

TOWN OF WALLKILL PLANNING BOARD

MEETING

NOVEMBER 3, 2004

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

MEMBERS ABSENT: T. Hamilton, P. Owen

OTHERS PRESENT: D. Brodsky, P. Hines

1. PUBLIC HEARING 7:30 P.M. - COLLETTI (APPLIANCE CITY) - SITE PLAN/SPECIAL USE PERMIT - 680 Route 211 East (41-1-68.1) #78-03

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 600 Route 211 East, in said Town, on the 3<sup>rd</sup> day of November, 2004 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Appliance City, Mr. Bernard Colletti, 680 Route 211 East, Middletown, New York 10941 for approval of a Special Use Permit for an Eating & Drinking Establishment in an MI District at 680 Route 211 East, Middletown, New York 10941, under Section 249-27 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: Your name for the record, please.

M. McGovern: My name is Michael McGovern.

G. Lake: Give us a brief description and how you made out at the Zoning Board of Appeals.

M. McGovern: Mr. Chairman, we went before the Zoning Board of Appeals for a reduction of parking spaces from one hundred (not clear) to one hundred and nine spaces. The variance was granted. There were two stipulations by the Zoning Board of Appeals and both of those revisions have been high lighted on the drawings. One was to provide a handicap space closer to the actual proposed development for the proposed eating and drinking establishment. The other was that the storage trailer at the rear will always be provided with a licensed trailer. Those were the only two comments.

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

A. Dulgarian: Not at this time.

R. Carr: I will wait.

W. Capozella: I will wait.

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

**MOTION to close this PUBLIC HEARING at 7:38 P.M. made by R. Carr and seconded by W. Capozella.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 4 AYES**

G. Lake: Mr. McGoey's comments. You only had a couple of them left. You already explained the Zoning Board of Appeals. Any other modifications of the property at all?

M. McGovern: No. This did not include any additions or any other increase in the other areas. It has no negligible impacts.

G. Lake: Let me go through the Board.

A. Dulgarian: I have no issues with this project. I think it is consistent with keeping with the strip mall type of business. They really fixed that place up nice. I have no issues at all. They meet all of the requirements.

R. Carr: I agree. I have no problems.

W. Capozella: The only issue was the parking and it has been taken care of by the Zoning Board of Appeals.

G. Lake: I have no further comments.

**MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey's comments made by R. Carr and seconded by W. Capozella.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 4 AYES**

**MOTION for SITE PLAN/SPECIAL USE PERMIT subject to Mr. McGoey's comments made by A. Dulgarian and seconded by R. Carr.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 4 AYES**

2. PUBLIC HEARING 7:35 P.M. - **PHILLIPSBURG (TETZ)** - SITE PLAN/SPECIAL USE PERMIT (DEIS) - Cemetery Road (78-1-29) #35-03

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

M. Hunt: STATE ENVIRONMENTAL QUALITY REVIEW NOTICE OF COMPLETION OF DRAFT EIS AND NOTICE OF PUBLIC HEARING PURSUANT TO SEQRA AND WALLKILL CODE 249-38 & 249-40. Lead Agency: Town of Wallkill Planning Board, Project Number 03-35. Address: P.O. Box 398, 600 Route 211 East, Middletown, New York 10941. Date 10/06/04. This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law and Local Law 249-38 and 249-40. Under SEQRA the project is classified as a Type I Action. A Draft Environmental Impact Statement has been completed and accepted for the proposed action described below. Comments are requested and will be accepted by the contact person until 4:30 P.M. on the date which is ten (10) days after the close of the Public Hearing. A Public Hearing on the Draft EIS will be held on November 3, 2004 at 7:30 P.M. at 600 Route 211 East, Middletown, New York 10941. Name of Action: The Phillipsburg Facility.

Description of Action: This action includes construction of a proposed concrete production plant, block casting and storage, hot mix asphalt production plant, aggregate recycling facility, processing and reprocessing facility, truck wash and shop with offices (the "Project"). Location: The site is located on a 53.3 acre parcel of land at 81 Cemetery Road, also known as Phillipsburg Road, nearest to its intersection with East Main Street, in the Town of Wallkill, Orange County, New York and known as tax map parcels Section 78, Block 1, Lots, 29, 28, 21, 28.22 and a portion of Section 5, Block 1, Lot 4. Potential Environmental Impacts: The proposed project may have some potentially significant adverse environmental impacts including, but not limited to: 1) Traffic, 2) Water Use, 3) Waste Treatment; 4) Drainage; 5) Air Quality; 6) Noise Impacts; 7) Visual Impacts. A copy of the Draft/Final EIS may be obtained from: Contact Person: Marylynn Hunt, Planning Board Secretary, Wallkill Town Hall, P.O. Box 398, 600 Route 211 East, Middletown, New York 10940. Telephone: (845) 692-7814. A copy of the DEIS is also available on file with the Middletown Thrall Library, 11 Depot Street, Middletown, New York 10940. Telephone: (845) 341-5461.

G. Lake: Let it be noted that we did receive the mailings that were sent out. Your name for the record, please.

R. Stack: My name is Rosemary Stack, Attorney for E. Tetz & Sons. Jim Ulrich with Alpine Environmental Consultants. Gary Tetz, Project Sponsor.

G. Lake: Everybody realizes we've been at this a considerable length of time. Why don't you just bring us up from when you were here last, what you did, and then we will open it up to the Public.

J. Ulrich: You want a brief description of what's going on?

G. Lake: Yes, please give us a brief description.

J. Ulrich: Basically we've modified the document in response to the Board's comments, Town Engineer's comments in the process during the past year. I put the speculative potential impacts on the site. As the Chairman said, the proposed site is in the MI, manufacturing/industrial district. I just want to give a brief description of where the site is, of the existing landscape. The most recent use of the site was (not clear) and the past use of the site was a mine. It is a nice site for an industrial development because it has a steep slope on the south and the north side which creates hills which will actually buffer this use. The site is located 1.1 mile south of the Route 17/84 interchange. It actually makes it ideal from the transportation point of view. The document that you have before you was determined to be complete by the Board on October 4, 2004 and the point to realize is that this proposal consolidates the applicant's existing operation, meaning the concrete plant, the trucking repair facility, into this site in addition to the new proposed operation center contained in the document. This implication of the project will mean a phased relocation of the applicant's concrete and repair facilities from Crystal Run Road to the Phillipsburg site. As indicated in the notice, areas of potential environmental impacts that's been identified by the Board are addressed in the document. In order for us to prepare this document which has taken several months, we've

enlisted several specialists in the following fields: 1) Hydro Geology and Ground Water Resources; 2) Noise Engineering; 3) Stormwater Management; 4) Air Quality Modeling; 5) Archaeological & Historical Resources; and 6) Terrestrial Resources. These studies were used in dimensioning the potential impacts that were discussed in the notice and developing suitable mitigating measures. The DEIS pertained the detailed description of these mitigation measures to slightly offset the impacts of the projects. The detailed Site Plan is included in the DEIS on a descriptive sheet 4 of 24 of the enclosed operations. The plan that we're proposing is on a scale of one inch to one hundred feet. That's about it. We have a Court Reporter here so that the Public comments can be responded to word for word, and that's about it.

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

A. Dulgarian: Nothing at this time.

R. Carr: I will wait.

W. Capozella: I will wait.

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

S. LaBruna: Good evening. I'm Salvatore LaBruna from the Conservation Commission and a Town of Wallkill resident. Did you receive my letter in the mail?

G. Lake: Yes, and we will add that into the filing of the record.

S. LaBruna: Re: Public Hearing and Draft EIS for the "Phillipsburg Facility", Project 03-35.  
Dear Mr. Lake: The Conservation Commission of the Town of Wallkill respectfully requests that the Public Hearing scheduled for November 3, 2004, on the "Phillipsburg Facility" be left open for a period of at least thirty (30) days so this commission has an opportunity to review the proposed action and provide comments to the Planning Board. We must also ask that the project sponsor supply us with a copy of the complete Draft Environmental Impact Statement for our evaluation as soon as possible. We look forward to working with the Planning Board and submitting our comments in a timely manner. The members of this commission would also like to propose that in the future project sponsors should be required to supply us with a copy of any EIS submitted to the Planning Board. If you would like to discuss this or any other issue please feel free to contact us at any time. I can be reached during the day and evening at 283-3335. Sincerely, Salvatore J. LaBruna, Chairman, Conservation Commission. We just want a chance to take a look at it. We have a couple areas of concern. We would like our own copy. I did take a look at it at the Thrall Library but it would be nice if we could receive our own copy.

G. Lake: Okay.

J. Paulsen: My name is Joy Paulsen. I live on Midway Road which is part of Phillipsburg if you're

coming off of East Main Street. It's Midway first and then it becomes Phillipsburg Road. I didn't read this unfortunately because I had other problems and couldn't take care of it. My question is, what are the hours of operation that these trucks are going to be in and out past my house? When you come down the hill, they have to slow down for the turn, then they will shift in to take off again. When they come back, where they have to shift down to make the turn, it's unfortunately right in front of my house. My second thing is, I really don't think they should be put by the cemetery. I mean, God forbid, you're laying a loved one down and all of a sudden you have cement trucks going in and out or the plant doing stuff and it's not very nice to do that. I'm just totally against it being put because, as John Ward said in the middle of no-where. I object to it being called that because my property is just as good as somebody who lives on East Main Street or anyplace else.

G. Lake: Thank you.

R. Hammer: Good evening. My name is Russell Hammer. I live in the Town of Goshen approximately one and a quarter miles directly down wind of where the proposed plant is going to be located. Part of the town line between Goshen and the Town of Wallkill passes through my property. So, as the crow flies, I would be a mile and a quarter down the lane. I'm concerned for the health and safety of my family, my neighbors, my new neighbors that are soon to be. They're proposing in Goshen on Smith Road, (not clear), Phillipsburg Road and Mount Joy Road in the Town of Wallkill approximately, as far as I can tell, over one hundred and eighty housing units. When we think about housing units we think about houses but when I think about one hundred and eighty housing units, I see it as hundreds of school aged children and children less than school age who are going to be impacted by the dust, the fumes, the particulate matter from the hundreds of diesel trucks a day and that's not to mention the obnoxious odors that will be coming from this plant. I have no idea how that would impact me, being a mile and a quarter but for all the houses right on top of this plant. I would never think about buying a house anywhere near an asphalt plant let alone being down hill from an asphalt plant. The quality of life that attracted me to this area will be forever taken from me. Other items that I find dis-concerning would be the noise. I was at the Spruce Knoll I think it is, it's a development in Goshen that's down wind of the, also Northgate in Goshen, and is down wind of the Dutchess Quarry and if there's anything that's going to be comparable to what they have over there, I'm going to put my house on the market. I will not tolerate listening to the rumbling of rock brushes all day long. I've been living in my house, I've been living in my house for over twenty years and you can virtually here a pin drop where we live. This is our way of life. I think it's a crime that they're siting this in this and like the lady before me. I don't want to sound redundant but one of your Town Officials, I think it was almost a year ago, said that this is in the middle of nowhere. It's not in the middle of nowhere other than the PID which is Planned Interchange Development zone that's going to be where maybe the new hospital is going to be. It's surrounded, this site is surrounded by residential zones or areas that are agricultural and soon to be developed into residences. I'm also concerned about the hours of operation. I understand from what I read it's from April until December. Is that true?

G. Lake: They will answer that.

R. Hammer: Alright. Now, on safe projects, can they operate more than normal operating hours? That's another concern that I have. Like I said before, my main concern is the health and safety of myself, my neighbors and my friends. I have asthma and I'm home all day long. I'm disabled from spine injuries and I'm virtually bed ridden most of the time other than getting out once in a while. I would be breathing in the dust from this plant all day long and I don't find that I could tolerate that and that's another reason I would just have to put my house on the market which I think is terrible. Thank you for listening.

G. Lake: Thank you.

M. Isreleski: My name is Mary Isreleski. Good evening. I'm here representing the Town of Goshen Planning Board. The Planning Board sent this Board a letter dating back to December, 2003 and requesting basically just taking an excerpt from it. That we acknowledge that the application is proposing an asphalt plant. We are very concerned about the possible health and environmental issues. We have discussed the issue at our Planning Board meeting and hereby request that we be listed as an interested party in this matter. We are further requesting that all materials relating to the possible impacts to the citizens and the property in the Town. We feel that this was pretty much ignored since we have not received anything as far as the DEIS, the Findings Statement, EIS and the traffic study. So, we would like . . .

G. Lake: Just so, let you know that was taken in, also tonight, even though it was sent in December.

M. Isreleski: We would ask that you would consider once we receive the materials from you that you would consider specific requests from our Planning Board to your Planning Board.

G. Lake: Thank you. This has been a very difficult project for us because it's been in court back and forth so the time lapse sometimes, as you know as a Planning Board member, the time lapse hasn't been as fast or slow because sometimes it's held up in court for a while and then they come back. We are just now beginning to pick up.

M. Isreleski: Okay. We are having our meeting tomorrow. When can I call back and tell my Planning Board that you will supply us with the pertinent information?

G. Lake: If the rest of the Board decides at this point to accept this DEIS to continue forward after tonight, it will be put out as normal and . . .

M. Isreleski: And, you would add the Town of Goshen as an interested party along with all the maps and everything and then, how long will the Public Hearing be kept open?

G. Lake: I believe, again I'm not going to screw up . . .

M. Isreleski: Because we would like sufficient time to put our formal request in.

G. Lake: Even if we did close it tonight, there's a ten (10) day written comment period. Unfortunately, we are also under a court mandate to move this thing and I'm not a lawyer.

M. Isreleski: The first day of the Public Hearing.

G. Lake: What's that?

M. Isreleski: Has the Public Hearing been on any previous dates or is this a continuation of a Public Hearing or is this the first night?

G. Lake: This is the first night.

M. Isreleski: We would hope that you would hold it over so that we have sufficient time. Thank you.

J. Knapp: I'm Jill Knapp. I'm representing the Wallkill River Task Force. I've read the EIS. I think a lot of things were well addressed but there's a few things. One of the things that we're concerned with certainly is protecting the river corridor and activities on the river, and with that in mind, one of the things that occurred to me was the fact that noise seems like it's going to be an issue on this. Certainly if you're out on a canoe trip that could potentially disturb that but let alone that, recognizing that maybe few and far between there's two sites near this proposed site. One is the cemetery and one is the golf course. And, it seems to me in both cases, those would expect some peace and quiet. It seems like from your studies it indicates that the site, the noise off site would be no greater than ambient traffic wise and I think the report had something like sixty two decibels. So traffic wise is a little bit more sporadic. I'm assuming that something like this will be operating all day and from the report that it would be operating from the months of April through December. People have a significant amount of noise in that area. As a Middletown resident, I am concerned about how well the Town of Wallkill enforces its noise ordinances because I know sometimes I have to keep my windows closed because of the race track. Obviously the noise offsite from that is far greater than the ambient traffic noise. So, I'm wondering too, if it's going to be enforced. The report says that lack of habitat from the site will not be significant. Maybe not from this site but what's the cumulative impact on this? Certainly, there's a tremendous amount of development going on and if we're looking at the site in a vacuum that seems to be very short sighted because obviously there's going to be an impact and the wildlife will have to go someplace else. One other thing, I saw nothing in the report with regards to lighting. There seems to be more and more concerns about the effect of lighting on wildlife especially aquatic animals. And, again, people are living in this area and they have light shining in their house at night, I think that might be a concern to them as well. I think some things are well addressed but I think there might be to be a little bit more consideration on this and I was under the impression that the Conservation Commission in this Town, too, had not had a good chance to address. I support their opportunity to review this and I hope you will look at some of things a little bit more thoroughly. Thank you.

G. Lake: Thank you.

G. Maerz: Good evening. Thanks for the opportunity to speak. My name is Glen Maerz from the Town of Goshen as well as Ms. Isreli who spoke briefly before. I haven't had the opportunity to stop in but I would like to point out a couple of comments. The first gentleman who spoke this evening pointed out that this proposed site has a wall much like shaped in an "L". I know the area, it's quite tall. And any child who's ever watched leaves blow in the corner of the two buildings adjoining shaped in the letter "L" I'm sure has noticed that when wind comes in it kicks the leaves up into the air. And, I'm certain that any dust that leaves this site will have the same effect and would be blowing the particulate's into the air and anyone who watches the Weather Channel or any news reports realizes that the wind also sometimes blows from West to East which fortunately for the Town of Wallkill is good because all of the particulate's that will be kicked into the air will blow into the Town of Goshen, primarily right into my neighborhood. I'm a life long asthma sufferer. I have a son who is also treated for asthma. This isn't good and like Mr. Hammer pointed out, the children who would be moving into this area could also suffer from the effects of the particulate's blowing into the air and from the asphalt plant. One other thing, I'm wondering whether you all considered should the wind shift, which it does and blows from the South and East sometimes, isn't there a tremendous Orange County Regional Medical Facility being proposed less than one mile from this Phillipsburg Plant? I'm sure that those people would be interested in knowing building a hospital with lots of people who are in Intensive Care and usually require clean air and might be interested in knowing that there would be such a facility left in harms way. Finally, driving over to the Galleria off Goshen Turnpike, to see the current Tetz facility. It's a dust bowl of concrete material and there's all kinds of warnings if you've used ever used a bag of concrete not to breathe the material in. You can just look at the current facility and see the amount of debris that's generated just from that site alone and the trucks that carry that debris on their tires for miles and miles. I have tremendous concerns about this facility, tremendous concerns for the Town of Goshen which hopefully will be voiced in this hearing and understood in this hearing that it may not affect the Town of Wallkill as much as it would to their very close neighbor. Thank you for my time for speaking.

J. Cameron: Good evening. My name is John Cameron. I'm an Attorney but I'm here, not only as one of the other residents, but I'm a Trustee on a one hundred twenty two acre that adjoins this in the Town of Goshen. It's the former Jonas property and it's the Jonas Trust and tomorrow evening we have a work session of the Goshen Planning Board an application to preserve this land, this one hundred twenty two acres into an environmental type subdivision of twenty acre lots. And, not only am I concerned as a Trustee, but just as a resident in the area that the emissions coming from this plant, two plants as I understand it eventually, is going to impact the us individually and the value of the property. And for the record, rather than receive a whole bunch of other things, I would submit to the Board that to place a facility of this nature next to a cemetery is really contrary to Public policy. The Public policy of the State is always to honor the dead and to respect the bereaved parties that are visiting there. So, you have a hospital within, as I measured it from the Tax Map, within a half a mile that is going to be constructed. You have the cemetery. You have the golf course and

then down wind you have a lot of residential properties and I think this is totally inappropriate facility to be put in this location. Thank you.

G. Lake: Thank you.

S. Cleaver: Hi. My name is Susan Cleaver and I sit on the Planning Board of the Town of Goshen. I also sit on the Environmental Review Board and I'm also a very active member of many environmental groups. But, I'm here speaking about the residents. I know Mrs. Isreleski spoke very well for our Planning Board. A couple of questions and first, I hope that you will leave this open for us to at least have a chance to review the documentation on this. We've had many, many people before us contact us and call up and some of the people are here tonight, that have asthma and have concerns in this area. We would at least like to be able to review the material. I was at the library for a couple of hours which wasn't enough time to go through all this and the other members would like to at least have that opportunity and I think we did inform you in writing. The other question is, one, for the wetlands I would like to see more mitigation for the discharge from your stormwater pond proposed going into the wetlands. The other thing is, I don't know if you're aware, at least, we received a letter from Orange County that all applications or most applications have to go to the County for that review. Has this gone to the County, and in respect (not clear) especially for the air?

With all the truck traffic what kind of mitigation. I did not see this when I went through the files that there's any kind of filters or whatever you're putting on the exhaust for all the trucks and dust control into this area. We really need to crack down here. I'm not saying that it shouldn't go forward and we shouldn't have something but there are steps that can be taken and I think it should be the burden of the applicant to take these steps instead of our air quality getting worse and having the people who have been there for years and years have to do the mitigation. And, finally, I just would like to thank you for your time and I really do hope that you will keep this open and the written comment opened because I think the "ELD" would like to review this as well as the Planning Board. Thank you.

G. Lake: Anyone else?

L. Healy: I would like to speak. I didn't fill out a card. I think we're right next to this where the asphalt plant. We have a fifty acre horse farm and all the land in Goshen is going for development. It's a nice little farm. People come from New Jersey. It takes me two hours to get to work. I have forty horses. Not only kids don't want to breathe that but horses don't want to either. We give lessons, boarding and this is a nice place and we don't want the asphalt plant.

G. Lake: Mr. Ulrich? Do you want to respond to any of these comments?

J. Ulrich: It will all be incorporated in the Final Draft Environmental Impact Statement.

G. Lake: Will you also get the file to the Town of Goshen?

J. Ulrich: Sure.

G. Lake: Will you have enough time?

R. Stack: No, we can get it to them probably tomorrow.

G. Lake: You will get it to them tomorrow?

R. Stack: What's that?

G. Lake: You will get it to them tomorrow?

R. Stack: Yes. Tomorrow we will get one to Goshen.

J. Ulrich: I think we delivered eight more the other day.

G. Lake: I think we asked for . . .

J. Ulrich: Just call tomorrow. We have seven more ready to go.

G. Lake: Okay.

J. Ulrich: But if you have one here, it's quicker.

G. Lake: He can pick it up.

J. Ulrich: We will deliver one to the Town of Goshen.

G. Lake: You will deliver one to the Town of Goshen?

J. Ulrich: Yes.

G. Lake: Let me go through the Board.

A. Dulgarian: I probably would just like to know from our Counsel about the time frame.

G. Lake: The time frame you're talking about when it came down from the court, I believe that's what Mr. Dulgarian is talking about.

D. Brodsky: Actually I don't think I can speak on that, however, obviously you should be mindful of what that time frame is but on the other hand I think it's the Board's (not clear).

G. Lake: Excuse me. I'm not, trust me. I want to make sure everything we get is answered. My concern is Chairman of this Board is losing control to somebody down in Brooklyn or Westchester.

D. Brodsky: Right.

G. Lake: That's my concern is to make sure that we get everything we want.

R. Stack: Another member of (not clear) firm that it was asked for a conference with the judge. We have to give a month to month mandate to the judge to show our progress. We have estimated that what the conflicts would hit. I believe we're going to need to be back in court either December or January. A date has not been set yet. It's just to discuss with her where we are in the process and when it will be concluded. We've given them the time frame. So, at this point, what we're doing is monthly status updates. At some point, she is going to set some kind of a dead line if she feels it's dragging out but that should not impact your process. That's merely whether she's going to make a decision on the pending litigation. This is, as we know, kind of a parallel task we're taking here.

G. Lake: Right.

R. Stack: I would say as long as we have time for the Public comments, you're certainly under no obligations to shorten any time frame. Given that, if you want to have the opportunity for the Public to make comments, we don't object to that. I would say if you're into a situation where we have Public comment period concluded and for the Final Environmental Impact Statement and the Board of Review is out sometime in the January time frame I think the judge would be satisfied. I would say, tonight, as you know as Chairman, the weight of written comments is given just as much weight in consideration as the Public comments at the Public Hearing. So, you can close the Public Hearing with the mandatory ten (10) days after that. I would note for the Board because I did figure it out before I came here that the ten days ends on Saturday so you may consider moving that to the following Monday or whatever you feel is appropriate.

G. Lake: Okay. Thank you.

A. Dulgarian: I'm still wondering . . . I have no problem with closing the Public Hearing. I do agree that written comments holds just as much weight as verbal but I guess (not clear).

G. Lake: I think we could probably up the written comment time.

A. Dulgarian: Do you have a problem with thirty days?

R. Stack: Let me just clarify this on the record okay, because I don't want there to be any confusion. This document has been available for thirty days or actually over thirty days. If was thirty days from the date that the notice was published that the documents were actually available. So, there has been a thirty day review period. There's a mandatory period under SEQRA ten days following . .

.What I would like to do is find out if thirty days is needed by or that's what you're suggesting is to add on thirty days.

A. Dulgarian: That's what we were asked by the Conservation Commission and our Public voice from Goshen. So, for whatever reason these folks didn't have these documents, whether it was our fault or whose fault or whatever, I have no problem closing the Public Hearing. I just want to leave that . . .

G. Lake: To have a little bit more for the written comments.

R. Stack: Yes. I don't have a problem with a two week period. This has been out thirty days we're into December and then we're going to have to face the judge again. I would say if we deliver it to the Town of Goshen Planning Board.

M. Isreliki: We still need thirty (30) days.

R. Stack: Can you turn it around in fifteen (15) days. The documents have been around. The judge also knows that the documents have been available. Obviously it's up to the Board.

A. Dulgarian: I want to hear what you guys say.

G. Lake: Mr. Carr?

R. Carr: I think I believe with Mr. Dulgarian to extend the written comment period. (Not clear).

G. Lake: Mr. Capozella?

W. Capozella: Looking over what a lot of people had some legitimate concerns and with going through these plans as much as I've done there are some other areas that should be taken into consideration. I would be in favor of giving them the opportunity for the written comments for thirty days. I know this project has been going on for a long time. I don't see the harm in giving thirty (30) days.

D. Brodsky: It's the Board's discretion whether you leave the Public Hearing open and have the comment period extended.

G. Lake: Do you have any comments? I'm going to side on the side of caution with Mr. Dulgarian, I think. We have another Planning Board here that has taken great concern. Again, why the documents didn't arrive or they didn't get them or haven't had a chance to look at them, I'm not sure. I'm sure I would want to extend that courtesy to the Town of Goshen. I have to agree with Mr. Dulgarian. I'm willing to close the Public Hearing and extend the written comment period. Those comments will be incorporated as the documents are worked and Goshen will receive a copy,

hopefully, tomorrow.

**MOTION to close the PUBLIC HEARING and keep the WRITTEN COMMENT PERIOD open for THIRTY (30) DAYS, made by R. Carr and seconded by A. Dulgarian.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 4 AYES**

3. **LONGABARDI** - 24 LOT SUBDIVISION (FINAL APPROVAL) - Maples Road (48-1-4.95) #76-02

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

D. Yanosh: My name is Dan Yanosh. I'm the surveyor for the project.

G. Lake: You're here for what?

D. Yanosh: Final Approval on the subdivision.

G. Lake: Tell us what has happened since the last time you've been here.

D. Yanosh: Health Department, we got our approval letter today and I gave a copy to the office. I met with Mr. Lippert, the Highway Superintendent and we've changed the road from curbs to a thirty foot wide with swales. He accepted all of that all the way through.

G. Lake: The thirty foot wide, twenty four, three and three.

D. Yanosh: Fifteen and fifteen, thirty foot wide pavement.

G. Lake: Okay.

D. Yanosh: Fifteen for each lane, swales on either side. It's a more environmentally sensitive to keep that stuff out in the swales instead of bringing it all in to the curbs and catch basins and things like that.

D. Brodsky: Will that be dedicated?

D. Yanosh: It will be a dedicated road, yes.

G. Lake: Mr. McGoey's comments.

D. Yanosh: We have no problem with any of them. The extension we have. Health Department, we got the letter today. Mr. Lippert has already agreed to the amount filed back in April.

P. Hines: Is that thirty seven thousand?

D. Yanosh: We agreed to twenty five thousand and we upped it to thirty seven thousand. We still have to discuss with him some of the other items in here about the drainage down on Mapes Road. Since we've changed it from curbs to a swale, we don't know what kind of a catch basin to put down there yet.

G. Lake: But, he has agreed on that thirty seven thousand?

D. Yanosh: At least that much, yes.

G. Lake: And you will get him to give us a letter for the file?

D. Yanosh: We will do that and, that's one of Mr. McGoey's comments that the money has to be put up before Final Approval is given by the Board before the maps are signed, as it should be. There are some technical questions in there about drainage, easement, and stuff like that which we're clearing up now. Pipe size, and the access to the stormwater management plan. I think we changed it to accept what Mr. McGoey had approved on the other one for Mr. Green. That was okay, also. Has he sent his comments to you, Mr. Lippert? I called his office today. He has looked at this. He was okay with all of these questions. We're in the process now of with the Town Board with the lighting and drainage districts. Now they want easements drawn, documents drawn, deeds written to go before the Board for the lighting and drainage districts. We will have that done shortly along with the bond improvements and post the bond for the work.

G. Lake: Mr. Dulgarian, anything else?

A. Dulgarian: Mr. Hines, what's the deal now, the Department of Environmental Conservation has a five acre (not clear).

P. Hines: Residential, less than fifteen percent as part of the stormwater management plan. They will have to file a notice of intent.

D. Yanosh: I believe it's already done.

A. Dulgarian: I have another question for you. On the erosion control plan, what is (not clear) on a project this size to phase construction so there won't be barren land for any longer than forty five days?

P. Hines: It's a requirement of the Department of Environmental Conservation regulations for a maximum of five acres of disturbance at any one time.

A. Dulgarian: How come it doesn't show up on the erosion plan?

D. Yanosh: It's the phasing plan that says you have to abide by that.

A. Dulgarian: Where is this phasing plan?

P. Hines: It's not a phasing plan like you would phase five lots at a time or something.

A. Dulgarian: Is this a Building Department issue.

P. Hines: It's the Department of Environmental Conservation's issue.

A. Dulgarian: So, there's a separate permit for erosion.

P. Hines: It all falls under the same requirements.

D. Yanosh: The Department of Environmental Conservation knows that you're going to do construction. They know what you're going to do and where it's going to be. They will come out and inspect it as it goes along here.

A. Dulgarian: I guess my question is, what protects the Town and the surrounding residents that you do follow that plan and the soil is not washed away and ends up in the downstream?

D. Yanosh: It will be the Department of Environmental Conservation and also the Town Engineer will be inspecting it also. We have to put up a bond for the construction inspection. They will be out inspecting the drainage, the installation of the road, the sub base and all that stuff.

A. Dulgarian: I just want to make sure that all these things that are included are policed also. Other than that, this has been around a while and it's fine.

R. Carr: I agree that it has been around a long time and it's a lot better than when it first came in. I

have no problem.

W. Capozella: I have a question about the acreage on some of these lots.

G. Lake: This started before the requirement of two acre lots went into affect.

D. Yanosh: It's been almost a year, November 19<sup>th</sup>.

G. Lake: Anything else?

W. Capozella: No.

**MOTION for FINAL APPROVAL subject to 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**

**G. Lake: Aye**

**MOTION CARRIED. 4 AYES**

4. **ROEPER** - SITE PLAN/SPECIAL USE PERMIT (TWO-FAMILY) - 147 Coutant Road (5-1-76) #84-04

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

J. Roeper: My name is Jim Roeper.

G. Lake: Go ahead.

J. Roeper: I'm just looking to add on, basically, an apartment for my mother who's getting older and needs a first floor space to live. So, I just want to add an apartment on to my house.

G. Lake: Is it going to be a full blown two-family when you're done or is it going to be more or less mother and daughter?

J. Roeper: I'm sorry. I don't know the difference.

G. Lake: Is she going to have a separate apartment one hundred percent or will it be like a bedroom, kitchen and she will share the living area?

P. Hines: To access fairly easily.

A. Dulgarian: Will it have a separate entrance, separate bathroom, separate kitchen? The kitchen is the biggest item.

J. Roeper: There would be a kitchen in there. I would like for her to have her own space.

G. Lake: Let me go through the Board to see if they have any comments and then we will set a Public Hearing for you.

A. Dulgarian: Since we're just setting the Public Hearing. I will tell you my comment on it right now is I don't like it. And, I will tell you why. It's a beautiful neighborhood and it's a beautiful home and I'm just one guy. We have seven members on a full board. But, I feel that we have an obligation to maintaining the characteristic of the neighborhood. Even though your house is very set back and you would probably be fine with this, this opens the door for anyone else in that neighborhood. It would set a precedence where somebody else could come in and build a couple of duplexes and I took a ride through there. They're all beautiful homes and everybody keeps them nice. For me as one person I would be against it. I understand your predicament. My problem is when you sell or the home changes hands within the family then it becomes a full blown duplex, two-family. And, we can't say, oh, when things change, take it down because it's not going to happen. Again, I understand your situation. I sympathize with you but I have a problem putting them where they don't already exist.

R. Carr: I agree with Mr. Dulgarian. Based on the size of the addition, can we limit it?

D. Brodsky: That is a normal size for a two-family.

R. Carr: Okay. I guess where I'm going from in our society people are getting older and I hope that my kids will take me in.

D. Brodsky: Why don't you limit it for a duration?

R. Carr: Yes. We've had much tougher situations.

G. Lake: If and when, subject to a duration, meaning that if they're going to sell the house it would have to be modified back..

R. Carr: I guess if it is, a father-son or mother-daughter, it's different from a duplex. There is a

difference.

J. Roeper: I can certainly appreciate the concern.

R. Carr: Having said that, I'll . . .

W. Capozella: Mr. Dulgarian kind of hit it on the head. We've had these in front of us before and I know myself I have voted against them. One of the reasons is that we do feel we might set a precedence. If we let one come in, we understand the need for it and everything. We seen this happen before. But again, once you set that precedence it will open the door for anybody else and that would be my concern.

G. Lake: Two of our members are on vacation so, we're only scheduling the Public Hearing. It will give you a chance to maybe limiting the duration perhaps.

P. Hines: Like a five or ten year duration. It is one option to consider.

J. Roeper: That would be difficult for me to make that decision. If it went that way for a duration until she passed away?

D. Brodsky: I don't think it could be done that way but . . .

J. Roeper: I can't move her in and then take her out.

**MOTION to schedule a PUBLIC HEARING for December 15, 2004 made by R. Carr and seconded by A. Dulgarian.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 4 AYES**

5. **ALTA EAST** - SITE PLAN/SPECIAL USE PERMIT - Route 302 & Route 17 - (22-3-4.22) #88-03

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

J. O'Rourke: My name is John O'Rourke with Lanc & Tully Engineers.

G. Lake: Go ahead and tell us where you are in the process.

J. O'Rourke: We were here quite some time ago. We have gone to the Zoning Board of Appeals for two issues. One was the canopy in the front yard which we did receive the variance for. The other discussion was concerning the side yard setbacks in the PID zone. The Zoning Board of Appeals had interpreted that this would be reviewed under a different category for a gas station of which you have a specific code for which requires the landscape buffer to be twenty five feet. The Zoning Board of Appeals felt at that time that there was no variance required for that. In addition, the last time we were in front of you there was some question of whether we were in the water district or whether we were not. It was determined by the Town that we are in the water district. There is a water line there which we proposed to tie into. Since last we were before you we had some ancillary discussions with the New York State Department of Transportation. Initially remember we had two entrances on Route 302. We submitted it to the New York State Department of Transportation. They sent it up to Poughkeepsie. It came back and said we were limited to one access point which is the furthest one from the ramp as possible. Since that time, although the owner has not been approached, the Town received a letter from the New York State Department of Transportation up in Poughkeepsie saying that they're considering re-aligning this entrance ramp with the I-86 improvements. I had some sketches and one of the sketches actually show this ramp to be re-located running through the property and coming through here. Since that time we met with Mr. McGoey and we had sent a return receipt site plan to the Department of Transportation up in Poughkeepsie and basically said, we have not been notified by you. This is our current Site Plan. Please tell us what you want us to do because it certainly would greatly affect us. We don't want to go down the road and do all this design work and then come back in a year.

G. Lake: So, what happened?

J. O'Rourke: They have not responded as of yet. We just sent that off.

G. Lake: I know myself, and I've traveled that corridor probably four or five times a day and I don't know if Mr. McGoey mentioned it to you or not but I think the last time you were here there is a tie up between the gas station across the street, Seekamps and then with the traffic turning on to that ramp, on and off. That's why the Department of Transportation is now looking at that. That is just a horrible intersection. I think the last time you were here I also mentioned that you would have to really convince me as to how this would work at the present location of the other driveways on that particular road. I have to assume, like you said, I have to assume that the Department of Transportation is now looking at that.

J. O'Rourke: Yes.

G. Lake: Because of that reason. I've seen tractor trailers dumped their trailer in the middle of

Route 302 and pull into the other place to get fuel and then hook back up. I mean, it's just ludicrous out there.

J. O'Rourke: Again, I just brought forth that we have discussed it and certainly we will show that with the traffic analysis and will certainly have the Department of Transportation sign off.

A. Dulgarian: We can't do anything right now until we here from the Department of Transportation. I mean even Mr. McGoey's comments say, no action.

J. O'Rourke: Again, we understand that. We wanted a clarification on the landscaping. Also what you also mentioned at the last meeting was the Board's concern with combining the individual cars and the trucks.

G. Lake: With the truck use?

J. O'Rourke: With the truck use. Now, unfortunately with the Department of Transportation locking us into this one location with the size of the lots and then the wetlands in the back, we're kind of limited on how to separate those two uses.

G. Lake: Again, don't get me wrong but if that's the case and the Board may feel two uses is one too many.

J. O'Rourke: Well, that's why we're here evening.

G. Lake: I'm not going to make that decision for you, that's for sure.

J. O'Rourke: What we did do, is we took some photographs but there are other facilities in the area that combine the two uses.

M. Dombal: The other one is on Route 9W

G. Lake: Is that a truck stop?

M. Dombal: There are some recreational vehicles there.

G. Lake: I think the back side of this is for repairs.

A. Dulgarian: Which makes it less intense.

G. Lake: Right.

M. Dombal: We show the ingress and egress.

J. O'Rourke: The other remaining issue we wanted to discuss is for this service and sales in the back we went through the parking calculations which is under automobile sales and service. We certainly can provide the spaces as required but from a practical point of view we think there's way too many parking spaces for vehicles in through here. So, what we had discussed potentially with the Board that in designing this, we're showing it and not paving it. It would be there if we needed it. But, other than the sixteen spaces back here, eight for repair and eight for sales demonstrations, if we need additional car spaces in the front.

A. Dulgarian: Don't you have a lot for bigger vehicles?

J. O'Rourke: Again, we have sixteen large spaces in the back.

G. Lake: This area is service and sales. You're going to have a showroom also?

J. O'Rourke: Yes, we've always talked to you for service and sales. Basically he will eight trucks on site here.

A. Dulgarian: Again, it's not like an automobile service where it just have five or six people in a day repairing vehicles. It's basically one for several days that would be repaired.

J. O'Rourke: We would rather not pave that area until it is actually needed.

G. Lake: Do you want to talk about the buffer?

J. O'Rourke: Yes, I think that's one we need to fairly resolve before we can move forward on this, to be honest with you. I do point out, though, that we do have fifty feet in the front, on the side we have thirty five feet, and then our access road and then an additional thirty five feet basically buffering through here. So, overall we have it, it's just a road coming through in that area. On the side facing the off-ramps of the Department of Transportation we have twenty five feet, however, the elevation changes. There is an elevation change of over eight feet from the top of that berm down.

M. Dombal: We can refer to your Attorney about that.

A. Dulgarian: It really doesn't matter until we find out where the road goes.

M. Dombal: What we're here tonight though is, we are trying to contact the Department of Transportation but we don't control it. They may respond to us next week.

A. Dulgarian: But until we know that, we won't know if the buffers are sufficient or not when this may not be the design we're looking at.

M. Dombal: This is the application we are processing without their information. They told us where they want the road so, I don't know where they are in the planning review but the applicant decided.

G. Lake: I can remember you first coming in with this project a few years ago.

J. O'Rourke: I will defer to your memory.

G. Lake: I mean, it's been a long time.

J. O'Rourke: Yes, it has.

G. Lake: I can remember us asking that very question before anything was done. What's happening with I-86?

M. Dombal: And probably three years later, the Department of Transportation . . .

G. Lake: I think Mr. Dulgarian is right You're asking us to try and make a decision on something that isn't going to be, maybe.

M. Dombal: We have another parcel that might be impacted by the I-86 project.

G. Lake: Go ahead on the landscaping.

M. Dombal: The landscaping, when we went to the Zoning Board of Appeals we asked them to review both provisions. In your PID zone filling stations are a special permit. Therefore, they're dictated by the specific regulations set forth in that use to meet the special permit. So, if go into the PID zoning regulations in your code and go into gasoline filling stations there are two requirements. The first one is that you have forty thousand square feet of lot area and the second one says that all bulk requirements, all comply with Section 249-46D, lot type "C" which refers back to the HC zone district and the bulk requirements for that specific use. It is very specific. It sites to those regulations. Those are the regulations that we meet for this application. It's very specific. We presented that to the Zoning Board of Appeals and I faxed it to Mr. Brodsky with the minutes from the Zoning Board of Appeals. We provided that discussion to the Zoning Board of Appeals and their decision was well, then you don't need a variance. I said, well, I would like an interpretation but what they said was it did not apply in the PID for landscaping. That is in the minutes I provided so, I think when you look at it, it is quite clear that for gas stations the lot requirements are specific.

G. Lake: Mr. Brodsky?

D. Brodsky: I agree with that. I would remind the Board that it is the minimum.

G. Lake: Yes, we realize that.

D. Brodsky: It's the Board's discretion to make it larger as the site may require.

G. Lake: Okay. I talked with Mr. McGoey. I think he wants another work session. There are a few things to be discussed. I did talk to him. There are a few comments that he wants you to come back with about the landscaping, etc. You're right. Again, we can ask for more.

A. Dulgarian: We should wait until we see a proper plan. Right now we can't do anything because of the Department of Transportation.

J. O'Rourke: If I may, we will be coming back. We have notified the Department of Transportation. They have seen it several times, both offices. We are going to pursue this unless we hear back from them.

G. Lake: You know, you've been before us enough to realize we like to have landscaping. We've done a very big effort in the last two years into that. Eventually we hope to have a landscape architect on some of the bigger projects.

J. O'Rourke: Yes, I do.

**Tabled for further review.**

6. **CONCRETE PROPERTIES** - 5 LOT SUBDIVISION (FINAL APPROVAL) - Hufcut Road (12-1-24.23) #89-03

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

R. J. Smith: My name is R. J. Smith and I'm representing Concrete Properties.

G. Lake: Okay. Tell us where you are with this project.

R. J. Smith: We received Preliminary Approval, I think in July. I believe it was in July.

G. Lake: June.

R. J. Smith: June, okay. You're right, June 16<sup>th</sup>. Subsequent to that we have secured a letter to the Board, July 2<sup>nd</sup> from Eustance & Horowitz approving after site review all the septic designs. Subsequent to that Mr. McGoey had a final review with his comments and I had a chance to meet with him earlier this week and reviewed those and we're in concurrence with them all. If you would like meet to run through them.

G. Lake: Yes, go ahead.

R. J. Smith: Item #2, he questioned the prevailing speed as opposed to the posted speed. He asked us to talk to Mr. Lippert and he said there is no prevailing speed. There's no studies there. The posted speed is thirty miles an hour on Lybolt Road and forty miles an hour on Hufcut Road and all the curb cuts are designed to meet the standards for those posted speeds.

G. Lake: I think what we've normally done there, is we've asked for applicants to do that. I think they actually go out and have to provide that information.

P. Hines: Are the placements close?

A. Dulgarian: No, they're pretty good.

R. J. Smith: Although coming up to Hufcut is coming up to a stop sign.

G. Lake: Right. Just so you know, the Board doesn't have a problem.

A. Dulgarian: Not with this particular one but, yes.

G. Lake: Just in the future

A. Dulgarian: If the Highway Department says, we really like to know what's happening out there.

G. Lake: I will try and remember to talk to Mr. Lippert.

R. J. Smith: There is a question about lot #4. Originally the curb cut came out to Lybolt Road. We do not have the site distance there because there was a slight change in elevation. It was changed to come out to Lybolt Road where there is more adequate site distance.

A. Dulgarian: That's why you're on Lybolt Road instead of Hufcut Road?

R. J. Smith: Yes.

R. Carr: Can I just ask on that where it comes close to Hufcut, it would just seem to me it would be better coming out onto Hufcut.

R. J. Smith: I don't know if the Board had any discretion. The only question I asked is it close to forty miles an hour. You're coming up to within a couple hundred feet of a stop sign. You can't be going forty miles an hour. If there's any flexibility on the Board's part.

A. Dulgarian: Hufcut Road is forty miles an hour?

R. J. Smith: Hufcut is forty.

R. Carr: I think Lybolt Road is forty five miles an hour.

R. J. Smith: Lybolt Road is thirty miles an hour.

R. Carr: They're waiting for the changes to come back from Albany. It was forty five.

D. Brodsky: Make sure they have the note for the site distance.

R. J. Smith: Mr. McGoey told me to get the note off another subdivision plan and add it on. It has to do with the clearing.

D. Brodsky: Right.

G. Lake: Do you have that?

R. J. Smith: Yes, Mr. McGoey told me that. That was the next comment.

G. Lake: Let's get back to this changing of the road?

R. Carr: It's either here or here.

R. J. Smith: We would prefer to have it here. Just as long as the Board has some flexibility because we will be slightly short of . . .

G. Lake: I think it's a safer road.

R. J. Smith: I agree.

G. Lake: I think we should have that.

R. J. Smith: We will split the difference between the original where there was an existing driveway that goes in. So, we will split the difference and bring it out and make that a condition of the approval and the Board has the flexibility because we are approaching a stop sign. Lot #5 was referring to the site distance. The easements are shown on the subdivision for the site clearing. Mr. McGoey told me that there are two notes to be put on the map. He told me to take them off another subdivision. Item #6 is adding some notes on some soils which we're doing. Item #7, the concrete monuments. We show on each lot where a concrete monument has been placed as well as a legend. Item #8, the septic approvals by Eustance & Horowitz. And then, there is a note on here about the driveway profile that it's a negative slope on the driveway.

G. Lake: I will go through the Board.

A. Dulgarian: No issues.

R. Carr: No problem.

W. Capozella: Just that the driveway for lot #4.

G. Lake: It's really a safer place for it than the previous.

R. J. Smith: I can appreciate that.

G. Lake: At this point, I think like Mr. Dulgarian said, I think we want to see a letter from the State telling us whether you can do this or not. I think it would be foolish to continue but that's not my business.

J. O'Rourke: No, I'm of the same opinion. I would like to get some direction. It's hard to get any answer from them.

**Tabled for further review.**

**MOTION for FINAL APPROVAL subject to Mr. McGoey's comments and re-locating the driveway made by A. Dulgarian and seconded by W. Capozella.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 4 AYES**

7. **ROSSI** - SITE PLAN/SPECIAL USE PERMIT (RETAIL) - Silver Lake Scotchtown Road (40-1-25.221) #85-04

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

D. Yanosh: My name is Dan Yanosh, survey for the project. This is a 1.892 acre parcel of land on Silver Lake Scotchtown Road, VanAmburgh Road, and Route 17. It's surrounded by the roads there. Across the street on the other side of VanAmburgh Road is where a site plan is coming in for storage units and down the street is the other big subdivision that's going in down there. The proposal is in the PID zone. It is a proposal for a shopping center. A small little nine eight hundred

square foot shopping center, a mixed use of offices, a little retail with service shops in there. We looked at the code and Mr. Rossi were looking outside of the (not clear). One of Mr. McGoey's comments about the uses, in a mixed use like this we came up with around five thousand square feet for office, two thousand for retail and service would be twenty eight hundred square feet. That is how it would be divided up. Those parking spaces, the formula came out to forty five. We used the shopping center formula when I did this calculation. It will be a single story building and all the improvements have to done to the site.

G. Lake: I will go through the Board.

A. Dulgarian: Is it pretty wet on that site?

D. Yanosh: No, it is pretty dry.

A. Dulgarian: I know we're not doing anything on this tonight but I would request to have sidewalks on both roads. I would like to find out what we did on the other projects, Scotch Valley, Golden Triangle, the other five lot subdivision. I thought there was some sort of a connection.

G. Lake: There is.

R. Carr: I thought Scotch Valley was having them over on this side.

A. Dulgarian: I would also recommend it on the other side.

D. Yanosh: VanAmburgh Road.

A. Dulgarian: You may have development down there, who knows.

R. Carr: My concern would be the appearance on the site. I just want to make sure, it's such a visual site on Silver Lake Scotchtown Road and it is such a well traveled road and that the building is looked at from the side and not the back.

F. Rossi Jr.: I agree.

R. Carr: Overall, I think the use of the site is good.

G. Lake: Do you have any idea what it's going to look like?

F. Rossi Jr.: No, not yet.

G. Lake: What we have done up and down this whole corridor is ask exactly what the buildings are going to look like. Mr. Capozella?

W. Capozella: I agree with Mr. Carr. I think it has good uses. We talked about different type of uses for this.

D. Yanosh: We're looking for offices, retail service. There is a whole bunch of things that could go in from hairdresser, a bank, etc.

G. Lake: Did you need any variances for this?

D. Yanosh: Mr. McGoey and the Attorney is looking at it also, is in regard to our buffer zone. In the PID zone it says that you have to landscape two hundred fifty foot extending the entire width of the lot and fifty foot extending the entire depth on both sides. It has nothing to do with the rear line. We are surrounded by roads.

G. Lake: I think you have two front yards.

P. Hines: It is basically a corner lot.

D. Yanosh: How would he justify it?

P. Hines: I would justify having your access road along (not clear).

G. Lake: Why don't we get back to another work session.

D. Yanosh: How do we address the fifty foot. Am I in violation of that?

G. Lake: I think you have two front yards.

D. Yanosh: We have three front yards.

G. Lake: I'm not even counting Route 17.

D. Yanosh: I know with a corner lot, you have two front yards, one side, and one rear.

G. Lake: I think at the next work session we will try to have Mr. Brodsky do some research on that.

D. Yanosh: The other option would be to go before the Zoning Board of Appeals for a variance for that buffer.

**Tabled for further review.**

8. **SALZANO** - LOT LINE CHANGE - York Road (3-1-104.21 & 104.22) #113-04

G. Lake: You're name for the record, please.

S. Plass: My name is Susan Plass.

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

S. Plass: Basically we have two parcels, each on the east side of York Road. One is approximately sixteen acres. The other one is seven acres approximately. What we want to do is do a lot line change where this pie shaped piece will go with the larger lot.

A. Dulgarian: And, the reason being?

S. Plass: I guess these are owned by the same person and the condition of this sale was we wanted to own to the edge of the water because these are all family members. So, they don't want him coming in and out in this little strip in here.

G. Lake: So, you want to take that little triangle and add it to the larger parcel?

S. Plass: Yes. Right, to this lot.

W. Capozella: Who owns that triangular piece?

S. Plass: It belongs to this tax parcel.

G. Lake: Any comments at this point?

A. Dulgarian: No. I mean, if he owns all the property, I don't have any issues. It is just kind of unusual as Mr. McGoey indicated in his comments.

R. Carr: It is the same owner for these lots?

S. Plass: For family relatives. I kind of believe it's been this way for years.

G. Lake: Are there any houses on this?

S. Plass: I think there a house here, and I believe a house here. This one, I don't know.

D. Brodsky: Are you land-locking a portion by the pond?

S. Plass: Had a discussion with Mr. Brodsky (not clear). I don't think that matters to them. I mean, we could do that. We could follow it right along the edge of the pond.

G. Lake: Where are the houses?

S. Plass: I believe there's a house right there.

G. Lake: Right there?

S. Plass: Yes. I believe there's a house here.

G. Lake: How about the other side?

S. Plass: This one, I don't know.

G. Lake: Right there?

S. Plass: Over here? No, this is vacant. This has a trailer on it right now. I believe it's a trailer. This is vacant. There may be a house on this side of land but it's a different tax parcel.

G. Lake: Mr. Carr do you have anything else?

R. Carr: No.

W. Capozella: No.

G. Lake: As I said, I want to let you know that we don't have a full Board.

S. Plass: I see that.

G. Lake: You're more than welcome. I can put you on for another night if you want to come back. Or, we can move forward and you will take your chances.

S. Plass: We can play with the property line and try and make it look a little, I mean, maybe. One of Mr. McGoey's comments was he didn't want the pond being owned by more than one person. I can make it more squared off. He didn't want a property line running through the pond.

G. Lake: I'm having a hard time on this one, why they want to do that?

S. Plass: This is being sold to somebody who is not a family member. They want to keep this section between their houses. I didn't ask why.

G. Lake: We usually try to get things useable and as I just told you there are only four members here.

S. Plass: Obviously, they're not going to be building on that.

G. Lake: I realize that.

**Tabled for further review.**

9. **PUN KIN KWOK** - SITE PLAN/SPECIAL USE PERMIT - Grocery Store “Happy Club”) (50-2-31) #108-04

**CANCELLED.**

10. **O & R SUBSTATION UPGRADE** - SITE PLAN - Maltese Drive (54-1-12) #68-04

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

A. Lipman: My name is Alan Lipman. We have Mr. McGoey’s comments. They look fine to us.

G. Lake: Why don’t you tell the Board briefly what you want to do.

A. Lipman: We’re expanding a station that exists. It exists as a conforming use as a Special Permit. We need Site Plan approval. The facility is being expanded to meet the increase in the demand and power. We are expanding the fence about ten feet on each side and we developed a landscaping plan which has been incorporated on the plan. That’s it.

G. Lake: I will go through the Board.

A. Dulgarian: Is this next to the Acupuncture business? I have no problem with it.

R. Carr: I agree with Mr. Dulgarian.

W. Capozella: I agree with everyone.

A. Dulgarian: I have no problem with what they want to do.

**MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey’s comments made by A. Dulgarian and seconded by W. Capozella.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 4 AYES**

**MOTION for MODIFIED SITE PLAN approval subject to Mr. McGoey's comments made by A. Dulgarian and seconded by R. Carr.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 4 AYES**

11. **BOWSER** - 2 LOT SUBDIVISION - Bowser Road (21-1-27.32) #84-03

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

D. Dendy: My name is David Dendy. I think you have seen this two lot subdivision probably at least twice. I have Mr. McGoey's list of his thirteen comments. There appears to be no problem in addressing them. They appear to be more like housekeeping issues. Item #2, I will address to your Attorney. I'm not exactly sure if this is an issue or not as far as the Public Hearing.

D. Brodsky: Is the property is within five hundred feet of an agricultural district?

D. Dendy: I believe not, sir.

P. Hines: The only thing I don't know if the septic systems have been approved.

D. Brodsky: We don't usually give a Final Approval with the septic approval.

G. Lake: Have you been before Eustance & Horowitz yet?

D. Dendy: I believe they have started the process.

G. Lake: I think we talked about the agricultural district the last time. Unfortunately, we can't do anything tonight because we don't have any approval from Eustance & Horowitz.

**Tabled for further review.**

G. Lake: At this point, I think like Mr. Dulgarian said, I think we want to see a letter from the State telling us whether you can do this or not. I think it would be foolish to continue but that's not my business.

J. O'Rourke: No, I'm of the same opinion. I would like to get some direction. It's hard to get any answer from them.

**Tabled for further review.**

12. **CONCRETE PROPERTIES** - 5 LOT SUBDIVISION (FINAL APPROVAL) - Hufcut Road (12-1-24.23) #89-03

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

R. J. Smith: My name is R. J. Smith representing Concrete Properties.

G. Lake: Okay. Go ahead, tell us where you are with this project.

R. J. Smith: We received Preliminary Approval in think in July, I believe it was in July.

G. Lake: June.

R. J. Smith: June, okay. You're right, June 16<sup>th</sup>. Subsequent to that we have secured a letter to the Board July 2<sup>nd</sup>, from Eustance & Horowitz approving after site review all the septic designs. Subsequent to that Mr. McGoey had a final review with eight or nine comments. I had a chance to meet with Mr. McGoey earlier this week and reviewed those and we're in concordance with them all. If you would like, I can run down through them.

G. Lake: Go ahead.

R. J. Smith: Item #2. We requested that the sight distance verification be based on prevailing speed and not posted speed as shown on the sight distance table. This should be corrected and new values shown. He asked us to talk to Mr. Lippert and John said there is no prevailing speed. There's no studies there. The posted speed is thirty miles per hour on Lybolt Road and on Hufcut Road forty miles per hour. The curb cuts are designed to meet the standards which are the national standards.

G. Lake: I think what we have normally done there I think they usually go out and actually provide

that information.

P. Hines: Are the site distances close?

A. Dulgarian: No, they're pretty good.

R. J. Smith: Plus, coming up to Hufcut is coming up to a stop sign.

G. Lake: Right. Okay, just so you know.

A. Dulgarian: With this particular one . . .

G. Lake: I will try and remember to talk to Mr. Lippert.

R. J. Smith: There is a question about lot #4. Originally the curb cut came out to Hufcut Road. We did not have the site distance there because there was a slight change in elevation so it was changed to Lybolt Road.

A. Dulgarian: That's why it's on Lybolt Road?

R. J. Smith: Yes.

R. Carr: It just seems it would be much better to come out onto Hufcut Road.

R. J. Smith: On the existing driveway?

R. Carr: Or someplace there, Hufcut you come up to a stop sign.

R. J. Smith: I don't know if the Board had any discretion, the only question I asked is you are coming it's close to forty miles an hour. You're coming up to within a couple hundred feet of a stop sign. You can't be going forty miles an hour.