

TOWN OF WALLKILL PLANNING BOARD

MEETING

SEPTEMBER 6, 2006

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

MEMBERS ABSENT: A. Dulgarian

OTHERS PRESENT: J. Bacon, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - **DUSO** - 2 LOT SUBDIVISION - M & M Road
(14-1-116) #24-06

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

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 99 Tower Drive, Building "A", Middletown, New York, in said Town on the 6th day of September, 2006 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Duso Properties LLC., 8 Hillcrest Drive, Middletown, New York 10940 for approval of a two lot residential subdivision located on M & M Road, further identified as Tax Map parcel Section 14, Block 1, Lot 116 under the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

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

J. Nosek: My name is John Nosek with Roger Ferris Engineering & Surveying.

G. Lake: Just bring us up to date what you've done since the last time you've been here.

J. Nosek: Basically we've shown the wetlands. They've been delineated on the map. All our septic information is shown on the plans. What we're proposing to do is a two lot subdivision to put a single family home on 4.6 acres, lot #1 being the proposed use and the family home on the balance of the property consisting of 40.63 acres. Both properties will be serviced by well and septic systems and both have access.

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

H. Ross: Nothing at this time.

R. Carr: Nothing now.

W. Capozella: I will wait.

C. Najac: 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 7:40 P.M. made by R. Carr 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

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

J. Nosek: Yes I do.

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

J. Nosek: Item #1 is just a statement. Item #2 is that lot #2 is extremely limited as a result of the wetlands. The engineer should confirm with the Army Corps a new policy requesting

some setbacks from the wetland lines. He's asking us to be reviewed by the Conservation Board. We don't have any objections to that. We're not proposing to disturb any of the wetlands. This was previously approved and you will see that the wetlands are behind the house approximately thirty feet behind the proposed dwelling. Item #3. We should determine whether the Highway Superintendent agrees that the prevailing speed is the same as the posted speed at forty miles per hour. Item #4. The septic system approval, we understand. Item #5. Prior to the issuance of the Permit for lot #2 we have to remove the existing building, which we will do. Item #6. The access drive across the wetlands to the new well site requires disturbance to the wetlands. It should be determined whether the existing grassy drive which crosses the stone bridge could be utilized and a well located such that no wetlands disturbance will be created. Comments from the Highway Department, I don't have at this time. Given a set of comments from the Highway Department.

G. Lake: Okay. Let me go through the Board while you're looking at that.

H. Ross: I conclude with the wetland issue. And, I also have an issue with the site distance. Other than that, is this a Type I for SEQRA?

D. McGoey: I don't believe so. They have to comply with the agricultural with proper notification if they're within five hundred feet of any agricultural uses in the agricultural district.

H. Ross: That's all I have.

R. Carr: I really don't have anything other than Mr. McGoey's comments.

W. Capozella: I agree with item #6 about the disturbance of the wetlands with an access drive and to determine whether the existing grassy drive which crosses the bridge could be utilized instead.

C. Najac: No comments.

T. Hamilton: Nothing as long as Mr. McGoey's comments are addressed and the Highway Superintendent's comments.

J. Nosek: He wants the portion of the driveway within the existing Town right-of-way to be constructed utilizing geo-textile fabric over sub-grade and to also include two and a half inches of asphalt binder and one and a half inches of asphalt top course. HDPE stormwater

driveway culverts (minimum of fifteen inch diameter) with flared end sections to be required at all driveways. And, he wants a note to be placed on the plan set, requiring the Applicant to obtain a Driveway/Highway Work Permit, for all proposed work within the right-of-way, from the Commissioner of Public Works, prior to the start of construction. It does slope away from the road down to the wetlands so I'm not really sure we need culverts. I will talk to him to see if he really wants them.

G. Lake: Why don't you just check with him and I will have Mr. McGoey do another field review to see.

D. McGoey: Okay.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No, that's it for now.

G. Lake: Okay and, I don't have anything else.

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

2. PUBLIC HEARING 7:35 P.M. - **BAUM** - 9 LOT SUBDIVISION - Route 211 East (31-1-17.2) #111-02

G. Lake: Public Hearing started at 7:47 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", in said Town on the 6th day of September, 2006 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Theodore Baum, 1941 Route 211 East, Montgomery, New York 12549 for the approval of an eight lot residential subdivision located on NYS Route 211 and Van Amburgh Road, further identified as Tax Map parcel Section 31, Block 1, Lot 17 and 19, under the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

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

J. Nosek: My name is John Nosek with Roger Ferris Engineering & Surveying.

G. Lake: Bring us up since the last time you were here.

J. Nosek: This is a proposed eight lot subdivision at the intersection of NYS Route 211 and Van Amburgh Road and also Miller Road which is currently a non-improved private road. We're proposing an eight lot subdivision. All lots will be serviced by individual wells and septic systems. There's an existing dwelling unit on the parcel now and that will remain as part of lot #3. There will be seven (7) proposed single family homes one of which will front on the State Highway assuming the Department of Transportation will approve the highway entrance. Three will access on to Miller Road and three on to Van Amburgh Road. All the septic systems have ben designed in accordance with the requirements. The deep hole test pits have all been done. We're also currently working with the adjoining property owner and a chance to come with a written agreement as to how the improvements of Miller Road will take place. We are proposing to improve Miller Road partially on our side with the adjoining developer as well as with the Town. We have kind of a preliminary agreement but we still have to finalize that agreement. There are existing wetlands on the property. Those wetlands have been flagged, located and shown on the maps.

G. Lake: Mr. McGoey?

D. McGoey: Yes.

G. Lake: The agreement on Miller Road, that's between this applicant, another applicant and the Town?

D. McGoey: Correct.

G. Lake: Have you looked at that?

D. McGoey: I'm kind of at a stand still because Mr. Wolfe has not returned to the Board so, until we get Mr. Wolfe to the table it's kind of up in the air.

G. Lake: Because right now it's a seasonal road if I'm correct.

D. McGoey: Right.

G. Lake: And, I guess my big and our Attorney is tied up right now. He should be here in a few minutes. How do we move forward?

D. McGoey: Well, I was kind of treating it as a regular (not clear) with the subdivision layout and then hammer it out so they can get the septic systems approved however, there's one other issue that I brought up as part of item #1 and that's the fact that lot #3 is not large enough to support two dwelling units.

J. Nosek: We went over this extensively. It was decided that rather than decide to add three acres to lot #3 and make it a six acre lot size really does not look attractive if we take portions from lot #2 and lot #6 and lot #7 that the Board had decided that they would prefer to keep the three acre lot as is with the understanding that the existing dwelling. That was my understanding at the last meeting that we had.

G. Lake: You know what, I somewhat have to agree with you but I think our Attorney and our Board. We will have to come back to that Mr. McGoey.

D. McGoey: Okay.

G. Lake: I think that's something that needs research since the last time you were here. Let me go through the Board before I go to the Public.

H. Ross: I have nothing other than Mr. McGoey's comments.

R. Carr: I will wait.

W. Capozella: I will wait.

C. Najac: 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 7:51 P.M. made by R. Carr 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

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

J. Nosek: Yes.

G. Lake: Pass item #1 because we just talked about it.

J. Nosek: An Army Corps permit will be required for any work being done in the wetlands. We talked about the re-construction of Miller Road and that the details of the roadway construction be confirmed and guaranteed between preliminary and final approval. That's been done by Mr. Griely's office. Our office isn't doing that. We have plans that are already detailed.

D. McGoey: What part of the subdivision . . .

R. Carr: What exactly is the proposed construction?

D. McGoey: Widening, they're going to do the shoulder widening and the drainage

improvements and the payment for the culvert and the materials for the cul-de-sac. The Town will install the culvert and do the paving.

R. Carr: Okay.

D. McGoey: They're going to take out that big embankment right off of Route 211 and slope that back.

R. Carr: And who will pave Miller Road?

D. McGoey: Miller Road would be paved by the Town.

R. Carr: And widened?

D. McGoey: It will be widened by the applicant and paved by the Town.

G. Lake: It's a regular road now but it's a seasonal road. What happens is it is closed down about November 15th until we decide otherwise the Town does try to maintain it to some extent. It's really a sub-par road right now.

R. Carr: And the Town Board?

D. McGoey: I don't think the Town Board has anything to do with it because it's already a Town road so it's a Highway Superintendent issue. If he wants it improved he'll have to approve the widening details which he already has.

J. Nosek: He indicated that the Conservation Board had comments.

D. McGoey: They wanted a buffer between the wetlands and the septic.

J. Nosek: On lot #7 there is a very small window of build-able area. We may have to propose an Elgin system for the septic on that lot. The same with lot #5. The Department of Transportation approval for the lot #2 fronting the State Highway must be received prior to final approval. The clearing of trees we've shown on the plans. The Planning Board Attorney should review the site distance easement which is required along the frontage of lot #1 in favor of lot #2. The site distance for the driveways along Van Amburgh Road should be certified to AASHTO standards in addition to those fronting Route 211. The horizontal and vertical datum we need to add that. Comments from the Highway Department?

D. McGoey: He requires a permit from the New York State Department of Transportation and the note on sheet #1 regarding the culvert replacement on Miller Road is to be revised to indicate that along with paying for the material costs, the applicant (and their engineer) shall properly size and design the proposed replacement culvert. It's to be reviewed by the Town Engineer prior to purchasing the culvert and all work associated with the installation of the new culvert is to be completed prior to the issuance of the first Certificate of Occupancy. He's also looking for specific construction details.

J. Nosek: I think what we're asking is to go to the Health Department and that will take six months or more.

G. Lake: Mr. Bacon, we were talking about Mr. McGoey's comment #1 about lot #3 not being big enough to support two dwellings.

J. Bacon: Right.

G. Lake: I think what did happen and I think we will have to look it up in the minutes. It was a while back that he was here. I think he is correct in saying that we kind of understood that the two buildings. . . We put it in your hands to research. I think that's where we're at now.

J. Bacon: He can go to the Zoning Board of Appeals for relief.

J. Nosek: I did have a conversation with you by telephone and you stated that the situation was pre-existing and subsequent to that we came back to the Board and the Planning Board had discussed at length making lot #3 from the other parcels to make it a legal lot. It was agreed and or discussed that it would be pointless and they would prefer to see it remain. This issue has come up again and I thought it was resolved.

D. McGoey: Just to add, the RA district allows two dwelling units but it further says that it has to be sub-dividable.

T. Hamilton: I believe you're right Mr. McGoey. It has to be sub-dividable given the lot sizes.

J. Nosek: We further discussed that the guest house is almost directly behind the existing dwelling and that we would end up really having to cut a line in between the two.

G. Lake: They both exist right now, correct?

J. Nosek: Correct.

G. Lake: Mr. Bacon, did you hear that? They both exist right now.

J. Bacon: It would be better if it were to have both at three acres.

T. Hamilton: Granted, they're pre-existing on a much larger acreage, that's the difference. Now, that we are creating lot sizes that meet the zoning and in this case it does not meet the zoning.

J. Bacon: I agree.

R. Carr: Under the zoning, could it be that if it was subdivided just that and looking at a two-lot subdivision?

J. Bacon: If it was a two-lot subdivision?

R. Carr: Right.

D. McGoey: If this had been done before September.

H. Ross: Even if the lot lines were changed from lots #4 and #5 to make that lot conform?

J. Nosek: If you look at lots #2 and #4 (not clear).

G. Lake: So, basically you're recommending this Board that they have to find a way to make that sub-dividable and stand on it's own?

J. Bacon: Yes.

G. Lake: Okay.

H. Ross: Are we going to send him to the Zoning Board of Appeals?

G. Lake: I was coming to that. He does have an option to go before the Zoning Board of Appeals and ask for relief from them. Your Public Hearing is closed. It has been our code since last September of last year.

J. Nosek: If we do go to the Zoning Board of Appeals, I would do that for relief from the six

acres to the three acres. Can you fairly say that the Board would be in favor of that or will the Board make any recommendation at all?

G. Lake: We will send you there. You can't ask me to ask the Board to vote on another agency. Do you waive the sixty two day time frame?

J. Nosek: Yes.

R. Carr: The issue of Miller Road and if we were to give a Preliminary Approval on Miller Road before there is any kind of agreement and that other subdivision may never happen, what happens at that point? If they go to the Health Department and if that agreement on Miller Road doesn't take place, what are ramifications if we were to give a Preliminary subject to something that may not happen and may never happen?

J. Bacon: If Miller Road doesn't have the agreement?

R. Carr: Right.

J. Bacon: The issue is that the road will be improved by the applicant when Miller Road gets approved?

J. Nosek: I need Preliminary Approval. If the Wolfe's decide not to participate then Mr. Baum will have to appear before the Town. They have an agreement between the two of them. It's not finalized and if Mr. Wolfe backs off, then either way there has to be some sort of an agreement to finalize. I'm trying to get this to the Health Department which is going to take time. I don't want to lose three or four months because of an agreement.

G. Lake: Okay. We have tabled him for further action and will send him to the Zoning Board of Appeals.

MOTION to TABLE for further review and refer the applicant to the Zoning Board of Appeals made by R. Carr 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

3. **GOLDEN TRIANGLE** - SITE PLAN/SPECIAL USE PERMIT (Phase I - Covered Bridge) - Silver Lake Scotchtown Road (40-1-16) #74-02

G. Lake: Your name for the record please.

L. Wolinsky: My name is Larry Wolinsky with the law firm of Jacobowitz & Gubits. We're here on behalf of the Golden Triangle project. Just by way of background and past history this is a project you're well familiar with. We both recently went through a full environmental impact statement on this project and the Board issued a Statement of Findings.

During the environmental process Public Hearings were held both on the impact of the project as well as the Special Use Permit and Site Plan Approval for Phase I which is the subject of tonight's meeting. We have a list of comments from Mr. McGoey dated August 31, 2006 which we're prepared to go through with the Board.

G. Lake: Okay.

L. Wolinsky: Item #1 relating to the stormwater management. A study has been submitted and forwarded to Mr. McGoey's office and presumably it's still under review. Item #2 the applicant and the representation regarding the HOA document to the Planning Board is in preliminary and final placement approval. It's not a problem. Item #3 regarding with the issue of an apparent conflict between the Town Ordinance and the New York State Attorney General requirements for building permits. This is something that is an ongoing . We have some ideas on how this can be reconciled. So I think it's probably best to be reconciled between Preliminary and Final Approval. We're looking at trying to work out a situation where someone doing a condominium project can get a Building Permit tomorrow which would solve the issue by allowing a person to begin construction on a model for marketing purposes but not allowing any type of occupancy. Again, that's something that still has to be worked out with the Town Attorney to work out. Again, not just this project but also other

projects. Item #4 regarding plans showing children's play areas. That's been done. A lot of it is on the landscaping plan that you have and shows some additional details on the specific playgrounds from the manufacturer which will be incorporated into the plan. Similarly on item #5, the recreational areas and walking paths shown on the Site Plan has been done. Benches and tables have been included. The suggestion made at a work session about doing an exercise station along the walking path we have incorporated in the plans. We have the equipment but are waiting for the recommendation from the manufacturer as to what specific exercise equipment should be included. Item #6 about the calculations to be provided by the engineer to verify that the swimming pool and patio area around the swimming pool is sufficiently sized for the number of residents. Note #15 on the plans relates to that. Item #7. Comments from the Town's landscape architect should be reviewed and addressed. Item #8, the attorney for the applicant and the Planning Board attorney should discuss whether the parking is to be calculated on the basis of the number of bedrooms as stipulated in the PID zone or on the basis of habitable rooms. The issue here is we are in the PID zone and that zone does calculate parking on the basis of bedrooms. Item #9 is that a certification be placed on the plans by the design professional that the site improvements and all public areas will be assessable to the handicap as required. That's been done and is note #14. Item #10 is for a note to be placed on the plans and added to the Developer's Agreement that the pool and cabana as well as other common use facilities be completed prior to the issuance of the first Certificate of Occupancy for the residential units. That's been done and is note #10. Item #11, #12, and #13. Comments from the Conservation Board, Water and Sewer Superintendent and Fire Department, nothing received from those agencies. They did come for the SEQRA review process. Item #14. That has been done to the extent it can be done at this point and time. We've included all the details on the plans that we believe are required but until we get to them after receiving Preliminary Approval we won't know until then. Item #15. It does not appear that the entrance sign has the proper setback from the Town right-of-way. The setback distance should be shown. In addition, a note should be provided which indicates that this sign will require Building Department approval. That's not a problem. Item #16. The road widening details are unclear. We're going to take care of this with Mr. Griely. Item #17. We should discuss the specifics in regard to the other off-site improvements that are required as part of this project as same relates to the Collins Comprehensive Traffic Study and the need to incorporate these improvements in Phase I. We will take care of that. Item #18. The plan should include the geometry or the internal roadway system. That's something we will take care of between Preliminary and Final. That's where we are. There are a lot of items on here but a lot of these have already been addressed. If the Board would like, we have some architectural drawings here this evening. You looked at these during the environmental review process but if you would like to see them again. Otherwise we would like for you to entertain a motion for Preliminary Site Plan and Special Use Permit.

G. Lake: Why don't we take another look at that?

B. Carrick: This has been coordinated with the Site Plan. This shows the cabana, deck and pool. There is a multi-purpose room, men's and women's bathroom, all in compliance. It is approximately thirty by forty five feet. It's a four-story structure. It's going to work in tandem with the residential design, similar siding, similar roofing and will blend in fairly nicely with the community.

G. Lake: Mr. McGoey, these nineteen comments. At this time you recommend . . .

D. McGoey: One thing I have to say is I'm still not ready to recommend approval. I think we have to get the landscape architect's comments. I know one of her comments is she would like to see a buffer but we also need comments from Mr. Smith.

G. Lake: I was going to come back to the landscape issue. Are you sure they were sent up?

L. Wolinsky: I would have to check that. They were there before August because Mrs. Potter was on the telephone to me about certain issues that she had already raised in a legal nature. She was on top of this way before.

G. Lake: Unfortunately, the response that we got was she received it six or seven days ago. We are trying to turn things around and have them here ahead of time just like we ask of the applicant.

L. Wolinsky: Sure. So, we can expect to have her comments two weeks before the next time we meet.

G. Lake: And, I'm going to say hopefully, yes.

L. Wolinsky: Okay. That's fair enough. If Mr. McGoey's not ready to recommend and you aren't comfortable with it, we'll wait until we're on the agenda again, I believe in November. We will try and whittle that list down between now and then and wrap it up.

G. Lake: Mr. McGoey, do you need another work session?

D. McGoey: Yes.

G. Lake: I will go through the Board.

H. Ross: I have nothing.

R. Carr: I have nothing at this time.

W. Capozella: As far as the traffic goes, we talked about it previously about coming out of the development (not clear). I'm looking at these plans and I'm not sure. That's one of my main concerns that I would like to have clarified.

L. Wolinsky: Okay. We will have those details engineered with the traffic plan. The actual improvements has been identified in the environmental impact statement.

G. Lake: Anything else, Mr. Capozella?

W. Capozella: No.

G. Lake: You will have that for the next time?

L. Wolinsky: Yes.

C. Najac: I wasn't here when this first came before the Board. It looks like you have shown some effort. One of my issues is sidewalks up and down Silver Lake Scotchtown Road and Bert Crawford Road. You have agreed to some mitigation due to the traffic study and so forth.

L. Wolinsky: We show sidewalks on Silver Lake Scotchtown Road but didn't propose any for Bert Crawford Road

C. Najac: Yes, I see sidewalks proposed across the front of your property. That part is good so far but I'm asking if you can do off-site improvements on Bert Crawford Road.

L. Wolinsky: The only thing I can say about that is that a lot of other projects would be involved if the Town were to form a district by a Town law. It's really a Town wide Planning issue.

C. Najac: Thank you.

T. Hamilton: Just one item. What about the power lines going through?

D. McGoey: I'm glad you brought that up.

L. Wolinsky: We recognize that. It doesn't affect Phase I and I don't think it even affects . . . They're talking about bringing that down the railroad right-of-way.

T. Hamilton: The easement shows it going through.

D. McGoey: Yes. The easement shown on the record shows the dotted line cutting right through your property.

L. Wolinsky: Yes, but I don't think that was correct. I will see if I can get the corrected information.

T. Hamilton: It showed the lines going on the railroad right-of-way but they gave an overall view and it looks to be a little bit further than that. I think we should look into that before we end up with buildings in the path.

L. Wolinsky: Anyway, I will get you the information on that.

G. Lake: I think you have to make contact with the landscape architect again and I will have MaryLynn also have you get on for the November meeting. Do reach out once again, please, to the Conservation Committee.

L. Wolinsky: You want us to reach out directly to them?

G. Lake: Yes.

T. Hamilton: We haven't gotten any responses from him.

L. Wolinsky: All we can do is ask for their comments. If they don't respond . . .

G. Lake: What I'm asking that you reached out to them.

L. Wolinsky: Okay.

MOTION to TABLE for further review 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

4. **SALADINO** - 2 LOT SUBDIVISION (3 Month Extension to Final) - Scotchtown
Collabar Road (20-1-3) #36-05

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

J. Nosek: My name is John Nosek with Roger Ferris Engineering & Surveying.

G. Lake: Go ahead.

J. Nosek: We have the mylar's in the Town for signing. Everything is there. We're just trying to cover the date because the time frame is just about up. We just want to make sure within the next thirty (30) days we'll have the map filed.

G. Lake: You were tied up in another agency. I understand.

J. Nosek: That's correct.

R. Carr: Where is the project?

J. Nosek: It's near Kings Road.

R. Carr: With the walls?

J. Nosek: Yes.

G. Lake: Do you have anything else, Mr. Carr?

R. Carr: No.

G. Lake: A three month extension? Can we do this?

J. Bacon: He has the mylar's in, is that correct?

J. Nosek: Yes.

J. Bacon: I don't think there is anything else that needs to be done.

J. Nosek: We just want to make sure we are covered.

J. Bacon: I don't really have any objections.

G. Lake: Okay.

D. McGoey: He got a three month extension on June 7th.

W. Capozella: I don't have anything.

C. Najac: I don't have anything.

T. Hamilton: Nothing.

MOTION for a THREE (3) MONTH EXTENSION to FINAL APPROVAL 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

5. **CROSS VIEW REALTY** - 20 LOT SUBDIVISION - Scotchtown Collabar Road
(19-1-10) #78-02

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

J. O'Rourke: My name is John O'Rourke with Lanc & Tully Engineering.

G. Lake: Go ahead.

J. O'Rourke: This is a project that's been around for a while. Initially it was a proposed twenty two lot subdivision. At the Planning Board's request it was reduced down to a seventeen lot subdivision. At that time unfortunately for our clients the zoning changed. The new configuration to meet the new zoning for each lot. If you remember there was a lot of concerns connecting this road to a previously approved subdivision and at that time the Board had requested a new configuration. Basically we're here tonight to request and send this to the Zoning Board of Appeals with a recommendation of this roadway out and ties into the adjoining road. Our proposed project has a cul-de-sac here and the previously approved subdivision off of Lybolt Road there was a subdivision done by Tirolli and in that subdivision there was a description of the connecting road. If the Board will remembers initially we had talked about this but the Board didn't want it to cut through at that time and there were also wetlands. In order to proceed we need to go to the Zoning Board of Appeals for a waiver on the cul-de-sac length. Hopefully we can do that with a positive recommendation for that configuration.

G. Lake: The two lots in the back, is that the end of any subdivision on those?

J. O'Rourke: Yes.

G. Lake: No other way to get back there?

J. O'Rourke: No.

H. Ross: Will you mark them for no further subdivision?

J. O'Rourke: I will check with the attorney or the applicant to make sure they have no issue

with that. Basically on this configuration there's no room in there.

H. Ross: I know it's up in the woods.

H. Ross: Now, you have a cul-de-sac?

J. O'Rourke: That's correct.

R. Carr: Did we get a conservation subdivision design on this? The purpose of the conservation subdivision is to not bring the houses out to the road. I don't know if one was done.

J. O'Rourke: To be honest, Mrs. Potter usually does this project. I know she had considered it. I'm assuming it didn't work because she had to modify it. I can confirm that with her between now and the next meeting. That might have been because of the narrowness of the lot itself. I was just informed that originally there was a clustered plan proposed but because of the soils it didn't work.

D. McGoey: That was before the Conservation Subdivision went into affect.

J. O'Rourke: Basically we're putting in a extra thousand feet of road.

R. Carr: The purpose is not for more road but whether it's a conservation subdivision or not. I'm concerned about the site distance. Part of the purpose of the conservation subdivision was to limit to impact to everybody else in the Town. That's my only point. It's a beautiful piece of property right now and it just seems to me that this (not clear). It's filled up in the front with houses and it changes the character of a rural road. That's where I'm coming from. That's my point.

J. O'Rourke: We can certainly look at it.

G. Lake: It might even benefit you if you had an extra lot.

G. Lake: They would under the conservation subdivision if I'm understanding it correctly.

D. McGoey: They would be able to use two acre lots and then they can reduce the lot size down.

J. O'Rourke: We can certainly look into that. I think we will certainly have an issue with the wetlands and the narrowness of the lot but we can certainly look at it between now and when

we come back to see if it works out.

G. Lake: You're asking us to send you to the Zoning Board of Appeals on this plan.

J. O'Rourke: That's correct.

G. Lake: The question is under the new zoning, the new conservation subdivision law for you to at least look at it and you want to go to the Zoning Board of Appeals yet without looking at it.

J. O'Rourke: Right.

H. Ross: If we send him to the Zoning Board of Appeals on this plan and he finds that the other subdivision won't work (not clear).

J. O'Rourke: This has been before the Board for quite a long time on this subdivision. We would like to have the opportunity to look at it. Right now . . .

C. Najac: The issue here is the connecting road however, I wasn't here when this first came in.

D. McGoey: We had three or four applicant's before us and the Planning Board looked at trying to connect the road through.

J. O'Rourke: We can certainly look at that.

G. Lake: Anything else?

R. Carr: No.

W. Capozella: Nothing further.

C. Najac: Definitely it would be nice to see a proposed conservation subdivision. As far as the entry of the new road, I'm still not sure what I want to do there.

J. O'Rourke: For me, it's not for the benefit of the other properties between us. I think what the Board is saying they don't want a series of cul-de-sacs where if something happens you can't get out. This is certainly a long extended road that's not going to be a short cut but again it basically cuts down on traffic because there is an issue with that road. As far as the

Zoning Board of Appeals issue, whether we go for a cluster or not, we're going to them for the length of the cul-de-sac. In either case, we will still have to go before the Zoning Board of Appeals.

G. Lake: Anything else, Mr. Najac?

C. Najac: No.

T. Hamilton: I think the issue of the Conservation Law the way I understood it was it would give the applicant of either option. I believe it was the applicant's option to choose.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

G. Lake: How far back off Scotchtown Collabar Road are those two houses?

J. O'Rourke: About one hundred fifty to one hundred seventy five feet.

T. Hamilton: What about the option of the first three homes shifting everything back to give us that green belt along Scotchtown Collabar Road to lessen the visual impact from the road.

J. O'Rourke: We can look at that again. If you look at this map there are wetlands. I certainly get the feeling from the Board what we need to do and I don't think we have any problem looking at several options. I will try and accomplish that but in either case, no matter what option I take we need to go before the Zoning Board of Appeals.

MOTION to recommend a positive recommendation to the ZONING BOARD OF APPEALS for the length of the cul-de-sac 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

6. **LYONS** - 2 LOT SUBDIVISION - Schutt Road (77-6-6) #63-06

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

K. Duggan: My name is Kevin Duggan from Fellenzer Engineering.

G. Lake: Go ahead.

K. Duggan: This is our first time in front of the Board on this project. We are requesting a two lot subdivision on Schutt Road. We had a work session with Mr. McGoey. We do have to proceed to the Zoning Board of Appeals and, as such, that's what we're here for tonight is to get a referral to the Zoning Board of Appeals to deal with a number of variances. Both lots with require an area variance, lot #1 will actually require a depth area and lot #1 will also require a setback area to the garage not being within five feet from the property line.

G. Lake: I will go through the Board.

H. Ross: No problem.

R. Carr: No problem.

W. Capozella: No problem.

C. Najac: No problem.

T. Hamilton: No problem.

MOTION to refer the applicant to the Zoning Board of Appeals 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

7. **ROHR** - 2 LOT SUBDIVISION - Mt. Joy Hill Road (60-1-37.1) #46-06

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

H. Lehman: My name is Howard Lehman representing this client.

G. Lake: Go ahead.

H. Lehman: This is for a two lot subdivision on Mt. Joy Road and Mt. Joy Hill Road. We have 6.5 acres and it was previously subdivided in 1979. There's an existing house on lot #1 and we're proposing a house on lot #2. Lot #2 is two acres. Lot #1 with the existing house is a little over four acres.

G. Lake: You will have to show the site distance at the prevailing speed.

H. Lehman: Yes. We have a comment letter. I did call Eustance & Horowitz to schedule a site inspection.

G. Lake: How about concrete monuments? Are you going to put them in?

H. Lehman: Yes. I have a question on that. I have shown three concrete monuments and only one. Actually there are about ten or eleven points along the road. Is the Planning Board requesting ten or eleven concrete monuments?

D. McGoey: Along the road is concrete.

G. Lake: Let me go through the Board.

H. Ross: I have nothing further.

R. Carr: Nothing.

W. Capozella: Nothing.

C. Najac: Nothing.

T. Hamilton: Nothing.

G. Lake: Okay. The Highway Superintendent wants you to verify your site distance by the prevailing speed.

H. Lehman: I've shown it by the AASHTO standards. I will add the note.

D. McGoey: You need the Highway Superintendent to monitor it because it is to be at the prevailing speed and not the posted speed.

H. Lehman: Okay.

G. Lake: Mr. McGoey, we can do this subject to?

D. McGoey: Yes.

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

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for a TWO LOT SUBDIVISION subject to all of Mr. McGoey's comments and this Board's comments made by W. Capozella 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

8. **BERMAN** - 14 LOT SUBDIVISION - 525 Route 17K (5-1-3.21) #66-04

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

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

G. Lake: Go ahead.

D. Yanosh: This has been before the Board a couple of times already. We're pretty much set now with our layout and design. We're looking to have a Public Hearing scheduled.

G. Lake: Mr. McGoey's comments, do you have any problems with any of those?

D. Yanosh: His #3 comment about the cul-de-sac.

D. McGoey: You're going to have it waived?

D. Yanosh: (Not clear).

D. McGoey: It is subject to . . .

D. Yanosh: The trailer is gone already from lot #1. We have taken a survey. We will get the stormwater comments.

D. McGoey: Can the pond be moved back?

D. Yanosh: I'm not too sure. The water comes off the front there.

D. McGoey: What I'm trying to accomplish is not removing vegetation along the major road.

D. Yanosh: They're small ones. They're right up in front. We can try and do re-planting to take care of it for screening. Do you have any comments from Mr. Lippert or the Conservation Committee?

G. Lake: I would tell you to send a map in extra so we can send it to the Conservation Committee.

D. Yanosh: Okay. They meet on Monday night, right?

G. Lake: Yes. We have recommended people meet right with them at one of their meetings. It has worked out pretty well and has solved a lot of problems.

D. Yanosh: I will contact them. We have no problems moving the houses back a little more from the road. The plans for the State Highway Department will take a while.

G. Lake: Lot #1 which is 37.47 acres?

D. Yanosh: Right.

G. Lake: That's staying as is, what's there is going to stay there?

D. Yanosh: Correct because the conservation easement is part of lot #1.

G. Lake: Right. I guess my question is will it stay intact as it is or will it be re-subdivided down the road?

D. Yanosh: No.

G. Lake: Mr. Bacon? Lot #1 is 37.4 acres and my question was can they re-subdivide that a later date and if it's part of the conservation subdivision is that a yes or a no?

J. Bacon: I would say no (not clear).

G. Lake: Can we receive your wording on that?

J. Bacon: Yes.

D. McGoey: This is all pretty new to us. I don't think he has looked at a conservation easement so, this might be the first one. At this time we're only at Preliminary. The conservation easement could be transferred onto the map as well as filed in the deed.

G. Lake: That's what I was getting at because this is kind of new to us. Before I schedule the Public Hearing let me go through the Board to see if they have any more comments.

H. Ross: I have nothing at this time.

R. Carr: Nothing at this time.

W. Capozella: The cul-de-sac is maintained by the homeowners, correct?

D. Yanosh: No.

C. Najac: I have a question about the street lighting.

T. Hamilton: Nothing at this time.

MOTION to schedule a PUBLIC HEARING for November 1, 2006 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

9. **McGOVERN** (Bosco) - 3 LOT SUBDIVISION - Lybolt Road (12-1-29.24) #48-06

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

M. Blustein: My name is Michael Blustein representing the applicant. Names of other speakers not clear.

G. Lake: Go ahead.

M. Blustein: Essentially what we have here is a sketch plan. During the moratorium there was a two lot subdivision done but not we have a three lot subdivision with wells and septic systems. A couple of questions that we have for the Board tonight. The comments from Mr. McGoey. Of course, I guess this is an open area road where we have to go to the Town Board for approval. It's a 9.8 acre parcel. We have another question that we would like to ask Mr. McGoey on his comment #8. It should be determined the date on which the previous subdivision was approved and a determination made as to whether this application must go to Orange County Health Department for review of the septic systems or otherwise Eustance & Horowitz. We were granted approval and I think the map was filed in 2004. We're slowly getting things in place.

G. Lake: The first part of this project was how many lots then?

M. Blustein: Three lots and then four at the boundary.

G. Lake: So, this would be six lots to get to the Health Department.

M. Blustein: Right. In fact, I think there's a three year requirement that if the parent parcel was in more than three years ago, you don't have to.

G. Lake: Since we have this application before us at this point, I would say you're looking at the time frame as of now not a year from now. It's kind of like once you start a project. I would have to leave that up to Mr. Bacon to give me legal direction on this. What I'm saying your application is here now. We would have to look at it as if it was a six lot subdivision and just because you only have three we're going to do it as, we're going to schedule a Public Hearing unless it was done less than ten years.

M. Blustein: I think I will have to sit down between now and the next time and have an opportunity one way or the other. I don't know the answer yet.

G. Lake: Okay. Basically you're here looking to go to the Town Board to create an open development ?

M. Blustein: Correct.

G. Lake: Mr. McGoey, they just make that application, correct? We don't send them.

D. McGoey: Submit a letter to the Supervisor's Office requesting the open development and then it will go from there.

G. Lake: Let me go through the Board because basically you're here just for sketch at this point just to get a few things answered. Let me go through the Board to see if they have any comments for you right now and we will go from there.

H. Ross: Nothing right now.

R. Carr: I think it's very aggressive. I'm not crazy about having houses back to back. That's my first impression.

G. Lake: Anything else, Mr. Carr?

R. Carr: No.

W. Capozella: Nothing right now.

C. Najac: I also agree it's very aggressive.

T. Hamilton: Nothing right now.

G. Lake: Of the three of the original, are they all built yet?

M. Blustein: Just one.

G. Lake: Which one is that? As you're looking at the proposed driveway which one would that be?

M. Blustein: The middle one on the original map.

G. Lake: If you go to the Town Board which sounds like you want to I would suggest maybe swinging that driveway beyond that house.

M. Blustein: Is that because the house next to it hasn't been built yet?

G. Lake: Right. Look at it.

M. Blustein: The only problem is we don't own that lot. I don't mind approaching them about it.

G. Lake: Okay. I think you should leave it at that then.

D. McGoey: I have one more question. When was the map filed for your subdivision?

M. Blustein: It was filed in 2004.

D. McGoey: Can you please confirm that because we have to confirm that this lot was existing before September 2005.

G. Lake: Okay. You will have to petition the Town Board for an open development area and you've heard the comments from this Board and go from there.

MOTION to TABLE for further review made by H. Ross and seconded by R. Carr.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

TOWN OF WALLKILL PLANNING BOARD

SEPTEMBER 6, 2006

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES