

TOWN OF WALLKILL PLANNING BOARD

MEETING

NOVEMBER 19, 2008

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

1. PUBLIC HEARING 7:30 P.M. - **BARRA** - TWO FAMILY - SITE PLAN/SPECIAL
USE PERMIT - Barra Road (38-2-8) #47-08

G. Lake: Public Hearing started at 7:40 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 19th day of November, 2008 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Dr. Michael and Conseulo Barra, 7 Barra Road, Middletown, New York 10940 for approval of a two-family use in the R-1 district for 10 Barra Road, Middletown, New York 10940 near NYS Route 17M under Section 249-22C 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.

A. Laput: My name is Amador Laput with Fellenzer Engineering representing Dr. Michael Barra and we have a plan here for a proposed two-family home. It's currently a vacant lot. It will have public water and sewer. That will service the house. There is a drainage pipe on the lot. It's in the R-1 zone.

G. Lake: Let me go through the Board before I go to the Public to see if there are any comments..

A. Dulgarian: I will wait.

H. Ross: I will wait.

R. Carr: I will wait.

W. Capozella: After.

C. Najac: After.

T. Hamilton: After.

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

MOTION to close this PUBLIC HEARING at 7:43 P.M. 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

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

A. Laput: I do.

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

A. Laput: Yes. Item #1. The applicant should receive a letter from Lou Ingrassia in regard to the sewer and water connections. This letter should confirm, among other things that a single

sewer lateral to serve both apartments in a duplex is acceptable. We are agreeable to that. Item #2. The applicant should respond to our field review comments if appropriate. The field review comments are in reference to a culvert pipe that's been there before Mr. & Mrs. Barra purchased the property many years ago. We're not quite sure who installed it and perhaps it was put in by the Town when the line went in but it's an existing drainage pipe. There is flow in that pipe during storm conditions so, we proposed not to change into that. There is an existing piece of slab that's on the property. It's just an exposed rock. We don't know who put in there and there are no reason to change that. It will not be affected by the project. I'm not sure why it's there.

D. McGoey: It's not an old cistern, well, or anything like that?

A. Laput: No. The stone is just there

T. Hamilton: A well cover, maybe.

D. McGoey: That's what I'm saying. It may be covering something.

T. Hamilton: Is it lift-able to look underneath to make sure?

A. Laput: No. Item #3. The storm drain has already been discussed.

D. McGoey: There are also some Highway Department comments that will need to be addressed.

A. Laput: Okay. Do you want me to go over these?

G. Lake: No. Are you going to have a problem with any of them? Are you going to be able to satisfy them?

A. Laput: It talks about a dedication on the frontage twenty five feet.

A. Dulgarian: Mr. Lake, the big one is going to be that cul-de-sac. Who will be building that? I don't think it should have to be the responsibility of this client alone.

G. Lake: I think it's kind of hard to ask them to build that on a road that's there. I just think that's one of those things that, it's really a dead-end street.

A. Laput: We agree to the dedication of the road.

G. Lake: Yes, that's pretty standard.

A. Laput: A "tee" or a "cul-de-sac", I had a question.

G. Lake: I really don't know about that comment. It's kind of hard to ask a property owner for just a two-family house to do that kind of work. It just doesn't make sense to me.

D. McGoey: I will meet with the Highway Superintendent to find out.

G. Lake: Otherwise, we're set then?

A. Laput: Yes.

G. Lake: We will let Mr. McGoey to the Highway Department. For one house it does seem a little much. Let me go through the Board.

A. Dulgarian: My personal witness test for a two-family structure usually doesn't change the characteristic of the neighborhood. There are already two-family homes existing and the size of the lots are typical for that neighborhood. I think the affect on this neighborhood would be very minimal because there are two-families that are on fifty foot wide lots. I don't think that's a factor. My only little question is on your easterly border, you're going to put up a four foot fence. The wood frame garage on Lust's property, what kind of room are you going to leave them there? I know he may have a pre-existing non-conforming condition by having that building too close to the lot line but what we like to see is for them to be able to access the building for any type of improvements should there be any reason to get to the back. It looks like it is a foot or less. I don't know if he could get back there. Mr. Lake, I don't know what we can do about that. It is a concern of mine. I would like to see what the rest of the guys feel about that. I think it will have a very minimal impact. I don't think it's going to change any of the characteristics of the neighborhood.

H. Ross: I'm pretty much in agreement with Mr. Dulgarian. I see there are homes opposite this.

A. Laput: Across the street from this?

H. Ross: They're single family?

A. Laput: Yes.

H. Ross: I'm a little concerned about that bluestone and could it be some form of danger underneath. I would like it to be investigated to make sure that it doesn't pose a hazard or threat. Other than that, I have nothing further.

A. Laput: Okay.

R. Carr: Nothing other what Mr. Dulgarian and Mr. Ross already discussed.

W. Capozella: Nothing.

C. Najac: Nothing.

T. Hamilton: Nothing.

G. Lake: You have heard from the Board. They are just a little concerned about what is under that bluestone. Make sure that if there is anything that the proper steps are taken.

MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments, this Board's comments made by R. Carr 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 (two-family) subject to all of Mr. McGoey's comments, this Board's comments 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

2. **FOXWOOD** - 7 LOT SUBDIVISION - Extension to Preliminary - Mt. Hope Road (62-1-16) #57-06

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

C. Scibelli: My name is Chris Scibelli. I'm the applicant for Foxwood.

G. Lake: Go ahead.

C. Scibelli: Mr. Chairman and the Board, I'm here to request an extension of Preliminary Approval. We submitted a letter requesting this extension. We're tied up with the Health

Department currently.

G. Lake: Because of existing conditions we've been going a year now. Let me go through the Board.

A. Dulgarian: No problems.

H. Ross: I'm okay.

R. Carr: No problems.

W. Capozella: No problems.

C. Najac: Nothing.

T. Hamilton: Just one item Mr. McGoey about your last item about satisfying conditions going back to October 2007. Have they complied with any of those items?

D. McGoey: No, they haven't.

T. Hamilton: It's already been a year or so. They should have been taken care of. They're not all Board of Health issues.

G. Lake: Anything else?

T. Hamilton: That's all I have.

G. Lake: Mr. McGoey are there many outstanding?

D. McGoey: There is nothing serious.

G. Lake: Is it all engineering stuff?

D. McGoey: Yes.

T. Hamilton: I'm just concerned why some of these items weren't taken care of before now.
MOTION for a ONE YEAR EXTENSION to PRELIMINARY APPROVAL and resolving issues made previously 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

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

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

D. Getz: My name is David Getz with Lehman & Getz Engineering representing the applicant.

G. Lake: When you were here the last time basically we had a question about, the big question was about the detention pond and who was going to own it. Mr. Bacon, I believe you checked into that and found out that under the new Town Code that the Town will take it.

J. Bacon: Yes.

G. Lake: I know that was a big issue before.

D. Getz: Yes.

D. McGoey: How far are we with the Lighting District and Drainage District?

D. Getz: We talked to the Town Attorney about that and it just didn't work.

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

D. Getz: No. They include escrow amounts, performance bonds, etc. and the lighting and drainage districts. We don't have any problems with any of those.

G. Lake: Let me go through the Board.

A. Dulgarian: Mr. Bacon, when we requested this the last time that was to determine the location and the ownership of the stormwater management area?

J. Bacon: Right. That was to determine that the Town was actually going to become the owner of it.

A. Dulgarian: Now, for our own knowledge forever more, every subdivision that has some sort of a retention or a detention on a separate lot will be owned by the Town of Wallkill?

J. Bacon: Yes, on a separate lot and will be owned by the Town of Wallkill.

A. Dulgarian: So, they can't even put it on an existing lot with a house? They have to have a separate designated lot to be dedicated to the Town and will no longer be the Home Owner's Association or the property owner's responsibility or anybody have any liability but the Town?

J. Bacon: I would have to look in every circumstance but in this one it is definitely the Town.

D. McGoey: There is a drainage district.

J. Bacon: I think that whenever there is a drainage district then the Town has to own it.

A. Dulgarian: So in other words if this is a seven lot or whatever it was, those seven lots will be taxed as a part of the roll?

J. Bacon: Yes.

A. Dulgarian: The monetary end of it is covered but the liability is still the Town.

J. Bacon: Yes.

A. Dulgarian: I still don't understand it. As far as this, I know . . .I don't have anything else.

J. Bacon: If there are maintenance concerns, the Town will be able to go in there and do what has to be done.

H. Ross: Who owns it?

J. Bacon: The Town owns it.

H. Ross: And, that was one of the lots in the subdivision?

D. Getz: That's right. We separated it. It used to be part of a lot and we separated it from that lot.

H. Ross: And, does that show the meets and bounds?

D. Getz: It's up by the road. It's not near the wetlands.

H. Ross: And, it comes out of your calculations as well?

D. Getz: Yes.

G. Lake: Anything else, Mr. Ross?

H. Ross: That's it.

R. Carr: I mean, it that's the law, it's the law. It seems insane to have it done that way. Does this have to be a building lot now that it's subdivided. I mean, all these little lots?

J. Bacon: It has to be big enough for the purposes of meeting whatever the stormwater requirements happen to be and for stabilization purposes..

R. Carr: In your conversations in reviewing this did you have any conversations with the Town Board or something that has come up before the Town Board? I cannot believe that they would actually want to have little bits of property, non-conforming lots. It's crazy and I realize you could make a case that he something happened even though the Town had an

easement there is some liability. I just think it's insane. The other thing is, like the one on Bert Crawford Road and they don't mow the grass, the entrance to that subdivision and I think it reviewing the conservation subdivision this is something that should be brought up at the Town Board. I just cannot believe that this is their intent.

G. Lake: Mr. Bacon, did you provide every Town Board member that section of the law?

J. Bacon: Yes.

G. Lake: I think why this came about also because we just had to buy one of these things back because the guy didn't pay the taxes on it. Over on Sharon Drive, there was a retention pond built and the Town didn't take it. We do maintain that once in a while and I do know that for a fact but the bottom line is it was a taxable lot which went up for tax sale. Somebody bought the thing and we had to buy it back from them. So, I think that's what inspired this to make sure that it was in the Town's hands. I'm guessing at that.

R. Carr: Why did we have to buy it back?

G. Lake: Because somebody bought it on tax sale and somebody else owned it.

R. Carr: Right. That's what I'm saying. Why are they making all these little lots?

G. Lake: Because, they . . . I don't really know.

W. Capozella: Do we have to update the zoning to have it in there somewhere?

D. McGoey: It should be in there already.

J. Bacon: Mr. Carr, I will give the Board a memorandum but essentially either in the maintenance agreement where the stormwater management facilities is binding on all subsequent landowners as a deed restriction on the property or in lieu of that the Town of Wallkill may accept dedication of the stormwater facility and has adequate access. Your point is well taken.

R. Carr: That's unfair.

J. Bacon: It is but Mr. Lippert was very adamant about that but the flip side of it is that it gets taken care of by someone.

R. Carr: If it's part of a property and I still don't want to believe it, part of the property has a house on it. We're saying we have to make it a separate lot based. In the past, we've always had easements as part of the subdivision. We are now saying it can be a non-conforming lot, a lot with a pond on it

C. Najac: It sounds like a new law and Mr. Lippert wants it.

J. Bacon: Actually, that isn't considered a lot. Technically, it's not even a lot.

T. Hamilton: I have nothing to add.

G. Lake: I don't have anything else. Mr. McGoey, do we have to do Preliminary or can we just give it a Negative Declaration?

D. McGoey: It better be just Preliminary. It already received a Negative Declaration.

MOTION for PRELIMINARY APPROVAL subject to all of Mr. McGoey's comments and the Board comments 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

4. **QUICKVIEW PROPERTIES** - Warehouse - SITE PLAN/SPECIAL USE PERMIT (SWWP Review Complete) - 307 Bloomingburg Road (3-1-33.11) #25-08

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

T. Gottlieb: My name is Timothy Gottlieb representing the applicant.

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

T. Gottlieb: Yes I do. The first one was regarding the traffic circulation. I believe we took care of that at the last meeting.

D. McGoey: Yes.

T. Gottlieb: Item #2 is the wetland delineation. Our wetland specialist has contacted the Army Corps and was told that any letters would be coming next year. He said there is a way we can obtain coverage and we are preparing that. My understanding is that within forty five days we should have the ability to work in the wetlands.

G. Lake: Mr. McGoey, are you familiar with that?

D. McGoey: No, I'm not.

G. Lake: How much work do you have to do in the wetlands?

T. Gottlieb: About sixteen hundred square feet.

G. Lake: Okay.

T. Gottlieb: Handicap parking. This is a warehouse for his own use. I don't see a need for handicap parking.

G. Lake: I think between us and the Building Department, you're going to end up having a handicap parking spot. I just think it's the right thing to do and I think you're going to end up doing it any way.

T. Gottlieb: We can do it.

G. Lake: I just think it's the right thing to do.

T. Gottlieb: The landscaping, I thought we had taken care of.

D. McGoey: You have two sets of plans and landscape plans weren't with them.

T. Gottlieb: I thought we had taken care of that.

D. McGoey: I will have to verify that.

T. Gottlieb: And, there is no fence proposed.

G. Lake: The stormwater management comments.

T. Gottlieb: I have them.

G. Lake: Let me go through the Board.

A. Dulgarian: Mr. McGoey, are the wetlands delineated or not?

D. McGoey: Yes, they are. They had a wetland specialist delineate the wetlands.

A. Dulgarian: And, that is requested on the map?

D. McGoey: Yes.

A. Dulgarian: Then, what's the question that they have to get into the wetlands to work?

D. McGoey: Well, when you disturb the wetlands we like to have the Army Corps look at it to make sure they agree. If they were going to avoid the wetlands all together and it was very clear I wouldn't have a problem.

A. Dulgarian: The other thing is, I don't have any problem with this project. I think it will have a very low impact use for what they're asking for. I think its very unusual that we don't have plans to look at to do a final. My question is basically the same as last time. I know the impact on the type of warehousing they're going to do at this point is very minimal. If and when the type of warehousing changes and if you get trucks in the back, how is that going to flow and I don't have anything to look at to help me with understand how that's going to happen. Also, landscaping was mentioned. I have nothing to look at to see what's going on there. We're kind of being asked to vote on this thing blindly although I think it is, having

said, a low impact. I just still don't know what I'm looking at here.

G. Lake: As far as the plans go, Mr. Dulgarian, I just asked Mary Lynn why because at the last meeting the only issue we really left him with was the stormwater management and I guess their waiting to finish that up or something.

D. McGoey: They have it now.

A. Dulgarian: But the comments between now and then, there are additional comments that

G. Lake: And, I agree.

A. Dulgarian: It's not the applicant's fault that we don't have them?

G. Lake: In this case, I think we left him with the impression that . . .

A. Dulgarian: All right. Then, we're going to have to heavily rely on Mr. McGoey and I hate throwing everything in his lap.

G. Lake: We can always do a conditional final and if Mr. McGoey finds a problem we can always send him back to us.

A. Dulgarian: I'm comfortable with that. Again, if it was self inflicted by us.

H. Ross: I agree with Mr. Dulgarian. I would much rather have had the plans. I hope it doesn't happen again.

R. Carr: I have no problem.

W. Capozella: I don't have any issues as far as the type of use. It is a warehouse and there are normally conditions that we would look at, do we want something on the map if the use changes?

D. McGoey: We can.

T. Gottlieb: We will have it on the map.

C. Najac: I don't have anything.

T. Hamilton: Nothing.

G. Lake: I don't have anything.

MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments and this Board's comments made by W. Capozella 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 a SITE PLAN/SPECIAL USE PERMIT conditioned upon all the comments in the Negative Declaration 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

5. **BEL** - 2 LOT SUBDIVISION - Lake View Avenue (53-1-11) #55-08

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

B. Babcock: My name is Brian Babcock with Roger Ferris Engineering.

G. Lake: Go ahead. You're back for the . . .

B. Babcock: Two lot subdivision and dedication for the lower lot. The water quality pond on Lake View Avenue we would like to dedicate to the Town.

G. Lake: Mr. McGoey only has one comment. I'm assuming we have the language on the map.

D. McGoey: I believe so.

G. Lake: Let me go through the Board.

A. Dulgarian: These are numbered?

D. McGoey: Yes.

H. Ross: What does (not clear) mean?

R. Carr: Nothing.

W. Capozella: Nothing.

C. Najac: Nothing.

T. Hamilton: Mr. McGoey, where the retaining wall is shown between the houses. It kind of

caught my eye when I went by.

D. McGoey: I will take another look.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

G. Lake: I don't have anything else.

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: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for a TWO LOT SUBDIVISION subject to all comments by Mr. McGoey and this Board's comments 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. **MAY** - 2 LOT SUBDIVISION - 35 Pond View Drive (78-1-90) #59-08

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

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

G. Lake: Go ahead.

D. Yanosh: This is lot #3 of a subdivision that was filed back in 1999 by the Planning Board. It was a four lot subdivision on a private road, an open development area road. This is where Patricia Northrup used to live. Her house is on top of the hill. The May's bought the property back in 2003 and a new house on the top of the hill. It's a six acre lot. The proposal is to cut this in half making two lots consisting of 3.15 acres with the existing house and 3.30 for the other house. It is on a private road. I don't know if there are any rules or regulations as to how many you can have. The road has been in existence since the subdivision was built. There is an agreement in place.

A. Dulgarian: How many people share that road?

D. Yanosh: Four.

G. Lake: The fifth lot according to Mr. Bacon is not allowed in the open space. Outside of Mr. McGoey's comments and you're here for sketch only. If it was decided that you would have to appear before the Zoning Board of Appeals, I will go through the Board to see what their feelings are but it would be a Zoning Board of Appeals issue at this point.

J. Bacon: The code doesn't have a definition for the open development area. You would have to look under the subdivision regulations.

G. Lake: We don't normally get above four lots any way, but that's just me. Let me go through the Board.

A. Dulgarian: A couple of things I've learned over the years is always error on the side of caution. I would also be concerned about setting a precedence. You're telling me this hasn't been done before, I think we really need to look at it hard before we create it.

G. Lake: I'm not saying five lots has not been done before.

A. Dulgarian: By this Board.

G. Lake: No. What I'm saying is that in the new zoning in the subdivision Mr. Bacon has researched it for us and it does not allow for more than four lots in open development. The question is he may need to appear before the Zoning Board of Appeals for the fifth lot.

A. Dulgarian: So, it's just a change in the zoning?

G. Lake: Right. Plus we have to ask Mr. Bacon if this has to go back to the Town Board for the open development.

J. Bacon: They were the first ones there so, I think it would have to go back to the Town Board for the extra lot.

A. Dulgarian: Now, was there also an issue with the lot being smaller than the lots that were approved or no?

J. Bacon: What did you say?

A. Dulgarian: I was wondering if there was an issue with the lot being created is smaller than the previously approved four lots or is it based on soils?

D. McGoey: The new lot would have to meet the minimum lot size for the zoning.

A. Dulgarian: I still would want to err on the side of caution.

H. Ross: Go to the Zoning Board of Appeals.

R. Carr: I would have to agree.

W. Capozella: I have a concern about the frontage of the lots.

D. Yanosh: Had a conversation with Mr. Capozella.

W. Capozella: I have nothing else, Mr. Lake.

C. Najac: I would say we have to make sure it is within the law.

T. Hamilton: There could be an issue with the prior maintenance agreement by adding another lot. We're always referred it back to the Town Board.

G. Lake: Mr. Yanosh, you can see where we stand. So, I guess some things can happen tonight. If you decide you want to appear before the Zoning Board of Appeals in which case we will have Mr. Bacon make sure there is a letter informing the Zoning Board of Appeals where to look in the code and why we're sending you to them. Mr. Bacon, I'm assuming that we've always sent it back to the Town Board when there was going to be an increase.

J. Bacon: Okay.

G. Lake: Do you want to go before the Zoning Board of Appeals?

D. Yanosh: I read the code a little bit differently than Mr. Bacon does. I will go before them.

T. Hamilton: You may want to check with the Town Board.

D. Yanosh: The Town Board is going to take months.

T. Hamilton: Well, you can start with the Zoning Board of Appeals but you still may have to also go to the Town Board to get the approval to add the other lot in the open development.

D. Yanosh: I've been to the Town Board with applications before.

T. Hamilton: They may decide they don't want the additional lot.

G. Lake: You can ask to appear before a work session and feel them out before you go

thorough the whole process.

MOTION to TABLE for further review and allow this applicant to appear before the Zoning Board of Appeals and the Town Board with Mr. Bacon following up with a letter indicating in the code where this is made by H. Ross 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

7. **BOWSER** - 2 LOT SUBDIVISION & LOT LINE CHANGE - 110 Bowser Road - (21-1-27.4) #58-08

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: This is two pieces of property on the south side of Bowser Road. Mr. Bowser owns both of them. He lives on tax map 26.1 now. Back in 1999 he did a lot line change which gave him more land. The proposal today is to increase the size of his lot from 1.86 acres to three acres or a little bigger and cut off lot #2 which has an existing two-story house and a garage on it right now. Lot #1 really would be the remaining parcel 16.55 acres of which would have a single family home built on it. It's a lot line change for his existing

house and a two lot subdivision.

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

D. Yanosh: Sure.

G. Lake: That's pretty steep across there.

D. Yanosh: Yes, but with sixteen acres there is a lot of places to put that house with the proper grading and stuff like that.

G. Lake: You said you're coming off Bowser Road where its very steep..

D. Yanosh: The driveway next door the house goes up the hill a little bit. We can do some grading right there. There's a lot of room to work with.

D. McGoey: He has two separate subdivisions, do you have the right one?

G. Lake: It's the rectangular one, right?

D. Yanosh: No, the other one. Again, lot #1 does come off very steep

G. Lake: Is this a two lot or a three lot subdivision?

D. Yanosh: The lot line change, we're going to add more land to the owner's property to make his bigger and really only a two lot subdivision after that. Do you have Mr. McGoey's comments?

D. Yanosh: Sure.

G. Lake: Go ahead.

D. Yanosh: I have no problem going over these and taking care of what he requires and I know we don't need a Public Hearing because it's a two lot subdivision, right?

A. Dulgarian: How long ago?

D. Yanosh: These lots have been there many years. In 1999 I did a lot line change.

G. Lake: Basically he's only creating one new lot.

A. Dulgarian: He's moving a line and creating one additional lot. I can live with that.

H. Ross: On the sixteen acre parcel any further subdivision?

D. Yanosh: I will be truthful, I've had problems getting soil testing accomplished. A lot of drainage comes off of Bowser Road onto this property. Where Bowser Road is listed, it's pretty wet up in there. We can't get much good percolation. His daughter wants to own lot #2.

G. Lake: The consensus of the Board then right now is it's going to be a two lot subdivision and your lot line change and we all agree with that. You have a little work to do yet.

D. Yanosh: Sure, no problem.

MOTION to TABLE for further review 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

8. **BOWSER** - 2 LOT SUBDIVISION - 129 Bowser Road (21-1-27.4) #52-08

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: I was here a month or so ago with the layout. Everyone was okay, I guess. I did some changes to the driveway grade. I also had taken care of Mr. McGoey's comments that he had. We're in the process now of fixing up the septic design and hopefully by the end of the week we will have something for Eustance & Horowitz.

G. Lake: Mr. Yanosh, this is the white two-story house?

D. Yanosh: No, Mr. Frank Bowser is on top of the hill.

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

D. Yanosh: Sure. Again, I have no problem with taking care of Mr. McGoey's comments. The Highway Superintendent had some comments. We staked out the driveway a couple of weeks ago

J. Bacon: Is this in an agricultural zone?

D. McGoey: Within five hundred feet. The other one borders the black dirt.

D. Yanosh: This has been owned by the owner for about thirty years.

G. Lake: Let me go through the Board.

A. Dulgarian: My only concern about this one is that I think it would be reasonable given the configuration of this lot and topography to ask for a note for no further subdivision on this one lot. I understand the last one and it didn't has access but this one has no other access. It's very steep. It's basically a flag lot.

D. Yanosh: No problem.

A. Dulgarian: I have no other problems with it.

H. Ross: I'm looking for a ten percent grade.

R. Carr: Nothing further.

W. Capozella: Nothing further.

C. Najac: Nothing further.

T. Hamilton: Nothing else.

G. Lake: I don't have anything else.

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

A. Dulgarian: Aye

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 TWO LOT SUBDIVISION subject to all of Mr. McGoey's comments and this Board's comments made by H. Ross and seconded by W. Capozella.

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. **DICKEY'S BARBEQUE** - Change of Use - SITE PLAN - 330 Route 211 East
(50-2-35) #61-08

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

W. Smith: My name is William Smith with Dyami Architecture representing

G. Lake: Go ahead.

W. Smith: We're taking part of the Hollywood Video Store for an eating and drinking establishment and a lot consolidation. We're combining lots 35 and 33.1. The lot line right now currently is Shop Rite.

D. McGoey: When we approved the last Site Plan known as Fairgrounds Plaza we missed a lot line so what I'm suggesting is as part of this approval we solve that problem and get a lot line modification. The other thing that we discussed was we had a minor issue with the bank. The Planning Board required a sidewalk across the front property line. I want to ask the Planning Board as part of this Site Plan also to make it a condition that the sidewalk be included.

C. Najac: One end of the retaining wall is not completed.

G. Lake: We have to schedule a Public Hearing for this.

W. Smith: Right now we're trying to find a tenant

T. Hamilton: Mr. McGoey, wouldn't we want that building upgraded to look like the rest?

G. Lake: I think Mr. Hamilton is right. I think way back when that came I think Mr. Hamilton is right about when tenants were going to be moved into the other building then the old building was going to be eliminated. If that's not the case then I think at this point we should let them know that we want everything to be upgraded to match what is there and obviously recalculate the parking to make sure there is enough parking for everybody.

W. Smith: I just did preliminary calculations. We have more than enough parking.

G. Lake: We're just telling you up front now so when you come back.

W. Smith: I'm not sure I understand because I wasn't part of the previous applications. What would you like done . . .

G. Lake: I think what you have there now, we would like you to tie it in some means other than a block building.

W. Smith: The rest of the building will have eaves on it.

G. Lake: That's what I mean, to tie it in architecturally with the whole complex. They've done such a great job, why wouldn't you want to upgrade it.

W. Smith: I understand.

G. Lake: The Water and Sewer Superintendent indicates that a grease trap would be required. You may want to touch base with Mr. Ingrassia between now and the Public Hearing and make sure that you satisfy him. He's very active now and he sends us what he needs done. Let me go through the Board before we schedule you for a Public Hearing date..

A. Dulgarian: Who do you work for? Do you work for the property owner or the applicant of the building?

W. Smith: I'm consulting with Dyami Architecture for both.

A. Dulgarian: Mr. McGoey, if he is going to be a representative for the owner of the property

like you said you wanted to clean up some stuff. If you recall the entrance off of Carpenter Avenue has always had tremendous erosion problems. I know you looked at it once before. I would just like to double check that. I mean if he's here I mean that stuff was running right down the bank. It was clogging all the grates.

D. McGoey: I think it's been stabilized.

A. Dulgarian: I think it has also but I remember it was way out of control before you addressed it the last time. I don't want to hold the tenant hostage but . . .

W. Smith: That's one of the questions we have with this whole thing.

A. Dulgarian: It depends on when the property owner wants to get that building rented and as a resident of the Town I would love to see it rented. There are some details that haven't been brought forth yet. It's just one other thing I want to address between now and when you come back.

H. Ross: I agree with Mr. Dulgarian. The question about the retail use . . .

W. Smith: We don't have a tenant.

H. Ross: Parking for this use?

W. Smith: It's all shared and with my calculations there is plenty of parking.

R. Carr: I agree with what Mr. Dulgarian said. I think we should have better landscaping on this because it's very visible from the road. I don't want to hold this applicant hostage. The owner of the property never does what is to our expectations. There has to be some type of commitment from the property owner I think otherwise every time you come back we're going through the same stuff.

W. Smith: Did the original approval show the landscaping plan?

R. Carr: I'm not sure but with this much blacktop you have to have some kind of irrigation of some type.

W. Capozella: I agree with more landscaping.

C. Najac: I'm thinking it's front of the Auto Zone regarding the retaining wall.

P. Smith: Between the parking lot and Route 211.

C. Najac: I believe so.

T. Hamilton: And on that landscaping , that actually falls under the Building Department.

W. Smith: It's a very sophisticated process. It's put in a machine and run overnight.

MOTION to schedule a PUBLIC HEARING for January 7, 2009 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

10. **MPO CREDIT UNION** - Sketch - SITE PLAN/SPECIAL USE PERMIT - 15
Carpenter Avenue (74-10-5) #63-08

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

K. Duggan: My name is Kevin Duggan with Fellenzer Engineering representing MPO Credit Union. We have Mr. Tom Eltz, one of the Board members of the Credit Union here with me.

G. Lake: Okay.

K. Duggan: This is the first look for the Board on this. What we're looking to do is on the corner of Carpenter Avenue and East Main Street there is an existing single family house that is there and the old Captain's Restaurant Supply building. We're looking to take down the supply building and do an expansion on the single family house and turn it into a credit union bank. The first sheet, S1 is the existing Site Plan and S2 is the actual proposed new Site Plan. Just a couple of things. I have met with the County. Two of the things they've asked me and I believe you have a copy of the letter, is that the exit on East Main Street they have requested that to be a right turn only out from that and we're looking to do that. The second thing they asked for is the owner of the old credit union also owns the lot going up Carpenter Avenue. They've asked us, they were going to leave that vacant and possibly develop it into something else but the County has requested since we own that property to move our entrance/exit that's on Carpenter Avenue up opposite the entrance/exit for the gas station across the street. You don't have that on your plan now, that was after. So, we're looking at this plan to be modified. I will say to Mr. Najac that I've shown the sidewalk for you. I know you would like that. That next lot is about one hundred feet wide, we will extend that also. I just wanted to touch base that those are going to be changes that are coming. I think I had heard concerns about that entrance/exit onto East Main Street. We will modify that and we will show the proper curbing. I will try to show it with as much of an angle so that it's going that way.

A. Dulgarian: It's something we fight with Chili's every day.

T. Hamilton: That's all getting changed with the new Site Plan.

K. Duggan: Anyway, those are just a couple updates from what the current plan shows. As we progress, we will move forward. I have Mr. McGoey's comments.

G. Lake: We're not going to go through them now.

K. Duggan: Okay.

G. Lake: Because you will have to appear before another work session. Mr. McGoey, is there anything in particular that you want to talk about.

D. McGoey: No. I asked Mary Lynn to send the applicant a copy of the Conservation Law.

K. Duggan: That was a new one I didn't even know about.

G. Lake: Okay, so you have this copy?

K. Duggan: Yes. Mr. McGoey, you're reviewing the stormwater management?

D. McGoey: Yes.

G. Lake: That was going to be my suggestion.

K. Duggan: The only thing I wanted to touch base on . . .

G. Lake: Hold up. Let's get back to this conversation issue. I talked to Mr. McGoey a little bit about it. He's going to do a little research and we will handle it at the next work session and get back to us as to how to handle that. Just so nobody thinks that we're not moving on it. This way you can continue on. Here's a list from Mechanicstown Fire District I will give you so you can handle that between now and the work session. Go ahead. I didn't mean to interrupt you.

K. Duggan: The lock box. I'm not doing the interior but I will make sure the architect talks about the sprinkler system and the same with the building.

G. Lake: Right. Pass the information on to the proper people.

K. Duggan: The biggest thing I want to talk about is there were comments about the existing, non-conforming of the building. We don't know whether we need to appear before the Zoning Board of Appeals for that. I want to get that resolved.

G. Lake: Yes. I think, Mr. Bacon, I think we talked earlier and said that he would have to appear before the Zoning Board of Appeals.

J. Bacon: Yes.

G. Lake: So, we will send you.

K. Duggan: That way we can process that in the next couple of months.

G. Lake: We will send you to the Zoning Board of Appeals. I will go through the Board.

A. Dulgarian: Mr. Duggan, are you using the existing structure and adding on to it?

K. Duggan: That's correct because the architect is going to modify the existing structure. I think everybody was given a set of pictures. It's kind of a rendering but it's kind of cool how he does it. That's the existing building with the modifications. So, yes he's planning on .

A. Dulgarian: In a perfect world the setback across the street on the other side of Carpenter Avenue is nice now. And I know this sits right out by the road but I guess the property owner wants to build off of what is pre-existing which is a little disappointing but it's still going to be an improvement. Now, as far as the County lining that up I think that's the only way that this project is do-able because if you want to go east on East Main Street you're kind of screwed. They're allowing you a right exit only, right?

K. Duggan: Correct.

A. Dulgarian: And, if you come out onto Carpenter Avenue you have to change into another lane of traffic to make the left each time you come in. That is the only way because if you had to come out onto Carpenter Avenue you still have to cross another lane to make a left. By lining that up, I think it makes a whole lot . . .

K. Duggan: It works for everybody a little bit better. We're still only going to have the exit right only on East Main Street and then an in and an out from Carpenter Avenue.

R. Carr: Your driveway on Carpenter Avenue is moving up?

K. Duggan: Correct. That's going to go north on Carpenter Avenue so that it lines up with the driveway across the street.

A. Dulgarian: I think the County really did a good job there. I was going to tell you that granted it's a big improvement but what we're looking for on these main corridors is landscaping. So, when you come back have it dressed up. I think it's going to be nice.

K. Duggan: I will look at it a little bit more. I gave you the lighting and the landscaping plans. The landscaping plan . . .

A. Dulgarian: Well, we've got time.

K. Duggan: I will work more with Mr. McGoey on that.

H. Ross: I liked it at the first glance. I also think that if you could go back a little further but

unfortunately you can't. I'm glad you're adding the additional lot and moving the driveway exit up. I think that's a good idea. It also gives you a little elbow room for the landscaping. I like it a lot.

R. Carr: Yes. Does the credit union exist now?

K. Bilello: My name is Kelli Bilello and our office is currently at downtown Middletown.

K. Duggan: I believe that they have a couple of branches also. The main office is on Center Street parallel with the James Street parking lot. You wouldn't see it unless you stood right in front of it.

R. Carr: It just seems to me that there is so much parking.

K. Duggan: They will have six people for staff.

K. Bilello: Very soft spoken. Could not hear.

W. Capozella: I also feel there is a lot of parking.

C. Najac: I am concerned about the lighting.

K. Duggan: It would only be an internal ATM, not like a drive-thru or anything like that. I understand that.

T. Hamilton: I have nothing further to add but this is also the credit union for the Town of Wallkill employees.

G. Lake: I agree with everyone that it will be a good project for that corner. You've heard comments from the Board. We're going to make a motion to send you to the Zoning Board of Appeals and then table you for further action. Mr. McGoey?

D. McGoey: Yes.

G. Lake: They have frontage on . . .

D. McGoey: Two streets.

MOTION to send applicant to the ZONING BOARD of APPEALS made by H. Ross

and seconded by W. Capozella.

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 to TABLE for further review 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

11. **BEAMSDERFER** - SITE PLAN/SPECIAL USE PERMIT - 48 Shaw Road
(24-1-53.2) #64-08

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

J. Beamsderfer: My name is Jim Beamsderfer.

G. Lake: Go ahead.

J. Beamsderfer: My wife is one of the owners of the property that we're talking about tonight. Just to give a little background the property borders Shaw Road. It was formerly the Model Mink Ranch business. The previous owner of the property (not clear). You can see on the map where it says one-story house. That was the retail store. That use has been vacant for over a year. We want to figure out what to do with the property and have the house which is a non-conforming use.

G. Lake: What do you want, retail?

J. Beamsderfer: Well, that's part of the question. They're trying to decide what options they have. Right now the house and the business have been both vacant for more than a year. So, the question is if they want to continue the retail use do we have to appear before the Zoning Board of Appeals or can we get another different non-conforming use such as a Home Occupation. What would we have to do? Right now, what's labeled as the one-story house essentially is (not clear). That area was previously PID and it was changed to R-2.

G. Lake: Usually when people come before us they have a particular use that they want where in this case you're kind of saying what can I do? No matter what you will have to come up with something such as putting the model mink coat back up or an accountant's office in or something and then . . .What are we doing Mr. Bacon, sending him to the Zoning Board of Appeals?

J. Bacon: The old use has been abandoned so he will have to appear before the Zoning Board of Appeals. As Mr. Lake said, if you had a particular use in mind it would be easier.

J. Beamsderfer: I guess part of our problem is we don't have a tenant for the house or for the other structure. So, we can't go look for a tenant for either until we know what the use is. We're kind of caught.

G. Lake: Right and I surely understand what you're saying but the problem is I don't think we can just give you a use and say . . .

J. Beamsderfer: Right.

G. Lake: The uses are listed in our code. You came to us with a Catch 22 by asking us for something we don't know. This Board really doesn't act on unknowns. We have to follow the rules and regulations and we pretty much stick by them.

J. Beamsderfer: I think I understand what you're saying. I'm just trying to figure out how we can proceed because if we decide it may be easier to rent it as an apartment probably than as a retail shop. It's not really a retail area. It is in the R-2 zoning.

A. Dulgarian: Mr. Lake or Mr. Bacon, he brought up the question about using it as a residence. Can he do that? I don't know how he can even do that because it wasn't a residence before.

G. Lake: What zone is it in?

J. Beamsderfer: R-2.

J. Bacon: That's permitted.

A. Dulgarian: I understand but to use that second building as a residence and I know it's a pre-existing building that wasn't used for housing so how do we stand with that?

J. Bacon: It would be a non-conforming use so it would have to go to the Zoning Board of Appeals.

A. Dulgarian: So, basically they have to determine what they want to do and then come back.

J. Beamsderfer: If I'm hearing you what's being discussed correctly, if we want it to be an apartment we would have to go to the Zoning Board of Appeals for the non-conforming use.

G. Lake: This is a totally separate building. It's not attached. How big is it, how many square feet?

J. Beamsderfer: We don't show that on the drawing.

J. Bacon: The way the code is, if you wanted two one-family dwellings there you would have to go before the Zoning Board of Appeals. As Mr. Lake said earlier, we don't know what to do with you at this point.

H. Ross: Make a proposal and then we can go from there.

G. Lake: Basically you mentioned an apartment. Let's move you someplace or do something. My suggestion is going to be let him go to the Zoning Board of Appeals. Let him make his case that he has these two units that have been there and let the Zoning Board of Appeals determine if he can have the second apartment.

H. Ross: You can always pull the application.

G. Lake: Right now we're sending you to the Zoning Board of Appeals. The square footage of the building may also be an issue if it's not six hundred square feet because that might knock you out of the ballpark also.

MOTION to send applicant before the ZONING BOARD of APPEALS made by T. Hamilton 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

12. **DODD TRUCKING** - SITE PLAN/SPECIAL USE PERMIT - 834 Route 17M -
(22-3-31) #38-08

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

T. DePuy: My name is Thomas Depuy with DePuy Engineering representing the applicant.

G. Lake: Go ahead.

T. DePuy: This applicant had been before the Board previously. We had shown a landscape berm across this area here and shown landscaping in this area. This is existing white pines that were installed previously. This is also existing landscaping here and here. This was an original buffer on this side from the original Site Plan. Additionally we've shown a silt pond here and a silt pond here to collect any runoff from the proposed topsoil process. I think the other issue was the wetland issue. We had our wetland consultant down and look at the property. We had some old maps and it showed an area about up through here. It wasn't really a delineation. It wasn't shown as wet. Basically they reviewed it and I don't know if everyone got copies of the letter. Basically that was filled in during 1999. Back then you were allowed to fill in an acre. We kind of calculate it at one to 1.1. It's kind of hard to tell. The consultant indicated to us that if the fill existed for more than five years it's grandfathered in and the Army Corps can't take any jurisdiction. I think it was probably filled in accordance to the law at the time and, also with it being filled for more than five years it looks like it falls under the statues of limitations.

G. Lake: Okay. Do you have another retention pond over there?

T. DePuy: Here and then one here. There's an existing ditch line that runs down through here. The water on the site actually wants to run this way and this way. That's the way it is graded now. We're catching it on this side and then also on this side.

G. Lake: You're screening operation, that's all out front there?

T. DePuy: Up here. This is where it is. The soil existed at the time. There's some existing block retaining wall here which they're going to redo a little bit and then we're going to build an earthen berm through here and plant the landscaping on that berm.

G. Lake: The landscaping applies to the new regulations?

T. DePuy: Well, I think some of Mr. McGoey's comments on that. This all applied to the new regulations. This is existing and there was a question about this buffer was left from the original Site Plan.

G. Lake: I'm just curious why we can't shove the screening operation in the back?

Mr. Dodd: Could not hear.

T. DePuy: It appears . . .

Mr. Dodd: The screening operation is no bigger than half of that desk. It's all modern.

G. Lake: I'm not a big (not clear) of the operation. I'm just wondering why you can't do it in the back.

T. DePuy: It drops here.

G. Lake: Okay, fine.

Mr. Dodd: It's a gravel lot already so that is the way it is right now.

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

T. DePuy: Yes.

G. Lake: Any problem with any of them?

T. DePuy: No. The only other issue was the lighting. We had shown and it's all existing lighting out there. These two lights were approved on the original Site Plan. This one was added when the diesel fuel was put here. There is a hot spot right underneath and it's right where the pump is. There's really no glare coming from it. Actually it's not as bright as the light the Town has at their pumps.

D. McGoey: Are those lights shielded?

T. DePuy: This is a wall pack. It's not a full shield. It has a partial shield. And then this is a box shining down. There's really no glare. Actually the light in the parking lot I don't think is on all the time.

C. Najac: What about where the pumps are?

Mr. Dodd: The one near the fuel is on all the time. The other is turned off. That was part of the original Site Plan when we upgraded the building.

T. DePuy: They leave them on at night for security

G. Lake: We're going to have to schedule you for a Public Hearing. I will go through the Board.

A. Dulgarian: All we're doing is scheduling a Public Hearing. My comment what this applicant has going for him is he runs a clean operation. My only question is going to be is I know you've allowed for erosion based on rain with your silt pond. Is there going to be any problem with erosion based on the wind like we used to have down the street and then the second thing I'm questioning is if you have a topsoil screening operation what keeps the mud on the site when you load your truck. You don't have to answer them now.

H. Ross: I have nothing further.

G. Lake: He will have to show it on the plan. That's all.

T. DePuy: This whole back area is graveled now. You can see where I have the dots and dashes so it knocks the mud off as the trucks leave.

G. Lake: Mr. Ross, anything else you may have thought of?

H. Ross: The height of the soil piles?

T. DePuy: We're about twenty five or thirty feet.

Mr. Dodd: Normally the pile isn't there. It gets processed and is taken back out.

G. Lake: Just indicate it on the plan as to the height.

H. Ross: I have a concern on the wetlands.

R. Carr: I think it's fine. I would normally ask (not clear). I pass through the area every day and hardly notice anything.

G. Lake: Anything else, Mr. Carr?

R. Carr: No.

W. Capozella: The operation does appear to be a clean operation.

C. Najac: I have to agree. It is a nice clean operation.

T. Hamilton: I was filling up the Town vehicle and the ditch between the chain link fence and your pines, who's easement is that?

Mr. Dodd: That's my property.

T. Hamilton: Why was the Town digging that out the other day?

T. DePuy: They fill it in when they wash their trucks. There is an agreement for them to clean it out.

G. Lake: You have heard the comments from the Board.

MOTION to schedule a PUBLIC HEARING for January 21, 2009 made by C. Najac and seconded by W. Capozella.

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

