

TOWN OF WALLKILL PLANNING BOARD

MEETING

SEPTEMBER 16, 2009

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

MEMBERS ABSENT: None

OTHERS PRESENT: J. Bacon, D. McGoey

1. **GOLDEN TRIANGLE** - SITE PLAN/SPECIAL USE PERMIT & SUBDIVISION
(Extension of Conditional Subdivision) - Silver Lake Scotchtown Road (40-12-16)
#74-02

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

L. Potter: My name is Lorraine Potter with Lanc & Tully Engineering representing the applicant.

G. Lake: Go ahead. You need another extension?

L. Potter: Yes.

G. Lake: For?

L. Potter: For satisfying the conditions for Final Approval. We're in the process of working with Mr. Bacon, Mr. McGoey for the dedication of the street.

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

L. Potter: No.

G. Lake: I will go through the Board.

A. Dulgarian: What was that, Mr. Bacon?

J. Bacon: It has to do with location on the subdivision plans of the notes and the description

of the easements between lots # 1 and #2. I had a couple of comments for them that they incorporate those.

A. Dulgarian: So, you did?

L. Potter: Yes.

A. Dulgarian: I have no questions.

H. Ross: I have no questions on the extension for conditional.

R. Carr: No problem.

W. Capozella: Nothing.

C. Najac: The length of time?

G. Lake: We're going to give them six months. Anything else?

C. Najac: No.

T. Hamilton: Nothing.

MOTION for a SIX MONTH EXTENSION to CONDITIONAL APPROVAL made by H. Ross and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

2. **SAWKA** - 5 LOT SUBDIVISION (Final Approval) - Hubbard Road (6-1-24.23)
#48-02

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

E. Johnson: My name is Ernest Johnson representing the applicant from Fusco Engineering.

G. Lake: Go ahead.

E. Johnson: We're here for a Final Approval of this five lot subdivision on Hubbard Road.

J. Bacon: Is this for an extension?

E. Johnson: No. We had the extension . . .

A. Dulgarian: April 1, 2009?

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

E. Johnson: We didn't have to go to the Health Department on this because of the size of the lots.

D. McGoey: Did you get Eustance & Horowitz approval?

E. Johnson: We have the approval for all of the septic systems. When I wen there to get the letter. . .

D. McGoey: Yes.

E. Johnson: They wanted a change on the map showing that none of those septic systems were within two hundred feet of any adjoining well and we did a new map and sent it out to them. I talked to them today and they said that they would have a letter to the Town within

the week.

D. McGoey: That will be a condition of the approval.

G. Lake: G. Lake: Since this is a five lot, did you have to do a well test for the Health Department?

E. Johnson: No.

G. Lake: Mr. McGoey, isn't that common?

D. McGoey: Yes, with subdivisions with five acre lots don't require any Health Department approval.

E. Johnson: We have one and three acres.

D. McGoey: They have to have five. They have four lot of less than five acres. We will also need a performance bond for the construction of the roadway. Did the Highway Department confirm the highway details?

E. Johnson: When I got your letter I sent the map out to Mr. Lippert.

D. McGoey: The drainage districts? You have some drainage improvements on the lots that are going to be subject to the Highway Department on maintenance. One of the Conservation Board's comment because it's very marginal that it's almost five acres, they want the note on the plan that indicates there will be a field staking and an security fence put around the area. Do you have a problem with that?

E. Johnson: No.

D. McGoey: Put the note on the plan that the areas will be staked around the disturbance area.

G. Lake: And, you don't have a problem with that?

E. Johnson: No.

G. Lake: Let me ask you something. Have you seen Mr. Lippert yet about the road detail?

E. Johnson: Yes.

D. McGoey: They've been to the Highway Department. I just wanted him to give us a final.

G. Lake: Okay. That caught me off guard, also. Mr. McGoey's comments, are you going to have problems with any of them?

E. Johnson: That's all the comments we have.

G. Lake: Let me go through the Board.

A. Dulgarian: I have nothing additional.

H. Ross: The same for me.

R. Carr: Nothing.

W. Capozella: Is this going to be a Town road?

E. Johnson: Yes.

W. Capozella: I just want to make sure the snow plow can get through.

D. McGoey: The cul-de-sac is a pretty typical length.

G. Lake: Until we get the final from Mr. Lippert we won't sign off.

C. Najac: Nothing.

T. Hamilton: Your comment #5.

D. McGoey: I think that should be for Mr. Lippert. If he feels he needs funding to maintain the drainage district.

T. Hamilton: Then they have to apply . . .

D. McGoey: Then they will have to apply to the Town Board for a drainage district.

G. Lake: The only other thing that I have is we did receive an e-mail about this late today from the Supervisor's Office about a neighbor wanting to do something. It has really nothing to do with this Board. We will e-mail him back directing him where to go. I assume you know who I'm talking about.

Mr. Sawka: May I have a copy of it?

G. Lake: We will get you a copy.

MOTION for FINAL APPROVAL of FIVE LOT SUBDIVISION subject to all of Mr. McGoey's comments and this Board's comments made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

3. **SMITH** - 2 LOT SUBDIVISION - 1851 Route 211 East (31-1-48) #28-09

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

R. Wasson: My name is Randy Wasson representing the applicant from Wasson Engineering..

G. Lake: Go ahead.

R. Watson: I'm here for a two lot subdivision for Mr. Henry Smith on Route 211 East. It's a two lot subdivision of an existing farm on Route 211 East. The property is ninety four acres. What Mr. Smith would like to do is to break off three acres which would include his existing house and several outbuildings and sell those to his son and then maintain the farm operation on the remaining acreage.

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

R. Watson: I do.

G. Lake: Are you going to have any problems with them?

R. Wagon: Just item #11.

D. McGoey: We discussed that. Item #11 has to do with my recommendation about creating separate metes and bounds for the parcel across the street on Route 211. I talked to Mr. Watson earlier today. The applicant would have a problem with his agricultural credit if that was made a separate lot.

H. Smith: This is all part of a two hundred forty acre parcel. We are building a smaller house in the back on a separate parcel. Our son is coming into the operation and trying to give him something that he could have in his name before he takes over the farm. We're just trying to simplify it so he can get in this year. We're trying to keep it with the farm.

G. Lake: Mr. McGoey, we kind of talked about this already, right?

D. McGoey: Yes.

G. Lake: And it should be left alone?

D. McGoey: Yes. That side of the road is automatically a separate lot so I really don't think we need to do the metes and bounds. It would complicate his problem.

G. Lake: We did talk about it earlier. Let me go through the Board.

A. Dulgarian: It's a reasonable use of the property. I have one question. Is this the property

that was looked at for a golf course at one point?

H. Smith: No, that was the neighbor.

A. Dulgarian: I just saw the rigs up in the back and was wondering.

H. Smith: It's adjoining. Our backs joins them. They are off Camp Orange Road.

A. Dulgarian: No problems.

H. Ross: No problem.

R. Carr: The house that is proposed to be built is the house on the . . .

H. Smith: No, the house is proposed on a separate deed. We have two hundred forty acres. We bought three farms over the years since we've come here. We built an operation where we don't have to rent any ground. So, we have a separate deed off VanAmburgh Road that adjoins and that's where we are building a house. We are trying to take the old farm house off which is way too big for my wife and I at this point and sell it to our son so that we can build a house in the back.

R. Carr: His house will be the house that's on here?

H. Smith: It's existing.

R. Carr: I have no problem.

W. Capozella: I have a question on note #4. Why is it on the plan?

R. Watson: I think that may be one of your standard notes for the septic approvals?

D. McGoey: It's not ours.

R. Watson: It's from Eustance & Horowitz.

W. Capozella: Note #6. The owner/builder of each lot shall be allowed to relocate the building on the final approval without the Planning Board approval. Are you saying the house may be relocated. That's the way I'm reading it.

R. Watson: On which sheet?

W. Capozella: Sheet #1.

R. Watson: Providing that the following requirements are met.

W. Capozella: What requirements?

R. Watson: Well, A through J and again those are taken from notes of Eustance & Horowitz.

T. Hamilton: These aren't notes that we require.

D. McGoey: No.

R. Watson: I understand it doesn't apply to this Board but I know it's going to be a requirement on Eustance & Horowitz.

T. Hamilton: We will get a report from Eustance & Horowitz. We don't end up with a set of plans with all of their notes. They do their review and then our notes go on the plan.

G. Lake: The only reason they put that house on there is they had to show it. He's not going to build now.

R. Carr: I get it. They could build that house within the next five years. It's just there to show us where it is.

T. Hamilton: It's not our notes.

R. Carr: Then, the plans shouldn't have a house there.

T. Hamilton: The Building Department will come back to us if they move the house.

D. McGoey: Take the notes off.

R. Watson: That's fine.

R. Carr: Take the notes off and take the house off the site.

G. Lake: Anything else, Mr. Capozella?

W. Capozella: No.

R. Carr: I think it is misleading the way it is.

D. McGoey: If they want to move that house they will have to see the Building Inspector and if he feels it's a significant relocation then they would come back to the Planning Board.

R. Carr: Okay. So, he has to go to Eustance & Horowitz to prove that he can put a septic system in but he's not actually building the house.

D. McGoey: Correct.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for a TWO LOT SUBDIVISION subject to all of Mr. McGoey's comments

and this Board's comments made by H. Ross and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

4. **CHAUDHRY** - SITE PLAN/SPECIAL USE PERMIT (Two Family) - 193 Wisner Avenue (59-5-14) #38-09

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

D. Yanosh: My name is Daniel Yanosh, survey for Mr. Chaudhry representing the applicant.

G. Lake: Go ahead.

D. Yanosh: He's the owner of this single family house right now on Wisner Avenue in the R-1 zone. At one time it used to be a house and a doctor's office. Dr. Romain owned it and sold it back in the 1980's or 1990's to a Mr. Kay and Mr. Chaudhry bought it in 2002. In 2002 the Assessor's records it's no longer a doctor's office. There had been a doctor's office on the right hand side of the building and then a single family house on the left hand side. What he is requesting now is to have it converted into a two-family house. Only one family lives there right now. The Assessor's Office has one street address for it now.

G. Lake: Are there two-family houses around there?

D. Yanosh: On the corner of Garner and Fairlawn Avenue. There is one across the street

from the ballfield.

G. Lake: I don't remember any two-families on that side.

D. Yanosh: We checked the records.

G. Lake: We have to schedule you for a Public Hearing anyway. Mr. McGoey's comments are you going to have a problem with any of them?

D. Yanosh: No. When I looked at the old zoning, Mr. McGoey, it says in here about the A, B, C lot with the lot sizes.

D. McGoey: Right.

D. Yanosh: In the old zoning it makes no mention either of a two-family house .

D. McGoey: A is with both water and sewer and B is what?

D. Yanosh: Public sewer with no water and C is no sewer. It was omitted in the new zoning I guess.

J. Bacon: So, Mr. Yanosh it was a doctor's office back in 2002?

D. Yanosh: No. Before 2002 was the last time it was used as a doctor's office.

G. Lake: Mr. McGoey's comments, are you going to have a problem with any of them?

D. Yanosh: No. The only thing is the attorney has to check out the fact again, our lot is undersized. It's pre-existing. The front yard is pre-existing and the side yards are pre-existing and non-conforming. We're not adding onto the house at all. It's there the way it is.

T. Hamilton: Won't he have to go before the Zoning Board of Appeals then?

G. Lake: Yes. Let me go through the Board. That easement, that goes back over to the school, right?

D. Yanosh: Correct.

G. Lake: What's in there? Is that a water easement or a sewer easement?

D. Yanosh: It's just a piece of property that he owns. It's connected to the City of Middletown.

G. Lake: Let me go through the Board.

A. Dulgarian: I think he needs to go before the Zoning Board of Appeals. I also have a concern about two-families in that area.

H. Ross: How far is it from the corner of Route 211?

D. Yanosh: Quite a ways.

H. Ross: I also think he should go before the Zoning Board of Appeals.

R. Carr: I have nothing.

W. Capozella: Nothing.

C. Najac: Nothing.

T. Hamilton: Nothing. Should we send him to the Zoning Board of Appeals before we schedule the Public Hearing?

D. Yanosh: It's a pre-existing building and we're not adding to it at all. What kind of variance would I be asking for, just a side yard variance?

G. Lake: How big is the house?

D. Yanosh: Twenty seven hundred square feet.

G. Lake: Let me tell you, I will be honest with you on this one. That part of the Town in the Arfman section, I really don't know of any part of the Town that has held up as far as being a good solid neighborhood for my entire life. I will be and I will honest right up front, I would be pretty hard pressed for a two-family there knowing the neighborhood. Like Mr. Dulgarian said, I will also look around but I think this is one of the neighborhoods that is solid. That's about all I have to say about it.

D. McGoey: All I can say is it's built and is pre-existing. The garage is in the middle. There is a house number on one side and a house number on the other side. I actually thought it was a two-family.

G. Lake: No, it was a doctor's office.

D. Yanosh: That's probably the reason for the two house numbers. The lots along Wisner Avenue are one hundred feet wide and down the street fifty. We have one of the biggest lots in the neighborhood and it did have an existing office in there before.

A. Dulgarian: I don't think Mr. Lake's concern is about the lot size as much as it is an established neighborhood and this Board's obligation not to change the characteristic of the neighborhood.

G. Lake: Anyway, Mr. Bacon does he need to go before the Zoning Board of Appeals?

J. Bacon: The non-conformity deals with the setbacks and area. I don't think he has to go to the Zoning Board of Appeals.

A. Dulgarian: Even though he is going from single to multi-family?

J. Bacon: It's doesn't have to be with the use. It's a permitted use under the Special Use Permit if it meets all the requirements. The use is not non-conforming. It's the setbacks that are but he's not changing those at all.

A. Dulgarian: I just thought by changing the use from single to the multi he would have to.

J. Bacon: Now, if he was proposing commercial?

A. Dulgarian: So, in the new code the setbacks are identical for a single family and a two-family?

D. Yanosh: They're the same.

J. Bacon: The Planning Board can make comments to the Town Board to say put in the special bulk requirements for the residential district for two-family dwellings. There's no specific bulk requirements for two-family dwellings and they didn't do that. Later in that

section there are bulk requirements for that whole section .

D. McGoey: I believe the old code had both single family and two-family bulk requirements. The recent changes in the code is where we have the problem.

A. Dulgarian: Okay.

G. Lake: Mr. Bacon, you said he doesn't have to go before the Zoning Board of Appeals?

J. Bacon: No.

G. Lake: When is the next open date?

D. McGoey: October 21st.

MOTION to schedule a PUBLIC HEARING for October 21, 2009 made by T. Hamilton and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

5. **VANDENBURG** - 5 LOT SUBDIVISION - Pocatello Road (66-1-7) #71-08

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

E. Johnson: My name is Ernest Johnson representing the applicant from Fusco Engineering.

G. Lake: Go ahead.

E. Johnson: What Mr. Vandenburg is proposing is a five lot subdivision off of Pocatello Road. I believe we were here in February.

G. Lake: These dwellings, slopes and everything else, it's been a while since we talked about it. It's pretty steep. The driveways and I see twenty percent, fifteen percent. This is the only imagination you could get with all the houses up tight next to the road.

E. Johnson: Actually it does flatten out all the way to the back. It would make it an awful long ride through there.

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

E. Johnson: I do have his comments.

D. McGoey: The problems I see are site distance with the prevailing speed at forty five miles per hour which is the posted speed limit. They go more than fifty miles per hour. I think you will have to evaluate the speed limit on what is actually the prevailing speed and some of the driveways may have issues. The Board should probably take a field trip up there. A couple of the houses are proposed very close to the front of the property line because if they weren't they would be down on those steep slopes and the driveways would be very long and steep. The engineer should meet early on with the Highway Superintendent to figure out how they're going to handle the drainage off of the road on to the lots and how they're going to handle the shaping of the roadside ditches and create a new shoulder and I'm not sure how he is going to do that with these steep slopes.

G. Lake: We should get a meeting with Mr. Lippert and he should also come back to another work session?

D. McGoey: Yes. Does the Board want the stone walls shown? There are some significant stone walls on the property. They're not in great shape. They are in the woods.

T. Hamilton: We try to keep them where possible.

G. Lake: How about the houses themselves? Are they going to be down in a gully or a hole?

D. McGoey: They're going to be (not clear). The first floor level will be a single story, the back will be . . .

G. Lake: You're not giving the people any yards. Some pieces of property and I don't say this too often but there are certain properties that just shouldn't be built on. It's been a while since I've driven by there.

E. Johnson: I think if you go out there and see there are spots where it does flatten out, that little bit where you can put the house on the slope and they would have a backyard.

G. Lake: You know if somebody is buying three or four acres there should be a little room for them to do something. That's my opinion. I will go through the Board.

A. Dulgarian: We have time to review it

H. Ross: Not clear.

G. Lake: We're not doing anything tonight.

R. Carr: I agree with what you said. Maybe with fewer houses it may make the situation better.

W. Capozella: I think an excellent point was mentioned about (not clear). Anyway I can tell you a house got flooded and I believe if you check with Mr. Lippert that the Town had to do something and redo the road. Next to lot #5.

A. Dulgarian: Yes, across the road.

W. Capozella: I don't know about that lot #5 how that sits there. That's a little bit higher up.

E. Johnson: That one is actually fairly high.

W. Capozella: I just know that the Town has done something on Pocatello Road, how much they've done I wasn't involved other than I saw them doing something there.

C. Najac: I have to agree with what has been said.

T. Hamilton: I think it's a tough piece of property to work with.

G. Lake: We're going to table you for further action. Get a meeting with Mr. Lippert out there and try to get Mr. McGoey out there also at the same time. If possible, I'll try to get out with you if you do it late in the day.

A. Dulgarian: I have a question. The little section between lot #4 and lot #5 right smack down in the middle..

E. Johnson: Okay.

A. Dulgarian: You have a drawing on there that I guess reflects the steep slopes?

E. Johnson: Yes.

A. Dulgarian: How come it's there but it's not to the right and left of it when there are topography changes all over the place?

E. Johnson: Which lot are we talking, lot #3?

A. Dulgarian: You can take any of them. All the topography lines are all the same.

E. Johnson: There's not a lot on that side of the driveway. I will check that out.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

TOWN OF WALLKILL PLANNING BOARD
2009

SEPTEMBER 16,

G. Lake: Aye

MOTION CARRIED. 7 AYES