

TOWN OF WALLKILL PLANNING BOARD

MEETING

NOVEMBER 16, 2005

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

MEMBERS ABSENT: None

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

1. PUBLIC HEARING 7:30 P.M. - **GLOSTER'S** - SITE PLAN/SPECIAL USE PERMIT -  
638 Route 17M (36-1-45) #57-05

G. Lake: Public Hearing started at 8:12 P.M. M. Hunt read the Public Hearing notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 600 Route 211 East, in said Town, on the 16<sup>th</sup> day of November, 2005 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Gloster's & Sons, 80 Tower Drive, Middletown, New York 10941 for approval of a Site Plan for a motor vehicle repair shop, located on the West side of Route 17M, across from Evergreen Road, approximately 800 feet +/- East of Denman Road (Section 36, Block 1, Lot 45) under Section 82-24C 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.

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

G. Lake: Give us an update since the last time you were here.

D. Yanosh: This is the former Agway on Route 17M. They will be taking out all the gas facilities or whatever. Gloster's will be moving eventually from their place on Tower Drive out to here. The proposal is for nearly a three thousand square foot building for a motor vehicle repair business.

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

A. Dulgarian: After the Public.

P. Owen: I will wait.

R. Carr: I will wait.

W. Capozella: I will wait.

H. Ross: I will wait.

T. Hamilton: After the Public.

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

**MOTION to close this PUBLIC HEARING at 8:16 P.M. made by A. Dulgarian and seconded by P. Owen.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**

G. Lake: Mr. Yanosh, do you have Mr. McGoey's comments?

D. Yanosh: Yes I do.

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

D. Yanosh: The septic system, they were out there with the contractor the other day. There's one hundred sixty feet of tile field along the side of the building. It sufficed the Agway people. We will submit an as-built to show what's in the ground right now to show that. The elevation of the building again, it will be a contemporary looking building. We haven't decided yet what color the facade will be. Their businessmen who have been around for a while and would want a pretty nice building.

T. Hamilton: Is that what's facing the road?

D. Yanosh: This will be facing the road.

W. Capozella: What's the height of building going to be?

D. Yanosh: Sixteen feet.

W. Capozella: So, the bay door is twelve feet?

D. Yanosh: Twelve, right. We can put the note on for the handicap sign with no problem. The Planning Board is requesting that the chain line fence has the evergreen inserts. We have no problem with that. We do want to use the sign in front so we will put the notes on as required for that. The landscaping has been updated from Mr. McGoey's comments from before. All the parking will be paved.

G. Lake: Mr. Yanosh, you said you updated the landscaping a little bit?

D. Yanosh: Yes. We added some trees in front, some hardwoods that Mr. McGoey wanted.

G. Lake: Did you mix that up with hardwood and pine?

D. Yanosh: Evergreens on the sides and hardwoods in the front, small stuff around here also.

G. Lake: Let me go through the Board.

A. Dulgarian: Mr. Yanosh #2, that's the existing building you were talking about, correct?

D. Yanosh: The existing building will be back there for storage. It will be screened. We're not going to do nothing other than painting or something like that. That's all we're going to do.

A. Dulgarian: A coat of paint. First off, the paving. Something of this size, I don't know if you have to blacktop the entire thing. I agree that everything in the front and everything along the sides of the building should be paved but if he has to have a requirement for additional parking to meet code, I don't know if the ones in the back which are not paved now and need to be paved.

D. McGoey: The required spaces have to be paved and made to conform. If there are more parking spaces than required then.

A. Dulgarian: I thought it was something we could do here and I was hoping to limit some of the water runoff. I like the way the dumpster enclosure is. The tree line is (not clear), I know you have it located on the map but . . . Other than that I have no real issues. I'm familiar with the location. I think it will be a good use out there.

P. Owen: I don't have anything.

R. Carr: I have nothing to add.

W. Capozella: I have a question about, you're going to remove the gas tanks, right? Do we have to put anything down here? Does it have to be supervised or whatever to make sure the removal is done properly?

G. Lake: Somebody does that.

D. Yanosh: What we're taking away is the above ground storage tanks in the back there.

W. Capozella: That's it.

H. Ross: I just wanted to make a question about the parking. What is the rule on that?

D. McGoey: More than twenty spaces must be paved. Therefore, all of the required spaces above twenty have to be paved.

H. Ross: The total number of required spaces is what?

D. Yanosh: Forty four.

H. Ross: You can go to the Zoning Board of Appeals if you want but I wouldn't recommend it but we should try (not clear).

T. Hamilton: Just one thing, I notice on the existing building. What about the storage, the existing site where the applicant is now, tire storage. I see a lot of tires stored right out in the front. Where are they going to store them on here?

D. Yanosh: The building is big enough, we will put them inside in one of these buildings out here. Everything will be under cover.

T. Hamilton: Okay. Right now where he is now, the tires are stored outside.

G. Lake: Is there any outside storage on this?

D. Yanosh: No.

G. Lake: Or, everything is inside.

D. Yanosh: Everything is inside. That's why we're keeping the buildings in the back and will be used for storage.

**MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey's comments and this Board's comments made by A. Dulgarian and seconded by T. Hamilton.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**

**MOTION for SITE PLAN/SPECIAL USE PERMIT subject to Mr. McGoey's comments and this Board's comments made by A. Dulgarian and seconded by P. Owen.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**

2. PUBLIC HEARING 7:35 P.M. - **GORDON WALLKILL** - Lot #1 - Goshen Turnpike (60-1-68.12) #75-05

G. Lake: Public Hearing started at 8:21 P.M. M. Hunt read the Public Hearing notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 600 Route 211 East, in said Town, on the 16<sup>th</sup> day of November, 2005 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Gordon Wallkill Associates LLC and Gordon Wallkill MAB II ASSOCIATES LLC for approval of a Special Use Permit for an eating and drinking establishment (deli), and a personal service shop (health spa, physical therapy, massage therapy) at the premises located at the corner of Goshen Turnpike and Crystal Run Road, situated on tax lot no. 60-1-68.12 under Section 249-38 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. Blustein: My name is Michael Blustein and with me is Joe Phau.

G. Lake: Why don't you give us a brief description on what you've done since you here last before I go to the Public?

J. Phau: Yes. This particular application before this Board is for a Special Use Permit for an existing thirty two thousand commercial square foot building that's under construction on the corner of Crystal Run Road and Goshen Turnpike. The purpose of this Public Hearing this evening is to get additional special uses approved namely, a deli use and also the personal services, wellness spa I would use. There would be no physical changes to the building or Site Plan other than which was approved at the amended Site Plan at the September meeting. The only difference in this plan as opposed to the last plan of the September meeting was we did add the additional overflow parking spaces on the adjacent lot.

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

A. Dulgarian: After the Public.

P. Owen: I will wait.

R Carr: I will wait.

W. Capozella: I will wait.

H. Ross: I will wait.

T. Hamilton: I will wait.

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

**MOTION to close this PUBLIC HEARING at 8:25 P.M. made by P. Owen and seconded by A. Dulgarian.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**

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

J. Phau: Yes I do.

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

J. Phau: Yes. Item #1. .

M. Blustein: I would like to address that. We submitted the proposed lease to Mr. Bacon. I don't know if he had a chance to review it. It was faxed over to you.

J. Bacon: Yesterday?

M. Blustein: I know it was faxed, I think on the 11<sup>th</sup> maybe. This is basically between my clients and my clients. Basically it allows him to use the existing parking spaces that are shown.

G. Lake: I will come back to that.

J. Phau: Item #2 is really a statement about when we were here the last time. Item #3 is a follow-up of item #2 statement with regards to the overflow parking. We are going to be seeking the cluster approval from the Town Board. I think we've already made application and haven't been on apparently because of the election and what not.

G. Lake: Whereabouts are you? You said you have not been before the Town Board yet?

M. Blustein: Well, we actually submitted the proposed resolution to the Town Board. The problem was just with the election and a couple of things that was pushed back.

G. Lake: Mr. McGoey, have you had any contact . . .

D. McGoey: From the Town Board, no.

M. Blustein: I know the Town has done it on a couple of other subdivisions. So, I don't see why there would be opposition to it.

G. Lake: Go ahead.

J. Phau: Item #4, we've taken a look at this. This comment actually came out of the review of the Site Plan on the adjacent lot. We were asked to look at. We have stormwater facilities on the adjacent lot and we were asked to see if we could combine the stormwater facilities so they would all be on one lot. I can get a lot of that stormwater over to the lot #1 but there are portions I can't get over.

D. McGoey: Okay.

J. Phau: Item #5, I thought that referred to the lot #1 Site Plan as well.

M. Blustein: If I could just jump back, Mr. Chairman on the thing about the parking spaces on the lot next door, my understanding is it was discussed at the last meeting that we would keep about the last five thousand square feet or we wouldn't get Certificate of Occupancies for that because that would require the additional parking spaces.

G. Lake: Yes, you did express that at the last meeting.

D. McGoey: Yes, but the problem with that is you show fifty parking spaces on the other lot .

M. Blustein: Right.

D. McGoey: They're not in conformance with the ordinance.

J. Phau: We can always move them ten feet if we had to but what I'm saying is in terms of, we have tenants that are ready to start construction. We don't have leases in place on that five thousand square feet and that would require the extra parking. The uses that we're seeking tonight don't require more parking than what's already shown on the Site Plan.

T. Hamilton: They would have to come back in for those particular uses..

D. McGoey: They wouldn't have to come back, they wouldn't get Building Permit's for those uses until the parking spaces are satisfied. It has to be noted on the plan.

M. Blustein: In terms of what we're seeking tonight, we're ready to get Building Permits and we don't need the extra parking until the building is fully occupied.

G. Lake: Right, but, Mr. Bacon what happens in a case where they don't get the shared parking?

J. Bacon: Could not hear.

M. Blustein: That wouldn't become a problem for us until we come in for the rest of it.

D. McGoey: Mr. Chairman, if the fifty year lease is okay then if they didn't get clustering they would have to build that parking in conformance with the ordinance which I think they can do.

G. Lake: Okay.

J. Phau: The reason we didn't do that is this fits with our parking layout.

G. Lake: I will go through the Board.

A. Dulgarian: Personal services fit with the medical and I have no problem with the deli.

P. Owen: I don't have a problem.

R. Carr: I don't have a problem.

D. McGoey: If they don't get clustering.

R. Carr: In terms of this parking, this would not be allowed here.

M. Blustein: If the Town were to reject our proposal to cluster, which we've been told won't be a problem.

R. Carr: Okay.

W. Capozella: Nothing further.

H. Ross: Nothing further.

T. Hamilton: Nothing further.

**MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey's comments and this Board's comments made by H. Ross and seconded by W. Capozella.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**

**MOTION for SITE PLAN MODIFICATION subject to Mr. McGoey's comments and this Board's comments made by T. Hamilton and seconded by P. Owen.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**

**MOTION for SPECIAL USE PERMIT for EATING & DRINKING and PERSONAL SERVICE made by R. Carr and seconded by P. Owen.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**

3. PUBLIC HEARING 7:40 P.M. - SOHAN LAL - SITE PLAN/SPECIAL USE PERMIT - Carpenter Avenue & East Main Street (74-9-2) #132-04

G. Lake: Did you do your publication?

Unidentified Person: I don't have evidence of it. I don't have anything with me.

G. Lake: Ethel, did you see this in the paper at all?

E. Morris: I did not see it in the paper and we checked with the Town Clerk and she does not have it.

G. Lake: Unfortunately without that publication, you have not fulfilled the part where you have to

send out notices so we will have to re-schedule you for another Public Hearing.

Unidentified Person: We did do the mailings, do we have to do that again then?

G. Lake: Yes.

Unidentified Person: Can some of the engineer's comments this evening? I have the Architect and the Landscape Architect.

G. Lake: No. I think that would be getting out of order of the process. I'm sorry.

**MOTION to re-schedule a PUBLIC HEARING for January 18, 2006 made by A. Dulgarian and seconded by P. Owen.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**

4. **PHILLIPSBURG** (Tetz) - SITE PLAN/ SPECIAL USE PERMIT - Acceptance of Findings Statement - Cemetery Road (78-1-28.21, 28.22 and 5-1-4) #35-03

G. Lake: Please have the record state that Mr. Owen has stepped down from acting on this application. Your name for the record, please.

R. Stack: My name is Rosemary Stack representing Tetz & Sons, Inc. I do have a letter for tonight.

G. Lake: I'm going to have Mary Lynn read that in.

M. Hunt: Hand Delivered to Chairman Gary Lake, Town of Wallkill Planning Board, 600 Route 211 East, Middletown, New York regarding Phillipsburg Facility. This letter is to confirm that E. Tetz & Sons agree to waive specific time frames for adoption of the Board's findings on the above project until December 7, 2005. Thank you for your consideration.

G. Lake: Let it be noted that has just been read into the record. At this point, I guess, . . . better yet, let me go through the Board first. Mr. Dulgarian, do you have any comments at this point as far as the findings go.

A. Dulgarian: Nothing additional.

R. Carr: No. The only thing would be in terms of the traffic mitigation, #4 all seem to indicate that they must be done prior to Certificate of Occupancy. Item "D" doesn't have any time frames.

D. McGoey: Which one was that?

R. Carr: "D".

D. McGoey: On the traffic?

R. Carr: Yes.

G. Lake: Anything else, Mr. Carr?

R. Carr: No.

W. Capozella: I did have a couple comments concerning where I had mentioned originally, which I did include in my original comments I sent over. I know we're going to have an opportunity to present additional comments after this.

G. Lake: Yes. These are our findings and you have a right to, you have to get them in. I know you sent one letter in and we incorporated some of the things that you wanted.

W. Capozella: Again, the comments that I was going to make is based on the Town Code, Section 249-27, noise not to exceed average intensity in borders along the intersections and so forth concerning the traffic movements and so forth. Those were my many concerns at this point with the noise factor and it's intensity and it probably will have some impact.

D. McGoey: It said the operation from the bulk plant will not exceed noise on a local low rate and will comply with 249-27C-9.

W. Capozella: I know we got a copy on the 15<sup>th</sup>.

B. Ostrer: The version you should be looking at would be (not clear) did show that I incorporated your suggestions. I've got the various decisions. You should be looking at revision 11-11. I tried to incorporate yours.

W. Capozella: But, that's in the one dated the 15<sup>th</sup>, right?

B. Ostrer: Yes.

W. Capozella: Okay.

B. Ostrer: That was circulated on the 15<sup>th</sup>.

W. Capozella: That's all I'm really basically trying to say is I do have some comments. I know basically what we're saying is their time for more comments..

G. Lake: You should get them in now, though, as soon as possible so our people can look at them.

B. Ostrer: I think the best way is to get them to Mr. McGoey's office..

G. Lake: He will turn it in to Mary Lynn and then we will distribute them.

B. Ostrer: Fine.

G. Lake: Okay, Mr. Capozella?

W. Capozella: Okay.

H. Ross: I have nothing right now.

T. Hamilton: Mr. Ostrer, the letter from the County has been incorporated in it?

B. Ostrer: No. This was sent over to Mary Lynn on the 14<sup>th</sup>. We didn't get the letter until later. Mary Lynn did fax me the letter on the 14<sup>th</sup>. I will add a reference and it's noted in the document under the traffic that we are going to reference the letter from the County. I will do that with Mr. McGoey and we will get it out to you.

R. Stack: Do you want to here the response to that because we do have an issue on that letter. I don't know whether you want to wait until later?

G. Lake: I will turn that over to our legal advise at this point and time. Did you hear the comment?

B. Ostrer: We were in Court together yesterday and had an opportunity to chat. I did provide

Rosemary with a copy for tonight's meeting so, I'm sure that they may have some response. I didn't summarize those spots. It's in a letter which will be circulated in the next draft that incorporates their provisions to #8 under traffic which is where we're going to refer to the County.

T. Hamilton: But that letter before it's entered into the findings, why not give it to us to see if we're going to agree and what it put into the findings?

B. Ostrer: I think you should review it.

T. Hamilton: I want the letter. I don't want for you to get the letter and then incorporate it in and we might not want it in.

B. Ostrer: I agree with you. It was my understanding that it was going into your boxes when I called.

G. Lake: Yes, they did get a copy of the County's letter.

B. Ostrer: Okay.

G. Lake: I think what Mr. Hamilton is referring to is the response to this letter she's going to make and what your response is. The Board wants to see. This letter is referenced at least in my copy and I think that's why tonight people asked for more time.

B. Ostrer: I believe page 11 of the draft it says the members received it on or about the 15<sup>th</sup>. I did leave a space, the Board has received and referenced that communication. We also made that part of the record.

G. Lake: You can either, I guess, respond now to this letter or you can respond in writing and we can. As the whole Board knows we've spent an awful lot of times the last couple of weeks talking about this. I will go through the Board. We need to postpone doing the findings at this point and move it to, the first meeting of December is pretty well filled but the next Wednesday will be December 14<sup>th</sup>.

D. McGoey: We were talking about the fifth Wednesday of the month also to November 30<sup>th</sup>.

G. Lake: We can move it to November 30<sup>th</sup> or December 14<sup>th</sup>.

A. Dulgarian: How many do we have on the 7<sup>th</sup>? I would just assume having it on a scheduled meeting December 7, 2005, residential meeting or not. I don't like having special meetings called.

R. Carr: I concur.

W. Capozella: The letter that was submitted would go to December 7<sup>th</sup>?

R. Stack: December 7<sup>th</sup>.

W. Capozella: I don't have an issue either way.

H. Ross: I have no problem with December 7<sup>th</sup>.

T. Hamilton: I agree.

**MOTION to put applicant on December 7, 2005 to finish up the findings made by R. Carr and seconded by A. Dulgarian.**

**A. Dulgarian: Aye**

**P. Owen: Stepped down from acting on application**

**R. Carr: Aye**

**T. Hamilton: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES**

5. **A & D MANAGEMENT** - SITE PLAN/SPECIAL USE PERMIT - East Main Street (50-2-23) #33-05

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

S. Plass: My name is Susan Plass, surveyor with Leo Carroll's office.

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

S. Plass: What we're proposing is a four thousand square foot office building on mixed use, professional and medical/dental. It pretty much meets. It's been back and forth a couple of times we've made some changes and hopefully this will be satisfactory.

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

S. Plass: Yes.

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

S. Plass: The Planning Board requested that better traffic information be provided. We have done it. We re-topography it. Material has been brought in and is on-going to the building areas of the site. The debris piles, we can certainly show them on here. They're not really part of the, we can show them on the ground. The site distance was reduced from five forty to three forty because of a typographical error. We can certainly add the note for the AASHTO requirements to the plan. We tried to reduce the amount of asphalt for the parking area. I removed the dumpster location and we squeezed in an extra spot on the bottom which is spot #8 now to try and reduce some of the asphalt on the top.

G. Lake: Okay.

S. Plass: The applicant has consented that a common driveway in the rear is an access between two parking lots into the owner of the adjoining building. He does have a problem with making the access between the two lots possible however, keeping the entrance on East Main Street was important and I believe you received a letter from the Fire Department. If not, I will give you a copy it stating their opinion that we should keep that entrance also.

G. Lake: We have it.

S. Plass: The handicap sign, we have no problem with "tow away zone". We put the setback dimension on to the plan with a note that it was to be approved by the Building Department. The engineer said that he would provide the necessary data for the service lateral for the water. Wall mounted lights, they're going to be hi-hats and there is a note on the legend specifying that.

G. Lake: The curb cut, you got that from the County?

S. Plass: Yes.

G. Lake: I will go through the Board.

A. Dulgarian: I'm disappointed with the way this whole project. I would like to believe that the applicant, this is a result of the time frame in which he got the property. When we originally looked at this project years ago, we kind of thought the other piece was going to be part of it and we wanted it to have one ingress and egress. We approved the one, then they went for approval for the other and never got them tied in correctly. I understand the Fire Company recommends against it but that's probably I guess to get to the site. When we were looking at it was having as few possible

ingress and egress on East Main Street. It is a very heavily traveled road and it's probably going to be widened in the near future. I'm not saying that the applicant tried to get around what we were looking for but like I said it was a result of the timing of when he obtained the property. This is not the best situation it could be and at this point I don't know what to do about it. I mean, it's not so bad that for denying it but it's not the way I intended it to come out. Also, the drainage issues.

P. Owen: I pretty much have to agree with Mr. Dulgarian.

R. Carr: I would say the same to everything that was previously said by Mr. Dulgarian. I don't know how long this has been in front of us. It's been in front of us for a long time. In terms of reducing the amount of asphalt on this site, the dumpster wasn't creating the problem. The drainage right now is sitting in a detention pond. You've got drainage going off onto another site and now this site which also the topography didn't reflect all the impacts at the time. Now, you're going to cover this up with this much of asphalt. There's a limit as to what you can do on a piece of property. I just don't think this is the right layout for this piece of property. And, if it comes down to East Main Street getting widened, what happens?

W. Capozella: Again, It's probably been here a couple times already since I've been on the Board. Concerning the access to this, the Fire Department brought up that they liked the access for East main Street. But that is just, we asked for their comments, it's just a recommendation. It's not necessarily something we have to go with?

G. Lake: Correct.

W. Capozella: Would be recommend it?

G. Lake: What we have done in the past, emergency services and they take the time to respond. A lot of good things have come out of it. They do look at it as a way to get in to help somebody. I personally, I usually take the emergency services and go with it unless it's farfetched. This asking to get into this property that way, I myself, I would probably go with them on that because they can off East Main Street.

W. Capozella: The building that's being proposed now, what is the height of that building?

S. Plass: We did submit an elevation. It's very similar to the two buildings.

W. Capozella: Okay.

H. Ross: I agree on everything that was said.

T. Hamilton: I remember the comments we worked on trying to do it but it's shame on us when we approved the first site, we should have made something in that approval for that first lot that if and when the parcel next door developed that the left hand side would be left to join to make one

common driveway which we did not do. We could have solved it then but we didn't do that.

A. Dulgarian: Actually we're looking at three separate parcels. He owned the two outside ones and he told us he couldn't get the middle one.

S. Plass: Yes, that's correct.

T. Hamilton: We could have stipulated in that one approval that if the parcel next door was developed if and when.

A. Dulgarian: Your one hundred percent right. Yes, shame on us.

T. Hamilton: It's a shame on us now, we can't accomplish it now. I don't know what else we can do at this point. Maybe in the future we will look into putting some wording in that will cover us.

R. Carr: Let me ask a question. What's the difference if we ask (not clear). We originally wanted one common driveway.

T. Hamilton: I know that but we failed on that. We should have had it stipulated in that approval that's what we wanted if and when.

S. Plass: This was approved for a smaller building and because this person was not willing to sell for a reasonable price and my client did not want to purchase it. He wanted to have the two site plans and an acre and a half. It turns out he had some problems and he wound up selling it to my client. It wasn't planned this way.

G. Lake: Mr. McGoey, before I go any further, you have a note discussion for a Public Hearing.

J. Bacon: For Site Plan approval?

D. McGoey: I thought it might be for a discussion for the use but it's permitted.

G. Lake: Pretty good arguments on both sides. I have to agree with Mr. Hamilton that we probably should have done that earlier. Does anybody else on the Board have anything else before I call the vote or do you want to talk to your client and see if he wants to move the building back or anything?

S. Plass: We have the setbacks.

G. Lake: I'm just giving your option before I call the vote.

**MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey's comments and this Board's comments made by P. Owen and seconded by H. Ross.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Nay**

**T. Hamilton: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES, 1 NAY**

**MOTION for SITE PLAN subject to Mr. McGoey's comments and this Board's comments made by P. Owen and seconded by W. Capozella.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Nay**

**T. Hamilton: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 6 AYES, 1 NAY**

6. **CHURCH EMMANUEL INGLESIA** - SITE PLAN/SPECIAL USE PERMIT - (Re-Approval) - Cottage Street (40-1-21.2) #35-001

**Cancelled.**

**MOTION to re-schedule applicant for January 18, 2006 made by A. Dulgarian and seconded by P. Owen.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**

7. **GLOBE CONTRACTING** - SITE PLAN/SPECIAL USE PERMIT - Stony Ford Road (61-1-20.2) #31-05

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

J. Twill: My name is Jacob Twill.

G. Lake: Go ahead, tell us what you've done since the last time you were here.

J. Twill: Since the last time I was here I went to a work session with the Chairman of the Planning Board and the Engineer for the Planning Board, Mr. McGoey and discussed all their concerns and we took into account and we advised that our plans are complete. We also submitted with the Highway Department Superintendent, Mr. Lippert and I received a letter from him regarding his comments and what we had discussed. We revised the plans and submitted them to the Planning Board. After that I asked Mr. McGoey to make sure that all the comments of his concerns as well as the Chairman's concerns were addressed. I think we have done that.

G. Lake: Mr. McGoey, do you have comments from the Conservation Commission?

D. McGoey: I didn't see it.

G. Lake: Did you get a copy of this?

S. LaBruna: I should have.

J. Twill: As a matter of fact, I called their office and left a message to try to see if there were any comments from them. I called back on September 16<sup>th</sup>.

G. Lake: Mr. LaBruna, did you send a copy to Mr. McGoey?

S. LaBruna: I dropped off our comments at your Planning office.

G. Lake: Thank you. Let me go through the Board.

A. Dulgarian: I know where this is. It is somewhat of a bizarre use. I think it's harmless but I just don't, it's kind of weird. I don't know what kind of impact it would have, if any. I just, it's nothing I have really seen before.

P. Owen: Besides the comments from the Conservation Commission. I don't know if it fits in that area of the Town.

J. Twill: If you look at the site, it's sitting right under the embankment for the abandoned railroad. It's basically hidden.

P. Owen: On both sides?

J. Twill: Had a conversation with Mr. Owen.

P. Owen: I know where it is.

J. Twill: This is under the embankment. It's an abandoned railroad track which is a good twenty feet high and the storage location is here right under it.

P. Owen: The road still goes over, doesn't it?

J. Twill: No, it doesn't go over it. It's under.

P. Owen: I don't really have anything else.

A. Dulgarian: I recognize my problem with this. This is like an accessory use to nothing. If you have a garbage contractor company, you have a building, you have a garbage truck there. If you're a

plumbing house, the same thing. You have equipment for nothing. It's like an accessory use without the use and I would be concerned on what sort of precedence that would create. I think that's the best way I can describe this. It is an accessory use to nothing.

R. Carr: I think that's true. I also agree with the Conservation Commission also. Where this is, is right at the end of where the trees and the woods is right on the river and you're proposing taking down most of those between the (not clear) and where the railroad tracks are.

J. Twill: Those trees are to remain.

R. Carr: Maybe if you could show us a detail of the trees, because there are some nice trees there.

G. Lake: Le me finish up with the Board.

R. Carr: Anything else, Mr. Carr.

R. Carr: Nothing else at this time.

W. Capozella: I have a question about this building. It's a trailer for storage. Are you leaving the wheels on? Is it going to be permanent as far as the storage?

J. Twill: It has to utilize the use of the premises otherwise it would not be legal.

W. Capozella: That's the only building you will have?

J. Twill: Yes.

H. Ross: I don't like it. I don't think anybody can really see it. It's the use that bothers me.

T. Hamilton: He's right. It's listed under the Special Use Permit, as a use not as an accessory. He needs a Special Use Permit. It's not right but it is listed as a use.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

G. Lake: Mr. LaBruna, do you want to come up please?

S. LaBruna: Yes.

G. Lake: And give the Board a comment on your letter here please.

S. LaBruna: Yes. The majority of our comments are based on along the stream way. Most of those comments are summaries taken directly from the Department of Environmental Conservation concerns. I attended a seminar a couple months back and they did a presentation on this specifically. Almost everything in there is almost word for word regarding their concerns. You can see, in response to Mr. McGoey's comments, they did show the one hundred year flood way. What I'm concerned about is storage of construction and stuff on the other side of the road. I agree it's a lot of wood. I don't have any problem with it on that side of the road. My concerns with the stream on that side. They had made some changes to include some of the larger trees, which is nice. I just don't think they should be clearing out that much vegetation along that stream way. I don't feel comfortable with having a storage of a construction vehicle within that flood way. I'm not sure that's something you want to get into. I've seen two types of construction equipment there. They vary in size from pretty large to pretty small. That basically sums it up.

G. Lake: How about anything possibly leaking out of the truck into the stream?

D. McGoey: There's certainly a flood plain there and along the stream border there's wetlands.

G. Lake: Is he out of it?

D. McGoey: No. He's proposing to just store his equipment.

G. Lake: Okay.

J. Twill: We are working with your comments. If you would like some buffer there, I can do that.

G. Lake: Mr. LaBruna, do you have something else?

S. LaBruna: Yes. He is preserving some of the larger trees and that's what is shown on the map. That is basically within the edge of his parking area which I'm assuming vehicles will be up to that edge which is only twelve feet away from the stream and probably about six feet away from the flood way. I think that's pretty close. I would like to see a much larger buffer.

G. Lake: Mr. Bacon, on item #3, should this be two separate applications because of being divided by a road?

J. Bacon: I spoke to Mr. McGoey a little bit about that today. I know that it's a provision of the road allowing the automatic subdivisions. I'm thinking if these are on the main side of the road and just happen to have the same tax lot, so you would probably consider it one application.

G. Lake: This is on both lots. I'm assuming the tax map is the same.

J. Bacon: I think it would be a single application.

G. Lake: Okay. So, do we need to set a Public Hearing?

J. Bacon: Yes.

T. Hamilton: Mr. McGoey?

D. McGoey: Yes.

T. Hamilton: That six inches of stone is enough for the base for the equipment to sit on? Do you see the detail of the stone on the right hand side underneath Mr. Bacon's letter there?

D. McGoey: Yes. Their engineer is stating based on the capacity.

T. Hamilton: Do we know what type of equipment it is going to be? Is it enough? What equipment is going to be there?

J. Twill: A tractor machine.

T. Hamilton: Maybe stipulate exactly what you're going to store there. We don't know what type of equipment it's going to be. That's what I'm asking.

J. Twill: I did say before a backhoe.

T. Hamilton: I want it stipulated in there that's what you're going to have. He could come in with something that's going to be a lot heavier.

D. McGoey: It depends on the sub-grade.

T. Hamilton: That's all I have at this time.

G. Lake: Did you get say you got a copy of the Conservation Commission's letter?

J. Twill: I have not seen it.

G. Lake: I will give you mine. Between now and the Public Hearing, you've heard the Board's comments, take another look at it and back up the screening a little bit.

**MOTION to schedule a PUBLIC HEARING on January 18, 2006 made by R. Carr and seconded by W. Capozella.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**

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

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

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

G. Lake: Go ahead. You've been here a few times.

J. O'Rourke: A few times.

G. Lake: Tell us where you're at, and I also know you went to the Zoning Board of Appeals.

J. O'Rourke: Yes. Basically, the last time we were in front of the Board, it had been so long that you basically asked us to go to a work session and also get the Zoning Board of Appeals variances updated because they had expired. At this time, we've modified the front entrance. We've gotten comments from Department of Transportation on that. They're generally okay with the entrance and the landscaping has been resolved. This will have two uses. One will be the proposed gas station in the front and a convenience store and Regional Trucking in the rear.

G. Lake: Have you answered Mr. McGoey's comments, the stormwater management? Mr. McGoey, have you seen any of that yet?

D. McGoey: No.

J. O'Rourke: The stormwater management, we're in the process of doing. Everything else, the traffic study and accident report had been submitted. We also received comments from New York State Department of Transportation which I believe you're office also had received a copy of. He still questions the number of gas and diesel fuel islands. If you remember the last time we were in

front of you there are actually eight shown but the one on the diesel limits it to two but we have additional parking above and beyond what is required. We have no problem modifying that. The sheet 2 of 9 x'd out the bulk requirements. Those were x'd out, if you remember, we didn't know if Department of Transportation was taking it but the numbers under the x's are actually what we own now.

D. McGoey: Okay.

J. O'Rourke: The septic system we understand that Eustance & Horowitz has to do their review. The landscaping plan is to be discussed by the Board. Other comments from the Fire Department and the County, we have not seen. Comments #10 and #11 address New York State Standards. We've gotten the comments from Department of Transportation and we're addressing those. Comment #12, examples of where the Planning Board can review the canopy lighting from another facility. I think we mentioned that the last time and that there was a new project over in . . .

G. Hluchen: Montgomery.

D. McGoey: Which project?

G. Hluchen: The one in Montgomery and there was also one on Dolson Avenue.

J. O'Rourke: Comment #13, we never received any comments from the Water Superintendent. Comment #14 is the hydrant valve and to show tie rods.

G. Lake: Let me go to item #6. We do have a Town Landscape Architect. This is one of our major intersections anymore. I think it's going to be visual and I think it should go to our Landscape Architect. We've asked almost every place on Route 211, Route 17M, East Main Street and I think this should also. I will see what the rest of the Board feels about it.

A. Dulgarian: Yes, I agree. It's going to be the entrance to our community.

P. Owen: I would like to see it go to our Landscape Architect for review.

R. Carr: I think it's a good idea.

W. Capozella: I would say yes.

H. Ross: Yes.

T. Hamilton: Yes.

J. O'Rourke: I don't know if this Board sends it up directly to your Landscape Architect or how we coordinate that.

G. Lake: Yes. Bring them in to the office and we will take care of it.

J. O'Rourke: On the landscape issue, we've discussed briefly with the Board and we had talked about land banking the parking adjacent to Route 302. Basically, we would grade it out, have it all done with topsoil and seeded and not put that (not clear) in it.

D. McGoey: Would that be for parking spaces that are required that you would like to land bank?

J. O'Rourke: Yes. In other words, based upon the parking calculations depending upon the layout we feel we have much too much parking so we've designed it and basically along the front we would grade it out and rather than put pavement there we would just basically use topsoil.

D. McGoey: You may need to get a variance.

G. Lake: I don't think we can do that. You would have to go to the Zoning Board of Appeals.

J. O'Rourke: Okay.

G. Lake: Before I go to the Board, Mr. McGoey, I know lighting, have you had a chance to look at that?

D. McGoey: No. I want to go out and visit the site.

G. Hluchen: We did provide a lighting plan.

G. Lake: I will go through the Board.

A. Dulgarian: What they should be prepared to discuss besides landscaping is the on site flow that they're showing on page, whatever it is. I would like to go over that. I don't think it's an issue for the dealership as much as it is for the gas station. The other thing that I would like to see is, I know it's going to be an issue, with the looks from the residential area and what's going to be screened.

P. Owen: Nothing else.

R. Carr: Nothing other than what we've talked about already.

W. Capozella: Just one entrance in, one entrance out?

J. O'Rourke: That's correct.

W. Capozella: Because one you have over here?

J. O'Rourke: Showed Mr. Capozella.

W. Capozella: And then, the truck dealership, what are we talking there?

J. O'Rourke: Basically tractor trailers.

W. Capozella: Nothing further.

H. Ross: Nothing further.

T. Hamilton: Nothing further, other than setting the Public Hearing.

**MOTION to schedule a PUBLIC HEARING for February 15, 2006 made by T. Hamilton and seconded by W. Capozella.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**

9. **YANKEE LAKE ENTERPRISE** - SITE PLAN - County Highway 76 -3-1-88) #61-05

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: From the last time we were here, I rotated the building. One of the concerns was having it face the residential property to the North. I twisted it as much as I can to have the access come

right off of the County Highway and also this plan shows the existing block garage in the back that he wants to put a new roof on and keep it for storage. He wants to use the building the way it is. We addressed some of Mr. McGoey's comments and can take care of any additional ones as we go along. One of his comments was the Public Hearing. I think at last month's meeting, the last time I was here it was a permitted use in the zone and so we need a Public Hearing. That was discussed the last time.

D. McGoey: Mr. Yanosh, what is the use, I'm sorry?

D. Yanosh: It's a service establishment, is what we have it as.

D. McGoey: Oh, he's a contractor?

D. Yanosh: What he does, he drives the trucks. He hauls stone for Tetz and whatever and he's going to use this for a garage to park his dump truck inside.

A. Dulgarian: As opposed to parking on some country road.

D. Yanosh: There's enough room here to swing his trailer in.

G. Lake: Do you have the latest comments?

D. Yanosh: Sure.

G. Lake: Why don't you go through those?

D. Yanosh: The first question was where the building is located now. I rotated, one of Mr. Dulgarian's comments was not facing the property to the North. I rotated it as much as I could to get the trucks in and out right there if that's okay with the Board. Item #2 was about the block garage which he wishes to keep.

G. Lake: And, you said he had a use for that?

D. Yanosh: He would like to keep that garage. Once the County looks at the drainage we can address those as we go along here, which goes along with comment #4 which is Orange County Department of Public Works and not the New York State Department of Transportation. I left it off in the front. It says landscaped area in the front not shown. We can take care of that. If everything looks okay we can get the architectural elevations. The handicap sign should note tow away zone.

G. Lake: Mr. McGoey, does he need a Public Hearing or not?

D. McGoey: I don't think so.

G. Lake: I will go through the Board.

A. Dulgarian: Mr. McGoey's comment #2, I think we should see if that building going's to look like dressed up. I'm comfortable with Mr. McGoey approving it subject to his review. The only problem is, I thought we were going to a Public Hearing also and I wanted to see the architectural rendering of what the building was going to look like.

D. Yanosh: We are in no rush for this. When we come back with the changes we will have it.

A. Dulgarian: What I would like to see is what that back building is going to look like, the proposed building's going to look like and the landscaping instead of throwing it all in Mr. McGoey's lap. I appreciate all the work you did. I think it's going to be a lot more legal friendly.

P. Owen: I would like to see it also.

D. Yanosh: I have no problem.

R. Carr: I appreciate the change. I don't know that I like this.

A. Dulgarian: He's leaving that tree line.

D. Yanosh: The only reason the area is so big there is for trucks turn around, pull in and back in. People would be coming in at night and leaving early in the morning and come straight out towards the highway and not affecting the neighbor above him.

R. Carr: I guess there's no way around that. How far away are you?

A. Dulgarian: You see where the old tree line is, right?

D. Yanosh: The setback line is twenty feet so the property line is only, probably about twenty feet from their house to begin with back there.

R. Carr: That would be my concern. I have no problem with the project.

W. Capozella: Are we going to do something about the landscaping?

G. Lake: Yes, he's going to come back. We're going to table it so when he comes back with a view, etc.

H. Ross: Only if he has protection from runoff from vehicles and preventing erosion control.

T. Hamilton: I have nothing.

**MOTION to TABLE for further review made by A. Dulgarian and seconded by W. Capozella.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**

10. **ANDERSON** - Service Station - SITE PLAN - Route 211 West (49-1-55) #72-05

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

A. Fusco: My name is Al Fusco representing the applicant.

T. Hamilton: Do you have a location map so we know where it is? Route 211 is a long road.

A. Fusco: Pilgrim Corners, we all know where that is. Yes, I will do a location map. We did receive Mr. McGoey's comments asking for a location map and also a note indicating that no more than ten vehicles would be placed there. We have no issue with that. In relationship to the other comment in regard to the storage trailer, Mr. Anderson did purchase that when it was Skip's Automotive with that existing trailer. It's been there for about thirty years previously and it was existing. It's nothing new that has been placed there. We understand his comments and we appreciate the ordinances have changed over the years and we will work with the Town in that regard. Basically in relationship to the map, we will put the map in accordance with Mr. McGoey's request.

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

A. Fusco: Yes I do.

G. Lake: Why don't you go over them?

A. Fusco: The first one is the applicant is seeking approval for the construction of a retaining wall which has already been constructed. In addition, the applicant must resolve the use of an illegal storage trailer in the rear of the building. As I stated, it's an existing trailer that was there when he purchased the property.

G. Lake: What's going to happen to it?

A. Fusco: What we had talked to Mr. McGoey about, it needs to be a licensed storage trailer with a one year permit, I believe. That is the next item. A note should be on the plan which refers to the storage trailer as a bulk storage enclosure, including a one year lease, is unacceptable in accordance with the ordinance of the Town of Wallkill. A licensed storage trailer on wheels is acceptable, however. This should be discussed with the applicant. It was my understanding it must be a licensed motor vehicle and we have to come back every year for approval. That's what we will add on the plan and do that accordingly. The next issue was the location map and we will add that on. The last item is a note stating that no more than ten (10) motor vehicles will be stored on the site in accordance with the ordinance. We will add that on the plan. We have been in compliance with that since we were notified.

G. Lake: I will go through the Board.

A. Dulgarian: How did you end up here? Did it have to do with the fence?

A. Fusco: No, the fence was on the neighbor's property. The neighbor put the fence up, not us.

A. Dulgarian: Oh, really.

D. McGoey: The neighbor came before you and got approval.

A. Dulgarian: Did you guy's put up the concrete?

A. Fusco: The concrete retaining wall.

A. Dulgarian: Then he put a fence on top of that?

A. Fusco: Behind it.

A. Dulgarian: Mr. Bacon, my question to you, I know sometimes with other used car lots, if it predates zoning he's grand-fathered in. Does that pertain to the ten motor vehicles and storage trailer? This has been there for a long time. I just believe that it predates zoning. Is that something we can even look at since it has never ceased?

T. Hamilton: Oh, it has never ceased?

A. Fusco: No.

J. Bacon: That means he can have more than ten vehicles at a time.

A. Dulgarian: That's my question. Does that fit the storage trailer and the number of vehicles or does he fall under the new code? To me, it's grand-fathered.

J. Bacon: Did you say that you were going to change the storage trailer or not?

A. Fusco: We don't want to but we're being forced to. We don't want to.

A. Dulgarian: I do not know how long the trailer's been there but I know there's been cars on that property.

J. Bacon: How long has the storage trailer been there?

A. Fusco: I would say, my previous experience, I was Commissioner of Public Works in Middletown for thirty years and the City of Middletown has an easement now through there and I do recall about ten years ago the water line did break in that area and I know it was there ten years ago.

Mr. Anderson: Mr. Patton sold the place in 1985 and that's when Skip bought it and it was there when Skip bought it. I don't know how long Mr. Patton had it. It was there in 1985.

J. Bacon: I will have to look at the law.

G. Lake: I believe he's here for the retaining wall.

A. Dulgarian: Then why was item #4 brought up?

T. Hamilton: That's Mr. McGoey though.

D. McGoey: Because I bring up the violations.

A. Dulgarian: And you really do. We have a Site Plan by a previous code. It doesn't change when the code changes.

G. Lake: Yes, but people have come in and we have asked them to clean up the site in the past.

A. Dulgarian: Yes, but most of that is landscaping.

Mr. Anderson: My intentions are, I've only had the place a year and a half. I'm going to make it

with the same stuff over by Middletown Honda. That's going to be my next step and clean the place up.

G. Lake: Is he going to have more than ten cars outside any way?

A. Dulgarian: The wall?

Mr. Anderson: As far as the wall, the only reason why I'm here is it's just 2 x 4 blocks of concrete and I didn't even change the (not clear). I trucked in two yards of stone and put it on top. What I did was I dug out a little bit and I put the blocks in and I'm three feet away from the property line.

A. Fusco: Just to identify the property line.

G. Lake: Okay. Anything else, Mr. Dulgarian?

A. Dulgarian: No.

P. Owen: Nothing.

R. Carr: Nothing.

W. Capozella: What is the height of the wall?

A. Fusco: One block.

H. Ross: Nothing.

T. Hamilton: Nothing.

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

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**

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

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**T. Hamilton: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**

11. **MKA**

J. Bacon: The Board needs to authorize the Chairman to enter into any agreements that may be necessary for the purpose of moving MKA application along so that the (not clear) Preliminary Sketch on their amended Site Plan but they're going to need to come back for further review pending your review of their subdivision and our satisfaction.

**MOTION made by A. Dulgarian and seconded by H. Ross for the Chairman of the Planning Board to enter into any agreements that may be necessary for the MKA project.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

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**T. Hamilton: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**