

TOWN OF WALLKILL PLANNING BOARD

MEETING

SEPTEMBER 21, 2005

MEMBERS PRESENT: G. Lake, R. Carr, A. Dulgarian, T. Hamilton, P. Owen, H. Ross

MEMBERS ABSENT: W. Capozella

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

1. **ELDERLY WOMAN LLC.** - SITE PLAN (Extension to Final) - Rykowski Lane (60-1-84)
#65-04

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

G. Hluchen: My name is Gerry Hluchen. I'm one of the four partners in Elderly Woman, LLC. We are seeking a second extension to our approval so that we can commence construction on our office building on Rykowski Lane. I brought to you this evening a rendering of the final product building and also if you care to see it, all eighty five pages of the construction drawings that are currently at last out to bid to the contractors. We hope to get pricing back within the next two weeks. We asked for them back the first week of October. So, despite the fact it's been a long road for us, we're finally getting closer to construction and would appreciate your consideration in another extension so that we can get going this year on it.

G. Lake: Is this, this will your second. Are you tied up in outside agencies at this point?

G. Hluchen: We are not.

G. Lake: It's just a personal thing getting . . .

G. Hluchen: At the time we got our original approval which was last July we didn't even own the property. We had some problems closing on the property, that didn't happen until the Fall. By the time we got our design off the board and everybody working on it and unfortunately I'm the Engineer on the project and when a plumber has a leaky faucet, or an electrician has a sparkly light bulb, I guess, we just had a lot of trouble getting to our own work and doing everybody else's. We have our financing in place. Like I said, we are out

to five general contractors and we're entirely optimistic that the prices will come in well and we will get the shovel in the ground come the end of October.

G. Lake: So, one more extension should be could for you?

G. Hluchen: Absolutely.

G. Lake: Let me go through the Board.

A. Dulgarian: I have absolutely no objection to the extension. It's something we can do, correct?

G. Lake: Yes.

A. Dulgarian: I have no problem at all.

P. Owen: No problem.

R. Carr: No problem.

T. Hamilton: No problem.

G. Lake: We did check. His time frames are okay.

A. Dulgarian: Will six months do it for you?

G. Hluchen: If it's not underway in three, I think it's dead. Six months is fine.

MOTION made for a SIX MONTH EXTENSION to FINAL made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

H. Ross: Came in at this time.

2. **CRYSTAL RUN CORPORATE PARK** - Building #6 - SITE PLAN (Extension to Conditional Final) 95 Crystal Run Road (50-1-52.22) #02-04

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

W. Abt: My name is Weldon Abt, the Architect for Crystal Run Corporate Park and with me is Peter Albert, the owner.

G. Lake: And, your looking for an extension also?

W. Abt: Yes.

G. Lake: On the conditional final?

W. Abt: Right.

G. Lake: Are you held up in agencies or just . . . ?

W. Abt: No, there's a lot of details we've been working on. We had to get an easement from the adjacent property owner and we have things pretty much ironed out now. Within the next month or so we should be in a good position.

G. Lake: Will this be your first one?

W. Abt: Yes.

G. Lake: Mr. McGoey's new comments, I don't know if they're new or not. Mr. McGoey, is there anything that we have to worry about at this point?

D. McGoey: No. I think the hard wiring of the signals, they've agreed to. We've got to deal with the right-of-way dedication document. I'll turn that over to Mr. Bacon. He has said he will offer the dedication but you don't want to dedicate because the Town will be taking it at a later date. That's all I have. A couple of minor issues such as cost estimates.

G. Lake: Is this for a year or six months? What were you looking for?

W. Abt: Oh . . .

G. Lake: Mr. Bacon?

J. Bacon: It could be either six months or a year.

D. McGoey: It's for Site Plan. It's your option.

G. Lake: Let me go through the Board.

A. Dulgarian: No. I have no problems at all but I do think we should give him enough.

G. Lake: Yes, I agree.

P. Owen: I have no problems.

R. Carr: No problem.

H. Ross: No problem, I agree with the longest extension.

T. Hamilton: No problem.

MOTION for a ONE YEAR EXTENSION to CONDITIONAL FINAL made by T. Hamilton and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

3. **FIDANZA RETAIL PLAZA** - SITE PLAN/SPECIAL USE PERMIT - 530-550 Route 17M
(38-3-1) #24-05

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

M. Olsen: My name is Mark Olsen.

G. Lake: This is for sketch only at this point?

M. Olsen: Yes. What we've done to date, we've prepared the stormwater management plan. We've worked out the grading issues on the site. We have provided a lighting plan. A couple of the other comments, one was with to a restaurant use. We are identifying a portion of the building for a restaurant use.

G. Lake: Along with the parking?

M. Olsen: Yes. We figured the calculations for eighty nine parking spaces, total. We're showing some landscaping. With reference to the parking area and the landscape requirements, we are showing some landscaping. We're going to have to embellish on the landscaping per the requirements of the code. As far as the area within the parking area, I just wanted to run this by you. The line of curb runs up and turns into a retaining wall along the backside with a change in elevation and then turn back into curb. We have three locations of landscaping within. I think per the landscaping section of the ordinance, it takes into consideration all areas within or out of the curb. Without these three areas of landscaping, we actually fall short by about two hundred fifty square feet. We can modify the plan yet to reach but if we can include these three areas.

G. Lake: How many units are you proposing? Is each one of these lines individual little stores, etc?
M. Olsen: Correct.

G. Lake: And, the one on the end here, is that?

M. Olsen: This would most likely be combined with one of the flag units as the restaurant square footage.

G. Lake: How about usage? Does he have to list the uses that he wants at this point?

D. McGoey: Yes he does. You have to be careful whether it's a Special Use or whether it's a Permitted Use. Like I had suggested during the working session that if he wanted eating and drinking, he should have the proper spaces. You haven't done that yet, have you?

M. Olsen: We added it in the notes over here. We recalculated the parking on the plan.

D. McGoey: What uses do you have now?

M. Olsen: Retail and the restaurant. We have seven spaces along the front so, I would say six of them would be retail and then one would be for the restaurant.

G. Lake: You have space in the back also, right?

M. Olsen: Right, but as I said I can combine that and make it part of the restaurant.

G. Lake: That's a big difference between now and the time you come back that we know where the restaurant is going to be, the parking calculations. That's a pretty good chunk.

M. Olsen: It would be based on square footage of the building.

T. Hamilton: One of the main things, too, is knowing possibility maybe if you could list a couple other types of uses so he knows, otherwise he will have to come back to us. Say, one of those other five retail might come in as a personal service shop or something else and the calculations are going to change. By picking a couple of different ones which saves you coming back.

M. Olsen: Sure.

T. Hamilton: As long as you can meet the parking.

G. Lake: Do you have any idea of what the building is going to look like yet?

M. Olsen: They have not developed a plan.

G. Lake: By the time you come back, I think the Board might be interested in what the building would look like. Let me go through the Board.

A. Dulgarian: At first glance, this is very ambitious. I think it's a lot for that size lot. Besides the detention area, almost everything is covered with building or blacktop. When that happens is just because they're trying to get the biggest (not clear) and may not be in the best interest of the Town. Is this totally separate from C'est La Vie?

M. Olsen: Correct.

A. Dulgarian: That's too bad, with the restaurant you could almost have shared parking because of different operating hours and stuff like that.

G. Lake: I think the problem is the elevation and the stormwater management.

A. Dulgarian: At first glance, it would be a tough sell for me at the plan I'm looking at right now.

G. Lake: Because of the size at this point?

A. Dulgarian: Yes. The number of units on that piece of property is again, very ambitious. It seems like the applicant always comes before us trying to get the maximum uses of his property which he's entitled to try but it's up to us to try and get something good.

P. Owen: Yes. I feel somewhat the same way as Mr. Dulgarian does. Perhaps try and downsize it.

A. Dulgarian: I know this has a ton of road frontage but and Mr. Carr always brings it up, why is the retention/detention always right in the front, right where the first thing you see and it's a shame.

G. Lake: I think there's room for imagination after tonight. This is here for sketch. It is a valid point and I would think it's up to them to go back and talk to his client and decide what direction they decide what direction they would go after what we have to say. I think there's options that they can do with that detention pond or wet pond. It does not necessarily have to be a big open hole.

R. Carr: I just want to reiterate the same thing. This project is covered by the entire surface. There's very little room when you talk about the islands for landscaping. I'm thinking also of all the people that drive by, there's very little room provided for landscaping along most of this. You're taking down every single tree on that property. It's all blacktop. It's very aggressive. If the building was smaller, maybe.

D. McGoey: He's exceeding more than one acre of disturbance.

R. Carr: That's my first impression isn't impressive.

H. Ross: Yes, I agree. It's really pretty intensive. You may wind up losing a store.

T. Hamilton: Yes, I think along Route 17M, I'm looking for a dimension, I can't read it, on what the width of the landscaped section is that runs up along Route 17. I don't see how much we're actually getting. I see a line but I don't see any numbers.

M. Olsen: From the property line to the parking curb it's ten feet.

T. Hamilton: A couple of different spots, I don't see the dimensions in there.

G. Lake: Basically you've heard from the Board, I don't need to repeat anything they just said. We do have comments from the Highway Superintendent. I don't know if you've got them. You probably should talk to him. We do have a Landscape Architect on Board at some point. This Board may decide to bring them in to review when you do come back. I don't think the Board is against the total project but I think you have heard them.

M. Olsen: A lot of the comments with reference to visual landscaping and things of that nature, this ten foot strip that's being shown is a swale for stormwater quality and by the detention swale. So, there will be planting along this entire swale, along with the requisite check list for stormwater drainage.

G. Lake: I think the Board also thinks that's where the snow is going and the salt from Route 17 and a lot of times (not clear). And, we're also trying to keep up with the landscaping.

M. Olsen: Very good.

G. Lake: Anything else from the Board? You've heard the Board. We're going to table it for further action. Call in for another work session and an agenda once you make the modifications and we will go from there.

MOTION to TABLE for further review made by R. Carr and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

4. **GLOSTER'S & SONS INC.** - SITE PLAN/SPECIAL USE PERMIT - Route 17M (36-1-35) #57-05

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

D. Yanosh: My name is Dan Yanosh, surveyor for the project.

G. Lake: Go ahead.

D. Yanosh: This is Gloster's & Sons Inc. Right now, they're up on Tower Drive up the street here. They want to move out to Route 17M which was the old Agway propane storage area. He's in the process of purchasing the property now. We will be doing an investigation for the septic system. Again, he repairs vehicles. That's all he's going to do, no gas pumps, no selling of gas. He does have a request for ten parking spaces out front, six in the front and four on the side to sell some used vehicles in the front. The entrance will remain the same. Again, one of Mr. McGoey's comments was about the existing buildings in the back where Agway had a loading dock area. He wants to keep it for now for some storage of parts or what ever. No sense in taking something down he might want to build to or add on later. He wants to keep it as it exists today.

G. Lake: He's not going to have any pumps?

D. Yanosh: No pumps. He is in the towing business. There will be a spot in the back here for ten cars to be stored at night.

G. Lake: Is that going to be behind that fence?

D. Yanosh: Behind the fence. He might even take some of that down and clean some of that black and white fence up but everything will be behind the fence. Again, if he needs some more vehicles, isn't that a Zoning Board of Appeals issue?

G. Lake: It would have to, wouldn't it?

D. Yanosh: Not now, in the future.

D. McGoey: Yes. The ordinance has ten overnight.

D. Yanosh: We will keep it that way for now but if we have to change it we will go to the Zoning Board of Appeals.

D. McGoey: Put a note on the plan.

D. Yanosh: Even though they're hidden in the back, you still require the ten?

D. McGoey: Yes.

G. Lake: The used car area is up front and on the side, is that going to be enough?

D. Yanosh: Again, if he needs more, we will have to come back with a revised Site Plan.

A. Dulgarian: On the side he has used cars.

G. Lake: On just one side. Mr. McGoey's comments, we're going to have to schedule a Public Hearing. Are you going to have any problems with any of them?

D. Yanosh: Not really, no. The biggest issue is the septic. It's over here some place because the vent comes out this way. After tonight's meeting we will get somebody to pump out that tank and see what's there. It supplied Agway before with all the employees. We will investigate that after tonight's meeting.

G. Lake: I will go through the Board.

A. Dulgarian: Mr. Yanosh, is he going to run both operations or move?

D. Yanosh: He's moving. He's going to bring the whole Tower Drive over.

A. Dulgarian: I thought he was going to run both.

D. Yanosh: No.

A. Dulgarian: My concerns with automotive are outside storage. I have to tell you ten (10) cars is not going to be enough especially for a guy like him. When you tow a car and are on a list for the Town or State and you tow a car you could hold on to it for six months before you can do anything with it. So, he's going to have to go to the Zoning Board of Appeals. I'll say up front. I don't have any problems with this. I think it's really going to clean up that area nice. He runs a nice operation but I think we need to just make sure that it's as good as possible. I like the idea that the entire thing will be fenced off from the road. I have no problem with the multiple use. I think nowadays having an auto repair business you almost have to have used cars. I don't have an issue with that. I can tell you, ten (10) cars is nowhere near enough and it's reasonable to go to the Zoning Board of Appeals and double that because that's what you're going to need. I would pursue that now. Other than that again, with automotive it's outside storage of tires.

G. Lake: Is there going to be any outside storage?

D. Yanosh: Yes he does.

G. Lake: I think Mr. Dulgarian is thinking about old tires.

D. Yanosh: The buildings in the back, he will use for storage.

A. Dulgarian: He's going to use the other buildings for storage of tires, empty drums, etc.

D. Yanosh: Yes. The code requires no outside storage.

A. Dulgarian: We usually ask to put in a small fenced area along side the building like we do with restaurants, etc. We tried that with somebody else that said storage was going to be inside and it ended up outside. Again, I have no real issues. I think it would be an improvement out there.

P. Owen: I don't have any serious issues.

R. Carr: I think it improves the property.

H. Ross: I'm a little concerned about adequate preparations for that site as well as outside storage. I would like more landscaping and make sure that you get approval for the extra spaces now from the

Zoning Board of Appeals so that it doesn't become an issue later on.

D. Yanosh: We know that if we get approval it will take a few months anyway to build the building.

T. Hamilton: Mr. McGoey, has he got anything from the State on his curb cuts and islands and whatever?

D. McGoey: He's not changing those.

D. Yanosh: Everything stays the same.

T. Hamilton: Everything?

D. McGoey: Yes.

T. Hamilton: The existing landscaping is smaller, I thought maybe he enlarged those curbs.

D. Yanosh: No.

G. Lake: Is that all, Mr. Hamilton?

T. Hamilton: Yes.

G. Lake: We have to schedule a Public Hearing. I think by the time you come back, landscaping obviously just like down the street. The building and what it's going to look like.

D. Yanosh: We'll get you an architectural drawing.

G. Lake: Again, gas stations or facilities like this, I know we've been talking about stepping it up a little bit instead of a normal block building facility.

T. Hamilton: Mr. McGoey, lighting, are you going to be looking at the lighting that we don't light up that whole neighborhood?

D. McGoey: Yes.

D. Yanosh: We've quite a ways away from the highway. A question again for the Board about Mr. McGoey's comment about the shale parking in the back. Right now, my client has decided not to pave the whole thing.

D. McGoey: The required parking has to be paved.

A. Dulgarian: Now, that's where the impound area is?

D. Yanosh: It could be. It is delineated here where the paved area is right now around that building. In the back is where Agway used to park their trucks.

A. Dulgarian: I would rather see it as shale.

D. Yanosh: I would too. The code says twenty spaces, you have to pave the whole thing unless we get a variance from the Zoning Board of Appeals.

G. Lake: I would have to agree with Mr. Dulgarian on that.

A. Dulgarian: Why blacktop stuff that's going to be left there for a month or more?

G. Lake: Maybe that's something we should investigate. Any other comments from the Board?

MOTION to schedule a PUBLIC HEARING for November 16, 2005 made by P. Owen and seconded by R. Carr.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

5. **GORDON WALLKILL PARK** - Lot #2 - SITE PLAN REVISION - Crystal Run Road
(60-1-68.12) ##78-05

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

G. Barone: My name is Gardiner Barone for the applicant. I'm here with Joe Pfau and we have a

representative also from Gordon Wallkill, the developer here with us. You're all familiar with this property. It's on the corner of Crystal Run Road and Goshen Turnpike. There is a building going up there. That's the building that is the subject of our application for lot #2 and we also have here tonight have a sketch for the building that we're proposing on lot #1 which is the adjoining parcel that fronts on Crystal Run Road. We have some Site Plan Modifications that deal with the lot that we're building on lot #2 and, of course, then we have our application on the building that's on lot #1.

G. Lake: Let's first do the building that was built where you want to do the pharmacy and the eating and drinking.

G. Barone: Correct.

G. Lake: Let's separate them a little bit since it's two different actions.

G. Barone: Fair enough.

A. Dulgarian: Which plan do we need to be looking at?

J. Phau: You want to be looking at lot #2.

G. Lake: Let's do the pharmacy end of it first and then we will talk briefly with the second to make sure the parking and everything works.

R. Carr: What is the difference?

J. Phau: It's very minimal. In essence the only change is we removed fifteen (15) parking spaces from this application. If you take a look at the southern part of the corner closest to Goshen Turnpike . . .

R. Carr: On lot #1 or lot #2?

J. Phau: On either alternate, the parking hasn't changed at all. The only difference between alternate #1 and alternate #2 are the parking calculations for the different uses. The Site Plan modifications themselves are identical on the alternates. It was a suggestion because the two uses are different. We removed two spaces along the parking lot on the south and along Goshen Turnpike. We pulled that away from the Department of Environmental Conservation wetlands buffer. We've also removed four (4) spaces in the rear of the building where the employee parking is as well as along the dumpster location. Those modifications were done to pull this away from the Department of Environmental Conservation wetland buffer. Now that we've built, we have a steep embankment off there and as opposed to encroaching into the wetland buffer we decided to remove those spaces. So that takes care of six spaces. The other nine (9) spaces were parallel parking along the side lot line between lot #1 and this particular lot. We removed those spaces for a couple of reasons. The main reason being when we did the Site Plan review for the other lot which you will see soon, we wanted

a different look of the building coming in this direction as opposed to having the parking along that building. We're dressing up the facade on that side and we also actually put a landscaped area there that we would be able to put plantings in. Prior to that there was parallel parking along that side of the building. So, in essence, we removed fifteen (15) spaces from the Site Plan and what we've done is we've shown that calculation that there's two hundred five spaces. The parking calculations didn't change at all for the pharmacy in regards to the change in use from medical. It was the same number of spaces per square foot. So, the parking requirements did not change at all from the previously approved Site Plan but the number of spaces provided is now one hundred ninety and we're deficient fifteen spaces and at the work session meeting we discussed with Mr. McGoey that we would agree not to occupy that remaining twenty two hundred square feet of space until those additional fifteen spaces were achieved. As you will on the next application, we have an additional fifty spaces on the other building so we can achieve those additional fifteen spaces.

G. Lake: Mr. McGoey, do you want to tie these two together?

D. McGoey: The answer is yes.

G. Lake: Tie the applications together?

D. McGoey: Oh, the applications? No, I think they should be handled separately. One is only sketch plan.

G. Barone: Correct.

D. McGoey: And this one, they're seeking approval of a change.

G. Barone: Yes. We have some site modifications and we want to modify our Special Use Permit to provide for the pharmacy/retail use as well as an eating and drinking establishment. We also have a tenant who's interested in putting a personal use establishment in there such as a Health Spa or Physical Therapy Center which would go in harmony with medical offices and the pharmacy use. So, we want to augment our Special Use Permit and the parking calculations. We do have our fifteen space deficiency but as Mr. Pfau said we're going to pick up an additional fifty spaces when we build out the other lot which is known as lot #1. So, we've agreed not to occupy a portion of the building until we acquire those additional spots from the adjoining lot.

T. Hamilton: Can we do that? We can't approve it with fifteen less than what the code calls for unless we know right now with the other lot in here that we get a cross easement to allow them to use the other parking. Right now we can't allow that being fifteen shy.

G. Barone: We absolutely contemplate doing a cross easement from one lot to the other for the parking and with the Special Use Permit approval given that we would have an interim deficiency of fifteen spots, we just wouldn't be entitled to get a Building Permit and a Certificate of Occupancy

for the twenty two hundred and fifty square feet of space that we fall short on.

T. Hamilton: Yes, but what we're doing is we're giving you an approval on that total square foot area of those uses right now and it doesn't meet what the zoning calls for. Even if he doesn't occupy it or rent that, he still has to provide the right amount of parking.

D. McGoey: Who owns lot #1?

G. Barone: It's an affiliated owner, same control.

J. Phau: As a matter of fact, we came in showing the fifteen spaces on lot #1 but we need a . . .

G. Barone: A zero lot line subdivision approval because going to bring the access road in as a common entranceway to kind of unify the two lots, give them the look of being part of an office park as opposed to being two separate lots. We want to integrate the access, the landscaping, the architectural style.

G. Lake: Let's get Mr. Hamilton's question answered. As it stands right now, we're fifteen short on this building. I think Mr. Hamilton's question can lead through that without them seeking relief or what Mr. Barone is saying, they're going to cancel out twenty two hundred square feet and not use it. Do we have that kind of latitude or not?

J. Bacon: Well, I understand the twenty two hundred square feet is located on the side and what the applicant is asking is not to obtain a Certificate of Occupancy for that space, is that what you're saying?

G. Barone: Correct. We would not seek any Building Permits or approvals as to that space until such time as we get our parking lots built on lot #1 which, of course, we can't do until we get your approval on that site.

J. Bacon: Is there a specific reason why you can't have a plan that shows both?

J. Phau: We had it previously approved. But what happened was six of the spaces, now that we're built out we feel that if we build those six spaces we will actually be infringing on the wetland buffer.

J. Bacon: Not clear.

J. Phau: Yes, and the other spaces. The original other nine spaces for parallel parking along this side of the building here.

G. Lake: Listen, hold on. Mr. McGoey, lot #1?

D. McGoey: Yes. Put this map on the board please.

G. Lake: That's just here for sketch?

J. Phau: That's correct.

T. Hamilton: Mr. McGoey, the square footage that you're saying that you don't want to occupy right now?

J. Phau: Yes.

T. Hamilton: If he labels that warehousing now, will that cut him down in parking to meet the ordinance and make that warehousing and then later when he gets the other building on, he can come in and change that use back to something else?

D. McGoey: I suggested they come in tonight with an alternate to the deli use and just show pharmacy and retail and then they can meet their parking requirements and receive their approvals.

T. Hamilton: Make part of it warehousing?

D. McGoey: Make it a medical warehouse.

T. Hamilton: Then they can get the approval for the fifteen less and then later when he comes in with the other lot next door, then they can do a cross easement and then rent it out and get the use changed.

J. Bacon: That's the only way to do it.

D. Spiegel: The reason (not clear).

G. Lake: Mr. McGoey, you're requesting warehousing, if they do that . . .

D. McGoey: They can meet the parking requirements.

J. Phau: The pharmacy, we're still deficient.

D. McGoey: Oh, you are.

J. Phau: We removed spaces based on the Site Plan modification. We actually had those spaces but when we showed up for the work session we actually showed those fifteen spaces on lot #1 until now but we ran into the problem of we wouldn't be allowed to do that without going to the Town

Board for the zero lot line so we were going to come here for this to get these modifications done, go to the Town Board, build those spaces but in the meantime we would just guarantee not to occupy that.

G. Lake: Mr. Hamilton gave you a clean way out.

G. Barone: We appreciate that suggestion.

D. McGoey: The problem with warehousing it would require a Public Hearing.

T. Hamilton: Another scenario, Mr. McGoey, what if they took another piece from the other side big enough for their parking spaces that they need now?

D. McGoey: For the subdivision or just a . . .

T. Hamilton: You would be taking a piece from one to the other so you're not going to have any zero lots. It would be a lot line change, give them enough for those fifteen spots.

D. McGoey: The ordinance allows you to have a fifty year lease on other lands.

J. Phau: Town Board approval?

D. McGoey: It says Planning Board approval. It would be shared parking and based on a fifty year lease for fifteen spaces on the adjoining lot.

J. Phau: We actually showed up with that.

T. Hamilton: This way we show it now. It's not something that later on, I'm not going to rent now but we can still give the approvals.

D. Siegel: We would consent to that.

J. Phau: If you look at the second Site Plan . . .

G. Lake: Mr. McGoey has just given you another option. Let me go through the Board and then let's try and clean this up.

A. Dulgarian: Nothing additional.

P. Owen: Nothing else.

R. Carr: I have no problems.

H. Ross: As long as the plan is clear.

T. Hamilton: This is still lot #2?

G. Lake: This is still the building that's sitting there now.

T. Hamilton: Okay then.

D. McGoey: Is everybody okay with the deli and the health spa or whatever?

A. Dulgarian: They use compliment each other.

G. Lake: Right now, we're looking at pharmacy and the deli.

D. McGoey: They interjected another use.

G. Barone: Yes. We also want to augment it a permit by being able to have a personal use establishment which would be a day spa, wellness spa.

G. Lake: With that being that it fits with the fifteen parking spots that you will lease from lot #1.

D. Spiegel: If we need more based on the calculations, we would make sure the lease of parking spots would be more than anticipated.

G. Lake: We need that now. We can't help you without it.

J. Phau: There's two alternates. What we did, we provided one alternate with the pharmacy only and, that's fifteen spaces deficient. The second alternate is the deli, the deli has a stricter parking requirement and we're thirty seven spaces deficient if you include the deli.

G. Lake: How many?

J. Phau: Thirty seven. What we have, on the other Site Plan, we have in excess of fifty parking spaces.

G. Lake: Oh, okay. So, now with the deli, you're telling us you're thirty seven parking spaces short?

J. Phau: That's correct.

G. Lake: The deli, are you going to have eating and drinking in there, tables, or walk-in and take-out?

D. Spiegel: There may be a couple of tables but it's not really an eating establishment. It's more of a take-out deli. It's sixteen hundred square feet. It's more for accommodating the employees.

H. Ross: What happens to the shared parking after the fifty year lease expires?

D. McGoey: I don't know but that's what the ordinance requires.

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

A. Dulgarian: Nothing else.

P. Owen: Nothing.

R. Carr: Nothing.

H. Ross: Nothing.

T. Hamilton: Nothing.

G. Lake: Let's do the pharmacy. We have to schedule a Public Hearing for the eating and drinking. Now, should we do it with the leasing of the extra spaces now?

D. McGoey: The pharmacy needs a lease also.

G. Barone: We will do a lease of fifty spaces now for the pharmacy use.

MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey's comments, this Board's comments, including the leasing of the excess spaces from lot #1 made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for SITE PLAN MODIFICATION for the pharmacy subject to all comments made by R. Carr and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION to schedule a PUBLIC HEARING for the deli use and health spa for November 16, 2005 made by T. Hamilton and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

6. **GORDON WALLKILL PARK** - Lot #1 - SITE PLAN/SPECIAL USE PERMIT - Crystal Run Road (60-1-68.12) #12-05

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

J. Phau: My name is Joe Phau with Pietrazak & Phau.

G. Lake: This is here for sketch only?

J. Phau: Yes it is. What we did was, if you take a lot of the sketch plan we actually show a portion of the existing building, which is on the lower portion of the pave, so you can see the integrations where we're utilizing one common entrance and what happens is, the new building will have accesses in parking off of the existing access which runs along that side lot line in between the two buildings. It's going to be a two-story building with a total of twenty four thousand square feet. As I mentioned earlier, the parking space requirements are one hundred sixty and we're providing two hundred ten. We have the additional fifty spaces. It's strictly at sketch plan phase right now. We have no real design plans. We do have a stormwater treatment pond along the side lot line which we believe will capture the runoff and treat it for this site. Water will come off of the existing line on Crystal Run Road and we have an existing sewer easement that runs through the rear of the property which serves both lots. There's existing sewer there right now.

G. Lake: Again, this is sketch. Mr. McGoey, do you want to say something?

D. McGoey: The stormwater management on lot #2, where is that handled now?

J. Phau: It's in the rear of (not clear)?

D. McGoey: Is there any way of combining that stormwater management on lot #1 so you can avoid the protective wetlands?

J. Phau: I believe we can do that.

D. McGoey: That way you only one stormwater management instead of two.

J. Phau: I think we will be okay.

A. Dulgarian: First off, again, this is what we want on that corridor to compliment what's existing. I have no problem there. I would like to see a professional rendering from Crystal Run Road and from Goshen Turnpike. Landscaping plan, stormwater management. I think that suggestion from Mr. McGoey is very good too because that will include both the stormwater and the landscaping and hopefully cut down on the blacktop. No real issues, just dress it up.

J. Phau: We initially had the building further back and Mr. McGoey suggested that we pull it forward to give it more of a campus look and take half the parking and hide it.

P. Owen: As far as sketch, I like the idea that it goes with the character of the development that's going on in that area.

R. Carr: I like the idea of the common entrance in. The other thing would be the landscaping.

H. Ross: Nothing additional except Crystal Run Road will be realigned.

J. Phau: Yes.

H. Ross: How much further past?

J. Phau: We're not taking any land though. The Town will always own that right-of-way. It was just the road, itself. When this original subdivision was approved, part of the approval process was the straightening of Crystal Run Road.

H. Ross: You're going to straighten it?

J. Phau: That's correct.

T. Hamilton: That was one of the Highway Superintendent's comments.

D. McGoey: You better talk with the Board.

G. Lake: Yes, come back to us.

D. Spiegel: From the design standpoint we can provide parking on this side of the building which would be more efficient.

G. Lake: Mr. LaBruna from the Conservation Committee and I think he's just looking at the wetlands. He will take a look at it, and if it makes sense to do a little something. We can talk about that when you come back. Like I said, this is here only for sketch, just to get everybody's comments in.

A. Dulgarian: When you guys come back can you show us and I didn't see it on lot #2 either, snow storage. You're not just dumping in the wetlands, you're dumping in the ponds, are you?

J. Phau: I'm sure we're not. Actually the pond would not be a bad place for it because it is a treatment pond.

A. Dulgarian: Show us.

MOTION to TABLE for further review made by R. Carr and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

7. **KUMAR MEDICAL OFFICE** - SITE PLAN/SPECIAL USE PERMIT - 360 Crystal Run Road (60-1-122) #12-05

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

A. Sabnis: My name is Ashok Sabnis. I'm an Architect for the medical office at 360 Crystal Run Road for Dr. Kumar.

G. Lake: The last time you were here we tabled it. You had to go to Eustance & Horowitz.

A. Sabnis: Yes, we got the approval.

D. McGoey: The approval from Eustance & Horowitz, on the Site Plan, did you get that?

A. Sabnis: Yes, I did. Did you get the new drawing?

D. McGoey: I don't have it.

A. Dulgarian: Other than the landscaping. Why was this to Eustance & Horowitz?

D. McGoey: The original Site Plan used was modified without their approval.

A. Dulgarian: This is your landscaping?

A. Sabnis: Yes.

A. Dulgarian: What kind of trees are they? What kind of bushes, etc. Actually, I think you need to do a little bit more.

P. Owen: Other than beefing it up a little bit more with the landscaping.

R. Carr: I have nothing.

H. Ross: A little more landscaping and also this road re-location?

D. McGoey: Yes, but the road straightening is in front of their property but basically in the right-of-way. The right-of-way gets real wide in front of their drive.

H. Ross: That's it.

T. Hamilton: So, his driveway is shortening up and everything else then, isn't it?

D. McGoey: Pardon me?

T. Hamilton: His entrance driveway is going to shorten up and everything else?

D. McGoey: Yes.

A. Dulgarian: They're all pre-existing anyway. What are we going to do?

G. Lake: Anything else, Mr. Ross?

H. Ross: No.

T. Hamilton: That's it other than the Highway Superintendent's comments.

G. Lake: Do you understand, show where the future road is going to be? Just show it so everybody knows where it is and the landscaping we want beefed up.

A. Sabnis: Can I say something?

G. Lake: Are you guys happy with Mr. McGoey doing that?

A. Dulgarian: Sure as long as Mr. McGoey signs off.

A. Sabnis: I want to make a statement. I'm an Architect and I know what landscaping is. I have shown all the trees and the plantings. Again, yes I will show you the future road. One major thing on this is he is renting a very little space in the existing building. I'm not challenging you. I'm just want to make statement that my client has been paying rent for the last few months and this keeps

postponing, postponing.

A. Dulgarian: With all due respect, we're going to grant you what you want subject to our Engineer signing off on the landscaping and what we're looking for is additional landscaping toward the road side. Whenever any project comes back before us, pre-existing or new, especially pre-existing we try to improve on what landscaping was there. It just happens to be your client is the only one doing something new in that building right now so, that's why it's coming up to you. You're not getting denied tonight at all.

A. Sabnis: Thank you. I didn't appreciate . . .

A. Dulgarian: It would be subject to our Engineer saying, yes, this is what we want. He knows what we've been asking for around Town and it's not just a couple of trees. It's a variety of plants that will survive the salt and look nice year round.

A. Sabnis: I understand. I'm talking about that my client is going to occupy a very small space and we have to do landscaping on the entire parcel. We have been delayed on this because he has been paying rent for the past few months.

T. Hamilton: Mr. Bacon, to solve that problem, what we should have is the owner of the building here to represent his property and he's the one to answer that we need the other landscaping, not the small tenant. It should be on the owner of the building. Unfortunately the owner isn't here and this gentleman is.

J. Bacon: I agree.

G. Lake: I think you have a misunderstanding what we're trying to do and you're taking it personally.

A. Sabnis: No, I'm not.

MOTION for a NEGATIVE DECLARATION subject to all comments of this Board made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for SITE PLAN/SPECIAL USE PERMIT subject to all comments and Mr. McGoey signing off on the landscaping made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

8. **YANKEE LAKE ENTERPRISES** - 76 Bloomingburg Road (3-1-88) #161-05

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

D. Yanosh: My name is Dan Yanosh, surveyor for the project.

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

D. Yanosh: This is a proposed Site Plan in the Highway Commercial zone located on County Highway 76. The proposal is for a storage building. Mr. Buckley who owns Yankee Lake Enterprises, what he does, he drives a tractor trailer. He hauls gravel for Tetz. He has two vehicles, one for an employee and one for himself. He's handicap and in a wheelchair. He has his family who helps take care of his business. He parks his trucks probably outside in the weather all the time. He just needs a place to storage his two tractor trailers. The use would be a parking space inside. He just has a small office inside and he just wants to store his trailers out here. There will be no service, no repair. He has to put them inside because of the weather. The house burned down a few

years ago and he's under contract to buy it.

G. Lake: They would be inside then?

D. Yanosh: Everything would be inside.

G. Lake: Mr. McGoey's comments, between now and the Public Hearing will you be able to satisfy them? Do we need to go over them?

D. Yanosh: No I don't think so. The biggest thing of his comments whether we're allowed to do it because of the use.

G. Lake: I will go through the Board.

A. Dulgarian: I know we're not in the design business but after looking at this piece of property I think the building would be a lot better flipped only because to the southerly side is a commercial type operation and to the northerly side is a residential. He's proposing that to come out towards the residences. This is right on that other house, this property line. If the back of the building faced that house and the trucks came in and out, with it being a commercial business, I think it would be a lot more friendly for that neighborhood. Other than that I really don't have an issue. I know that's what it's zoned for but there's a few houses there and in lieu of putting up some twenty five feet of buffering or something I think if you could flip that around. I don't know if anybody else's views are but if he doesn't we need some serious buffering there because it's right on the neighbors. That's all I have.

G. Lake: Any comment on that Mr. Yanosh?

D. Yanosh: I can look at that. Had a discussion with Mr. Dulgarian. I was looking at the beginning to have the building face straight out. He's the one who reversed it sideways here. I can see your point about facing the adjoining house. I will take up your suggestion.

P. Owen: No. I like Mr. Dulgarian's suggestion.

R. Carr: The same thing. Just so it doesn't come on top of that house, it would be better for the neighborhood.

H. Ross: I agree. He's going to have to wash his trailers every time he parks them otherwise he hasn't got a Highway Commercial Use.

T. Hamilton: What use is he going by?

H. Ross: He could be washing trailers and call it a car wash.

D. Yanosh: He has an office for professional use. Trailer storage is something I guess that you have to park the trailers.

T. Hamilton: The business use, what does that cover?

A. Dulgarian: It's an accessory building, correct? By definition, accessory building has to be accessory to something.

T. Hamilton: He's going to have his little business in the little office.

A. Dulgarian: I don't know.

D. Yanosh: If you have a service establishment or anything like that, you will have trucks parked there in the first place. These will be parked inside. Again, can we go with a service establishment?

J. Bacon: What's going to be happening in the office portion?

D. Yanosh: Deliveries and so forth.

J. Bacon: Like a dispatch center?

T. Hamilton: Bus depot. A service establishment. His service is supplying the trucks to haul gravel.

D. Yanosh: Right.

T. Hamilton: What else can he do?

H. Ross: We just want to be clear about it.

D. Yanosh: Again, a service shop, an establishment that provides work for others such as maintenance, repairs, etc. It's a garage for his equipment more than anything.

G. Lake: Mr. Bacon, maybe do a little research between now and the Public Hearing.

J. Bacon: If it's obvious that it's an accessory use, there's a whole section that talks about trailers may be placed on a parcel but they're really talking about exterior use and here he's going to put them inside which is a reduced amount of those tractor trailers.

T. Hamilton: Just that we need something, what to call it.

J. Bacon: I will put a memo in the file.

G. Lake: Mr. Hamilton, anything else?

T. Hamilton: As long as we find a use to call it.

J. Bacon: Probably a service establishment is the closest because the vehicles in the building are complimentary to the office and they dispatch the trailers based on that.

G. Lake: Let's give him a little time.

J. Bacon: What does the Board feel about it?

G. Lake: The Board doesn't have a problem with anything that was said so far except maybe trying to move that building around.

A. Dulgarian: No, he wants to know if we feel it falls under service then, it would be a permitted use. To me, it does.

P. Owen: I believe it falls under service.

R. Carr: Yes.

H. Ross: It's service.

T. Hamilton: No problem.

G. Lake: I don't have a problem.

J. Bacon: Again, I think the reasoning is because under the Special Use, the outdoor storage is permitted as an accessory use. Indoor storage is a reduced amount of impact on the neighbors.

G. Lake: Does the Board want to see this again with the modifications?

A. Dulgarian: Yes.

G. Lake: We will get you back on when you get the modifications done. It would probably be the second meeting in November.

MOTION to TABLE for further review until November 16, 2005 made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

9. **WEINERT'S RECYCLING** - SITE PLAN/ SPECIAL USE PERMIT - Route 211 East (41-1-82) #71-02

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

R. Bednik: My name is Roy Bednik. I'm with Roy Bednik Associates and I'm the environmental consultant with the Department of Environmental Conservation for Weinert's.

L. Potter: I'm Lorraine Potter from Lanc & Tully.

G. Lake: It's been a long time since you've been back. We have a couple of new members so, I hate to ask you this but maybe just bring us up to speed. As I said it's been a while since we've seen this. We know you've been involved with agencies.

R. Bednik: Weinert's operates a recycling facility on Route 211 and in addition to recycling metal, they also have an opportunity to recycle cardboard there, automobiles, scrap metal, etc. and the Weinert's have applied to the Department of Environmental Conservation for a permit to process construction/demolition debris at the facility handling construction demolition debris as part of their business but not at that facility. They've applied to the Department of Environmental Conservation for a permit for solid waste handling. They have an application pending there. First of all, the original application was for a three part facility. There were going to process mixed loads of C & D in the enclosed building, an eight thousand square foot building that they propose to build on the property. They also had originally proposed processing and cleaning wood to produce wood chips. That would be brought in to an outdoor facility, ground up and perhaps dyed to create the red mulch and then sold from that yard. The third proposed use at that time was to bring in clean concrete, asphalt, brick, soil and so forth. Crush and screen the material and then sell it either for topsoil or stone aggregate and so forth. That was the original proposal. The original facility was going to cover approximately three acres of their yard and process an estimated two hundred thousand tons of

material a year. Since that time we re-evaluated the entire situation there and really they're in a waste processing mode right now. They bring in the metal and so forth and sort it and ship it out, the same with the cardboard is sorted and shipped out daily. The topsoil production and grinding of concrete really doesn't fit their business plans. So, that has been eliminated. He still proposes to bring in mixed loads of construction/demolition debris, sorting them within the building, separating them into recycling trailers like plastics, metal, cardboard, wood, concrete, and so forth and shipping those items that are recycled to other facilities to process and not doing that on this site. That will reduce the proposed loads on an annual basis to about thirty thousand tons. It will also reduce the amount of area that they proposed to affect this process from three acres to a half of an acre. All the processing now will take place within the enclosed building. It's separate from their scrap recycling. It's separate from the cardboard recycling. There will be a small concrete or low concrete wall to separate the C & D processing from the building in the parking area from the rest of the facility so there will be no commingling of the waste that comes in. We discussed the permit with the Department of Environmental Conservation. We submitted revised plans, revised trip analysis, revised noise analysis because there's no outdoor crushing or grinding. We believe the Department is in, we believe, the final process of review. We've addressed all their outstanding concerns. We submitted the application within the last month.

G. Lake: Before I go through the Board, Mr. McGoey's comments. Do you want to go over them?

L. Potter: Item #1 has already been addressed with respect to where we stand with the Department of Environmental Conservation. The second one is why we are no longer proceeding with the topsoil stock pile and the grinding area. Item #3 in respect to the stormwater plan I have received comments from Mr. McGoey and we're in the process of addressing his comments. Item #4 in respect to the Highway Superintendent in regard to the connection to the water main on Fini Drive. He has no problem with that. He at first thought the easement was for the Town and, it's not. It's not an extension of the water main. It was just merely to have a hydrant at the rear of the property as requested by the fire department and previously approved by them. Item #5. In respect to the storm drainage, Mr. Lippert had requested to make sure that the storm drains into the driveway are adequate enough to effectively take care of the runoff. Item #6. The Planning Board should discuss the need for the Town's landscape architect to review the landscape plan.

G. Lake: We do have a Landscape Architect on board. Anything on Route 211, I think the Board would like to have her look at it or her firm to look at it just to start tying Route 211 together. That was probably one of the main reasons Mr. McGoey put it on. She knows what's going to survive and what isn't going to survive. As far as the Highway Superintendent, his memo, he would like to speak to Mr. McGoey at the next work session about the drainage issues. I don't know if you've spoken to him yet or not.

L. Potter: I spoke to him on the telephone. He said he really didn't have time to really look at it but his concern was whether or not the existing storm drainage would be acceptable.

G. Lake: His comments to us is that he would like to speak with you and Mr. McGoey.

L. Potter: Okay. That's not a problem.

G. Lake: I will go through the Board.

A. Dulgarian: Mr. McGoey, exactly what are they looking for tonight?

D. McGoey: Nothing. Just to bring you up to date. You can't take any action until they receive a Negative Declaration from the Department of Environmental Conservation since they are the Lead Agency.

A. Dulgarian: It looks to me like it has been greatly reduced. I think it's a good thing.

P. Owen: Nothing.

R. Carr: Nothing.

H. Ross: Nothing.

T. Hamilton: Nothing.

G. Lake: I have nothing further to add except what I said about the Landscape Architect.

L. Potter: Should we submit plans to her?

G. Lake: Yes. Why don't you get a hold of us and we will forward them to her or him, who ever is going to look at them. We appreciate your coming and getting us up to date. I know it's been a long haul. So, I guess we're just going to table until you get back.

MOTION to TABLE for further review made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

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

Cancelled.

11. **SOHAN LAL** - SITE PLAN/SPECIAL USE PERMIT - Carpenter and East Main Street (74-
9-2) #132-04

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

J. Wortmann: My name is John Wortmann with Leo Carroll Associates.

G. Lake: Go ahead.

J. Wortmann: We're proposing a little over three thousand square foot building off of Carpenter Avenue about two hundred feet north of the intersection with East Main Street and will consist of two pump islands, convenience store, gas station, requisite parking, etc. We have applied and received approval from Orange County Department of Public Works for these driveway configurations. The Board should have received a letter dated August 10, 2005. So, that's been taken care of. I have Mr. McGoey's comments and if you would like I can go through them.

G. Lake: Why don't you go through his comments.

J. Wortmann: Basically the first one is really more just darkening a lot line on sheet #2 we do show the existing lot line, it just basically needs to be darkened I think more than anything just to give it some clarity. Basically we have an existing lot at the corner we're increasing the lot size of that lot at the expense of the center lot. Basically it's a lot line change.

A. Dulgarian: Excuse me. That lot on East Main Street . . .

J. Wortmann: No, not at all. This existing lot here basically what we're doing is this is going to be the new lot. The existing lot is 74-9-2 so, it's a lot line change.

A. Dulgarian: so, it's going to run all the way from East Main Street?

J. Wortmann: No. Basically the new lot line is right here.

A. Dulgarian: So, you are keeping that?

J. Wortmann: No, this will revert back to this lot here.

T. Hamilton: Why?

A. Dulgarian: Yes, why?

J. Wortmann: For several reasons. I think for setback purposes, that was one of the reasons why we did it that way. Basically I think the underlying principal was we wanted to keep this as open space.

That was the bottom line and we have a note that this will remain as open space. The owner of the Currier & Lazier property has agreed to that.

A. Dulgarian: So, no further development on that.

J. Wortmann: No further development on that corner piece. I was thinking it could be a nice open space area. I think it would be a benefit for the corner versus what our original proposal was to have a gas station at the corner. As I said we received approval from the Department of Public Works. Sidewalks shown along Carpenter.

G. Lake: Mr. McGoey, your comment #2 on the Orange County Department of Public Works.

D. McGoey: Right.

G. Lake: Was there more than one comment about . . .

D. McGoey: I haven't seen their approval.

T. Hamilton: They have a letter.

G. Lake: Okay, go ahead.

J. Wortmann: Sidewalks, we were proposing to extend the sidewalk. That would be the extent of the development in that part of the parcel extending the sidewalk to connect it to the existing sidewalk on East Main Street.

G. Lake: Down Carpenter Avenue?

J. Wortmann: Just to the point of the edge of the curbing on our proposed parking area. I should add we do have a sidewalk here, really more for the folks that are going to be parking here and enter the

building. Our idea was to leave this area down here as it is because there's a fairly substantial number of good sized mature trees there that will provide some screening for the property as opposed to cutting them down and putting a sidewalk there. I think that was our original game plan there was to leave those trees.

G. Lake: I don't know. So, otherwise you don't plan on . . .

J. Wortmann: Basically to the end of the parking lot on the north end.

G. Lake: That's on your property, that's not on the road.

J. Wortmann: That's right. Your absolutely right. It's more for the folks who park in the parking lot. If the Board wanted us, we could move this sidewalk further out towards Carpenter Avenue and not have one here because people who are parking here they have a sidewalk around the building anyway.

G. Lake: I know a lot of people walk up that way.

T. Hamilton: What sheet does that sidewalk show on?

J. Wortmann: Sheet #3.

A. Dulgarian: That's more on his property than it is by the road.

J. Wortmann: It's the Board's decision. If you want I can certainly slide this over rather than have two sidewalks. I don't think there's any need for that. Have the sidewalk that would be more accessible to folks using Carpenter Avenue. There are sidewalks across the street though, right?

A. Dulgarian: I don't think so.

J. Wortmann: Again, would you want that to go all the way to the corner then?

G. Lake: That's my opinion.

J. Wortmann: Just recognizing we will probably lose a substantial number of those trees. That was my own concern there. We would be more than happy to replace as part of the landscaping plan but it would be twenty years before you get what you have there now. That was my only interest in doing it.

R. Carr: I know the trees you're talking about.

J. Wortmann: There right on that fence line there.

R. Carr: They are nice trees.

J. Wortmann: Or, if the Board wanted we could see about putting the sidewalk outside the trees. I don't know that it makes much sense. I will leave it up to you.

A. Dulgarian: Basically we're setting a Public Hearing tonight, right?

G. Lake: Yes.

H. Ross: It would be nice to have sidewalks and trees.

J. Wortmann: I will take a look at it and see what I can do. Just recognize that it may be the sidewalk instead of the tree.

G. Lake: His interior sidewalk has nothing to do with the safety. We have a lot of traffic out there plus a school. Like I said, I kick myself in the backside for the project down the road. I shouldn't have done that.

A. Dulgarian: That problem was the topography there, though.

G. Lake: It wasn't a problem putting all that dirt there two weeks later.

A. Dulgarian: I know.

J. Wortmann: We have no objection to it. If that's what the Board wants, we will make it work. The turning radii for trucks entering and exiting the site shown on Sheet #6. I showed a turning radii or traffic pattern detail on sheet #6 but I think really what the issue is and I can't disagree with the Engineer, we're showing the diesel tank back by the pumps. That doesn't need to be there. The tank will be up by the gasoline tanks where the deliveries can all be made at one place by the same truck. I was informed by my client afterwards that they come in one truck and they have segmented departments in the delivery truck. So, we will be more than happy to move that tank up by the gasoline tanks and then that should take care of that issue. Architectural elevation has been shown. Basically I gave you pictures and I trust you had an opportunity to look at them. That's basically what we're proposing.

G. Lake: I think especially on East Main Street and Carpenter Avenue we have a lot of fine looking buildings down there. Personally I think that needs to be stepped up a notch. I just think we have to get away from these little square buildings.

J. Wortmann: I will speak to the Architect and see what we can do. Architect to review the landscape plan. We have no problem with that. That's just a minor detail. The only place we have

any chain link fence is around is around the dumpster enclosure. I will play around with that to try and straighten that sewer. I think what we're going to do is move that sidewalk closer to the edge of the property line and make that our sidewalk for that side of the street.

G. Lake: Let me go through the Board.

A. Dulgarian: This building is probably going to be visible from four sides. I think it's important to have some type of rendering what it's going to look like and that it should be dressed up a little bit. We're looking for a little bit more from everybody that comes before us especially on major corridors. Landscaping, automatic. I would love to see what this corner lot is going to look like. Is there going to be plantings, is there going to be grass, is it going to be maintained by Currier & Lazier? And, the note for no further development on that lot. Sidewalks, mandatory from East Main Street to Hulse down the entire length. The retention pond in the back, I would like to know what that's going to look like and why is that across the property line and is that okay?

D. McGoey: As long as there's an easement.

J. Wortmann: We created an easement for that.

A. Dulgarian: The other situation I have that I'm looking at your flow here and at your southerly curb cut you are saying you want them to come in only as an ingress and not an egress.

J. Wortmann: Yes.

A. Dulgarian: What's going to stop them besides that sign. Signs do not work. I'm open for suggestions but I know people are going to come flying out of there. The other thing I would like to see is some sort of dimension on vehicle stacking before you come back. The thing we don't allow at these fuel stations is when there's fuel on different sides of the vehicles they go in different directions and it becomes a problem. Does he need a variance for the canopy?

D. McGoey: No, I think the canopy is in line with the building.

P. Owen: Mr. Dulgarian said it all.

R. Carr: I'm still not convinced that it's a good spot for a gas station however, this is a much better plan than what was previously before us. I agree with everything Mr. Dulgarian said in terms of the traffic flow.

H. Ross: I have nothing further.

T. Hamilton: I think everything was addressed except for the fence around the dumpster.

J. Wortmann: I thought I did mention that.

T. Hamilton: Maybe you can put the inserts.

J. Wortmann: Yes, we have that.

T. Hamilton: No, but you don't have inserts in it.

J. Wortmann: I think we have it as a note on the details.

T. Hamilton: That's it.

MOTION to schedule a PUBLIC HEARING for November 16, 2005 made by P. Owen and seconded by T. Hamilton.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

12. **RICH STEVENS** - SITE PLAN (Fence in Commercial Zone) 685 County Route 78 (49-1-56) #79-05

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

R. Stevens: My name is Richard Stevens. Basically I just want to put a fence up on my property. I'm on the corner of County Route 78 and Route 211. There's an area where my driveway used to come across through what is now D. J. Anderson. They have since put a wall up so I can't use that so I am in the process of putting a driveway from Route 211 going through here. I would like to put a fence up along that property line, a six foot stockade fence so I don't have to look at his building, his tires, and his batteries and auto parts and everything else that he has there.

D. McGoey: Just so you know, it's a garage that built the wall without Planning Board approval and is now on an agenda for this Board.

G. Lake: I will go through the Board.

A. Dulgarian: I've always been against stockade fences though. They don't weather well. I like chain link with screening.

R. Stevens: Basically, the stockade I'm going to put it up and pressure treated and stained and then we're going to put a row of Rose of Sharon down through there. You really won't see the fence.

A. Dulgarian: I'm just telling you my opinion.

P. Owen: I really don't have a problem.

R. Carr: I have no problem.

H. Ross: I'm okay with it.

T. Hamilton: I have no problem.

R. Stevens: The only other thing I wanted to do is along Route 211 and up County Route 78 we want to put a split rail fence down low and, basically that's to keep the cars from running across my yard with snowmobiles or ATV's. Do you have any problems with Mr. McGoey's comments?

A. Dulgarian: I had no problems with the comments.

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

T. Hamilton: Aye

H. Ross: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for SITE PLAN approval subject to Mr. McGoey's comments made by R. Carr and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES