couple of comments. Two of them are related to the Highway Superintendent's revision on the road standards. He now wants thirty feet width of pavement which we're going to modify and he also wants a note concerning rip rapping along the ditches if the slope exceeds five percent.

G. Lake: I will go to the Engineer comments after.

J. Tirolli: Essentially, the plan is for seven lots with a nine hundred foot cul-de-sac.

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

A. Dulgarian: After the Public.

P. Owen: I will wait.

R. Carr: I will wait.

T. Hamilton: Nothing right now.

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

N. Wood: At this point I'm trying to just figure out where exactly this is. I can't see that and I can't tell where it is. I'm uncertain as to why our family was contacted in relationship to the road name. That's why I'm asking.

G. Lake: At some point you must be within three hundred feet from a piece of this property and that's why you were notified. Would you tell us what road you live on?

N. Wood: It was the former Comfort farm.

G. Lake: So, you're in the back. So, you live off of Goshen Turnpike?

N. Wood: Right. Well, my parents do.

G. Lake: This probably touches your back corner of your property.

J. Tirolli: This property is very deep, probably several thousand feet. While no proposed development is near you, and you may have been within three hundred feet of the rear of the property. You're certainly not on Scotchtown Collabar Road.

N. Wood: No, I know.

G. Lake: Why don't you point out where you think the Comfort Farm might be?

J. Tirolli: Showed Mrs. Wood on the map and it's a good chance that you're within three hundred feet of the rear property.

N. Wood: That, to me looks backwards, but okay. In other words, Collabar Road, Cross Road, Goshen Turnpike. I have nothing else to say then.

G. Lake: Thank you. Is there anyone else from the Public?

MOTION to close this PUBLIC HEARING at 7:43 P.M. made by P. Owen and seconded by R. Carr.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

G. Lake: Do you want to go through Mr. McGoey's comments?

J. Tirolli: Yes. The first comment is to label the line to be eliminated. We will place on there, delete this line. Items #2 and #3 Mr. Lippert had faxed me the revised details so we will amend ours to comply with the new road standards. Item #4. We're using very small sediment basins. They will be dug with a small excavator at several locations along the road and essentially catching the water running down the new ditch line putting it in a little big bigger than this table and letting the silt settle out before it goes down to the next sediment basin. Those basins are small enough than typically the larger ones you see with larger projects. Item #5. Mr. McGoey is saying that the drainage easement is large. We have no problem. We're going to reduce the size of the drainage easement to be just around the outlet structure and the splash pan. That's all I need. I don't need an easement.

D. McGoey: Well, the Town has to maintain it. The Drainage District has to be noted on the plan. We have to know what we have to maintain and we need a decent road in order to gain access.

J. Tirolli: What I'm saying is, the easement is going to be to the outlet of the pipe. There's no long swale, there's no channel. We're going to bring back the size of the easement right up to the edge of those facilities and the entire property is already before the Town for including it in the Drainage District. Item #6 the triple thirty inch pipe should be specified to include a smooth insert. We will indicate that. Item #7. The diameter of the paved portion of the cul-de-sac will be shown. Item #8. We did agree to make the stormwater pollution plan part of the set and will be filed. It doesn't

require Department of Environmental Conservation approval as long as we certify that it meets their rules and regulations.

G. Lake: Mr. McGoey, are you satisfied with that?

D. McGoey: Yes.

G. Lake: Let me go through the Board.

A. Dulgarian: I'm personally pretty satisfied with this project. It's been here a long time. This started out being fifteen?

J. Tirolli: Yes. We had a sketch plan for the area in the rear on the other side.

A. Dulgarian: The trees will be provided at a later date when you figure out where the road will be going? Where is the connecting road going to be?

J. Tirolli: We can't go though to get it because of the large area of wetlands. When the development on the right side is completed and the proposed development on the south side is completed, if it is completed, we will then have the ability to build that connecting road.

A. Dulgarian: Will there need to be an easement for that?

J. Tirolli: No. One lot here has all of that land. One of the seven lots will contain all of that land and my suspicion is we will just sit on that one for three or four years until the other developments get built so that they have a provision to build in the rear.

D. McGoey: It depends on who owns lot #3 and what he wants to do with it. If the Planning Board wants to protect that road you should probably have it shown on lot #3 as a future road for filing purposes.

G. Lake: I thought we did that.

A. Dulgarian: Other than that, I have no problem. It's been here a long time. It's fine.

J. Tirolli: We can add a note to that effect showing that we have two problems.

A. Dulgarian: I don't believe you have to show it.

J. Tirolli: We can note it.

A. Dulgarian: It is something that you and Mr. McGoey can settle later but we can do it subject to

Mr. McGoey's approval that the verbiage exists for that road to be there at some point.

J. Tirolli: The verbiage is no problem. I can't draw the lines because if we come out of the moratorium if there are different rules and if that other development never comes through and finds a different place to tie in with us then whatever road we drew is out. The verbiage is no problem.

A. Dulgarian: If all three projects happen, I would like to see that connected there. All I'm looking for is the verbiage.

D. McGoey: Well, I'm not sure. You probably should show dotted lines where the potential road would be.

J. Tirolli: But don't pin it down to a fixed number?

D. McGoey: Correct.

A. Dulgarian: You are one hundred percent right, Mr. Dulgarian. We did want to tie these together with a secondary road.

T. Hamilton: As long as the owner of that lot knows that it exists on that lot and that he can't do anything in that space.

D. McGoey: We have an overall plan showing the three projects and how the road is tied in together.

G. Lake: You have no problem with putting in the dotted lines?

J. Tirolli: Not at all.

P. Owen: Other than what has been said already, I have nothing to add. It's been around here for a long time.

G. Luenzmann: Came in at this time.

R. Carr: No. I think Mr. Dulgarian brought up a good question.

G. Luenzmann: No. It's been around a long time. The only question I had has been answered about that road. It's fine with me.

T. Hamilton: Nothing further.

MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey's comments, comments

of this Board, and adding the road detail for the future road made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for PRELIMINARY SUBDIVISION APPROVAL and LOT LINE CHANGE subject to all comments of Mr. McGoey, this Board, and making sure that the road is added made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

2. PUBLIC HEARING 7:35 P.M. - **751 ROUTE 211 EAST (FRASSETTO)** - SITE PLAN/SPECIAL USE PERMIT - 751 Route 211 East (41-1-78.12 and 41-1-79.1) #09-04

G. Lake: Public Hearing started at 7:52 P.M. M. Hunt read the Public Hearing notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 600 Route 211 East, in said Town, on the 1st day of September, 2004 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Albert Frassetto, 2 Park Way and Route 17 South, Upper Saddle River, New Jersey 07458 for Site Plan approval and a Special Use Permit for a 2,500 square foot retail building and a 10,000 square foot eating and drinking establishment at 731 Route 211 East, Middletown, New York, which premises are identified in the Town of Wallkill Tax Map as 41-1-78.12 and 41-1-79.1, and are situated near Imperial Park Drive under Section 249-13, 249-26, 249-39, and 249-40 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: Why don't you bring the Board up to the last work session that you had to bring them up to speed?

D. Schmalzle: We did have a work session with Mr. McGoey and the Chairman. Probably the biggest thing we came to a conclusion on was that we would come in for a lot line change also so that the majority of the parking would go along with the eating establishment instead of being with the commercial bank establishment. We just figured that it would work better that way. There's still going to be an agreement for parking between the two but if we kept most of the majority of the parking with the restaurant it would be better than vice versa. We have taken care pretty much all of Mr. McGoey's comments.

G. Lake: Let me go through the Board.

A. Dulgarian: Nothing at this time.

P. Owen: Nothing right now.

R. Carr: I will wait.

G. Luenzmann: Nothing at this time.

T. Hamilton: Nothing right now.

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

MOTION to close this PUBLIC HEARING at 7:56 P.M. made by R. Carr and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye
T. Hamilton: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

G. Lake: Mr. McGoey's comments, you have twelve of them.

D. Schmalzle: Correct.

G. Lake: Why don't you just start with item #1, the mining.

M. Blustein: I'm here on behalf of the applicant. The mining issue, obviously a stop work order was done. We've negotiated a Consent Order with the Department of Environmental Conservation and part of the Consent Order said to go to the Town of Wallkill Planning Board to get a Site Plan approval so that you could finish the construction. So, we took care of that and that's why we're here.

D. Schmalzle: Item #2. The Planning Board should review the landscape planting plan for acceptability. We will ask you to do that.

G. Lake: We will come back to that.

D. Schmalzle: Item #3. We would recommend that lighting levels, which exceed seven foot candles in some areas, be reduced to a level approximating three foot candles. We did. The original lighting plan that we had with it. We have a revised one and presented it the next day. Perhaps the wrong one was looked at.

G. Lake: Basically, you did reduce the candles?

D. Schmalzle: Correct. Item #4. In addition to the exterior seating, which now has been shown on the Site Plan, the applicant should verify that there is interior seating in sufficient numbers for customers waiting to be seated in the restaurant. The likelihood of this Site Plan coming back or being built exactly as presented is very unlikely so we will probably we coming back for a revision to the Site Plan but we would accept a condition for when that happens.

G. Lake: I think at the work session we did talk a little bit about just in case you did come back or

didn't come back that we wanted to make sure that the seating for the overflow is there.

D. Schmalzle: Alright, so a note on the Site Plan would be sufficient for that because without having a building drawing it is very difficult to present that.

D. McGoey: You don't have an architectural drawing for this?

D. Schmalzle: We don't have a client.

D. McGoey: We're going to have to go back over it.

G. Lake: I still would like to make sure that a little note that interior and outside seating would be considered. We don't want somebody who buys it comes to us and say they didn't know it.

D. Schmalzle: So a note on the drawing that interior and outside seating for waiting.

G. Lake: Yes. Many of these places there are many people hanging out the front door.

D. Schmalzle: We do have the exterior seating shown. We will put a note on the plan for the interior seating for waiting. Item #5. The second sheet of the plan set has not been labeled as Sheet 2 of 14. That's not a problem. Item #6. Details for the New York State Department of Transportation utility crossing should be provided, as well as any other details required by them, prior to final signature. We will have to get a Department of Transportation permit. Item #7. The Water and Sewer Superintendent should verify that placing the house trap inside the building is satisfactory. The reason we did that is on the Superintendent's recommendation. Item #8. Details of how the sanitary sewer line will be connected to the existing pump station should be provided. These details should be reviewed and approved by the Water and Sewer Superintendent. Yes, we need to meet with them to get those details of the existing station so that we can do that design. That will be on the Final plan. Item #9. A sewer trap has not been shown for the retail/bank facility. That will be added. Item #10. The concrete monuments must be noted at each specific location as well as the iron pins. That will also be noted. Item #11. It is unclear as to whether a concrete vault is required for an interior sewer trap. This should be verified with the Water and Sewer Superintendent and details revised if necessary. That will be there when we get the details for the pump station. Item #12. Any additional comments from the Fire Department should be addressed.

G. Lake: Have you received any comments from them?

D. Schmalzle: We haven't.

G. Lake: I don't believe we have received any additional ones either.

D. Schmalzle: We did give them responses again with this last submission showing the turning radius of that design vehicle they had given us.

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

A. Dulgarian: Mr. McGoey, no problem with the ingress and egress? There's two different areas on Route 211 for this.

D. McGoey: They have satisfactory site distance. They will require Department of Transportation permits.

A. Dulgarian: This might sound stupid but what am I looking at behind the restaurant right near the property line? You have these oval type things, what are they?

D. Schmalzle: That is the wetlands planting that is required for a water quality pond.

A. Dulgarian: That would be your retention/detention pond?

D. Schmalzle: It's going to be the water quality retention pond.

A. Dulgarian: So, all those things are different types of plants?

D. Schmalzle: Correct.

A. Dulgarian: I have no other issues. Maybe a couple of Bradford trees. The landscape plan looks pretty good.

P. Owen: No issues.

R. Carr: I think the main thing is the landscaping. Where do we stand as far as getting the landscaping handled through a professional?

G. Lake: Hopefully this month we will present to the Town Board three names and we will have to give them a letter as to why we're looking to add this procedure. Hopefully we will get that out in the next couple of weeks.

R. Carr: It's a good project.

G. Luenzmann: I have no problems.

T. Hamilton: Mr. McGoey, that high spot in the back there, is that going to screen those houses from looking at the roof of these buildings?

D. McGoey: Probably not.

T. Hamilton: It's supposed to be totally screened.

G. Lake: How much higher are the houses in the back and what would they see?

D. Schmalzle: I'm not sure. We didn't do a profile yet.

G. Lake: How much did you dig out so far and you have to go down what, another three feet or so?

D. Schmalzle: Yes, eight to ten feet. We're down right now about ten feet. We're about half way there. From standing at the bottom where we are, were it's excavated right now, you can't see anything in the back.

G. Lake: Yes, but I think Mr. Hamilton is questioning the houses up in the back, I believe you're supposed to screen that off pretty well so maybe take a closer look at it.

T. Hamilton: We don't want them looking at the rooftops with units and everything else on them.

G. Lake: You will add any additional screening needed to do that?

D. Schmalzle: Yes.

T. Hamilton: Right now, you look at the landscape plan on this and you only show two or three feet.

G. Lake: I think that goes back to Mr. Carr's comment about having a professional come in and maybe helping us.

T. Hamilton: You're supposed to screen whatever is up on top from looking at the rooftops, etc.

G. Lake: He just agreed to do that.

D. Schmalzle: That's not a problem.

T. Hamilton: We should have had some kind of rendering to see what we're looking at from Route 211 to see how the high wall is and building.

G. Lake: I don't think that was brought up and maybe you should explain that.

D. Schmalzle: We had it.

T. Hamilton: This is the Public Hearing time and this is where we question to see what you're going to do.

D. Schmalzle: We can provide that and we will provide it. So, you're looking for a view from Route 211.

G. Lake: We want to make sure that the people who live behind this is adequately screened from looking at a roof that might be full of air conditioners, grease stack and whatever else may be on top. It is a nice residential neighborhood back there.

D. Schmalzle: So, a view profile from where those buildings are located or from the property line where somebody would be up there looking down to show that the building won't be visible.

T. Hamilton: Yes.

B. Blustein: Would you prefer a fence or would you like landscaping?

G. Lake: I would like planting if possible.

D. Schmalzle: That's fine.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No, as long as Mr. McGoey's comments are accomplished.

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

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for a LOT LINE CHANGE made by G. Luenzmann and seconded by R. Carr.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for SITE PLAN/SPECIAL USE PERMIT subject to all comments including this Board's comments made by G. Luenzmann and seconded by A. Dulgarian.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

B. Blustein: Just one quick request. Because we're dealing with the Department of Environmental Conservation can we have permission from the Board to continue with the excavating before we finish off dealing with tree planting.

G. Lake: I believe what you have from us right now is the ability to go to the Department of Environmental Conservation and finish getting whatever permits you need.

B. Blustein: We don't need anything from them at this time.

G. Lake: Don't they have to clean up something from the Department of Environmental Conservation?

D. McGoey: I never saw the compliance.

B. Blustein: All we have to do is get an approval for a Site Plan. We can either get a mining permit which nobody is going to mine on Route 211 or we could get . . .

D. McGoey: This cross section is going to have a lot to do with the excavation plan. I think we have to see that before we continue.

G. Lake: It's an engineering question.

T. Hamilton: He can't go in and dig until that plan is signed anyway. They don't have their approval until our signature is on there. They shouldn't be doing any digging or anything until after that plan is signed.

D. Schmalzle: That's fine.

3. PUBLIC HEARING 7:40 P.M. - JACKSON - 7 LOT SUBDIVISION - Reservoir Road (32-2-53) #11-03

G. Lake: Public Hearing started at 8:10 P.M. M. Hunt read the Public Hearing notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York will be held at the Town Hall at 600 Route 211 East, in said Town, on the 1st day of September, 2004 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of James Jackson, Top Notch Road, Middletown, New York for approval of a seven lot subdivision located on the south side of Reservoir Road approximately four hundred feet east of Amster Road under Section 249-19 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

T. Ptak: I am the engineer for the applicant. With me is James Jackson, the owner of the property. We're here tonight to request Preliminary Approval from the Board for a seven lot subdivision. It's located on Reservoir Road approximately four hundred feet south of Amster Road. It's located in an RA zone and we're proposing seven single family houses. Six of the lots are approximately three acres, plus or minus. Lot #7 is about seven acres and contains a good portion of Federal wetlands. Also, as part of this subdivision we're proposing a Town road which is about sixteen hundred feet long which will require approval from the Planning Board.

G. Lake: I will go through the Board before the Public.

A. Dulgarian: After the Public.

P. Owen: I will wait.

R. Carr: I will wait.

G. Luenzmann: I will wait.

T. Hamilton: I will wait.

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

MOTION to close this PUBLIC HEARING at 8:15 P.M. made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

G. Lake: You have a lot of comments.

T. Ptak: Most of the comments are connected but the first thing we discussed this at the last meeting was the length of the cul-de-sac which exceeds the subdivision recommendations. It's about sixteen hundred and fifty feet long. We feel that the proposed configuration is the best use of the property. Also, speaking with Mr. Lippert, the new road regulations they are going to request a thirty foot wide road, this going into Reservoir Road which is probably about fifteen feet wide. The thirty foot road would allow access for emergency vehicles. If you want I will go over the comments. Most of them are notes that have to be added. Item #1. Appropriate notes and covenant are to be provided for requiring that the owner of lot #7 maintain sight distance. A note should be submitted and reviewed for the Planning Board attorney's review. The site distance as it is isn't too bad. There's a very sharp turn there but in general the cars at least what we saw seem to slow down and go around that turn to around thirty miles an hour. Item #2. The Planning Board attorney should review the agricultural notice for acceptability. Item #3. The typical rural street cross section shown on Sheet 4 must be revised in accordance with the newly issued Department of Public Works standards. This

requires a twelve foot paved lane and a three foot paved shoulder with full depth pavement. Again, I spoke to Mr. Lippert and he gave me the new road section which is thirty feet of pavement, approximately six feet of shoulder transition and about two feet of grass drainage swale. We will provide that. Item #4. We requested in our comments of May 12th that a note be placed on the plan stating that federal wetlands exist on Lots #3, #5, #6, and #7 further indicating that development within the wetlands is prohibited without a permit from the Army Corps of Engineers. We've added that they are on the lots and that they are prohibited. Item #5. The typical road section should show street trees. In addition the location and spacing of street trees should be shown on the plan. We can do that. I think with the road section it is going to be tough to put trees in that section. The site is almost entirely wooded. We have no problem doing it but I'm just stating to the Board that it's going to be hard to put trees in that section. Item #6. Grading details in the area of the proposed twenty four inch culvert pipe at the entrance drive should be shown. We would also recommend that concrete end walls be provided on this culvert crossing. Further, the length of the pipe has not be specified. We will provide that and work out the details. Item #7. We are recommending paved or otherwise rip rapped swales when grades exceed five percent. This should be reviewed and accepted by the Highway Department. Again, that's going to be part of the new section that was given us. I also discussed that with Mr. Lippert. Item #8. Our comments of May 12th require that trees in excess of six inches be shown and preserved. Appropriate site clearing limits should, therefore, be shown and the location of all trees. In addition, a note should be provided requiring that all stonewalls be preserved, which was also requested in our comments of May 12th. Item #9. We requested in our comments of May 12th that a note be provided on the plan which indicates that all roadway drainage and utility improvements be constructed prior to the issuance of Building Permits, with the exception of the pavement surface, and that all improvements be constructed to the satisfaction of the Town Engineer and Highway Superintendent. This note has not been provided. We requested that a note be placed on the plan that the subgrade be proof rolled in the presence of the Town Engineer with no noticeable pumping of the subgrade prior to the placement of the subbase and pavement. This has not been provided to date. The notes for #8 and #9, we will add those notes. That's not a problem. Item #10. The applicants engineer should verify compliance with New York State Department of Environmental Conservation stormwater management regulations. Application and approval to the New York State Department of Environmental Conservation will be required prior to final approval. Item #11. Details of stormwater management structures and a stormwater management report are to be submitted for review by our office and New York State Department of Environmental Conservation. Item #12. A waiver is required for the length of the cul-de-sac. Again, the cul-de-sac line, the Board has to address that. Item #13. Comments from the fire department and highway department should be received and addressed. Item #14. We requested that the surveyor certify that the horizontal and vertical datum has been tied to the Town's datum. Again, I've spoken to Mr. Lippert. We have not received any further comments. This will be Orange County Health Department review and we will have to get that before we come back to this Board.

G. Lake: The cul-de-sac length. You said you did speak to Mr. Lippert on that?

T. Ptak: He really had no problem about that.

G. Lake: He had no comment one way or the other?

T. Ptak: No.

G. Lake: Have we received any comments one way or the other?

M. Hunt: No.

G. Lake: He's asking you to do a thirty foot pavement?

T. Ptak: Yes. He gave us the new pavement detail which is in draft form and quite honestly it's going to take us until next Spring trying to get through the Health Department to be able to come back to this Board.

G. Lake: I will go through the Board.

A. Dulgarian: As long as he met with the Department of Public Works, I have no problem with the length of that cul-de-sac. It is not an issue for me. On the site distance, I'm glad you did the prevailing speed we always ask for but you're clearing to gain that three hundred fifty, is that all on your property?

T. Ptak: All of the clearing will be on our property and as I stated earlier, when they come around that turn most of the cars slow down and I observed that most of them are around thirty miles an hour when they came around that turn. Yes, the clearing distance is more than adequate.

A. Dulgarian: And, you have something on there to maintain it?

T. Ptak: I will have to add whatever verbiage is accepted by the Town as far as maintenance.

A. Dulgarian: Mr. McGoey, are you good with the detention pond up front?

D. McGoey: Yes. I haven't completed my review.

T. Ptak: That would be based somewhat on the road profile.

D. McGoey: You will also have to add notes that there will be a Drainage District before final approval.

A. Dulgarian: The only other thing I have you mentioned that almost the entire site is heavily wooded. I don't see any notes on old growth and I know we normally ask for that.

D. McGoey: I have that under comment #8.

A. Dulgarian: I'm sorry. That's all I have.

P. Owen: Other than Mr. McGoey's comments, I have no issues.

R. Carr: I second Mr. Dulgarian about the trees. Other than that, I have nothing further.

G. Luenzmann: The only issue I see and that's site distance around that corner.

T. Hamilton: Mr. McGoey do they have approval to go across for the lot #6 driveway through the wetlands?

D. McGoey: They would have to get . . .

T. Ptak: Actually we are disturbing less than a tenth of an acre.

T. Hamilton: They can put a driveway through the wetlands?

D. McGoey: Yes, if it's less than a tenth of an acre of disturbance.

T. Hamilton: Any homes in these bordering property lines that may be involved with their wells and septics. I'm not sure what borders these lots.

D. McGoey: How many houses are out there?

T. Ptak: There's really nothing close. There is the Rix property which is up front close to .

T. Hamilton: I'm just questioning where the wells and septics are.

T. Ptak: It's up in this area. That will be reviewed as part of the County Health Department.

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

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for PRELIMINARY APPROVAL subject to all comments of Mr. McGoey and of this Board made by G. Luenzmann and seconded by R. Carr.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

4. PUBLIC HEARING 7:45 P.M. - **CIESLEWITZ** - 3 LOT SUBDIVISION - Hufcut & Lybolt Road (12-1-24.22) #86-03

G. Lake: Public Hearing started at 8:24 P.M. M. Hunt read the Public Hearing notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 600 Route 211 East, in said Town, on the 1st day of September, 2004 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of John L. Cieslewitz for approval of a three lot residential subdivision, located on the South side of Hufcut Road and the West side of Lybolt Road, under Article III, Section 4, Paragraph G 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

D. Yanosh: I am the surveyor for the project. With me is Mr. Cieslewitz.

G. Lake: Bring us up to speed since the last time.

D. Yanosh: It's a 51.9 acre parcel, a three lot subdivision because the middle of the property lot #2 is going to have 3.52 acres. The purchaser wants to put the house back there in that old gravel bank. Lot #1, a vacant piece of property 31.29 acres with road frontage off of Hufcut Road and at the corner of Hufcut and Lybolt Road will be lot #3, 17.08 acres.

G. Lake: Before I go to the Public, let me go through the Board.

A. Dulgarian: Nothing at this time.

P. Owen: Nothing.

R. Carr: Nothing.

G. Luenzmann: Nothing.

T. Hamilton: Nothing.

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

MOTION to close this PUBLIC HEARING at 8:25 P.M. made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

G. Lake: My only comment is, did you straighten out with Mr. Lippert?

D. Yanosh: We did meet with him. He has no problem where we have the driveway but Mr. McGoey is looking for AASHTO requirements and we will supply that for him with no problem at all.

G. Lake: Okay. My last discussion with Mr. Lippert on this was that he, and it's been a while, I have no received anything from him as far as his satisfaction. So, maybe a quick letter from him.

D. Yanosh: He had a pile of stuff on his desk today and probably didn't get a chance to look at it before tonight's meeting.

G. Lake: That's my only comment at this point. I will go through the Board.

A. Dulgarian: Mr. Yanosh, why does that lot line exist like that between lots #1 and #2 for that driveway? What is the width of that?

D. Yanosh: We had it at a twenty five width before and you wanted it bigger, so we made it fifty feet.

A. Dulgarian: That is for that property?

D. Yanosh: There is a driveway there right now. You can drive right back to that piece of property right now. You have to go through the farm area where the barns are, a new driveway will be made off the highway.

A. Dulgarian: So, it's a flag lot.

D. Yanosh: In essence, yes.

A. Dulgarian: I have no other issues.

D. Yanosh: I did receive a telephone call from the neighbor on Lybolt and he had no problem with it.

P. Owen: I don't have anything.

R. Carr: I don't have anything.

G. Luenzmann: I don't have anything.

T. Hamilton: Nothing.

G. Lake: Mr. McGoey's comments?

D. Yanosh: I did send the agricultural notices out. I have a note on the plan.

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

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for PRELIMINARY APPROVAL subject to all comments made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

5. PUBLIC HEARING 7:50 P.M. - **MILLER** - 5 LOT SUBDIVISION - Re-approval - Old Timers Road (62-1-76) #82-02

G. Lake: Public Hearing started at 8:30 P.M. M. Hunt read the Public Hearing notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 600 Route 211 East, in said Town, on the 1st day of September, 2004 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of George D. Miller & Sons, Inc. for approval of a five lot

residential subdivision, Mount Hope Road and Old Timers Road, under Article III, Section 4, Paragraph G 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

D. Yanosh: I am the surveyor for the project.

G. Lake: Tell us why you're here, please.

D. Yanosh: We had a Preliminary Approval back in July of 2003. The process of starting the Health Department procedure and the Department of Environmental Conservation procedure and the Army Corps of Engineers, our time frame ran out in six months. I had to make a new application. I was here about two or three months ago with the same plan.

G. Lake: No changes to the plan?

D. Yanosh: No changes at all except for some Army Corps wetlands.

G. Lake: Basically you've been in the Health Department all this time?

D. Yanosh: No, just waiting to go there. Again, the question has come up now since this is a new application. My approval for the previous subdivision was the year 2001. My three year time frame has expired from the Health Department. Since this is a new application, we could go to Eustance & Horowitz for their review because there are four lots under five acres and only one over five acres. It wouldn't be a Health Department submittal anymore.

G. Lake: I will go through the Board before the Public.

A. Dulgarian: Nothing.

P. Owen: Nothing.

R. Carr: I will wait.

G. Luenzmann: I will wait.

T. Hamilton: I will wait.

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

M. Saiewitz: I own a lot on Old Timers Road which I've been paying taxes for a little over fifty years. I don't have any objections to Mr. Miller building unless it eliminates my ability to use my lot. I don't know.

D. Yanosh: Where is your lot on the map?

M. Saiewitz: If you come down off of Route 211

D. Yanosh: Mount Hope Road.

M. Saiewitz: Where's the cul-de-sac?

D. Yanosh: Back here.

M. Saiewitz: I'm one lot off the corner. I don't have any objections to them improving the land. I would if I couldn't build or sell. I have an acre.

D. Yanosh: So, you're on the left hand side of Old Timers Road coming in then, right?

M. Saiewitz: Coming in on the left hand side, right off the corner.

D. Yanosh: He's across the street from where we're developing.

G. Lake: Does he have road frontage?

M. Saiewitz: Off of Old Timers Road.

G. Lake: We need to know, you're not land locking anybody, right?

D. Yanosh: Correct.

G. Lake: He has public access to his property?

D. Yanosh: He does, yes.

M. Saiewitz: Will I still be able to build on it?

A. Dulgarian: We don't know about wetlands or anything like that.

M. Saiewitz: It's no wetter now than it was fifty years ago.

G. Lake: We will need how large your property is, the type of soils, etc. That, we cannot answer tonight but as long as you have a public road in front of you and you are not land locked.

G. Lake: Is there anybody else who wishes to speak on this application?

MOTION to close this PUBLIC HEARING at 8:35 P.M. made by G. Luenzmann and

seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

G. Lake: I will go through the Board.

A. Dulgarian: I have no issues.

P. Owen: I have no issues.

R. Carr: No problem.

G. Luenzmann: No issues.

T. Hamilton: Nothing.

G. Lake: Mr. Yanosh, can you explain again why this does not have to go the Health Department.

D. Yanosh: Again, the original subdivision was two lots at the end of Old Timers Road and one lot off of Red Oak Road and that was Eustance & Horowitz approval of the septic system. When we came back for the other subdivision, it was more than four lots within the three year time frame. That application was tossed by the wayside because my time frame expired. Now, with this new application in before you, and the date of the previous filing was July of 2001, which now is over that three year threshold. You can subdivide four lots every three years under five acres. Right now four of my lots are under five acres, lot #4 is over five. If this was a brand new submittal, without any previous application, this would be a Eustance & Horowitz approval for the septic system

A. Dulgarian: Was the subdivision ever accomplished then?

D. Yanosh: No. It never went anyplace.

G. Lake: Why don't you put that in writing and give us a little time to work that out. I mean, I don't see a reason why we should hold you up tonight. This way Mr. Brodsky and Mr. McGoey can take a look at it before I sign off.

D. Yanosh: Okay.

MOTION for a NEGATIVE DECLARATION made by R. Carr and seconded by G. Luenzmann.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

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

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

6. **McGOVERN** - 4 LOT SUBDIVISION - Lybolt & Brimstone Hill Road (12-1-29.2)

#04-04

K. Rother: We had a Public Hearing for this in May and closed and we waived the time frame. At the Public Hearing there were a few outstanding issues. Primary was the receipt of the Department of Environmental Conservation wetlands map which we got the day after the meeting. The Planning Board has that in their file now. There was another question about the driveway site distance which I believe we've addressed most of them.

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

K. Rother: Yes.

G. Lake: There's only a couple.

K. Rother: Yes.

G. Lake: Did you verify this with the Highway Superintendent?

K. Rother: I spoke to Mr. Lippert. There are two poles on our side of the road that support guide wires that tie up with utility poles on the other side of the street. Because of the Town's roadway widening requirement we may impact those two guide wire poles. If we impact them, we will move them outside the right-of-way.

G. Lake: Mr. McGoey's comments.

K. Rother: The applicants attorney, Mr. Blustein has been in contact with the Planning Board attorney regarding the language for this clearing easement with the Golf Ridge project.

D. Brodsky: I have samples with me if you want to take them with you today. I know I had faxed them.

K. Rother: Agriculture land. We have one agriculture piece behind us. We will add the applicable notes and notify them accordingly. They were notified of the Public Hearing.

G. Lake: Let me go through the Board.

A. Dulgarian: Nice sized lots. Nice configuration. Good setbacks for a rural area.

P. Owen: No problems.

R. Carr: No problems and I would like to commend you on identifying the trees.

K. Rother: There were about two hundred and thirty. We did actually move houses and driveways to accommodate that.

G. Luenzmann: It's a nice development. No problems.

T. Hamilton: Lot #3, is that a drafting error that shows the house into the sixty foot yard setback?

K. Rother: Yes it is.

G. Lake: I don't have anything.

MOTION for a NEGATIVE DECLARATION subject to all comments made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for PRELIMINARY SUBDIVISION APPROVAL subject to all comments made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

7. **FLUFFY PUPS INC.** - SITE PLAN/SPECIAL USE PERMIT - 2054 Goshen Turnpike (44-1-38) #89-04

C. Strommer: I am President of Fluffy Pups Inc. and co-owner of the property with my husband.

G. Lake: Tell the Board what you want to do.

C. Strommer: It's an existing residential home in a commercial zone and I want to use it for dog grooming. No boarding. No overnight.

G. Lake: What are you going to use it for?

C. Strommer: Dog grooming.

G. Lake: Let me go through the Board. We will have to set a Public Hearing.

A. Dulgarian: Nothing.

P. Owen: Nothing.

R. Carr: Nothing.

G. Luenzmann: I have nothing.

T. Hamilton: Nothing.

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

C. Strommer: No.

G. Lake: Mr. Brodsky, Mr. McGoey's comment #1.

D. Brodsky: We're actually discussing that right now.

G. Lake: Is this going to be a Zoning Board of Appeals issue?

D. Brodsky: We're discussing that. I'm not sure. My opinion is yes but I didn't research the note and I'm not really sure.

T. Hamilton: This is in the M-I, right?

D. McGoey: It's M-I.

G. Lake: The applicant for Fluffy Pups, come on back up and we will see what we're going to do.

D. Brodsky: The problem as I understand it, there is a current non-conforming use on the site. The applicant's application, that use is pre-existing. The problem is the application that's before the Board now will actually trade that non-conforming use for a different non-conforming use. I think that under those circumstances they can't fall back on a pre-existing use. They will have to go to the Zoning Board of Appeals for a variance.

D. McGoey: The proposed use is conforming under the Special Use. The building.

D. Brodsky: Right now the building is sized less than the required square footage.

C. Strommer: What I understood it to be is that we needed the five thousand square feet. I don't see why a small business can't come in and open.

A. Dulgarian: That's why you need a variance from the Zoning Board of Appeals.

G. Lake: Unfortunately, we do not have the ability to waive from the regulations. The Zoning Board of Appeals does that. We are going to refer you to the Zoning Board of Appeals.

C. Strommer: So, even if the interpretation is different from Mr. McGoey and the Town Attorney, there's nothing we can do.

D. Brodsky: I don't think there's any issue here because as of now they are actually creating a situation where they now require a larger lot in order to accommodate the use that they're proposing. It's not currently existing and it's not pre-existing. It's something that is going to be proposed in the future and for that reason I believe they need a variance.

MOTION to schedule a PUBLIC HEARING for November 17, 2004 made by R. Carr and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION to refer the applicant to the Zoning Board of Appeals made by R. Carr and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

8. **CAROLAND (Aldi's Plaza) - SITE PLAN/SPECIAL USE PERMIT - Route 211 East (50-1-31.2) #79-04**

J. Rosenberg: I'm with Caroland. We're just looking to re-populate our shopping center. There are two reasons we're here tonight. One is just to get a general permit for a use because it's been empty for so long and then the second one is one of our tenants will need a Special Use Permit because it will be an Italian Deli. I guess my question is there used to be a pizzeria there.

G. Lake: How long has it been gone?

J. Rosenberg: Three, four or probably five years ago.

T. Hamilton: One you go beyond a year, it is not valid.

J. Rosenberg: So, we would still need a Public Hearing?

G. Lake: Yes. That's in our zoning.

J. Rosenberg: It's been empty for a long time.

G. Lake: Let me go through the Board.

A. Dulgarian: I have no problems with it. I'm glad to see that someone will be occupying.

P. Owen: I feel the same way.

R. Carr: I have no problems other than the landscaping.

G. Luenzmann: You want to develop this large area here consisting of lot #1?

J. Rosenberg: Right.

G. Luenzmann: And all of those on the side?

J. Rosenberg: Right.

T. Hamilton: Do we have tenants for this?

J. Rosenberg: Yes. We have Old World, we've got a computer service company, Valley Beauty is going in and then the rest we're still negotiating. The big one, twenty five

thousand square feet we've had a hard time and don't really have anybody interested at this point.

T. Hamilton: We really would like to see that occupied. I have no problems.

MOTION to schedule a PUBLIC HEARING for November 17, 2004 made by G. Luenzmann and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

9. **ASHLEY ESTATES II** - 26 LOT SUBDIVISION - Howells Turnpike (6-1-13.21) #40-02

G. Lake: How are you making out?

C. Foti: Basically we've submitted the Draft Environmental Impact Statement We have Mr. McGoey's comments with five on it. Items #2, #3, #4, #5 we will comply with the traffic study alternative analysis. Item #1, it actually has changed to a twenty six lot subdivision. What we've done is we've lost one lot right up in this area here due to soils and there was an existing well there. So, what we've done is just taken one lot out so, it is now a twenty six lot subdivision. Basically we got all the percolation tests done and all the deep tests done on this property. There are sanitary designs on each lot.

G. Lake: How about the Army Corps of Engineers issue.

C. Foti: Mr. Thorgeson has handled that and basically has proposed mitigation. The Army Corps has walked this quite some time ago and the maps do show additional wetlands as delineated by the Army Corps of Engineers and basically Mr. Thorgeson has satisfied the Army Corps as far as mitigation.

D. McGoey: One of the things that I asked for in the document that the mitigation required by the Corps be discussed in the Environmental Impact Statement and that hasn't been accomplished. There are several issues here.

G. Lake: If there are several issues yet that you have asked for and they're not in the report yet, why are we considering it as complete?

D. McGoey: It needs to be completed before.

A. Dulgarian: Do you need another work session with you to find out exactly what he needs? Why are we wasting our time?

D. McGoey: Basically he hasn't updated the document.

C. Foti: We just received this Friday.

D. McGoey: You should at least have a work session with me.

C. Foti: There are three issues. One is putting the Army Corps of Engineers wetlands into the document. Further discussing the alternative development and item #5 we would have to get back to Mr. Collins to include it in his traffic study for the additional intersection that you had asked for.

A. Dulgarian: Not only that Mr. Lake, besides the few he mentioned there, there may be others.

G. Lake: There are a couple of items here that should be in the document. It's really not fair for me to even suggest to anybody to try and take this tonight and say it is semi-complete. One of the biggest issues and one of the biggest issues I was disappointed with was all the disturbance quite a few years ago. I think that should be very clearly stated in this along with these other things. I will make a motion to accept but I have to tell you I don't think I'm going to vote to accept tonight until you go back to a work session and bring us a one hundred percent complete document. I will ask our attorney if we should table this until you get to a work session. There are three or four, in my opinion, very important things that are not quite complete in the document. Otherwise, the action tonight is to take Draft Environment Impact Statement as complete and, it is not complete. So, should we just table it and let him get to a work session and get it straightened out

D. Brodsky: I assume the applicant has no objections to tabling it in order to resolve the issues.

G. Lake: I was going to get to that next. I just want to make sure we do it right.

D. Brodsky: You can table it as long as the applicant agrees there are no issue and then we will put him back on when everything is resolved.

G. Lake: Okay.

C. Foti: We have no problems. Basically I have to contact Mr. Collins for the traffic study and I'm not sure how long that is going to take to study that intersection.

Tabled for further review.

10. VASSALLO - SITE PLAN/SPECIAL USE PERMIT - Weld Road (3-1-25) #03-04

T. Ptak: I'm the engineer for the applicant. We're here tonight to ask for Site Plan approval for a fifty by one hundred five thousand square foot building which is located on Weld Road on the existing lot. The proposed use of the building will be for a mason contractor. He proposes to have an office and retail space in the building. He's a mason who wants to use it for his shop.

P. Owen left at this time.

G. Lake: I will go through the Board.

A. Dulgarian: Nothing.

R. Carr: I have no problems other than the landscaping.

G. Luenzmann: I don't have anything.

T. Hamilton: Just Mr. McGoey's comments.

T. Ptak: I would like to go back to Mr. McGoey's comments. The main one is item #9 about the warehouse use. I don't know but maybe that's not the right word but I thought at the last meeting that we agreed that he could store his equipment in the building as an accessory use to the office. I thought we had gotten that determination on it.

D. McGoey: Well, he could turn around and put another business in there as a warehouse.

T. Ptak: Then whatever word that we need so that he can store his equipment. I will go over the rest of the comments. I met with Mr. Lippert. There is some distance issue looking West back towards Fair Oaks. The site distance is less than three hundred feet. What Mr. Lippert suggested is that we raise the entrance maybe a foot or a foot and a half to try and increase that. I took a quick look at it. It will increase it but it's only going to be near three hundred feet which is actually the site distance which is required for a thirty mile an hour speed limit. As far as the prevailing speed of thirty five miles an hour I talked to Mr. Lippert about it. He has no problem with it if I meet the requirements at thirty feet.

D. McGoey: Can you meet it at thirty feet five?

T. Ptak: We can't meet it at thirty five feet. Item #4 is the wall mounted lighting fixture. We will show a lighting detail with the cutoff. Item #5, the dumpster enclosure, we will put the green strips in. Item #6. The landscaping, Mr. Carr suggested we beef it up a little bit. Item #7. The curb radii at the entrance should be increased to thirty feet. We have no problem doing that. Item #8. It is requested that the large Oak trees be noted as not being removed. Item #9. And again, we will change the wording to storage of equipment as the accessory use.

D. McGoey: Get a letter from the Highway Superintendent accepting the site distance at thirty miles an hour.

T. Ptak: I will speak to Mr. Lippert. Basically he said to do what I can to increase it. I will talk to him again.

D. McGoey: We need a letter that it's acceptable for the site distance.

T. Ptak: We will try to raise it a foot and at half at the entrance to help.

D. McGoey: When the Highway Superintendent issues the permit . . .

G. Lake: With him changing the wording, can we give this a Negative Declaration.

D. McGoey: If he's going to take warehouse off.

G. Lake: Warehouse is off then, right?

T. Ptak: Right.

G. Lake: You will beef up the landscaping in front?

T. Ptak: Yes, we will.

G. Lake: And also a letter from Mr. Lippert.

MOTION for a NEGATIVE DECLARATION subject to all comments as well as the Board's comments made by A. Dulgarian and seconded by G. Luenzmann.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

MOTION for SITE PLAN/SPECIAL USE PERMIT subject to all comments as well as the

Board's comments made by R. Carr and seconded by A. Dulgarian.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

11. **LeVIERE** - 2 LOT SUBDIVISION - FINAL - Seaman Road (7-1-10.6) #25-03

A. Dulgarian: Why do you need an extension?

D. Yanosh: I don't need an extension. I wrote a letter back in July asking for an extension but in the mean time we did get the Health Department approval. We do have our Health Department approval and it was signed on August 6, 2004. Really, I'm here for Final approval.

D. McGoey: Okay.

G. Lake: Did the fire department have any comments on this?

D. Yanosh: No.

G. Lake: The Highway Superintendent?

D. Yanosh: I talked to Mr. Lippert about this and he had no problems with it.

MOTION for FINAL APPROVAL subject to Mr. McGoey's comments made by A. Dulgarian and seconded by G. Luenzmann.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

12. **SCHLEIER** - 4 LOT SUBDIVISION - Derby Road (21-1-44) #77-04

D. Yanosh: I am the surveyor for the project.

G. Lake: Go ahead.

D. Yanosh: This is the Silvia Schleier property. It's 99.25 acres on Derby Road. An existing house is on the property a two-family house. They are planning for a four lot residential subdivision, single family homes. Three of the lots will be fronting on Derby Road and all have two hundred feet of frontage, a minimum of two acres. There is another sheet in your packet that has an overall plan for a future subdivision for the rest of it. There are a lot of wetlands in the back. We limited that to a certain number of lots back there.

G. Lake: Mr. McGoey's comments. Are you going to have any trouble between now and the Public Hearing?

D. Yanosh: No. We're going to preserve those stone walls. It is mostly open field. There are tree lines going through.

D. McGoey: If you're not going to take trees down show that they are within the limit line.

D. Yanosh: No problem.

A. Dulgarian: Nothing.

R. Carr: Nothing.

G. Luenzmann: Nothing.

T. Hamilton: Nothing.

MOTION to schedule a PUBLIC HEARING for November 17, 2004 made by G. Luenzmann and seconded by A. Dulgarian.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

13. **FAIRWAYS** - SITE PLAN/SPECIAL USE PERMIT - (Extension to fulfill conditions) - Golf Links Road (73-1-31.2) #120-02

J. VanTile: We're here this evening to request an extension of our condition final site plan and related approvals from March 3rd. We applied for the extension on June 18th and I sent the Board just last week just where we are. We've made, I think, excellent headway with all of the conditions.

We paid all of our taxes. We've given the Town everything it wanted. We've given you the signed developer's agreement, the signed dedication of 4.14 acres. We actually have received a number of Department of Environmental Conservation and Health Department permits. We have our stormwater SPEDES. We have our Orange County Health Department approval for the water. We have our Department of Environmental Conservation stream crossing. We're having trouble with a couple of permits. The Army Corps of Engineers is operating at glacial speed in responding to. We believe that we have answered all of their questions. We're just waiting for the final permit but Department of Environmental Conservation on the sanitary sewer extension they took ten months from January 16th to August 10th to give our first written response. And, their written response was that they don't have jurisdiction. Now, we don't agree with that. Department of Public Works we're getting a little bit from them where they said they won't give us the permit until the site plan. We have to work that out. I think we're very close but on the other hand especially with the Department of Environmental Conservation it takes eight months to answer a letter and the Army Corps of Engineers, I would ask you to consider a one year extension just because they take so long to answer correspondence.

G. Lake: This Board has had many experiences with difference agencies.

A. Dulgarian: I have no problem with issuing them a one year extension.

R. Carr: I have no problem. Again, you have done everything so professionally.

J. VanTile: We will be here sooner if we can.

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

T. Hamilton: Nothing.

J. VanTile: Just for the record, the Special Permit actually doesn't begin to run until the Attorney General gives approval but just for calendaring purposes, I would like the extensions to be applied to all three, just so we all know where we are.

G. Lake: Okay.

J. VanTile: Thank you very much. I appreciate your courtesy.

MOTION for a ONE YEAR EXTENSION to FINAL APPROVAL made by G. Luenzmann and seconded by T. Hamilton.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

14. **FRANKLIN SQUARE REALTY** - SITE PLAN/SPECIAL USE PERMIT - Route 17M & /Evergreen Drive (36-2-55.3) #95-04

R. Howerter: The property is on Evergreen Drive, we're changing the use from a restaurant into a business.

G. Lake: Mr. McGoey's comments, the striping can you verify that?

R. Howerter: Yes. It's on the Site Plan.

G. Lake: And, you have enough parking?

R. Howerter: Have more than adequate, yes.

D. McGoey: Is the parking double striped?

R. Howerter: Yes.

D. McGoey: Two stripes on each line?

R. Howerter: No.

R. Markovits: I can't remember. I think it's single stripes. There are forty two parking spaces.

G. Lake: Just make sure it is double striped. That's what it has to be now.

A. Dulgarian: Does that change the number of spots?

D. McGoey: Probably not.

G. Lake: Mr. McGoey's comment #4, the landscaping, can you beef that up?

R. Howerter: It's all brick inlaid on the sidewalks and we cleaned it all out and dug the edging of the building and taken down a tree that was overhanging the building. The landscaping is beautiful. It just needs to be cut back.

G. Lake: Let me go through the Board.

A. Dulgarian: I think it's a good use for the building.

R. Carr: No problem.

G. Luenzmann: I have no problem.

T. Hamilton: No problem.

G. Lake: I think we all are just looking for a little more landscaping and we do this throughout the Town. It's nothing new. It's something we've worked very hard on. That's my only comment. If you beef up the landscaping I think the Board would appreciate it.

R. Howerter: Okay, sure.

R. Markovits: There are existing trees in the front of the building.

G. Lake: You just need to show where a little extra landscaping will be on.

R. Howerter: Some of it, you can see on the Site Plan what we've done.

MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey's comments and the Board's comments made by A. Dulgarian and seconded by G. Luenzmann.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

MOTION for SITE PLAN/SPECIAL USE PERMIT subject to Mr. McGoey's comments and the Board's comments made by A. Dulgarian and seconded by G. Luenzmann.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

15. **GREEN** - 9 LOT SUBDIVISION - Bendlin Lane (32-1-16.1) #107-02

D. Yanosh: I am the surveyor for the project.

G. Lake: Have you been to the Health Department?

D. Yanosh: We're just about ready for them. We did the wells and the joint inspection was all taken care of. We're waiting for our approval letter from the Health Department so, we're here for a Final Approval on the subdivision.

G. Lake: Mr. McGoey's comments.

D. Yanosh: I talked to Mr. Lippert and he said the comments we had before about the clearing was okay. He had no problems with that. The Drainage District was approved by the Town Board but the Lighting District wasn't. Note #4 is no problem. Note #5 is no problem. I think we have it on the plans already. Note #6 about the Department of Environmental Conservation approval of the stormwater management, normally that's taken care of before construction.

D. McGoey: Yes, but we have to have all that stormwater management stuff detailed on the plan as part of the management report.

MOTION for FINAL SUBDIVISION APPROVAL subject to all comment made by G. Luenzmann and seconded by R. Carr.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

16. PUBLIC INFORMATIONAL HEARING - RA Zone - Notification from 300' to 1,000'

D. Brodsky: At the last meeting we had a Public Hearing regarding changing the notice requirement for the RA Zone from three hundred feet to one thousand feet. We never actually formally resolved to make a recommendation to the Town Board. Based upon the feedback from the Board Members, we will probably recommend the approval but Mr. McGlaulin recommended that we provide a formal resolution to the Town Board so that they can then act on our recommendation of our approval.

MOTION to approve the RESOLUTION for notification in the RA Zone to be changed from three hundred feet to one thousand feet made by R. Carr and seconded by T. Hamilton.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Luenzmann: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES