

TOWN OF WALLKILL PLANNING BOARD

MEETING

SEPTEMBER 15, 2004

MEMBERS PRESENT: G. Lake, W. Capozella, R. Carr, A. Dulgarian, G. Luenzmann, P. Owen

MEMBERS ABSENT: T. Hamilton

OTHERS PRESENT: D. Brodsky, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - **GOLDEN TRIANGLE** - SITE PLAN/SPECIAL USE PERMIT & DEIS - Silver Lake Scotchtown Road (40-1-16, 40-1-35, 41-1-45, 50-1-62) #74-02

G. Lake: Before we get started tonight I want to thank one of our members who will be stepping down after tonight's meeting. Gerald Luenzmann is moving South on us. He's been on the Board for about nine years and has been a good member. We're going to miss you and wish you all the luck. You were close to the family. A little personal note. I know the one time when you invited me to be a guest speaker at a Rotary Club I believe it was and I know I was pretty nervous about it but it was a very good experience and I thank you for that. Again, I wish you all the luck moving South and everything else.

G. Luenzmann: Thank you.

G. Lake: Public Hearing started at 7:36 P.M. M. Hunt read the Public Hearing notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 600 Route 211 East, in said Town, on the 15<sup>th</sup> day of September, 2004 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Golden Triangle Developers, LLC., for approval of the Subdivision and approvals of the Site Plan and Special Use Permit for Phase I, of the Golden Triangle development. The applicant proposes to develop 95 town-home residences on approximately 18.9 acres of the site as Phase I. The project site is located south of Silver Lake Scotchtown Road, west of NYS Route 17, and north of NYS Route 211, in the Town of Wallkill, Orange County, New York, and is designated as Town of Wallkill Tax Map Nos. 40-1-16, 40-1-35, 41-1-45 and 50-1-62.

This matter is pursuant to Sections 249-38 and 249-40 of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

G. Lake: We will take your comments. It is not a debate on this. This is just for the Draft Environmental Impact Statement. There will be move Public Hearings after this. Name for the record, please? Do you have your mailings?

F. Wells: I have the affidavit of publication and the return receipts.

G. Lake: Thank you. Please, give us a description of the project.

F. Wells: What I have here is an aerial photograph of the area. The project site is located along Route 17, this is Route 211. The site borders on Route 211, Route 17 and Silver Lake Scotchtown Road which is here. This is a right-of-way. The general area was developed and subsequently the DEIS. Ordinarily what you see here is a traffic study which studied various sections in the general vicinity. We drafted our environmental statement for the area for the Planning Board and Public review which analyzes the environmental impacts of the potential proposed project. This was the overall or what we call the Master Plan for this entire parcel which includes the residence portion in one corner and the commercial uses on the rest of the property. Also in the DEIS, specific analysis was done for the residential portion, which is this portion here. I just want to familiarize the Public that the process of this is accepted, circulated by the Planning Board as Lead Agency to other outside agencies and then to receive comments. After the comment period, a final DEIS will be prepared in response to the Public comments. That will also have to be accepted by the Planning Board and circulated as well before any further action is taken. No action can be taken on this project prior to a Findings Statement which includes the environmental review process which outlines all the issues, etc.

L. Potter: Phase I on this project, we are proposing 96 individual townhouses under condominium ownership. There will be a Homeowner's Association associated with it. The entrance will be off of Silver Lake Scotchtown Road looping through the site and coming back out on Silver Lake Scotchtown Road here. The project will be served by municipal water and sewer. The roads within the site will be a private road maintained by the Homeowner's Association. There will also be a recreation area associated with the site. There are wetlands around the site which will not be disturbed. They are located in this area and in this area and therefore will help buffer from Silver Lake Scotchtown Road.

F. Wells: There are some numbers I would like to put out. The current site is almost ninety three acres. This portion is approximately nineteen acres. The scenario as shown in the Master Plan is the maximum build-out plan for purposes of the environmental assessment. What we've shown is potentially maximum development of the parcel. The component of this proposal is a through road which is a Town road, Silver Lake Scotchtown Road which will include and on and

off ramp on Route 17. It was presented in the DEIS as part of this project. Also, we got our impact traffic study towards a significant amount of offset traffic analysis and that presents mitigation measures that are being proposed both as part of Phase I and essentially as part of the whole development scenario as part of the approval. We're here to listen to comments from the Public and the Board and will answer questions however, we're only here to seek comments.

G. Lake: We do accept, we do not debate. We will take your comments so we can include it in the DEIS and then we will make decisions on what questions have been looked at. Let me go through the Board.

A. Dulgarian: Not at this time.

P. Owen: After the Public.

R. Carr: I will wait.

G. Luenzmann: After the Public.

W. Capozella: After the Public.

G. Lake: Before I go to the Public, I will have Mary Lynn read in a small letter from the Silver Lake Fire District.

M. Hunt: To Whom It May Concern: After further review of the proposed Golden Triangle Project it has become apparent that this project will greatly impact the Silver Lake Fire Department. Some facts that I would like to discuss are the fact that our Department is one hundred percent (100%) volunteer. We currently operate out of an outdated fire house in which we have outgrown. We also currently operate a 1990 Ladder which is due for replacement. Our Department currently operated with approximately thirty five (35) active volunteer firefighters. In the 1980's our department operated with fifty (50) active volunteers. Every year this number has dwindled at an alarming rate. In the current EIS report it is stated that "based on published standards, approximately 2.3 firefighters would be needed". If the fire District were to hire two (2) paid firefighters it would cost the District approximately \$140,000 per year. Our present firehouse was built in 1964. The current size of this house will not outfit newly designed ladder trucks due to changes in the NFPA 1901 standards for safety and enhancement features. Also due to a heavier amount of required reports and files our current office space has also become extremely too small for our department needs. Our district is presently researching the possibilities of building a new firehouse which has an estimated cost of six million dollars. Our current working budget is \$500,000 per year. This project is expected to be one hundred percent bonded. Our department currently operates two engines, one ladder truck, one heavy rescue truck, and two utility vehicles. Our 1990 ladder truck is due for replacement. A new ladder truck would cost approximately seven hundred thousand dollars (\$700,000) to nine hundred thousand dollars (\$900,000). In closing, the current EIS report states

that "tax revenue generated by the proposed development would offset costs associated with the cumulative development". I feel that the facts stated above clearly show that in order for your development to be protected to the highest standard, our department must make some costly changes. At this time we would like to request some additional time to further review this EIS report. We would enjoy sitting down and discussing this situation further with you. Please feel free to contact me directly. Jeff Jaques, Chief

G. Lake: Thank you. Right now it will be put into the record and we will make sure that you receive a copy of that letter. Is there anyone from the Public who wishes to comment on this application? When you come up, please speak clearly. We want to get your comments into the record and into any other document that are going to be produced from this hearing tonight.

Mrs. P. Owen: I'm a member of the Orange County Conservation Committee Board and we feel we were just notified about this. We need a lot more time to study the impacts of it. We have a problem with the traffic flow. I mean the traffic. I go through there occasionally. It's heavy now. We have to think about when the commuters come through because obviously I'm not going there. Now, there is a new development around Tower Drive and the traffic there is bad. We need time for this development to settle down, settle in before we think about building anything else and with the children. We're are we going to put all of these children. We're over-crowded now in the school systems. It would put a hardship on all these people if they have to put up another school. The taxes are very high now. The roads, the roads can't handle the traffic. They're not wide enough. They're too busy now. The wetlands, that's something else I would like to study further on my own the impact on the wetlands. We have the runoff from them and the building is going into the running water, the standing water there. That's something to consider with the environment. Nobody really knew about this or hardly anybody until we read it in the paper today and I think the Public needs a little more time to study this as well as our Board. I think we ought to have maybe the Public comment on it for about thirty (30) days where they can write in and see how they feel about it because we have to consider the people living here and I'm not good at Public speaking like this so I'm going to leave it to some of the other people who are more local and I'll get it from what they say. Thank you.

G. Lake: Good evening.

E. Valentin: Good evening. I want to thank the Silver Lake Fire House for their comments and their deep concerns and they have very good points on this matter. I have a couple of concerns. They said that it was going to come off Silver Lake Scotchtown Road. I don't know what their impact studies has shown but I live in that area and I know that currently we have a problem with Silver Lake Scotchtown Road and there's a project off Tower Drive apartments are going up that, they're not finished and it's truly going to add more traffic to that road, Tower Drive and Silver Lake Road. Silver Lake is a single road on both sides and it just can't. You're talking about ninety homes. On the average, each home has two cars. That's one hundred eighty (180) plus more cars on that road and I'm sure it's going more than one hundred eighty cars. I don't know at what time, I would like

to know what time they did the traffic study. Is it current? Is it taking into consideration the already approved projects for that area and already being built projects for that area? I know that Stewart's has problems getting in and out of their property lot and getting onto Silver Lake Scotchtown Road. So to say that this project would not impact that area, in my opinion, it's false because I truly believe that it's going to impact that greatly in that area. This may not hold any ground but I know that back in 1989 when they discussed this project they had a resolution was passed and in that resolution it stated that the developer had one year to make an application for a Special Use Permit and Preliminary Approval from the Planning Board. I don't know if they did that. I don't know if the changes that we put in place in the zoning affect that but I would like you guy's to look into that. I would also request that this Public Hearing be held open. I spoke to some of the residents in that area and I know that he submitted papers where he did mail but either they didn't get a chance to come out today or some of them said that they didn't get the notice. Sometimes things get lost or they never see it in the mail but I would like to request from the Planning Board that this stay open. I think that's about it. The first Phase, I believe is going to impact that whole area greatly and the second Phase is a nightmare. Thank you.

G. Lake: Are you speaking for both at this time?

N. Guenste: No. Someone else will be speaking for the other.

G. Lake: Okay. I didn't know.

N. Guenste: I didn't want to make it confusing. I have a few question on the DEIS on their project overview. They state the proposed project is located near the major roads for residential centers of the Town and as such is suitable for cumulative type and intensity of development. If you look at the map, it is not near those areas. The only area that is near them is a very, very small portion of Route 211. They're talking that this site will have to be totally, you know, graded and all natural habitat will be gone from the area. I don't know what research they did. They also state the extent of wetland disturbance and wetland compensation. The company, the full development plan is not known at this time. They don't show the stream that runs into Silver Lake on their plans for their development. I don't know if they've taken it into affect but I've looked at the maps from the DEIS and it's not located on any of the maps there. And, this is a major stream that runs through the area through the property. And, they're taking away the wetlands and covering the majority of that site with cement. I can't see how it can't have an impact and a negative impact. The water runoff that goes into the ground, where is it going to go? Is it going to down to the stream and then into the water to Silver Lake? What they also don't discuss in the DEIS is the are and noise pollution that will happen in Phase II to the residents of Phase I? Okay, there is a Town in New Jersey, Montville, New Jersey where they built very lovely homes. They took down woods and built \$600,000 to \$700,000 homes. They put in Route 287, took down all the woods and when you sit in the backyard of these lovely homes, all you here is the traffic and the trucks because the trees are no longer there to cushion it. That needs to be taken into affect. Are these people going to move into these town homes thinking there's lovely woods behind then and all of a sudden there's a commercial

development sitting in their backyard. Like I said, the noise will also travel down to the residents from that area. They say in the DEIS. Again, like I said, the loss of rough land is unavoidable but they're going to use trees as landscape buffers. Some of the trees on that property are probably seventy five feet tall, if not taller. That takes a long time for them to grow back. Again, in their site area description, they refer to Route 211. Now, Route 211 is not near that site. It has a very small portion and when I talked to the Department of Transportation, they talk about removing different entrances and exits off of Route 211. So, instead of having their traffic congestion on Tower Drive we're going to move it across Town to the other end of Tower Drive. So, the people that used to go from different areas to Route 211 from both directions are now going to be funneled into this one area. You've got like Eric was stating, not only do you have one hundred ninety eight apartments that have been approved, you also have Kaibro with two hundred fifty six units right off Mud Mills Road. So, you're talking heavy traffic congestion that really needs to be looked at. I've sat at Tower and Silver Lake Scotchtown Road for five minutes waiting to get out at three o'clock in the afternoon and that's not morning rush hour. I really feel the DEIS is lacking in looking at the overall impacts of clearing close to ninety acres of trees in an area, disturbance of wetlands, traffic, air and all of those things.

G. Lake: Do you want to submit that in written form as you did give us quite a bit?

N. Guenste: No. These were just . . .

G. Lake: I mean we will have a comment period and I think it would be helpful to get it on paper.

N. Guenste: I can write it up

G. Lake: The only comment I will make Tower Drive is not going away.

N. Guenste: Right.

G. Lake: I don't want people to think that's going to disappear.

N. Guenste: Oh no. I just meant the traffic in the different directions would be affected by Tower Drive rather than going down towards Route 211 at that end near the Galleria coming in this direction.

S. LaBruna: I'm a Wallkill resident. I'm also a member of the Conservation Commission. I just have a letter from the committee basically requesting to leave the Public Hearing opened for thirty days for comment. "Dear Chairman and members of the Planning Board: The Conservation Commission of the Town of Wallkill has taken a look at the executive summary of the DEIS submitted by the Golden Triangle Development. The members have concerns regarding the impact on various areas such as light pollution, stormwater runoff effect on the stream that runs through the property, the grading the entire site, air pollution and noise pollution. A project of this scale requires

careful consideration. All parties would benefit from a thorough review of the DEIS and the potential impacts on the Town residents. Therefore, the Town of Wallkill Conservation Commission respectfully requests that the Public Hearing not be closed this evening, but be left open for thirty days to allow them to review the entire DEIS and investigate the areas of concern in a complete and thorough manner. Nina R. Guenste, Chairman”

G. Lake: Will you submit that?

S. LaBruna: Yes.

G. Lake: Is there anybody else from the Public to speak on this project?

E. Strada: I live over on Ross Lane in the Town of Wallkill right behind the Tower Ridge Development. Actually I'm here on behalf of the School Board and the School District for the City of Middletown at the request of a Board member. Our concerns for the Board are that eventually we're going to need to take some sort of deep breath and try to calculate the number of developments that are coming into the Town of Wallkill and what the impact is going to have on the school district. The school district is in the process of sending to the State Education Department it's plans in regards to a thirty four million dollar renovation project to the high school in Middletown of which this particular development falls under as well as the Tower Ridge Apartments. Now we're second guessing ourselves as to whether or not that renovation project is sufficient enough to handle the influx of students for each of the developments that are being contemplated by the Planning Board. It's interesting to hear the letter from the Silver Lake Fire District. I'm sure the Police Department as well has concerns as far as manpower in regards to the additional population especially in this particular area which I'm sure (not clear) which is set forth by a Master Plan of Orange County. Unfortunately the priorities doesn't mean it has to be done at the same time. I would suggest 1) is if the Public Hearing can also be extended to thirty days because many of our Board members just found out about it through the newspaper this morning. And in addition to that 2) that the Planning Board really take a look at this plan as a whole to try to figure out what impacts the Tower Ridge Development of one hundred fifty units will have on the infrastructure of that particular area, the Fire District, the Police Department, and the City School District. Based on the assessments that were brought down by the office of Real Property, the Town of Wallkill residents will be paying an increase of six percent, the school budget a twenty two percent increase in taxes. That has to be taken into consideration with the alternative impact. We would like to extend an invitation to the Planning Board where you can send us a letter and maybe we can sit down with the representatives of the School Board so we can sort of plan out some of the growth that's projected in the Town of Wallkill or the School District of Middletown and Pine Bush, Minisink and Goshen are probably thinking the same thing although in this particular area our concern right now is the influx of students into our respective schools based on these developments and not as one individual development as a whole. Thank you.

G. Lake: For years we have sent things to the Middletown School District as well as Pine Bush. But

anyway I have also spoken to people from the Middletown School Board exactly what you just said. I think the first contact I've had was probably about a year and a half ago, the second time was about a year ago. There has been a little effort for us to try and do exactly what you said. I think this Board welcomes that. I think it's something we've discussed many, many times. I'm sure Mr. Dulgarian is going to clear that up in a second. The effort has been made. I'm glad to see you here tonight. Like I said, I have personally spoken to two Board Members.

E. Strada: Mr. William Godner is the representative now for the Town of Wallkill. He couldn't be here this evening. We sat down with the Common Council Monday evening to discuss with the City Assessor during school budget time to try and figure out what the taxes would be and maybe we can do the same thing with the Town of Wallkill and the Planning Board.

A. Dulgarian: Excuse me, Mr. Strada?

E. Strada: Yes?

A. Dulgarian: I will echo what Mr. Lake said, that it's nice to have somebody from the School Board here representing them. I, too, have been in contact with them over the years dating back five or six years ago will very little response. It's hard to believe that the projects that we've looked at, we are not allowed to look at the impact on schools, the impact on fire districts because we're not experts in those fields. So we welcome all of that input. Now that you're here I have a question for you. In this DEIS on page 3.8-2 they talk about the ninety units and I just want your professional opinion on it so maybe you can check it out. "The proposed project will increase the need for school services to including bus transportation for the additional twenty three school age children expected to attend public schools in the Middletown City School District.. They think that in a book that was published by the Urban Land Institute in 1994 which states that this type of development would have .02552 school age children per unit. That doesn't sound right and I'm not an expert on that but if you can provide us figures on what you think it will actually be, I would like to see that because I don't agree with this.

E. Strada: That would be fantastic because I don't agree with it either. Some of those assessments are (not clear). You have certain developments and certain type of clients that you want to actually purchase townhouses and homes just like you would with one hundred forty eight units of an apartment complex. The answer to me with regard to the Tower Ridge development was that those were apartments that were deemed for professionals. The problem is that when that market doesn't development for whatever reason, the developer is not going to sit back and not rent out apartments. They have to do that so sometimes the best intentions are there but it doesn't turn out that way and then instead of turning it into apartments for professionals, that's when families then come in. Now the retail section sometimes, Phase II that they call here which may be able to ease some of the tax burden from the residential development, if it happens, the problem that a lot of school districts face is that after the planning stages decisions are made where commercial development taxes are done as a one lump sum in lieu of annual taxes. That's what happened with some of the retail development

in the City of Middletown. The annual tax revenue that you would get in a commercial project actually doesn't materialize on an annual basis. It will be a one lump sum payment to the School District and then the rest of the taxpayers are left holding the bag year end and year round. That's a concern down the road. I agree with you as far as the assessment and in regards to student population. They're basing it on studies but it's also very few times that developments actually end up having the type of clients.

A. Dulgarian: If you can supply us with some figures that maybe you folks maybe have come up with it would be appreciated.

E. Strada: Absolutely. Thank you.

G. Lake: Do you want to close the Public Hearing, guys?

A. Dulgarian: What are the problems with closing the Public Hearing?

D. Brodsky: You can't close it tonight.

A. Dulgarian: I'm wondering, what would be the problem with us leaving it open. I would rather err to side of caution. The primary reason for keeping it open would be for the organizations that asked for more comment review.

D. Brodsky: You can keep open the Public comment period for a number of ten days but the Public comments will be in the report.

P. Owen: If it doesn't hurt anything, I would rather leave it open just because of hearing certain comments and certain questions that need responses to and to get it into a written form.

G. Lake: If we get it in written form, it will be in our hands.

R. Carr: Some people claimed that they had not been notified. We hear that all the time. I think I would go along with keeping the Public Hearing open.

G. Luenzmann: Yes, I think we should keep it open and for one very specific reason. This is a major development in a very strategic part of Scotchtown. It is a very heavily traveled, heavy impacts with the traffic and what have you. I think just to make sure that all the basics are covered, I would want to keep it open for written comments.

W. Capozella: I'm clearly in favor of the thirty days. I just will give warning to the people who came up here that after the thirty days if we go forward with this that we get some feedback of information from the Conservation Committee and so forth. Thirty days goes by really fast. Before you know it, it's here so by putting it off thirty days doesn't necessarily mean it's going to be

accomplished. Again, we will abide by the thirty days.

G. Lake: Somebody make a motion to keep it open.

**MOTION made to keep the PUBLIC HEARING open for thirty days G. Luenzmann and seconded by W. Capozella. We can't go thirty days. We need to go to the next meeting closest to thirty days which would be October 20, 2004.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Luenzmann: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

G. Lake: Mr. Brodsky, the written comment can also be extended.

D. Brodsky: Now when you get to run it and close the Public Hearing phase, that's correct.

G. Lake: So then, after everything is closed, then there will be . . .

D. Brodsky: The written comment period after that, yes.

G. Lake: Let me go through the Board.

A. Dulgarian: I have a couple of questions. Silver Lake Scotchtown Road and the intersection of Tower Drive?

P. Griely: Correct.

A. Dulgarian: On the other intersections you give us an overall intersection grade and on that one you don't.

P. Griely: Right.

A. Dulgarian: At the end you say with signalization.

P. Griely: Correct.

A. Dulgarian: That means you're proposing signalization?

P. Griely: Correct. In the litigation section of the DEIS, we are proposing to install the traffic signal at Tower Drive and Silver Lake Scotchtown Road. That's why we, overall level of service there is shown with the improvement that will be part of our project and as part of the Phase I.

A. Dulgarian: So, the "C" I'm looking at the end here . . .

P. Griely: Yes.

A. Dulgarian: That's an average. You're still going to have the two "F's" above it?

P. Griely: Yes. The "F" level of service is trying to get out of Tower Drive. There was a comment about waiting on Tower Drive to Silver Lake.

A. Dulgarian: The "F" level will still be there?

P. Griely: No. With the light the improvement will be an overall level service "C". What it does is it allows.

A. Dulgarian: Why don't you break that down instead of showing us four different ones, just averaging it out?

P. Griely: I don't know what page you're looking at. The un-signalized intersections, the way that the summary table is shown, it shows the individual movements there being affected. With signalization summary there, there's the overall intersection level of service "C" and four movements will be . . .

A. Dulgarian: All movements that are "F" will no longer be?

P. Griely: That's correct.

A. Dulgarian: Is that the same with the intersection at Tower and Industrial?

P. Griely: Tower and Industrial was another location that we had identified for signalization. I believe as part of the overall traffic study in the corridor, another project is going to do the signal there.

A. Dulgarian: So that signal will raise that to a level “C” also?

P. Griely: Correct.

G. Lake: If you remember, I guess I will refresh everybody’s memory on this. If you remember this is part of that whole territory where there are several major developments that was contributing to different spots for a better level.

A. Dulgarian: I remember that. Yes, but I wanted to find out what signalization was in effect at the end of this project.

P. Griely: In terms of what’s proposed for this project, the signal at Tower Drive and Silver Lake Scotchtown Road. The widening of Silver Lake Scotchtown Road to provide a separate left turn lane into the project and entrance so that through traffic on Silver Lake Scotchtown Road doesn’t have to wait when someone is making a left turn into the entrance. And, also contributions toward the other improvements on a fair share basis.

A. Dulgarian: I understand the mitigation. My question is the level of service on the majority of the ones we’re looking at are corrected by the signalization and mitigation?

P. Griely: That’s correct. Yes.

A. Dulgarian: One last question. The other exit, the emergency exit now on the road that may or may not happen, that’s just going to be an emergency access for now on Phase I?

P. Griely: Yes. This segment here is planned to be an emergency access only.

A. Dulgarian: So, there’s only going to be the one in and one out at this point and that’s going to be used for emergency vehicles?

P. Griely: Correct. That’s what the proposal is, right now.

A. Dulgarian: Alright. That’s all I have. Thank you.

P. Owen: When does the contributions go from Phase I or . . .

P. Griely: After each. Phase I has the improvements that I’ve identified as well as a contribution based on the traffic generation for that phase. For example, if Phase II never happened or delayed for five or so years, the contributions for the Phase I portion would have to take place and be a condition of their approval as well as the signal at Tower Drive and Silver Lake Scotchtown Road. In Phase II, it would have it’s own mitigation including the construction of the road as well as a contribution towards the improvement area. We can’t wait until everything is built to make the

contribution. You need to make the contribution so that the traffic is mitigated up front.

P. Owen: I just wanted to make sure what was going to happen. Just so it was clear in case Phase II doesn't go through.

P. Griely: Yes, that's part of the Phase II is the whole ramp, the connecting road and the ramps, correct.

G. Lake: Mr. Owen, are you done?

P. Owen: I'm done.

A. Dulgarian: If that road doesn't happen, just one step further. Are we going to . . .

F. Wells: Once presented there as an alternate of a potential development with the current regulations and so forth. It is studied in the DEIS as a potential alternative for you to access

whether you think that's a better plan versus the Master Plan. It's a matter of comparison. It's not a proposal.

D. McGoey: There's language in this document that says this Board will not approve the DEIS for Phase II without consideration of that exit.

A. Dulgarian: I'm sorry, Mr. McGoey.

G. Lake: That's okay. That's an important thing to bring out that where we stand as far as the Board feels.

R. Carr: I just want to make a comment. If we were looking at this entire project at this time and given just looking at it in terms of stormwater runoff and you were taking down a lot of trees, but I would tell you that I would feel a lot more comfortable with it because I really think that if it happened all at once and you have that road in, you have that exit ramp it would alleviate a lot of congestion in a lot of places, Bert Crawford, Maltese, down by Wendy's, Route 211, coming from the Galleria onto Route 17, Tower Drive if the whole project was done. Unfortunately we're looking at Phase I with the uncertainty that Phase II ever happens. Phase I is an intensive use of that piece of property and unfortunately all the things in Phase II in terms of traffic in that area, all the things in Phase II would improve those problems in Phase I. I realize there are mitigation's that you're making and whether we get into, that's I think what we have to look at. There are a lot of cars and that's my feeling. Phase II to me, is no way to guarantee if that ever happens. If you got a DOT approval on the exit and forget the option, there was an option II. That still has a road going through to Route 211.

P. Griely: That's the alternative.

R. Carr: Okay. It's really the exit I think. It's just an awful lot of problems.

P. Griely: In terms of Phase II, we want the road and the ramps and we've been working diligently with the Department of Transportation. Just for the public's benefit we have received conceptual approval. There is a copy of that in the document. We put the correspondence from the Department of Transportation and we've also gotten a favorable feedback from the Federal Highway Administration although Preliminary because they can't act until this process proceeds but the Board was very clear last year when we first started this process that we needed to get to that phase to even for the Board to consider it and we do want that to move forward. That is a critical part.

G. Lake: Anything else, Mr. Carr?

R. Carr: No.

G. Luenzmann: I think the project especially following Mr. Carr's comments with Phase I and Phase II it would alleviate a lot of traffic problems that we have right now but no matter what happens with either Phase I or Phase II or both, the choke point to me is Silver Lake Scotchtown Road. There is nothing here I've seen that would mitigate the traffic and the danger associated with traversing and getting across or driving down Silver Lake Scotchtown Road. There's a lot of people, for example, that walk up and down. They go to Stewart's. They go to the nearby stores. There's no sidewalks. There are houses that get rammed continuously by late night drunk drivers. You know, I think we have to pay attention and we usually consider not only this project but all the other projects and I don't see Silver Lake Scotchtown Road being considered for a three lane, four lane and I live right off Freezer Road and sometimes you sit there for what seems like ten minutes and you can't get across. You take a look at all the people walking to the deli and I think we need a lot more consideration coming from professionals and looking at Silver Lake Scotchtown Road. The light may not solve the problem. You're only going to stagger the problem but is there going to be a left hand turn lane on Silver Lake Scotchtown Road or are you just going to sit there for three minutes like at Route 211 and Tower Drive. There's got to be some more serious consideration on what the traffic flows are going to be to the whole Silver Lake Scotchtown Road corridor and there are safety issues with sidewalks and the yellow lights with the striping. There's nothing here that's going to (not clear).

F. Wells: I just would like to mention part of Phase I the proposal is to put sidewalks along the frontage along Silver Lake Scotchtown Road.

G. Luenzmann: I would like it to go all the way down.

F. Wells: We're trying to do our share.

G. Luenzmann: It's not all your problem. There's an issue here. This is becoming like Route 211.

Silver Lake Scotchtown Road has become a major thoroughfare with very fast drivers and a lot of people who are very dangerous drivers. There are people walking that road and heaven help us if anybody gets hurt.

G. Lake: Finished Mr. Luenzmann?

G. Luenzmann: Yes.

W. Capozella: I don't want to beat it to death but again, I agree basically with the Board with the traffic. Just for myself looking at Phase I and Phase II, I know we're only talking about Phase I but when you look at the whole thing and I try to figure out in my own mind how we're going to handle it and how it's really going to be taken care of especially (not clear) At this time I'm not really in favor in looking at the overall project. I do believe it's going to change. In fact when we look at all these traffic studies and environmental studies and everything that we get but they don't really show us the true picture.

G. Lake: I think about a year ago it was very clear about the exit ramp on Route 17. Some of the other comments we can address. At this point, we will leave this Public Hearing open for thirty days, actually thirty two days, you do agree to that?

F. Wells: Yes.

**MOTION to TABLE for further review made by A. Dulgarian and seconded by G. Luenzmann.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Luenzmann: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

2. PUBLIC HEARING 7:35 P.M. - **ROWLEY** - 2 LOT SUBDIVISION & SITE PLAN/SPECIAL USE PERMIT - Route 211 East (31-1-36.1) #24-04

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

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York will be held at the Town Hall at 600 Route 211 East, in said Town on the 15<sup>th</sup> day of September, 2004 at 7:30 P.M. or as soon thereafter as the matter can be heard on the application of Rowley Development Corp., 30-40 Golf Links Road, Middletown, New York 10940 for approval and a Special Use Permit for Lot 1 and 2 for fabricating and assembling, warehousing and offices. Location: South side of New York State Route 211 East at Bull Road. Two lot subdivision - Rowley Development - former Dana Distributors site under Section 249-27 and 249-13 of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

G. Lake: Your name for the record and a brief description please.

W. Abt: My name is Weldon Abt. I represent the owner, Rowley Development and also the two potential users of the two buildings on the lot, they each have a representative here tonight. Mr. Kempton from Kempton Mechanical Company and Mr. Gross from the Eclipse Awning Company that are proposed users of the building. We're here to ask for a Special Use Permits for the two existing warehouse buildings on this existing subdivision. It was the former Dana Distributors buildings. The smaller building on lot #2 is a ten thousand square foot building. We're asking for a Special Use Permit for Kempton Mechanical Contracting Company. They would use the building as it has been in the past for offices of about eighteen hundred square feet, that's the blue area, warehousing, the light green, is fifty eight hundred square feet and they would use some for the fabricating of pipe, threading of pipe, assembling of pipe together so we would ask for a manufacturing Special Use Permit for up to twenty four hundred square feet for that use. That's what we're asking for here. It's a three acre site with existing buildings and existing parking and an existing subdivision. The larger building we're asking for a Special Use Permit for the Eclipse Awning Company. They also would be using offices which have been offices there of about thirty six hundred square feet. They would be doing some assembling of awnings. It would be seasonal up to seven thousand square feet of the building for that use. The remainder of the building would be warehousing, seven thousand four hundred square feet. They have parking on the site with the existing building. We would basically have a lesser truck generation than Dana Distributors.

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

A. Dulgarian: After the Public.

P. Owen: After the Public.

R. Carr: I will wait.

G. Luenzmann: I will wait.

W. Capozella: I will wait.

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

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

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Luenzmann: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

G. Lake: Mr. McGoey had a couple of comments. Do you want to address them?

W. Abt: Item #1. The applicant previously appeared before the Board and received Site Plan and Special Use Permit approval for the awning installation firm. However, the plumbing and mechanical systems contractor required approval for manufacturing and assembly. Item #2. The Site Plan should clearly indicate that the uses intended include warehouse, manufacturing and assembly. Yes, I think it's indicated on the Site Plan what the uses would be and where the office, warehouse and manufacturing. So, we would ask for a Negative Declaration.

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

A. Dulgarian: No. I'm impressed with all the people you brought tonight. I think this is a very good use for this site. There is no impact and there will also be less traffic. It's nice to see that this place will be occupied again.

P. Owen: It's a good use.

R. Carr: I totally agree.

G. Luenzmann: I totally agree. It's a good use and a similar use to what was there before.

W. Capozella: I agree. The use is similar.

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

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Luenzmann: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

**MOTION for 2 LOT SUBDIVISION and SITE PLAN/SPECIAL USE PERMIT subject to Mr. McGoey's comments made by A. Dulgarian and seconded by G. Luenzmann.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Luenzmann: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

3. PUBLIC HEARING 7:40 P.M. - **RIVENBURGH** - 4 LOT SUBDIVISION - Shaw Road & Route 302 (24-1-55.1) #27-04

G. Lake: Public Hearing started at 8:38 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 600 Route 211 East, in said Town, on the 15<sup>th</sup> day of September, 2004 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Brian Rivenburgh, 40 Golf Links Road, Middletown, New York, 10940 for approval of Subdivision of 12.36 +/- acres into four (4) residential building lots, located on Shaw Road under 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..

M. Siemers: I am Mark Siemers. I'm from Pietrazak & Pfau.

G. Lake: Before I go to the Public, give us a brief description.

M. Siemers: Basically we're proposing a four lot subdivision on Shaw Road on approximately 12.4 acres. The existing home located on the property will remain on it's own lot. The three existing barns located on the property will also remain on the property. The proposed lots will have single family homes. They will be setback off of Shaw Road approximately two hundred to four hundred feet and the subdivision will be serviced by individual wells and septic.

G. Lake: I will go through the Board.

A. Dulgarian: Nothing.

P. Owen: Nothing.

R. Carr: The only thing I have to comments are there trees that aren't old growth or just any tree that's not in the driveway, septic area.

M. Siemers: We can place a clearing limit line on the map going around the grades.

R. Carr: He has a list of trees but I don't know which ones.

G. Luenzmann: I will wait.

W. Capozella: I will wait.

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

J. Marvin: I would like to look at the map for a second before I comment because I live right next to this property. I just found out about this today and I live right here. I had a problem with the Department of Environmental Conservation about this awhile ago because I need to make a road to the back of my property so that I can get access to the back of my property and I didn't know if he had checked into that or because they have a buffer zone.

M. Siemers: Yes. We're not proposing anything in the Department of Environmental Conservation buffer area. They've already delineated and signed off on the wetland location.

J. Marvin: Because I'm still waiting for my permit and I just came to see your plan.

**MOTION to close this PUBLIC HEARING at 8:42 P.M. made by G. Luenzmann and seconded by R. Carr.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Luenzmann: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

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

M. Siemers: Sure. Item #1. The variance received from the Zoning Board in regard to the existing barns should be so noted on the subdivision plan. We went to the Zoning Board of Appeals and we received the variance to keep the three barns on the front lot. We did put a note on the plans to that affect. Lot #2. Septic systems are to be reviewed and approved by Eustance & Horowitz. That's no problem. Item #3. Any comments received from the Highway Superintendent should be addressed including the potential need for driveway culverts. All culverts should be specified with smooth insert. I haven't received any comments from the Highway Superintendent yet. Item #4.

The applicants engineer has provided the AASHTO stopping sight distance. However, this information should be shown on the Site Plan. The AASHTO sight distance, I have placed on the plans. Item #5. The trees to be preserved should be noted on the plan.

D. McGoey: Show the table though?

M. Siemers: No problem. Item #5. The trees to be preserved should be noted on the plan. We will put a clearing limit line on the plans so any trees outside of the clearing line will be preserved. Item #6. Each concrete monument should be labeled. In addition, each iron pin should also be labeled in lieu of showing a typical location as presently provided. No problem.

G. Lake: Let me go through the Board.

A. Dulgarian: I'm glad they went through the process of going to the Zoning Board of Appeals. No negative impacts.

P. Owen: I have no issues.

R. Carr: No issues.

G. Luenzmann: I'm assuming that the variance was because of the barn being within less than ten feet?

M. Siemers: No. Accessory buildings in the front.

W. Capozella: I just had a question about the concrete monuments. Did you do that?

M. Siemers: Yes. We placed concrete monuments at the front property corner of every lot and it's just monumentation.

G. Lake: They have to tie into the Town data system.

W. Capozella: How big are they?

M. Siemers: About 4 x 4.

G. Lake: I'm also very glad to see that the Zoning Board of Appeals allowed them to keep those barns. They are very nice barns.

**MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey's comments made by P. Owen and seconded by R. Carr.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Luenzmann: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

**MOTION for PRELIMINARY SUBDIVISION APPROVAL subject to Mr. McGoey's comments made by P. Owen and seconded by A. Dulgarian.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Luenzmann: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

4. **BANTA** - SITE PLAN/SPECIAL USE PERMIT - Route 211 East & Tower Drive - (41-1-32.3) #12-04

G. Lake: Name for the record please.

J. Lanc: I am John Lanc from Lanc & Tully Engineers. We are here, I believe, a second time in front of you with the Banta project. Just to refresh your memories, what we have here is an existing Howard Johnson's Motel, with a proposed Perkins Restaurant. We have the Super 8 Motel, the existing bank. We are proposing to add a UNO restaurant in the corner and a small extension to the existing bank. The new bank will be located in this area. As you know we have one location to get to the other. We are combining the two lots. We are providing a wider entrance and proposing

improvements to Tower Drive. We are adding sidewalks all the way from Tower Drive and along Route 211 and landscaping also. You know what it looks like right now. We are planning to make it look better. We've been to a couple of work sessions and received comments from your engineer. Most of them are minor comments, I believe. If you want, I can go through them one by one.

G. Lake: Yes, why don't you briefly highlight them.

J. Lanc: I will turn it over to Mr. Griely.

P. Griely: Item #1 and Item #7 basically go together. Item #1. The traffic consultant for the applicant should confirm that the right of way dedication is sufficient in widths to accommodate the anticipated double left turn lane from Route 211. Item #7. The proposed road widening plans are unclear with respect to which improvements will be constructed as part of a Town contract versus those that will be constructed as part of the Banta project. It's relative to the road widening plans and Mr. McGoey has asked us to clearly show what the Town improvements are for the widening on Tower Drive. We will clearly show which is which and show the double left turn and it can be accomplished within the right of way with our dedication.

J. Lanc: Item #2. The stormwater management plans call for a bio retention filter including three inches of mulch. The Fire Department should review this in light of the fact they have requests on other projects that mulch not be utilized in light of fire hazards. An alternative may be required. In the islands it is what we use. I don't believe it will be a fire hazard.

D. McGoey: It may be a problem with the fire department.

G. Lake: Right now, the fire departments are, on the right days, just being slammed going all over the place because of mulch fires in the islands, etc. When I say slam, I'm mean like three or four times a day going out for those mulch fires because somebody dropped a butt outside. I think you really have to figure out a way to eliminate mulch.

J. Lanc: We will discuss it with the fire department. Unfortunately, mulch is what has been highly recommended by the Department of Environmental Conservation as well as stormwater management.

R. Carr: Isn't there a fire retardant mulch?

Unidentified Landscape Architect: One thing I don't know if you're aware of, but the growing needs for the plant material, it's very difficult to grow plants with stone. So, we will have to figure something out. I don't know if there is any fire retardant mulch. I think the more finely ground the mulch is, the less it catches fire. We might have to do a little experimentation.

R. Carr: I appreciate it. I've never seen it. It is certainly more attractive to have mulch and

wherever we have stone, it always ends up in the parking lot. I don't know what the answer is on this.

Unidentified Landscape Architect: If we can get the right growing medium that would help with the planting.

G. Lake: You know the problem. You need to come up with something.

Unidentified Landscape Architect: Yes, we will take a look at it.

G. Lake: These guys, especially Silver Lake and Mechanicstown, I mean, they just get slammed. They really do. If we can help them out with that, we try.

J. Lanc: Item #3. The plans are unclear with respect to where the bio retention filters will be utilized versus the gravel diaphragms. We will show it on the plans. Item #4. The parking table shown on Sheet 3 should show how the required number of spaces was calculated, i.e., parking spaces per square foot for restaurants, parking spaces per hotel unit, etc. We will add the parking table to the Site Plan. Item #5. Lighting levels on Sheet 14 are difficult to read. However, it appears that several areas exceed seven foot candles which are unacceptable. We recommended that lighting levels be maintained at approximately three foot candles maximum.

S. Kinklemen: The lighting levels have been revised based upon the comments. We will submit that to Mr. McGoe for his review. We have addressed that issue.

J. Lanc: Item #6. We recommend that the landscape plan be reviewed by a landscape architect. No problem. Item #8. Sheet 8 should note that the fire zone will be painted, "Fire Zone, No Parking, No Standing". We will do that with no problem. Item #9. Status of clustering approval from the Town Board should be discussed. In addition, we would recommend that the lot line crossing through the existing Super 8 Motel be eliminated as part of this approval. We met with the Town Board last week and explained the nature of our issue here with the site. Currently it consists of three separate deeded parcels. There is existing financing in place so the idea is to really try not to upset that and leave the parcels as they are or with minor adjustments to them. We're trying to eliminate essentially one site, the internal lot line issues in terms of the normal setbacks and all that. The feedback that I heard from Mr. Larry Wolinsky who is our Attorney, he received a positive response from the Supervisor in our meeting. One of his issues was just making sure that the architectural components, which we will talk about in a minute, is really co-ordinated on the site. One of the other points he mentioned was to see if we could try and co-ordinate what we're doing with the improvements to the car wash next door. I have a meeting with that architect tomorrow. Item #10. The Planning Board attorney should advise as to whether the canopy setback in the rear yard, attached to the proposed bank is satisfactory as part of clustering, or otherwise, whether a Zoning Board of Appeals variance will be required. That is also going to be handled with the clustering issue, all the setbacks and zoning issues. The canopy that we were proposing is very

similar from the setback from the existing one that's being used but it's being discussed with the other issues. Item #11. We requested in our comments of August 16<sup>th</sup> that the dumpster enclosures be architecturally blended with the buildings. However, the referenced enclosure shown on the plans shows pressure treated lumber. Item #12. Architectural elevations of all sides of the building should be provided for Planning Board review. The architectural goal for the project, we talked about it a little bit several months ago when we were here, is to try and create four distinct buildings with very different users, some with some strong corporate leanings. Perkins has their own look. Pizzeria UNO has their own look. You get pressure from Super 8. You get the governing requirements for Howard Johnson's and we have a bank that is more flexible. We've had discussions with all the users and have begun with a concept in trying to integrate all of that. I will show you some of the images. Essentially, we're trying to allow all the users to have their own corporate identity within some sense of continuity between the buildings. We're doing similar masonry on the different buildings so that there is really a sense of what we're achieving with the Site Plan with lighting, landscaping, and all that. I will give you a brief rundown on the buildings.

A. Dulgarian: You know, he's going to have to repeat this at the Public Hearing.

G. Lake: It will give you a little head start

S. Kinklemen: The interesting thing is the existing Howard Johnson's is a split face block. It is what it is. We talked about this the last time. The entrance is on the backside of the building. We are essentially refacing the building with efface and masonry and will have a whole new look to it. The sliding doors that were on there will be taken out so, it's really a complete upgrade. Along the face of the building which is now the butt end of it, a new portico with a new entrance. It will create a new front. Perkins, we've begun to pick up with similar materials and working with their color scheme to kind of blend that in. The Super 8 as part of the understanding with the franchise, it's in the process of getting re-skinned and working the color schemes in with that. As we speak they're starting to take off some of the rotting wood. They're doing that as part of the process. With the UNO, we are again using some of the same brick materials and working with their image of it. We have drawings on all four sides for that. That's a little bit more colorful but again it's using the same kind of materials. The bank will be using the same materials and giving it a nice clean look.

G. Lake: Is the Super 8 going to tie into this process also?

S. Kinklemen: Yes. The goal is really to create a unified look on that corner which would be an enormous upgrade.

G. Lake: Thank you.

J. Lanc: I would like to mention one more item is for a lot line change. To change the lot line from this location for the proposed bank. We are proposing to have a lot line to the middle (not clear).

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

D. McGoey: No. I don't think so.

G. Lake: I will go through the Board.

A. Dulgarian: I will wait.

P. Owen: I will wait.

R. Carr: I just want to say I would feel a lot more comfortable with a landscape engineer.

G. Luenzmann: I think you're on target here with the renderings and I like the way that you're going to make one parking lot. I think that's great. Is that service road going to be connected into this area?

J. Lanc: That's one of the benefits of this project, yes.

G. Luenzmann: I think this is a good project and the renderings are really great.

W. Capozella: I will wait.

**MOTION to schedule a PUBLIC HEARING for December 1, 2004 made by W. Capozella and seconded by R. Carr.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Luenzmann: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

J. Lanc: I have just one question. On the lot line change do we need a Public Hearing or how do we handle that?

D. Brodsky: It's all part of the application.

5. **CROSS VIEW REALTY** - 17 LOT SUBDIVISION - Cross Road (19-1-10) #78-02

G. Lake: Name for the record.

L. Potter: My name is Lorraine Potter. I'm with Lanc & Tully Engineering and I represent Cross View Realty for a clustering subdivision.

G. Lake: Just tell us where you're at with the project.

L. Potter: This is a sixty two acre parcel at the intersection of Scotchtown Collabar Road and Cross Road. We are proposing a twenty eight hundred foot road to go through with a dead end at the upper side for the possibility of a future connection to the adjoiner for the future. That road could possibly extend to the previous subdivision. At this time, previously we had proposed twenty lots, we are at seventeen lots. They will be serviced by individual wells and septics. We've received a jurisdictional determination from the Army Corps of Engineers of which we have submitted copies to the Planning Board. The disturbance of the proposed road will be less than one tenth of an acre therefore, we will not be requiring any disturbance of approval from the Army Corps of Engineers. Item #4. We requested in our comments of August 16<sup>th</sup> that notes be provided restricting removal of stonewalls on Lots #6, #7, #8, #9 and #13. We will be adding additional notes to make sure all those stone walls will be saved. We've met with the Highway Superintendent regarding the road cross section, the pavement width will be thirty feet wide. We will be leaving swales along side of the road as requested. It will also help to minimize the impact of drainage. The disturbance will be kept to a minimum. As you can see, the site is fairly heavily wooded. Those areas that are light green are basically open fields now and there will be minimum disturbance around the houses as far as cutting down trees. Storm water pollution prevention plan will be submitted for Mr. McGoey's review.

G. Lake: I will go through the Board.

A. Dulgarian: I'm good.

P. Owen: Nothing.

R. Carr: Let me just ask about the other subdivision.

L. Potter: I believe that has a cul-de-sac coming off of Scotchtown Collabar Road.

D. McGoey: The big lot in the back.

L. Potter: Right.

D. McGoey: If the roads connect, they can subdivide further.

A. Dulgarian: Right now, we approve seven and nine in the front?

D. McGoey: Right.

A. Dulgarian: And then we allow him to put the road in.

D. McGoey: We've got a reserved area.

R. Carr: That just makes so much sense.

G. Luenzmann: The only thing I have and was just mentioned it looks like a pretty long cul-de-sac but there are other roads back there we're it will be connected to at some time.

L. Potter: There's a subdivision off of Lybolt Road.

G. Luenzmann: Right.

L. Potter: Which is on the other side of the adjoining property. We had discussed that early on at Sketch Plan to make provisions for a connection.

G. Luenzmann: It might be nice if you could kind of show that.

L. Potter: I can submit additional plans.

D. McGoey: Showed the Board members the sketch.

W. Capozella: The only comment I have is this is in the RA. The new regulations call for two acres.

L. Potter: This was submitted prior to the change in the subdivision regulations so, therefore it is under the old subdivision regulations. One other request that we would like to make. The attorney for the applicant had submitted a letter.

G. Lake: I did receive that letter. I called our attorney. We just have never done that. It's not something I would want to see this Board enter into past practice or future practice. I think it puts us at Negative Declaration something before we have Public input and right down for the Board to look at. I understand where he's coming from. I understand the reasoning but I think it would be setting a bad precedence.

L. Potter: I understand.

A. Tully: I am Art Tully from Lanc & Tully Engineers. The application has been around for a while. We're concerned that the moratorium does come into play, that all the work and everything

we have done with this project would be thrown out. We understand your position as far as the moratorium and the Negative Declaration. We would ask, if possible, if you would schedule the Public Hearing that we could have it as soon as possible so that we don't have to wait several months for the Public Hearing to take place.

G. Lake: We can give you a Public Hearing as soon as possible and that is December 1, 2004. Unfortunately you know our agendas are just crazy. I totally understand why your attorney wrote the letter but at the same token it's just something that we've never done. I got the letter today. I wouldn't recommend to my fellow Board members to act on it until I have extensive time to spend with Mr. Brodsky and really look at the repercussions that could happen, not today, but tomorrow or weeks from now to have that held over our heads. I just couldn't do that with a clear conscience and I apologize.

A. Tully: No need to apologize. Thank you for the consideration.

**MOTION to schedule a PUBLIC HEARING for December 1, 2004 made by A. Dulgarian and seconded by G. Luenzmann.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Luenzmann: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

6. **KALIRAO** - SITE PLAN/SPECIAL USE PERMIT - East Main Street (50-2-17.2) #05-03

A. Fusco: My name is Al Fusco. I'm representing the applicant on this project. I did receive comments from Mr. McGoey and we can go over those. One of the things I would like to preface we have been working on this project for a length of time. One of the things that we have done is try to comply with all of the requests going back to the initial point of view where you had reviewed a previous project here and felt it was not appropriate. Since then we've acquired about three times as much land. We've retained a traffic consultant and have relocated the entrances, the distances of both the Town had requested and the traffic consultant and also the County. So we have complied

with all of those. Mr. McGoey in one of his comments did request a no left hand turn out onto East Main Street and we will show that on the next plan as well. He had requested that we survey the property which we did do. It was further requested that we show that the parcel that would be left after the acquisition of the other two sites and the subdivision of the piece would still remain active so we showed a phantom building, if you will, which is the six thousand square foot building. There is no purpose to that building. We did it just because it could be utilized without asking for any approvals. In fact, this applicant does not have control of that property either. In addition to that, one of the things that was requested was that work with the adjoiner next to that putting in a common driveway. Again, it's a phantom project. We can show a driveway there. We really don't have issues with that. Basically, at this point, one of the other comments was that the site was a little bit too busy. It had a car wash, a deli, gas station and Dunkin Donuts and on the reluctance on behalf of the reviewers including, I believe, County Planning at one point was that the site was too busy we took out the Dunkin Donuts. So, right now what we have is the gas station, deli, and the car wash included with that so we reduced the scope of the project. One of the things that we are respectfully requesting is that we get a direction from the Board, hopefully in a sketch plan approval, or a Public Hearing set so that we can proceed with this. We have no problem with any of the issues raised by your consultant but again, the applicant has spent considerable funding at this point through my services, the traffic consultants and so forth. Until we have some clear direction that we can proceed with the project we are looking for a firm direction. I think we've reduced on some major issues by reducing the scope of the project. We're meeting all of the Highway and traffic requirements. I will go over the items if you wish. We are going to the County for the widening requested. We will provide the landscaping as required. In relationship to stormwater management we showed one hundred year plan facilities and we do have the project ready to proceed and to submit to Mr. McGoey and the Department of Environmental Conservation. There are a lot of other minor issues in relationship to handicap and about changing parking requirements. As you can see the site does lend itself towards this type of commercial use and we would like to have your direction and we will go through item by item if you wish.

G. Lake: There are quite a few of them. Let me go through the Board.

A. Dulgarian: Yes. I still think it's a little too busy for what it was. Back on November 5, 2003 "Mr. Lake said, you made it clear to the applicant that a similar operation was not desirable and did not move forward by the Board at the time because the Board felt there were better uses that would go along with the neighborhood such as offices and things like that and also made sure that the Board may not pass this and try to make sure that you understood that. I don't want any misconceptions. We weren't misleading you in any way". But I still think it's a little too busy to take into consideration all the bus traffic and all the traffic we have in both of those corridors. I still think it's too busy.

P. Owen: I have a question. Is there only one entrance to the site?

A. Fusco: No, there are two. One off of East Main Street and one off of Schutt Road.

G. Lake: Go ahead.

A. Fusco: One of the things that we decided to do is to comply with all of the requirements. In relationship to the business of the site, I mean, everything is busy. You're looking at a lot of projects and some of the ones that were presented here this evening were busier than this site and they're abt to have twice the amount of traffic. I think you have to weight it. We do have professional traffic consultants, the same one that was here, Mr. Griely with John Collins Associates. He came up with the same information that the Orange County Department of Public Works predicted and we've complied with all of those traffic issues. In relationship to the use of this site, this gentleman has control of the site through a main contractor and this is what his business is.

G. Lake: Please let me finish with the Board.

P. Owen: That's all I have.

R. Carr: I will say moving the exits back does improve. I also feel that it is a very intensive use for that piece of property at that location given different traffic situations right there. It's a high volume use of cars getting out to the intersection that's already bogged down. I don't know what to say. I just feel it's an intensive use for the traffic situation there.

A. Fusco: I would be happy to re-check it.

G. Luenzmann: This has been before us a number of times with different users for the same site and I didn't see a problem on the Schutt Road side. The main traffic problem is on East Main Street. That's really backed up and I remember I had suggested moving this down.

A. Fusco: Right, and we did.

G. Luenzmann: I think you bought this property?

A. Fusco: What we're doing is we're subdividing this piece out. What we had to do is to clear a portion of this property to move it down.

G. Luenzmann: I understand.

A. Fusco: This property, we just showed that.

G. Luenzmann: That was more or less you would do to help alleviate the problem.

A. Fusco: That's what we tried to do.

G. Luenzmann: You're taking a left, when you come out of here you can make a right or left hand turn?

A. Fusco: That's how it's shown here now but Mr. McGoey has required that we have a no left turn.

G. Luenzmann: I concur with that.

A. Fusco: We would agree to that.

G. Luenzmann: It would inhibit the use of that but this traffic is so heavy.

A. Fusco: I understand.

W. Capozella: I just look at the overall project for that area (not clear).

G. Lake: Way back when you first brought it in, I thought we did make it pretty clear back then but since you have decided to continue on. I still don't know how the County feels. I don't know if you've done any new, connecting with the Town as far the Department of Public Works for their comments and Orange County Planning. I know we are going to be looking at East Main Street to make sure that volumes can be done. That's something that Mr. McGoey will double-check with the County. I know when Stewart's came in for this lot, there was a safety factor. It hasn't changed my mind. I also travel these roads everyday. I'm just not yet convinced yet myself that this is going to work with the amount of stuff. It's a big operation. Mr. McGoey, do you want another work session? I haven't seen the fire department comments yet. Have you sent them to Mechanicstown Fire District?

A. Fusco: We sent them to the Town to be forwarded. I would like to comment.

G. Lake: Go ahead.

A. Fusco: One of the things, I understand all your points. I do know that we were slow in the beginning because Stewart's was knocked down. This is not Stewart's. It's three times the amount of property. The intersections are over fifty percent further away from the intersection than Stewart's. In relationship to intersections, that's where these type of facilities go is at intersections. That's where gas stations go, on the corners and in many cases you're only catching one directional flow. You look at Route 211, you have a median in between so you have gas stations on both sides. You talk about traffic, traffic is what makes this a valuable site. If it wasn't for the traffic, we wouldn't be asking for a gas station there. It's a little chicken and egg situation. It does comply with zoning and we have complied with all the requests that have been put in place. I think the applicant showed a major part of cooperation by taking the Dunkin Donuts out which was a major component of this. Basically he took half the project away. There is a show of good faith on behalf

of the applicant and they are moving forward on this process. We do intend to comply with all the departments. Orange County Department of Public Works did give us (not clear). Each department gave the okay to proceed with the project. We are looking for your direction.

G. Lake: I thought we gave it to you a long time ago.

A. Fusco: Why don't you just deny it right now if that is what you want to do? It complies with zoning and I think we should be able to proceed with the project. Mr. McGoey, you say no action at this time.

D. McGoey: The only other action you can take other than a denial, would be to schedule a Public Hearing.

A. Fusco: We would love to have a Public Hearing.

D. Brodsky: You have one other option because your concerns are impact related. It is an unlisted action and if there are potential significant impacts you could require a SEQRA to investigate to see whether they're founded or not and then if they are founded then have the record for denial.

G. Lake: I think there's a big safety issue right there. I was hoping that the emergency services that handle that area would have comments.

D. Brodsky: If there are a number of concerns then the Board can declare itself Lead Agency and go through the SEQRA process on the unlisted action and we can have those addressed after scoping. Safety, traffic, pollution, etc.

A. Dulgarian: That sounds good.

G. Lake: I'm sorry but I'm going to lean on the side of caution and I will take our attorney's advice.

P. Owen: Is he telling us to do that?

G. Lake: It's really an option. I think he's telling us if there are concerns among us, let them prove it out and if he proves right he's in a better position.

G. Luenzmann: The bottom line, everybody has a concern about the traffic situation. I am somewhat ambivalent. I almost think it could work. You've got the whole Board basically telling you that this is a not a good project for that corner so, I would follow our attorney's advice.

W. Capozella: I would lean on the side of caution.

**MOTION to send out NOTICE OF INTENT to become LEAD AGENCY made by A. Dulgarian and seconded by R. Carr.**

**A. Dulgarian: Aye**

**P. Owen: Nay**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Luenzmann: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES, 1 NAY**

7. **JACOBS COUNTRY SERVICE** - SITE PLAN/SPECIAL USE PERMIT - Route 211 East (62-1-30.1) #54-02

**CANCELLED.**

8. **ISLANDIA PROPERTIES** - SITE PLAN/SPECIAL USE PERMIT - Goshen Turnpike & Route 211 East (44-1-35.22) #23-04

G. Lake: Good evening.

J. Dillin: This is the property with the storage units on Goshen Turnpike a little bit past the Casa Mia. We received the original Site Plan approval in 1993. This is a final small addition. We would like to put two more buildings, one being 30 x 230 and the other being 20 x 120. Basically the pads almost exist for this. There's also outside storage on this application on the very back of the property about one thousand feet from the road. We propose to put about twelve spaces in for outside storage for boats, cars or recreational vehicles. He presently has an existing space behind the display area that was approved for outside storage back in 1993.

G. Lake: Do you have any outside storage there right now?

J. Dillin: Yes, we have some. Right behind this storage building.

A. Dulgarian: Was it approved on the original Site Plan?

J. Dillin: Yes it was.

G. Lake: I have to tell you it's usually very neat back there. When I do go past it, it's always neat looking and I don't remember seeing outside storage there.

J. Dillin: I don't think they had any until just recently and actually we turned some away. That was approved on the original Site Plan.

G. Lake: Let me go through the Board.

A. Dulgarian: How many spots are you proposing for outside storage?

J. Dillin: Fourteen.

A. Dulgarian: We had trouble with one of the other sites. Is this visible from the road?

J. Dillin: It's way in the back.

A. Dulgarian: Alright.

P. Owen: Are you proposing additional outside storage from what there was?

J. Dillin: Yes.

P. Owen: How much?

J. Dillin: It's only fourteen spots.

R. Carr: I have no problem.

G. Luenzmann: I don't have any problems. It's a very well run operation and you cannot see from the road. You actually have to go downhill.

W. Capozella: No problem.

G. Lake: The outside storage, are you going to restrict it to say boats, etc.

J. Dillin: We can put notes on. These people are very particular on what they have.

G. Lake: It's one of the best ones in Town.

J. Dillin: They even want a certain year before anything is put in.

G. Lake: You're not going to add landscape businesses or anything like that?

J. Dillin: No. I will put a note on the map.

D. McGoey: What kind of note is he putting on?

G. Lake: No businesses storing in the back, storage for boats, motor homes, antique cars, etc. How about Mr. McGoey's comments? Do you have any problems with those?

J. Dillin: I have no problems.

**MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey's comments made by A. Dulgarian and seconded by P. Owen.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Luenzmann: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

**MOTION for MODIFIED SITE PLAN subject to Mr. McGoey's comments made by A. Dulgarian and seconded by G. Luenzmann.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Luenzmann: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

9. **PANERO BREAD** - SITE PLAN/SPECIAL USE PERMIT - Route 211 East (50-2-63)  
#90-04

A. Dulgarian left at this time.

C. Bazylo: I'm outside counsel for the former Orange Plaza. We have three items to fix up on Orange Plaza tonight. One is a site modification to the Site Plan for Ruby Tuesday's. The second is the location of a Panero Restaurant on the cap end of the existing mall, and the third is a use of one of their retail spaces for the facility called Aspen Dental.

D. McGoey: I thought we had decided to do the Ruby Tuesday administratively?

C. Bazylo: It's that's okay, then it's fine. If it's still something you want to handle administratively.

D. McGoey: I sent you a letter.

P. Owen: What was the third one?

C. Bazylo: It's the Aspen Dental office.

D. McGoey: I didn't know that was going to be on.

G. Lake: Let's talk about the dental portion tonight. Tell us what you want to do with that.

C. Bazylo: In the already existing Site Plan approval there was a building located up in the parking lot area up near the Bank of New York building. It was originally sited to be a use for Verizon Cellular Phone. That is still going to be the majority of that building. We have a tenant that wants to use a portion of that building about fifteen hundred square feet for a dental office. It's a chain called Aspen Dental Associates. They have about twenty five other locations in New York State and in looking at the uses allowed in the PID zone, offices are an allowed use within the PID zone and the parking requirements within the PID zone for a shopping center like this also talk about the use of having potential offices within the center. There's more than ample parking surrounding that building out there. If it was a stand alone dental office, the total we would be talking about is maybe ten parking spaces but within a shopping center like this and because it takes up so little of the overall square footage it actually falls under no additional parking spaces.

G. Lake: The footprint of the building stays the same?

C. Bazylo: The footprint of the building stays the same on the outside. It's just a divided wall on the

inside.

G. Lake: Mr. Owen, do you have a problem with that?

P. Owen: No.

R. Carr: No problem.

G. Luenzmann: No problem.

W. Capozella: No problem.

D. McGoey: The Board had a concern about the traffic congestion and whether a dental office is good.

C. Bazylo: It's probably less of a use.

G. Lake: Let's talk about the Panero Bread.

C. Bazylo: The Panero Bread is to be located on the cap end of the existing structure next to where the Payless Shoe Store is there. This is part of the space that was created by the re-habitation of the K-Mart when the K-Mart went bankrupt and we redid the whole space up here. What they're looking to do is to put in, I don't know if anyone here is familiar with Panero Bread restaurants, they're located mostly down in North Jersey at this point. This will be the first one up in Orange County and in the Hudson Valley area. Essentially it is a Panero restaurant. Most of the use is at lunch time. They do bake some bread on the site. The Panero bread is their main product but it's a hot lunch type of situation. It is a combination of take out and sit down.

G. Lake: No evenings?

C. Bazylo: It's open in the evenings but it's more of a lunch type crowd than an evening crowd.

G. Lake: Are they going to have a bar?

C. Bazylo: No, there's no alcohol served.

R. Carr: Where is it located?

C. Bazylo: Right on the end.

R. Carr: As I come in off of Dunning Road Road.

C. Bazylo: Krispy Creme is on the corner, Ruby Tuesday will be built right across from there.

R. Carr: Straight ahead?

C. Bazylo: Straight ahead, the last unit on the end of the main building.

R. Carr: Are there any other entrances over here?

C. Bazylo: No.

R. Carr: And that would be the only way in.

C. Bazylo: They typically locate these things within an existing mall unit type as opposed to being a free standing restaurant. This is just the kind of environment they are normally in.

R. Carr: I guess I was taking for a restaurant here and the parking.

C. Bazylo: Again, we did turn in a parking allocation map that shows there's more than enough parking in the front.

G. Luenzmann: I don't have anything.

W. Capozella: Nothing.

G. Lake: And, I don't have anything else. Do you have any problems with Mr. McGoey's comments?

C. Bazylo: No, not at all.

**MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey's comments made by G. Luenzmann and seconded by R. Carr.**

**P. Owen: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Luenzmann: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

**MOTION for SITE PLAN/SPECIAL USE PERMIT subject to Mr. McGoey's comments made by G. Luenzmann and seconded by P. Owen.**

**P. Owen: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Luenzmann: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

10. **BETTER FLEA MARKET** - SITE PLAN/SPECIAL USE PERMIT - Route 302 - (22-3-4.1) #59-04

G. Lake: Give me your names, please.

L. Torro: My name is Larry Torro.

G. Rauer: My name is Gordon Rauer, the owner of the building.

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

L. Torro: Based on the Site Plan we're going to utilize the existing building. There are no additions proposed and we show the parking. Mr. Rauer will explain more of the actual facilities and what's going on inside. We tried to comply the parking with the zoning as best as we could and that's how we came up with a total of two hundred eighty parking spaces. What we've allocated is what they're calling forty thousand square feet of retail. I apologize, one of the questions was on this future store. It should have been furniture store, furniture and carpet facility under the zoning, that's what that should have been. And, that's thirty thousand square feet, and then warehouse for storage for the type of facility that's going on here is the balance of the facility. Now, Mr. Rauer, can explain. My understanding was the items would be on consignment, there will be antiques and people would come in to purchase.

G. Lake: What's the total square footage?

L. Torro: It's about one hundred nineteen thousand square feet.

G. Lake: Okay.

C. Rauer: The official name will be is The Park Antique & Home Center of the Hudson Valley. This is planned to be a very upscale mall type facility. It will have real antiques. It will have art, both antique art and contemporary art. It will have changing displays for artists to put on shows. Inside the building nothing will be fixed. There will be partitions, of course, but these will be moveable because space needs for this type of industry shifts. If somebody is doing very well, they will want more space. If they're not doing so well, they will want less space. Nothing is going to be built permanently inside, just simply the dividers, very substantial ones that will be moved in place of the aisles for people to put their things in. This will be a strict consignment situation where the people put their things in. Everything will be tagged and bar coded and therefore the owners of the merchandise will not have to be there. There will be a fully computerized operation and the advantage being that most of the people who deal with good stuff are busy spending their time getting it. You can't both buy and sell at the same time and be successful. This will enable a lot of small people to sell quality items. We anticipate with full rental anywhere from twenty five to fifty employees. We're planning to be open seven days a week except for Christmas, Easter, New Years. There will not be a huge amount of traffic except for customers. There will not be a lot of employees coming in and out. There will be people re-stocking the shelves and will be done during off-hours. The opening and closing hours are planned to be between 10:30 and 11:00 in the morning and 5:00 to 6:00 in the evening so that it does not conflict with commuter traffic on Route 302. By the time it starts the commuters are gone and when the time is finished they are just starting to come in.

G. Lake: That building is pretty high in size. I've been there a few times. Are you going to add floors in there?

G. Rauer: No.

G. Lake: You're just going to leave it wide open to the ceiling?

G. Rauer: It's going to be wide open. It's going to be painted, the poles and everything very decorative. The in look now which is an advantage to this building they're doing walls now and they're leaving it open and leaving girders exposed and things like that. Not, that we're planning that but it's there. It's a lot cheaper to paint and display. It will be havoc on our heating bill but we're trying to see what we can do for that.

G. Lake: The warehouse part. Are you just going to open it up, is that for the partitions?

G. Rauer: No. It's going to be closed off because ideally warehouse space obviously rents less than retail space. Obviously we're not going to be able to rent out one hundred nineteen square feet up front. What we're looking for storage there would be high end items such as antique cars,

recreational vehicles for the winter, stuff like that. There doesn't seem to be a big market for a standard warehouse. The warehouse is frankly an immediate use to bring in large items. As time goes on, and of course, if we do expand then we will need more parking.

G. Lake: So, we do have a possibility of you starting out with eighty thousand square feet of warehousing and another twenty thousand square feet for retail but you could end up having that turned around and only have a small part for warehousing and a big part retail.

G. Rauer: Honestly, yes. It's easier to rent out twenty thousand square feet for warehouse than to do it immediately for retail related items. The warehouse would be initially for some cash flow coming in. At \$20.00 a square foot for retail, you're getting \$46.00 a square foot for warehousing. That makes sense.

G. Lake: Will the warehousing be strictly connected to the retail that goes on in there?

G. Rauer: No.

G. Lake: So, I could walk in and rent a chunk for warehousing?

G. Rauer: Yes.

G. Lake: What's going to be our restrictions of putting something in there that shouldn't be in there with retail or, since you're not going to have partitions on the inside, what's our safety factor that you're not going to have something rented in the warehouse part that could be very bad if something. You hate to say this, but if there were a fire or something . . .

G. Rauer: Just thirty seconds, I'm very active.. I'm Chairman of the Orange County Board of Ethics, I'm President of the Museum Village Board of Directors, I'm on the Board of the Citizens Foundation, I'm on the Board of the Community Foundation, I'm an active Rotarian. This is my home. From that prospective, I've been in the antique, art business for forty years. I will be there with my things. The last thing I want to do is risk a fifty to seventy five thousand inventory. I'm a Licensed Private Investigator. We do a lot of security. We will follow the codes to the letter and if someone comes in and say we don't want those things, they're out. There's no way I want to risk the real money maker. Now if you give a list and say that we don't want the following things in the warehouse, they just don't go in.

G. Lake: Are you one of the owners in this?

G. Rauer: No.

G. Lake: That's what I thought. You're not one of the owners and I have no way of knowing.

G. Rauer: The owner has no choice in these things. He has a very large white elephant. He really has. The reason why I was brought in because it's in the Empire Zone and Mr. Trumbull called me up and said I think we have a project that you would be interested in. I am managing and running the entire project interior wise. The owner couldn't be here tonight because it's a holiday but we can get whatever commitment you want from the owner to satisfy you that this will be done. He has a two million dollar investment in the property. The last thing he wants and whatever you need for us to guarantee that this will be a safe, attractive, upscale situation we will give it to you.

G. Lake: I was trying to get a full grasp of what you wanted to do there.

G. Rauer: You're entitled to the questions because it's your Town.

G. Lake: When I have moveable partitions and we're going to have warehousing at eighty thousand square feet and the next time it could be down to twenty square feet. I'm just trying to get a full picture of what.

G. Rauer: First of all, it's not going to happen very quickly. When I'm saying the partitions are moveable it's like three or four individuals. They're not going to be bolted to the floor but they have to be strong enough to support shelves.

G. Lake: Is the sprinkler system back up and running?

G. Rauer: I know there's a, I don't think there is one.

G. Lake: There is a fire pump out in the pond.

G. Rauer: Yes, and there is a fire hydrant in the building.

G. Lake: I'm just curious if that is still hooked to the fire pump or hooked to the Town system now.

G. Rauer: As far as I know nothing is hooked to the Town system. If that's a requirement.

L. Torro: Does it go out that far?

G. Lake: Yes. When this was built, there was a fire pond out back with a pump in. Let me go through the Board.

D. McGoey: Let me add, according to what you said, you're not going to partition off the warehouse. That's going to be a separate business unrelated to . . .

G. Rauer: It's going to be separated from the other.

D. McGoey: The Building Inspector and the Code is going to require a fire separation between the two.

G. Rauer: If it's required for that, then we will do it.

G. Lake: You have to agree, it's an open building.

G. Rauer: Yes.

D. McGoey: I would have to see where that divider would be and the square footage.

P. Owen: Not only that, to have a wide open space like that what's to stop someone from coming in at night and helping themselves to somebody's stuff?

G. Rauer: My security guard would be sitting there. It's not going to happen. We're going to have security at night. We will have an alarm system.

P. Owen: Are these going to be large items that can be carried out?

G. Rauer: Correct. What I'm anticipating primarily is winter vehicles plus storage because a lot of antique dealers will buy stuff in bulk and they need a place to sort it out. We would not allow them to sort it out on the selling floor because it's not going to look like a supermarket. If they're going to want sorting out facilities they are going to have to rent warehouse space to do the sorting out.

G. Lake: I think and Mr. McGoey just hit on it, I think you're going to have to make some solid decisions on what you're going to call warehouse and what you're going to call retail and office because I'm sure even if this Board let you walk out this door tonight, the Building Department is going to turn around and say you are going to call fifty thousand square feet of this place a warehouse, I'm also positive you're going to be building a permanent fire coded walls. I'm not the Building Inspector but I can assume . . .

G. Rauer: If that's required, that's not going to be a problem. There are fourteen doors in that building. It's not going to be an issue with access to a particular part of it. In other words, the only real construction would be fire safe partition that meets code. That's not a big deal.

G. Lake: Unfortunately, there are new codes out on large buildings such as this with different classifications. That's why I asked about the sprinkler system. Let me finish going through the Board. Mr. Owen, anything else?

P. Owen: Nothing further. I think there are a lot of unknowns.

R. Carr: Assuming that I do understand about the retail space, you could have tractor trailers coming in?

L. Torro: The most would be box trucks.

G. Rauer: Unlikely to have a tractor trailer coming in.

R. Carr: That would be a concern, you have one driveway coming in.

G. Rauer: There are two driveways.

L. Torro: The one is used for (not clear).

R. Carr: My concern is they're going to be going through here. I would be curious as to how you mix the people coming in shopping. Also will you need pavement over the gravel?

L. Torro: That was one of Mr. McGoey's comments. It's broken asphalt gravel right now. I think the issue with the tractor trailers, that's going to be more of an exception than the rule. It's not like bringing in items are going to be going on as the same time as the operation.

G. Rauer: Just on the retail end. The people who are bringing in items for this space, ninety percent of them do it in their own cars. At best, you will have vans, large vans and rarely a box truck, usually rented. I have never in forty years seen an eighteen wheeler move antiques into anything.

R. Carr: I guess if we restrict the warehouse to just antiques.

R. Rauer: Basically it's going to be antiques related. It's going to be antiques, art, home stuff, I don't deal with that. That's stuff that most people put in their house. With the exception of furniture, all the other stuff you can lift with one hand. So, it's an industry where you don't go through a catalog. Most of the stuff is moved in by individuals and if you go to an auction, for instance, and you're looking for (not clear). In explaining what kind of retail we're talking about we're talking about the kind of retail it's basically small businesses moving in merchandise on a regular basis using primarily their own vehicles.

G. Lake: Anything else, Mr. Carr?

R. Carr: No.

G. Luenzmann: Well, I appreciate the effort to make use of the property and be flexible because the uses but the problem here is that this thing has to be made safe. It has to be made to meet the codes for fire. It has to meet all the codes. Based on what I've heard I don't know how you could because

you have to be more definitive in exactly how it's going to be used, what will be in there and what kind of vehicles would go in there and like, this fire code thing, I know that the Building Inspector will demand a lot of requirements. My suggestion is to come up with a plan that is more definitive and make a list on what you actually want to do and put in there because it's pretty hard right now for this Board to consider.

L. Torro: Notwithstanding the issues on the inside of the building, the owner has contracted with Pentegast, the architect to work on the interior issues.

G. Lake: Please let me finish with the Board first.

W. Capozella: