

TOWN OF WALLKILL PLANNING BOARD

MEETING

OCTOBER 31, 2007

MEMBERS PRESENT: G. Lake, W. Capozella, R. Carr, A. Dulgarian, C. Najac

MEMBERS ABSENT: T. Hamilton, H. Ross

OTHERS PRESENT: J. Bacon, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - **RSR** - SITE PLAN/SPECIAL USE PERMIT - Ballard Road (41-1-70.21) #50-07

G. Lake: Public Hearing started at 7:35 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 in said town on the 31<sup>st</sup> day of October, 2007 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Revere Smelting & Refining Corporation, for the approval of Special Use Permit located on Ballard Road under Section 249-39 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: Do we have the mailings?

M. Hunt: Yes.

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

L. Wolinsky: My name is Larry Wolinsky with the law firm of Jacobowitz & Gubits. I'm here tonight on behalf of RSR also known as Revere Smelting & Refining. With me this evening is our Engineer Thomas DePuy, Terry "Cerone", Vice President of Environmental Health, Safety & Compliance and RSR Dick Green, Vice President of Operations and the Local Project Manager. The hearing tonight is about the installation of two pieces of equipment that RSR needs to install in connection with an installation of an internal piece of equipment in the building called a short rotary furnace. The two pieces of equipment extend above the roof line and require exemptions from Section 249 (8B) of your Zoning Code which permits exemptions under certain conditions. We submitted a detailed application narrative on October 15, 2007 permitting in great deal what this is about and

explaining the pieces of the project and how we comply with the Zoning Law. Again, as I mentioned Revere is installing an internal piece of equipment called a short rotary furnace. It will enable them to process slag in house and currently this process is shipped out by rail to another facility and processed at that other facility and then returned to RSR. That will no longer be happening under this scenario. As I said, part of this short rotary furnace equipment includes a furnace exhaust that extends above the roof line and it is seventy four feet measured from grade and also a dust collector extends above the roof line and is fifty four feet above grade. The way the zoning code provision works is that you're entitled to an exemption for these type items up to fifteen feet but beyond fifteen feet it would require a Special Use Permit so therefore, the height in the zoning district is thirty five feet. Anything above fifty feet would require the Special Use Permit. The furnace exhaust is seventy four feet from grade so that would be twenty four feet extension for the Special Use Permit. The dust collector would require a fourteen foot extension for the Special Use Permit. This is all limited by the zoning section 249-8b which says that you can have more than ten percent of these type of things covering the roof. We submitted detailed plans demonstrating that we're at the, with these and the other things covering the roof we're only at five percent. So, from the zoning compliance standpoint we met that. There were some other issues raised at the last Planning Board meeting. One was the issue of truck traffic and backups onto Ballard Road which I understand is a continuing condition not necessarily just related to RSR but others as well. Also, the way trucks are parking at RSR we wanted to make sure that there would be no parking in a manner that would somehow fumble up the access right there. So, what we've done on these plans we've added striping on the longer driveway by the access way to make sure no one is going to park in the access way. The access way would be kept clear by security. We've marked the dedicated six trailer spaces to provide for an additional phasing area. We're going to, we do already but we will reinforce to drivers, many of them by the way are not RSR, that they're not to park along Ballard Road. We will go as far as having law enforcement, if necessary. In terms of truck traffic generation with respect to the new piece of equipment that's being installed for this new process we know that it will not generate more than three or four trucks maximum going in each week. We're looking at the global warming thing and we're actually reducing the amount of train rail traffic and the whole thing is an environmental benefit. There were questions about the status of the remediation. The soils footprint are waiting for a decision from the Department of Environmental Conservation decision on the remedial action plan and the record on the decision. RSR has done everything they can do at this point. They are waiting for the Department of Environmental Conservation. I will tell you from experience that the Department of Environmental Conservation are slow. It's still an issue of transition up there. We hope to have that undertaken. Once we get the sign off from them that entire work will take somewhere around a year to a year and a half. The soils within the footprint has been submitted to the Department of Environmental Conservation and we're waiting on them for

their comments on that. That's pretty much the presentation. I would be happy to answer any questions.

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

A. Dulgarian: I will wait.

R. Carr: I will wait.

W. Capozella: After.

C. Najac: After.

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

**MOTION to close this PUBLIC HEARING at 7:44 P.M. made by R. Carr and seconded by A. Dulgarian.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

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

L. Wolinsky: Yes.

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

L. Wolinsky: Absolutely.

G. Lake: And then I will go back to the Board.

L. Wolinsky: The first comment dealt with the compliance issue. Again, I believe that we've adequately noted that on the plan and in the narrative report. The applicant should verify that air discharge permits from New York State Department of Environmental Conservation have been obtained or will be obtained as a condition of final approval for the new discharge. Yes, we need to obtain a classification Title 5 air permit. There is an application that is pending at the Department of Environmental Conservation. Any approvals that the Board issue would have to have that information. The Planning Board should be aware that the applicant's engineering report referred to as a project narrative attached to the Jacobowitz & Gubits letter of October 15, 2007 represents that there will be an increase in truck traffic as a result of the new process by three to four trucks per weekday. The only thing I would add to that is that would be a maximum. Also, please understand that this is a plant that operates 24/7. We've also offered a plan to solve the problem of trucks parking on Ballard Road and along the access drive into the RSR plant. We are unable to tell from the information provided whether the improvements proposed including the dedication of six (6) trailer parking spaces on-site will solve the problem. That is an accurate statement although I would tell you that we didn't do this with the idea of solving the problems. Again, the problems are more than just RSR. The problems also concern the truck drivers that don't work for RSR that sometimes pull back out onto Ballard Road and will wait for instructions on where to go next. We believe that if the Town would increase their drive-through the area it might alleviate some of those problems. We've tried to traffic manage and how to put additional space on this project site in order to have more opportunity for truck staging and by striping we've eliminated the access so the access way cannot be blocked for emergency purposes. I think that's a good effort to solve a problem that is more than just RSR. The project narrative explains for the Planning Board, the present status of the site remediation. I just went over that. Again, we're waiting on the Department of Environmental Conservation. Everything that we had to do has been done. The long Environmental Assessment Form does not indicate that any State Agency approvals are required. That is a mistake. The wrong Environmental Assessment Form was corrected and we hereby submit it correct. The Department of Environmental Conservation has to issue the air pollution permit.

G. Lake: You're still involved with the Department of Environmental Conservation where they come down and . . .

L. Wolinsky: I'm not personally involved in that but I'm going to probably defer it to probably Terry.

T. Cerone: Actually those meetings have been stopped and everything has been addressed.

G. Lake: As far as the trucks out on Ballard Road I try and go by at least every other day just to monitor it a little bit. It does seem to be a little better and it's funny you brought it up and I was going to mention that little hot dog wagon out there had three trucks there. So, if somebody goes by and sees that I can understand, I wouldn't have noticed that except you brought it up the last time and I made it a point to go by as often as possible during working hours. Let me go through the Board.

A. Dulgarian: Yes, just a couple of things. This in-house slag furnace, is this mandated for you to have or is it something to make your business more profitable and efficient?

L. Wolinsky: I think it's an efficiency issue and it's a question of not sending the stuff off-site by rail being able to do it in-house.

A. Dulgarian: Do you send anything else by rail or will this stop those trips?

L. Wolinsky: There may be additional things sent by rail but I think this will severely cut down the rail service.

R. Green: Yes. He explained the operation (not clear).

L. Wolinsky: It will reduce but not eliminate the rail trips. There are still some element of processed materials that will still go out by rail.

A. Dulgarian: My next question is the cooling stuff, is anything coming out of there?

L. Wolinsky: No. There's no new emission points with this application. Everything is eventually connected into the smoke stacks at the site.

A. Dulgarian: How high are the existing stacks?

R. Green: Two hundred feet.

A. Dulgarian: And, we're looking at seventy four and sixty four?

R. Green: Correct.

A. Dulgarian: Are you generating anymore waste with this stuff and where does it go? Obviously it's some sort of dust collector that is somewhere and what is in that dust?

R. Green: Explained the process (not clear).

L. Wolinsky: So, it's additional slag waste that they cannot use and it's not hazardous.

A. Dulgarian: Lastly, your entrance there has some sort of a guard. Is that somebody who can move the trucks?

L. Wolinsky: Yes.

A. Dulgarian: Like you said, they may be waiting for the next place to go, maybe he can direct them where to be.

L. Wolinsky: We can instruct him or some other person of similar status to advise the truck drivers.

A. Dulgarian: That's all I have.

R. Carr: Currently you send the slag out to be further processed. Will you now become one of those processors with this new equipment with additional trucks bringing in slag to your plant?

R. Green: That's not . . .

G. Lake: Come on up and why don't you give the Board a brief description what the slag is and exactly what's happening?

R. Green: Can you repeat your question, please?

R. Carr: You currently send your slag out to be process.

R. Green: Yes.

R. Carr: Now that you will have this new furnace, will you become one of those processors where someone else send you slag?

R. Green: No.

L. Wolinsky: It's all part of the same company. Where they send it out now is to a company.

R. Green: We send part of it to a plant in Canada and we also send some to Indianapolis.

A. Dulgarian: He has a very valid question that no time in the future are you going to accept somebody else's. This is just for you.

R. Green: We have no plans of doing that. It's not in our application.

R. Carr: What generates the additional truck traffic?

R. Green: The waste slag that will be generated.

R. Carr: You're already sending out the (not clear) slag now?

R. Green: Right.

R. Carr: So, I would think that the waste slag would . . .

R. Green: Well, the slag that's generated by the existing furnace is a high level slag. It needs to be processed further in order to make it a barren slag so it is disposable. That equipment doesn't exist in the plant. It exists in our Indianapolis plant, our California plant and in other plants that have a furnace that is capable of removing all of the metals. This application will give this plant the ability to do it in-house. The slag that's generated by our existing furnace is about sixty five percent metal that needs to be recovered. Okay. That will be removed and you have maybe thirty five percent of slag. It's a little more than that because you have to add reducing aids such as iron and calcium to make the slag. And then that has to be processed. I hope I'm making myself clear. Right now that sixty five percent metal that we're shipping someplace else, we process that here with this equipment and it will be two percent metal.

L. Wolinsky: I think the important point is they're extracting the metals. It's a process that further allows them to extract the metals. The waste product is not contaminated waste.

R. Carr: And, that's the reason for the trucks.

G. Lake: The Department of Environmental Conservation, how often do they check, weekly, once a month?

T. Cerone: Monthly. We have a hazardous waste inspector that comes on site on a monthly basis. In fact, he was there today and he does an inspection. In addition we just recently had the stack tests done and the State air people were out to witness that test.

A. Dulgarian: How did you do?

T. Cerone: Fine.

W. Capozella: I do have a couple of questions. When I was reviewing this, I asked myself, why? I know you came in about the towers, we asked about them. I know you explained it now but up to this point I didn't really have any idea of what they were all about. What I would have like to have seen is now that you're doing slag. Mr. Green you noted that there is a facility that actually handles the slag, right?

R. Green: Yes.

W. Capozella: I would have liked to have seen something in here with your application tonight about a case study or showing the operation and whatever emission there are and so forth to make my determination a little bit more easier to make.

L. Wolinsky: We tried to do that in the project narrative. Maybe we weren't that successful for you. We have a very expensive description in that narrative of the process. I think in that description it explains all of your items. Maybe it was not done in a clear manner but we did attempt to do that. By the way, we were brought on board right after the application was made and I said we had to get a narrative over to the Planning Board which set forth the kind of issues you're expressing. I'm hoping by your questions this evening we're able to clarify and I do apologize that it wasn't clear for you.

W. Capozella: The only other question I have is in the summary you say that this is going to result in a net environmental impact negative by increasing your re-cycling of your slag at your facility. Again, you're saying you are going to do that even though you're going to be doing more. It doesn't add up necessarily without the impact you gave us. It would have been nice to say okay here is the type of thing that happens but we transport it and we create a certain amount, the amount of the pollution to the atmosphere, etc. I understand what you're trying to say but again, I like facts and figures but I don't have that. Again, it's something that I have to think about. The plans themselves I don't know about anybody else but myself I'm looking at the plan and trying to figure out where these towers are. You have that up on the quick point. I'm not sure if the towers are shown are these two stacks, the only two stacks you have on the plan.

T. DePuy: No. All of the stacks. Anything above thirty five feet is represented on that plan.

W. Capozella: Okay. So, I only see the two stacks. In other words the way it's laid out you don't see them extending the way that diagram of the drawing is made.

T. DePuy: What we did was made reference to anything above thirty five feet.

W. Capozella: Are those the two proposed or are they existing? I couldn't follow what they really represented.

L. Wolinsky: I want to emphasize, these aren't towers. They are pieces of equipment and there is no emission point here. Everything is connected.

W. Capozella: It does say on your statement here that you're going to minimize the emission.

L. Wolinsky: That happened before.

W. Capozella: When you say minimizing the additional or are you minimizing what exists there now?

L. Wolinsky: We're minimizing the combined, yes.

W. Capozella: Everything.

L. Wolinsky: You're going to eventually get that through the Department of Environmental Conservation. That is their responsibility to put those numbers. We represented that to the Department of Environmental Conservation. If they disagree we won't get the permit.

W. Capozella: Again, it's in front of us as a proposal. The only last thing I have is now there is going to be some waste that gets stored at the facility and eventually it will be reduced from sixty five percent down to two percent or something like that. What happens with that?  
R. Green: If I understand your question, you are talking about waste storage?

W. Capozella: The waste, itself, the sixty five percent that you don't refine now, correct? You're going to refine it and maybe end up with two percent.

R. Green: That's the metal content. The amount leaving the plant will be reduced by about sixty percent. Some of it is trucked. Any waste left would be approximately two percent that will have to be sent to a landfill. We don't have that determined right now.

W. Capozella: I guess what I'm trying to get at is right now you do have slag that you have to

move. With this now you're going to have some way even though it's non toxic a certain amount is going to be stored at a certain point and then removed. We're not going to be looking at storage areas of the excess laying around because it's non-toxic now.

R. Green: No. Absolutely not. I would expect that the actual amount of slag whether it's the high level or the low level will be much less.

G. Lake: I think what he's getting at that you will not exceed the containment and put it outside.

L. Wolinsky: No.

W. Capozella: Okay.

R. Green: We wouldn't be allowed to do that.

G. Lake: Anything else, Mr. Capozella?

W. Capozella: That's it.

C. Najac: From the days of the review committee I remember discussing industry, light industry and heavy industry. I understand where you're coming from but I do have some information. What comes out of your stacks now?

T. Cerone: We are mandated under the Federal State Law. I can submit that information. We maintain a negative pressure. Explained the process (not clear). That information can be provided. We also have ambient air monitors around the building. The limit is 1.5 and we're at the .04 range.

C. Najac: 1.5 what?

T. Cerone: Micrograms which are the concentration limits. Again, it is monitored by the State. Again ambient air numbers are low.

C. Najac: And what if you have a problem?

T. Cerone: The operators can go in and start the process of shutting down the cells and then figure out where the problem is. Again, those are mandated under the Federal and State Laws and we are also inspected on those. We are inspected on a semi-annual basis.

C. Najac: Do you need to use a new dust collector from the part of the furnace . . .

T. Cerone: Everything will be going through (not clear).

L. Wolinsky: It's described in the narrative. It's all connected eventually to the stacks.

C. Najac: But now the emissions will be changing because of the new process.

T. Cerone: The Department of Environmental Conservation will address that when they set the limits and that stacks also have periodic reviews.

C. Najac: So, you have some idea of what comes out of these stacks.

T. Cerone: Explained, not clear.

C. Najac: But it does the same thing.

T. Cerone: Not necessarily because being electric there is a natural gas. I don't have numbers on that.

G. Lake: Anything else, Mr. Najac?

C. Najac: No.

G. Lake: Coming back to the technical stuff that the other persons brought up, most of that goes to the Department of Environmental Conservation, is that what you're saying?

T. Cerone: Yes.

G. Lake: And they check you once a month or semi-annually?

T. Cerone: From the hazardous waste stand point we have an inspector that comes unannounced. That's the monthly inspection. The air inspection again, that's also unannounced usually annually however, that can do it when ever.

G. Lake: Anything else?

D. McGoey: Can I?

G. Lake: Sure. Go ahead.

D. McGoey: I don't know if Mr. Carr's question was answered because they didn't answer the question, I don't think, if you reduce the amount of the product slag you reduce the quantity. Why are there more trucks? You've got to take all that slag off now in a larger quantity now.

R. Green: The slag is going out by rail, that's why. That's why we need the trucks.

D. McGoey: So, you're not going to use the rail?

R. Green: Correct.

L. Wolinsky: Because the slag is going off as a non-hazardous waste. That doesn't change the difference between the rail and the trucks but it's a different slag.

D. McGoey: It would be much better for the Town of Wallkill if you used the rail.

L. Wolinsky: Well, that's true. It's probably true.

R. Green: There may be a possibility of doing that.

G. Lake: Anything else, Mr. Najac?

C. Najac: One last question. Any comments from the Fire Department?

R. Green: The scrubbing of the "SO<sub>2</sub>" is the process runs through a majority of the salt (not clear). This will possibly be a one percent increase of the overall of the "SO<sub>2</sub>" that we handle. To answer your question the liquid from this scrubbing will go to the other scrubber and be re-processed there. I would expect that our liquid will be increased about one percent.

D. McGoey: Are you going to increase the amount of water usage and therefore, the amount of waste water generated?

R. Green: There is a possibility that it would be one percent but the water that we're using now is recycled.

D. McGoey: So, it would be approximately a one percent increase in waste water?

R. Green: That's a possibility.

G. Lake: Mr. McGoey, anything else?

D. McGoey: No.

G. Lake: Guys, anything else? Are you okay with this right now or do you need anything answered before we move?

R. Carr: Can I just ask? Would you have an objection to limiting the reprocessing for slag and do only your own slag? I'm concerned about additional slag being shipped here.

R. Green: I would hate to make that commitment for ever and ever. I can tell you right now that our company has never until this point in time any slag from anybody. I would not expect that in my wildest dreams that would happen however, let's just say that our plant in Indianapolis had a couple of problems with these out there. There would be a possibility that maybe that would come here but you have to remember that it's in our overall plan that delivery wouldn't be taken here from somewhere else. I hope that makes sense.

L. Wolinsky: It's part of the overall complex of the facility.

R. Green: If the question is would we be buying slag, (two persons talking at same time) the answer would be no.

A. Dulgarian: No. I don't think that's the question. I think the question is will you just be doing your own stuff on site. We don't want stuff from a Texas plant even if it's your own company come up here and get processed. We want it just, this is to help you do business here in the Town of Wallkill and not to bring stuff from other areas to function here. I agree with Mr. Carr one hundred percent if you brought that up before that I would be a lot more comfortable if that was on the train and it's just for the product generated on the site.

R. Green: Right now, I don't know if I could make that commitment. I can commit that basically there are no plans to do that but the one thing you should realize is that, even if we did, that this material is much more, for lack of a better word, benign than auto batteries. It's very clean material from the aspect of having the acid involved. The sulfur is very low in it and that type of thing.

L. Wolinsky: The real thing is that nobody who is here tonight has started to make that

commitment. It's a commitment that affects the overall operation of the company (not clear). We could sit here and talk about it for the next twenty minutes but it all comes down to. .

A. Dulgarian: We can table it until you get a decision.

L. Wolinsky: Well, we would prefer that were not to happen but it's up to you. I don't know how I can help you otherwise.

R. Carr: Outside of the emissions, that was my only concern. I thought when I saw the additional trucks, the full process would be here and since you already send out I just thought it just seemed that it was a possibility people would be sending more stuff for processing here because you don't exist as a processor here in the Town. I don't know if that changes how I look at it if all of a sudden the people send in more slag.

R. Green: Quite frankly in the industry I'm not aware of any because we are lacking a furnace and certainly in the United States we're the only company that's actually shipping the slag somewhere else. I'm not aware of anybody. Every other plant that I'm aware of in the United States has (not clear).

G. Lake: You just don't want to see them go out on the open market?

R. Carr: I just don't want to see this become . . .

R. Green: I'm not even aware of anybody else that is even trying to or needs to handle this.

T. Cerone: We will tell you that the handling is just from a permitting standpoint. The handling of slag comes as a third party we will have to go to a modification Part B permit for hazardous waste permit but we wouldn't be able to do that and internally that's not possible.

D. McGoey: If that came into play you would have to come back to this Board.

T. Cerone: No. I would have to go to the Department of Environmental Conservation

D. McGoey: This Board also.

T. Cerone: No.

L. Wolinsky: The Board would get notice of it.

T. Cerone: Absolutely. It would be considered a modification

L. Wolinsky: The problem is . . .

R. Carr: I just have a problem with the process.

T. Cerone: The process, I understand.

R. Carr: It's the lack of not understanding. It seems logical because of transportation and I appreciate that you're the only people that have do this.

R. Green: If it were workable we would continue.

G. Lake: Anything else?

R. Carr: No.

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

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

**MOTION for SITE PLAN/SPECIAL USE PERMIT subject to all of Mr. McGoey's comments and this Board's comments and Department of Environmental Conservation approval made by W. Capozella and seconded by C. Najac.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

2. PUBLIC HEARING 7:35 P.M. - **BLEEM ENTERTAINMENT** - SITE PLAN/SPECIAL USE PERMIT - 88 Dunning Road (50-2-48) #53-07

G. Lake: Public Hearing started at 8:25 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 in said Town on October 31, 2007 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Bleem Entertainment, 200 Pleasant Valley Road, Pine Bush, New York 12566 for approval of a Special Use Permit for Monster Mini Golf, Dunning Farms Shopping Center, 88 Dunning Road, Middletown, New York 10940, Section 50, Block 2, Lot 48) under Section

249-26 1C 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 their mailings? Your name for the record, please.

M. Beck: My name is Michael Beck.

G. Lake: Give us a short description on what you want to do since the last time you were here.

M. Beck: What we really want to do is get our Special Use Permit because it's a change, I guess, from retail to an entertainment center. We're putting in a twelve thousand square foot eighteen hole glow in the dark mini golf course along with a game wing area and a party area for birthday parties, etc. That's pretty much it. We're in business and its operated mostly from family and my partner. One of us will be there whether it's us or our wives at all times. That's really what it is.

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

A. Dulgarian: After.

R. Carr: I will wait.

W. Capozella: After.

C. Najac: After.

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

**MOTION to close this PUBLIC HEARING at 8:27 P.M. made by A. Dulgarian and seconded by R. Carr.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

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

M. Beck: I have his comments.

G. Lake: Go ahead.

M. Beck: I think we've taken care of everything other than the dumpster issue. There's thirty eight dumpsters in the back of that project and not one of them with an enclosure. We're going to need one dumpster. We're not going to have a lot of waste and unless the retail business we don't have a lot of cardboard, wrappings of any sort. It basically would be paper products from the party rooms after we clean up after the parties. It would be general trash and out of the bathrooms and that's all we have. I took it to the landlord and basically they

don't know of being asked to put any enclosures in for the project. I don't think we should have to put one in when the others don't unless we're asked to and I would be the only one who has it.

G. Lake: We did receive a letter from the landlord.

D. McGoey: The landlord referred it to this applicant.

J. Capella: My name is John Capella. I'm here on behalf of the landlord.

G. Lake: Okay. Come on up. I guess what we asked for the last time when this gentleman was here was basically he just stated the number of dumpsters that were back there and when anybody has come in we've asked them to go back to the landlord and ask to maybe try and clean up the backs a little bit for a whole bunch of reasons from general safety, rodents, a fire hazard along the back of the building for looks and we were hoping instead of a letter of denial I guess, that's the best way I can put it, telling us we had no right to ask. That wasn't going to be the case and everybody was going to try to make the Town a better place.

J. Capella: The letter wasn't intended as a blunt denial. The comment letter came and said that this was a requirement of the code. We looked at the code and talked to the applicant and gave support that it was not a requirement for an existing facility. I have some photographs here though to show you what this looks like. These are the area and here are the woods. Now, if there is a specific item that you would like these landlords to do regarding the site.

G. Lake: I think what we asked for, first off you're right, but to take in the full scheme of this, you know, there's two dumpsters here and he just told me there's what, twenty eight or thirty eight.

J. Capella: Thirty eight.

G. Lake: We have pictures of that. I think all we asked for is consolidation or maybe a couple of compact units that could be spread out along the building, maybe to get it down to about three compactors instead of having all kinds back there. I agree when you say the woods are behind you but you still can see some from the road and again, it becomes a rodent problem for people eventually. It becomes a trashed area and it does become a fire hazard. The fire departments do go out more often than they care to because of fires being set some how in dumpsters. We were just looking for a way, and this happens when every applicant comes in along the Route 211 strip, Dunning Road and East Main Street including almost

any place in the Town where we can start consolidating some of these things and make them look a little nicer. That's what we were asking for. I mean if you're paying three or four hundred dollars for a dumpster a month now. With that amount of dumpsters, I'm sure you could use a couple of compactors.

J. Capella: I would have to speak to my client. I don't think they're adverse to. I'm going to talk to him about the types of issues and the letter said this was a requirement that this dumpster has to be enclosed. Back to that, this is one tenant, not one small use. I mean, if there are some global issues that you would like to speak to the landlord about on those type of issues I think they would be open to those concerns.

G. Lake: Yes. If you tell me that you're willing to call in tomorrow and get on a work session and have the landlord represented at that work session so we can talk about this and I think the Board would be in favor of that and get it resolved.

J. Capella: To talk about consolidation or . . .

G. Lake: Yes. I think something can be done back there to make it better for everybody.

J. Capella: Was that the only issue? I think there was one other issue that he wanted to get on the record, was about the right-of-way for the future tunnel, bridge or whatever.

G. Lake: That right-of-way, and I was here when we talked about that many years ago. That's something we can talk about at a work session if you want. That right-of-way, it seems to me, and has always been and agreed with an agreement, in principle if nothing else, it's always been lived up to by both sides no matter who owns what now. I'm surprised that's even an issue to be honest with you.

J. Capella: Well, it was as issue, once again, as a condition of this relocation. On our prior application when we were talking to the Board actually provided engineering toward that so I just want to state that the landlord is not opposed to that. He is open and has worked with the Town and will continue to work with the Town but I don't think the plans are concrete enough to make it a condition of this one tenant occupying an existing space that the specifics be granted when the Town is ready I may issue or the landlord will remain committed to work with the Town. The applicant has provided already engineering gratis to the Town to provide options for the area and how that can be accommodated but to make it a condition of this tenant occupying an existing space of the final design upon the location or final workings of that right-of-way. It would be aurgeon to this gentleman who wants to get in and do his operation. We will remain there. We will have vacancies and (not clear)

over time and they will still be there. I will work with the landlord.

G. Lake: Okay. I think we just don't want to lose track. That's why we've always been on the same page when it comes to the right-of-way for the tunnel and the Schutt Road extension to the tunnel, am I correct in assuming that?

D. McGoey: The project's funded and it is . . .

G. Lake: What's that?

D. McGoey: It's conceivable and we want to make sure.

G. Lake: Okay?

D. McGoey: There's one more thing so we don't have surprises when we do have this meeting on the storage containers on the site that haven't been approved by the Planning Board.

G. Lake: I guess that would be something that they would have to make an application for if not it becomes a code violation then the Code Enforcer should go out and take care of it. If they want to keep them then that's an application they would have to come in for and do a Site Plan revision. Call in to the office tomorrow and you will be given a date. Let me go through the Board.

A. Dulgarian: I think it's a good use. It's going to have very low impact. I'm glad we're getting some tenants in there that can use it. Having said all that the next time this applicant is before us, not this particular applicant, but the project itself if there are not any improvements made to the back of that building or structure which is terrible by the way. There may be thirty eight dumpsters but there's no rime or reason why for how they are. The detention pond is full of crap. There's stuff all over back there. If there are no improvements I don't care if you're looking for a two hundred square foot rental I'm voting no until they bring it up to specifications like everybody else in this Town does. But again, we can't hold up this one applicant for this but the property owner knows in no uncertain terms what we expect of them that we want improvements made on that property. I have no particular problem with this project as it stands tonight.

R. Carr: I have nothing beyond what Mr. Dulgarian just said.

W. Capozella: Mr. Dulgarian has stated it all.

C. Najac: I agree with Mr. Dulgarian and he stated he quite well.

G. Lake: I also agree.

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

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

**MOTION for SITE PLAN/SPECIAL USE PERMIT subject to all of Mr. McGoey's comments and this Board's comments made by R. Carr and seconded by C. Najac.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

3. **ALTA EAST** - SUBDIVISION/SITE PLAN/SPECIAL USE PERMIT - Re-approval  
Route 302 (22-3-54) #88-03

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

J. Capella: My name is John Capella representing the applicant, Alta East.

G. Lake: Okay. Just for you guys. We were getting ready to sign off on all this and the date was getting close so, I believe they did get a letter in?

M. Hunt: They did get a letter in.

G. Lake: They got a letter in so, it's just a safety balance just to make sure.

A. Dulgarian: So, why is this a re-approval and not an extension?

M. Hunt: Because they're approval did lapse.

G. Lake: I'm sorry. Yes, it did lapse. I was getting ready to sign and noticed the date.

A. Dulgarian: Nothing has changed?

G. Lake: I believe not.

J. Capella: That's correct.

G. Lake: And there were no changes?

J. Capella: No changes

A. Dulgarian: We're totally in our rights to just do a re-approval on this level.

J. Capella: I spoke with Mr. Bacon earlier this evening.

A. Dulgarian: As long as it is within our rights.

R. Carr: I have nothing.

W. Capozella: Nothing.

C. Najac: Nothing.

G. Lake: Motion for a . . . Mr. McGoey?

D. McGoey: It was a Subdivision, Site Plan and Special Use Permit.

G. Lake: Okay.

D. McGoey: Three issues. Subdivision, Site Plan and Special Use Permit. Mr. Bacon is saying we can extend the approval for a reasonable amount of time.

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

D. McGoey: No.

R. Carr: So, we're just extending?

D. McGoey: That is what Mr. Bacon is saying.

A. Dulgarian: What kind of time frame are you looking for?

J. Capella: We can pick up the maps tomorrow.

A. Dulgarian: So, six months will do?

J. Capella: Six months will do.

**MOTION for SIX MONTH EXTENSION of SUBDIVISION, SITE PLAN and SPECIAL USE PERMIT final approval made by W. Capozella and seconded by A. Dulgarian.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

4. **ESPM** - SUBDIVISION - Extension to Final - Shawangunk Road (3-1-10.2) #111-06

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 got approval back in April and we're still, we're about ninety nine percent done with the Town of Wallkill buying a piece of property. The Town passed a resolution about a month ago finally. Our attorney, wrote a letter to the Town back in June and July of 2005 requesting to transfer that piece of property and abandon the old Gillen Road. It's taken them that long, over two years to settle a piece of property. We're almost done. We talked to the lawyers today.

G. Lake: So, basically you got held up on the process?

D. Yanosh: Yes.

G. Lake: How about the Health Department and all of that?

D. Yanosh: Eustance & Horowitz is all approved.

G. Lake: I will go through the Board.

A. Dulgarian: No problem.

R. Carr: I have nothing.

W. Capozella: Nothing.

C. Najac: Nothing.

G. Lake: I don't have anything.

**MOTION for SIX MONTH EXTENSION to FINAL APPROVAL made by**

**A. Dulgarian and seconded by R. Carr.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

5. **POA PROPERTIES** - SITE PLAN - Rykowski Lane (60-1-95) #78-07

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

R. J. Smith: My name is R. J. Smith.

G. Lake: You are scheduled for a Public Hearing.

R. J. Smith: Right.

G. Lake: The last time he was here guys, if you remember, we had a question regarding Rykowski Lane. Just to get it on the record they did try to go to the Town to try and get a better definition. I believe we should have it between now and the Public Hearing if that's satisfactory to you then we will table it and go to the Public Hearing.

R. J. Smith: Yes. We will get that resolved.

**MOTION to TABLE for further review made by A. Dulgarian and seconded by R. Carr.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

6. **CRYSTAL RUN AMBULATORY** - Ballard & Crystal Run Road (60-1-5.222)  
#77-06

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

M. Archangel: My name is Michael Archangel from Columbia Development.

G. Lake: Go ahead.

M. Archangel: The last time we were here the lights went out in the middle of the presentation. I guess what I'm here for tonight is to try and proceed with the Public Hearing on November 14, 2007. We met with Mr. McGoey a number of times and this Board a number of times. We're presently working on a list that was given to us by Mr. McGoey last week. We were given a list of comments recently by Dominick Geordano from Mechanicstown Fire District. I talked to him the other day with his list of questions. We went through those and those are the answers. In all cases there didn't seem to be any problems with what we're proposing. Some of the issues he had raised and this Board has raised actually is the canopy that we have in the front and the rear of the building. The clear distance is 11.2 and Mr. Geordano said that two of the fire trucks that he presently has will go underneath the canopy. We talked to Mr. Lake and Mr. Jaques about it. The Siamese connection and the stand pipe which we agreed to put into this building because it is a four-story building would be located towards the front of the building. Mr. Geordano felt that a fire truck could come close enough to connect to both of those items along with a twenty foot piece of hose. I've addressed those and I'm going to try and get a letter to him confirming that what I'm saying in that letter will be adequate. The other issue that I just received about two days ago that dealt in some issues that I believe we are handling such as stormwater management. The one that struck me the most was item #4, transportation access. The girl that wrote this recited things that aren't necessarily true. I called Dial-A-Bus today and talked to Andrea and currently 155 Crystal Run Road which is Dr. Teitelbaum's building across the way on Ballard, Dial-A-Bus goes there presently on a reservation basis as well as a designated stop. That bus is a twenty passenger bus to make appointments and be dropped off there. That bus would have no difficulty entering this facility either as a designated stop

or as a reservation. What she refers to we're not quite sure it just doesn't make sense. I attempted to call her today and discuss it briefly but that particular issue in talking with Andrea today. It would make sense to me if Dial-A-Bus goes from one facility to the other and then has the ability to go on to the Blue Cross/Blue Shield and into the Pavilion all of which would be inner-connected. Once we put the signal in here that we're proposing this will be a full service driveway. Dial-A-Bus could drive right across the street and continue on which only makes sense. The thing that we're going to consider is maybe at some point along Ballard Road or Crystal Run Road for that matter there may be a place where we could put a bus shelter and talk about a long term plan for pedestrians that would be picked up through the County known as the Main Line Bus System.

G. Lake: Is that what she is talking about?

M. Archangel: Pardon me.

G. Lake: Is that what she's talking about, to make a bus route.

M. Archangel: No. She really doesn't. She talks about a large bus would drive through this facility which we really don't want because of the medical situation with patients and so forth. We don't want a big bus driving through the parking lot.

G. Lake: Right.

M. Archangel: Would we entertain a large bus and put a shelter out on Ballard Road or Crystal Run Road.

G. Lake: The Main Line Bus System, first off I don't believe that it's like the Short Line by any means.

M. Archangel: Right.

G. Lake: As far as the Town Dial-A-Bus system, I believe that's all done. I thought all trips on the Dial-A-Bus was by appointment but I believe that they also have a route.

M. Archangel: They do.

G. Lake: They do?

M. Archangel: Andrea said there is a route and we could make this facility a designated stop

as well along with 155 Crystal Run Road which is a designated stop as well. All that means is it goes around a certain location and picks people up and if they want to be dropped off here they would be more than welcome to do that or you can call to make a reservation to take you from one point to another. I was going to meet with her and see if we could pick a location. Dial-A-Bus would very easily be able to go through this parking lot and going underneath the canopy and there is enough width between the front door for allowing twenty to twenty one feet for that bus to stop and drop off or pick up and someone could still get by that bus. It's something we talked about a while ago. I'm going to attempt to talk to her.

R. Carr: There is something with the Town and I think it also goes to the Galleria.

G. Lake: Check into that.

M. Archangel: The other comment that she mentioned and I will mention it to Mr. McGoey is the stormwater management facility. This is low impact development I just would like to point out to this Board that we went a week ago and did rock testing and bored six feet underneath. I'm not quite sure how to handle the comments from the County. The parking reduction, we've already done that. We went to the Zoning Board of Appeals to reduce the amount of parking required by code. We further reduced it. We feel that the number we presented here and we've land banked about fifty spaces. We don't really want to put those in and it would become a green area. We've kind of gone other that process over the past nine months. We're working on that as well as Mr. McGoey's comments and the Fire Department comments. We would like to come back to you in November and have the Public Hearing and any issues that are outstanding we would be more than happy to answer.

D. McGoey: Did you get the Department of Public Works comments?

G. Lake: Do you have a copy of them?

M. Archangel: No, I do not. A copy was given to him.

G. Lake: As far as the County goes, we have noticed the increase in their comments as of late.

M. Archangel: So, I'm not the only one.

G. Lake: I think now it's going to become a timing issue for even us. Mr. McGoey's comments, are you going to have any problem with any of them between now and the Public Hearing?

M. Archangel: No. We've looked at those since last week and we're working on a revised plan. The aisle width will be increased to twenty five feet. All the little details that he wants we're working on. We don't see any problem with any of those.

G. Lake: Okay. You're going to finish up with the Fire Department on their comments?

M. Archangel: Yes.

G. Lake: And get us a letter from them stating that they are satisfied?

M. Archangel: Yes. We've had conversations through every item. I was going to send them a floor plan to verify stair locations and the Siamese connection.

G. Lake: How about the location of the Siamese connection?

M. Archangel: That's one thing we talked about.

G. Lake: We talked about that in a work session.

M. Archangel: That's one thing we talked about with Mr. Geordano and we're still proposing it because the accessibility of the trucks going under the canopy brings them in closer and he felt it wouldn't be a bad location. I've sent him a copy of the floor plan

G. Lake: Okay.

M. Archangel: He felt it wasn't a problem but again without the floor plan of the building I'm going to meet with him and we will go through it.

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

A. Dulgarian: Nothing.

R. Carr: Nothing.

W. Capozella: Nothing.

C. Najac: Nothing.

G. Lake: I have nothing.

**MOTION to schedule a PUBLIC HEARING for November 14, 2007 made by R. Carr and seconded by W. Capozella.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

7. **MILLENIUM MANAGEMENT RESIDENTIAL** - SITE PLAN - County Route 78  
(69-1-1.2) #62-07

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

A. Fusco: My name is Al Fusco with Fusco Engineering. I'm representing Millenium Management. Here with me is (not clear) a principal in Millenium and also a principal in the Regency Club, a project that's very successful on Schutt Road. Mr. Jacobowitz is the attorney representing the project.

G. Lake: Go ahead.

A. Fusco: This project is on County Route 78. It's a little east of where the schools are and directly across County Route 78 from some of the former Middletown Psychiatric Center. This used to be a part of the Ogden Farm and it was subsequently inherited to Prokopov. You may have seen this before in some other matters but it is property that has a lovely wooded area with some nice views. It does have an elevated portion of it which, again, is conducive to the view. We're planning on a project that relates to the R-1 zone. It backs up to this portion here and is blown up at the bottom plat. One of the things that we have is the R-1 zone currently has close to thirty eight acres. It does have a minor amount of wetlands and two and half acres of wetlands and about seven acres of steep slopes. The build-able area is about twenty eight acres. With this, when we first came into a work session, the Chairman happened to be there as well, and suggested that we work with Behan to try to develop this site since this had a lot of possibilities. We looked to do so under the

conservation requirements and towards that end they had the experience so we did meet with them on at least three occasions and we did have, I believe, a joint work session at one point with Mr. McGoey and Behan as well. We have kept in contact with them. One of the things that was suggested is that we have multiple possible alternatives. We had as many as six at one point and we brought it down to three that we presented to you. This is option #3 which is the one that we prefer of them and that's why I highlighted that for you. The project consists of ninety six (96) units currently with eight (8) buildings pads making twelve (12) units each in various one and two bedroom occupancy. One of the things that we were looking at is to try and maximize some of the views and also through our discussions with the planners was to try to create an atmosphere of it where this project was sustainable. We did talk about certain aspects of storm drainage, bio-retention and things of that nature which we had promised to incorporate into the project as it proceeds. Again, we do qualify for the conservation regulations and in addition to that with the planner they did concur that our ninety six (96) unit count that we do have that available to us. Under the conservation aspect of it, we're required to have approximately 7.6 acres of open space. We're presenting fourteen to fifteen acres of open space. We are almost doubling what is required and we are providing access. This project is going to be serviced by City of Middletown Water and Sewer. They had negotiated on this property years ago or about fifteen years or so I believe with the City of Middletown for water and sewer service. So, it will have municipal service and we don't have to worry about wells being drilled or septic systems on this. We do have a neighbor, City of Middletown, to the north of the property and we have had conversations with them obviously since they're going to be providing water and sewer to the project. We've made them aware that we're proceeding with it and we have given them copies of the plans. Again, we would like to proceed on this project. We'd like to have your input on it. We believe that we do meet all the criteria on it. We have gotten comments from Mr. McGoey which I basically have no exception to. Some of them need to be further expanded upon and looked at as per his own notes. We did receive today some comments from Behan which I assume you also have. Again, what I think they have is factual and we will try and incorporate many of their ideas into the program as we have up to this point.

G. Lake: You're shooting for the conservation subdivision.

A. Fusco: Correct.

G. Lake: All of that entire green space there, correct?

A. Fusco: Yes. What we're proposing under this would be this fifteen acres in this area. This portion up here we didn't consider any density or any other format. We do meet the criteria and there are no plans for it.

R. Carr: How about that being part of the conservation area?

A. Fusco: It is not now because we already exceed the conservation area. We're supposed to have seven (7) acres in this area. We have fifteen (15) acres.

G. Lake: Is that a separate lot?

A. Fusco: It is not currently a separate lot, no.

G. Lake: So, it's only one lot at this point?

A. Fusco: One lot, that's correct.

R. Carr: The only thing Mr. Lake, in Behan's comments when they were talking about the number of lots, they really found that your calculations are based on the R-1 part of the property but the owner used that and you didn't take out the steep slopes or the wetlands. What they said was because of the RA property there was enough land there to allow that many units. I think what Behan was assuming is that was part of the conservation area.

G. Lake: I think you're right.

A. Fusco: I agree with what you've said and how I read they're report. Also, I would say that they did state that while the number of units reached is accurate in density calculations consideration was given on how the site would be developed. In relationship to the density calculation we did take into consideration the steep slopes and they were deducted out of just the R-1. We are talking about just the R-1 portion of it, we do comply with the density and we did subtract out the steep slopes. We did not under their calculation subtract out the wetlands because it wasn't required to subtract it out however, just to give you an idea for the ninety six (96) units we had a build-able area of one million two hundred and twenty thousand square feet and what we're utilizing based on our units is one million and thirty two. We have over two hundred thousand square feet above and beyond what is required. Even if we were to utilize the two and a half acres of wetlands and subtract that out we would still meet the ninety six (96) unit calculation.

R. Carr: I'm thinking. I was just reading from hers where it says "when the number of units were calculated and the land considered build-able does not include the slopes, etc."

A. Fusco: That's inaccurate.

G. Lake: You also have to keep a certain portion of build-able or use-able land also to quality.

A. Fusco: That's correct. We need to do seven and a half acres of (not clear) and build-able land would be one and a half acres or five percent of the build-able area. We are at seven and a half and 1.4 build-able and we're leaving 14.2 so we're required to leave seven and a half and we're doing fourteen.

G. Lake: Okay.

A. Fusco: I did send that in a letter dated October 11, 2007 to the Board which you may or may not have in your file but we did send that for information on the density. Again, Mr. McGoey can verify that as we go on.

G. Lake: Let me get a couple of comments in and then I'll go through the Board and then, I think you have maybe an alternative you may want to show to the Board?

A. Fusco: We've given you three of them and this is the one we would prefer.

G. Lake: The only thing and I think I mentioned it the last time. I think Middletown does border right behind you there.

A. Fusco: That's correct.

G. Lake: And, I think you're very close to coming up with your runoff and you say not at this point.

A. Fusco: Okay.

G. Lake: I surely would like to make sure that we have a communication from the City of Middletown.

A. Fusco: Absolutely.

G. Lake: And I would surely like between now and whenever even a letter of satisfaction from them or what ever you want to call it, that they're satisfied on their end so we don't get down the road and they have concerns later.

A. Fusco: In that regard, immediately after you said that, we sent a letter to them which was over two months ago. I sent them another letter yesterday informing them that we had a meeting coming up and could you please comment on it and as of four o'clock today when I left my office I did not receive anything but we have discussed it with them. We've also discussed the water and sewer aspects with them. Just so that you are aware, I'm more than familiar with this and there's a law of 1898 that protects the City of Middletown watershed. It relates more to the sewage aspect than it does to any runoff. Obviously, since we're going to be using Middletown Water and Sewer, we don't have that impact. However, through our discussions and even with the Behan group they had made mention of that we would try to minimize any flows in that direction and we did do that. Originally we had the buildings continuing over to here because this does flow in that direction we took the building out of that area. Now, there are some areas of this that do slope in that direction however, Behan also noted that we can correct these flows and bring them in a southwesterly direction away from it. So, we can eliminate any flows towards the City of Middletown whether there be a building there or not we can re-direct the flows.

G. Lake: I just want to make sure. I don't think it had blacktop or cars, trucks or things like that.

A. Fusco: I agree.

G. Lake: I just want to make sure we don't hear from the City of Middletown six months or a year down the road.

A. Fusco: We will make sure that it's taken care of.

G. Lake: If it means you have to make a couple trips up there to see him, I think you're going to have to do it.

A. Fusco: Not a problem.

G. Lake: I just think that's an important issue.

A. Fusco: We agree.

G. Lake: Let me go through the Board.

A. Dulgarian: So, which one are we looking at, #3?

A. Fusco: #3.

A. Dulgarian: Now, first off. You say there's 14.2 undisturbed acres?

A. Fusco: That's correct.

A. Dulgarian: Does that include the roads that go over that?

A. Fusco: The roads would be outside of the 14.2. It would be 14.2 undisturbed acres.

A. Dulgarian: Totally undisturbed.

A. Fusco: Yes.

A. Dulgarian: On your maps under bulk requirements.

A. Fusco: Yes.

A. Dulgarian: For this project, what's up with that?

A. Fusco: Umm.

A. Dulgarian: They're all incorrect?

A. Fusco: I'm sorry. I'm not following you.

A. Dulgarian: Maybe I'm reading it wrong. You show the minimum and then you show what the specifications are for this project.

A. Fusco: Right.

A. Dulgarian: Well, it says ten acres.

A. Fusco: We showed that we exceeded the ten acres.

A. Dulgarian: But you didn't tell us the exact.

A. Fusco: Yes. It's thirty eight acres. The site is sixty eight acres and the portion of RA is

thirty acres.

A. Dulgarian: You're just saying you exceeded it but you're not telling us how much they are on the map?

A. Fusco: That's correct.

A. Dulgarian: That's very unusual. My only other thing is Mr. McGoey where are we at with the hookups? I know when the old Prokopov property, now they're just allowed to hook up to the City of Middletown?

D. McGoey: There's a section in the ordinance they're applying under does not require water and sewer.

G. Lake: They will do a municipal agreement with the Town of Wallkill for those services.

A. Dulgarian: So, the Town has some sort of protection on it?

D. McGoey: That's what I'm suggesting in the municipal agreement and then it would also have additional information.

G. Lake: You realize about the municipal agreement. You've done a couple of them already.

A. Fusco: Yes.

G. Lake: It has to be in place with the Town.

A. Fusco: One of the things that we had discussed at a work session is you made mention of it. What we talked about with Mr. McGoey in the first work session was that under the requirements of the Town Code that if we utilize Middletown City Water and Sewer under this aspect of the code we did not need an inner-municipal agreement. Under another section of the Code we did. The Chairman had requested that we proceed with an inner-municipal agreement so if one was to be had we have no problem with that.

G. Lake: I can tell you right now since I've been Chairman and Acting Chairman I have always whenever this situation out there has come up in that total area. I've always asked for an inner-municipal agreement.

A. Fusco: That's fine.

G. Lake: Be entered between the Town and the City of Middletown to protect both sides of the fence and the applicant. I would fight with every Board member here to the end because I think it's that important so that everybody knows exactly where they stand and no questions will be asked at a later date. It's a done deal and it's something you can start working on. I know you've done a couple already but otherwise what we've done in the past is we've gone back to the starting point. We've done that on a couple of properties out there. I would recommend to this Board and I will tell you right now I think that's a must and I think it's a protection for everybody.

A. Fusco: We have no problem pursuing that.

G. Lake: That's the impression you gave me, that you didn't have a problem with it but now it's on the record that you don't have a problem with it. It's the only way to go for everybody's safety.

A. Dulgarian: The thirty eight acres, that's included in the R-1 and the RA?

A. Fusco: The RA and the R-1 together is seventy four acres. I misquoted when I said it was sixty eight. It's seventy four acres. The RA and the R-1 together is seventy four acres. The R-1 only is thirty eight acres. It's just R-1 and that's the develop-able area.

A. Dulgarian: Now, you're second parcel, the RA, what are your future plans?

A. Fusco: We have no future plans. There are no future plans here. We're not including it in this. At one point we had talked about it and we're not doing anything in the RA portion. One of the things it has made mention of is Mr. McGoey has commented in his comments that requested that we provide some access to that back portion. We have no problem extending an overlay over in that direction.

D. McGoey: I also recommended an overall development plan.

A. Dulgarian: That's what I was leading up to. Normally we ask to see an overall development plan so we know what could possibly be for a project like this. With that one curb cut out there on County Route 78, now we're talking about another units back there so it would be real nice to see what is possible to go on there.

A. Fusco: We can show you what is possible but we don't have any intent to.

A. Dulgarian: But you're not willing to put a note on the map stating no further development on this property.

A. Fusco: What we're doing is we're isolating the development in the R-1 portion.

A. Dulgarian: Okay, so if you're not willing to say that there will be no further development on this property then we would like to see an overall development plan.

A. Fusco: We can provide something for you. We can show you where buildings may be even though we don't have to do anything with it. I believe at one point I sketched out about half a dozen single family homes on it or something in that nature at one point for another development.

G. Lake: We have asked that before quite a few times.

A. Fusco: I know.

G. Lake: It probably should have been done by now.

R. Carr: I agree with Mr. Dulgarian in getting that. What made you choose the conservation?

A. Fusco: We chose the conservation because it gave us some flexibility in being able to design and in our conversations and also density also. It also gave us a lot of flexibility and in our conversations with the planners one of the things that we were going to look at and we had addressed with them is some of the waiver requirements that you could additionally provide us with. One of the things that you will note that she made mention of was trying to put some of the parking underneath the structure and try to reduce the pervious area of the parking. To do so we would have to go to two and a half stories, if you will and have parking underneath the building. With that a waiver from the Planning Board would be required and that fits in to the conservation portion of the regulations. In addition to that, we did some flexibility in the design and we believe it would be appropriate for this. Actually it's a poster child for it because you have the green area in the front that would remain undisturbed and creating the building development in the rear. So, it does give us some flexibility and could assist in making a more sustainable project.

R. Carr: I bring that up only because I don't think you can really build too much in the front. It comes down to a question that we always ask and I know that Behan brings up. What resources are we . . . We're providing you with extra flexibility. In order to preserve something that we want to preserve that otherwise wouldn't be preserved. And, I don't see it

here. I do like that the project has been moved off from the road. On the other hand, I think you would have a hard time putting it near the road. It's just a convenience it's there so I would want to see what it is because the land that's being preserved nobody will be doing anything with that land anyway. I would have to be convinced with this project. The other thing is are you incorporating under the building and parking . . .

A. Fusco: On this particular plan we did not because one of the things that we did not was because there was a question in relationship to if you had the ability under your waiver to give us that height waiver. We had some conversations with the project attorney in that regard and we believe that under a certain section of the code that you may have that flexibility. If you do have that flexibility and it's confirmed by your counsel then we may look at that. That would again reduce some of the slopes and possibility we may even be able to get rid of a building or two. But, again we weren't convinced one hundred percent of that. In fact we only had conversations with counsel today about it and we may be able to, if you have that ability and are willing to do that we may be able to look into it for a better project.

R. Carr: Okay. That would be a positive note. Is it a question of the topography where the buildings are? The other thing are these trees actually representing trees or are they . . .

A. Fusco: They're represented in the wooded area. We will be locating them.

R. Carr: Lastly, why on some maps are there more parking spots than on others?

A. Fusco: What we did is we were trying to see on some of them we had some additional areas and I know Mr. Hamilton likes additional parking so where ever possible we tried to put some additional in there but they do meet the criteria. That's basically why. We had an opportunity to provide extra we showed them.

R. Carr: Just one more question. Why do you prefer this one?

A. Fusco: Basically what we did in looking at the layout and the way the road way out is we do have quite a bit of road and originally we had a little bit more. We tried to minimize it as much as possible to cut down on the impervious surfaces. Just because of the view sheds that we have here, it has one good view shed in this direction which is where Behan said we ought to put the clubhouse because everybody gets to enjoy it. This is the lake view, etc. On these we do have a nice southerly exposures. They have nice vista views as opposed to turning them on the side so we're trying to maximize it. In addition to that you had made mention of the flatter areas. This is a flatter area right through the strip and we were trying to

avoid the steep slopes, obviously because we can't build on a steep slope. Some of the other projects we had we have moved some of these buildings down into these areas away from the steep slopes. One of the things when we discussed it with Behan is that they would like to see it clustered more because they liked to see that the projects have more of a sense of identity. That's sort of what they were relating to us. They had preferred if we could try to get these into quads but the slopes just weren't allowing us to put a whole quad together. This was the one that looked the best and still provided parking as close as we can but behind the buildings. In other words, we were trying not to look over the parking areas. In this case we wanted to move this building forward and I think Behan even made mention of that in her letter because she said option #3 would look better if we could move this parking across the way and move the building forward in line with the others and we had attempted to do that but the building code requires that we have sixty feet between the buildings so, we were not able to. Now, we may be able to squeeze it in or again if you have any waiver or ability in that regard we could look to follow through her suggestion and move that building forward. That's basically how we came up with this design at this point.

R. Carr: Okay. That's all for now.

W. Capozella: I'm sure we're going to here from the Public one way or another on this. What is this, ninety six (96) units in there?

A. Fusco: That's correct.

W. Capozella: Is that a total build-out based on code?

A. Fusco: We still have in excess two hundred thousand units so we could possibly have another five or ten years.

W. Capozella: Eventually, I guess, this road will become a Town road?

A. Fusco: It's proposed now as a private road.

W. Capozella: It is. Nothing else.

C. Najac: This is close to the schools (not clear).

A. Fusco: This was just something that we had reviewed based upon the demographics and what the principals had been utilizing in their other projects. This one had been successful.

That's why we had proposed this one. Also, in relationship to the three bedrooms it didn't quite fit on the design. We were looking on the building design to be something similar, like I said, the Regency Club on Schutt Road we were looking to create a similar design.

G. Lake: Anything else, Mr. Najac?

C. Najac: No.

G. Lake: Are these condominiums or apartments?

A. Fusco: The premise when we first came in was to be apartments. That was the premise we first came under. The reason that we came in under that regard was because under that portion of the code we did not need an inter-municipal agreement. When we had agreed to pursue an inter-municipal agreement that would allow the project to fall under condominium so, at this point I guess we're in-between at this time. What we're looking at is ninety six (96) units I would have to say that if we are successful in getting the inter-municipal agreement then I think we would look at having the option of going condominium. Our initial proposal was for apartments.

G. Lake: Well, I think you should keep it as apartments. I know you're reading the code but I'm just telling you what I think is good for everyone.

A. Fusco: I understand.

G. Lake: Apartments is what I thought you were talking and I would think that by the next time you come around I think that decision should be made so that this Board as a whole can treat it as such.

Mr. Jacobowitz: Mr. Chairman, the present intent is apartments.

G. Lake: Fine.

Mr. Jacobowitz: The reason we would get diverted from that is if the cost of this project goes to a level that we cannot get rent. It makes the rental too expensive. Our preliminary analysis is that we can do a rental here very similar to the project on Schutt Road. That's what we want to do but as you all can see, the road pattern here is expensive. It's a site that needs special attention and that means more money and we're hoping that isn't going to put us over the level where we can't afford to have rentals. That's basically it but our intent is apartments. That's the nature of the business that this client is engaged in.

G. Lake: Okay, which I don't think this Board has a problem with. I'm just saying is I don't think an inter-municipal agreement is a great expense and I don't think that should push it one way or the other. I'm just saying I was just surprised when you indicated that it could be condominiums. I just want to make sure that this Board and the whole Board knows why I'm kind of saying what is it going to be

Mr. Jacobowitz: From the standpoint of the Town what do you see as the down side if these were sold as condominiums versus rented? It's a problem that we would have to deal with in order to avoid concerns.

G. Lake: I don't see that as a problem. I don't have a problem either way personally. I'm just saying and all I'm asking is that we know which way they are going to go.

Mr. Jacobowitz: It's apartments and if we're going to change our minds we'll declare it and tell you why but right now we're in the apartment business.

G. Lake: Fine. I think that's fine. I don't think this Board has a problem with that. Mr. Najac, anything else?

C. Najac: No.

G. Lake: Now, are you going to get lake rights?

A. Fusco: Unfortunately not.

G. Lake: Okay. You were here for sketch. I didn't hear too many negative comments from the Board at this point.

D. McGoey: Mr. Lake, there are comments that Behan has about the layout that really haven't been resolved.

G. Lake: I realize that at this point.

D. McGoey: I don't want to give them the false impression that this sketch is okay.

G. Lake: No, but he has to start someplace and I was coming to that saying take all the comments from everybody and do what you have to do and get back to another work session and start putting everything down and refining it.

A. Fusco: Absolutely.

G. Lake: I think that's the next step. Mr. McGoey's comments, are you going to have any problems?

A. Fusco: No. We don't have any issues with any of them.

G. Lake: Okay. I will say you know where you have to go. You have Behan and I believe this is in the Howell's Fire District.

A. Fusco: I believe so.

G. Lake: Make every effort to contact them. I'm not saying they don't have any projects of this nature yet in their district but I want to make sure that they are aware and if they don't respond, they don't.

A. Fusco: Okay.

R. Carr: I want to see why it should be a conservation.

A. Fusco: I made notes to address that.

**MOTION to TABLE for further review made by A. Dulgarian and seconded by R. Carr.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

8. **CIESLEWITZ** - 6 LOT SUBDIVISION & LOT LINE CHANGE - Hufcut Road  
(12-1-96) #87-07

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

D. Yanosh: My name is Dan Yanosh representing Mr. John Cieslewitz.

G. Lake: Go ahead.

D. Yanosh: I remember one time we were in for a three lot subdivision, a lot line change and the tree lots. Then we looked at the conservation subdivision. We looked at a Town road and a private road. Mr. Cieslewitz decided to change to a private road through a Town road. The layout that I show here today is about the most we can get out of this property. Mr. Dulgarian is one hundred percent correct. I have some flag lots. Mr. McGoey's comments indicate that I don't meet the new zoning requirements because of the two hundred foot lot frontage. The sketch, the most I can do is this way here. I will need a denial from you probably if everything is okay to go before the Zoning Board of Appeals to see what they say about my layout because it doesn't meet the new zoning. I don't know how else to do it besides building a road. The cul-de-sac right now is at the limits of one thousand feet. It's just a weird shaped piece of property with wetlands in the middle and in the front. You have looked at it numerous times and this is probably the best way.

G. Lake: Is there anyway out to Lybolt Road or anyplace else?

D. Yanosh: To Lybolt, no I don't think there's anything because of the houses through there. The only other way to get through is maybe through the Thompson property through Hufcut Road.

R. Carr: Mr. Yanosh, what if you got a right-of-way from across that house?

D. Yanosh: We have a clearing easement through there.

R. Carr: Yes, up across the field.

G. Lake: I know we talked about but it's always been hard. I think and this is my own comment. I guess you want to go before the Zoning Board of Appeals?

D. Yanosh: Yes.

G. Lake: I think there are a lot of pieces of land throughout the Town like this. It's our opportunity to see what the Zoning Board of Appeals does with it. I think we will face this more and more as we try and figure out how to let somebody use their property.

R. Carr: Why did he not decide to go open development?

D. Yanosh: A private road and the cost. Again, this is probably better for sale.

R. Carr: They were talking about the cost to the Town the other night with a cul-de-sac like this is way too much than these people will pay. So, everybody ends up paying more for the Town to maintain it.

D. Yanosh: I love private roads. Once a private road is established the Town Board washes their hands of everything. On the other side of the County they love them.

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

D. Yanosh: Yes.

]

R. Carr: I have no problem with the flag lots.

D. Yanosh: Even with a private road, I think we still have to appear to the Zoning Board of Appeals for lot frontage. No matter what I do.

**MOTION made to approve project made by R. Carr and seconded by A. Dulgarian.**

**A. Dulgarian: Nay**

**R. Carr: Nay**

**W. Capozella: Nay**

**C. Najac: Nay**

**G. Lake: Nay**

**MOTION CARRIED. 5 NAYS**

**MOTION to send applicant to the ZONING BOARD OF APPEALS made by R. Carr**

**and seconded by A. Dulgarian.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

9. **SKY RIDGE DEVELOPERS** - SUBDIVISION - Hazel Street (37-13-29) #130-04

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

A. Churchiano: My name is Andy Churchiano with Pietrazak & Phau.

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

A. Churchiano: The last time the project was here it got sketch approval. Since then we have redesigned the project to have nine lots proposed, seven in affordable housing zone and one in the R-1 zone. During the design of the project we looked into adding an underground detention system. The reason we decided to go with the pond was because at the last meeting Mr. McGoey stated that there would be a lot of complications with maintenance and that it would be almost impossible to maintain something like that. So, we tried to do a retention pond on lot #2.

G. Lake: Who is going to be in ownership of the retention pond?

A. Churchiano: It would be formed by the Town.

D. McGoey: It would be a drainage district.

G. Lake: Okay. Just for those seven houses?

D. McGoey: Yes.

R. Carr: Would the Town own . . .

D. McGoey: I would say that would be a recommendation to the Town. The Highway Superintendent wishes to own it as part of the drainage district.

G. Lake: Are you going to have any problems with any of Mr. McGoey's comments between now and the Public Hearing?

A. Churchiano: No. On the first comment there's been some confusion with setting the maximum price on the affordable housing. The draft of the resolution, we don't know if it's actually a quote in the law. We made a number of telephone calls to the Town Attorney. Basically on the last page of the document it indicates where those numbers came from, the average medium family income for Orange County is 3.5 percent of that.

A. Dulgarian: And, that's \$76,400?

A. Churchiano: The medium family income in Orange County is \$72,400. That's determined by the United States Department of Housing and Urban Development. So, 3.5 times that number is the maximum. It doesn't really affect the design of the project. There is just some confusion and thought I should bring it up.

W. Capozella: People want rentals all over.

A. Churchiano: The rental numbers are in there.

G. Lake: I will go through the Board.

A. Dulgarian: Nothing.

R. Carr: Two things. I think it should have sidewalks and (not clear).

W. Capozella: Nothing.

C. Najac: The sidewalks?

A. Churchiano: An area of Washington Heights, I didn't see sidewalks anywhere.

G. Lake: There's no sidewalks out there.

A. Churchiano: As far as the feet goes . . .

G. Lake: Emergency services may knock it down to twenty four. I can't see going lower.

A. Churchiano: Twenty four Mr. McGoey is normal?

D. McGoey: With a twenty four foot road there is no parking on the road.

G. Lake: We jacked it up to thirty because the emergency services came to us years ago and I know it's been debated. I'm torn. On the one hand yes, that's the thing to do, go back to twenty four but when you have to get a fire truck up the road and someone is parked it becomes a concern.

**MOTION to schedule a PUBLIC HEARING for January 2, 2008 made by C. Najac and seconded by R. Carr.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

10. **SALZANO** - 3 LOT SUBDIVISION - Prosperous Valley Road & York Road  
(3-1-104.21) #61-06

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

S. Plass: My name is Susan Plass representing the applicant.

G. Lake: I have to ask you before you get going too much there seems to be some lateral drainage ditches draining off that one piece up there. What's that there for?

S. Plass: Which piece?

G. Lake: I think it's like closer . . . I hope I've got the right spot. This pond. Who owns this pond here?

S. Plass: The big pond in the middle or . . .

G. Lake: Yes.

S. Plass: It's owned by Mr. Salzano.

D. McGoey: There are definitely two ponds out there.

S. Plass: Yes. There are lots of ponds out there. If you look at a tax map you can see the ponds on all three of those parcels, actually four parcels.

G. Lake: Yes. Where does Mr. Vernoy live out there?

S. Plass: All the way to the left, the house with the pool.

G. Lake: This lot here, I think it would be right back up in there.

S. Plass: Coming off York Road?

G. Lake: I believe so, yes.

S. Plass: Is anybody out there? I was just out there. I walked out and looked across and I saw some ditches. They looked like they were drainage ditches to drain the property.

S. Plass: From the bait shop.

G. Lake: That's where I was when I saw it. I will go back and take another look. Go ahead.

S. Plass: It's a three lot subdivision on fifteen acres of land. He was looking at one lot off York Road, two off Prosperous Valley Road. Lot #2 was previously designed by Fellenzer Engineering when it was one parcel. We also submitted plans with them with this set. There are no details for lot #2 on our plan. We worked together to make sure the property lines would be. I have the separation from the well and the houses and the septic systems. And, of

course, we will put them into one consecutive set. We ran into a problem getting them all printed and put together.

G. Lake: Your driveway on lot #2, what's that going up? Is that less than ten percent or it's going down the hill?

S. Plass: Fellenzer designed lot #2 and unfortunately I don't know if anything was submitted on the plans.

D. McGoey: There wasn't. I had asked for it.

G. Lake: Do you have Mr. McGoey's comments? Between now and the Public Hearing are you going to be able to answer them?

S. Plass: I believe so. Unfortunately I'm just getting to look at them now. I don't believe there is a problem with them.

D. McGoey: You've got an issue with lot frontage.

S. Plass: On lot #3?

D. McGoey: Lot #3 does not meet the lot frontage requirement.

G. Lake: Is this your first time seeing this?

S. Plass: These comments, yes. Unfortunately.

G. Lake: Is this your map or is this Mr. Fellenzer's map?

S. Plass: This one is our map. Fellenzer's map has been included with it.

G. Lake: Let me go through the Board. We're going to put you far enough out anyway and between now and then get back to another work session. You know the issues.

D. McGoey: Lot #3 only has frontage along York Road. It's not two hundred feet.

G. Lake: Yes, but neither is the one on Prosperous Valley Road, that's one eighty three.

D. McGoey: It's got two frontages, so I asked Mr. Bacon to give an opinion on that.

R. Carr: Which one was that?

D. McGoey: He referred it to the Building Department.

R. Carr: Isn't that the same one as . . .

G. Lake: The only thing with lot #2 . . .

A. Dulgarian: Lot #2 is Fellenzer, right?

S. Plass: Yes.

G. Lake: I can see somebody coming in two or three years from now wanting to subdivide.

S. Plass: Lot #2 has two hundred plus feet.

G. Lake: and non-conforming.

S. Plass: Lot #2 has two hundred plus frontage to the left of the Truex house. It's 183.73 plus 16.98.

G. Lake: I realize that but you have the house driveway coming off the left side as I look at it.

S. Plass: Right.

G. Lake: What I'm saying is five years from now or whatever the person who owns lot #2 might want to try to subdivide that out and end up having at least one non-conforming lot.

S. Plass: Okay. I'm confused. Where is it non-conforming on the frontage, that's my question?

G. Lake: On the one side where it's 183.

S. Plass: It's 183 plus 16.98.

G. Lake: That was my confusion because I didn't see a line going through.

S. Plass: There is a little arrow right there.

G. Lake: Are you changing the lot line here?

S. Plass: No. The 183 is the main boundary.

A. Dulgarian: It's the straight line.

G. Lake: Okay. Let me go through the Board.

A. Dulgarian: Oh, Mr. McGoey, it's twelve percent on that grade based on Fellenzer's map.

S. Plass: They had a profile?

R. Carr: I have nothing.

W. Capozella: Nothing.

C. Najac: Nothing.

G. Lake: Mr. McGoey, York Road what do we do with that?

D. McGoey: They will have to go before the Zoning Board of Appeals.

S. Plass: Is there something in there where it doesn't comply?

D. McGoey: Yes. The new frontage is two hundred feet. The bulk table is wrong.

S. Plass: You usually allow flag lots.

D. McGoey: No.

S. Plass: You know what, originally I had planned in . . .

D. McGoey: The frontage now is two hundred feet.

S. Plass: Two hundred feet for a flag lot?

D. McGoey: There is no flag lot provision. The lot frontage is two hundred feet, measured thirty five feet from the centerline of the road. You can't have flag lots.

S. Plass: Okay. When did the zoning change?

D. McGoey: May, 2007.

S. Plass: I wanted to say that this plan had been delineated under the previous.

G. Lake: It doesn't matter. The Town Board when they passed the new zoning, past it as of then unless you had a Preliminary Approval at the time.

S. Plass: Okay. Should we go before the Zoning Board of Appeals?

G. Lake: If you want to go before them that's your only way at this point. We can't do anything.

S. Plass: They can access it off of York Road.

D. McGoey: It's a crazy configuration.

G. Lake: How would you get through all that wetland?

S. Plass: The further in you get, there is the pond and a lot of acreage.

G. Lake: It makes it more (not clear) to go down the side and come up here.

S. Plass: Well, we would still have the driveway coming off of York Road and the property line would go out to Prosperous Valley Road.

G. Lake: I will say in the past there have been a few times we have not allowed property lines between ponds and stuff because it created a problem.

S. Plass: We have all this land over here that we could get . . .

G. Lake: You would have to re-sketch that.

G. Lake: I will tell you we've had to send a lot to the Zoning Board of Appeals lately because like everybody else, you learn as you go along. So, I don't know what they're going to do with it. It's strictly up to you. Basically you've got to redesign it.

**MOTION to refer to the ZONING BOARD OF APPEALS for an interpretation made by W. Capozella and seconded by A. Dulgarian.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**