

TOWN OF WALLKILL PLANNING BOARD

MEETING

OCTOBER 7, 2009

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

MEMBERS ABSENT: None

OTHERS PRESENT: J. Bacon, D. McGoey

* **COMPREHENSIVE ZONING CHANGES** (Phase III)

G. Lake: The first thing we're going to do is schedule the Public Hearing for the new zone changes for Phase III.

Public Hearing scheduled for October 21, 2009 made by R. Carr and seconded by T. Hamilton.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

1. PUBLIC HEARING 7:30 P.M. - **VALLEY VIEW MOBILE TRAILER PARK**
(Sewer Extension) - SITE PLAN/SPECIAL USE PERMIT - Route 211 East
(46-1-72) #37-09

G. Lake: This is being postponed and re-scheduled for October 21, 2009. There was a mailing problem so we will do that Public Hearing on October 21, 2009.

Public Hearing re-scheduled for October 21, 2009 made by T. Hamilton and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

2. PUBLIC HEARING 7:35 P.M. - **MAPLE FIELDS** (Scoping) - SITE
PLAN/SPECIAL USE PERMIT - Schutt & Genung Street (72-1-9, 12, 7.22 &24)
#51-08

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

R. Winglowitz: My name is Ross Winglowitz representing the applicant.

G. Lake: Go ahead. Just give a brief description and what you're trying to achieve tonight.

R. Winglowitz: Good evening. We're here on behalf of the application for Maple Fields of

Wallkill which is a proposed townhouse project on Schutt Road and Genung Street on the south side of Schutt Road on the left side. The proposal is for one hundred and ninety six townhouse units with a main entrance off of Schutt Road and a secondary entrance off of Genung Street. There are a series of loop roads and four, five, and six unit buildings. Townhouse buildings and they will have a one car garage, two stories similar to other buildings in the Town. Sewer for the project will be provided by a pump station centrally located within the property. That will be privately owned and a maintained pump station. It will pump sewer from the project to Schutt Road, up Schutt Road to I believe here easterly and back towards East Main Street. Water for the project will be provided through a connection to an existing main which ends here at the neighboring property which is Canterbury Knolls directly north of the project. This water main will be extended down Schutt Road into the property where it will loop through the property to service the residents. We're here this evening and the purpose of the Public Hearing is for the scoping document that's been prepared. I've handed out copies of the scoping document. What the applicant has done is prepared a draft and scoping document which outlines the environmental studies that the Board is asking us to prepare regarding the potential impacts of the project. There are several studies and I do have extra copies of the scoping document fully studying dangerous species, etc. The design of the project and how it conforms to the current zoning construction and operation of the project, geology, soils, water resources. We're looking at the wetlands. The potential for cultural resources we're going to look at. Archaeological artifacts potentially on the property or historical artifacts on the property. The physical analysis and the projects potential impact on the Town. The School District is probably one of the bigger ones that we will be looking at. We will also take a look at the potential alternatives to this type design if any that are available to minimize any of the impacts that might be uncovered during the process. Physically, I guess the Board is here to listen to any comments that the Public may have. I would then meet with the Town Engineer subsequent to this meeting and then amend this document based from the comments that we get this evening so that they are incorporated. I have nothing further.

G. Lake: Yes, he just explained. Scoping is basically to find out anything that might have been missed. It is not open to debate. He has a right to finish this document until the Board accepts the final document. We will look for anything that might have been missed or any additional information which should go into the scoping. I will go through the Board before I go to the Public..

A. Dulgarian: After.

H. Ross: After.

R. Carr: I will wait.

W. Capozella: I will wait.

C. Najac: I will wait.

T. Hamilton: I will wait.

G. Lake: Is there anyone from the Public who wishes to comment on this application? This is your chance to get something on the record so we can look into it. It is important if you do have no matter how minor, if you want to speak please speak.

T. Bedell: I live at 65 Schutt Road. I oppose the sidewalk being put in the front of my house.

G. Lake: Okay.

T. Bedell: The reason why is because there is no other property that has a sidewalk in front of their house. I oppose anybody trying to walk down Schutt Road at forty five miles an hour. I've seen people almost get hit.

G. Lake: Very good. Anyone else, before I close the Public Hearing?

C. Comone I live at 52 Airport Road. Granted, it's not going to affect me much. What's going to affect me is the traffic on Airport Road. Just walking the dog at night and I believe the speed limit is thirty plus the road conditions are horrible with the increased traffic that will be there especially on Genung, Schutt Road intersection.

G. Lake: Okay. Thank you. Anybody else?

S. Lake: I live at 33 Schutt Road. My concerns are the type of townhouses. Are they a bedroom community type and since it's multiple will there be an additional because I know in the back beyond the high tension towers it's all open.

G. Lake: Okay. Thank you. Let the records show that Mr. Lake is also my brother. I will be asking our Attorney if there is any kind of a conflict for me to continue on at this point in the process. I don't think it's big right now but if he continues to have discussions. I want that up front. Is there anybody else?

MOTION to close this PUBLIC HEARING for SCOPING made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

G. Lake: Let me go through the Board.

A. Dulgarian: I have nothing additional.

H. Ross: I see we received comments from Wawayanda and the City of Middletown on the traffic study. I'm glad. I would like to say that concerns were raised about safety and former country lanes that are now accessing to thousands of people.

R. Carr: It's a fairly comprehensive scoping document.

W. Capozella: I'm concerned about the comments raised by the City of Middletown and also Wawayanda. We should send them a copy of the plans so there are no issues down the road that they weren't aware of. The only question I have is in the traffic study is that Genung Street also become part of the traffic study.

R. Winglowvitz: The study was done on Genung, Airport Road, Schutt Road and also the intersection. It will analysis that intersection for capacity and based on what the analysis shows. If mitigation is necessary it will be done.

G. Lake: We will also at that point send it to our people.

W. Capozella: Okay.

C. Najac: Unable to hear), in your traffic study..

T. Hamilton: Make sure with the school numbers because we always have a problem on how many children.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

G. Lake: We will keep this open. As far as Middletown and Wawayanda let's make copies of this so we can send it on to them. It's the right thing to do. What Mr. Hamilton just mentioned, I don't know whether you've done that yet or not but we actually have some counts from other projects like this within the Town.

R. Winglowitz: Okay.

G. Lake: It will give us a better picture and of course anything the residents brought up tonight you will have to answer.

R. Winglowitz: A work session?

G. Lake: Once you redo your document accordingly get back on a work session and go over everything at that point. Depending on what we see we may also send it to Sells first before we come back to the Board so we get a better understand there. Right now it's in your ballpark and you have all of our comments.

D. McGoey: Did you get my comments from August 24, 2009?

R. Winglowitz: Yes.

D. McGoey: I issued those previously.

T. Hamilton: One other thing make sure we have documentation in here when the project is built that the people going to buy realize there is an airport fairly close to the project.

G. Lake: That's it for now.

3. **SMITH** - TWO FAMILY (Extension to Final) - SITE PLAN/SPECIAL USE PERMIT - 214 Watkins Avenue (38-12-5) #106-07

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

R. Smith: My name is Ray Smith.

G. Lake: You're looking for an extension?

R. Smith: Yes.

G. Lake: I understand you're Zoning Board of Appeals is still in effect yet so we can give him an extension. Is this your first one?

R. Smith: No.

G. Lake: Your second one? Let me go through the Board.

A. Dulgarian: No problem.

H. Ross: No problem.

R. Carr: No issue.

W. Capozella: Nothing.

C. Najac: No issue.

T. Hamilton: Just that he checks it with the new zoning.

MOTION for a ONE YEAR EXTENSION to FINAL 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

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

4. **625 ROUTE 211 EAST** (Rotundo) - (Extension to Final) 625 Route 211 East
(41-1-64) #36-08

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

P. Catizone: My name is Peter Catizone representing 625 Route 211 East LLC and with me is Marie Rotundo. We're just asking for a one year extension and our first extension for the project which involved constructing four more parking spaces.

T. Hamilton: Aren't they in operation?

P. Catizone: They're currently in operation as a window tinting.

M. Rotundo: Yes.

P. Catizone: Which is their business. They're looking to secure a tenant and the problem has been the parking spaces. They have been unable to secure a tenant but they plan on moving forward by installing those spaces.

T. Hamilton: Oh, it would be a different tenant but not for Auto Lovers?

M. Rotundo: We just want to move in a private tenant.

G. Lake: I will go through the Board.

A. Dulgarian: A one year extension is reasonable for me.

H. Ross: I agree.

R. Carr: No problem.

W. Capozella: I'm good.

C. Najac: Was this the site where we had a concern about people backing out of the driveway? Did we ever come up with a different layout?

D. McGoey: I'm not sure.

P. Catizone: Well, we received approval. The issue was if a car had to back out into traffic in order to get out of the spot. Our response was no and we were not asked to re-design the site at the time of the Site Plan approval. I can say we're pretty much maxed out with the four additional spots. It's a very tight spot and every space is valuable.

T. Hamilton: We do it according to the traffic the tenants need.

P. Catizone: There was a condition on the approval that we set a limit on the trip generation and, of course, that would be under consideration for the tenancy.

D. McGoey: I remember that now. It's the first time we ever did that. The Board had a point that if a tenant is there that creates a lot of traffic you would have to limit the trips going out per hour. When the tenant moves in we can look at the national averages for that particular tenant.

G. Lake: And, you agreed to that?

D. McGoey: Yes.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

MOTION for a ONE YEAR EXTENSION to FINAL subject to all of Mr. McGoey's comments and the Board's comments made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

5. **ADF DESIGN** - SITE PLAN REVISION - 26 Scotchtown Collabar Road (25-2-1)
#101-05

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

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

G. Lake: Go ahead. You're going to have to make comments tonight.

D. Yanosh: Right, we just brought up the stuff. I had a work session with Mr. McGoey and I didn't have time to finish all of his comments. The plan had been before you. We have things to do with erosion, soil erosion and stormwater management. This project was before you a couple of years ago when it was in the M-I zone. One of Mr. McGoey's comments, his last comment is the big one I think. In the M-I zone you needed a one hundred foot setback from a residential zone. This was recently re-zoned to Enterprise Light and that code isn't in here anymore. One of his main questions was if the Attorney was okay in that situation. We can take care of the rest of the items in another work session.

G. Lake: So, you're saying you don't have to go?

D. Yanosh: In my opinion there is no code in there now that says a one hundred foot separating the residential.

G. Lake: Okay. Between now and the work session we will look at that. Like I said we really don't have any comments. Let me go through the Board to see if they have anything that want to talk about quickly and then we will just table you and get you into another work session. In the meantime that setback question can be looked at.

A. Dulgarian: The question is about that sewer easement. Are you relocating it?

D. Yanosh: We only located the manhole. It shows on the map that it was previously done before. One of my things now is to get a hold of Mr. Ingrassia and go out there and see if we can snake it to find out where that line really goes. Mr. Smith had no clue back and forth so now we're really going to do this. The economy, they didn't want to do it so we ran the project awhile. We're going to have to show because there's a manhole out there someplace but we don't know exactly where it is.

A. Dulgarian: And if there is a right-of-way you're not able to build over?

D. Yanosh: Right. At the moment we don't know where it is.

A. Dulgarian: That's all I have.

H. Ross: The purpose of the addition?

D. Yanosh: They need more room for the cabinets and stuff. They specialize in speciality cabinets. If you want something special for your house, mahogany of oak and of a different size or whatever that's what they do.

H. Ross: That's all I have.

R. Carr: My concerns also would be the impact of the stormwater and drainage in the back. Do they currently use the road on Goshen Turnpike to get into the back?

D. Yanosh: Once in a while, yes. It's still active and they do use it.

R. Carr: That's all I have.

W. Capozella: Nothing else.

C. Najac: Is there a possibility to move the building over?

D. Yanosh: Down below, we could do something like that. There's nothing else we can do with the sides. We can look at doing something in the back, sure.

T. Hamilton: Mr. McGoey, we're looking at a zone change that we should be sure of in the future.

D. McGoey: Yes. We have to go through it.

D. Yanosh: Again, I don't think once an application has been accepted by the Board can change the zoning rule and regulations.

T. Hamilton: That would be up to our Attorney to check. A lot of times if we know something that is coming up we try to get it incorporated so we don't have problems down the road with something being too close to it.

J. Bacon: You can look at it as an addition to an existing operation.

D. McGoey: One of the things that the Attorney and I just talked about you're proposed addition goes all the way out to the front to a 10.5 feet from the front property line. Mr. Bacon indicated that you may need a variance for that.

J. Bacon: It's in the non-conforming use section. It's permitted provided it doesn't increase the degree of what's already there.

D. Yanosh: Right.

J. Bacon: You're increasing the size of the building that isn't in the non-conforming use.

D. Yanosh: I'm not increasing the non-conforming. If it was eight feet away from the front line, sure no problem at all.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

G. Lake: We will get you back to a work session to get it cleaned up.

D. Yanosh: Sure.

MOTION to TABLE and have applicant schedule another work session made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

6. **FAIR OAKS BUNGALOW** - SITE PLAN/SPECIAL USE PERMIT - Shawangunk Road (3-1-46) #33-07

Canceled.

7. **CARRAINE** - 5 LOT SUBDIVISION - 72 Webb Road (69-1-42) #72-08

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

D. Yanosh: My name is Daniel Yanosh, representing the applicant.

G. Lake: Go ahead.

D. Yanosh: The subdivision is on the corner of Euclid Avenue and Webb Road and South Street and right next to the City of Middletown. We were in front of you a few months ago. Our Attorney has been working with the City Attorney back and forth about a municipal sewer agreement.

Unidentified Person: That's my father.

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

A. Carraine: My name is Arron Carraine and I am the son of the owner. We had a death in the family and that's why I'm here.

G. Lake: I'm sorry to hear that. Go ahead, Mr. Yanosh.

D. Yanosh: In the beginning we did four lots, two on Euclid and two facing Webb Road. Lot #3 right now has an existing house on it. We've increased in to a five lot subdivision. Again, two lots on Euclid Avenue and three lots down fronting on Webb Road. Lot #3 having the existing house on it. Lots #4 and #5 would have a shared entrance driveway coming in. At the work session we were going to combine those two driveways together. I would do that with no problem at all and make a small little easement to go through there. I don't know if the Board would go along with that. The site distance at the corner of South Street and Webb Road are very difficult because of the hill. We get the site distance down below at lot #5. If you want to combine those two driveways that would make it easier to go across lot #5 for the access to lot #4. It would be an inner-municipal agreement with the City of Middletown to take care of our sewer. Once we get Preliminary Approval from the Planning Board we have to go to the Department of Environmental Conservation for a sewer extension. Since the last time this plan was in front of you along South Street we show an end of green paint line. The City of Middletown went out and tried to camera that line going through there and they see it ends right there. They tell us now we can put a manhole at the end of that line. I can tie our force main for lot #4 and #5 into that manhole. They have no problem with that.

J. Bacon: So, it's in the Town of Wallkill but not in the City.

D. Yanosh: The only thing that changed at the work session that we had was lot #3 we thought about leaving the septic that's there right now and leave the septic in and tie into the sewer. They said they don't know. They're going to do what the plan shows. All five lots are going to have pump stations.

G. Lake: I guess the big question is why did we change. The big matter is that you have to go to the Zoning Board of Appeals.

D. Yanosh: Lot #3 we would keep the septic system for that and not tie it into the City sewer system. It would be an undersized lot because when you have a septic system you need a three acre lot.

G. Lake: So, you're saying you don't have to go to the Zoning Board of Appeals?

D. Yanosh: No.

G. Lake: Mr. McGoey's other comments before we schedule the Public Hearing and go through the Board. Are you going to have any problems with any of those?

D. Yanosh: Not at all. We're going to go out tomorrow and locate those trees and add any other features that he wants on the plans. We are working with the City. They're kind of slow back and forth dealing with the Attorney's. We will get something in writing and hopefully by the Public Hearing.

G. Lake: I would prefer before you come back that you have some kind of an agreement on the inner-municipal between the Town of Wallkill and the City of Middletown on both of those functions. Are you getting water from Middletown?

D. Yanosh: We're drilling wells.

G. Lake: Okay. So, it's the sewer. I would like to see that agreement saying that you have that in place. Let me go through the Board.

A. Dulgarian: I agree with what you're saying.

H. Ross: I agree.

R. Carr: I agree.

W. Capozella: I agree.

C. Najac: I agree.

D. Yanosh: The one lot here, lot #2 is going to be a gravity to a new manhole.

T. Hamilton: So, that will have to be approved by the City of Middletown?

D. Yanosh: The City of Middletown and the New York State Department of Environmental Conservation. We need to extend the line on Euclid Avenue down onto Webb Road. And then the City will have to approve our lines going into their sewer. They've seen this plan and they have no problem so far.

T. Hamilton: And, those lines are going down the Town of Wallkill road?

D. Yanosh: I don't know if this has to go to Mr. Lippert or not. Did you get any comments from him?

D. McGoey: Yes, he did have comments

T. Hamilton: He will need to know where those lines are going to go.

G. Lake: Why don't you start out talking to Mr. Lippert about that so you have that answer when you come back. I'm assuming the forced mains are pretty small but you're still going to need some sort of a road cut. Try and get that squared away before you come back also. Anything else, Mr. Hamilton?

T. Hamilton: On the plan, you're going to show us the clearing limits?

D. Yanosh: We're going to locate all of the trees.

T. Hamilton: We're still going to need to know exactly so no clearing is done beyond those lines. Are you going to band them somehow so that we can go out and see them?

D. Yanosh: The problem is it's the builders. If you buy lot #1 the problem for me is how do I control over what you do. If the builder is doing it, you're one hundred percent correct.

T. Hamilton: The Building Department has the same plans that we have so show these trees that are marked. When the builder buys that lot he still has to meet what's on that Site Plan and what was approved.

D. Yanosh: I don't know how I can mark them?

T. Hamilton: Put a band on them. This way we can go out and know what should be there later. It seems anymore the trees disappear.

MOTION to schedule a PUBLIC HEARING for November 18, 2009 made by R. Carr and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

8. **PRESIDENT CONTAINER** - SITE PLAN/SPECIAL USE PERMIT - Ballard Road (60-1-120) #42-09

G. Lake: Your name for the record, please. They were going to have to before the Zoning Board of Appeals but they've knocked down that silo so the Zoning Board of Appeals is no longer a factor. I don't remember whether I told the rest of you of not.

M. Blustein: My name is Michael Blustein with Blustein, Shapiro & Rich and with me is Justin Gates from Maser Engineering. After the work session we had with Mr. McGoey I asked the applicant to get the silo wider and shorter so there would be no need to go before the Zoning Board of Appeals. All of Mr. McGoey's comments relating to the Zoning Board of Appeals are now off of the agenda.

G. Lake: Okay. Why don't you bring the Board up to speed about what's going on right there and then I will go through the Board before I schedule the Public Hearing..

M. Blustein: You are familiar with this project as it was just before you for a three lot subdivision by Panattoni. The subdivision map has been filed. The applicant President Container is under contract to purchase lot #2 which is about forty seven acres. Lot #2 would be five hundred and twenty two thousand square feet existing warehouse that had been occupied by Wakefern. The reason that we're here is for a Special Use Permit approval and we're now in the Light Enterprise zone of which a light manufacturing use is a permitted use with the Planning Board approval. My client wants to make cardboard boxes. It will be a much less intense use on the site. In terms of traffic my client expects to have about fifty trucks a day as opposed to what Wakefern used to run out of there. In terms of the site itself nothing is changing. It's existing and is pretty much as per your subdivision approval. My client hopes to have about two hundred fifty new jobs within the next year in the Town of Wallkill. It's a perfect location for it and all of Mr. McGoey's comments have been dealt with so we're here tonight to get your views and for you to schedule a Public Hearing.

G. Lake: Let me go through the Board to see if they have any comments.

A. Dulgarian: Do we still have to refer this to the Zoning Board of Appeals?

G. Lake: No.

A. Dulgarian: Okay, that was strictly for the silo. He's looking for approval tonight?

G. Lake: No, we have to schedule a Public Hearing.

A. Dulgarian: Now, this building isn't going to change at all?

M. Blustein: Maybe inside but that would be for the Building Department.

A. Dulgarian: No, the footprint?

M. Blustein: No.

A. Dulgarian: The intensity of the use is going to be a lot less. Any outdoor storage of materials, by-products or waste products?

M. Blustein: Nothing outside. The only thing is on the plan that you have we've slightly modified it. There's going to be a silo that's going to obtain corn which is used to make the glue for the boxes. It's going to be self-contained running a pipe into the building. What we did was I think on the new plan that we have we show two locations for it. The plan you

have is on the corner where that little “L” is. I think the preferred location is over by the train tracks and that would then connect to a pipe and if it doesn’t work we will go back to the original location. It’s located as a primary spot and an alternate spot.

A. Dulgarian: In other words all your by-products or scrap of anything like that will be in the building and picked up for disposal?

M. Blustein: Yes. Everything is self-contained.

A. Dulgarian: I have no other questions.

H. Ross: How big will the silo be?

M. Blustein: I’m told it was going to be twelve by forty five. They’ve got them where they can be fourteen by fifty-five.

H. Ross: Are you manufacturing cardboard or just basically making boxes?

M. Blustein: I believe it will be cardboard which will be made into boxes.

H. Ross: The paper stock is inside?

M. Blustein: Yes.

H. Ross: And, there’s really no water usage in the process?

M. Blustein: No. I think the biggest thing we have to deal with is with Orange & Rockland Utilities.

R. Carr: You actually bring in the cardboard there?

M. Blustein: I can’t give you a specific answer to that question. I’ll get you the information from the engineer.

R. Carr: I would be curious as to the actual process.

W. Capozella: I like the usage. I like the idea of more manufacturing jobs coming back into the Town.

C. Najac: I also like the usage and able to provide more jobs for the Town. I have a question

about the process for making the glue.

G. Lake: You know what, you're asking that to a lawyer.

C. Najac: Yes, I know.

G. Lake: He can get it before the Public Hearing when he will have somebody who can answer that..

C. Najac: The reason I'm bringing that up is because the corn starch can become volatile. I want to make sure that we have the proper fire protection and that our fire department knows how to deal with it.

M. Blustein: I know the applicant and their engineers did have a meeting with Mr. Jaques and Mr. Abt and they're dealing with those types of issues. I will get an answer to your question at the time of the Public Hearing.

T. Hamilton: The emissions from the new process?

M. Blustein: I'm told it's all contained but I will double check that.

T. Hamilton: The new silo location, is that interrupting the railroad spur that actually continues over to the buildings?

M. Blustein: No. It's on the other side.

T. Hamilton: You're going up over top of it?

M. Blustein: Yes.

T. Hamilton: I know that spur goes to the smaller building.

M. Blustein: Correct.

T. Hamilton: What about any discarded stuff that isn't going to be used? Where is that being stored?

M. Blustein: I'll verify that but I believe everything will be inside.

T. Hamilton: Mr. McGoey, do we have to look at the lighting to get some of it lower? Are

you going to have monitors on the top of the building?

M. Blustein: There is a current agreement with RSR but that's on lot #1 specifically.

T. Hamilton: Okay.

G. Lake: Have you met with the local fire service since Mr. Najac brought up the process of making the glue and possibly being volatile? Maybe we should be a letter from them saying that they are aware of the process and that they can handle it.

MOTION to schedule a PUBLIC HEARING for November 4, 2009 made by W. Capozella and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

9. **BURGER KING** - SITE PLAN - LOT LINE CONSOLIDATION - 281 Route 211 East (50-1-25.2, 26 & 27) #41-08

G. Lake: You may not have the map but basically during their process we did not combine a couple of lots and Dodge Drive which was at the Town Board we have to combine that also.

D. McGoey: The notes said they were going to add Dodge Drive but the note on that said it was delineated. So, we had them revise the map.

G. Lake: The only thing on the map that they have to change so we don't have any questions.

T. Hamilton: One quick thing. How did they make out with the agreement for the sewer easement that was in there?

D. McGoey: We have an agreement. We met with Mr. Ingrassia and he was okay with some modifications. He didn't like the concrete pavement. They removed that in all areas except to the drive-in window.

T. Hamilton: But there was also a technicality about who was going to repair the parking lot if the Town had to go in.

D. McGoey: That was with Mr. Ingrassia. He didn't want to have to remove concrete. He didn't mind removing the asphalt.

G. Lake: I don't think there was anything in Mr. Ingrassia's comments.

MOTION for LOT LINE CHANGES subject to all of Mr. McGoey' comments and notes and this Board's comments made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

