

TOWN OF WALLKILL PLANNING BOARD

MEETING

NOVEMBER 1, 2006

MEMBERS PRESENT: G. Lake, R Carr, A. Dulgarian, C. Najac, H. Ross

MEMBERS ABSENT: W. Capozella, T. Hamilton

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

1. PUBLIC HEARING 7:30 P.M. - **BERMAN** - 14 LOT SUBDIVISION - 525 Route 17K (5-2-3.21) #66-04

G. Lake: Public Hearing started at 7:32 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 1st day of November, 2006 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Peter Berman, residing at 525 Route 17K, Bloomingburg, New York for approval of a fourteen (14) lot residential subdivision, single-family subdivision on the south side of Route 17K, at the intersection with Long Lane under Section 249-10G 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 have received the mailings. Your name for the record, please.

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

G. Lake: Go ahead.

D. Yanosh: This project has the engineer as Kirk Rother and who surveyed the property. This is a 54.7 acre parcel of land on Route 17K in the RA zone. The proposal is for a fourteen (14) lot subdivision. It's a conservation type subdivision. We have one road that comes in almost opposite Long Lane over here to the south. One road will come in with a cul-de-sac. We will have individual single family homes proposed on with individual wells and septic systems for each of the lots. Each of the lots are sized according to the conservation plan, approximately about 2.87 acres down to the smallest about 1.1 acre. The remaining property which contains the existing house and barn would be in the conservation

subdivision portion of the property. The soils have been done on all the lots. The plan has been sent to the New York State Department of Transportation for their review.

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

A. Dulgarian: Not at this time.

H. Ross: After the Public.

R. Carr: I will wait.

C. Najac: I will wait.

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

P. Owen: I'm a lifetime resident of Circleville and I just can't believe this. First of all, we have poor soils that cannot contain septic systems. The soils are very bad. Now, how many houses do they want to put up? Fourteen. There's no way in that little area they can put up fourteen (14) houses without having it all jammed up with septic tanks and water and where is it going to go but into the wetlands. Where else can it go? And, there's too many houses being put up. There is no way septic tanks can handle it and that's going to go into the wetlands which are protected. Therefore, I suggest that they do another study, cut down on the number of houses. Maybe six can do it and can handle it. I'm not an engineer but I do know with that type of soil you can't put a lot of houses there and I don't want anything going into wetlands. If they put all these houses in the middle it will be super wetlands. I hope that you will really think about this and not be pressured into okaying something that is very bad with the environment. Thank you.

J. Owen: You've already heard from my wife and she speaks better than I do. But, I want to tell you this. We own about one hundred seven acres adjoining this property. Thirty eight of them which will be landlocked if you were to permit this project. Years ago I was an Attorney for the Town. There were many problems with projects that were approved and not serviced by municipal water and sewer. I've seen a lot of problems including annexation problems and wells that were polluted by houses being so close to each other. It seems that what they're proposing by having four bedrooms. You know, years ago applicants before the Planning Board would come in and say we're going to have a density of 2.5 and suddenly you have five, six, seven, eight and it multiplies. There's really no control over it. Now, if you look at the Town of Wallkill soils map, the only one I had was going back to back 1973. It shows that in this particular area there are soils that do not permit septic systems, steep

slopes, etc. In addition to that, we have a Wallkill landfill nearby and there's water that flows in that particular area which will further aggregate the situation. They are one acre lots and that can't sustain a house, garage, septic fields of three hundred feet and wells of drinkable water clustered together. The water will be polluted and the water will flow into the adjoining properties. Now, this project isolates and causes a landlocked situation where fire equipment, police, emergency vehicles cannot get to thirty eight (38) acres owned by my wife and myself. Some years ago, our dog was shot and killed by four teenagers who lived in the area. The only way that I could get the dog out was through the area where lot #9 is proposed now. In addition, they investigated the killing and captured the culprits for prosecution. Now, this project as proposed splits the jurisdiction of two fire departments. As you can see, no it doesn't show on his map but they did have a map that shows that the Bloomingburg Fire District services the front part of the site and the rear part is serviced by the Circleville Fire Department. Now, if there's a disaster or a fire of any sort or some kind of an emergency on the thirty eight acres of land that I own, there's no way of those emergency vehicles are going to be able to get in there. Now, also the title to the conservation easement is not clear. At the present time in today's newspaper in the legal notice, the name listed on the property was Dela Cruz and was the same section, block and lot which shows that the property was delinquent in the payment of taxes. Now, if the individual lots are sold the conservation easement will be foreclosed for taxes and create a burden for the Town taxpayers in addition to the responsibility to the proper maintenance of this conservation easement is not safeguarded. Who's going to take care of it? Furthermore, there's no guarantee that the conservation easement will be developed in the future. Now, for all the above reasons and others which I'm not able to divulge because I just had a cursory look at this. This project is not in the overall best interest of the Town of Wallkill.

To say the least, the project lacks the proper foundation and is without merit and should be denied.

G. Lake: Thank you.

M. Jackson: What I'm curious about is, what's going to happen to all the water? Presently the water runs off that property onto my property, Presently, the road Route 17K is always flooded out now. My neighbors down there have been flooded out and just got flooded out again. I don't see anything about controlling the water flow because it runs right across my property. The other thing I see is the Town of Wallkill has two acre building lots.

G. Lake: Yes. This is being developed here as a conservation subdivision.

M. Jackson: What happens when . . .

G. Lake: What will happen is, we're taking your questions right now and I'm going to have our engineer and our lawyer explain what a conservation subdivision is. It's fairly new and it's something the planners have pushed forth and I will have my experts explain why we're doing it and for protection of the open land and how that is done. So, you will be explained later on what on conservation subdivision really is.

M. Jackson: Okay. Then the only other question I have is what's going to be done about the water that presently runs on the road?

R. Carr: You are located . . .

M. Jackson: I border the land. I just border a little section but I know the water runs off that property and runs in the back of my property. I know there are two houses on Route 17K and should have drainage provided for. I know every year it's getting worse and worse because I live there. I have lived there since 1970. Something is going on with the water and I don't know what it is. That's important because this will cause more water problems. Thank you.

G. Lake: Thank you.

E. Niemus: I'm just concerned that the water issue will continue. I also think it should be developed like the rest of the homes in the area of at least two acre lots. Tape not clear.

G. Lake: Thank you. Mr. McGoey, since this is fairly new can you take a minute to explain the conservation subdivision and after Mr. Bacon can explain how the land that is left is protected.

D. McGoey: The Town Board recently adopted new zoning in the RA District which requires three acre lots, not two acre lots as a minimum and then the size of the lots would get larger depending on the soils. However, when they adopted that regulation they also wanted to preserve open space in the RA District and create these conservation easements so that the land would be left forever wild in large tracts. To encourage applicants to do that, they gave them the opportunity to reduce the lot sizes and cluster the lots on the smaller portion of the property while preserving the open land. To encourage them to do that they lost four lots.

J. Bacon: Just going back to the lot count for the moment, to be able to get this many lots in they would have to prove to our engineer that going by the old code they would have to see if it's feasible to do that number of lots. If that's true, then they're able to go with a cluster plan where the lots are smaller while more of the total land area is protected by the

conservation easement. The new code does allow several different ways to enforce that conservation easement. Right now, one of Mr. McGoey's comments, will that be taken care of by the Home Owner's Association?

D. Yanosh: The owner of the lot will be responsible.

J. Bacon: The balance of the property will be owned by lot #1. That conservation easement will have to be (not clear) so no one will go across it.

G. Lake: Anybody else, before I close the Public Hearing.

M. Jackson: The conservation area, will it stay that way forever?

G. Lake: Right.

M. Jackson: If the guy that owns lot #1 tries to sell it. He sells it but he can't doing anything.

G. Lake: Right. As soon as the legal documents are drawn up between them and our attorney's, not only ours here but also the Town Attorney to make sure that they are satisfied exactly what the Town is looking for in the conservation easement. There will be notes placed in the deeds of all restrictions that would apply. It's just like if you bought a house and you had something in your deed that says you can't do something, that will be placed in that deed for lot #1. Yes, that's it. There would be no further subdivision. The subdivision easement would be much tougher.

J. Owen: As you said, and your attorney said, this is something new. It's brand new. Nobody knows what the real problems are going to be. Suppose this guy that has the one lot with the conservation easement decides not to pay his taxes and is foreclosed upon. Who's going to have it then? There will be problems in the future with this conservation easement. This easement is entrusted upon this one guy. Who's going to maintain it? Is the Town going to maintain it?

G. Lake: The idea behind the conservation subdivision is not to have the open area (not clear). It is what it is even today and the idea is to leave it as it is today. That's basically the idea. Even for somebody to go in there and mow it down and you look at a big green lawn. It is meant to protect the land in its wild form as it is today.

J. Owen: I realize that. We're talking about title now and the carrier of the person who has the title to take care of it. There will be problems in the future. If the Town agrees to

accept the dedication that's another story then it becomes a burden upon the Town. I don't think they want that responsibility. Anyway, there are problems with this project.

G. Lake: To be honest, that's exactly why we have a Public Hearing is to get all your comments so we can go back and get your questions answered. We're at the Public Hearing stage, at this point just for this reason.

J. Owen: I don't understand on this map it shows that it's serviced by two fire districts. The line goes right through. Circleville has the rear and Bloomingburg has the front to go into the road. I'm just wondering when they looked at the soils map.

G. Lake: They have to look at the soils map, plus it's also going to have to appear before the Health Department. This is the beginning of the process.

J. Owen: I'm sorry. I don't want to take up too much of your time.

G. Lake: That's okay. We want to hear all of your questions. Again, these are all things that we want answered before we act on this and that's why we have a Public Hearing.

P. Owen: I'm very concerned about this being developed. I don't want it to go into the wetlands. I don't know where else it's going to go. I can anticipate drainage problems there. And, the other thing there has to be a right-of-way on that little strip. The guy who had it before promised it. Talked about her dog. My husband and son, there were in there checking because people said the signs were not up. Both my husband and Patrick had red jackets on and the dog is coming along the side of them. The kids (not clear) and my husband and Patrick yelled, stop and the dog went down. That was my prize dog. If we can't go in and check on things, what are you going to do? We need a right-of-way and for emergency vehicles to get in there. We want to check on the hunters so that when I get old I certainly can't walk from our place all the way in there. People call me and tell me hunters are in there and they're not supposed to be. I want to know what's going on. Please take all these things into consideration. Thank you.

G. Lake: Anybody else?

J. Farnell: This is a model of what we're going to be looking at for a conservation subdivision then formulas and everything have to be taken into consideration. Take not clear.

G. Lake: Your assumption is one hundred percent correct. Mr. LaBruna has looked at it, the conservation commission has looked at it. We have also sent it up to our planner to look at it.

This is probably the best one we've seen with the idea of what the Town would like to see in a conservation subdivision. Yes, we have taken all the steps in the process.

J. Owen: Mr. Chairman, my wife is on the conservation committee and she advises me she was at the last meeting and she was the one who brought it up. It wasn't looked over by the conservation commission and they never approved it.

G. Lake: We talked to Mr. LaBruna tonight because he had to go back to work and it was my understanding, and correct me if I'm wrong but . . .

D. McGoey: Yes.

P. Owen: We did not approve it. It was not on our agenda. I was the one because I saw it because we got the notice on it and I asked for the map because it was going to affect me and it was not like they said. On our schedule, you can look at the minutes of that meeting where we very briefly discussed it and that's all.

G. Lake: Okay. I can only tell you what Mr. LaBruna relaid to us.

P. Owen: Well, then I will get back to Mr. LaBruna because we looked at it and said that when it comes up we will look at it more. I will get in touch with Mr. LaBruna.

G. Lake: That's what he had said tonight to us before he had to leave for work.

J. Owen: It shouldn't be told just by word of mouth. Something should have been submitted in writing from the conservation commission and you should have received a formal report from them. The conservation commission is not made up of just one person. It's made up of a body, just like the Planning Board.

G. Lake: I've asked many times for reports. I'm not going to go against another Board. I have to assume when Mr. LaBruna does speak, he's speaking as their Chairman. I always point that out. You're one hundred percent right. Listen, we're not going to act on this tonight. A lot of things did come out but I will surely go back to Mr. LaBruna and find out why he didn't submit anything in writing.

J. Owen: Isn't the Planning Board supposed to submit the maps to the conservation commission?

G. Lake: Which we did.

P. Owen: No, we didn't get it.

G. Lake: We sent it over to the conservation commission. We also sent it up to the planner, the attorney and the engineer. We do that automatically.

J. Owen: Something is not working properly.

P. Owen: There is a definite lack of communication because I was the one who asked for the maps. It was not on the schedule but I wanted them to briefly look at them. He didn't know anything about it until I requested the map and was brought in and we said we have time with this because it's not on yet. That's what was said.

G. Lake: You will have to speak to Mr. LaBruna.

P. Owen: Yes. I will speak to him myself and get this straightened out. This map was not given to them. I requested that map.

G. Lake: When we get our maps, they are sent to everyone and that's a fact. If you don't get maps, you will have to speak to Mr. LaBruna.

P. Owen: We got it. It was put in the file but I requested it. That's what I'm saying.

G. Lake: You just said you got the maps, correct?

P. Owen: Yes, we got the map.

G. Lake: That's not what you said earlier.

P. Owen: It was not on our schedule to do that evening. There was no, that it was okay or it wasn't okay. We just talked about it.

G. Lake: Thank you. Mr. Yanosh? You have ten (10) comments. There is the issue of the landlocked piece behind this. You really should look at that. We really try not to have landlocked parcels if at all possible.

D. McGoey: We were not aware of that. There could be a development of that parcel.

D. Yanosh: It's not landlocked. They just have no frontage.

J. Owen: You can't get fire equipment in there.

G. Lake: Mr. Yanosh, do you waive the sixty two day time frame?

D. Yanosh: Sure.

MOTION to close this PUBLIC HEARING at 8:08 P.M. with applicant waiving the sixty two day time frame made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

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

D. Yanosh: Yes I do.

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

D. Yanosh: The first one was Behan Associates comments about them looking at the plan. They had some comments about it. The one major comment was the stone wall in lot #13. They want us to see if the wall could be left intact. Mr. Rother had moved the septic system to the side of that stone wall and we will put a note on to preserve that stone wall as much as possible. The wall they're looking at is really a junk piece of wall. It's not a decorative wall. We will put a note on to preserve as many stone walls as possible. We don't have any problem with any of their comments.

D. McGoey: It seems to me you could modify the lot line on lots #13 and #14.

D. Yanosh: There are ways to do it but again we're trying to keep that house as far back from the road as possible.

D. McGoey: I'm not going to design it for you

G. Lake: Let him take a look at it

D. McGoey: Do you have any problems with any of my other comments?

D. Yanosh: Not really.

D. McGoey: One issue just came up about a cemetery somewhere on the property.

D. Yanosh: Not that I know of.

D. McGoey: Can you investigate that please?

D. Yanosh: I will look at it, sure.

G. Lake: We have found a couple in the past from people informing us. We will try and give you what information was given to us. You have been out for the surveying and have not seen it?

D. Yanosh: We survey the perimeters.

C. Najac: It possibly listed on the web site of "Muller" and unfortunately all it says on the site is between Bulville and Bloomingburg Road.

D. Yanosh: How about the section of the road?

D. McGoey: The Board should take that under consideration to waive (not clear).

D. Yanosh: About extending the road.

G. Lake: First, I think you have to investigate it and do something about the landlocked piece.

J. Owen: You're a fireman, you should know vehicles can't get in there.

D. Yanosh: This will need approval from the Orange County Health Department because of the septic systems.

G. Lake: I think at this point because we did get comments about the drainage.

D. Yanosh: The drainage, we show detention ponds.

G. Lake: I think he should look at that again and especially from the planner to see if you can do a little something. Otherwise we can't act on it anyway, because you may end up needing a variance. Your Public Hearing is closed. Let me go through the Board.

A. Dulgarian: I basically like the project. I think he knows what he needs to do.

H. Ross: I'm a little concerned about the drainage.

R. Carr: I guess because this is really the first conservation subdivision. This is the first one that really has favorably impressed us. This came in as two different options and the other option which was a normal subdivision with three acre zoning, the same number of houses except that the houses were right up against the wetlands. Your lot lines are right up on the wetlands. Your houses are out on Route 17K as well. So, to us, and to the Town Board, when they adopted this policy last year, this was a way to preserve on Route 17K so you don't have all these houses on Route 17K. They're hidden off of Route 17K. These houses are eight hundred feet from the wetlands. So, this is why we were impressed with the conservation subdivision. It's important to understand even though the lots are smaller, but it's the same number of houses and that land will remain open. It still looks like a farm and as far as the wetlands they are being preserved. The houses are as far away from the wetlands as possible. That was the big thing on this.

C. Najac: I agree with what Mr. Carr said about the conservation subdivision. There are a few questions that came up tonight I think we have to look at but overall I think you did a nice job.

G. Lake: Anything else, Mr. Najac?

C. Najac: Nothing further.

G. Lake: Okay.

R. Carr: I just want to add one more thing. In terms of the comments tonight, one about the soils and (2) about the stormwater runoff that currently exists. In all of those issues, the Town's professionals as well as the County will review that the septic's all meet the criteria as well as the post development runoff doesn't exceed what it is now. I don't know if it will improve it but they have to prove to our engineers that the post development runoff won't

exceed what it is now.

G. Lake: Mr. Bacon, we really do need some defined answers on how we show the public how we preserve that land with the proper language. I think we really need to have something on it. That is important, how to keep it open.

MOTION to TABLE for further review made by H. Ross and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

2. PUBLIC HEARING 7:35 P.M. - **HIGHLAND PARK ASSOCIATES** - 2 LOT SUBDIVISION - Scotchtown Collabar Road (29-1-55) #108-02

G. Lake: We have to re-schedule another Public Hearing on this.

MOTION to re-schedule a PUBLIC HEARING for January 17, 2007 made by H. Ross and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

3. PUBLIC HEARING 7:40 P.M. - **PLANET FITNESS** - SITE PLAN/SPECIAL USE PERMIT - Gibbs Court (50-2-65.2) #71-06

G. Lake: We have to re-schedule this Public Hearing because it was not published in time.

MOTION to re-schedule a PUBLIC HEARING for November 15, 2006 made by R. Carr and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

4. **FRIED** - LOT LINE CHANGE - High Barney Road (68-1-24 & 65-1-57) #69-06

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

T. DePuy: My name is Thomas DePuy representing the applicant.

G. Lake: Go ahead.

T. DePuy: I am representing Mr. Fried and New Jem Construction. We're proposing a lot line change which was basically take 4.26 acres off of lot #5 on High Barney Road and add it to lot #1.

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

T. DePuy: Yes I do.

D. McGoey: Do you have any problems with them?

T. DePuy: No.

G. Lake: Let me go through the Board.

A. Dulgarian: Nothing. It's minor.

R. Carr: This is two parcels and you're looking to (not clear).

T. DePuy: Part of one and bringing it over. It is showing how the lot is getting the 0.268 acres.

R. Carr: It will have no effect on the larger lot?

T. DePuy: No.

R. Carr: I have nothing further.

H. Ross: One question about is there any way of having a future subdivision of that lot?

T. DePuy: Not really. That lot was recently subdivided.

H. Ross: Fine, no problem.

C. Najac: I have nothing.

G. Lake: I have nothing.

MOTION for a NEGATIVE DECLARATION subject to all comments from Mr. McGoey and from this Board made by H. Ross and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

MOTION for LOT LINE MODIFICATION subject to all comments from Mr. McGoey and this Board's comments made by R. Carr and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

4. **CRYSTAL ROAD AMBULATORY** - SITE PLAN - Crystal Run Road
(60-1-52.22) #77-06

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

M. Archangel: My name is Michael Archangel representing the applicant.

G. Lake: Mr. McGoey, I believe this is here for sketch tonight?

D. McGoey: Yes, that's correct.

M. Archangel: I'm here before the Board tonight to introduce some of the members that haven't seen this before. What we're proposing at 95 Crystal Run Road, we've had a few

work sessions with Mr. McGoey and your Chairman to work out some of the details. We've been in contact with Mr. Peter Albert about all issues made over the years. I believe we tried to respect. What we're proposing and I have a handout. I think it may make it a little bit easier is I compared the previous approval with some of the differences. I don't think anything is easy. I tried to analyze the proposal before you versus what was approved. As you can see from the proposal, the land area obviously is the same. The zoning is the same. The height of the building, we propose four stories which was approved before. We have an elevation before you. The major difference between the proposal before is the number of parking spaces. The proposal before was an office complex and the parking requirements for the Town was far less than for medical facilities. The medical facility requires 6.67 or thereabouts per thousand square feet of space. If you do that computation you will note that the required number of parking spaces would be eight hundred and forty seven. The setbacks that we looked at on the approved plan on Crystal Run Road, the parking lot was based at one hundred forty five feet, we're proposing one hundred thirty feet. I didn't do the computation of the existing approved plan relative to the green area but I've shown you what I'm proposing. The overall green area I've allocated on the project is forty percent and roughly twenty five percent around the interior. We propose four elevations. We're a little bit lower and I can show you on the major elevation what that means. This would be the elevation on the front of Ballard Road. You will notice it is four stories. As you go around to the other side it would be three stories high. It's a four story building but only three stories would be exposed on the Ballard Road side. We tried to utilize the existing contours. On the second page of the handout you will see some of the facilities that are going to be in this building. Right now we're in the beginning of the planning stage to try and figure out what size each of these will be and how they would function. The present Crystal Run Health Care Facility that's there presently is exploding at the seams with some of these parking spaces. The idea is to fix some of those facilities and move them into the new facility. The other idea is to keep Building Department which is presently there now in it's current state and there would be no billing operation which creates a lot of people and a lot of paperwork. There would be no inner-reaction. The other thing that we talked about in the past is how do we minimize the amount of traffic from one facility to the other. The idea right now is to keep it totally separate, totally different functions. It would be under one building and no need to travel to the other side of the road. All the documents that are needed from one to the other would be sent by automatic tube or e-mail basically. So, we're trying to minimize the amount of movements between both facilities. The other things that we respected in the design thus far is very conceptual at this point. The drainage would react the same. We would take care of that. All the traffic improvements that are proposed for will be in place. We will make sure that all of the improvements that were proposed before are adequate. As far as the green areas, the drainage, the lighting everything that was approved before would be in place. The lighting fixtures would be the same. We're trying to adhere to the original

approval as best we can. Our major concern right now is if you read the code there are a couple of issues here. We have some night facilities that will take place like sleep issues where most people would come during the off hours of the building. We have a few of those situations. We also have a few situations where I guess the calculations of parking are dictated you can take out gross area, corridors, stairways, hallways, etc. We're still developing that floor plan. So, the request for a variance even though it looks like we're asking for about one hundred cars less than what it calls for. That's going to evolve through the process of finalizing the floor plan. What we would like to go ask the Zoning Board of Appeals, if we get the variance which has been granted in other situations or similar situations so that we know that we have a shot of trying to get this facility. We would like to be in a position to start construction at early summer and finish approximately eighteen months later. That's the time frame we're trying to accomplish. I have an overlay that I can show you on the Site Plan what the orientation of the building would be. It's almost two separate buildings with different entities. The old layout, the building was of a different size and much longer and narrower.

D. McGoey: There are some changes.

M. Archangel: I did this because it helps me. This is a plan that was superimposed on Peter Albert's layout. One of the things that the Board had asked is how does it relate to the existing building that's actually built. It might give you a better concept. One of Mr. McGoey's comments (not clear). The other thing that comes to mind is the dedication of lands along Crystal Run Road is in our proposal. That land will be dedicated. This might

help you a little bit better to figure out what we're proposing and how it relates. It gives you a pretty good idea within reason.

G. Lake: Didn't we talk about something between the two facilities?

M. Archangel: That was in the original proposal of this property. It is part of what we're proposing. If I'm not mistaken there were a series of improvements up and down Crystal Run Road.

G. Lake: Will you be asking for a variance of about one hundred vehicles?

M. Archangel: Less than one hundred. We're asking for one hundred or less now and I think it's going to be fifty or less. Right now we're looking on our plan seven hundred eighty six so if you look at eight hundred forty seven, the difference is probably sixty.

G. Lake: Let me go through the Board.

A. Dulgarian: You've covered my first one about the traffic flow. The second thing is you're existing building is right across the street?

M. Archangel: Correct.

A. Dulgarian: Now, what parking calculations did you put out? Did you seek a variance on that?

M. Archangel: It's my understand there was no variance.

A. Dulgarian: The parking that's existing is it normally full, normally half full.

M. Archangel: It's probably normally three quarters full. Because the billing systems for all those functions are out of that building a tremendous amount of people that work in that department are there all day long. They don't go and come because they are there eight hours at a time. The point is we're trying to release some of the stress because they are under-sized in certain areas.

A. Dulgarian: My biggest concern, let me first say that this is the type of development that we've always wanted on that corridor. I have no issues with that. The first thing I see when I look at this project is the amount of pavement. There's got to be a creative way to do that. It's up to them to come up with something. Again, this is downsized from what is technically is required.

M. Archangel: I agree with you.

A. Dulgarian: My other concern is, the same thing we had with that other project. When we had the attachment to the other property, we wanted those people to be able to come out to the traffic light but this parking lot does nothing to let that happen without interfering with cars backing out. I still have an issue with that. When they're doing the traffic study I would love to see it done like we did with the residential areas where the actual build out of the other projects. We have a lot of things happening on that corridor and a lot of things that are going to happen. That's all I have. I have no problem with the project per se but a lot of times we ask the applicants to be a little bit more creative.

H. Ross: I would like to know what the facade will look like. That's a lot of asphalt and a lot of parking. I would like to see something creative with the asphalt.

R. Carr: Outside of all the traffic coming in with the initial building. One of the things about the whole approval is that I believe there's an office here so, you couldn't really see the parking. From outside that whole corridor on Crystal Run Road all that parking for the most part looks nice. One of the things was the building was hidden from Ballard Road and Crystal Run Road. This appears to be a gigantic parking lot. Whether the code requires too much because I never see the parking lot across the street full.

M. Archangel: Dr. Teitelbaum is saying it is full. The remote parking isn't.

R. Carr: Yes. I'm not the one to say that the code requires too much. Sometimes I think it does. If you can't find a way to reduce the amount of pavement then maybe the building should be reduced in size. If you're going to have any kind of an island in this sized parking lot and any kind of landscaping it's got to be a bigger island.

M. Archangel: We tried to reserve the green space at the intersection.

R. Carr: Wasn't that about drainage?

M. Archangel: Basically, you can't tier the elevation before you get. Maybe we can do the same thing on Crystal Run Road.

C. Najac: I have questions on the parking regulations. I believe it's way too much parking.

M. Archangel: I would agree.

C. Najac: It's a good project.

G. Lake: I have to say that I have never seen the other parking lot full. My other comment about this is as you go through it that imagination is used in the parking area.

M. Archangel: It's almost as if we should ask for the variance.

G. Lake: You're only here for sketch tonight. I think the Board has basically given the overview of it. Get back to another work session and we will go from there. You may not need a variance at all once your square footage is straightened out.

M. Archangel: We're going to try and reduce the number of spaces.

D. McGoey: Do we refer him to the Zoning Board of Appeals now or later? That means he will have to come back for another meeting. You might want to give him the option and then he can have a work session before he goes before them.

G. Lake: I don't have a problem with that. What is he going to be asking for?

D. McGoey: He needs a variance for the parking. Right now, he needs it.

M. Archangel: No matter what, we're going to need a variance for the existing proposed parking.

G. Lake: I don't have a problem sending him to the Zoning Board of Appeals.

MOTION to send applicant to the Zoning Board of Appeals for a variance on parking made by H. Ross and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

Tabled for further review.

6. **SKY RIDGE DEVELOPERS** - 2 LOT SUBDIVISION - Hazel Street (37-13-29)
#130-04

G. Lake: Your name for the record please.

M. Siemers: My name is Mark Siemers from Pietrzak & Phau representing the applicant.

G. Lake: Go ahead. Are you here for sketch tonight?

M. Siemers: Yes. Just to give a little background, a little memory or refresher on the subject. Prior to the moratorium we had the project in and we basically proposed at that time as a seven lot subdivision. The lots were under the old zoning codes. Since then the zoning has been bumped up and based on the zoning in place now for single family homes the project would get four lots. Basically the developers would need to have nine hundred feet of roadway for the sewer and water. Based on all the cost estimates, we're pretty close to three hundred fifty dollars per linear foot on the roadway so it's not really economically viable for the client. Since that time we looked at a few other layouts. We've looked at one single family home in the R-1 zone and I don't remember the actual number but affordable housing units is in RA-H zone. Our client and our client's attorney have spoken to the Town to try and get the required income levels which are periodically assessed by the Town Board and they haven't been able to get any information on that. So, the conclusion is that the affordable housing isn't necessarily encouraged because we did try to get the information on those numbers. Therefore, the RA zone on this property would revert back to the R-1 regulations as far as RA zoning. So, at this point we've gone through the Special Use Permit and in the R-1 zone Section 249-22 (c)(12) says that duplexes are allowed in this zone. So, what we propose are basically four lots meeting the R-1 zoning requirements with duplexes on them and a zero lot line going through the shared wall. Basically we're creating eight one family dwelling units in fee simple ownership. We're trying to figure out exactly how we can develop this project.

G. Lake: Now, this was at one time an affordable housing project. One of your comments regarding this.

D. McGoey: Fortunately it's in the RAH zone so, the question is can it revert back to the R-1 zone.

M. Siemers: We have the filed map and the deed for the property. On the filed map it doesn't stipulate the affordable housing has to be developed on this property. It says on the piece of property, not for residency at this time. It says for further subdivision approval has to be granted by the Planning Board and I don't believe there was a stipulation for affordable housing.

G. Lake: The deal was made with the Town for affordable housing to be built up there. I believe on this remaining property is that there were going to be two buildings there for seniors so it wasn't necessarily first time buy out homes. It was two buildings for seniors.

J. Bacon: I didn't have the file information on that. When this was originally approved, this vacant property was slated for a certain type of development.

G. Lake: I think so. Again, that was a while back. I'm not saying that's what should be done.

D. McGoey: On the other hand, this is a great opportunity to provide for some affordable housing.

G. Lake: I agree.

J. Bacon: Do we have the final approval and the resolution?

D. McGoey: It's probably in the archives.

J. Bacon: How many units were you planning on the original plan?

M. Siemers: In the original approval? As far as the filed map shows, none.

G. Lake: I just seem to remember senior housing. Let me go through the Board.

A. Dulgarian: I would be interested in finding out what exactly was entered into before we do anything. Secondly, I don't like the plan I'm looking at now.

H. Ross: I agree.

R. Carr: I agree with Mr. Dulgarian. Looking at this, it's not something that I would really encourage.

C. Najac: I agree.

G. Lake: Okay. It doesn't bother me to have duplexes. I think the only thing is that you end up in the right zone. I guess the first thing is to get the zoning straightened out and then you can continue on.

M. Siemers: We actually did, not that it was already submitted, but we actually did a layout of affordable housing so we were looking and going that way. We couldn't get any information from the Town Board. We then moved on to start and find out what we could do. If you have any suggestions on how we can get the numbers . . .

R. Carr: Maybe we should get a letter to the Town Board stating that he we have an

application before us to encourage affordable housing.

G. Lake: I don't see why not.

MOTION to TABLE for further review made by A. Dulgarian and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

7. **HASBROUCK** - 16 LOT SUBDIVISION (Final) - Goshen Turnpike (44-1-105)
#90-02

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

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

G. Lake: Go ahead.

D. Yanosh: It's been a while. We do have Health Department approval for the water main extension. We did meet with the Conservation Committee. We need the language.

D. McGoey: Yes. There was a subdivision, I can't recall the name on Weld Road where they proposed sign language along the wetlands. I will give you a copy of that. The conservation board said they would approve that. At least one member of the Board did.

D. Yanosh: I have no problem with this subdivision at all.

G. Lake: Mr. McGoey's comments, did you answer all those?

D. Yanosh: Yes, no problem at all. Everything else is procedural wise. I talked to Mr.

Lippert today about the road. He didn't have a problem with that. We straightened the grade out at the bottom of the hill. So, they will be going up the hill and turning. They're maybe going to have to do some work on the inner cul-de-sac but that's no problem.

G. Lake: Are you satisfied, Mr. McGoey?

D. McGoey: Yes. I don't have any problems at all.

G. Lake: Let me go through the Board.

A. Dulgarian: No. It's been around. I have no problem for Final Approval subject to all comments.

H. Ross: Did it go the Conservation Commission yet?

D. Yanosh: Yes. We met with them and they had no problem with it. They're the ones that recommended signs to be put up in the vicinity of the wetlands.

D. McGoey: They also wanted it referenced in the deeds and was also recommended by the Department of Environmental Conservation.

H. Ross: Nothing else.

R. Carr: I have nothing.

C. Najac: No problem.

G. Lake: It's been around a long time. I don't have anything more.

J. Bacon: Do we have the planning details from Orange County Department of Public Works?

D. Yanosh: A long time ago.

G. Lake: Yes, we sent that in.

J. Bacon: It was one of Mr. McGoey's comments.

D. Yanosh: And, the lighting and drainage districts were approved by the Town Board back in October.

C. Najac: Did they approve a lighting district here?

D. Yanosh: Yes.

MOTION for FINAL APPROVAL (16 Lot Subdivision) subject to all of Mr. McGoey's comments and this Board's comments made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

8. **ALTA EAST** - 2 LOT SUBDIVISION - SITE PLAN - Highland Avenue Extension
(39-10-6) #10-06

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

D. Yanosh: My name is Dan Yanosh representing Alta East.

G. Lake: Go ahead.

D. Yanosh: This is a two lot subdivision on Highland Avenue Extension. We had to go before the Zoning Board of Appeals for a variance and the variance was granted on August 14, 2006 for the lot width. Now, we're back for final approval for this two lot subdivision.

G. Lake: Is the Highway Superintendent satisfied?

D. Yanosh: We have no problems with his comments.

A. Dulgarian: This was for two-family?

D. Yanosh: Originally it was two families but due to the moratorium we backed out and now we're doing two single family homes.

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

D. Yanosh: No problem.

G. Lake: I will go through the Board.

A. Dulgarian: Nothing.

H. Ross: I agree with Mr. Dulgarian.

R. Carr: Nothing.

C. Najac: Nothing.

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 H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

MOTION for TWO-LOT SUBDIVISION approval subject to all of Mr. McGoey's comments and this Board's comments made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

9. **FIORILLO** - TWO-FAMILY - SITE PLAN/SPECIAL USE PERMIT - Mud Mills Road (40-1-17.2) #29-06

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're requesting a two-family on Mud Mills Road in the R-2 zone. Again, we had to appear before the Zoning Board of Appeals for variances for lot area and lot width and the existing barn to remain in the front yard. This was subdivided back in 1984. The barn was supposedly to be removed. We went to the Zoning Board to request that it stay. There was historical value into it and the Zoning Board allowed us to keep the barn as an accessory building.

G. Lake: Let me go through the Board. We're here to schedule a Public Hearing. Mr. McGoey's comments, are you going to clean them up between now and the Public Hearing?

D. Yanosh: Yes.

A. Dulgarian: Nothing.

H. Ross: Nothing.

R. Carr: Is this property owned by the same person next to the barn?

D. Yanosh: Yes.

R. Carr: Because what I was looking at is you have all the trees in the front. Is there a way to access through either of those properties? You're taking down all those trees there and I don't know.

MOTION to schedule a PUBLIC HEARING for January 17, 2007 made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

10. **BAUM** - 9 LOT SUBDIVISION (Preliminary) - Route 211 East (31-1-17.2) #111-02

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

J. Nosek: My name is John Nosek with Roger Ferris Engineering & Surveying. We received the comments from Mr. McGoey's office. This Board has seen this application a number of times and we're looking for possibly Preliminary Approval this evening. A couple of comments I just want to touch on really quick. Comment #7 regarding the site distance with the driveways in accordance with the AASHTO standards. Did you receive anything dated October 16th because I believe this has been addressed? All the way on the left, middle of the page under the site distance chart you will see the note also.

D. McGoey: Okay.

J. Nosek: They required four numbers. Left turn, right turn, property and the bulk. Comment #8 regarding the datum certification. That was right at the corner of Route 211 and Van Amburgh Road.

D. McGoey: I want a note for that.

G. Lake: How did you make out with the Zoning Board of Appeals?

J. Nosek: The last time we were at the Board there was a discussion as to whether we would be allowed to continue to use it and our understanding was that the interpretation was that we had to have a combined six acres for that particular lot so we ended up taking acreage from other lots to make that six acre lot so it could be potentially be subdivided into two three acre lots at the road. The rest of the comments with regards to Miller Road we understand that between now and final we do have to have the bonding and road construction finalized which we understand ad we will do that. The Planning Board should discuss the need for permanent markers to delineate the wetlands. I'm not sure on that because we're not going through the wetlands.

D. McGoey: We had another application in where the Board approved the permanent markers along the edge of the wetlands in the form of signs.

J. Nosek: Okay. So, do you want that in some form of a detail?

D. McGoey: Yes. Can we go back to the Miller Road subdivision? Even though lot #3 has adequate acreage, the way you have the two dwelling units proposed on the lots, you can't subdivide it.

J. Nosek: They are existing.

G. Lake: The road, how did you make out with that?

J. Nosek: It is my understanding the agreement is that a bond and the adjoining property owner Ultimate Developers and there successors that when we get final approval that we will bond the road for the widening, the drainage work, the item but the paving would be done by the Town. At that time we would put together a cost estimate and each party would do their appropriate share for the access on Miller Road. Mr. Baum has two and Ultimate Builders has eight. So, they will pay twenty percent of the overall costs for the Miller Road improvements or however it works out. Between Preliminary and Final and once we get through the Health Department on this application we will straighten all that out. When we come back in for Final we will have a construction cost estimate with a bond approved by Mr. McGoey and Mr. Bacon to agree on a percentage.

G. Lake: The recommendation I'm going to have is that you (not clear) and to get together with Mr. McGoey and Mr. Bacon and we really need to know how it's going to work

between the two parties. It should be done in writing.

J. Nosek: I think we have an agreement as to who is responsible for what. It's just a matter of approving the cost estimate and putting the bond together. Between Preliminary and Final we will come in for a work session and go over that.

G. Lake: Like, who is going to do what when. Let me go through the Board.

A. Dulgarian: What are we doing here?

G. Lake: It's here for Preliminary. He has some work yet to do.

J. Nosek: I need to go to the Health Department.

A. Dulgarian: I have nothing at this point.

H. Ross: Nothing at this time.

R. Carr: No.

C. Najac: What happens if the other party doesn't follow through?

J. Nosek: When we come in for Final Approval we have to have a bond in place for the road. So, if the other developer is not ready then we will have to sit down with him and find out where that stands because Mr. McGoey made it clear that neither project will get approval until the bonding is in place for Miller Road. We understand that and that's going to have to be addressed. Again, what percentage each party will be responsible for, they're going to work out on their own but neither project will have Final Approval without that bond in place.

D. McGoey: Does that answer your question?

C. Najac: Not really, no. You get all done and you're ready to build and they aren't.

J. Nosek: Mr. & Mrs. Baum would have to be responsible to pay the full amount of the construction cost estimate of the bonding and look for a credit of some sort in writing when they come in for their Final Approval. Some sort of an arrangement would have to be made. Neither party will get Final Approval without the bonding in place. It looks like we're ahead of them right now and they're behind us so they're going to have to work out some sort of a

written agreement.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

MOTION for PRELIMINARY APPROVAL of a NINE LOT SUBDIVISION subject to all of Mr. McGoey's comments and this Board's comments made by C. Najac and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES