

TOWN OF WALLKILL PLANNING BOARD

MEETING

SEPTEMBER 20, 2006

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

MEMBERS ABSENT: R. Carr

OTHERS PRESENT: J. Bacon, D. McGoey, S. LaBruna

1. PUBLIC HEARING 7:30 P.M. - **491 NORTH STREET L.L.C.** - SITE PLAN/SPECIAL USE PERMIT - Route 17M (38-8-9) #01-06

G. Lake: Public Hearing started at 7:45 P.M. M. Hunt read the Public Hearing notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 99 Tower Drive Building "A" on the 20th day of September 2006 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of 491 North Street L.L.C, 24 Sunnyside Avenue, Middletown, New York 10940 for approval of Mixed Use Occupancy under Section 249-38 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, please.

A. Hennesey: My name is Anthony Hennesey and I'm with Berg, Hennesey & Olsen.

G. Lake: Bring the Board up to speed since the last time you were here.

A. Hennesey: Since the last time we were here, actually I received a few comments today regarding adding a handicap sign which we've added to the plans. I still have item #2 with respect to the landscape architect. As far as item #4 we're not seeking a Special Use Permit as we don't anticipate making sandwiches or other foods.

G. Lake: Let me go through the Board and then I will go through the Public.

A. Dulgarian: Nothing at this time.

H. Ross: Nothing at this time.

W. Capozella: I will wait.

C. Najac: I will wait.

T. Hamilton: I will wait.

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

N. Guenste: My biggest concern would be the parking on location because it shows eight parking spaces in the back. As you're aware the landscaping business is using all of those spots at this time. And, I don't know if it's covered in our zoning law as far as parking with a business such as that they have quite a number that also have parking during the day. My concern would be with the parking. I do know a store opened up there. It's tropical fish. It doesn't have a lot of traffic. I don't think I have that much of a concern with that in the front. Also, are you just going to have the one retail store like they used to and then the office? That was just my concern that they would have another retail in the front there without adequate parking.

G. Lake: Mr. McGoey, the parking calculations did you have a chance to look at that?

D. McGoey: Yes I did. They conform. They have three spaces on the side and I believe that the area in the back is required parking so to have a fence there you would be losing those parking spaces.

G. Lake: Is that where the landscaping business is?

A. Hennesey: Yes.

G. Lake: The fence, is that closed off from the general public? If those parking spaces are part of the calculations we're going to need access.

A. Hennesey: The four spots along Rockwell Avenue (not clear).

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

MOTION to close this PUBLIC HEARING at 7:49 P.M. made by W. Capozella and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

G. Lake: Mr. McGoey's comments, do you have them?

A. Hennesey: Yes.

G. Lake: Mr. McGoey, do you have a problem with any of these?

D. McGoey: Item #1. A no parking sign must be shown in front of the handicap aisle and a detail of the sign provided including a bollard to protect the sign. A bollard should also be provided for the handicap sign. The bollard should be detailed. Item #2. The applicant's architect must verify that the sidewalk access to the front entry of all of the users is accessible to the handicap. A note should be placed on the plan which indicates that accessibility to the handicap at all locations on the site is in accordance with the New York State Building Code.

Item #3. We recommended that flowering hardwoods and evergreens be placed at the corner of Rockwell Avenue and Route 17M. To date, only low shrubs have been proposed. Item #4. The applicant must be aware that the grocery store will not be able to sell deli sandwiches or other foods representing an eating and drinking establishment unless a Special Use Permit is obtained from the Planning Board. Item #5. We should discuss with the applicant the availability of parking spaces in the rear parking lot for use by patrons. This area is used randomly for trucks by the landscape business. However, the site plan represents that the landscape business only requires four spaces with eight spaces shown in this area. The number of spaces available for the landscape business should be discussed with the Planning Board attorney.

J. Bacon: Will the fenced be open during the day?

A. Hennesey: The intention by the landscape business was to keep it secured..

D. McGoey: But, they have parking spaces in that area. Item #6. If the applicant has received a variance for the two apartments or any other variances the variances should be so noted on the plan and the date on which they were received should be specified.

A. Hennesey: We did receive a variance for the second apartment.

D. McGoey: That should be noted on the plan.

G. Lake: Let me go through the Board.

A. Dulgarian: I guess I will go back to that secured area. Let's start right there. That fence, that secure area needs to be there for storage of what, the landscape vehicles?

A. Hennesey: I don't know.

A. Dulgarian: Is that what's there now, correct?

A. Hennesey: Yes.

A. Dulgarian: Mr. McGoey, how many parking spots are they allowing for the landscaping business?

D. McGoey: Pardon me?

A. Dulgarian: How many parking spots are allowed right now for the landscaping business?

D. McGoey: The office area requires two spaces and the warehouse requires two spaces.

A. Dulgarian: So, you're telling me there's only four spaces designated for that entire office business?

D. McGoey: That's according to the ordinance.

A. Dulgarian: Something just doesn't make any sense. In that type of business you have cars, you have trailers, you have mowers. This plan is very ambitious for the amount of uses for the size of this property. I mean, four (4) spaces for the landscape business is no where enough for the employees nor is there enough for the equipment. The back lot is very small

and with the amount of uses on this site, I don't know how it fits. It just doesn't work. There's going to be parking on the road and other people's property. I would just like to see what my fellow Board members have to say. Other than that the actual uses themselves but to have that many on that site is not a good idea. That's all I have for now.

H. Ross: I have to agree with Mr. Dulgarian. My main concern is the parking issue. We can't include the parking behind the fence and it is part of the calculated parking.

G. Lake: Anything else?

H. Ross: No.

W. Capozella: The parking would be my main concern especially during the winter trying to plow this site. I also agree with Mr. Dulgarian on the number of issues to be on this site. It would be difficult getting in and out.

A. Hennesey: We meet the zoning.

W. Capozella: I think we need to know what's going to be stored there, how many spaces they're really going to be using. What I see right now is they're using all of these spots based on driving by there at any given time.

G. Lake: Anything else, Mr. Capozella?

W. Capozella: No.

C. Najac: There's not an issue with anything that's being proposed on the site. I do have a concern about the parking and people getting in and out safely.

T. Hamilton: Right now on the Route 17M side you have eleven spaces out there. That means you don't have enough for the one tenant alone. What about the employees? You have the dwelling units. Where are those people parking? You still have the landscaping business and the issue of the secured fence. It just doesn't work out for what you have there.

A. Hennesey: What we're saying is it meets the zoning.

T. Hamilton: We have to know what you want to do there. I believe you do meet the zoning however, it may not work safely. If you need the eight spots located in the back and the fence isn't opened you don't have access to those. After the landscape business closes for

the day or when he's not opened, you don't have access to those parking spaces. You can't get the parking close enough for the public to use safely.

G. Lake: The tropical fish store, is that where the store was going to go or is the store still to be put in?

A. Hennesey: I believe that's part of the (not clear).

G. Lake: Listen. I think the Board wants you to really have you answer quite a few more questions and I think you're going to have to get a definition from your client on how you're going to work this out with the parking. I'm going to recommend to the Board that we table this because I don't really don't know if you're going to be able to convince the Board tonight with all the different problems that they see here. Your Public Hearing is closed. If you are willing to go back to a work session and we will ask you to waive the sixty two day time frame. This way you can take another look at it. You've heard the Board's comments. Do you want me to table it and work on it a little bit and also waive the sixty two day time frame?

A. Hennesey: Yes.

MOTION to TABLE for further review made by H. Ross and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

2. PUBLIC HEARING 7:35 P.M. - **STAPLES** - TWO FAMILY - SITE PLAN/SPECIAL USE PERMIT - 8 Clark Street (52-4-6) #99-05

G. Lake: This Public Hearing has been cancelled tonight because they published it late. We have to re-schedule that for October 4, 2006.

MOTION to re-schedule a PUBLIC HEARING for October 4, 2006 made by H. Ross and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

3. **ORANGE REGIONAL MEDICAL CENTER** - SITE PLAN/SPECIAL USE PERMIT - Assume Lead Agency and Public Scoping - East Main Street (78-1-77) #60-06

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

T. Miller: My name is Tim Miller from Lanc & Tully representing Orange Regional Medical Center. We're here tonight having sent out the resolution for your intent to become Lead Agency. In fact, what we would consider tonight is for you to accept Lead Agency and as part of that you required the applicant to prepare an Environmental Impact Statement and also a scoping outline which we have done.

G. Lake: As everybody recalls we did send out the intent. I believe we have waited the

proper amount of time. Unless the Board has any questions about accepting the role of Lead Agency, I move.

MOTION to accept LEAD AGENCY status made by T. Hamilton and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

G. Lake: The scoping document as modified. Let me go through the Board in case we have any questions. Mr. Bacon, you had a question?

J. Bacon: You should do the Positive Declaration.

MOTION for a POSITIVE DECLARATION made by H. Ross and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

G. Lake: Mr. McGoey, anything on the scoping?

D. McGoey: Just to make sure they have a traffic consultant. Just so that he has an opportunity to review the old sections (not clear).

J. Bacon: I think it is a good idea. I just want to make sure that he has an opportunity to look at it. The scoping document, we actually have an option to say well, it's a very controversial project and we might have a Public scoping and allow the public to comment on it. If they have any concerns, now is the time to get it because you don't want to have the applicant go through the trouble of preparing a Draft Environmental Impact Statement and have somebody say three months down the road that they don't agree with something. To be fair to the applicant you want to have the most clear guidelines in the document so they don't have to repeat any of their work.

T. Miller: We have no objections to that.

G. Lake: I agree. Anything else, Mr. Bacon?

J. Bacon: I don't foresee that there would be a conflict if you come up with some conditions.

G. Lake: Mr. McGoey, do you have anything to add?

D. McGoey: No.

A. Dulgarian: I have nothing at this time.

H. Ross: I have a concern about the infrastructure (not clear).

T. Miller: It will be in the report.

H. Ross: I was also concerned about the air quality in conjunction with the carbon copy of the building.

W. Capozella: I don't have anything right now.

C. Najac: Nothing.

T. Hamilton: Just to make sure like the existing site, the possibility of a cell towers or whatever on your building that we get the information.

T. Miller: Okay.

G. Lake: Just for clarification, when you say cell towers, do you mean an antenna standing tower?

T. Hamilton: They have antennas on the existing roof now.

G. Lake: Make sure we understand what you're going to have about that.

T. Miller: Okay.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

G. Lake: If the Board has nothing else . . .

MOTION made to accept the SCOPING DOCUMENT subject to the comments of our attorney, Mr. McGoey and this Board made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

A. Dulgarian: On the traffic issues, are you getting anywhere with the State as far as your time table and your time table?

T. Miller: We're working on that. I can't report anything to you on it tonight.

A. Dulgarian: I know you are in a big hurry but I know that kind of hinges on it.

4. **PILLAR** - SITE PLAN REVISION - 45 Turner Drive (40-1-57.22) #62-06

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

A. Martini: My name is Anthony Martini. Three other persons identified themselves, not clear.

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

A. Martini: We're proposing to install four (4) temporary diesel generators in the rear portion of our building for testing purposes.

G. Lake: When you say testing, is it a permanent or a temporary thing just; when you say testing you're bring it in, running it, etc.?

A. Martini: Yes. It's just a temporary installation.

G. Lake: Okay. I just wanted to make sure I understood what you meant. How long is that going to take?

A. Martini: We have it listed on our drawings to be there not any longer than December 31, 2006 of this year.

G. Lake: Thank you. Let me go through the Board.

A. Dulgarian: I believe you said it's not going to be any longer than December 31st is that assuming you get approval right away or four months from your approval?

A. Martini: It would be right away.

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

A. Martini: Yes.

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

A. Martini: Sure. Item #1 is the removal of the generators after the testing period. Item #2 is in regards to the discussion of noise levels.

J. Fellenzer: As far as the noise levels goes, I've prepared a brief study on the noise; generated by the existing noise from the highway and along the adjacent sides of the property. You have a plan showing the location of the generators and the location of the building. The generators are tucked behind the building so they are adjacent to Route 17. The generator noise is shielded from (not clear) and the other areas around the property. You have a barrier from where the generators will be installed. The only open area is to the south west. The noise level along the highway at the back property line is about 50 decibels. As you get further away the noise will reduce. The calculated value based on the shielding which is one hundred twenty feet away at the north west property line is 65 decibels which is less than the existing noise.

H. Ross: What was the calculated value to the highway again?

J. Fellenzer: It's about one thousand feet away and has a decibel number of about 60. Item #3. The applicant indicated they will be willing to limit the operation of the generators for a period of fifteen (15) hours per day only. This should be discussed by the Board. The applicant needs to operate and at certain times up to fifteen (15) hours. The typical test is one generator at a time. There's one requirement that they have and that is to test each generator for up to fifteen (15) hours. That's are one time test.

G. Lake: So, it might be six o'clock in the morning on a week day until no later than nine o'clock in the evening?

J. Fellenzer: It could be during the week days. If you want to set the time

G. Lake: Strictly during the week day and strictly from six o'clock in the morning and the later than nine o'clock in the evening. That would be your fifteen hours, correct?

J. Fellenzer: Correct. I assume you don't want it run on the weekend? I'm getting that feeling that you would run it during the week.

G. Lake: A long test like that, yes I believe that would be . . .

A. Martini: If we needed testing during the weekend would that be acceptable for short term testing?

G. Lake: I would like to see you try to stay away from Sundays if possible but I will also have to ask the rest of the Board.

Unidentified Person: We are on a tight schedule.

H. Ross: How many hours of testing do you have to do on each one?

A. Martini: We have to do a continuous fifteen (15) hour test on each one and that is main obligation as far as testing.

G. Lake: Let's finish with the comments and then I will go through the Board. The diesel tank?

A. Martini: The diesel tank is what we plan on using a previously approved tank that was approved by the Board. It would be a four thousand gallon tank with a containment vessel.

Unidentified Person: The one thing I want to point out is that the tank has previously been installed last year.

S. LaBruna: My question would be to give the Board a little bit more information on the emissions. I'm sure they're up to regulations.

A. Martini: One thing that we can highlight is that they are the most efficient engine there is for this size and is provided by Caterpillar and will show the emission details.

G. Lake: Let me go through the Board.

A. Dulgarian: What exactly are you testing, is it the generator's themselves?

A. Martini: The generators and some of our (not clear).

Unidentified Person: We did this same testing at our other location (not clear). This particular customers requires us to run a specified test to improve generators.

A. Dulgarian: It's a fairly minimal impact. It's benefitting that business without putting the burden on the neighbors in my opinion. Again, it is a temporary thing and I just want to commend, I wish I had a little bit more time to look at this from Mr. Fellenzer. I have no real issues with it.

H. Ross: I just wanted some clarification. The last time you tested wasn't at this site but at your other site. My only concern here are we opening the door to further outdoor testing and you're just asking us to (not clear).

J. Bacon: We take each application on its own merits.

H. Ross: I'm trying to get these guys in order for the biggest generator anybody ever saw and the customer wanted to test it.

G. Lake: They would have to come back.

W. Capozella: I have a question about the noise. It is very suggestive. I could be five feet away and hear the decibels. The numbers don't really mean anything. I agree with Mr. Fellenzer, he did give us a nice report. But being that close to a generator at one hundred feet.

J. Fellenzer: There are different noise levels. It is a method of measurement to try and understand. We did our measurements under "d.b.a."

C. Najac: I would have to agree with the professional on that. Noise would be the biggest factor.

J. Fellenzer: If I can just add to that, the other thing that I think is important because of the restrictions on the time frame. Most people can live with the noise if they know it's going to happen at a certain time. They may not like it going on but they know the times and they are okay with that.

T. Hamilton: My problem is the noise is not supposed to leave the property line.

D. McGoey: You can't increase the amount of noise from the property than what is there already.

J. Fellenzer: The residents are at "50" and that's one thousand feet away but that's not the property line. At the one hundred twenty feet at the north west property line we're looking at "65 d.b.a." and that's primarily because of where the generator is located in the back and the fact that the building is out. The largest amount of noise is on the highway side.

T. Hamilton: So, you only meet the ordinance on the highway side?

J. Fellenzer: On the highway side the numbers are the numbers.

T. Hamilton: Yes, but the ordinance states the property line, doesn't it?

D. McGoey: Yes.

J. Fellenzer: There is a copy in here from the ordinance and it says not to exceed any intensity as measured from boundaries of the lot greater than the average intensity of street traffic. The adjoining street for this property is the highway.

H. Ross: Where are you measuring from there?

J. Fellenzer: We are measuring the highway at the property line. We are higher by six or seven "DCB" at the property line. I guess it depends where you take the measures. The highway has got to be louder.

A. Martini: It says from the highway.

G. Lake: Is it going to happen running all four at one time?

A. Martini: No. It is short term testing.

G. Lake: The long run, you do agree to do that on a week day only six o'clock in the morning until 9 o'clock in the evening for that fifteen hour run? Is that going to happen a lot or just the final test?

A. Martini: It's supposed to be a one time test.

G. Lake: And, the other runs what are they two or three hours at a time?

Unidentified Person: The times vary from one to three hours.

G. Lake: Okay. Anything else?

T. Hamilton: How long will the testing be for?

G. Lake: You said December 31, 2006 correct?

A. Martini: Yes.

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

D. McGoey: No.

MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey's comments and this Board's comments made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

J. Bacon: Were you going to have a restriction on Sunday?

G. Lake: I believe the answer to that is yes. Is that your answer?

A. Martini: We have a very short window here that we're working with. It really is a short six week period that we have to work with.

G. Lake: Would you agree to the afternoon only?

A. Martini: Yes.

MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments, this Board's comments and the time frames that we've asked them to maintain made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for SITE PLAN REVISION subject to all of Mr. McGoey's comments, this Board's comments and the time frames that we've asked them to maintain made by A. Dulgarian and seconded by W. Capozella.

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

5. **SAM'S CLUB GAS STATION** - SITE PLAN/SPECIAL USE PERMIT - North Galleria Drive (78-2-5.12) #18-05

Cancelled.

6. **ROWLEY** - SITE PLAN REVISION - 40 Golf Links Road (78-1-67.1) #05-06

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

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

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

J. Nosek: Very simply, we're going to propose a warehouse addition on the existing building, approximately six thousand seven hundred fifty square feet. We're also proposing a little office addition of thirteen hundred seventy five square feet again to the existing building. We've received the appropriate variances from the Zoning Board of Appeals. Pretty much that's it. We do have adequate parking for the existing facility as well as the proposed additions. I also have a copy of Mr. McGoey's comments. Do you want me to go through them?

G. Lake: Yes.

J. Nosek: Item #1 is a general comment. Item #2 is asking us to note all the variance information on the plan which we have no objection to. Those variances were granted May of this year. Item #3. The bulk tables should identify the setbacks to the side and rear yard, etc. and should note which area requirements have received variances. Item #4 is asking that the relocation of the storm drainage facilities to be made clear. We've clarified that information. Item #5. This is relating to the parking calculations. They are to show the total building square footage as well as each intended use per square footage and the parking required for each use. The calculation must verify that satisfactory parking is provided for the proposed addition. Correct me if I'm wrong but the total amount of parking spaces with the addition is forty and we currently have fifty on the site. We will add that information to the plans. We certainly have ample parking for the site with the proposed addition. Item #6 asks that we number the sheets consecutively. Item #7 is no problem with respect to additional landscaping if it's required.

G. Lake: Let me go through the Board.

A. Dulgarian: My question is for Mr. Abt. Is this about maxed out now? How many additions has he had done here?

W. Abt: Yes. Basically part of the Zoning Board of Appeals variances had a fifty foot wide easement for fire fighting equipment and satisfies them.

A. Dulgarian: So, basically you're saying it's maxed out?

W. Abt: Yes.

A. Dulgarian: I really have no issues with it. I just want to make sure they're not coming back next year for another addition. They've maxed out pretty much.

W. Abt: They're trying to make it a viable project.

A. Dulgarian: I have nothing else.

H. Ross: I don't have anything.

W. Capozella: I don't have anything.

C. Najac: Nothing further.

T. Hamilton: Did we receive fire department comments?

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

G. Lake: I don't have anything else.

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

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

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

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

7. **NEXTEL** - SITE PLAN REVISION - 27 Industrial Drive (41-1-25.1) #51-06

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

K. Penski: My name is Keith Penski and I'm an attorney with the law firm of Snyder & Snyder. I'm here tonight on behalf of the applicant Nextel of New York Inc. Nextel proposes a minor lot addition to the existing equipment shelter at the existing communication building at 27 Industrial Drive. Specifically Nextel would expand a ten foot by twenty foot shelter to a total of two hundred forty square feet.. The applicant requests that the Board issue a Negative Declaration and approve the modification.

G. Lake: Mr. Bacon, did you see Mr. McGoey's comment?

J. Bacon: I see it as a modification to a previously approved Site Plan.

G. Lake: I will go through the Board.

A. Dulgarian: Mr. McGoey, are we missing anything on this, is it just a minor thing?

D. McGoey: Yes.

W. Capozella: I have nothing further.

C. Najac: Nothing further.

T. Hamilton: Nothing further.

G. Lake: I have nothing to add.

MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey's comments and this Board's comments made by T. Hamilton and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for SITE PLAN REVISION subject to Mr. McGoey's comments and this Board's comments made by A. Dulgarian and seconded by W. Capozella.

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

8. **LAST LICKS ICE CREAM** - SITE PLAN/SPECIAL USE PERMIT - 2097 Route 302 (9-2-1) #50-06

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

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

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

D. Yanosh: This is the existing bank building being rented by Walden Savings Bank at the corner of Berry Lane and Route 302. It's in the Neighborhood Commercial zone in Circleville, New York. Once the bank finishes their new building across the street when they move out, the new owners would like to use the site for an ice cream parlor. There would be a walk in service from the outside. The public would be using the area on the working side of the building. They would be able to walk inside from the existing entrance.

G. Lake: Mr. Bacon, does this have to appear before the Zoning Board of Appeals?

J. Bacon: I was just looking at that. They will need a Public Hearing because of the Special Use Permit. Are you referring to Mr. McGoey's second comment?

G. Lake: Yes, the parking.

J. Bacon: How many additional parking spaces?

D. Yanosh: According to Mr. McGoey's comment I will need an additional two more spaces.

J. Bacon: Then you may need to appear before the Zoning Board of Appeals.

D. Yanosh: Again, we can add two more spaces in the back of our parking lot which is a lawn. If we have to appear before the Zoning Board of Appeals, to receive the variance, that's fine. If we don't, we can always add two or three spaces back there. We were trying to preserve that area back there.

G. Lake: Why does he have to appear before the Zoning Board of Appeals? Don't they own this whole property? Can't you figure out how to fit the parking?

D. Yanosh: We can do that but right now (not clear).

G. Lake: I guess the question is if the intent is to sub-divide it out eventually.

D. Yanosh: That's never been an intent. It will take two months with the Zoning Board of Appeals. You can deny us and we can look at it and if I change it I will have no problems.

G. Lake: There are also comments from the Highway Superintendent. He's looking for curbs along Berry Lane and along Route 302, I believe.

D. Yanosh: We're not doing any work in the Department of Transportation right-of-way. What we're looking for is the existing parking lot. We're not doing any renovations or changes. We're looking to keep it the same way and not adding to it. Another one of Mr. McGoey's comments was that parking which borders Berry Lane requires that cars back out into the right-of-way. It should be determined as to whether this area is presently designated for parking as part of the bank.

T. Hamilton: The bank used it that way before.

G. Lake: I realize what you're saying but when a new applicant appears we try and make them clean it up. I'm not saying we need curbs along Berry Lane but that's not my decision. That falls in the hands of the Highway Superintendent. No matter what, you will have to talk to him about that. Let me go through the Board and see what comments they have.

A. Dulgarian: I think it's a nice use for that area of the Town. My concern would be the landscaping and a sidewalk to no where but people will be walking along that area.

H. Ross: I have a question about having sidewalks. The Town Park is across the street. If you added additional parking on the Middletown side of the lot towards the back, you would have a flag lot wouldn't you?

D. Yanosh: Again, you're looking at destroying the green area.

W. Capozella: It is a good use for the property in that area. As far as the parking goes (not clear).

C. Najac: My favorite word is sidewalks. I believe this is a good spot where they would be needed. I don't see the need for curbs in Berry Lane. The previous user had been backing out when they had the property.

D. Yanosh: I don't mind sidewalks but I've got a lot that's seventy two feet long. There's no sidewalks to the north, no sidewalks to the south. There's an existing house on the other corner. The existing Site Plan across the street, are they putting sidewalks in?

C. Najac: It was brought up. As long as I continue to be on this Board I will be always asking for sidewalks. This is one section of the Town they should probably have them especially with the Town Park in that vicinity.

T. Hamilton: Nothing further.

G. Lake: Should we send him to the Zoning Board of Appeals or not?

J. Bacon: As for the parking I would say you should refer him.

G. Lake: Do you want to appear before the Zoning Board of Appeals?

D. Yanosh: Yes, give us the option to appear before them. If we don't use it, we don't use it. This has to go before the Health Department for their approval.

MOTION to refer the applicant to the ZONING BOARD of APPEALS for parking made by H. Ross and seconded by T. Hamilton.

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for schedule a PUBLIC HEARING for December 6, 2006 made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

9. **MIDDLETOWN MEDICAL** - SITE PLAN REVISION - Edgewater Drive
(69-1-49) #120-05

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

A. Fusco: My name is al Fusco representing Middletown Medical. There had been an addition proposed in 2003 which we had approval for Site Plan at which time we had received the variance from the Zoning Board of Appeals for five parking spaces. Subsequent to that, we had a request by the owner and we moved through the Planning Board process to not expand the building but to change some of the use from storage to medical office. When that was done it required additional parking spaces. So, we brought the plan back to the Planning Board at that point. We were shy in accordance with the ordinance by five spaces and the loading dock and were using the loading dock area for additional parking spaces. We went to the Zoning Board of Appeals and subsequently on May 8, 2006 we received two variances. One was for the additional four spots and the other variance was to eliminate the loading dock. We were required to have a loading space and we received a variance to eliminate that requirement. What we have now is according to the ordinance. We needed

two hundred twenty three parking spaces. We have two hundred fourteen spaces which includes seven handicap spaces. We have received two variances one for five and one for four for a total of nine so that makes it acceptable. That's what we are here for this evening. I did receive Mr. McGoey's comments and all of his comments are appropriate. One of the things I on our bulk table we did have some errors. I have subsequently corrected numbers. One of the things that we did further discuss was we had a situation in the past where eight parking spaces were closed temporarily by the MRI equipment. That equipment is being removed and will no longer be utilized. One of the reasons for that is that the MRI facilities with this proposal would be moved indoors. So, at this juncture we are here to request to approve our Site Plan approval based on the Zoning Board of Appeals variances.

G. Lake: Mr. McGoey, he got the variances from the Zoning Board of Appeals, right?

D. McGoey: Right. I needed a new Site Plan. For some reason, my plan has everything on it and needs to reflect the situation of the Site now.

A. Fusco: At this point basically the parking lot additional phases have been constructed. One of the things we also made changes to the parking size and things of that nature. We had done a parking survey that was submitted originally and we took that to the Zoning Board of Appeals and was part of the application. We did receive approval based upon that parking study. Basically at any one point on the five days starting we did have at least seventeen to thirty seven spaces available at all times. There were, however, some deficiencies at certain times with the handicap spaces. However, in the total number of spaces that were allocated there were empty spots every time we went there during the five day study period. We will provide that to the Board and the Zoning Board of Appeals took that into consideration. I have to agree parking is tight but every time I've gone there for various different purposes I have been able to get parking on the lower level.

G. Lake: I will go through the Board.

A. Dulgarian: I have nothing to comment.

T. Hamilton: You're counting on spaces where the MRI was?

A. Fusco: That has been determined to be eight parking spaces.

T. Hamilton: But then . . .

A. Fusco: We had calculated those as parking spaces because the equipment was coming and going.

G. Lake: It's gone now?

A. Fusco: That's gone now. We had always counted those as parking spaces. They are in the total count of two hundred fourteen.

T. Hamilton: I don't think you can come back in again for anything else. Enough is enough.

A. Fusco: I understand.

T. Hamilton: You should consider yourself lucky you have gotten through the Zoning Board of Appeals.

A. Fusco: I understand. One of the things that I have to say in the medical spaces they're going to be utilizing is not going to be part of the other space because it's not for the doctor's but for the MRI and those types. Basically that area will be using one or two spaces an hour versus a doctor's medical office with four to six spaces per hour. That was part of the record that we gave the Zoning Board of Appeals.

T. Hamilton: I'm just thinking now I've gone there and maybe they should do something with their appointment schedules. I mean how many people can you get in there. I've sat in that waiting room waiting to get called. Then I find out there are fifteen individual rooms in the back and you still have to wait. If they work out their scheduling different, there may not be all those people in that parking lot.

G. Lake: Mr. Dulgarian?

A. Dulgarian: What really bothers me about this site is there is so much going on. I question. I don't know of any other site that has parking across the street especially a medical site. There's so much going on here. It's the safety issues with the traffic flow on here. My comments are if you ever come back for anything, I can't be part of that. Again, I really do not like this and I also can't believe the Zoning Board of Appeals did what they did.

G. Lake: If you remember Mr. Dulgarian when they were here the last time we were talking about the parking across the street and I think everybody has a problem with the congestion there. The parking across the street is supposed to be for employee parking (hopefully).

H. Ross: It is definitely a safety issue on that site.

W. Capozella: I have to agree.

C. Najac: It is a safety issue and at times there are parking concerns.

G. Lake: Anything else?

C. Najac: No.

D. McGoey: Were there any highway comments?

G. Lake: No. We worked on this a lot of hours. I think you heard the Board as far as coming back for anything additional. Mr. McGoey, is this a Site Plan Revision subject to?

D. McGoey: Yes.

G. Lake: Do you have to give it a Negative Declaration again?

D. McGoey: Yes.

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

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Opposed

G. Lake: Aye

MOTION CARRIED. 5 AYES, 1 OPPOSED

MOTION for SITE PLAN REVISION subject to all of Mr. McGoey's comments and

this Board's comments made by W. Capozella and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Opposed

G. Lake: Aye

MOTION CARRIED. 5 AYES, 1 OPPOSED

10. **WALLKILL MANOR** - SITE PLAN/SPECIAL USE PERMIT - Overhill Road
(50-1-1.2) #51-02

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

A. Fusco: My name is Al Fusco representing Wallkill Manor.

G. Lake: Go ahead.

A. Fusco: Just a little bit of history on the project. This project had received approval probably about eighteen months ago, Preliminary Approval and also a Negative Declaration and a Special Use Permit at that time. It was approved subject to securing Second Street as an access from the Town Board and also, I believe, the Developer's Agreement. What had happened in the interim is that they did take Second Street over the previous developers as requested by the Highway Superintendent because he did not wish to maintain that road. At that point Second Street was abandoned as a Town Road and subsequently it was hopefully sold to the developer for an appraised value. What happened at that point is that the Town Board considered the proposed of the project and basically we treaded water for a while. To

make a long story short, based upon the proposal back from the Town through it's Attorney and the Attorney for the project. The existing project has now been reduced from one hundred forty units to seventy units. Subsequently we have a new Site Plan which we have submitted to you. We worked very hard with the Planning Board Engineer to come up with the modifications for more green on the project but also to lessen the number of units. As you can see by the number of buildings. As you can see there's a lot of room around the buildings. We didn't try to just cram them in. We now have a total of seven (7) buildings. One building has twelve units, another has ten units and the balance is eight units. One of the things we've also done is we've moved the pool location and playground location away from the corner of the residential community. We moved it down in this area here. We're continuing to pursue all of Mr. McGoey's comments. Basically we have no problems with any of the comments he brought forth. I would be happy to go over them with you at this time if you wish. We are moving forward on all of these and what we're moving towards is we would very much like you to set up a Public Hearing if required for Preliminary and Conditional Final because we think we are at the point. If you wish, I can go over Mr. McGoey's comments at this point.

G. Lake: Go ahead.

A. Fusco: Item #1 is the applicant appeared at a work session with Mr. Bacon and Mr. McGoey at which time the developer offered that the Town Board was now in agreement to allow a reduction down to seventy (70) dwelling units. The Planning Board Attorney was to advise as to the status of this agreement. That is a fact that the Planning Board Attorney can verify.

J. Bacon: That's correct Mr. Lake. We will require a Public Hearing on this.

A. Fusco: Item #2 is that the applicant was requested to revise the Site Plan to relocate the swimming pool away from residential dwelling units, relocate parking away from existing dwelling units and increase the green area by decreasing the number of building clusters. The Planning Board should review the plan presented for acceptability. We have done this. We have done the access the way they were and we have put the roadway the way it was. In addition to that, we were granted a sewer easement from the Town. They wanted one and we had to relocate a building in order to accommodate that. It already has been processed and we are turning that easement over to the Town.

G. Lake: What easement did the Town want?

A. Fusco: They wanted a sanitary sewer easement that goes right through here. They have

one already but they wanted a wider easement because at some point they were thinking about replacing it. They requested it through Mr. Guertin, the Water & Sewer Attorney and we granted them that right. Item #3 is about the parking. Parking is required on the basis of the number of habitable rooms and not the number of bedrooms shown on the cover sheet. This must be revised. We will revise it for clarification but we did use the correct formula. The parking is correct as issued. We have a requirement of one hundred sixty five spaces and are providing two hundred seventy one. There's more than adequate parking for the project. We will make that clarification because we did do it based on the formula but we have to specify it as habitable rooms. Item #4. The applicant should advise as to the status of the extension of the Army Corps wetlands permit. We have a wetlands permit and I believe it was for three years and expired just recently. We have applied for a renewal back in May, I believe. He's promised to process it but he's out in the field quite a bit right now because of the better weather and we're hoping he will process it as soon as it gets a little slower outside. He had said he has no issues with it. I don't anticipate that being a problem. Item #5. The Developer's Agreement should be submitted for review. I've been working with the attorney's and the Developer's Agreement is about ready to be turned over to the Planning Board and the Planning Board Attorney and the Town Board for review. Item #6. The applicant should advise as to the Town Board's status of turning ownership of Second Street over to the developer. This should include a small section of Grove Street as well. We are prepared to move forward on that and I believe with Mr. Bacon's assistance trying to get on a Town Board agenda.

G. Lake: Second Street, to be turned over to . . .

A. Fusco: The developer.

G. Lake: Turn it to the Town?

A. Fusco: No. The Town is going to turn Second Street over to the developer so it would be a private road system at that point.

G. Lake: Wait a minute. You don't have access to Second Street right now, do you?

A. Fusco: Excuse me.

G. Lake: You're accessing Third Street?

A. Fusco: No, Second Street.

G. Lake: That's Second Street right there?

T. Hamilton: All the way out to Silver Lake Scotchtown Road?

A. Fusco: Yes. This is coming off of Second Street. This is the same location that was approved. Here's Silver Lake Scotchtown Road. You come off of Second Street and goes right back up.

G. Lake: So, you're still going to build that bridge through that wetland?

A. Fusco: It's not a bridge through there. What it is, we're going to have a retaining wall on either side. The actual bridge is going to be up further.

G. Lake: You met with the Army Corps in here a couple years ago?

A. Fusco: Yes.

G. Lake: When you came off Second Street you then had a very nice looking bridge and the Army Corps knocked that down that day.

A. Fusco: Correct.

G. Lake: You said you had to span seven feet of wetlands.

A. Fusco: Yes.

G. Lake: My question to you is are you still going to span that seven feet?

A. Fusco: The answer is no. This plan has been approved by the Army Corps of Engineers. This plan already was previously approved by the Army Corps of Engineers. What is happening in this section is we're staying within the right-of-way and under the allotted requirement of the .49 acres of wetland relocation. We're mitigating in this area up here and in that we're putting retaining walls within the fifty foot right-of-way with minimal disturbance. We are putting culverts so that the flow can go between both sides. In that regard we have complied with what the Army Corps of Engineers had requested. In addition to that, we have the mitigation and is in the permit that we have had for three years which has now expired and we're asking to have renewed. There is, however, a bridge up in this portion that's spanning the wetland up here which keeps us under the requirement. The applicant has no problems with upgrading a Town road to Town standards as improvements to the Town however, the Highway Superintendent Commissioner of Public Works does not

wish to maintain or have the liability of a road that only went through this apartment complex. He asked that we take it over and we said fine.

G. Lake: The Board, at the time, felt that was the better way to go?

A. Fusco: That's correct. We could care less either way which ever way makes it work. If the Town wishes up to make the improvements, that's fine. If the Town wishes to sell it to

us and we would do the improvements that way. That seems to be the way that was requested by the Town and we will accommodate that. So, that's where we are with Second Street. Item #7. The Planning Board Attorney should advise as to whether this action requires an additional Public Hearing in light of the need to grant Preliminary Approval. Again, just putting that again on the record we request that a Public Hearing be scheduled for Preliminary Approval and Conditional Final. Item #8. The Planning Board should advise as to whether they wish McGoey, Hauser & Edsall to review the bridge details, or otherwise a third party consultant. That's the bridge that we told you would be spanning the wetlands up here.

G. Lake: I don't have a problem unless he doesn't want to. Let's go back to Second Street. You're going up Second Street and into your project and make your first left hand turn up into your project.

A. Fusco: Here's where it is.

G. Lake: Keep going up, left hand turn.

A. Fusco: In here?

G. Lake: What's that right there at the end?

A. Fusco: That's an emergency access out over to Overhill Road.

G. Lake: What's the grade on that?

A. Fusco: I believe, I don't have in right in front of me here but I believe it's about six percent.

G. Lake: That's it?

A. Fusco: I believe so.

G. Lake: All the way up?

A. Fusco: Yes.

G. Lake: You still have to use the access to the back project?

A. Fusco: We have an emergency access into Kabro.

G. Lake: Mr. McGoey, before we I can't believe that is six percent.

A. Fusco: We have to grade it.

G. Lake: Let me go through the Board.

A. Dulgarian: I just have a couple of questions. Mr. McGoey, I believe the wetland disturbance is a tenth of an acre but you're allowed to mitigate so much?

D. McGoey: With a tenth of an acre you can go under the Nationwide Permit.

A. Dulgarian: Right but on this particular one, he's going more than a tenth?

D. McGoey: More than a tenth.

A. Dulgarian: And, he's mitigating elsewhere on the site?

D. McGoey: Yes.

A. Dulgarian: Is there a limit as to how much he can do there also?

D. McGoey: They tell you how much you have to mitigate.

A. Dulgarian: Right but I mean they can disturb up to a half an acre and restore that somewhere or there's no limits?

D. McGoey: It's up to the Army Corps of Engineers.

A. Dulgarian: On a case by case basis?

D. McGoey: Right. If they disturb two they generally ask you for four or six acres of new wetlands. It's not a one to one ratio and it depends on the type of wetland is whether it's a high quality wetland, etc.

A. Dulgarian: But a tenth of an acre you don't have to go through?

D. McGoey: Yes.

A. Dulgarian: I have nothing further.

H. Ross: What about the Conservation Committee?

S. LaBruna: We have a concern about the wetland issue in relation to parking.

G. Lake: Mr. LaBruna, if you can submit your comments to the office so we can coordinate them with the rest of the comments?

S. LaBruna: No problem.

J. Bacon: It may make sense to (not clear).

G. Lake: Yes, and we have been doing that especially with new projects right off the bat. With new projects I send them immediately but I believe this project's been around for about four and a half years. Anything else, Mr. Ross?

H. Ross: Nothing further.

W. Capozella: My concern is with Second Street.

J. Bacon: The Town Board hasn't deeded it over yet.

G. Lake: Are they deeding it over or are they dealing it for cash?

A. Fusco: To pay.

W. Capozella: I would be concerned on how they would maintain the road, etc.

G. Lake: It would become a private road. It would no longer be a Town road.

A. Fusco: It would be owned by a private owner.

J. Bacon: And, I think before the Board votes on this they should have a better understanding from the Town Board with respect to Second Street.

C. Najac: I also have a concern regarding Second Street.

T. Hamilton: The length of Second Street?

A. Fusco: It will be about twelve hundred feet.

T. Hamilton: What provisions are you going to make now for the school children getting on busses and where the parents are going to park?

A. Fusco: At one point previously we talked about placing a bus shelter off on the center of Second Street and Silver Lake Scotchtown Road. It's not shown on both sets because this is the amended Site Plan. The roadway is thirty feet wide so there is sufficient space to have parking along the road and still maintain traffic either way.

T. Hamilton: You need some provisions to take care of the school children. Will there be sidewalks along Silver Lake Scotchtown Road also?

A. Fusco: The sidewalk, I believe, we had proportioned the property.

T. Hamilton: Your property will be the whole length of the private road.

A. Fusco: On that, we're putting sidewalks on both sides.

T. Hamilton: I don't want them walking on the road.

G. Lake: Do you have any floor plans?

A. Fusco: This is one here.

G. Lake: My only comment is probably going to be, or my fear is we sent you a few years ago to solve Second Street but I realize some of the transactions that went on. You come back with a better plan. My fear to this Town now is the reduced numbers and this is probably none of this Board's business but the reduced numbers can't support the project that we now have in front of us. I don't know if we have that right to ask that for you to prove

that out but half the project is gone. Let's face it when you started you have one hundred sixty and then knocked it down to one hundred thirty four, I believe it was.

A. Fusco: One hundred four.

G. Lake: Which I thought at that point was a big cut. Now, we're down to seventy units. This Board didn't have anything to do with that magic number of seventy. So, you're asking this Board to act on something that with all the work we've done in four and a half years. I'm not even sure this can be considered the same application but it doesn't seem practical to start from the beginning at this point. My question is can this support when this is built or will it only be done half way?

A. Fusco: Obviously we tried to negotiate it at a higher number but what we did was the developer looked at the financing. When he looked at the proposal, it is very tight but the objective is to move quickly. By moving forward on it the numbers will work out. That is a number that is within the budget and can work out. The numbers have worked out. We couldn't have done it with a lesser number. We did try to get a higher number.

MOTION to schedule a PUBLIC HEARING for November 15, 2006 made by A. Dulgarian and seconded by T. Hamilton.

A. Dulgarian: Aye

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

11. **FERRANTE** - SITE PLAN/SPECIAL USE PERMIT - Carpenter Avenue
(74-10-2.1) #73-06

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

B. Christie: My name is Barbara Christie and I'm with MJS Engineering.

G. Lake: Go ahead.

B. Christie: We're representing Mr. Ferrante.

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

B. Christie: Yes.

D. McGoey: Did you get any comments back from the Landscape Architect?

M. Hunt: I don't think the plans were sent there.

B. Christie: They probably weren't.

D. McGoey: The setback has to be clearly labeled from the residential boundary as well as the twenty five foot landscape area. We needed some building contours, spot elevations. No contour has been provided for the swale on the westerly side of the proposed berm. I didn't get any comments from the Water and Sewer Superintendent. The location of the entry light shown on Sheet 2 of 3 should be identified. The light should be fixed and not be able to be directed toward Carpenter Avenue. Comments from Orange County Department of Public Works should be received and addressed on the plans. Have you gotten any comments from them?

B. Christie: No.

G. Lake: Have these comments been put on the map?

D. McGoey: No.

G. Lake: None of these have been addressed?

D. McGoey: No, not to my knowledge.

B. Christie: We received these comments on the 17th.

D. McGoey: We should probably have another work session.

G. Lake: There's an awful lot of comments here. Let me go through the Board.

H. Ross: I agree to sending them back to a work session.

W. Capozella: I would say send them to another work session.

C. Najac: Work session.

T. Hamilton: I agree.

G. Lake: Do you have any questions for us or you just want to go back?

B. Christie: I don't have any questions.

G. Lake: I'm sorry but it's a lot of comments that have to be addressed.

MOTION to TABLE for further review made by H. Ross and seconded by C. Najac.

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

13. **WALLKILL SELF STORAGE** - SITE PLAN/SPECIAL USE PERMIT - Tower Drive (50-1-56.3) #56-06

Cancelled.

14. **PLANET FITNESS** - SITE PLAN/SPECIAL USE PERMIT - 30 Gibbs Court
(50-2-65.2) #71-06

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

A. Furmerello: My name is Adam Furmerello. I'm an Attorney and I work for Raymour & Flannagan the owner of the building at 30 Gibbs Court and the occupier of the majority of that building. We are here on behalf of the landlord of the owner of the building in support of Planet Fitness for a Special Use Permit as well as our own application for an Amended Site Plan to reflect Planet Fitness proposed use.

G. Lake: Okay.

A. Furmerello: We have a comment letter. We can answer any questions you may have on the proposed use.

G. Lake: Basically we do have to schedule a Public Hearing and we have a couple of comments from the fire department.

A. Furmerello: You do? I don't have them.

G. Lake: I will give them to you. We also have comments from the Orange County Planning Department which I will also give you.

A. Furmerello: Okay. I know we did receive earlier comments regarding parking and our Site Plan because and thank you very much. I know we were pushed on to a meeting that we weren't originally intended for. What we submitted was the internal general document that reflects parking as well as the relocation of the dumpster. It's not an engineered plan. That would be something that we would have and prepared reflecting clearly what ever comments. We have far in excess enough parking for the proposed use.

G. Lake: So, you're only going to use this for is particularly a gym, exercise and a fitness center?

A. Furmerello: That's pretty much it.

G. Lake: No food, etc. Now is the time to do it so you don't have to come back?

A. Furmerello: No food.

G. Lake: Let me go through the Board.

H. Ross: I have nothing to add.

G. Lake: As far as the parking goes, I would think there is enough parking.

A. Furmerello: Yes we have allotted three hundred thirty two spaces are what is required and we have three hundred seventy eight.

W. Capozella: Is this the standard type fitness center?

A. Furmerello: Yes.

C. Najac: Nothing to add.

T. Hamilton: Does this have any relationship to the Olympic Fitness Club?

A. Furmerello: No.

MOTION to schedule a PUBLIC HEARING for November 15, 2006 made by H. Ross and seconded by W. Capozella.

H. Ross: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES