

TOWN OF WALLKILL PLANNING BOARD

MEETING

OCTOBER 18, 2006

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, S. LaBruna

1. PUBLIC HEARING 7:30 P.M. - **DUNKIN DONUTS** - SITE PLAN/SPECIAL USE PERMIT - East Main Street (50-2-14) #13-06

G. Lake: Public Hearing started at 7:40 P.M. M. Hunt read the Public Hearing notice

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York will be held at the Town Hall at 99 Tower Drive Building "A", Middletown, New York 10941 in said Town on the 18th day of October, 2006 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Berlin LLC, 19-21 Dewitt Street, Middletown, New York for the approval of Site Plan for property located on East Main Street near Schutt Road under Section 249-40 of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place.
S/Gary Lake, Chairman

G. Lake: We do have the mailings. Your name for the record, please.

M. Blustein: My name is Michael Blustein the Attorney for the applicant, Mr. Duggan from Fellenzer Engineering and Michael Berlin the applicant for Berlin, LLC.

G. Lake: Why don't you, since the last time you were here give a brief description before I go to the Public?

M. Blustein: Essentially we're looking for retail fast food store for Dunkin Donuts on the corner of East Main Street just down the street from Schutt Road. Just so the Board knows we were here before the Zoning Board of Appeals and received three variances that was needed. There was a side yard variance which was necessitated by the Orange & Rockland utilities that run through the property as well as a parking variance to allow for thirty one

parking spaces as shown on the plan. At this point, we received the variances.

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

A. Dulgarian: After.

H. Ross: After.

R. Carr: I will wait.

W. Capozella: After.

T. Hamilton: I will wait.

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

MOTION to close this PUBLIC HEARING at 7:41 P.M. made by R. Carr 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

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

M. Blustein: We do. I think most of them are technical in nature. Show on the plan that the variances were received and when.

K. Duggan: Item #2 is in regard to Orange & Rockland Utilities. We sent out a set of plans to Orange & Rockland Utilities on August 23, 2006. I have not gotten any written response to them. I spoke verbally to them and a new set of plans were required to be submitted in order to get direction in terms of what kind of lighting we could put on the site. In terms of that, we showed the lighting plan. They were agreeable to allow three foot and bollards no higher. The lighting plan that was given on page 3 of 4 of your set gives you an idea of the lights that will be going through the parking lot. That will give you an idea of the lighting around the parking lot.

D. McGoe: Will there be “wallpaks”?

K. Duggan: There will be.

D. McGoe: I will need the details of that.

M. Blustein: The traffic, as you know this is similar to the one at Dolson Avenue in that it has the drive-thru. The traffic study showed at the Dolson Avenue site forty five thousand cars a week and about thirty thousand cars a day will travel past a Dunkin Donut site with a customer count of eight thousand one hundred ninety eight customers. Dunkin Donuts is not a destination spot due to the percentage of cars that pass by. The traffic study for East Main Street showed that during the peak hours of 7:00 A.M. to 12:00 P.M. you’re talking about an average of one thousand fifteen cars. If you look at the plan, between the drive-thru window and the sign you can stack five cars and then as you look from the end of the area across the parking lot there is another four or five cars. There is also room in the back of the property. We’re talking about forty (40) cars per hour and twenty five (25) per hour of which is anticipated. It doesn’t even come close to the Dolson Avenue site. That’s one of the reasons why this site was designed this way. The parking is far more than is needed.

G. Lake: Let me go through the Board.

M. Blustein: The rest of the comments are engineering in nature.

K. Duggan: We received a letter from Orange County Department of Public Works based on the entrance.

G. Lake: So, it is okay with them?

K. Duggan: We had gone through the Department of Public Works and they had worked out

the grading and entrance and showed them the site distance and they had accepted that entrance as shown on our plan. As I mentioned to Mr. McGoey before, the “wallpaks” are still being detailed and we will show the lighting on that. I will show the setbacks for the sides. In terms of comment #8, Mr. Berlin of Berlin LLC and myself met with the Doctor next door today and he was agreeable to the project and we will be working out details with him to help him with some grading on his property. I don’t anticipate that being an issue at this time. I will be working with Mr. McGoey on what kind of protection he wants for the retaining wall. We received the fire department comments. All the comments that were received are basically with the exception of item #4 part of the construction design of the building. Whoever designs the building we will make sure these comments are passed along to them. On the landscaping we will make sure it is covered. There really is no access road all the way around the building. There is plenty of space for the trucks to pull in. Grease traps exterior to the building, this is not a building that’s going. They’re not actually going to be producing the donuts there, it’s strictly a retail store. The donuts will be brought over from the Route 211 East store. They probably will need a grease trap under the sink for when they’re doing the dishes and stuff like that. It’s not anticipated that they will need a full sized grease trap.

G. Lake: I think when you get done with the Sewer & Water Superintendent, he might still want the standard grease trap so, obviously this Board will agree.

K. Duggan: Not a problem. Whatever he needs we will comply.

G. Lake: I do not believe he goes for the little trap under the sinks.

K. Duggan: I will talk to Mr. Smith and show him what the uses and stuff is and whether he still requires it. Connection details for the sanitary, we will work with the engineers on that. The ramp I will show and we will work with the fire department. They require a new hydrant. We will work with them.

T. Hamilton: The plans show five hundred sixty five feet.

D. McGoey: That’s correct.

K. Duggan: Whatever the fire department needs, we will work with them.

G. Lake: I know most of the time on commercial occupations Mechanicstown does ask for that so, be prepared. Let me go through the Board.

A. Dulgarian: Mr. McGoey, four hundred feet of site distance westbound at prevailing speed,

does that meet your requirements?

D. McGoey: There should be a certification on the plans that it meets AASHTO standards.

A. Dulgarian: Is it prevailing or posted speed? While you're looking at that, Mr. Lake, from the first time I looked at this I've thought it was very ambitious. I've had serious concerns about safety and traffic based on the size of this lot and the intensity of the use and how busy that corridor is and nothing is going to change my mind. I'm just curious on that site distance.

H. Ross: I agree with Mr. Dulgarian.

R. Carr: Had a question about the left turn onto East Main Street.

M. Blustein: We're not expecting to create new traffic. I don't think it's creating any new traffic. We don't really expect a lot of left hand turns. There's an existing driveway across the street. It's really going to be people coming in making a right turn and going on their way to work in the morning. I don't think there's going to be any new traffic. I know there's not going to be a whole lot of traffic or left turns either. We have sufficient site distance.

R. Carr: I say it does create more traffic.

K. Berlin: The traffic on East Main Street will not be anywhere the amount of traffic on Route 211.

R. Carr: I would just say that this so, what you're saying is the number of people who will come to this site just a percentage of the number of cars passing by. Three percent of all people driving by will stop.

K. Berlin: We took the average customer count from Dolson Avenue site that has a drive-thru. We took the traffic on that road and we just calculated that with the percentage of the overall traffic.

R. Carr: How did you count the traffic on Dolson Avenue?

K. Berlin: With a traffic consultant.

R. Carr: I haven't seen the traffic report. On Dolson you have lots of shopping and a lot of people might just be traveling for shopping as opposed to East Main Street where that traffic is.

K. Berlin: Traditionally, Dunkin Donuts (not clear).

R. Carr: I go to Dunkin Donuts in the morning and I see the same people.

K. Berlin: And that's why we're showing the peak hour traffic.

R. Carr: Out of two hundred forty cars you're saying is five hours at your peak. That location is going to generate approximately forty cars coming into that location over a five hour period. What's the Route 211 site?

K. Berlin: Well, it's not a drive-thru.

R. Carr: How many cars go into that?

K. Berlin: It's roughly in the same ballpark.

R. Carr: If you go by the Dolson Avenue Dunkin Donuts and look at it going by it looks empty. My concern would be the impact on traffic in that area.

G. Lake: Before I go to the other end of the table, just on the traffic study, is it a study you did or John Collins?

K. Berlin: "D L" Company did the traffic study.

G. Lake: Was that submitted to this Board?

K. Berlin: I don't believe so.

G. Lake: I just want the Board to understand where these numbers are coming from. Let me go through the rest of the Board. I just wanted that to be clear for everyone and you're saying a traffic engineer did it.

W. Capozella: The character of that particular area will be affected. The other issue I have is with the traffic. I understand the numbers. The problem will be with the customers coming out. The traffic will back up in that location especially in the morning. It's a busy road.

C. Najac: It looks like maybe there should be no left turns at all and have them make right

hand turns coming in and right hand turns leaving.

T. Hamilton: It was brought up about the site distance. The letter from the County has approved the plan. I don't see the site distance being a problem.

G. Lake: Basically from day one, this Board has not felt comfortable. I think the traffic is still an issue I'm getting from the whole Board and I don't know if you want to address that any more or continue on and do a Negative Declaration and a vote.

D. McGoey: I recommend before you vote (not clear).

M. Blustein: I can appreciate your concerns on the traffic. I don't think we need to vote tonight. There's no reason why this won't work on this site. We will have to address the traffic with a study that you find acceptable. As far as the bulk requirements, you might not like the idea of where it is but it complies. Traffic is an issue and I understand that issue. Obviously the County approved the location across the street.

G. Lake: Really, I think from day one the Board as a whole has voiced their concerns about traffic and safety. So, the only thing and Mr. McGoey just brought up an idea, because if I call the vote I'm not sure but it's a matter of waiving the sixty two day time frame and look at it again. We haven't seen the traffic report and I think at this point that's the right direction to go to give anybody a fair shake. I think I've said this before and the Board as a whole as looked hard at this and with the restrictions with the power lines on it and the closeness to the intersection.

T. Hamilton: We also need to check with the Master Plan.

G. Lake: Are you willing to table for further review and do you waive the sixty two day time frame?

M. Blustein: Yes.

MOTION to TABLE for further review made by C. Najac 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

2. **TOWER SELF STORAGE** - SITE PLAN/SPECIAL USE PERMIT - Tower Drive (40-1-67) #55-04

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

A.. Fusco: My name is Al Fusco representing the applicant.

G. Lake: Go ahead.

A. Fusco: This is the plan we had brought to you some time ago. We are moving forward with the details and plan work. I do appreciate the fact that we did look favorable. We are moving forward with all of the specifics. We have made some additional headway in relationship to the landscaping and some of the utility problems that we have on the site. The biggest problem that we have generates from that part of the Town going through the property. I think we've come up with a reasonable solution for it. We have moved forward with it. We did receive comments from the Planning Board Engineer. I did put a letter together that answers all those comments and we are proceeding with the project in a reasonable manner. We're trying to move the project along and we are looking to begin the SEQRA process and schedule the Public Hearing in the near future.

G. Lake: Mr. McGoey, there's twenty (20) comments on this.

D. McGoey: I recommended that this not be on tonight's agenda. I think if you have the architectural elevation that we've been asking for otherwise I would suggest another work session.

A. Fusco: We have a work session set for October 23rd. I had anticipated to move this project along and we have some comments. Towards that end, we have gone through these comments and wrote a letter to you. Of these twenty (20) comments there are ten (10) that are (not clear). In relationship to hydrants around the site, I thought you were going to contact the fire department and see what they had wanted. We've made attempts to contact them and have not had a definite answer. Same with the Highway Department, we're waiting for their comments. We did do a presentation with photographs and I remember the architectural elevations but we would be more than happy to provide it. As I said, I sent a letter addressing most of these comments. I don't disagree that the plan needs some work but we would like to move forward in a positive direction. We do have a work session set up for October 23, 2006 at which time I probably could have anything completed on the list except for the comments from the Highway Department. We will put a hydrant program on it. The only thing I won't have for October 23, 2006 is the rendering. We would have that available at a future date for the Public Hearing.

G. Lake: Okay. First off, you're not going any place too fast just with the Highway comments alone. As far as the letter being submitted tonight it doesn't give the Board time.

A. Fusco: I understand that. I just did it for informational purposes.

G. Lake: Basically, I'm going to go through the Board. You did show us a couple of months ago a different elevation and I think this Board was kind of leaning towards it, if I remember correctly.

A. Fusco: That's correct.

G. Lake: At this point and time we're not going to sit here and go through twenty (20) items. Again, you just can't, we're supposed to have this stuff ten days before the meeting. I'm not going to go beyond that. Let me go through the Board and maybe the next time you will have everything done by going back to a work session.

A. Dulgarian: Basically I like the project. I like the location of the project and the use for that site. You've got to get to that point. You've got to satisfy Mr. McGoey who I rely on heavily to get to the next step.

H. Ross: I agree that Mr. McGoey's comments have to be satisfied.

R. Carr: I was in favor of the project at the time. Have we gotten anything from the landscape architect?

A. Fusco: We do have landscape plans.

T. Hamilton: When did you do that?

A. Fusco: I would say about a month ago.

G. Lake: Provide that date to us, please.

A. Fusco: One thing that we did . . .

G. Lake: Let me finish with the Board.

A. Fusco: Okay.

W. Capozella: Again, it's a good project. I liked it before but based on the number of open issues that have to be resolved before we move forward.

C. Najac: I would like to see the open issues resolved before we go any further.

T. Hamilton: Same here. To have this many items still not resolved.

G. Lake: I believe that's what happened the last time. I know the Board was in favor of the project and wanted you to go to work on it so I think that's what you have to do. You are on a work session?

A. Fusco: October 23, 2006.

G. Lake: So, let's get back to that. Let's get the Highway Superintendent with the items here that he had concerns with. You might want to talk to him and drop off that date that you sent the landscape plans. Our policy now is that we would do that. That was made after you had already done it. We will appreciate that date so we can follow up on it for you.

D. McGoey: Mr. Lake, one thing. We've asked for sidewalks all along Tower Drive.

A. Fusco: Mr. Chairman, I appreciate that and the Board. I believe I did give a positive nod the last time. Again, we appreciate that. Again, we will go over all these comments. We do ask if we could possibly establish Lead Agency so that we have that clock out of the way.

That's the only thing I would ask at this time.

D. McGoey: What, Lead Agency?

A. Fusco: Yes.

D. McGoey: There is no need to do Lead Agency.

A. Fusco: I just wanted it to save some time.

G. Lake: I don't think we ever declared that this was going to require that.

A. Fusco: Okay.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

3. **DUNNING ROAD SELF STORAGE** - SITE PLAN/SPECIAL USE PERMIT - Gibbs Court (50-2-66) #56-06

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

G. Bergman: My name is Gerald Berman and I'm an Engineer with Clough Harbor Associates. We're representing Dunning Road Self Storage.

G. Lake: Go ahead.

G. Bergman: We're proposing self storage at the end of Gibbs Court which is off of Dunning Road on 7.54 acre parcel. The site is between Raymour & Flanagan Store and the Senior Housing Complex off of Schutt Road. We're proposing a seventy three thousand square foot building, two-story building with each floor being thirty six thousand five hundred square feet. The self storage facility will have both external and internal storage with garage doors on the outside of the building. The second floor will obviously be internal storage. There will be an elevator in the building. The proposed building can house up to four hundred storage units with the units varying in size from five foot by five foot to ten foot by twenty foot. The building is designed in such a way that you can require a certain size for what ever the customer wants. Also, we're proposing a one thousand square foot office building in the designated cul-de-sac with an additional eight hundred square foot storage which will be used as modest. The storage area will be completely fenced in. Traffic will be around the facility to accommodate truck traffic. The operating hours will be from nine to five. It's not a high traffic type of business. Presently there is an existing stormwater basin on the property which was approved by this Board for this site. The site currently meets the regulations in the Town of Wallkill. There will be an emergency access from both ends of this site and we will provide that. I did bring an elevation from the manufacturer of the building and also two sets of photographs. It's a similar facility to the one in New Jersey. The one thing that the photographs show is the front of the building in the photograph does not have doors and we will have doors all the way around. The roof will be a standing, the second floor will have a standing ceiling with a parapet roof. The first floor will have some sort of stucco. It will have a nice finish.

G. Lake: The landscaping?

G. Bergman: The landscaping plan was submitted with the plans.

G. Lake: Did you send that up?

D. McGoey: No, not yet.

G. Lake: Let me go through the Board. We're going to be scheduling a Public Hearing for this.

A. Dulgarian: What we generally look for is the view. This is pretty much out of everyone's way with the exception of the Senior Housing. I would really be interested in seeing what this looks like from the Senior Housing, what kind of lighting and the screening. That's my biggest concern. From the rest of the Town you're probably not going to see it and the other thing I would say no outside storage.

H. Ross: I would be interested in the elevation of the building.

G. Bergman: We show on the one that we have.

H. Ross: I do agree with what Mr. Dulgarian said about the view from the Senior Housing.

A. Dulgarian: Mr. Bergman, my concern is what it will look like from the third floor.

G. Bergman: If I can answer, there is a natural screening along that line. There's a stone wall at the top of . . .

A. Dulgarian: You don't have to go through it all now but be prepared to do that later.

G. Bergman: Sure.

R. Carr: Traffic is not an issue. And, whatever landscaping can be done there.

G. Bergman: That tree line will be replaced.

R. Carr: Just a question. The pictures, is it going to be (not clear).

W. Capozella: It's two-stories and the second floor will be used for storage also?

G. Bergman: Inside storage. Inside there will be two elevators, one at each end of the building.

W. Capozella: I would like to see it some how blend in with the surrounding area.

G. Bergman: We will work on the landscaping.

C. Najac: I think if we take care of concerns of Mr. Dulgarian, it will be fine.

T. Hamilton: When Shop Rite came in we looked to actually looked at different elevations from the Nursing Home to see exactly what they were going to look at. We didn't want anyone looking at exhaust pans and all kind of roof items. Will you have a generator or anything on the site that might bother the Nursing Home?

G. Bergman: One thing we did suggest was the slats in the chain link fence.

T. Hamilton: Plastic or pine?

G. Bergman: Well, . . .

T. Hamilton: If you look at any of the chain link fences that have the slats, they're half out and look messy. The pine does a better job.

G. Lake: Okay. Do you want this sent to our Landscape Architect?

G. Bergman: We need to do some additional work.

G. Lake: We actually send it up. We're not asking you to do it. We send a form with it up to them.

MOTION to schedule a PUBLIC HEARING for January 3, 2007 made by R. Carr and seconded by W. Capozella.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

4. **SCARPULLA GYM** - SITE PLAN/SPECIAL USE PERMIT - 517 Bloomingburg Road (4-1-2.1) #115-04

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

K. Duggan: My name is Kevin Duggan from Fellenzer Engineering representing the Scarpulla Health Club.

G. Lake: Go ahead.

K. Duggan: This project has been before the Board a couple of times. Mr. Scarpulla is looking to convert the existing building to a weight lifting center in part of it. The first floor will be a karate school and the second floor will remain as is. We've been back and forth .

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

K. Duggan: Yes.

G. Lake: Do you want to just go through them and then we will go through the Board.

K. Duggan: Item #1 is just a general comment. Item #2, I guess the question is for the Planning Board Attorney (not clear).

J. Bacon: The way to look at that is it's a school.

K. Duggan: It's really a business. We call it a school because it's an activity for children.

H. Ross: I don't think karate is a school.

K. Duggan: It's not really a school. It's a business. They pay a fee.

G. Lake: Okay. It's characterized as a business establishment.

K. Duggan: We need to submit a set of plans for review. I have them here tonight so we can move forward.

G. Lake: On the septic report, does this building stand alone on the septic?

K. Duggan: The original configuration of this lot . . .

G. Lake: Just let me finish because we always have this shared parking and there is always a difference of opinion it seems on who can use what out there and I can't remember the last time he was here for something else. I don't know why but it seems the septic was an issue.

K. Duggan: That's what we're proposing tonight. If you look at the plan on the top of the page there's two reported septic locations. The one closer to our building was for this building. The one further away was for the repair facility. In discussions over the last couple of months, what we're doing is we're proposing to install our own septic system where you can see it on the bottom of the page and we would abandon the one closest to our building. We are proposing to install a new septic and well. The well has already been installed and is separate right now. It was a joint well and we've now installed a new well. It shows on this drawing as proposed but that has been installed since these plans were made. It is operational now. The well has been separated and we're looking to separate the new septic. We have to go through Eustance & Horowitz for review for their approval.

G. Lake: Oh, your site is going to have it's own . . .

K. Duggan: Correct.

G. Lake: We try to clean up what we can when we can.

K. Duggan: Yes, and we're trying to do that.

G. Lake: It has become a hassle in the past.

K. Duggan: We understand. We will definitely get this resolved. Item #4, the well has been installed. The comment is that water was seen coming out from around the well. Mr. Barrett had been out there yesterday and checked it and determined that it's really not the well but it's a ground water issue. He suggested that we install a catch drain around there. We will be working on detailing that in the next couple of days. It's a ground water issue and not due to the well. We need to show the actual distance between, as you come in between the two buildings Mr. McGoey asked for the distance between the two buildings. I need to show that on the plan but it's twenty seven (27) feet for the record. The parking calculations, originally

there were twenty seven (27) spaces. Down on the lower part where it says one existing parking space. The original stack was two. I removed the stack and kept it as one. We only require twenty five (25). We have twenty seven (27) shown. Item #7 is about the landscaping. Mr. McGoey asked us to show the caliper sizes.

G. Lake: Let me go through the Board.

A. Dulgarian: First, let me say I like Mr. Duggan. I don't want him to get a conflict. This is the second project he represented tonight that I have issues with. That said, my problem is that this property has a long standing parking agreement for fifty years that between the hours of six o'clock in the morning until five o'clock in the evening all that parking is on lot #2 and they're only entitled to it after six o'clock in the evening. Now, if I'm that property owner and I have that in my pocket that's a good selling point if I want to sell that property for somebody that needs more parking. I just opened the file and was reading through it again and unless you can tell me something different they have at least forty six years left on that parking agreement. He has, everyday (not clear). Why this person ever signed that thing I have no idea but it goes through the heirs and right down the line. Now, I don't know how you got these fourteen spots as being lot #1. I have no problem with the gym or anything.

Mr. Scarpulla: The agreement says that the repair facility has use in common with the building that I occupy. It means that he has use of our parking during the day and we have the use of his parking in common. That means he can use ours without objection and he does all the time. We have absolutely no problem with that. After that, I can use his parking during the evening which we don't ever need. In common means that it's for both parties.

A. Dulgarian: It's says that . . .

Mr. Scarpulla: It's not exclusively his parking area during the day it's in common use for us during the day. He has use of it as he needs it during the day for any overflow and we have common use of it at night.

G. Lake: Mr. Bacon, do you have a copy of this?

J. Bacon: I don't think I've seen it.

H. Ross: I have a problem with item #2.

K. Duggan: That says it's in common.

G. Lake: Let me finish going through the Board.

R. Carr: My only issue when I look at it glares at me all the parking that is actually close to Route 17M. I don't feel comfortable with that parking. I would think parents with kids would be pulling in and dropping the kids off and then you have about six cars trying to get out due to stacking.

K. Duggan: There's also an area for parking on the side. They have the ability to turn before they actually go all the way out to Route 17M. The normal distance between two roads is twenty five feet and they have thirty feet. Basically the white line is over thirty feet from the rear of the parking lot. We do have ample room. I would agree that I would not want to back out onto the road.

W. Capozella: Parking is an issue.

C. Najac: I have nothing at this time.

T. Hamilton: Didn't we do something on this before on the parking?

Mr. Scarpulla: This parking is one hundred percent accurate.

T. Hamilton: On one of the maps . . .

Mr. Scarpulla: On the original plan they had shown, there was a shed in the back that we had removed and had parking all the way up.

G. Lake: Mr. Hamilton, you're right.

T. Hamilton: That was in the previous approval.

G. Lake: Mr. Bacon?

J. Bacon: I just wanted to ask are you (not clear).

Mr. Scarpulla: I'm on lot #2.

D. McGoey: The landscaping plan,

G. Lake: They have been there forever. I really don't see a lot. I think they've made an

attempt with the septic and services of the wells. They had shared wells and septic and both will be eliminated now.

T. Hamilton: Will there still be plantings of some sort?

Mr. Scarpulla: There will be some.

G. Lake: Mr. Bacon, I think the question now is Mr. Dulgarian brought up a good point. Is this more of a shared parking and stay off the property until five o'clock?

J. Bacon: Is your neighbor negative about this parking?

Mr. Scarpulla: No, absolutely not. Him and I are in good straights and in fact he would have been here tonight but he wasn't sure if he would be allowed to comment because this wasn't a Public Hearing.

J. Bacon: Has there been any changes?

Mr. Scarpulla: I doubt it because that protects him more than me because he doesn't have (not clear).

K. Duggan: Like I said, it's an in common use. At this point there's no problem whatsoever.

J. Bacon: I think you have to find something that says that your use won't be interfering with his in respect to the parking. I think we have to have that in writing.

Mr. Scarpulla: I can get something from him, I would have no problem.

K. Duggan: It clearly says in common use and means that both parties can use the parking lot.

J. Bacon: We talked about that you're not going to prevent egress or ingress and will not affect the parking area.

K. Duggan: That agreement that you're asking for is already concluded in the subdivision.

G. Lake: Hold up. Obviously we're not going to solve this tonight. You're going to have to research it. My next question for you is, do we have to schedule a Public Hearing?

J. Bacon: For the Special Use?

G. Lake: Right.

J. Bacon: No Public Hearing would be required.

G. Lake: You're going to have to straighten this out. Why don't we just table it and as soon as you straighten it out we will put you on the next available agenda. Straighten it out in the next couple of weeks and then we will get you back on.

MOTION to TABLE for further review made by A. Dulgarian 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

5. **SPENSIERI** - SITE PLAN - 508 Bloomingburg Road (4-4-4) #08-05

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

M. Sandour : My name is Michael Sandour representing the applicant and I'm associated with MJS Engineering.

G. Lake: Go ahead.

M. Sandour: We were here about two months ago and there were a couple of questions that were brought up at the last meeting and something about construction demolition in the back.

That was actually demolition from the building and has been removed from the site. One of the things the Board asked us to take a look at was the parking in the back of the building. After that meeting we actually uncovered the septic system and the tank and correctly shown on the plan now. We also took a look at that. It's a narrow driveway against the back of the property and it's actually steep so I left the area the way it is. We actually show that there is in fact room to move around in the front so cars are not backing out of County Highway 76. We revised the plans according to the comments we had the last time. I did get comments from Mr. McGoey. As far as the wall and signs, that wall has been recently re-built and there's actually a railing on top of that now. The landscaping plan, that is an action of this Board. We did the septic system. We did the die testing and nothing showed up. We will put a note regarding the handicap site. We looked into our Section 5 actually the club area and sidewalk will be level with the building. We have a letter from the Department of Environmental Conservation about the wetlands. The pond is actually where it was and previously it was there for raising minnows and not a wetland. I can get documentation on that.

G. Lake: I will go through the Board.

A. Dulgarian: Like this gentleman said, the last time he was here we asked if parking could be in the rear and he reviewed that.

H. Ross: How far is the parking from the edge of the highway?

M. Sandour: I would say to the white line, I don't have a scale but I would say about twenty feet. That would be to the back of the parking space.

H. Ross: It's closer than it aught to me.

R. Carr: What's the use of the building?

M. Sandour: The use is an office building..

W. Capozella: What was the prior use?

M. Sandour: It was recently a machine shop relating to electric motors. Prior to that it was used as a bait shop and the pond in the back was used for raising minnows for the fishermen.

W. Capozella: I have nothing else.

C. Najac: It's an existing building. There's nothing much you can do with it.

T. Hamilton: My question to Mr. Bacon is, it's pre-existing and non-conforming. Now, does this use make it non-conforming due to the parking?

J. Bacon: He would have to go before the Zoning Board of Appeals if there aren't enough spaces.

G. Lake: Do you have enough parking spots?

M. Sandour: Yes. I put it under item #5 in the bulk requirements and I put a clause where it's existing conditions. Our bulk table shows three existing buildings.

G. Lake: You know, we have this all up and down old Route 17M and County Route 76 roadways from the City line to the Town line. I think we have to do the best we can and leave it at that. If nobody has anything else, I will entertain a motion for a Negative Declaration.

J. Bacon: The only thing we have is about the wetland issue.

G. Lake: Well, he's going to provide a letter.

J. Bacon: You're not going to fill that in?

G. Lake: He will provide us a letter regarding that pond.

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

A. Dulgarian: Nay

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES, 1 NAY

MOTION for SITE PLAN approval subject to Mr. McGoey's comments and this Board's comments made by W. Capozella and seconded by C. Najac.

A. Dulgarian: Nay

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES, 1 NAY

6. **WEINERT'S** - SITE PLAN/SPECIAL USE PERMIT (Final) - 820 Route 211 East (41-1-82) #71-02

G. Lake: Mr. McGoey, basically we have a couple of new members and this has been around for a long time give a little history about this if you don't mind to bring everyone up on this.

D. McGoey: This application has been before the Board since July 2002. The applicant made an application to the Department of Environmental Conservation for a SPEDES permit to process materials on the site. It was Part 3 that was made to the Department of Environmental Conservation. There was also an application for Part 260 and this Planning Board for a Site Plan and Special Use Permit. This Board agreed the Department of Environmental Conservation should be the Lead Agency and it's been before them for a very long time and finally got through the SEQRA process. This SEQRA process is in the Negative Declaration and they have also been given (not clear).

G. Lake: Go ahead.

J. Weinert: My name is Jim Weinert of Weinert Recycling.

G. Lake: Why don't you give the Planning Board a brief description of your operation that you're going to have at this location and again, we have a couple of new members here. Maybe just bring everybody up to speed of what you're actually going to do there.

R. Beatnik: I just wanted to state for the record that the permit from the Department of Environmental Conservation was received by the Weinert's yesterday. The permit covers processing of construction and demolition debris in an enclosed gated facility. The construction and demolition debris would be brought in. It will be discharged and dumped in a specified area and then separated. It will then be pulled out to another scrap yard at another location. The remaining residue will be taken off the site. All operations will take place within the building. There is a proposed (not clear) separating the building from the (not clear). The facility will only be open when there is an attendant on duty, otherwise the gate is locked. The trucks that normally come in the yard and go to the scale. Basically they're separating everything for recycling.

G. Lake: Thank you. I just wanted to bring everybody back up to speed. I know it's been a long time since we've had this.

J. Queenan: Discussed Mr. McGoey's comments, not clear. There will be landscaping on the site. We will put a note on the plan. Since our last time we were here, the fire department wanted a hydrant placed at the rear of the site. Two years ago the Department of Transportation issued their permit for the site. We will provide the handicap note.

J. Weinert: Item #14 has nothing to do with what we're here for tonight. I said I would do whatever you want.

D. McGoey: There were restrictions on the fifty foot wide buffer. The applicant purchased one of the Fini subdivision lots. The reason for the buffer was to buffer their operation from any development.

R. Carr: Are you planning to add that to your present operation in the front?

J. Weinert: We would like to in the future, yes. That's why we bought that because if they ever take more from Route 211 for more road taking we would have a road to the back. We would get permission to do that. That's why we purchased that lot. No one knows what's

going to be done with Route 211 in the future. We wouldn't have much of an access so we purchased that in case.

R. Carr: Then, why did you take down all the trees?

J. Weinert: We didn't take down all the trees. I spoke to Mr. McGoey the other day. If he wants a berm back there, we will put one in. We can put pine trees there and put it back the way it was.

R. Beatnik: What we have here is a development plan. On that plan there is a note that says there would be a temporary buffer fifty feet wide to be removed at the time of site plan approval. This is a temporary buffer until (not clear). The development of the subject lot where they are now building the building, that buffer extends on to that property and that buffer will be moved now because of the parking lot. That buffer is only temporary and per the note of this subdivision plan, will be removed when lot #2 is being developed. One of the reasons we called it a temporary buffer was that there was no provision on here that I could see for a permanent buffer.

A. Dulgarian: Is that your interpretation Mr. McGoey?

D. McGoey: It seems to me is that is called a temporary buffer because when the Site Plan approval came in before the Planning Board . . .

G. Lake: The lot you bought behind you is a totally separate piece of land from this site.

J. Weinert: You can see it on the Site Plan. What they're referring to, is the one section because we're going to have to get the fire hydrant pipes all the way up there. I don't know which site they want it on.

G. Lake: Let me go through the Board.

A. Dulgarian: I have no issues with it.

H. Ross: As long as all the comments are resolved. I would want it as nice looking as a buffer can be. I don't like the idea that you will need access from Fini Drive as opposed to Route 211.

J. Weinert: If we don't need it but if they do any taking, then at least we can still operate.

H. Ross: As long as it's going before the Landscape Architect, to confirm the sizes, etc. I would be satisfied.

R. Carr: I think it's a good project. Are we sending this to the Landscape Architect?

G. Lake: This was started four and a half years ago and we did not have a Landscape Architect on board at that time. To send it now, I don't know. If you look at it, it's pretty well screened. You will have to come back for that buffer in the back.

R. Carr: Other than that I have no other problems.

W. Capozella: The Department of Environmental Conservation was Lead Agency on this, I have no problem.

C. Najac: I would love to see the recycling operation. I like what I see here.

T. Hamilton: It's been a long time through the extensive process.

G. Lake: I agree with the rest of the Board. It's been a long time. It's good to see the recycling going on and the only comment that I do think if we do need a berm in the back. I have to be honest I did not go out there and take a look at it. I have enough faith in Mr. McGoey to have them re-establish a berm with some trees on. I think it's going to be a big project for the Town.

T. Hamilton: If you are looking to put trees on that lot, let's not put . . .

J. Weinert: I think were the berm has got to go is just that one section right behind us, not along the side of us because that's were the parking. There's a retention pond in there and everything that they put in.

G. Lake: Basically, you've already agreed to do what the Board wants.

J. Weinert: Mr. Lake, if you want a berm there, you will have it.

G. Lake: I'm going to ask the Board because I know they have enough faith in Mr. McGoey. I think we've compromised at this point so we can send you on your way. Mr. Bacon?

J. Bacon: Yes.

G. Lake: I've got to ask you because I'm assuming the Department of Environmental Conservation did the Negative Declaration?

J. Bacon: Yes.

G. Lake: Do we have to do one also?

J. Bacon: Mr. McGoey?

D. McGoey: They were the Lead Agency.

J. Bacon: Although they did do the Negative Declaration, if the Board concurs with them then I see no problem.

G. Lake: We're going to do the Negative Declaration and will get you one step closer.

MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments and this Board's comments and providing any legal information that we need from the Department of Environmental Conservation made by T. Hamilton 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

MOTION for SITE PLAN/SPECIAL USE PERMIT subject to all of Mr. McGoey's comments and this Board's comments and providing any legal information that we need from the Department of Environmental Conservation made by T. Hamilton 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

7. **MEADOWOOD ASSOCIATES** - SITE PLAN MODIFICATION - 256
Bloomingburg Road (14-1-31.1) #45-05

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

A. Mecurrio: My name is Al Mecurrio representing the applicant.

G. Lake: Go ahead.

A. Mecurrio: This project was before the Board on April 19, 2006 with changes made to the lot without being shown on the Site Plan. I have Mr. McGoey's comments. Item #1 has been corrected.

D. McGoey: That's a lot line change being eliminated?

A. Mecurrio: The lot line has not been delineated. In what manner do you want it? Do you want a letter from the Assessor's Office to satisfy the Board?

D. McGoey: That, or you can tell me verbally. That's all I have. It's been here before.

G. Lake: I will go through the Board.

A. Meccurrio: Just one thing I would like to ask. We did send a letter in to the Board requesting an amendment to the Site Plan for a proposed addition to the rear. Do you have copies of that?

D. McGoey: Yes.

A. Dulgarian: I have nothing.

H. Ross: I have nothing.

R. Carr: Nothing further.

W. Capozella: Nothing.

C. Najac: Nothing.

T. Hamilton: Nothing.

G. Lake: Do we have to do a Negative Declaration on this?

D. McGoey: You did one on October 19, 2005.

J. Bacon: Is this an amendment to that?

MOTION for an AMENDED NEGATIVE DECLARATION subject to all of Mr. McGoey's comments 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

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

8. **RAMAPO CATSKILL LIBRARY** - SITE PLAN MODIFICATION - 619 Route 17M (36-2-59.2) #70-06

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

K. Duggan: My name is Kevin Duggan from Fellenzer Engineering.

G. Lake: Go ahead.

K. Duggan: We're in front of the Board for Site Plan approval. The applicant is looking to construct a new garage for his building. If you're not familiar with Ramapo Catskill Library, it's a big library where all the local libraries get their books and materials. What they're looking to do is add on to their existing garage with a larger garage so they can put all their trucks inside so they will be out of the weather.

G. Lake: Mr. Dulgarian?

A. Dulgarian: I have nothing/

H. Ross: I have nothing to add.

R. Carr: Nothing.

W. Capozella: Are they small trucks?

K. Duggan: They are all small vans. There are no large tractor trailers coming in.

C. Najac: Nothing.

T. Hamilton: Nothing.

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

MOTION for SITE PLAN MODIFICATION subject to all of Mr. McGoey's comments and this Board's comments made by C. Najac 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. **HAIR BY SEBO** - SITE PLAN/SPECIAL USE PERMIT & LOT LINE CHANGE -
Route 211 East (43-2-33.1/43-2-22.12) #43-04

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

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

G. Lake: Go ahead.

D. Yanosh: We had approval for a Site Plan back in August of 2004. Due to financial difficulties the approval time has lapsed. It's an existing hair salon over there on Route 211 East across from Weinert's Recycling. They propose an addition for a bakery and coffee shop.

G. Lake: Mr. McGoey, you have all these comments, are you satisfied?

D. Yanosh: I have thirty three spaces here and I've provided thirty three from the beginning

but if I have to provide extra for the handicap spot, I'm going to lose a parking space putting me down to thirty two spaces. Thirty three are required and thirty three are shown. If I have to take one space out to make a handicap spot on both sides I will lose a space.

D. McGoey: You won't lose a space, just move the aisle.

D. Yanosh: Oh, okay.

D. McGoey: You just have to have a handicap space on each side of the aisle. I don't think any of these are overwhelming unless you have some problems with any of them.

D. Yanosh: Not really, no. We were here before about the parking for the use and we did agree on that.

D. McGoey: That's another issue.

D. Yanosh: In 2004, we went for the fast food restaurant and we would need twenty spaces for that alone and when I did the calculations for this one . . . Eating and drinking establishments, you need one space per fifty square feet of patron area and one space per two hundred feet from other areas but when you get into a fast food restaurant, you need a minimum of twenty spaces. I believe we discussed that at the last meeting and came to the conclusion that it wasn't a fast food type establishment.

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

A. Dulgarian: I don't.

H. Ross: Nothing at this time.

R. Carr: I'm fine.

W. Capozella: It's an allowable use.

C. Najac: I would ask for sidewalks due to the number of accidents in the past in that particular corridor over the years.

T. Hamilton: I have nothing.

D. Yanosh: I did talk to Kim Lincoln about my lot switch and she said sidewalks had to be on

State property or Town property. Sidewalks are not allowed on private property. The ownership then gets turned over to the municipality which is the Town of Wallkill. If it cracks or chips down the road the Town of Wallkill would have to replace it. In Middletown the sidewalk is always within the City right-of-way. The owner has to keep it clear of snow and whatever.

J. Bacon: So, you're saying that the property owner maintains it but it's owned by the municipality.

T. Hamilton: The problem with that is then the Town would be liable.

R. Carr: And, you said they told you the sidewalks have to go on Public property. If they put it on their property that then becomes Public property?

D. Yanosh: No. That's how the State wants it.

R. Carr: We have sidewalks going in now on Route 211.

D. Yanosh: Which one?

R. Carr: The multi use in the Super 8 area and that's on Route 211.

T. Hamilton: We made them put it on their property.

D. Yanosh: Who made them put it there?

T. Hamilton: We did.

D. Yanosh: That's what I'm saying. The State Department of Transportation does not want that.

G. Lake: Anything else?

MOTION to schedule a PUBLIC HEARING for January 17, 2007 made by C. Najac 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

10. **MARTINELLI** - Extension of Water District referral from Town Board

G. Lake: The Town Board sent us, asking us to make a recommendation to advise them on extending the water district on twelve acres on Route 302 off of Baker Road. When it was here the first time we asked it to be sent to Mr. Smith to find out about if there is enough capacity and he did send us back a letter saying there was enough capacity. So, we have to decide whether to make that recommendation to the Town Board.

R. Carr: I don't know.

C. Najac: I would be concerned about the people outside that area who have been in the district.

G. Lake: What I will tell you is that they would not stand for the other piece that we met with at the Community Center and they needed water and sewer. I know they met with the Town Board and they never came back. So, I can only assume they did not get a recommendation.

T. Hamilton: As long as I've been on the Board I don't think the Planning Board had the option of extending to anyone. That was always Town Board policy.

R. Carr: I happen to think it's good they they're asking for our input.

T. Hamilton: I would be worried about people who have owned property all these years and are in the district now that haven't developed yet. If they keep extending the out parcels and then these persons may come in earlier and be denied because of lack of capacity.

H. Ross: That would be my concern also. If they do this for this twelve acres and then the other parcel near it with one hundred acres decides to do something we could be short cutting other residents.

G. Lake: Any other comments?

R. Carr: What did Mr. Smith say?

G. Lake: Mr. Smith said the capacity is there. Now, what I can't tell you about it and correct me if I'm wrong but he did not say in his letter what Mr. Hamilton brought up. After what happened the other night, somebody was also looking to extend and that's something that the Town Board did bring up was what is the capacity for people already paying for being within the district. We don't know if Mr. Smith took that into consideration.

R. Carr: When those people brought up concerns/

G. Lake: He brought up quite a few things.

C. Najac: In the Town Law #2, the Town of Wallkill does have provisions for the extension of the water district. There is a procedure, as you said, the Town Board is the one who has to approve it. They are in receipt of the proper procedure and they are asking us to send to the Town Board whether they should proceed with the application.

G. Lake: I don't think we're sending it anyplace. The only thing we're doing tonight is discussing what kind of recommendation, I guess, or what kind of comments we have as a total Board and that's what I'm trying to get a feeling of now. We're not sending this. They are already there. It's not like they come to us for a denial. They sent us a letter so I believe they are already before the Town Board. I think we can handle it a couple of ways and try to get a little more information from the Planner to see if it's going to fall into (not clear) and at the same time I heard what everybody said. We can draft a letter and send it to them and obviously it wouldn't be sent until everybody had a chance to read it and edit it. I guess it's up to you.

A. Dulgarian: I think we need more time.

R. Carr: I would agree. The only thing I would say is in the past, a couple of years ago, the Town Board did ask for our input and it was received too late.

G. Lake: I think by the next meeting we will have to send them something. I'm going to

table this matter until next week since we already have a Special Meeting and then at that time hopefully we get the Planner's input so we can then send something to the Town Board.

MOTION to TABLE for further review and to put on October 25, 2006 Special Meeting agenda 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

G. Lake: