

TOWN OF WALLKILL PLANNING BOARD

MEETING

NOVEMBER 15, 2006

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

MEMBERS ABSENT: None

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

1. PUBLIC HEARING 7:30 P.M. - **WALLKILL MANOR** - SITE PLAN/SPECIAL
USE PERMIT (Preliminary) - Overhill Road (50-1-1.2) #51-02

G. Lake: Public Hearing started at 7:35 P.M. M. Hunt read the Public Hearing notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 99 Tower Drive, Building "A", Middletown, New York, in said Town on the 15th day of November, 2006 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Wallkill Manor for approval of Site Plan/Special Use Permit located on Silver Lake Scotchtown Road under Section 249-19 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

Unable to transcribe the record due to tape becoming entangled in the recorder and tape could not be backed up.

J. Caliendo: Had a concern about property he owns on Third Street.

MOTION to close the PUBLIC HEARING at 7:40 P.M. made by T. Hamilton and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye
C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for a NEGATIVE DECLARATION subject to all comments made by T. Hamilton and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Nay

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES, 1 NAY

MOTION for PRELIMINARY SITE PLAN/SPECIAL USE PERMIT subject to all comments made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Nay

C. Najac : Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES, 1 NAY

2. PUBLIC HEARING 7:30 P.M. - **PLANET FITNESS** - SITE PLAN/SPECIAL USE PERMIT - Gibbs Court (50-2-65.2) #71-06

G. Lake: Public Hearing started at 8:07 P.M. M. Hunt read the Public Hearing notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 99 Tower Drive, Building "A", Middletown, New York in said Town on the 15th day of November, 2006 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Planet Fitness, 3675 Albany Post Road, Poughkeepsie, New York for approval of a Fitness Center, 30 Gibbs Court under Section 249-28 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

Unable to transcribe the record due to tape becoming entangled in the recorder and tape could not be backed up.

MOTION to close the PUBLIC HEARING at 8:10 P.M. made by H. Ross and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for a NEGATIVE DECLARATION subject to all comments made by A. Dulgarian and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for SITE PLAN/SPECIAL USE PERMIT subject to all comments made by A. Dulgarian and seconded by C. Najac.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

3. **QUICKWAY LOT #10** (Change of Use) - Tower/Industrial Drive (41-1-100.12)
#26-00

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

M. Lukasik: This project would create approximately one hundred fifty new jobs with seventy five on the first shift forty on the other two shifts and would be running twenty four hours for five days. The process itself, we do ceramic thermal barrier coating on components and what we want to do (not clear) which is a plasma coating on to the parts themselves. They do it next door at 105 Tower Drive. We would do the ceramic coating at 109 Tower Drive. Basically we're going to be using both properties.

G. Lake: Is the old building going to stay?

M. Lukasik: Yes.

G. Lake: So, this is an addition to what's happening now?

M. Lukasik: That's correct.

G. Lake: Let me go through the Board. We are scheduling a Public Hearing on this tonight.

A. Dulgarian: This was previously approved?

G. Lake: Yes.

A. Dulgarian: The only thing I would be looking for at the Public Hearing even though it received approval, I know that it's visible from Route 17, correct and the one next to it was screened?

M. Lukasik: I don't believe so.

A. Dulgarian: I have one quick question for Mr. McGoey. Since you brought it up before, what is the site coverage ratio? You're saying that is . . . twenty five percent?

D. McGoey: Follow the comments.

A. Dulgarian: The bulk requirements. Again, I just want to make sure.

D. McGoey: You're saying the site plan represents full site coverage?

A. Dulgarian: I'm just asking. I'm concerned because of the size of the building and the property. You can get back to me on that.

H. Ross: You're contemplating using . . .

M. Lukasik: There are two discharge facilities. One currently works due to the SPEDES permit.

H. Ross: The height of the towers you estimate . . .

G. Lake: They can answer that at the time of the Public Hearing. Anything else?

H. Ross: No.

R. Carr: No. I have nothing.

W. Capozella: I just want to make sure that all the discharges are properly identified.

G. Lake: Mr. Smith will send us a letter.

C. Najac: Could not hear.

T. Hamilton: My thing would be the noise issue that we currently hear every day and the additional noise levels from this project.

G. Lake: When you go out tonight you will hear that whistle and it is getting louder and louder. With that we can schedule a Public Hearing.

MOTION to schedule a PUBLIC HEARING for February 7, 2006 made by C. Najac and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

M. Blustein: I doubt if you would have very many people come.

G. Lake: What's that?

M. Blustein: I'm here on behalf of the applicant. I'm just wondering if you can move that Public Hearing up.

G. Lake: Unfortunately we are full already. This project probably should have really gone on the next meeting instead of tonight.

M. Blustein: We had a Public Hearing on the site before.

G. Lake: If we get a cancellation then we may be able to move you up.

T. Hamilton: It's a little different with the Public coming for a warehouse to the Public coming for processing of manufacturing especially since we've had problems in the area. It will probably draw the people out.

4. **WALLKILL TOWN CENTER** - 3 LOT SUBDIVISION - Schutt Road Extension
(50-2-58.1) #85-06

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

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

G. Lake: Go ahead.

J. O'Rourke: We're here before you this evening concerning a proposed three lot subdivision on the Wallkill Town Center parcel. Lot #1 3.62 acres, lot #2 (not clear) and lot #3, 6.23. If you remember we were in front of this Board two months ago for the Special Use and Site Plan approval for a restaurant and an office complex on the site. We're here before you this evening as we were back in 1996 and 2001 to create this subdivision and allow these parcels. It is for financing purposes only. No changes to the Site Plan or the site. Basically we're drawing an invisible lines on the map for financial purposes only.

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

J. O'Rourke: Yes I do.

G. Lake: Are you going to have any problems with those between now and the Public Hearing?

J. O'Rourke: No, we have no problems with them now and actually if possible we would like to request a waiver from the Public Hearing. It's a minor subdivision and we just recently had a Public Hearing on the Site Plan/Special Use Permit and we had no comments at that time. So, you have the power to waiver.

G. Lake: What's that, the power to do what?

J. O'Rourke: The power to waive the Public Hearing.

G. Lake: No. I don't think we've ever waived a Public Hearing, not on a subdivision.

J. O'Rourke: I can go back to 2001.

T. Hamilton: It might have been because of a different number of lots.

G. Lake: Has this been more than ten years?

J. O'Rourke: This has been five years. It was started in 1996 for two lots and in 2001.

G. Lake: The code states ten years.

J. O'Rourke: Okay.

G. Lake: We have never to my knowledge not had a Public Hearing for three lots. Would you have the cross easements and everything in Mr. McGoey's comments ready by the Public Hearing?

J. O'Rourke: Yes.

A. Dulgarian: Mr. McGoey?

D. McGoey: Yes,

A. Dulgarian: I know he said he can get it on paper but (not clear) and that's your question about cross easements?

D. McGoey: To make sure because it received a cluster approval.

J. O'Rourke: We do have the application. We can re-submit that again. Again, this has been in place since 1996 for the first portion and then the Price Chopper in 2001, for the furniture store and the Charlie Brown Restaurant. We've never had any problems.

A. Dulgarian: Mr. McGoey, on item #3 about the sidewalks.

D. McGoey: Right.

A. Dulgarian: I thought we had that.

D. McGoey: We have sidewalks across the front of Charlie Brown's.

A. Dulgarian: I thought we had it on the other end of the property.

H. Ross: Nothing.

R. Carr: Nothing.

W. Capozella: This is all one property and you're just subdividing (not clear).

J. O'Rourke: That's correct.

W. Capozella: And you're just subdividing for financing purposes?

J. O'Rourke: That's correct.

W. Capozella: My other concern is in regard to the cross easements.

D. McGoey: That was one of my comments.

J. O'Rourke: There are maintenance agreements. They have been filed.

W. Capozella: Okay.

C. Najac: Nothing further.

T. Hamilton: Nothing further.

MOTION to schedule a PUBLIC HEARING for February 7, 2007 made by C. Najac and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

5. **5 L ENTERPRISES** - SITE PLAN/SPECIAL USE PERMIT - 41 Howells Road

(49-1-25.3) #33-06

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

T. DePuy: My name is Thomas DePuy with DePuy Engineering.

G. Lake: Go ahead.

T. DePuy: I'm here representing 5L Enterprises. We're proposing a small office addition to the building out on Howells Road. It's basically a small addition to the existing building use of excavation for inside storage and they're looking to expand and have an office area basically to do that. Basically we have done an overall Site Plan and laid out part some parking requirements. In guess during our investigation we found out that the use that was granted on this was small engine repair.

G. Lake: You have small engine repair?

T. DePuy: That's what was in the record.

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

T. DePuy: Yes.

G. Lake: Go through them please.

T. DePuy: Item #1. The applicant proposes to add an office to the existing building and change the designation of the use from small engine repair to either service establishment or motor vehicle repair. The intended use should be discussed and the Planning Board Attorney advised as to the type of use. It's an excavating company.

G. Lake: Is there storage equipment or is it repaired?

T. DePuy: They do repairs on the equipment. Item #2. The Site Plan does not clearly show the intended use of the building and only shows an office use and warehouse use. The Site Plan should clearly show the intended use and a determination should be made as to whether a Special Use Permit will be required requiring a Public Hearing. Basically we did show it as warehousing and where they store their equipment inside and work on that equipment and the proposed addition will be the office. Item #3. The Planning Board should be advised that the existing storage shed shown on the Site Plan never received Planning Board approval. In

addition it is quite likely that the storage bins for gravel and possibly the diesel fuel tanks may not have received approval. Item #4. The applicants engineer should verify whether the diesel fuel tanks are enclosed with a containment vessel. I don't know that.

D. McGoey: Show the details on the plan.

T. DePuy: Item #5. The parking calculations must be consistent with the intended use once the intended use is determined. Item #6. The location of the handicap signs and no parking signs should be shown on the Site Plan. We show that. Item #7. The landscape plan should be reviewed by the Planning Board for acceptability and a determination made as to whether the landscape plan should be forwarded to the Town's landscape architect for review. As a minimum we would recommend that landscaping be provided in the island in the center of the property in addition to the two corners at the entrance drive. In addition shade trees, flowering hardwoods and evergreens be proposed in addition to the low shrubs which are listed on the planting schedule. Item #8. It appears that the access driveway on the easterly property line encroaches on the adjoining property. All driveways are to be located ten (10) feet from the property line.

G. Lake: I guess the first question we really have to decide on is what kind of use you're asking for before we can determine which direction to go. Obviously it's not just storage. I hate to say it but it sort of leans toward a garage for maintenance. This is also our chance to clean up the site. Myself, this is not a warehouse or just not just storing stuff. It's a lot more than just those things. I don't know what the other Board members thinks on this.

A. Dulgarian: I think the requests are reasonable to be in that business. He needs to be able to repair those vehicles. He needs to have an office area to conduct the business out of there. I think the request itself is reasonable. I think we need to determine what exactly it is going to be called. I have no problem with approving that use. I do agree with you one hundred percent that this is our chance to also dress up the site. Unfortunately for an applicant when we get to see a project that has already pre-existed in the Town and when they come back it's our opportunity to address everything on that site and encouraging beefing up the landscaping. I think it's a good project. I think it's an opportunity for him to better his business and I think it's an opportunity for us to improve the site. That's all I have.

H. Ross: I'm essentially agreeing with Mr. Dulgarian. We need to clarify the use. It's also our opportunity to see that the site looks a little better than it does right now.

R. Carr: I concur with both Mr. Dulgarian and Mr. Ross however, (not clear). I think it's reasonable.

W. Capozella: Again, I understand that it is for financing purposes. I don't have an issue.

C. Najac: Nothing at this time.

T. Hamilton: Just looking on our definitions on the book we have garage, motor vehicle repair, etc. With the motor vehicle repair it would require a Special Use Permit.

T. DePuy: They don't provide a service to others.

G. Lake: The Board is happy. Don't get us wrong. You're the one that wants to be cleaned up and we're just trying out where to put you.

T. Hamilton: Mr. Hamilton, motor vehicle repair garage, a building used for the servicing and repair of motor vehicles, including bodywork; such repair work shall be wholly within a completely enclosed building. It says nothing about for others, so myself it's a motor vehicle repair. That's our definition.

A. Dulgarian: I have to agree. Why can't a certain amount of square feet be for that.

G. Lake: Just so we get it down right.

J. Bacon: Mr. DePuy, explain again that you have approval for small engine repair?

T. DePuy: That's what was granted on the original plan. We're trying to figure out why that was granted.

J. Bacon: Well, then what about small engine repair?

G. Lake: He's not a small engine repair. These are pieces of major equipment. The question is where do we go from here. Do we need a Public Hearing or we just get him cleaned up?

W. Capozella: I don't know whether I feel one hundred percent as to give him a motor vehicle repair. He is repairing his own equipment.

G. Lake: I don't have an issue with that but . . .

A. Dulgarian: I have no problem with the motor vehicle with all due respect.

G. Lake: Motor vehicle seems to be the only thing that fits.

H. Ross: It's probably better with that.

R. Carr: I don't believe that's what it is.

G. Lake: I agree with you but I don't know how and I don't think Mr. Bacon has a clear answer for us.

J. Bacon: It would be up to the Board. Does the applicant object to having a Public Hearing?

T. DePuy: We will go if you give it to us next month.

J. Bacon: He is not doing any work from the outside. He's only working on his equipment.

T. Hamilton: The problem is there is no distinction between those uses. There is a difference between repairing a lawn mower from one of these huge vehicles. There is a difference.

W. Capozella: I'm not thrilled about motor vehicle repair but . . .

C. Najac: I'm not sure.

T. Hamilton: Motor vehicle.

G. Lake: Mr. Bacon, motor vehicle repair because the Board feels to put them under that category. They would need a Public Hearing, yes or no?

J. Bacon: Wouldn't they have to come back any way to dress up the site?

G. Lake: Yes.

J. Bacon: Yes, a Public Hearing if the Board determines it to be a motor vehicle repair.

G. Lake: Does the Board have anything else to add? Will you have any problem with any of Mr. McGoey's comments between now and the Public Hearing?

T. DePuy: No. We're already scheduled for another work session.

MOTION to schedule a PUBLIC HEARING for February 7, 2007 made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

6. **SB REALTY** - SITE PLAN REVISION - 360 Crystal Run Road (60-1-22.11) #80-06

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

M. Siemers: My name is Mark Siemers with Pietrazak & Phau.

G. Lake: Go ahead.

M. Siemers: What we have in front of you tonight is an existing property with a warehouse on Crystal Run Road. Last year this warehouse was approved for a medical office which is now so contained. We're bringing it back in front of you for approval of a retail use within the warehouse. We're going to reduce the square footage of the warehouse and have retail use which goes along with the existing use of the warehouse. We're not adding anything in the area. Basically we're just striping in the new parking spots. This project was at a work session in September. We've added many of the things that were asked for. We have Mr. McGoeys comments. Basically if you want to run down the comments. Item #1. The applicant proposes to convert a portion of an existing warehouse to retail space for the sale of furniture and leather goods which are part of the existing business. This site recently received approval for a doctor's office which now occupies the building. We discussed that. Item #2. The width of the aisle space between the parking lot has not been shown as

requested in our technical review of September 11, 2006. The width of the aisle space between the parking spaces is a minimum of twenty four feet. We will show that. Item #3. The site plan represents that additional parking spaces are to be constructed. However, no details have been provided of the pavement. Dimensions should also be provided. In summary it is necessary to clearly show on the site plan the expanded parking lot and any detail of construction required. Basically no new pavement will be constructed. Everything shown on the plan is existing and there will be new striping. Item #4. The handicap parking spaces should be provided as close to the front entry as possible and not across the parking lot as presently shown. The handicap spaces shown on the Site Plan are basically existing handicap spaces. That's why they're shown in that location. Based on the number of spaces as shown in the parking calculations there are no new handicap spaces needed. So, we haven't moved those handicap spaces. Item #5. The handicap signage is to include a no parking sign in front of the aisle. We can show no parking sign in front of the aisle including two handicap parking spaces. Item #6. The Site Plan now represents that the landscaping proposed as part of the doctors office will be utilized. A copy of this landscape plan should be submitted for the Planning Board's review for a determination of acceptability. We are proposing that the Site Plan utilize the landscape plan that was approved with the doctors office last year since nothing on the site has changed other than striping of the parking spaces. Item #7. We requested during our work session of September 11, 2006 that the free standing sign proposed be shown with a setback dimension and a note which indicates that all signage will be approved by the Building Department. As far as the free standing sign, I'm not one hundred percent sure that we're going to have a free standing sign proposed. If it is finalized we will have a sign, we will show it on the Site Plan. Item #8. The Planning Board should discuss with the applicant the potential for conflicts with trucks entering and existing the site particularly in light of the fact that the loading docks are in front of the warehouse in close proximity to the retail use. As far as the question on entering and existing of trucks, I don't believe we have a problem on the site as it exists with traffic flow. I don't know if it's an issue?

D. McGoey: No. I just want to make sure that if you back the trucks to the loading dock, that they don't interfere.

G. Lake: He can look at it between now and the Public Hearing. That was one of my concerns with having the doctors office there. Let me go through the Board before I schedule the Public Hearing.

A. Dulgarian: Nothing.

H. Ross: Nothing.

R. Carr: I have a concern with the warehouse with the doctors office.

W. Capozella: Nothing.

C. Najac: There is a difference between a warehouse and retail.

S. Seivers: I am the owner of the property.

T. Hamilton: Nothing.

MOTION to schedule a PUBLIC HEARING for February 7, 2007 made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

7. **QUICK CHEK** - SITE PLAN/SPECIAL USE PERMIT - Route 211 East
(41-1-78.12) #17-06

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

H. Geneslaw: My name is Howard Geneslaw and I'm representing Quick Chek. You may recall when we were last before the Board we had discussed the uses. I'm here tonight to

discuss where this application stands since last before you and what actions are needed. When we were before you in May the Board referred this to the Zoning Board of Appeals. We have since gone to them and have received several variances on this application. This application is for a minor subdivision, Site Plan Approval and a Special Use Permit for the Quick Chek food store and (not clear). This is a property that was previously approved in 2005 for a restaurant and the application here tonight in addition to the Quick Check food store (not clear). The actions that we're hoping to receive this evening on this application would be to schedule a Public Hearing and for you to consider under SEQRA. We have a video to show you tonight on Quick Chek and it's operations. It's not only for this application but for the East Main Street site as well. Jeff Martell our Site Engineer from Bohler Engineering.

J. Martell: Good evening. As Mr. Geneslaw stated this application is two-fold. One, for a minor subdivision to rearrange the two existing lots and subsequently a Site Plan application to construct two separate commercial developments but they will be inner-connected with a common maintenance agreement and common access. The eastern most lot is proposed for the Quick Chek. It's for six thousand eight hundred sixty one square foot food store. With that food store we are proposing eight (8) fueling islands closer to Route 211 right in front of the Quick Chek. It will have sixteen (16) fueling positions. On the eastern most lot to Quick Chek we do have adequate parking or actually in excess of what's required by the ordinance. We did seek a zoning interpretation from the zoning to have calculation requirements and what we actually needed to call the use. The Zoning Board did view the video and gave this as an approved store in its entirety. We were previously unclear as to whether we should include some of the interior seating. That was decided there would be a total of sixteen (16) indoor seating and eight (8) outdoor seating. As part of the parking calculations the Zoning Board directed us not to utilize the food store parking requirements for the entire store. We have now reflected that on the plans. We did propose a trash enclosure towards the rear of the site with the loading behind the Quick Chek food store and an underground storage tank on the eastern most portion of the lot adjacent to the proposed canopy. The western lot is the proposed bank, three thousand one hundred fifty square feet in size. There are two drive-thru windows in the rear and one by-pass lane. The by-pass lane is essentially if you do get out of any of the traffic queue lanes at any time and make your way out of the traffic area without having to wait for the other customers. We have adequate parking and in excess of what's required on this lot. If you look at each lot individually we meet or exceed the Town requirements. The common access, we proposed one full access driveway in the center of the site to be utilized by both the Quick Chek and the bank. We proposed one right in and right out driveway on the westerly portion of the site. We are proposing a left hand turn ingress lane on Route 211 and will clarify the widening. One of Mr. McGoey's comments was to get comments from the New York State Department of Transportation. Generally the New York

State Department of Transportation is in agreement with the access lane on the plan. They do request two things in addition to what we've shown here. They requested a right hand turn lane into the subject parcel and that would be one hundred feet long and twenty feet wide. That would be accommodated by an eighteen foot right-of-way dedication along the entire frontage. That dedication is already shown on this plan. They requested us also to alter the area as you enter the site which they feel should only have two limited movements in that area. Essentially they view it as three movements. In addition to the driveway, we have people heading west, people heading towards Route 211 and people coming from the bank. They requested that we limit that area to the driveway. It's difficult to understand and difficult to explain. What that change will most likely do is that between the Quick Chek and the bank will have to be moved further back to avoid a conflict in that area. We will comply with that requirement however, it will require some minor alterations to the Site Plan in order to do that. We just got their letter just two days ago.

D. McGoey: Does that solve the level of service "F"?

J. Martell: No, it will not.

H. Geneslaw: Moving the project access towards the rear of the site will not change the trip generation or (not clear). That left turn will still remain an "F".

D. McGoey: When is the peak hour?

H. Geneslaw: The level of service "F" is calculated to occur about two o'clock. That's only for the left turn.

G. Lake: You just said there will be an "F" level of service?

H. Geneslaw: Yes.

G. Lake: I will have the Board tell you what they think about it. It just doesn't make sense. You mentioned you received a couple of variances. Actually you got quite a few. What was the side variance?

J. Martell: It was an interpretation sought as to what the use was and how that would affect the parking calculation and whether a Special Use Permit was required. We offered sixteen interior seating and eight exterior seating. Mr. McGoey very early in this process had discussed whether we needed a Special Use Permit for eating and drinking and whether we should calculate the parking based on eating and drinking. We showed it on the plan and sought the interpretation with the Zoning Board. They interpreted it as a food store use and

an eating and drinking establishment Special Use Permit not be required.

G. Lake: They didn't take into consideration the seating?

J. Martell: They took into consideration the fact that it had seating.

G. Lake: On your calculations did you take into consideration the seating?

J. Martell: The seats that are on the plan at the time we showed compliance but the new plan does no longer reflects the eating and drinking. What's happened is now were in excess of what's required.

G. Lake: So, you took out the seating?

J. Martell: Correct. With the seating we were still in compliance. It's just a matter of what the calculations showed. The number of stalls would comply if the seating were in there. At the time we were unclear or unsure whether we were going to have to comply with that so we revised the plan to comply.

H. Geneslaw: So, in clarification the Zoning Board determination was that the parking for the proposed Quick Chek store (not clear). I don't know if the Board has received a copy of their decision sheet or determination.

G. Lake: I'm just trying to get this straight. Now, you have twenty four seats, sixteen at the tables and then eight stools, correct? What I'm asking you at the Zoning Board you have enough parking for that seating area?

J. Martell: We feel operationally that we have surplus parking. The parking calculations, we would have enough if you incorporated the parking calculations for sixteen seats, not twenty four and the total square footage of the store. Just to summarize that if you had . . .

A. Dulgarian: You actually did that. You took out the seats for the calculations for the parking?

G. Lake: We asked you to get an interpretation on the full operation of cars, gas, grocery store, etc.. The board asked to take out the seating. All of a sudden there is a traffic jamb and you've got twenty four people sitting there and taking up the parking spaces. I just don't

remember us sending you there for that.

H. Geneslaw: I think what happened was it was considered a grocery store. There was also a related question as to whether a Special Use Permit would be required for eating and drinking and those were questions that went to the Zoning Board of Appeals. They looked at the entire project in terms of the activity.

G. Lake: All I know is we have never just taken the seating out. It would be separated on just that area. I'm sorry but I just don't remember but I will have to check it. I just don't believe we sent you for that one.

J. Martell: If the Board feels that it was appropriate to count, the revision to the Site Plan, we're on revision #3 right now, parking for retail, gasoline and filling station, we counted we needed fifty seven total spaces and we made that calculation. If the calculations can be changed on the plan for purposes of administratively being correct, we can do that. We would still comply with the parking requirements.

A. Dulgarian: On your submission, what page is that on?

J. Martell: Page #4 of the Site Plan package, revision #3.

H. Geneslaw: Showed a video of a Quick Chek operation.

J. Martell: The light element would be flush with the bottom of the canopy and the light element would be approximately a half inch within the fixture of the underside of the canopy.

G. Lake: Go ahead, what else.

J. Martell: Item #7. Is about the no parking sign in front of the aisle for the handicap parking. We were going to use bollards.

D. McGoey: As a general rule this Board has never approved that because of the snow plowing, etc.

J. Martell: Item #10 has to do with the water main cap and tee detail. The fire hydrant we will comply with. Item #9 the sewer manholes we will comply with. We can make that more clear in tabular form. Item #11. The use and maintenance agreement for the common use of the driveway to parking lots must be submitted to the Planning Board attorney for review and comment. These agreements should be noted on the plans as well. We will comply with that. Item #12, we assume that the Planning Board forwarded the plans to the landscape

architect.

Mr. Bohler: We received one round of comments which we have addressed. That round of comments was back on October 21, 2006. We revised the plans and resubmitted.

G. Lake: You re-submitted them to here?

Mr. Bohler: We re-submitted to the Board, we didn't re-submit directly to Cynthia.

J. Martell: Item #13. We recommend that the Town's traffic consultant receive a copy of the traffic study prepared and comments should be received and addressed by the applicant. The Planning Board and Planning Board traffic consultant should be aware that the traffic study identifies that the left turn exit at the proposed full movement driveway will operate at a level of service "F" at the p.m. weekday and Saturday midday peak hours. Item #14. With respect to the subdivision the Planning Board attorney should advise as to whether setbacks are applicable as same relates to driveways needing to be ten feet from the property line. It may be necessary to superimpose on the subdivision plan the proposed buildings and driveways, etc. for a determination for proper setbacks. Actually that does comply. Item #15. The applicant should verify that the site plans now represent the variances received and an interpretation obtained from the Zoning Board of Appeals including the dates on which they were received. I believe we do show those on the plans. The vast majority of the items (not clear). Nothing is very significant so you can schedule the Public Hearing.

G. Lake: Let me go through the Board to get any additional comments they might have for you..

A. Dulgarian: First of all, I don't like the proximity between the gas pumps and the driveway. We always have stacking issues. Secondly, I don't see the direction flow on those pumps. And, also on your variances, you said you got one for the distance from the wetlands from two hundred feet down to fifty nine?

H. Geneslaw: 61.9.

A. Dulgarian: They went from two hundred feet down to sixty one feet?

H. Geneslaw: That's correct. There are significant elevation changes.

A. Dulgarian: That's all I have at this time.

H. Ross: I agree with Mr. Dulgarian about the gas pumps. I think it's too close.

R. Carr: I agree with Mr. Dulgarian and Mr. Ross. I also have a real concern with the left turn having a service level "F".

J. Martell: It's not a desirable situation but I think it works for this type of roadway and the kind of uses that are on this roadway.

R. Carr: I would be concerned with the number of accidents that may occur because you have a service level "F". I haven't had a chance to look at the traffic study since I only got it a couple of days ago, but I have an issue with that.

J. Martell: In terms of the safety issue . . .

G. Lake: Let me finish with the Board. You're coming back for a Public Hearing and we're trying to get all the comments from the Board. Going back and forth isn't going to solve anything tonight.

R. Carr: Do you have the calculations as to how much snow can be stored on your site. I see a couple of hatched areas proposed? It didn't look like it would hold very much.

W. Capozella: It's pretty much been discussed. How long is the widening of the road going to be?

J. Martell: I believe we have stacking here for four cars.

C. Najac: I agree with the other Board members and I will ask for sidewalks.

T. Hamilton: I have an issue with the interior traffic flow and the closeness of the pumps to the road. I also would like to see a rendering of the building. On the previous application I had requested that the bottom panel of the windows be blocked. We also would want to know the exact colors the building will be. We've had a problem with shades of colors.

G. Lake: You've heard the comments from the Board. We will schedule the Public Hearing. The only other comment I'm going to have and we've talked about it enough is the level of service "F". I just can't understand it. The safety issues are definitely there.

MOTION to schedule a PUBLIC HEARING for February 21, 2007 made by T. Hamilton and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

8. **QUICK CHEK** - 2 LOT SUBDIVISION & SITE PLAN/SPECIAL USE PERMIT
(Sketch Plan) East Main Street (78-1-48.22) #76-06

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

H. Geneslaw: My name is Howard Geneslaw representing Quick Chek on East Main Street.

G. Lake: Go ahead.

H. Geneslaw: This is the site on East Main Street. This is our first appearance for this site. It is roughly a twenty six acre piece of property. The Quick Chek project would be about three acres in size. It will be developed most likely in the same manner as the Route 211 East site.

As far as the approvals involved, there would be a minor subdivision, Site Plan approval and Special Use Permit. One of the good things about the site is that the property has been split zoned. It is presently in the HC, Highway Commercial District and partly in the PID or Planned Interchange District. On this project we will need a Special Use Permit in both zones. We would like the Board to forward us to the Zoning Board of Appeals for several variances.

G. Lake: What do you want to go before the Zoning Board of Appeals for?

J. Martell: The application involves some of the variances as the other site. Essentially it's a variance to permit the canopy in the front yard and a variance for the free standing sign area,

etc. Four or five variances may be needed for approval of this site. Explained the Site Plan to the Board. Essentially what we're proposing is to subdivide three acres off and develop that parcel. There is no intention at this time for any proposal to develop the rest of the parcel. We're actually proposing one driveway on East Main Street that's going to service the Quick Chek and then eventually if something were to happen on the remainder of the development, the idea is it would then feed off that driveway. We have had a chance to meet with the County and it will eliminate a curb cut and they feel it's good planning for the future even though technically there is no application for it now. As far as the development application on the parcel, it's very similar in nature to the canopy out towards the main road and the food store behind it. It will have sixteen interior seats and eight outdoor seating. There is parking requirements which are in excess of what is required. We have a total of sixty seven parking spaces proposed. This project will include road widening which we intend to do. It's a similar situation to the prior application for Route 211 East. The rear of the store will have the dumpster. There are wetlands in the rear of the site. The property owner has a separate set of professionals doing a confirmation of wetland delineation. It's at the Army Corps of Engineers right now. That application is still pending. We haven't received anything back. We're not proposing any type of disturbance to those wetlands.

G. Lake: Again, it sounds like you need to appear before the Zoning Board of Appeals again. Let me go through the Board.

A. Dulgarian: Your Zoning Board of Appeals variances, you said something about a reader board?

J. Martell: The free standing sign . . .

A. Dulgarian: Is going to be where?

J. Martell: Showed Mr. Dulgarian.

A. Dulgarian: What variance do you need for that?

J. Martell: The overall area of the sign, etc.

A. Dulgarian: But it's not a reader board?

J. Martell: No.

A. Dulgarian: We've had problems with reader boards before. Your other variances, you

said something about the setback from PID?

J. Martell: Yes.

A. Dulgarian: Is that because the building encroaches on the PID?

J. Martell: The zone line runs down the property. The variance is for a fifty foot landscape buffer that's required from the side property line.

A. Dulgarian: Now, if you move that building out of that, you wouldn't need that?

J. Martell: No, it has nothing to do with the building. A required buffer is required within the PID zone.

A. Dulgarian: It's because part of the property regardless of what's happening?

J. Martell: Yes. One of the property lines is Route 84. The second property line is actually the parent lot. The two areas that we need buffering, one is from Route 84 and the other is actually to the lot we're subdividing off of. There are no outside side properties that are impacted by not providing the fifty foot buffer.

H. Ross: Did you mention area variances?

H. Geneslaw: I'm asking for a total of five variances. The canopy in the front yard, (unable to hear), the sign and the buffer for the PID zone for a total of five variances.

R. Carr: This is a lesser impact of traffic and I think that helps it.

W. Capozella: Unable to hear.

H. Geneslaw: It was recommended to us by the Orange County Department of Public Works for that particular location.

W. Capozella: Nothing further at this time.

C. Najac: I agree with the prior comments.

T. Hamilton: My first comment right off the bat is when you mentioned variances from the Zoning Board of Appeals and so forth. I don't understand why you have to do that because this lot does not exist. You don't have the approval for a two lot subdivision yet. So, buy a

piece of property that the building will fit on so you won't need variances. You're creating your own problem. You don't own it yet. Subdivide it out so that you don't need any variances.

G. Lake: The only thing I have, is one of Mr. McGoey's comments. Did we have them look at what could happen to the rest of that land?

D. McGoey: We did. Originally it was for a number of professional offices. And then they came back to a work session and talked about a mixed use.

G. Lake: You have quite a few comments here. I think right now you've heard the Board's comments. You want to appear before the Zoning Board of Appeals. Before I schedule a Public Hearing tonight the Board brought up a lot of different things. This is your first time with this to talk about it. I think I would feel a little bit better if you were to address some of the comments from the Board, Mr. McGoey's comments, come back to another work session and then have us have another look to see what you've come up with before you go for the Public Hearing. As far as sending you to the Zoning Board of Appeals, I guess we can just send them, right?

D. McGoey: Yes.

T. Hamilton: Home can you send them to the Zoning Board of Appeals if the lot doesn't exist? We haven't given them a subdivision approval for that lot so how can we send them there?

D. McGoey: You're probably right.

H. Geneslaw: The variances we're seeking don't pertain to the subdivision. They pertain to the Site Plan. Three of them pertain to the signage.

G. Lake: I think enough has been brought up by the Board and you have seventeen (17) comments. Normally we don't allow this many comments to appear before a meeting. The Board brought up a lot of different things I think they want you to address. I think you need to go back to another work session, address some of those concerns and decide what you want to do and then we will get you back on.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

9. **OMNI-POINT CO-LOCATOR** - SITE PLAN/SPECIAL USE PERMIT (Pocatello Fire Department) - Mt. Hope Road (69-1-61) #79-06

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

R. Gaudio: My name is Robert Gaudio. Omni-Point is seeking to co-locate on an existing lot on Mt. Hope Road on property of the Pocatello Fire Department. It's very small in size. We did receive comments from Mr. McGoey.

G. Lake: We have heard from someone in the Fire Department. Do you have their permission to do this?

R. Gaudio: We do. We submitted that with our application.

G. Lake: Did you see this?

D. McGoey: Yes I did. The application was signed by the professionals and the letter is signed by the secretary.

G. Lake: I'm kind of confused there. Mr. Bacon, since we have had a Public Hearing on this site previously and have been through the whole process. We don't need to do that again do

we?

J. Bacon: No.

R. Gaudio: We did submit the authorization. If the Board feels uncomfortable about this letter, I will be happy to go back to them.

G. Lake: Just so you know fellow members, they do have a notarized signature from the President of the Company that has given them the okay. I will go through the Board.

A. Dulgarian: No.

H. Ross: Nothing.

R. Carr: Nothing.

W. Capozella: Nothing.

C. Najac: Having received that letter, I would have a problem. For her to take the time to do this, I don't know.

G. Lake: I hate to say it but . . .

T. Hamilton: Just as long as we have the notarized endorsement I don't see an issue.

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

R. Gaudio: No.

G. Lake: I have no problem with this. We've asked these towers to add on and that's what is happening here.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Abstain

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES, 1 ABSTAIN

MOTION FOR SITE PLAN/SPECIAL USE PERMIT subject to all of Mr. McGoey's comments and this Board's comments made by H. Ross and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Abstain

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES, 1 ABSTAIN

10. **HOLLYWOOD TOWING** - Route 211 West

G. Lake: I don't know how you want to handle this. This has been around six or eight times. It has been back and forth with the Building Department and the Police Department and the

Town Board. Anyway, they have a place out on Route 211 West, I believe it is. It's been there for a long time. He wants to get on the towing list.

A. Dulgarian: Why does he need something from us?

G. Lake: Because nobody is willing to take action.

A. Dulgarian: How did he? I know him and I like him but how did he get subdivided for that? What happened here>

G. Lake: It's been there. I've asked everybody about it and no one is willing to do anything.

A. Dulgarian: I have no problem but there was an existing business on that property. He bought that property. He's running a different business from that property. Why doesn't the Police just put him on the list?

G. Lake: Like I said I don't know what you want to do. The general consensus of the Board is to comprise a letter from the Planning Board to be sent to Mr. John Ward, Supervisor and the Town Board.