

TOWN OF WALLKILL PLANNING BOARD

MEETING

NOVEMBER 14, 2007

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

MEMBERS ABSENT: H. Ross

OTHERS PRESENT: J. Bacon, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - **AOK FOOD SERVICE** - SITE PLAN/SPECIAL  
USE PERMIT - Wesley Court (41-1-116) #54-07

G. Lake: Public Hearing started at 7:48 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 14<sup>th</sup> day of November, 2007 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of AOK Food Service Realty Buildings LLC, 365 Route 32, Central Valley, New York 10917 for the approval of Site Plan and Special Use Permit for a warehouse/office facility located at 10 Wesley Court, off Wes Warren Drive, in the Town of Wallkill (Tax Map 41-1-116) under Section 249-27 (1) of the Zoning Code of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

G. Lake: This Public Hearing has to be re-scheduled. There was a posting problem of time. Who is going to speak for the applicant?

G. Bergman: I'm going to speak for the applicant.

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

G. Bergman: My name is Gerald Bergman, an Engineer with Clough Harbor representing AOK Food Services. I assume we're going to go ahead with the Public Hearing tonight and we're going to leave it open.

G. Lake: No. I had checked out what we can legally do we're going to have to re-schedule it

for the 5<sup>th</sup> of December. So, you will have to get the notice in the paper.

G. Bergman: Okay. So, do you want a little presentation?

G. Lake: I'll have to go through the Board but I think we're going to have to re-schedule. I'll ask the Board quickly and to make sure that we're legal and on the right page. I think we should re-schedule it at this time and we will put you on the 5<sup>th</sup>. I understand it wasn't your fault basically but . . .

G. Bergman: No it wasn't.

G. Lake: The law is the law.

G. Bergman: We understand that.

G. Lake: Okay. Just let me ask the Board before I re-schedule it.

A. Dulgarian: Whatever counsel recommends and if he feels it's not proper.

G. Lake: Counsel has recommended re-scheduling and I just asked him again coming out here that it really should be re-set and re-published.

A. Dulgarian: I agree.

R. Carr: Yes.

W. Capozella: I just have one comment. On the plans they're supposed to list Town water and sewer.

D. McGoey: They are in Town water and the sewer.

W. Capozella: I didn't notice it on there.

D. McGoey: It would be a good idea to list it.

G. Bergman: Yes.

W. Capozella: Unless I didn't see it, you may want to update that.

G. Bergman: We show the connections to the existing Town water and sewer.

W. Capozella: Yes, but it needs to be listed on the plan.

G. Bergman: That's fine.

W. Capozella: Nothing else, Mr. Lake.

T. Hamilton: It will also give them a little extra time to go through Mr. McGoey's comments.

G. Bergman: There isn't. It is for December 5, 2007, right?

G. Lake: Yes.

G. Bergman: Okay. We don't have any problem with his comments and if we can get all of his comments responded to and still get it in there in a timely manner, we will do that.

G. Lake: That's our only meeting in December.

G. Bergman: Oh, we'll make it. The comments I received today are very few. Now, do I have to re-send the mailings?

J. Bacon: Whatever is necessary.

G. Bergman: Well, my thoughts are the certified mailings went out and we got them all back. MaryLynn has them. If some of them are here tonight we can tell them to be here on December 5, 2007. I don't know that there is anybody here or not.

T. Hamilton: How many did you send out?

G. Bergman: We sent out eight and all eight came back.

T. Hamilton: Yes, but now they're assuming it was for tonight.

G. Lake: Unfortunately I think they should be sent again. I think you have to do it correctly.

**MOTION to re-schedule the PUBLIC HEARING for December 5, 2007 made by T. Hamilton and seconded by R. Carr.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

2. PUBLIC HEARING 7:35 P.M. - **CRYSTAL RUN AMBULATORY** - SITE PLAN/SPECIAL USE PERMIT - Crystal Run Road (60-2-52.22) #77-06

G. Lake: Public Hearing started at 7:53 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 14th day of November, 2007 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Crystal Run Healthcare LLC, 155 Crystal Run Road, Middletown, New York 10941 c/o Columbia Development Companies, 302 Washington Avenue Extension, Albany, New York 12203, for the approval of Site Plan for proposed medical office building for property located at 95 Crystal Road, Middletown, New York 10941, Parcel (60-1-52.22), the nearest cross road is Ballard Road, under Section 249-26 (2) 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. Archangel: My name is Michael Archangel from Columbia Development Company representing Crystal Run Healthcare. Myself and the Vice President of Columbia Development is also with me as well as Dr. Teitlebaum. We're here to explain to the Board, we've been at this for a while. We're here for a Public Hearing to see if there's anymore input. The proposal before you, for most of you, have seen this for a while. It's a medical office building at the corner of Crystal Run Road and Ballard Road. It's approximately one

hundred twenty seven thousand square feet, four stories and approximately six hundred ninety two parking spaces. We were granted a variance by the Zoning Board of Appeals to reduce the required amount by one hundred and sixty spaces and we're also banking approximately fifty spaces to be determined at a later date whether they will be used or not. It means we've increased the green area and decreased the hard surface runoff. Before you tonight is our proposal and we've gone through a series of work sessions and a few Planning Board meetings and we've adopted all those comments thus far. There are a list of outstanding comments that we've addressed. I have to meet with Mr. McGoey at a further work session. We're in compliance with all of his comments and we've incorporated them into the latest set of plans which this Board has not seen. They just became available within the last few days. So, I think I'm going to meet with Mr. McGoey I believe at the end of November. The front of the building is a four-story. The rear of the building is one-story below and three-stories up. What you're seeing here is the elevation from Ballard Road. One point I would like to point out is we worked very closely with Mr. Lake and Mr. McGoey. The initial approval of this a few years ago for Peter Albert was that the vision from Ballard Road or Crystal Run Road would be screened with proper elevation for the parking, proper landscaping and so forth. We've added since the last time we met a stone wall that would be basically a farmers stone wall which would basically go from Crystal Run Road and wrap around Ballard Road. We're going to fully landscape it as well which you will see in the next set of plans. As I mentioned we have comments really brief from the Highway Department and we've addressed those. We're working on the second revision. The County, we've had some mysterious comments. I've talked to the County and those issues, once they were understood, I think we've complied with them all. The biggest issue was the bus routing, the bus size. This particular project will accommodate Dial-A-Bus or the Shuttle from the current Crystal Run through this parking lot and if need to over to the Blue Cross/Blue Shield building and the Pavilion. The Fire Department, I've spoken to them. I've written them a letter. We're in concurrence with all of the issues which we will discuss with Mr. McGoey but we're pretty much in agreement with everything they said. The sprinkler system, stand pipes, proper access, proper signing and things of that nature.

C. Najac: Came in at this time.

G. Lake: Let me go through the Board.

A. Dulgarian: After the Public.

R. Carr: I will wait.

W. Capozella: After.

C. Najac: After.

T. Hamilton: After.

G. Lake: Is there anyone from the Public who wishes to comment on this application?  
Hearing none,

**MOTION to close this PUBLIC HEARING at 8:00 P.M. made by A. Dulgarian and seconded by R. Carr.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

G. Lake: Yes. We did have a couple of work sessions. We had one today and like he just told everybody he wanted to come in to see if there was any comments at all from the Public and, of course, whatever comments the Board may have. Basically he would like to go back to another work session to finish up at this point. Let me go back to the Board and then we will go from there.

A. Dulgarian: I think it's been said. We've seen this for quite a long period of time. It's been improved every time it's been back, upgraded landscaping, upgraded screening, reduced parking, driveways are lined up. The inner-connect to the other lot is great. It's keeping with the pattern of development that we want out there. I have nothing additional at this time.

G. Lake: Anything else, Mr. Dulgarian?

A. Dulgarian: No.

R. Carr: I can't add anything to that.

W. Capozella: I have nothing to add.

C. Najac: Just a question about the shrubbery in front of the parking lot.

M. Archangel: It was a comment I didn't understand but Mr. McGoey explained it to me today and, as I understand it the thought was that, and correct me if I'm wrong, whether this would be possible or not in this location. I went there today after I talked to both Mr. Lake and Mr. McGoey. I looked at it. It's appears that it could be done physically but legally we have to find out from Mr. Peter Albert and his tenant which may or may not dictate that we do that but certainly we would be more than willing to try and accomplish that. What happens if it is accomplished you would drive through that parking lot and it does connect to the road that winds down the hill. I'm not saying that it would be a bad thing but I'm not sure we can accomplish that. We can certainly look into it.

C. Najac: That would be nice.

T. Hamilton: On that connecting road though wasn't that on Mr. Albert's set of plans?

D. McGoey: We had the rear connection.

T. Hamilton: Nothing on the front?

M. Archangel: This one we have an agreement with an easement which makes it legal and he's more than willing to do that. The other one, I'm not sure about.

T. Hamilton: Talking about reducing the parking, I understand why but every time I seem to go by the applicant's other building on the other side is usually full. I just don't want to have to run into the same problem on this side.

M. Archangel: Some time ago, what we did though with that maybe six or seven months ago we came into the Board and asked for a recommendation for variances. We did a study and Dr. Teitlebaum has done a personnel study and we reviewed the existing parking lot over a period of about two or three weeks and at any given time it was recorded what was vacant. Most of it appears, and correct me if I'm wrong, in the rear parking lot nobody uses and I believe there were about one hundred and that's what dictated the amount that we needed, like five per thousand. The code for the Town is seven per thousand. That's based on a

gross area building. We feel very confident that we have adequate parking and we've even land banked some so we can put those fifty in if it's required.

G. Lake: Like I said, he's basically interested in going back to another work session right now to wrap everything up. With that do you waive the sixty two day time frame?

M. Archangel: Yes.

G. Lake: We're going to table this matter and have him go back to another work session and then get everything cleaned up.

**MOTION to TABLE for further review with applicant waiving the sixty two (62) day time frame made by T. Hamilton and seconded by A. Dulgarian.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

3. PUBLIC HEARING 7:40 P.M. - **P & O ASSOCIATES** - SITE PLAN/SPECIAL USE PERMIT - Rykowski Lane (60-1-95) #78-07

G. Lake: Public Hearing started at 8:04 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, Middletown, New York 10941 in said Town on the 14<sup>th</sup> day of November, 2007 at

7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Prosthetic & Orthotic Associates for the approval of Site Plan and Special Use Permit located on Riverside Drive under Section 249-39 of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

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

T. DePuy : My name is Thomas DePuy with DePuy Engineering representing P & O Associates.

G. Lake: Okay. Let me tell you what the problem is for us right now. About a month ago you did come in and you ran into the change from the new zoning from the old zoning. We have worked, not only myself but Mr. McGoey and Mr. Bacon. We have worked right up until about four thirty today trying to get an answer from somebody. The problem is for this Board at this point cannot act on that because we're not acting on the new zoning. I doubt at this point you want to change that particular lot to the new zoning. The only thing since the last month that we've been able to achieve at this point is to send you to the Zoning Board of Appeals for a relief. That's the best we can do. I have not been able to achieve a solid answer one way or the other. We had a couple of lawyers working on it, different opinions even after the last meeting. We had one opinion at five o'clock and a different opinion at five twenty. That's where we're at and I just think at this point is two decisions. One on your side if you want to redo the lot up to the proper frontage or we can send you to the Zoning Board of Appeals for relief.

T. DePuy: I think I would move forward with the Zoning Board of Appeals.

G. Lake: Okay.

**MOTION to send this applicant to the ZONING BOARD of APPEALS made by**

D. McGoey: There was a motion on November 17, 2007 to send him to the Zoning Board of Appeals.

G. Lake: Okay. We're going to table you for further review until you go before the Zoning Board of Appeals.

R. J. Smith: Since we're here for the Public Hearing and it was published, we can't have the Public Hearing?

G. Lake: No, because the problem is, you know, we're having a Public Hearing that you don't meet the requirements.

R. J. Smith: Can I ask Mr. Bacon, with all of the information that we supplied, all the case law, all the documentation, the as-built and all the infrastructure including the fact that we acquired this property in September of 2006. We bought eighteen lots. We paid for eighteen lots.

G. Lake: Mr. Smith, I truly understand your frustration. He did his best, trust me. For us to go back and forth, this is the best that we can do for you right now. There are two sides of the hall we have to live with. We do our very best to try and understand the standards and unfortunately this is about the best thing we can come up with for you at this point.

R. J. Smith: Who will make the ruling?

G. Lake: We tried to work it out with Mr. Ward and the Town Board. I'm sure you went back and talked with them. We talked with the Town Attorney. Mr. Bacon spoke with him several times.

**Public Hearing not done.**

**MOTION to send this applicant to the ZONING BOARD of APPEALS for relief made by T. Hamilton and seconded by A. Dulgarian.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

**MOTION to TABLE for further review made by T. Hamilton and seconded by A. Dulgarian.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

4. **DUNKIN DONUTS** - SITE PLAN/SPECIAL USE PERMIT - Extension to Conditional Final - Route 211 East (41-1-20) #38-06

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

J. Quinn: My name is John Quinn from Lanc & Tully Engineering representing the applicant.

G. Lake: Go ahead.

J. Quinn: I'm here before you tonight to request an extension for Final approval and to go through final comments. The ones that were the most troublesome were some of the permitting approvals from the Department of Transportation for a highway entrance permit. That issue has since been cleared up. The Department of Transportation has approved the layout as was approved back in May with the one way in and one way out of here. That's what we've been doing for the last six months or so. The Department of Transportation wasn't sure if they wanted to approve it and after some changes with them they settled back to the original design of one way in and one way out. I've updated the plans to address all of Mr. McGoey's previous comments from the May meeting. I have submitted those plans.

G. Lake: Okay. He did send a letter in on time requesting this and this is your first extension, I believe?

J. Quinn: That's correct.

G. Lake: I will go through the Board.

A. Dulgarian: Mr. McGoey have you had time to review those plans?

D. McGoey: No.

J. Quinn: We just gave the plans to him.

A. Dulgarian: So, you don't know if they are complete at this point?

D. McGoey: No.

A. Dulgarian: I really don't have a problem granting a first time extension.

R. Carr: I have no problem.

W. Capozella: I don't have anything.

C. Najac: Basically he was held up due to the Department of Transportation.

T. Hamilton: Nothing.

G. Lake: Mr. McGoey's comments, Mr. McGoey are these the same

D. McGoey: Pardon?

G. Lake: Your comments?

D. McGoey: Yes. The only new one . . .

G. Lake: How about all the vegetation?

D. McGoey: The only new one is to try to maintain some of the existing vegetation along the side lot.

J. Quinn: The westerly lot is facing Eckerd and the tree line basically is the parking lot. We're actually planting additional trees between the parking lot and the bank. Most of the trees in the development area have already been removed. We took out the existing house

and all the vegetation around it. We are providing additional planting along the sides and in the back.

D. McGoey: So, the flag lot line will be the north?.

J. Quinn: The west would be on the Eckerd side. On the bank side we're planting an additional eight trees

D. McGoey: You're not going to preserve any of the existing vegetation on site?

J. Quinn: There wasn't very much there. Some was so close to the house that they couldn't be preserved.

**MOTION for a SIX MONTH APPROVAL to CONDITIONAL FINAL made by C. Najac and seconded by R. Carr.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

5. **SILVER** - 2 LOT SUBDIVISION - Re-approval - 404 Midland Lake Road (24-1-42.21) #32-06

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

J. Mirro: My name is Jay Mirro with Blustein, Shapiro & Rich for the applicant.

G. Lake: Go ahead.

J. Mirro: This is a re-approval.

G. Lake: You ran out of time or were you caught up in other agencies?

J. Mirro: This was originally approved last December. Some time in the Spring the office received a call from a neighbor for this lot complaining about the driveway locations. We came up with an alternate plan and submitted it to Mr. Rother. He didn't have a problem with it but by the time this thing got all straightened out we were beyond the time. Also I just handed MaryLynn the septic approval which we just got back today. It took us a long time to work through that process also. There is a new map and the only change, I believe, on it is that we did relocate the driveway and Mr. McGoey's comments.

D. McGoey: The original location of the driveway they would have shared a common entrance and the new driveway would result in the demolition. When I went out there and looked at his concerns, this one is in a better location and provides a better site distance. I had recommended to the Highway Superintendent that when he issued the highway work permit, that he ask for it at the new location. It seems like you can take action, if you agree.

G. Lake: I will go through the Board.

A. Dulgarian: I think Mr. McGoey's field recommendation makes sense and I don't have a problem with the first extension?

G. Lake: This is actually a re-approval because he ran out.

J. Bacon: That is correct.

A. Dulgarian: Then, the plan that we're looking at now that was approved so, I have no problem.

R. Carr: I believe I voted against it but (not clear) I thought it was too compact.

W. Capozella: We're just approving the new driveway location.

C. Najac: Nothing.

T. Hamilton: Nothing.

G. Lake: I don't have anything. We should probably give this a Negative Declaration.

J. Bacon: I don't know if that's necessary because you came him a Negative Declaration before but it wouldn't hurt.

**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 C. Najac.**

**A. Dulgarian: Aye**

**R. Carr: Nay**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES, 1 NAY**

G. Lake: Conditional, well he has his septic now so, should it be final or conditional?

D. McGoey: I guess it can be final, yes.

**MOTION for 2 LOT SUBDIVISION APPROVAL subject to all of Mr. McGoey's comments and this Board's comments made by A. Dulgarian and seconded by C. Najac.**

**A. Dulgarian: Aye**

**R. Carr: Nay**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES, 1 NAY**

6. **GREENWOOD REALTY** - 8 LOT SUBDIVISION - Silver Lake Scotchtown Road  
(81-2-1.1) #83-07

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

D. Yanosh: My name is Dan Yanosh surveyor for Greenwood Realty.

G. Lake: Okay. Go ahead.

D. Yanosh: This is a 3.4 acre parcel of land on Marie Lane and Silver Lake Scotchtown Road. It's located in the R-2 zone/ Just recently, the last zoning changes the Town Board did, they changed this area from M-I to R-2. I approached the Town Board in 2003 to change it and it wasn't changed back then. So, we're here now for a subdivision. It would be a seven lot subdivision and I know that we don't meet the current zoning. The new zoning for the R-2 zone is 1.5 acres versus the three quarter acre out there from years ago and it's existing out there right now. These seven lots are proposed right now to conform to what's out there. The frontage is probably even more than what's on the lots across the street in that

same neighborhood. I know I don't meet the zoning requirements for this so we need a referral to go before the Zoning Board of Appeals.

G. Lake: Mr. Yanosh, you said the zoning call for what?

D. Yanosh: 1.5.

T. Hamilton: Is there water and sewer at the site?

D. Yanosh: I am but I don't meet the standards in the R-2.

D. McGoey: Yes. It is 1.5 acres even with water. It's based on the A lot.

D. Yanosh: And, "C" would be by the soils formula. We want to make them just conform.

T. Hamilton: You're not making them conform.

D. Yanosh: To what is in the area.

T. Hamilton: Conforms means you comply with the code.

D. Yanosh: I can put two lots on this piece of property but in my mind and my client's mind it will stand out in this neighborhood. The neighborhood has small lots. Right here in this area which is surrounded by R-2 created years ago, it just doesn't make any sense.

G. Lake: He's looking to go before the Zoning Board of Appeals. Let me go through the Board.

A. Dulgarian: I don't have anything.

R. Carr: Nothing.

W. Capozella: Nothing.

C. Najac: Nothing.

T. Hamilton: It's on a blank sheet of paper right now. He should make it meet the Town Code.

**MOTION to have applicant appear before the ZONING BOARD of APPEALS made by R. Carr and seconded by A. Dulgarian.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Nay**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES, 1 NAY**

7. **GRUBER** - PARK & RIDE - SITE PLAN/SPECIAL USE PERMIT - Route 302 - (24-1-50.1) #70-07

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

D. Yanosh: My name is Dan Yanosh, surveyor for the applicant.

G. Lake: Go ahead.

D. Yanosh: The map I have in front of you, I want to apologize, are not the correct maps. We had a meeting with the Department of Transportation last week, I think it was Thursday. They denied us the access off of Route 302. The maps that you have in front of you now do not have any access off of Route 302. We met with the traffic engineers, three of them from the Department of Transportation and Mr. Hankin, the resident here from Middletown. They turned us down at the last application. In the beginning they said yes. The one guy who does the Park and Ride was sure they would come in that way. The meeting on Thursday stopped it. What I would like to do tonight is submit a different layout. I know it's really not accepted but what we're doing here tonight it to look at it. It has frontage on Baker Road.

A. Dulgarian: It's a whole different parcel.

D. Yanosh: Correct. It's around the corner from where the other one was. The old one is up by Route 302 by the exit.

A. Dulgarian: Right.

D. Yanosh: Also the Department of Transportation come June is going to re-arrange those entrances and exits. They're going to widen them a little bit. I think the exit is going to stay the same spot. They're going to make the loop a little bit wider to conform to the new Federal mandates when it becomes a Federal highway. They will be taking more of Mr. Gruber's property along that exit ramp 119 right now. What we're planning on doing is moving that Park and Ride down onto Baker Road as shown on his other property that he owns. Again, this is a strange deal. We subdivided this lot, the one that fronts on Route 302 and Route 17 many years ago. We were going to develop that but now again, we can't use that for access so, we're caught here with what we have to do. Anyway, the Park and Ride would enter off of Baker Road in and out right through there. That entrance would then serve the rest of the property later on. Right now we have parking for sixty (60) cars. Short Line would come in with their bus, make the loop around, stop and pick up the people and continue with his route. Right now there are places in Wurtsboro, Chester, Goshen. The

parking lot all the way down Route 17. Short Line and the Department of Transportation are looking to put a Park and Ride here at Exit 119. The way we've planned this drawing right now are to Department of Transportation specifications, although they're measured. I will give to you of their specifications. It has to be paved, fully lighted and drainage. There are different deals than can go on with this. One way they talked about the other day with a municipal agreement between the State, the Department of Transportation and the Town of Wallkill. The Town would lease the property from Mr. Gruber; the Town would pay Mr. Gruber for the lease of the property, and the State would reimburse the Town of Wallkill. The other way to do it would be Short Line would be the one reimbursing Mr. Gruber from the State.

A. Dulgarian: Is for our residents to use?

D. Yanosh: No. This is only a parking lot for anybody. If you've seen the one up in Wurtsboro near the interchange. Also, there is one in Chester.

G. Lake: And, I believe on Route 209.

D. Yanosh: Yes, they did that also as part of the complexes come through all of these parking lots. At the meeting the other day someone was there from Orange County Planning and they are familiar with the action that we want to do here. Everybody so far has favored it for a Park & Ride parking lot. Right now, the people park on Mr. Gruber's property illegally. He's tried to keep them out trying different things.

A. Dulgarian: That's the property right up on the ramp.

D. Yanosh: Up by the ramp, yes. You see it now. People cut off Route 119 before they get to Route 302 and cut down the hill into his property. He's tried to call the police. He's tried to pile up dirt at his own expense. Right now he doesn't have the time or the money to block it off. This is ultimate alternative to make it a legal Park and Ride for commuters.

G. Lake: Mr. Yanosh, I'm just curious why they didn't allow him to go out onto Route 302?

D. Yanosh: When it becomes a Federal highway you're limited in your accesses and entrances, three hundred feet from the exit ramp itself. You cannot have any new exit or entrance ways. Beverly Drive is in violation right now because it's existing. That's the Federal mandate, the Federal law today. We argued with them on it. We would love to have it like that. It would make it so simple for us. We've had letters back and forth. Every time we asked to have it that way the answer was no.

G. Lake: I'm just curious. You fell within three hundred feet and I know we've had other applications and you seem to be the first one, unless it's something new that they just came out with. Let me go through the Board and Mr. Bacon, do they need to go before the Zoning Board of Appeals?

J. Bacon: Is it in the OR zone?

D. Yanosh: We are in the OR zone and we're going to look at it as probably as a public use which is a permitted use in the zone. This would be used by the public. Anybody can park there. It's not something you have to pay for back and forth. You can park your car there, take the bus and go to the City. It's open to the public. Even though Coach USA and the State Department of Transportation offers the business Mr. Gruber has to maintain it. It would be a public use facility.

G. Lake: Let me go through the Board.

A. Dulgarian: Mr. Yanosh, just tell me something. It's free of charge?

D. Yanosh: The State reimburses . . . This is State property. The State does it. Again, the State's going to pay the Town and the Town will pay Mr. Gruber. There are different ways of doing it. The State and Federal money takes care of it, whether Short Line chips in money. At the next meeting I guess we can get some information from those people too as to the workings of it. Again, those wordings have to be done with the Town Board, Short Line and the State Department of Transportation as we go along.

G. Lake: Let me go through the Board. It's kind of just here for sketch right now.

A. Dulgarian: This is a concept that I think fills the need for our Town residents in that area. There are a large number of people who could use it. My concerns about the second property would be, I think it's totally out of view, correct? I mean, you're not even going to see this from Route 17 are you?

D. Yanosh: You might.

A. Dulgarian: My concerns would be future development on this property. I know there are wetlands there and how it's going to look. I think that can be worked out. I think it would have been beneficial . . .

D. Yanosh: As far as the entrance road itself it will be a sixty foot wide entrance road which will be an industrial entranceway.

A. Dulgarian: Baker Road?

D. Yanosh: Baker Road was improved by the Town not too long ago. The Town widened it. Mr. Gruber even donated the land because there used to be a very sharp curve in there years ago and they straightened it out and make a nice curve in there. That was taken by the Town about ten or fifteen years ago. Again, we're talking sixty (60) cars right now which is probably most of time on the property right now if you go out there tomorrow.

R. Carr: I agree with Mr. Dulgarian. It's something that the State in encouraging. It's a good project. I have got to say it's a lot better project than the original site over here. I also want to say that I think the Route 302 entrance would have been more logical right there.

D. Yanosh: If you're coming from Scotchtown you're on Baker Road and you're off of Route 302. You're not coming out to Route 302.

R. Carr: And if you're on Route 302 you're now making a turn and everybody else is coming on . . .

D. Yanosh: You're making a turn into there. Again, I wish I could do it there.

R. Carr: Yes, I know. I come out and I see the way in the morning every way and that's always a trip through the intersection.

D. Yanosh: Busses run every fifteen or twenty minutes.

W. Capozella: I don't know if it even is effective. You're thinking now of having a Park and Ride parking lot right in the corner obviously and if you're thinking ahead of time and somebody buys that property up. Again, I don't know what regulations how much property you need to tie up. In other words, if he comes back in. I don't even know. The only other question I would have is I would like to see some greenery. Like you said, the owner of the property would be responsible for maintaining it. If something falls through . . .

D. Yanosh: He won't be doing this unless the Town and everybody else agrees. That's our next step. After tonight, a meeting with the Department of Transportation, a meeting with Town officials saying we want to do this. This is how the deal is going to work between Coach USA, the State Department of Transportation and the rest. These are the monies that

will go back and forth between them.

W. Capozella: That's something I would like to see.

D. Yanosh: My client's not going to put a dime in unless it's in order.

C. Najac: We definitely had a need for a parking lot. I'm not sure if that's the best location for it.

D. Yanosh: This is part of the regulations from the State Department of Transportation. They're probably more strident. They're looking at my plan and Mr. McGoey's plan. The Department of Transportation themselves, I have to abide by their rules and regulations on the widening, pavement, drainage and everything. It will be all taken care of as we go along.

C. Najac: I just want to make sure that your lighting doesn't affect anyone else.

D. Yanosh: There's nothing out there. It's a desolate area. For the future, yes. Again, what Mr. Dulgarian was saying and somebody else was saying my access road that I have here coming in on the north side will hopefully eventually service the rest of the property. Mr. Capozella is right, we will check on the lease if the property changes hands, etc.

G. Lake: Anything else, Mr. Capozella?

W. Capozella: That's it.

T. Hamilton: Mr. Bacon, a question under office/research for a public use. If you read the definition in our new code, a public use includes public utilities for public buildings.

J. Bacon: I read it to say it includes public utilities or public buildings but it doesn't include anything. There is no where about leasing.

T. Hamilton: My other question is I was just reading the bulk requirements for lot width, etc.

J. Bacon: It's the lease.

T. Hamilton: That's why I'm asking.

J. Bacon: They're using the whole parcel for the parking.

T. Hamilton: Is he meeting the proper setbacks?

D. McGoey: In a way (not clear).

T. Hamilton: There's no building or structure and I don't know how a lease would work out, the proper drainage, landscaping, etc.

D. Yanosh: You may want more landscaping than the Department of Transportation wants. There will be a shelter probably put on the site, a small little glass enclosure. You see them on every bus stop you go. They want to put one down in New Hampton, if you go off of Route 84, Route 6 that way. The first gas station right there is a Park and Ride and he wants to put a shelter there. They're going to tell us where to put it and where the best place is and we will look at landscaping and the rest.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: That's all.

G. Lake: Yes. I agree. It's surely needed. I see the cars parked at the other place there. I wish there were some way we could but it doesn't sound like they're going to let you out onto Route 302.

D. Yanosh: We would love to do that.

G. Lake: I think the Board recognizes that this is something that is needed but I think as the Board already brought up . You already heard the questions brought up by them.

D. Yanosh: Sure.

G. Lake: What's going to happen if you're going to break this out and how much land do you really need. I think as far as sketch goes, I think between now and the next time you come back you really need to talk to Mr. Lippert about Baker Road a little bit just to make sure. I'm not sure if he's going to want to do a pouring out there or something to make sure it can handle the busses. I don't believe but check with him to make sure. Anybody coming down Baker Road to Route 302 you know that can be a, the grade there. I just think so that there are no surprises later on outside of everything else the Board said there's just some little things off site you may just want to check and make sure while you're working through the process. Otherwise, I believe everyone thinks it's close to be something that's needed out there and obviously with the gas prices going up how much bigger can that get.

D. Yanosh: It could. The reason why it's up in that corner, we can add more rows as we go along with this thing and make it better.

G. Lake: Again, that might be something you just want to look at between now and the next time you come back. Okay if you like the sketch he can go back to work and go back to the State, Town, etc.

D. Yanosh: The biggest thing is the zoning and the leased parcel. We know the lot is big enough. Mr. Bacon are you satisfied at this point?

J. Bacon: I don't have a problem with that. If the Board is uncomfortable we can ask Mr. Jaques for his input into it. I read that public use as including the public utilities but . . .

G. Lake: I think it's a use for the public. I don't know how the rest of the Board feels.

**MOTION for SKETCH PLAN approval made by W. Capozella and seconded by A. Dulgarian.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

8. **AIDEN ESTATES** - 15 LOT SUBDIVISION - Bart Bull Road (31-1-29.4) #81-02

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

T. Olley: My name is Thomas Olley, the Engineer for Aiden Estates.

G. Lake: Go ahead.

T. Olley: We're still before the Board for Sketch Plan for now a fifteen (15) lot subdivision on fifty seven acres over Connors and Bart Bull Road. The last time we were before the Board there were questions that were raised about the conservation subdivision, length of the cul-de-sac and a couple of other things. What we did was we developed an as-built Site Plan using the site two subdivision which require us to construct two roads accessing Bart Bull Road crossing wetlands twice and this plan on your right is the conventional subdivision plan, site #2 which we used because we didn't want to go into a conservation subdivision to avoid wetland crossing. I did receive Mr. McGoey's comments and I brought with me an extra copy of the plan in which we added the lot frontage measurement location just to demonstrate to you that we have the two hundred fifty foot minimum on all of these lots. By doing that with the type #2 subdivision we end up with fifteen lots. This is definitely not the plan that we want to do because of the amount of roads, wetland crossings, the environments impacts that would result from that. What we would like to do is to proceed with the plan on your left which has also the fifteen lots from the count that we established here on the conventional plan and what it would consist of is two cul-de-sacs. One approximately eighteen hundred feet extending from Bart Bull Road in the same location as this lower road here on the conventional plan and, we would have a second cul-de-sac off of that which would be about four hundred fifty/five hundred feet long. These lots would use the reduced lot size provided for in the conservation subdivision and they all meet the one hundred fifty foot frontage requirement and lot width. There are two waivers that we would have to seek from this Board. The first one is for a cul-de-sac over one thousand feet but if we go with the conservation subdivision you're allowed to grant a waiver up to twenty five hundred feet. It would be an appropriate waiver and eighteen hundred feet would be substantially below the maximum. The second waiver is that we're required to have two hundred feet separation from all public roads with the new lots. We would seek a waiver down to a fifty foot setback along the rear lines of lots #7 and #8 because they back up to Interstate Route 84. What we would do to mitigate that is to create some berms down there to provide both noise and visual shielding for those lots. We comply with all of the other regulations in the conservation subdivision. Mr. McGoey did have some other comments. The only other one that I really want to touch on is that he suggested is that Behan weight in on this and they have already been on the original layout when we had seventeen (17) lots here when we were back here before the Board in the Spring and the only thing that we did was we eliminated one lot on each cul-de-sac so, we're down to fifteen (15). What we would like the Board to do this evening is to establish a lot count status, a Sketch Plan approval and because of the advanced stage of the plan we wish to ask you if you approve of those first two steps that you would consider scheduling a Public Hearing date for us. This project has been around since, I believe, 2001 and it has gone through no less than three different zoning changes, the most

recent of July and August where this zone was changed from RA to RA-1.

G. Lake: Let me ask you something.

T. Olley: Yes.

G. Lake: On the conservation how far is your first house in off from the road?

T. Olley: It is, I want to say, almost seven hundred feet.

G. Lake: Okay. Now, the other thing is I was, this is just continues on this path and I will go through the Board but I was visiting another Town and oddly enough they had something almost like this laid out. What they did do when they came off of the new road, does your new road come off the old road?

T. Olley: Yes.

G. Lake: They actually did pretty good planning on the site even though it was set back in quite a way but I think we missed out and what they did but I think this almost looks like a copy cat of that one. Out front looks like a well landscaped and, when I say well landscaped, rustic stuff. It looked old and they had a nice old stone wall in there. They really had it looking nice and I'm going to take a ride and I have to have Mr. McGoey.

D. McGoey: Where about was it?

G. Lake: Up in Ulster County up by my son. They just took the time out there by putting in boulders out there and some grasses, etc. It really looked nice and it did end with everything else around it but yet it was letting people know that something is back there. I think it would be very nice to have something that would stand out a little bit. I'm going to try and get back up there.

T. Olley: From what you're describing it doesn't sound like that would be something that they would have an exception to.

G. Lake: It wasn't a big deal. It really wasn't. It was very nicely done and I just think that since we had that seven hundred feet.

T. Olley: This is the same plan with an aerial photograph superimposed on it. The front, this

was a tract resource plan, with the layout overlaid on it and these are all old barn fields right now so to do something right on that corner to define the entrance. Eventually what this is leading to is the natural vegetation is quite desirable, I think, for this location especially off of Bart Bull Road where the cul-de-sac itself on a dead end road and very a very rural setting there. This area right here is wetlands so it drops down and comes back up and there are hard wood trees lining the northerly side of the wetlands. So, that suggestion, to really find the entrance because certain times of the year the leaves are down, you're not going to see very much of this project back in there.

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

A. Dulgarian: I do believe it is a good presentation of a conservation development. I do like the plan. For sketch I like it. I think it's a better plan.

R. Carr: The homes are way off the road. I agree with what Mr. Dulgarian said. You have to show that you're preserving those trees along the edge of the wetlands. I think it's a very good project.

W. Capozella: I would have a concern about the septic.

T. Olley: We've done extensive testing out there and we worked out the layout of the road and the lots based on where we had good soils. We're very confident that the plan isn't going to change very much because of the percolation tests.

W. Capozella: I have nothing else.

C. Najac: The lot width (not clear).

D. McGoey: I will have to look at it but it looks like he has it.

T. Olley: We went through. The code reads that it's measured thirty five feet from the centerline, ten feet behind right-of-ways. What we didn't do on the plan that was submitted is to show you the dimensions

C. Najac: And the lot (not clear).

T. Olley: Not really. Because of the length of the road that we have to build to access the interior of the property we really need to get that fifteen lots because of the costs associated

with it.

C. Najac: But if you could move that cul-de-sac away from (not clear).

T. Olley: Yes we do. I can look to see if we can maybe shorten that up and still achieve the minimum lot width size on all of the others. We will have to look at that.

G. Lake: Anything else, Mr. Najac?

C. Najac: No.

T. Hamilton: That's the main part, looking to see the conventional and the conservation subdivision you can see the conventional where he shortened it up and if you superimpose that on your conservation, straighten it out like you have on the conventional.

T. Olley: Yes.

T. Hamilton: Shorten that up, the cul-de-sac in the back . . .

T. Olley: Back in here?

T. Hamilton: Yes, then you could superimpose that on your conservation plan to be able to meet your two hundred feet off of the highway in the back and you should still be able to get the same number of lots. That's all I have.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

G. Lake: Okay. I think you can see that, I think the Board is satisfied with this direction here. Get a letter from Mechanicstown Fire District, I don't think you have that yet. You might want to contact them as far as, when you get a little farther in the process. I think one thing and we talked about it and that is the noise along Route 84 for those two homes. I agree with them. I think something has to happen to be done along there no matter what you do. I think you get the idea of what we're looking for. I know we've had other project's where we've tried to eliminate the noise factor. I know I wouldn't want to spend whatever it's going to cost for a five bedroom house out there and they hear the thumps all night. I think you have got to adjust that noise one way or the other.

T. Olley: Okay.

G. Lake: I guess we will accept this as sketch. Mr. McGoey's comments, I don't think we need to go over them because I think you need to go back to another work session. I agree, we can schedule you a Public Hearing for you tonight. We will just put it far enough so you will have plenty of time to get back into a work session and hopefully when you come back there won't be fifteen (15) comments. I don't know if you can start with the Health Department at this point..

**MOTION to accept the Conservation Plan for SKETCH subject to all comments made by A. Dulgarian and seconded by R. Carr.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

**MOTION to schedule a PUBLIC HEARING for January 16, 2008 made by A. Dulgarian and seconded by R. Carr.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

9. **CHURCH of the LATTER DAY SAINTS** - SITE PLAN - Silver Lake Scotchtown Road (28-6-1) #84-07

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

T. Piascik: My name is Thomas Piascik, a Licensed Professional Engineer. I am representing the Church of Jesus Christ of Latter Day Saints today for their proposed building expansion on Silver Lake Scotchtown Road. I also have with me tonight the landscape architect for the project.

G. Lake: Go ahead.

T. Piascik: The existing project site is located on Silver Lake Scotchtown Road. The existing building is approximately seventy seven hundred square feet. We're looking to put in an addition of forty eight hundred and thirty square feet. The existing parking count is seventy nine (79) and we're looking to add a total of forty three (43) parking spaces to have a total of one hundred twenty two (122) spaces. We believe we meet all of the requirements of the current zoning code and we're here tonight to discuss the plans and if the Board has any issues of what we're proposing at this project site. I've meet with Mr. McGoey a couple of times.

G. Lake: Mr. McGoey's comments, there's only four. The Fire Department, I know we haven't gotten anything back from them. The stormwater, Mr. McGoey, has that been.

D. McGoey: We still have the same comments.

T. Piascik: Did you receive the updated information?

D. McGoey: I didn't but maybe it's in the office.

T. Piascik: I sent it directly to (not clear) but I did do a follow-up to those comments.

T. Hamilton: Mr. McGoey, you need more information?

D. McGoey: Yes.

R. Carr: Your impervious surface 0.6 acres?

T. Piascik: It's a little bit more than half an acre.

R. Carr: Okay. Mr. McGoey, I just didn't see what will happen to the stormwater?

D. McGoey: Yes. They will be doing some work, can you explain it?

T. Piascik: What we are doing, if you go to our site grading plan, the fourth drawing in the set. We are providing a stormwater management system for the new impervious area. What we are proposing is a series of thirty six inch storm pipes that will be collecting that stormwater storing it on site at this location and discharging it to an existing storm pipe that is on our project site currently and that then drains into an eighteen inch "CMP" that's on Silver Lake Scotchtown Road.

G. Lake: What?

T. Piascik: On our site is a twelve inch and on Silver Lake Scotchtown Road there is an eighteen inch and a little bit further down the cul-de-sac is a twenty four inch. We are using six inch pipes to regulate the flow out of this area and our post-development flow will meet the requirements of the pre-development flow rate. One of the other things is there are some homes in this location. Right now the storm drainage does go into those parcels. We're going to be cutting that off so that the drainage will no longer go to those homes.

G. Lake: You understand that the landscaping has to be brought up a little bit under the new code.

T. Piascik: Yes. One question I did want to talk about on the landscaping. I know Mr. McGoey had some comments. We have a retaining wall here because there is some grade it that area that we have to make adjustments to. We do have the landscaping that's required at the base of the retaining wall. We do know that we do need to add some additional shrubbery at that location. It's not an issue. We're going to add the additional shrubbery of twenty shrubs per one hundred feet at this location. We're not planning on doing anything along the east side. There's quite a bit of grade change in that location and there is nothing on the existing parcel at that location. As you can see there's actually more landscaping. There are trees within the islands but we can put a little bit more in along Silver Lake Scotchtown Road. We would like not to put anything there because of the grade difference. We don't think it would accomplish anything. Your regulations do say that if grade changes

are significant that the landscaping doesn't need to be quite as significant.

G. Lake: Let me go through the Board.

A. Dulgarian: Your existing square footage and now your addition, what's the numbers?

T. Piascik: Seventy seven hundred existing and the addition will be forty eight hundred thirty square feet.

A. Dulgarian: Are there any different uses that aren't happening now?

T. Piascik: No.

A. Dulgarian: It's still consistent to what you have there. I have nothing else.

R. Carr: My main concern up there is just the stormwater. I remember being up here and I couldn't believe how wet that was. How far is that retaining wall?

T. Piascik: I think it's a maximum of eight feet at this point.

R. Carr: Just something you said. You're actually going to re-direct some of this water that now flows off the site that way?

T. Piascik: Right. The water flows right now across this project site from east to west and we're going to be installing a curb around our parking lots so that we're capturing all that water and putting it into a stormwater management area and discharging it a pre-existing rate.

R. Carr: Does that type of retention system,

D. McGoey: He has to put a maintenance note on the plans. Our standard maintenance note as well as an agreement.

R. Carr: Is this at all similar to the other one?

D. McGoey: That is a bio-retention area. It would be similar to the one in Hannaford's.

R. Carr: Okay. That's my main concern that it's not going to impact.

D. McGoey: We will look at it again.

W. Capozella: Just that he takes care of the drainage. I don't have anything else.

C. Najac: Just the stormwater. So, you're going to have it go to our stormwater out by the road.

T. Piascik: That is correct.

C. Najac: There is drainage coming off and we want to make sure.

T. Piascik: We're going to take that water off the property.

D. McGoey: It will be carried out to that drainage.

T. Hamilton: We still have problems on the road.

C. Najac: The problem was the drainage pipes along the road flooded and went down and you're still adding water from the impervious surfaces.

D. McGoey: We want to make sure that you're not adding more down the street.

C. Najac: Yes.

T. Piascik: We will obviously do what ever is appropriate. We have stormwater and we're not going to release it at any greater rate than it currently is. We have to have someplace to put it and the best place to put it is into Silver Lake Scotchtown Road instead of trying to direct it to the existing homes.

C. Najac: We want to make sure that it can handle the extra that you're putting there. And, your lighting?

T. Piascik: The existing lighting is the same units, same height and same distribution.

C. Najac: Sidewalks? We have to start somewhere. People are walking right in the road.

T. Piascik: I understand and I guess that we had this discussion with Mr. McGoey earlier on in the project and we will put them in if the Town asks us to but we don't want to put sidewalks in if they're not going to be utilized.

G. Lake: Anything else, Mr. Najac?

C. Najac: I just would like to say that I would like them to put sidewalks in here.

G. Lake: My only comment on that is there is quite a grade difference going down through there if I remember correctly. So, to say throw them in here I think I would rather have Mr. McGoey go out and take a look to see. It's one thing to have them along his property line to have a five foot drop. I don't think we can do that either. If it were on the other side of the road I would jump right into it but on this side.

C. Najac: I'm more concerned about the other side. I'm looking at where I see the people walking and they walk on your side of the road. They are walking daily on your side of the road.

G. Lake: Anything else?

C. Najac: That's it.

T. Hamilton: On expanding under a Special Use Permit can they be allowed to expand without following through with a Public Hearing?

J. Bacon: As I recall there is no requirement that the Board hold a special hearing because the use is remaining the same. If they were adding another use that would be different. It's really not a requirement but it doesn't mean the Board can't ask for it.

T. Hamilton: I'm just wondering about the two homes that on the side and for years now they've had a lot more vacant space. What are you going to use the addition for?

T. Piascik: This part of the addition?

T. Hamilton: Yes.

T. Piascik: This will be the chapel area.

T. Hamilton: It's just that the homes there have had more vacant space and now your expanding.

T. Piascik: I would say about forty five feet.

J. Bacon: I don't think a Public Hearing is required.

G. Lake: Does everyone want a Public Hearing on this? No matter what, Mr. McGoey is going to have to check that or he will get somebody to check it for the new regulations. If you don't think it needs a Public Hearing, then

**MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments and this Board's comments, and we have the sidewalk issue and I will ask Mr. McGoey to go out and look at that made by, so, are you willing to do it?**

T. Piascik: As far as the sidewalk, I believe the church will put it in at this point in time but the church would also be agreeable to put money in escrow to the Town for a sidewalk at that location for a period of years.

G. Lake: The problem is the Town doesn't have a district for an escrow account to do that. What's happening in certain sections of the Town, we do look at it. As you will notice down the street close to the highway there's a new sidewalk going in from Tammy Drive to Tower Drive now. This has been an on-going process. I think the question really is if it's feasible it's going to be part of the approval at this point.

R. Carr: I think so.

D. McGoey: I will go out with the Highway Superintendent.

G. Lake: The bottom line is though if the Highway Superintendent says, no it is a no.

D. McGoey: It looks feasible but

R. Carr: Would it be on their property or in the Town right-of-way?

D. McGoey: We wouldn't want it too close to the road. We will take a look at it.

**MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments and this Board's comments and Mr. McGoey checking to see if a sidewalk in front of the property is feasible or not made by W. Capozella and seconded by C. Najac.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

**MOTION for SITE PLAN approval subject to all of Mr. McGoey's comments and this Board's comments with Mr. McGoey checking to see if a sidewalk in front of the property is feasible made by T. Hamilton and seconded by A. Dulgarian.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

10. **LEE** - SITE PLAN/SPECIAL USE PERMIT (Revision) - (Tailor) - Neeley Street (50-1-16) #88-07

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

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

G. Lake: Go ahead. What do you want to do?

D. Yanosh: This was approved by you in March 2007 for the garden shop florist or whatever and everything was removed. The gentleman that was going to do fell ill and he's not going

to do the business anymore. He is ill and went back to China. Now, there is a professional seamstress out behind Arby's and the Pizza Hut. They want to move from their location to this building here.

G. Lake: It's going in the garage or the house?

D. Yanosh: The garage.

G. Lake: Okay, so it's just changing the use. Does the parking still meet?

D. Yanosh: I have one extra space now because of the garden center.

G. Lake: I will go through the Board.

A. Dulgarian: I like it.

R. Carr: Nothing.

W. Capozella: Nothing to add.

C. Najac: Nothing.

T. Hamilton: Everything was done according to the approved plan?

D. Yanosh: We don't need the fence anymore. I had to take it down. We did get our Certificate of Occupancy.

D. McGoey: That was the existing fence.

T. Hamilton: No, the one he had for the florist in the parking lot. If he doesn't need a fence, it should not be on the plan now.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

D. McGoey: Put a note on the plan that the fence will be removed.

**MOTION for a SITE PLAN approval subject to all comments made by A. Dulgarian and seconded by R. Carr.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

11. **ORCHID ESTATES** - 5 LOT SUBDIVISION - Fair Oaks Road (14-1-72) #87-02

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

D. Getz: My name is David Getz. I'm here for the Orchid Estates subdivision.

G. Lake: Okay. Go ahead.

D. Getz: Since our last appearance we adjusted two lot lines to conform to the new zoning. The lot count stays at five. Any of the physical features proposed, driveways, septic fields and wells and houses remain unchanged. As I said I adjusted a couple of property lines to conform to your new zoning. I believe the other comments have been addressed and we request to be scheduled for a Public Hearing as you see so fit.

G. Lake: Are you going to have any problems with any of Mr. McGoey's comments?

D. Getz: I have a letter here regarding comment #2 from Eustance & Horowitz with their approval.

G. Lake: And, that is on the present configuration?

D. Getz: Yes.

G. Lake: Let me go through the Board and then we will schedule the Public Hearing.

A. Dulgarian: I have nothing.

R. Carr: It's a ridiculous layout and I don't like that. The other thing it just ends up (not clear) and you really have to buffer that retention pond down there. These things always look horrible. They're always out in front of the road and gives a negative view and the lots are ridiculous.

W. Capozella: Is this one of them that's going to become a Town road? Will it require a maintenance agreement and all that?

G. Lake: Is this going to become a Town Road?

D. Getz: Yes, a Town road.

W. Capozella: No home is going to be on lot #6?

D. Getz: That's right.

W. Capozella: I don't have anything else.

G. Lake: Who is going to own lot #6?

D. McGoey: Probably the Town. That's the stormwater management?

D. Getz: Yes.

T. Hamilton: Is that on the Town line?

D. McGoey: Yes.

D. Getz: That was originally shown on lot #1 and you requested that.

D. McGoey: The Highway Superintendent wants ownership of the stormwater management.

C. Najac: The lighting?

D. Getz: It would be in the Lighting District.

C. Najac: Do you have that?

D. Getz: There are some notes on the plan

T. Hamilton: Nothing at this time.

**MOTION to schedule a PUBLIC HEARING for January 16, 2008 made by W. Capozella and seconded by A. Dulgarian.**

**A. Dulgarian: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**