

TOWN OF WALLKILL PLANNING BOARD

MEETING

SEPTEMBER 5, 2007

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

MEMBERS ABSENT: A. Dulgarian

OTHERS PRESENT: J. Bacon, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - MILLER - 3 LOT SUBDIVISION - Pocatello Road (65-1-7) #142-04

G. Lake: Public Hearing started at 7:38 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 5th day of September, 2007 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, P.O. Box 845, Middletown, New York 10940 for approval of a three (3) lot residential subdivision, located on the south side of Pocatello 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: Name for the record, please.

D. Yanosh: My name is Dan Yanosh, surveyor for Mr. Miller.

G. Lake: Give us a brief description since the last time you were here.

D. Yanosh: It's a two lot subdivision. Both lots will front on Pocatello Road, lots #1 and #2. Lot #1 would be 3.17 acres and lot #2 will be 3.04 acres. Both will contain a single family house, well and septic systems. The remaining 38.9 acres would have frontage off of California Drive which comes in the north end of the property. That's one of the questions that Mr. McGoey had in his comments on the remainder of the subdivision. I did submit a sketch originally with another thirteen (13) lot subdivision. The remaining would be about ten more lots of the property which would come off Miller Heights Road with a dead-end cul-de-sac. The rest of the property to the south belongs to Mr. Miller also which goes all the

way down to Karen Drive. There is a potential some day to extend that road from Karen Drive up to Miller Heights Road but all we're here today is for a two-lot subdivision on Pocatello Road.

G. Lake: Let me go through the Board.

H. Ross: After.

R. Carr: I will wait.

W. Capozella: I will wait.

C. Najac: After.

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 7:41 P.M. made by T. Hamilton and seconded by R. Carr.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

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

D. Yanosh: Sure.

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

D. Yanosh: Item #1, I guess provides for the access for the 38.9 acres which comes off of Miller Heights Road. That's probably the biggest thing we're going to go over. Did you ever see the overall twelve (12) lot?

D. McGoey: Yes I did.

D. Yanosh: It was submitted as a sketch. The biggest thing I guess is the fifty foot access for that build-out to be left there. The future would be a development of over a thousand foot cul-de-sac again and would probably need variances. I don't know how else to cut two lots off of that anyway with two hundred feet of frontage unless I just do one lot and leave two hundred feet for the remainder. No matter what you do, you extend the road in and do the rest of the property. That's a determination from the Board or the Zoning Board of Appeals.

J. Bacon: What the code says is that anything that hasn't received a Negative Declaration has to comply with the frontage requirements. I know you want to do that cul-de-sac in the future but the way the code stands now. . .

D. Yanosh: I don't know how they, when they did the zoning change . . .

J. Bacon: As long as the applicant received Preliminary Subdivision and a Negative Declaration.

D. McGoey: And, it also suggests that the overall development plan complies to the regulations with the cul-de-sac.

D. Yanosh: Miller Heights Road comes in now to a cul-de-sac. I don't know how they would handle that. An extension of an existing cul-de-sac, what does that law go by, does it go to one thousand feet from there? This is for the future.

J. Bacon: Maybe write a letter on that situation.

D. Yanosh: I guess my only option would be to cut it down to a two-lot subdivision, correct? And, leave one of the lots for the two hundred foot frontage to the rest of the property or go to the Zoning Board of Appeals and get a variance or seek an interpretation for the

remainder.

G. Lake: I don't know how the Zoning Board of Appeals would interpret that.

D. Yanosh: We will find out.

J. Bacon: It will come up again, I'm sure.

D. McGoey: The other comments are either technical or can be resolved.

T. Hamilton: Do we even have to go through them, Mr. McGoey because he doesn't meet?

D. McGoey: No.

T. Hamilton: There is no point until we find out what he's going to do.

D. Yanosh: One of the comments from the Highway Superintendent was the depth of the ditch and we have to work out something for the size of the culverts.

G. Lake: Let me go back to the Board and see if they have any new questions and then I guess you're going to have to talk to your client and decide. Mr. Ross, do you have anything else?

H. Ross: No. I think we touched on it. It's an interesting question.

R. Carr: Just a question for Mr. McGoey. The new zoning requires every lot to have two hundred feet frontage at the road?

J. Bacon: The measurement is thirty five feet from the center of the road but it's not every zone that has a two hundred foot lot width.

D. Yanosh: Yes, some of them are one hundred and fifty feet.

R. Carr: Thirty five feet from the center, that has nothing to do with the setback? Otherwise, I would have no problem.

W. Capozella: I'm being led to understand we're not going on this then other than the two

hundred feet. I have no other comments.

C. Najac: Unable to hear.

D. Yanosh: There are a couple of options I have to look at all the way through.

R. Carr: And, lot #3 does not conform.

D. McGoey: Lot #3 does not conform to the regulations.

T. Hamilton: Nothing further.

G. Lake: We're just going to table this until you decide which way you want to go.

D. Yanosh: Would it be possible to get a denial so I can go to the Zoning Board of Appeals?

G. Lake: I think the Building Department would send you to the Zoning Board of Appeals. We can do that now, if you want?

D. Yanosh: Or, I can reverse that option and throw that out and just come back in with another submittal for these two lots. I will play the game that way.

MOTION to refer applicant to the ZONING BOARD of APPEALS made by R. Carr and seconded by H. Ross.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

2. PUBLIC HEARING 7:35 P.M. - MILLER - 3 LOT SUBDIVISION - Mt. Hope Road (65-1-5.2) #31-07

G. Lake: Public Hearing started at 7:48 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 5th day of September, 2007 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, P.O. Box 845, Middletown, New York 10940 for approval of a three lot residential subdivision , located on the south side of Mt. Hope Road, County Highway 11, east of Van Duzer Road, also being located on the north side of Pocatello 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 Mr. Miller.

G. Lake: Give us a brief description.

D. Yanosh: This subdivision was in front of you about a year ago. We subdivided most of the lots off of the Mount Hope Road area leaving the area of the cemetery is on lots #1 and #2. Mr. Miller is now looking to subdivide lots #1 and #2 off of the Mount Hope Road. Lot #1 having five (5) acres and lot #2 having 5.98 acres. Lot #2 has the cemetery on it which is labeled on the map with the required buffer that's required. Also lot #3 is not for residential purposes at this time. He has a buyer who would like also to have a twenty five foot access way, ownership in fee, from lot #3 down to Mount Hope Road. You can see where the old lot #3, lands of Miller, Section 65, Block 1, Lot 63 we're going to take a twenty five foot strip from that piece of property and give it to the new lot #3 in the back which has frontage on Pocatello Road. That would provide them access down to Pocatello Road down to Mount

Hope Road. Both lots #1 and #2 have a single family house.

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

H. Ross: After.

R. Carr: I'll wait.

W. Capozella: After.

C. Najac: After.

T. Hamilton: After.

G. Lake: That twenty five foot strip, is that an easement or actually part of the lot?

D. Yanosh: It would be part of lot #3.

D. McGoey: What does he need it for?

D. Yanosh: The supposed purchaser of the property of lot #3 would be Orange & Rockland. They're looking to put some power lines for that property out towards Mount Hope Road to tie into the other poles that go through there. There is an Orange & Rockland that goes from the north side of the property and one that goes to this property here. They don't want to take an easement. They would rather have the ownership in fee.

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

MOTION to close this PUBLIC HEARING at 7:52 P.M. made by W. Capozella and seconded by R. Carr.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

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

D. Yanosh: Sure. No problem. The prevailing speed we have on Pocatello Road. We have the chart which shows it right now. We discussed the twenty five foot wide strip. Eustance & Horowitz are reviewing the septic and wells as we speak this week. We haven't gotten comments back from the Highway Department of Public Works. We have excellent site distance out there and have all the details. I have to change the maps to the new zoning codes.

G. Lake: Does it meet the new zoning?

D. Yanosh: There's no problem with that.

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

H. Ross: The access toward Mount Hope, does it intersect with the cemetery?

D. Yanosh: No. Showed Mr. Ross.

H. Ross: Other than that, I have nothing further.

R. Carr: My only impression with it, I have no problem. Would it be okay if we say no further subdivision on lot #3?

D. Yanosh: It's not for residential purposes at this time. Again, if the deal falls through with Orange & Rockland, okay. It's not something that's settled yet so I don't want to limit Mr. Miller five years down the road to do that. His intention is not to, but I don't want to be put in that position.

R. Carr: The only thing then is if you do have it sold and then they would end up with that?

D. Yanosh: We would have to re-address that then. We can make that a condition, if you

want. I have no problem. I'm not ninety nine percent sure but I don't want to lock him into something that nobody will want.

R. Carr: Those are my only comments so far.

W. Capozella: I know he said that there's two hundred feet, correct?

D. Yanosh: Two hundred thirty six (236.9).

W. Capozella: Okay. The other question I have is about the twenty five foot right-of-way.

D. Yanosh: No. It's not a right-of-way. Ownership. Lot #3 would own that piece of property.

W. Capozella: Now, how do we give twenty five feet on a road, do we just grant twenty five feet or thirty five feet?

D. McGoey: They already have the minimum road frontage on Pocatello Road.

W. Capozella: Right. It's still going to cut into the other road. Nothing else.

C. Najac: Will you be (not clear).

D. Yanosh: The intention is to put them underground.

C. Najac: Will you put that note on?

D. Yanosh: Unless I had to come back for Site Plan approval. I don't know much about it.

C. Najac: How will it affect the property if there are power wires?

D. Yanosh: Mr. Miller owns the property.

G. Lake: Will these be high power lines?

D. Yanosh: A transmission line that's going to go back. I'm guessing myself. I really didn't talk to Orange & Rockland. It's just that they wanted a twenty five foot strip to go out to Pocatello Road. Would it be an easement or a piece of property. There is nothing wrong with Mr. Miller not selling that piece of property today, granting them a twenty five foot strip for power lines or whatever, he can still do that. It wasn't an issue. The issue was that

Orange & Rockland would like to have it in fee ownership.

C. Najac: We have telephone poles that are wired for homes versus (not clear).

D. Yanosh: But I can't answer that question because I don't know the answer. Do you see my point?

C. Najac: Yes, but . . .

D. Yanosh: As far as I know they will be put underground.

J. Bacon: You could identify it for utilities.

D. Yanosh: The twenty five foot wide strip for utilities.

T. Hamilton: We don't know what they're tying into, what type of poles they have to have and even in the residential areas we want the utilities underground instead of overhead. Not knowing the voltage, type of power, etc.

D. Yanosh: While you are saying that, I'm almost positive it will be underground. Again, there's nothing saying that they want to put them above. Nobody has power over that. I agree with you that the strip will be for utilities only.

G. Lake: Anything else, Mr. Najac?

C. Najac: No.

T. Hamilton: I'm just wondering just what is going in on that parcel and if it doesn't go through then we will have to revert it back.

G. Lake: Does that twenty five feet go back to that lot?

D. Yanosh: I will make that a condition no problem at all if it does go through and if it doesn't it will go back to lot #3.

R. Carr: How does he do that?

D. McGoey: He will have to file a map. He would have to come back to the Planning Board

for lot #3.

D. Yanosh: Yes, if we're going to subdivide it or something like that. I will put a note on the plan.

G. Lake: And, you will have to check if it's underground.

D. Yanosh: Again, I'm ninety nine percent sure.

MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments and comments from this Board referring to the utilities being underground and what's going to happen if the deal falls through made by R. Carr and seconded by W. Capozella.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Nay

T. Hamilton: Nay

G. Lake: Aye

MOTION CARRIED. 4 AYES, 2 NAYS

MOTION for a THREE (3) LOT SUBDIVISION subject to all of Mr. McGoey's comments and this Board's comments made by W. Capozella and seconded by R. Carr.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Nay

G. Lake: Aye

MOTION CARRIED. 5 AYES, 1 NAY

3. **DRAGO** - 2 LOT SUBDIVISION - Boorman Road (32-1-40.222) #30-07

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

A. Fusco: My name is Al Fusco with Fusco Engineering representing the applicant.

G. Lake: Give us a brief description of what you want to do.

A. Fusco: Absolutely. What we have is a 6.33 acre parcel on Boorman Road. There's an existing dwelling on it now, currently occupied by Mr. Drago and what they're wishing to do is to separate it into a two lot subdivision. The other house being for his daughter. They are looking to move forward with it. I've had a couple of work sessions. We have complied with all of the comments, I believe. We did receive some Highway comments tonight which I think we already have addressed most of however, there might be one item that remains open. We respectfully request to move forward with the subdivision. It's fairly simple and it's under the ten acres so it does meet the criteria as represented in the zoning and we wish to move forward.

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

A. Fusco: Yes I do.

G. Lake: Mr. McGoey?

D. McGoey: I think . . .

A. Fusco: I don't have any recent ones.

D. McGoey: Well, the bulk tables is still subject to comply with the new regulations. We asked for the AASHTO standards for the prevailing speed.

A. Fusco: Had a discussion with Mr. McGoey.

D. McGoey: I think what I said was how you came up with a prevailing speed of thirty seven?

A. Fusco: We had included that in a response letter. We had the radar gun there for the day and that was in the response letter dated July 15, 2007.

D. McGoey: And, there continues to be a conflict between the sides of the driveway culvert on sheet 2 and 3. That's a simple matter.

A. Fusco: Okay.

D. McGoey: There appears to be a stream or a drainage way in the dam upstream that crosses your site. Your Site Plan doesn't show a stream.

A. Fusco: There's a drainage swale in there. Again, I will give you a copy of our response. There is a stream there. It's a intermittent stream. There used to be a dam up above there and it's been breached. There's just some remnants of it currently. The current owners up stream, I believe their name was Ferrier, has demolished the pond area and opened up the dam and he put a swimming pool there instead. There's an intermittent stream that goes down through there currently. We've identified it and goes through that thirty six inch culvert. One of the comments from the Highway Superintendent is that he prefers that culvert to be within the County right-of-way and if that's what you requested we will be happy to do it. That's where the existing swale is now through the intermittent stream.

D. McGoey: I don't think you can.

A. Fusco: I don't think so either but the Highway Superintendent, I just got it today requested to put a thirty six inch culvert in the Town right-of-way. I'd be happy if we were requested to put two of them in.

D. McGoey: Well, depending upon the size of the culvert to handle the stream because obviously some kind of an analysis should be performed there.

A. Fusco: We can do that.

D. McGoey: The septic systems by Eustance & Horowitz should be reviewed.

A. Fusco: We submitted a copy to the Town to be forwarded to Eustance & Horowitz.

D. McGoey: And, roadway dedications to be by a gratuitous offer.

A. Fusco: We show the road dedication twenty five feet. We will make that correction.

D. McGoey: We requested that the trees of significance be shown on the plan which is part of the new regulations.

A. Fusco: We had placed a note indicating that all trees over six inches would be maintained. Is that satisfactory?

D. McGoey: It may not be according to the new regulations.

A. Fusco: Okay.

G. Lake: You got the comments today from the Highway Department?

A. Fusco: Yes I did. I believe most of them are handled. One was to comply with the AASHTO standards. We will highlight that with bigger letters so that it's a little more visible. We made a note of having a gratuitous twenty five feet. We did show the twenty five feet but didn't mention gratuitous but we will. The next to the last one is that the proposed location of the thirty six inch driveway culvert, he wanted it in the Town right-of-way. Mr. McGoey had stated that really should remain where it is with the existing stream. That's one we may want to take exception to.

G. Lake: Right. Mr. McGoey said you might have to make an exception to it.

A. Fusco: Right.

G. Lake: Mr. McGoey, he can work that out with the Highway Department?

D. McGoey: Well, I think we need to see the size of it, etc.

A. Fusco: We will give you the information.

G. Lake: Mr. McGoey, are you . . .

D. McGoey: I think we should defer action on this tonight.

G. Lake: Let me go through the Board. Mr. Bacon, before I go to the Board.

J. Bacon: Are there any Federal wetlands on there?

A. Fusco: No.

G. Lake: I will go through the Board.

H. Ross: No.

R. Carr: I have no problem with it as long as Mr. McGoey is satisfied.

W. Capozella: I have a question about lot #2 and coming out of that driveway and something about the stream.

A. Fusco: The stream would be down a little further. Had a discussion with Mr. Capozella. That's just a low area and we put a pipe in there so that the drainage can go through.

J. Bacon: Can you show the tree line?

A. Fusco: Sure.

W. Capozella: It needs to be labeled.

G. Lake: Anything else, Mr. Capozella?

W. Capozella: No.

C. Najac: I don't have anything at this time.

T. Hamilton: Mr. McGoey, on the AASHTO standards, does the applicant just send somebody out there with a radar gun (not clear).

D. McGoey: Mr. Hamilton, we have no standards. It's a matter of getting together with the Highway Superintendent to see whether he agrees. I don't know what the criteria is.

A. Fusco: We identified it in our letter that they were out there for a day, an eight hour day, and we took the average. Many locations, that's probably why they used posted speed because it's not something ambiguous. If it were at prevailing speed, we try to identify it. As Mr. McGoey had said, it can be verified by the Highway Superintendent as to whether he feels it's within reason.

T. Hamilton: I know Town's have a machine that registers the time, speed, etc. I mean, to be out there one day . . .

D. McGoey: I agree.

T. Hamilton: The police also have something.

D. McGoey: We probably should have a standard.

A. Fusco: This is a duplex roadway also. Obviously at some times there is peak traffic but basically there may be one or two cars an hour.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

G. Lake: There are a few things you've got to do before we move on.

A. Fusco: Okay.

G. Lake: So, we're going to table this. Mr. McGoey, do you need him back to another work session?

D. McGoey: No.

G. Lake: Get back to a quick work session to clean up the items and get everything done.

A. Fusco: Thank you very much.

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

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

4. **MILLER** - 4 LOT SUBDIVISION - Extension to Conditional Final - Mt. Hope Road
(62-1-76) #74-06

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

D. Yanosh: My name is Dan Yanosh, surveyor for Mr. Miller.

G. Lake: Why do you need the extension?

D. Yanosh: We're still in with Eustance & Horowitz. I'm surprised you didn't get a letter from them. We're about this close to getting our approvals for the septic systems.

G. Lake: Okay, so with another agency yet?

D. Yanosh: Correct.

G. Lake: Mr. McGoey, your comment #1?

D. McGoey: Yes.

G. Lake: Is there a time frame problem?

D. McGoey: I just wanted to make sure. We granted Conditional Final Approval on the 3rd

of January, 2007. Was a letter submitted?

D. Yanosh: June 20, 2007.

G. Lake: Okay. Do you think you're close now?

D. Yanosh: Yes. A couple of days hopefully.

G. Lake: Mr. Bacon, how long of an extension can the Board grant?

J. Bacon: Two ninety day periods.

G. Lake: Let me go through the Board to see if anybody has any comments..

H. Ross: Nothing.

R. Carr: Nothing.

W. Capozella: Nothing.

C. Najac: Nothing.

T. Hamilton: Nothing.

MOTION for a NINETY (90) DAY EXTENSION to Conditional Final Approval made by H Ross and seconded by R. Carr.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

5. **BOWSER** - 4 LOT SUBDIVISION (Final) - Bowser Road (21-1-17.2) #16-04

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

D. Yanosh: My name is Dan Yanosh, representing the applicant.

G. Lake: Go ahead.

D. Yanosh: We were here after the Public Hearing. We did move the houses back on lots #1 and #2. I put them on top of the hill on the ridge with the septic systems in the back. All of the septic designs have been completed. All we're waiting for is Final Approval from Eustance & Horowitz on the septic designs for the lots. I believe I have addressed most of the comments from before. Highway Department has a comment which is no problem with the culvert in the front. Which dry well are you looking for?

D. McGoey: There was a concrete pit up there that you told me was a drilled well.

D. Yanosh: No. Years ago as a farm, water lines went all the way through the property.

D. McGoey: I just wanted to make sure we had the separation distances.

D. Yanosh: And a note about saving as many stone walls as possible on the site. No problem.

G. Lake: Let me go through the Board.

H. Ross: Nothing.

R. Carr: Nothing.

W. Capozella: All of our requirements are there. No problem.

C. Najac: Nothing.

T. Hamilton: Nothing.

MOTION for FINAL APPROVAL subject to all comments from Mr. McGoey and this Board made by T. Hamilton and seconded by H. Ross.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

6. **SCOTCH VALLEY** - 39 LOT SUBDIVISION (Alternative Sketch Plan) - Piper Lane (99-1-1) #06-03

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

A. Lippman: My name is Alan Lippman and with me is John O'Rourke.

J. O'Rourke: We're handing out the approved one and what we're proposing.

G. Lake: Go ahead.

A. Lippman: We gave you this plan, I think it's the same plan. We had a work session about a month ago. This project has, I believe, Conditional Final Approval for the subdivision which was alongside this proposed revised arrangement.

G. Lake: Go ahead.

J. O'Rourke: Again, it's a thirty one (31) acre parcel in the R-1 zone. Originally as stated, it was a thirty nine (39) lot subdivision. Because of the market right now we're proposing your input on converting that to townhouse units. We propose to layout ninety (90) under your

conservation subdivision regulations. Again, it's a loop road and we have a much greater area between our proposed development and Silver Lake Scotchtown. We're creating basically a conservation area in the front of the property with less area of disturbance. It meets all of your regulations. We received Mr. McGoey's initial comments. We're basically here to get a feeling from the Board should we pursue this or revert back to the thirty nine (39) lots that we have?

G. Lake: So basically we're looking at ninety (90) townhouse units versus thirty nine (39) individual homes?

J. O'Rourke: That's correct.

G. Lake: You say townhouses, individually owned?

A. Lippman: Yes.

G. Lake: Will there be a Home Owner's Association?

A. Lippman: Yes. We have recreational areas that are going to need to be recorded and maintained and that's the best vehicle we could do.

G. Lake: Let me go through the Board and see what they think.

H. Ross: The number of bedrooms, three and fours.

J. O'Rourke: They weren't set.

H. Ross: And, the townhouses.

A. Lippman: I said I think probably two and three's.

H. Ross: One way or the other, it's going to be really impacted in that area. Not that you couldn't do it but between the Quickway and the Mud Mills tunnel how crazy would be it?

J. O'Rourke: We probably would say think of single family homes.

H. Ross: Five cars in my driveway.

J. O'Rourke: I can take the other side. You have two kids versus.

H. Ross: It would be a serious impact.

R Carr: Yes. My first impression was I'm not crazy over this. It will definitely increase the number of cars going from thirty some homes to ninety units. Also, the use causing a lot more cars coming out of one spot. It's almost like a large cul-de-sac. It's not really the idea that everything is getting pushed back and kind of shaded off the road. It's not going to stop anybody from looking at it. It's an unfair advantage for that. I just think it's pretty intense and I would be concerned about the traffic. That's my opinion.

A. Lippman: Well, both lands discharge at that location. I don't understand the question.

R. Carr: My point there is clear. If anything happens on that strip, every car has to pass through.

A. Lippman: We have no choice there but we were able to propose it within your maximum length of the cul-de-sac. So, I believe it complies. I think it leaves a very good piece of open land.

R. Carr: I'm not buying it. You can't build on most of it and there are no trees.

A Lippman: I agree.

R. Carr: So, that's my opinion. I like the idea of it being pushed back off the road. It opens up the road but I just don't think it fits. I mean you be on Silver Lake Scotchtown Road and look at the apartments down the road. That's my opinion. Again, I'm not crazy about it.

W. Capozella: To me, if you ask my opinion, I still like the thirty nine (39). I'm not a big townhouse condominium person especially here that is already developed. We have plenty of that type of housing already approved. The other thing is it will basically triple that area. You're almost tripling what we're looking at. To do that, you have traffic issues, school district issues to pick up the children.

C. Najac: I don't feel it fits the conservation subdivision. You pushed everything towards the back (not clear). It doesn't make any improvements to that. The traffic will now be tripled. And, the math needs to be done because you are now tripling everything.

A. Lippman: I got the hint. I will do the math.

T. Hamilton: Yes, the numbers. There is a big difference in bedroom counts.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

A. Lippman: Can I ask a question?

T. Hamilton: Yes, go ahead.

A. Lippman: Obviously, the cost of these homes as opposed to the thirty nine units. The question now, I think the fees changed. The traffic issues, school children, etc. There ought to be someplace between thirty nine (39) and ninety that still makes sense. If there isn't, then there's nothing that I can offer.

T. Hamilton: The other project when you were in here was for single family homes that have been before us (not clear) a detailed list of why we either like it or don't like it in a half hour presentation. So, we've given you the most severe things that I have an opinion on but I haven't had a chance to pick through this to see what else I dislike or like about it. That's all I have to say.

G. Lake: I kind of looked at you coming back in. This Board put an awful lot of work to get the thirty nine (39) homes. A lot of things happened. I don't have to tell you. As a matter of fact it's been ten years trying to get at this point. At this point, and I'm not going to because I've heard all different kind of numbers. The thirty nine homes will have about one hundred fifty six. I think for the townhouses we can look at about two hundred and twenty five bedrooms. Half of them with two and the other half with three bedrooms. It's been a tough project for a long time and I think you got through this Board acceptable with the thirty nine knowing everything else that is happening around it. I have to kind of agree with the rest of my Board about this. We talked about the traffic and obviously you guys can go through the whole system again. But, you're here for sketch. I think you got the feeling from the Board and I hate to say it but I have to agree with them. I don't hate to say that but I do agree with them. Up to that density where I think we had a pretty good chance on a nice project right there.

J. O'Rourke: Again, I appreciate it. If the market wasn't driven the way it is, we wouldn't be here right now.

G. Lake: True, and I think this Board has to sit here and not look at what's driven by the market for what's best for the Town. Thank you.

NO ACTION TAKEN.

7. **PARKSIDE at WALLKILL** - SITE PLAN - Inwood Road (44-1-42.2) #14-06

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

A. Lippman: My name is Alan Lippman and with me is John O'Rourke with Lanc & Tully..

G. Lake: Go ahead.

J. O'Rourke: This is a development in the R-1 zone off of Inwood Road. Again, it's a proposed forty nine (49) unit multi-family off of Inwood Road. It's in the Town water and sewer district on 13.3 acres. I have some architectural renderings of the proposed buildings right now. It's a proposed private loop road currently shown as thirty feet wide. It would be Home Owner's Association. There are apartments adjoining it and across the road. We're basically here . . .

G. Lake: Are these going to be apartments or are these going to be individual homes?

A. Lippman: Individual homes.

J. O'Rourke: I'm just saying from the architectural standpoint they're basically multi-family. We're here hopefully seeking scheduling a Public Hearing. I've received Mr. McGoey's comments.

G. Lake: Is this going to be a conservation subdivision?

J. O'Rourke: Yes it is.

G. Lake: Is that what you want to us here, correct?

J. O'Rourke: Correct.

G. Lake: I understand Behan Associates copied you a letter of there comments?

J. O'Rourke: Yes they did.

G. Lake: I take it that in the first paragraph they don't consider this, and unfortunately, I will apologize that this came out quite late and all of us have just seen it, some of us tonight.

J. O'Rourke: I mean, that's one of the things that we wanted discuss because apparently I received a call from Mr. Behan last night. First of all, I apologize, this is typically not my project. I will handle this the best I can. I received this call and was reminded that he had given me these comments a year ago and what are you doing here. And, I said, again I apologize. I didn't know the history of it. When I went to the file and couldn't find the original comments but looking at it and his comments I didn't completely agree because what he was looking for moving some of these buildings closer to the other apartments, creating a bigger area here. I didn't know if these adjoining properties came in front of the Board but this is not what we're looking for. I think proposing the conservation easement around certain areas that we would typically protect and leave the buffer on Route 211 and some of the areas adjoining this lot. Again, a buffer between the existing complexes across the street. I read your regulations. I don't particularly have a complete disregard of your regulations. Again, I didn't know the history.

G. Lake: Right. Let me tell you. Unfortunately, we have as a Board, and my fellow members will correct me if I'm wrong, I hope. We struggle sometimes trying to get this conservation district down. Now when we get a very strong opinion from the guy that has supposedly come up with these regulations and has sold an idea for this Town, I look and I just got to kind of hold back and say maybe, and I know you don't want to here this. Maybe we better get him down here at a work session where you can justify and we can here the difference between what he's thinking and to what you're thinking of what a conservation subdivision should do and should not do. I'm not saying that I, like we just got this ourselves. So, I'm going to ask you to go back to another work session because nothing is going to happen tonight anyway. I don't think with good conscience I can ask this Board to vote or even considering moving until we get this issue straightened out. I know you have a few other things on Mr. McGoey's comments that we need to work on yet. The big one right now is we just have to get a better understanding of Behan's and both of you in the same room at a work session and let them explain on this type of project. I will go through the Board now and see what they think. I think that's the direction we're going to have to recommend tonight.

J. O'Rourke: I don't disagree. I don't see no problem. I was looking at more of the history.

G. Lake: The answers may be there, I don't know that.

A. Lippman: It seems to me what he's telling is that there are four different standards. I have to tell you that they have a wonderful way of writing this (not clear).

G. Lake: I have to agree with you a little bit there so, that's why I'm asking for another work session. I just think it will be better for everybody. Let me go through the Board.

H. Ross: I think another work session is needed.

R. Carr: I just want to ask a question.

G. Lake: Go ahead.

R. Carr: What was the purpose of it being a conservation subdivision? What was the intent in the first place? Is there something of this that wouldn't allow it to be a normal subdivision?

J. O'Rourke: No. I would guess, and again not knowing the history of it. Through the conservation subdivision for multi-family you get bonus density. So, you get additional units if you put certain areas to be forever green. So, I'm assuming he took this area. There's a whole breakdown as you go through the regulations of wetland areas, not build-able and what can be build-able. If you take that area and put the conservation easement you can get bonus density for additional units if you kind of cluster things. I'm assuming when they put there lots out that's what they based it upon.

A. Lippman: Right now, what this plan is showing is not a subdivision but a concept of a conservation subdivision. It seems to be going down the road as townhouses preferably to sit on their own lots. The answer is clearly bonus density.

R. Carr: I don't know what Behan has in mind. I just don't think this necessarily a conservation subdivision.

J. O'Rourke: Your regulations do require though to go through the Site Plan/Special Use Permit for multi-family in this zone. Actually it's a section that actually kicks you over to the conservation subdivision. It's just a different title basically but they still have to meet the

criteria. Your regulations do move you over to that.

A. Lippman: It's part of the standards for a conservation subdivision and what they need.

W. Capozella: I would just have to question the conservation. I know you brought it up. It may seem that you're looking for the density. It seems to defeat the whole purpose of a conservation criteria. The way it looks now to me, it doesn't meet the requirements.

C. Najac: I look forward to another work session on this.

G. Lake: I will make sure it's late.

C. Najac: I remember having questions on the stormwater facility.

J. O'Rourke: We had revised that note. The stormwater, if I may briefly, although the original pond was sized for this as Phase II, there were some issues so we have stormwater on our site and we're just discharging to the neighboring property to discharge it to the stream.

T. Hamilton: I have some questions with the comments from Mr. McGoey here that some of these comments were previously asked for at other meetings and they still are not answered to his satisfaction.

J. O'Rourke: Again, I think we've answered them. Specially one was the drainage issue off of Inwood Road. We have one out there with a catch basin and the pipe sized.

T. Hamilton: Nothing else.

G. Lake: So, call in tomorrow and get on a work session. We might need a couple of days to line them up and have them come down.

J. O'Rourke: Yes. I think that would be helpful.

G. Lake: Late in the day and, we will work on that tomorrow morning.

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

T. Hamilton.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

8. **BAKER/REZAK** - 2 LOT SUBDIVISION - 794 Route 17M (22-3-27.21) #47-07

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

D. Yanosh: My name is Dan Yanosh representing the applicant.

G. Lake: Go ahead.

D. Yanosh: This is lands of Jeffrey and Brian Baker, Formula H Auto Works and exists in an existing pole barn building. The proposal is for a two-lot subdivision in a HC zone. Lot #1 would be 5.02 acres which allows the existing Formula H Auto Works. Lot #2 would be 1.27 acres, a piece of property in the back. It would be a flag lot and would have an access easement all the way through the frontage where the existing driveway comes in right now across the property and into the back. This service and proposed building in the back are for Mr. Rezak who handles re-cycled tires. It's what he does right now. One of Mr. McGoey's comments was the fact that the site now has twenty five to thirty trailers up there?

Mr. Rezak: I don't think so.

D. Yanosh: What ever. Parked on the site. He uses it now for his business. He comes in and goes to service stations and he has contractors who work for him. He goes to several service stations to pick up the used tires, bring them back to this site here. He unloads them and sorts

them out. These would be the ones that have to be re-cycled and ones that might be reclaimed. From there they are put in the trailers and taken out the next day or two days later. It's an in and out process. The Department of Environmental Conservation allows him to have, how many at one time?

Mr. Rezak: Not clear.

D. Yanosh: How many tires can you have at one time?

Mr. Rezak: I can't exceed one thousand.

D. Yanosh: What he wants to do now is do the subdivision and bring him up to code and make this lot a separate lot and put a building up. This building, he would house the vehicles inside. He would pull his vehicles inside and do his loading and sorting from one truck to the other and store the trucks inside overnight. What we're in for tonight is a subdivision approval for two lots and also doing a Site Plan approval at the same time.

D. McGoey: It will require a Special Use Permit.

G. Lake: Now, everything will be inside?

D. Yanosh: Everything that he would be working on now would be inside. What he does though . . .

G. Lake: Any storage outside?

D. Yanosh: What he wants to do is keep some of the storage trailers there now. There's a code for it and you can allow a certain number of trailers out there for storage.

T. Hamilton: Are they approved uses now?

D. Yanosh: No approvals right now. He's using them right now for storage.

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

D. Yanosh: Yes I do.

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

D. Yanosh: The first item is self explanatory, we went through what he does. He collects tires and recycles them on a regular basis. Item #2. There are no approvals for the site. He's just a friend with the Baker brothers. He's been there for how many years?

Mr. Rezak: Since 1990.

G. Lake: Are the trailers licensed?

Mr. Rezak: No, they're not licensed.

D. Yanosh: They belong to Regional across the street. We want to clear this all up and make it a real legal operation. The Highway Commercial zone requirements, the bulk table, I have to check and see what changed on that. Again, Mr. McGoey's comment about showing the existing uses of the trailers. He's looking to removing them anyway. Again, he may possibly get permission on the Site Plan approval to have them there to store some tires in, equipment, etc. These trailers are extra that Regional uses once in a while. The application, I guess, with the new zoning. Is the Highway Commercial zone part of the two hundred feet width?

We probably will have to denied and sent to the Zoning Board of Appeals for a variance. We will have a maintenance agreement between Formula H Auto Works. They're the ones who are doing the subdivision and know what's going on. The easement for the utilities, we have no problem. The other thing, was a zone change. The Town did sign a resolution. Did I give that to you, a copy of the resolution from the Town Board?

J. Bacon: Yes.

D. Yanosh: They did do a resolution changing the zone because the zone line did go across where the two lots connect together. They had Highway Commercial down below and I believe R-2 up above. They changed the zoning back in 1997 when it was approved.

T. Hamilton: What does that letter say?

D. Yanosh: I have a copy of the Town Board resolution changing it from R-2 to Highway Commercial. Although what's happened since then, this document has not gone to the Planning Department or whoever to change the line to go from across the property to make the whole property in the Highway Commercial zone. It's something that they are working on. We are totally within the Highway Commercial zone.

G. Lake: Mr. Bacon, so he has to get this straightened out and go to the Zoning Board of Appeals?

J. Bacon: Yes. The other building, what does he do?

D. Yanosh: Automotive repairs as well as tractors, lawn mowers and repair Honda's.

J. Bacon: Right now (not clear).

D. Yanosh: We have them back right where the proposed building will be built.

J. Bacon: Yes.

D. Yanosh: He's going to use the same driveway they use now. If you drove in there right now you would go through the gate by Formula H and drive in the back.

G. Lake: Basically you're only going to have forty six (46) feet on Route 17M?

D. Yanosh: Right.

G. Lake: Let me go through the Board. Now, let's get back to outside storage. Once the building is up, is there going to be anything outside?

Mr. Rezak: Nothing.

G. Lake: Okay. Nothing will be outside.

Mr. Rezak: Nothing outside. Well, some of the people's cars that are parked in the front.

G. Lake: I'm saying the storage of tires or anything?

Mr. Rezak: Nothing. Currently any tires that are on the site right now are inside a trailer or inside a truck. It a day to day operation.

G. Lake: I know the Town of Wallkill is on one side of you, correct?

Mr. Rezak: Yes.

H. Ross: The Highway garage.

G. Lake: Up in the back how close are you from the homes? You need to show them the next time.

D. Yanosh: On the location map, I did put them on.

G. Lake: Let me go through the Board.

H. Ross: Not clear.

R. Carr: Nothing.

W. Capozella: You're just sorting the tires, bringing them in and taking them out?

Mr. Rezak: That's correct. We are held to the State regulations.

W. Capozella: Do you have a proper permit?

Mr. Rezak: Yes.

W. Capozella: No problem.

C. Najac: The tires will be inside?

Mr. Rezak: Everything will be inside the building.

D. Yanosh: He might have a truck inside the building with tires ready to go, but they're going to be inside that building.

T. Hamilton: We need all the information for any Special Use Permits.

D. McGoey: He would get that through the Zoning Board of Appeals.

G. Lake: You want him to go for the Special Use?

D. McGoey: Yes. I don't see where it fits in the categories.

D. Yanosh: We went through service establishments, sale and re-sale of tires?

G. Lake: Re-cycling.

D. McGoey: Also the storage trailers.

D. Yanosh: The storage trailers out there are part of the application also. The storage trailers are allowed in a Highway Commercial zone. Do they have to be registered and licensed? How does that work?

D. McGoey: I believe they have to be registered.

MOTION to refer applicant to the ZONING BOARD of APPEALS for the use and road frontage made by H. Ross and seconded by R. Carr.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

9. **RANDALL AIRPORT** - SITE PLAN REVISION (Storage Building) - Airport Road
(73-1-35.23) #49-07

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

Tri State Engineer: I'm representing Randall Airport.

G. Lake: Go ahead.

Tri State Engineer: I'm here for Site Plan approval for construction of a snow removal storage building at the Randall Airport.

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

Tri State Engineer: Yes. I reviewed the comments and I intend to respond to every one including whether or not there's a requirement for a Public Hearing

G. Lake: Mr. Bacon?

J. Bacon: Yes.

G. Lake: Do we need a Public Hearing on this?

J. Bacon: I don't think you need it.

G. Lake: Go ahead.

Tri State Engineer: I can run through the . . .

D. McGoey: Is there anything you can't comply with?

Tri State Engineer: No. Item #10 had a question about landscaping as a new requirement.

G. Lake: That's under our new zoning. Call the office tomorrow and get the sheet. I think it's pretty specific.

Tri State Engineer: I guess what you're looking for is confirmation.

D. McGoey: Do you have a problem putting shields on the lights?

Tri State Engineer: We proposed a typical lighting plan.

D. McGoey: The Board typically asks for a shield on the lens so it's not exposed. Your lens may not cut off.

Tri State Engineer: Okay.

D. McGoey: The handicap spaces have to be paved and things like that which are easy to take care of.

Tri State Engineer: I don't think we're going to have a problem.

G. Lake: I will go through the Board.

H. Ross: No problem.

R. Carr: I see no problem at all.

G. Lake: I'm sorry. We have a couple of things from the Fire Department. Is this going to be a closed front or an open front?

Tri State Engineer: Closed front.

G. Lake: If it will have trusses, the plaque is pretty standard.

W. Capozella: Just to address the landscaping, etc.

G. Lake: I had said that we would check it before we signed off on it.

W. Capozella: I just want to make sure we're covered.

Tri State Engineer: One more thing I would like to add is, we're looking also for an extension.

G. Lake: If the Board decides to give you approval tonight, you're going to have to watch your time frame and then send in a letter and we will get you back on and give you the approval extension then.

Tri State Engineer: Okay.

G. Lake: You're going to have to keep track of it.

C. Najac: I have nothing.

T. Hamilton: Just a question on the new regulations, did they pass that on the time frame?

D. McGoey: I don't think they did.

J. Bacon: I know they talked about it.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No. I have nothing else.

G. Lake: Can we do this, Mr. McGoey?

D. McGoey: Yes.

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 C. Najac.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

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

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

10. **RSR** - SITE PLAN/SPECIAL USE PERMIT (Duct System/Dust Collector) - Ballard Road (41-1-70.21) #50-07

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

T. DePuy: My name is Tom DePuy with DePuy Engineering and I have Don Phillips from RSR in case of any questions.

G. Lake: Go ahead.

T. DePuy: Basically we're in front of the Board is RSR is proposing two additional roof mounted equipment. We had supplied the photographs showing. I guess we have a dust collector and duct system and would go in the back. We showed them on a superimposed photograph. Also what happened when I met with Mr. McGoey we went back and we analyzed the overall facility of roof mounted structures that were there and basically did a table on what was there. It is above the thirty five feet, but then the code reads that anything fifteen feet above the thirty five feet would require a Special Use Permit. These two facilities do exceed fifty feet. One is at sixty four feet and one is at seventy feet. What we're asking for is an amendment to the Special Use Permit.

G. Lake: Where are these going to go?

Plant Foreman: We're in the process of cleaning up (not clear).

G. Lake: We will have to schedule a Public Hearing. Let me see if anybody else has any other questions.

H. Ross: I don't think I can participate on this application. I'm the Chairman of the Citizens Advisory Committee on RSR. The Attorney will have to clarify that.

Plant Foreman: This is the first step to see if we can even do it.

H. Ross: I'm just going to keep my mouth shut.

G. Lake: I was going to say Mr. Ross, just on the safe side, we're only scheduling a Public Hearing. We will have the Attorney research that and let us know.

J. Bacon: I will need the information.

H. Ross: I will get you the details on that.

R. Carr: I was just curious. Why can't it just go . . .

Plant Foreman: It's for the cooling of the gases (not clear).

R. Carr: Why, at this height?

Plant Foreman: I'll ask the engineer on that specific question. My only other comment is that if you didn't cut the tops off of the trees we probably wouldn't be able to see.

T. DePuy: Yes. What happened was we did multiple pictures.

Plant Foreman: We will give you an honest thing.

W. Capozella: I would like to see something about the noise that might be created from having these towers.

C. Najac: Unable to hear.

T. Hamilton: I'm curious on what ever happened on the earlier mitigation measures to clean up the site. Has that all been accomplished? The stormwater, has that all been accomplished on that site? Before we give them anything more, let's finish up what they were asked to do over the years and I don't think was ever completed.

D. McGoey: They haven't finished. The same question came up at the work session.

Plant Foreman: We're currently working on that.

T. Hamilton: I've lived here a long time and some of these problems have been asked for over the years and it still hasn't been finished. Let's fix up the problems that you had before we start adding more processes. Straighten out what has to be done and correct the existing problems there before we give them anything else.

G. Lake: Mr. Hamilton, maybe you can give us a status report where they actually are so we understand some of the questions you just asked.

T. Hamilton: It's not a problem now but when we come to the Public Hearing, let us know.

G. Lake: I wouldn't ask you that today. You just brought up a lot of valid questions and I think between now and the Public Hearing to answer that.

Plant Foreman: As I said earlier, this is the first step in the process. I appreciate the Board's input.

MOTION to schedule a PUBLIC HEARING for October 31, 2007 made by R. Carr and seconded by C. Najac.

H. Ross: Abstained.

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Abstain

G. Lake: Aye

MOTION CARRIED. 4 AYES, 2 ABSTAIN

11. **BLEEM ENTERTAINMENT** - SITE PLAN/SPECIAL USE PERMIT - Dunning Road (50-2-48) #53-07

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

M. Beck: My name is Michael Beck for Bleem Entertainment. We met with Mr. McGoey for a work session and told us that we needed a Special Use Permit. We provided the Site Plan and the parking calculations as he requested. We're here, I guess, to get a date for a Public Hearing.

G. Lake: Mr. Bacon?

J. Bacon: Yes.

G. Lake: Does he need a Public Hearing?

J. Bacon: Yes, it looks like it. It's an allowable use but does require a Public Hearing.

G. Lake: Mr. McGoey's comments, do you have them? Mr. McGoey, does he need to come back to another work session?

D. McGoey: I don't think so. Let's go over them quickly though. Item #2 we wanted the applicant to confirm that the location of those dumpsters and dumpster enclosures and any other outstanding violations with the Building Inspector. I think we discussed with you when you were in that when new applicants come in to a shopping mall we would like the shopping mall owners to straighten out the problems. One of those problems are dumpsters scattered all over the site and around the back of the building. They have to be in enclosures. You need to find out from the owners.

M. Beck: And, that's with all plazas?

D. McGoey: Yes.

M. Beck: So, we need to talk to Chase about that?

D. McGoey: Yes. The second thing, over the years we have attempted to get commitments from the mall owners for a new access road where a bridge would be constructed under

Route 17 to the Galleria Mall. To the Board, I don't know whether you want to open that discussion for this new applicant and this Special Use Permit.

G. Lake: I thought we had that agreement.

D. McGoey: We don't have an agreement from Dunning Farms. We have a small portion of it on the Home Depot site and we started to negotiate with them.

G. Lake: I think we still should have another work session.

M. Beck: Is that going to hold us up?

G. Lake: I don't believe this Board will do that to you.

MOTION to schedule a PUBLIC HEARING for October 31, 2007 made by C. Najac and seconded by R. Carr.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES