

TOWN OF WALLKILL PLANNING BOARD

MEETING

DECEMBER 1, 2004

MEMBERS PRESENT: G. Lake, R. Carr, A. Dulgarian, T. Hamilton, P. Own

MEMBERS ABSENT: W. Capozella

OTHERS PRESENT: D. Brodsky, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - **BANTA** - SITE PLAN/SPECIAL USE PERMIT - Route 211 East (41-1-32.3, & 39.12) #12-04

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

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 600 Route 211 East, in said Town, on the 1st day of December, 2004 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Banta Management, 842 Main Street, Poughkeepsie, New York 12603 for approval of the Site Plan for the project located at the corner of Route 211 and Tower Drive, under Section 249-28 of the Zoning Code of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

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

S. Kinklemen: My name is Steven Kinklemen.

L. Potter: My name is Lorraine Potter from Lanc & Tully.

G. Lake: You've had a couple of work sessions since the last time you were here. Why don't you bring the Board and the Public up to date.

S. Kinklemen: Thank you. The project entails combining three sites on the corner of Route 211 and Tower Drive. Briefly, it comprises of the Super 8, Howard Johnson's, and HSBC Bank. The plan of the project is to combine the site into one contiguous co-ordinated

commercial center. The project will also include a pizzeria, Chicago Grill, the re-configuration of the Howard Johnson's for a new Perkins's Pancake House, the up-grading on the Super 8 and then the building of a new bank for HSBC. Currently the sites are, while adjacent, the two sites on the Tower Drive side has a drainage swale running between them. At the completion of the project,

there are some major traffic upgrades that will concur along with the co-ordinating the designs of the new structures which involves a new comprehensive drainage, lighting, landscaping, etc. We've been working closely with your Town Engineer on the project along with all the consultants.

G. Lake: Thank you. Let me go through the Board before I open it up to the Public.

A. Dulgarian: I will wait until after the Public.

P. Owen: After the Public.

R. Carr: I will wait.

T. Hamilton: Wait.

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

MOTION to close this PUBLIC HEARING at 7:39 P.M. made by R. Carr and seconded by A. Dulgarian.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

G. Lake: Mr. McGoey's comments. Mr. McGoey, are these new since the last work session?

D. McGoey: They're new. Most of them can be resolved. A couple of big things. Cross easements have to be provided and specified on the Site Plan. The Board should determine the need for a landscape architect to review the landscape plans.

G. Lake: How about the clustering?

D. McGoey: Where do you stand on the clustering because it really can't go anywhere?

S. Kinklemen: Mr. Wolinsky is representing the applicant.

L. Wolinsky: My name is Larry Wolinsky, for the applicant. We've submitted the commercial clustering material to the Town Board. I spoke with the Supervisor the other day. I also spoke with him again this evening. They're meeting in a work session. They should be taking it up probably this evening so, I expect would expect that we will be placed on a Town Board agenda for that very shortly. We hope to get through that process either this month or the early part of next month.

G. Lake: Okay. So, basically, right now you do not have it?

L. Wolinsky: Yes. Well, in terms of procedure, however, Mr. Brodsky and I discussed this earlier in the day and it was our collective opinion that it would not, if the Board wished to or if the Board could and all the technical issues were resolved, you could at least close out SEQRA and do the Special Permit and then wait for the Site Plan at the time of the commercial clustering. That way, that would give us something to give to our tenants to show them that we are making progress.

D. Brodsky: I don't have any problem if the Board desires to grant the Preliminary Site Plan approval subject to receiving the commercial clustering approval. If the clustering is not consistent with the plan submitted before the Board today, then you may require a subsequent second hearing in order to address any new issues that may arise.

T. Hamilton: Wouldn't that change the SEQRA and everything else if the clustering changes the whole setup?

D. Brodsky: You can always re-open it if something has changed that would require mitigation. I don't think it is necessary at this point based on this plan.

T. Hamilton: Mr. McGoey, now clustering, what are you looking for?

D. McGoey: They've got a lot line that involves the setback.

L. Wolinsky: They're financing subdivisions. They stay as individual lots because that's the way they're financing the lenders so that creates the non-conformities.

D. McGoey: If they don't get clustering, they probably will go for a variance. I don't think it changes the Site Plan though.

T. Hamilton: Okay. I'm just worrying about something changing when they go to clustering and if it's a lot different than what we've been looking at.

L. Wolinsky: No.

G. Lake: Do you want to go through Mr. McGoey's comments?

S. Kinklemen: Item #2. The calculation for parking spaces for Pizzeria Uno is incorrect. The area should equal 92.6 spaces. The total number of spaces provided, however, is correct. This is dealing with the calculations of spaces. We show the proper number of spaces.

G. Lake: Okay, you fixed that one.

S. Kinklemen: Yes. Item #3. A specification for all of the striping within Tower Drive is to be provided. The Collins plan indicates thermal plastic in some locations. However, the arrows, centerline striping, etc., have not been specified. A general spec would be satisfactory. The striping along Tower Drive.

D. McGoey: Are you going to provide the striping for that?

S. Kinklemen: Yes.

D. McGoey: Do you have any problems with any of these comments?

S. Kinklemen: No.

D. McGoey: I guess the question to the Board is, if the Board wants a Landscape Architect.

G. Lake: Let me go through the Board.

A. Dulgarian: First off let me say, I think this is going to be a real nice project for that area and that corridor. I don't really have any issues with the traffic flow on site and I think Mr. McGoey will cover the impact on the traffic which has been studied and studied. I have a couple of concerns though. One is going to be the landscaping which I'm hoping, I think your expert is here, and can go over that. Mr. Carr had said this is going to be pretty much in a high traffic area and very noticeable for our Town and we want to make sure we have one shot to get it right and would like to see it as nice as possible. Also, Mr. McGoey, maybe you can explain if that swale out front is going to be in the stormwater management program.

D. McGoey: They will have bio retention trenches.

A. Dulgarian: We were there today and there is a river running right through the middle of that.

D. McGoey: They're piping everything from the back lot through the site..

T. Hamilton: It is piped now.

D. McGoey: Part of it?

L. Potter: Part of it is piped but part of it is open. Right now the center portion is opened. We provided piping all the way through so it connects to the system. We're also going to be collecting the water that is on the site in the areas that we are changing and providing a drainage underneath here where it will be going back into the connecting system..

T. Hamilton: Is that swale staying?

L. Potter: Up here, no. Down in front . . .

T. Hamilton: That's a pretty deep swale.

L. Potter: Down by the road it will be.

T. Hamilton: How does that affect with your trees and that sidewalk?

L. Potter: That will be taking up the drainage from that portion.

A. Dulgarian: Let's go back to that center one that runs down through the property. That stormwater is not from your site, it just happens to go through your site?

L. Potter: Right. The stormwater, there is a big retention pond or something up there and that water basically comes down from that area and coming partly through the site where it is opened and picked up again in the pipe.

A. Dulgarian: Now how are you going to handle the water where your truck parking is?

L. Potter: It will be coming down into a drainage system through the drainage system and then . . .

A. Dulgarian: What do you mean a drainage system, some sort of a detention?

L. Potter: No. We have a drainage collection system. The retention system will be underneath the parking lot. There's no room for basins on the site. We're going to meet the requirements in a different manner where we'll be providing underground detention.

A. Dulgarian: Can you describe the manner in which you are going to be doing it? I would like to be educated on that.

L. Potter: Okay. We collect the water.

A. Dulgarian: Is the entire site . . .

L. Potter: The entire site. Let me get one of the other plans opened.

A. Dulgarian: Where are you going, Plan 1 or Plan 2?

L. Potter: I'm going to sheet, grading and drainage plan #1 which is sheet number 66.

A. Dulgarian: Getting back to that center one, that's going to remain untreated or are you .

L. Potter: We're not treating that.

A. Dulgarian: That's just going to flow.

L. Potter: It's going to continue to flow right straight through as it goes down. It's not treated.

A. Dulgarian: You're not going to add to that?

L. Potter: No.

T. Hamilton: Under the stormwater maintenance, don't they have to be able to treat at?

D. McGoey: Not somebody else's.

L. Potter: Not somebody else's on site.

T. Hamilton: But, it's going through their site and combining with there's.

L. Potter: No it isn't. We're providing bio-retention and treatment. If you look at the island and around the surrounding portion particularly in the back by Howard Johnson's and also with the catch basins and piping that are provided, as the water comes through it will go through what they call a bio-retention. It cleans the water coming off the parking lot. We provided it in several areas around in the new portion of the development up front. The back portion off to the side road from where the trucks will be parking, we have the drainage collection system. That portion of the system will come down and go into the underground retention system facility. As that water goes through the retention it's clean and then it continues down to the entrance where it goes into the existing system. The only portion of the water that we will be treating is that which is coming down through the new area.

A. Dulgarian: What about any of the old areas on this site?

L. Potter: They're going through the existing system and go into the bio-retention area.

A. Dulgarian: So, all stormwater from your site is going to be handled?

L. Potter: Yes.

A. Dulgarian: Now, this underground retention system facility, what kind of service does that need? Obviously at some point . . .

L. Potter: It needs maintenance and we realize that it will need to be cleaned.

A. Dulgarian: Who handles that?

L. Potter: There will be an on-site maintenance for that by the owners.

A. Dulgarian: And what happens if the property changes hands down the road and all of a sudden will the Town have to go in there to fix it?

D. McGoey: The new regulations are going to place the burden of policing on the Town. So, maybe a division of the Building Department, maybe someone from Department of Public Works, but they will actually have to go out and probably issue violation notices if they're not being cleaned.

A. Dulgarian: Okay, but I guess the point I'm trying to make right now is there are no notes that need to be made on this map in regard to that?

D. McGoey: It may be a good idea. It's so new.

L. Wolinsky: We don't have a problem putting that note on.

A. Dulgarian: Those are my two biggest concerns. Again, I think it's a great deal. Landscaping and how it's going to look and the stormwater.

P. Owen: Other than Mr. McGoey's comments and the landscaping.

R. Carr: My comments are the same as Mr. Dulgarian's. I also have a concern about the landscaping. I still would like to have a landscape person from our side look at it. The biggest is the stormwater drainage. We were out there and there is a lot of water running right now. What do you have to do to maintain a bio-retention system?

L. Potter: The underground bio-retention system?

R. Carr: When it's under a parking lot, what do you do?

L. Potter: There are manholes that are provided on both sides of it so it can be pressure cleaned or snaked through however it needs to be.

R. Carr: Just so I understand it, the water goes down and it's filtered or something?

L. Potter: Through the islands in the center and around the perimeter where you will see the bio-retention it is filtering the water. We have to provide that the water will be cleaned.

R. Carr: Does this also have a method to get the water to percolate back into the soil?

L. Potter: Whatever doesn't percolate back into the soils is picked up by the underground piping and then piped into the stormwater system.

R. Carr: Mr. McGoey, is that under the new regulations require? I'm not really clear.

D. McGoey: It goes through the process. Part of it is the detention and you have to decrease the peak run of runoff from the site as well as provide water quality.

R. Carr: If Mr. McGoey is satisfied since this is very new to us. Overall I think it's a good project and will look fairly nice when completed.

T. Hamilton: As Mr. Dulgarian had said we were out there today and we had questions on what was happening with what water and what was going into the underground and what wasn't. That swale in the front now is, some parts it's getting filled and raised because it a swale all the way from the traffic light down?

L. Potter: Right in the front, in the very front entrance road it will not be. It will be back further where we will be providing the grading.

T. Hamilton: Okay, because it looks like the sidewalks were in that indented area looking at it out there that you would have to fill it to be able to get the sidewalks in.

L. Potter: Not that I see here.

G. Lake: Do you have anything else, Mr. Hamilton? Did Mr Ward mention anything about an access?

T. Hamilton: Thank you. There was a question in talking to the Town Board. They have prospects of moving to the top of the hill, the two VAC buildings. And, they were wondering if it would be possible to get an emergency access from their parking lot where the Police Department might go into that trucking parking lot in case they have to get down without going down through Tower and the traffic light. It was a thought that it might help if we could get an emergency access easement.

S. Kinklemen: We would be open to that. That whole area may change in the future so we have flexibility.

T. Hamilton: I think that building is right behind, just up above it. I'm not sure about the grading.

S. Kinklemen: Is there a plan?

G. Lake: I think as long as we somehow have that left opened.

T. Hamilton: To tie in for emergency only.

G. Lake: Obviously, the Town hasn't gotten that far. I don't think they even own the property at this point.

S. Kinklemen: We don't have any development plans for up there at this point in time. I'm sure when that happens we can coordinate it.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: That's all.

G. Lake: Why don't we talk about the landscaping a little bit?

L. Potter: Can I bring up one other question about the lot line changes because the site plan is also coordinated with the lot line changes? Is that something that has to be addressed as a separate issue or can it be presented at the same time?

L. Wolinsky: I think we were going to wait on the lot line changes. I don't have as much a problem with the SEQRA/Special Permit/Preliminary Site Plan but since the lot lines are what's creating the need for the commercial clustering we probably should wait on that.

G. Lake: Okay.

T. Hamilton: I thought at one time you were going re-face Howard Johnson first?

S. Kinklemen: The plan hasn't changed. Had a discussion with Mr. Hamilton.

G. Lake: Are you doing anything in the restaurant yet?

S. Kinklemen: I think that they're close. They were finalizing the contract and permits are in place so, hopefully soon.

G. Lake: Let's get to the landscaping.

K. Arent: My name is Karen Arent. I am a Landscape Architect from Goshen, New York. We added a lot of trees to the site to try to cool down the parking lot and give it a more tree light appearance from Route 211 East. Most of the trees that I used along Route 211 East are mainly deciduous trees consisting of Maple and Ash trees. They have a fall color. These trees along here will remain. We're not going to take them down.

T. Hamilton: Those trees, you're going to leave?

K. Arent: Yes.

A. Dulgarian: Are they flowering trees?

K. Arent: No. It grows about forty to fifty feet tall. What I was doing was trying to get trees like you see in Upstate New York small towns like the Red Maple that get red in the Fall and Ash trees that get yellow. In this area here we have a bio-retention area which means that the ground would be somewhat depressed so, the plants here have to tolerate wet feet. There are plants here that call for wet conditions and dry conditions because that area will probably be dry in the summer time. There are evergreens because almost six months out of the year is Winter and I wanted it to look good. Specified specifics of plants in wet and dry conditions (not clear). We are willing to add fifteen (15) more hard wood trees along the front to give it more coverage. The sidewalks I designed with a curved look so that it gives more interest and will look aesthetically pleasing from the highway. In this area I will have a lot of flowers to give it some Summer color along with ornamental grass, etc. All the parking lot trees are trees that tolerate the tough parking lot conditions. You can see, I have islands here almost four feet wide and these are trees that can take that situation. We are planning on irrigating all of the islands to meet the Fire Department concerns about fire in the mulch. So, we will be irrigating all the islands in the parking area so that the mulch will be moist so, it shouldn't be a fire hazard. Around the building we will be putting gravel in the beds because the Fire Chief was concerned that the irrigating wouldn't be enough around the building. I guess it's the result of people having to smoke outside. You will see a scalloping edge in here to try and give it something to take away the linear look along the highway. There will be planting by the building and some evergreens. There's also going to be deciduous plant material. Some of the existing plants we will be keeping. There are some good plants. That's about it.

A. Dulgarian: I'm impressed. It sounds like they've done a good job.

T. Hamilton: I just thought about this. What's going to happen with snow removal because we've had a problem with when the snow does come and they plow it onto the landscaping and it kills the landscaping and then when it comes Spring we don't have anything there anymore. What are you going to do with snow removal?

S. Kinklemen: There are some areas (not clear). Spoke with Mr. Hamilton.

T. Hamilton: You're going to be able to get it up there?

D. McGoey: Do you have a problem with a note on the plan about the snow storage?

S. Kinklemen: I will show it on the map.

T. Hamilton: Mr. McGoey, the lighting have you . . .

D. McGoey: Yes. It's soft.

T. Hamilton: We're not going to light up the whole neighborhood?

D. McGoey: No.

S. Kinklemen: We missed a couple of spots.

D. McGoey: There were some spots but it's okay now.

G. Lake: I will go through the Board.

A. Dulgarian: I'm fine with everything subject to Mr. McGoey's comments.

P. Owen: I have no problem. It's good.

R. Carr: I think it's good.

T. Hamilton: Nothing further.

G. Lake: It will be interesting and I think very nice. Mr. McGoey, they don't have the clustering yet from the Town Board?

D. McGoey: Mr. Brodsky and I were just discussing it.

D. Brodsky: I think we have give the applicant Preliminary Site Plan Approval and Special Use Permit Approval subject to all the comments which would include the clustering and/ or the variance. I think they need to resolve that issue before we go into the lot lines.

D. McGoey: Mr. Lake, in addition to that the SEQRA Negative Declaration the traffic mitigation contribution should be added to that and contribution to the left turn lane based on the traffic.

G. Lake: Right.

MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey's comments about the

mitigation and the note on the map about the snow removal storage made by A. Dulgarian and seconded by T. Hamilton.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

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

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

2. **TONY MONACO LANDSCAPING** - SITE PLAN - Howells Road (49-3-38.2) #116-04

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

A. Fusco: My name is Al Fusco. I represent Mr. Monaco.

G. Lake: Go ahead.

A. Fusco: Basically what we have is on Howells Road there's an existing building that's used as an ambulette service. Mr. Monaco has an existing landscaping service in the area and he is in the process of purchasing this property and he would like to utilize it for his landscaping business. One

of the things that might not have been clear on the map or the application is that the existing use is a motor vehicle repair and the proposed use is landscape equipment storage. There's not going to be any motor vehicle repair other than his own equipment. The overhead doors are going to remain and we have provided the sufficient parking for those overhead doors. We do show a proposed 72 x 30 future addition and for that we are going to have two additional overhead doors so there are twenty existing parking spaces. We showed that we are going to add ten (10) more for a total of thirty (30) parking spaces. We are showing sufficient parking. We did receive comments back from the Planning Board Engineer and I believe that we can comply with all of those comments. We can go over those if you so wish. Probably the only one that represents any area of any concern might be we did identify a wet area. We don't believe it is a wetland jurisdiction. It is just a wet area where the drainage does go existing. We're showing that we are going to continue to have a drainage swale going in that direction. We would like to be able to proceed with the project because of the nature of his business and we would like to be able to access the property for his use as soon as possible. We would like to respectfully request, if at all possible, that the Public Hearing be waived and we get a Conditional Approval subject to your Engineer's comments, if at all possible because it is an existing structure.

G. Lake: The ambulance service, that's leaving it totally or is it staying?

A. Fusco: That will be leaving totally. There may be part time storage of one of two ambulances during the transition period.

G. Lake: Now, the landscaping business, what do we expect as far as machinery?

T. Monaco: Backhoes, dump trucks, etc.

G. Lake: Lawn mowers and things like that?

A. Fusco: Yes.

G. Lake: No repairs?

A. Fusco: Only on his own equipment. He's not going to be hiring out.

G. Lake: I will go through the Board.

A. Dulgarian: I kind of like the project. I think it's taking a situation that's not exactly great and making it better. I know landscapers historically around Town have stuff all over the place. We're taking it on and putting it on a specific site. Now we have an opportunity to make the site a little bit better also. I think it's going to have a minimal impact up there. I don't see any problems with it. I agree with Mr. McGoey's comment though that there be some landscaping out by the road especially. The building is far enough away where you don't even see it that much. The entrance is

pretty important. The only other concern I have is Mr. Monaco, is there going to be any bulk storage on site? You're not going to be having wood chips or stone or are you going to pick it up as you need it?

T. Monaco: No bulk storage.

A. Dulgarian: I have no issues.

P. Owen: I don't have any issues.

R. Carr: No problems.

A. Dulgarian: Are we going to be setting the Public Hearing, or what?

T. Hamilton: What does this application fall under?

D. McGoey: That's what we were just talking about. The Site Plan says motor vehicle repair and landscaping business. Now, if the applicant is only going to be repairing his own equipment he should take the motor vehicle repair note off the Site Plan.

T. Hamilton: What is it, a service establishment?

D. McGoey: It could be considered a service establishment.

T. Hamilton: Then, no Public Hearing is necessary.

D. McGoey: Right, providing the motor vehicle repair note is removed.

G. Lake: Mr. Fusco, do you have any problem with that?

A. Fusco: I will take the note off the plan.

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

A. Fusco: No, I don't.

G. Lake: Okay, since we don't need a Public Hearing, can we give it a Negative Declaration?

D. McGoey: Yes and to verify that it's not in the wetlands.

A. Fusco: We will confirm that.

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

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

MOTION for SITE PLAN subject to all comments made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

3. **SCARPULLA HEALTH CLUB** - SITE PLAN/SPECIAL USE PERMIT - 515 Route 17M
(4-1-2.1 & 2.2) #115-04

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

K. Duggan: My name is Kevin Duggan from Fellenzer Engineering representing Mr. Scarpulla in this matter.

G. Lake: Okay.

K. Duggan: What we're looking to do is, on the property on Route 17M, Mr. Scarpulla wants to change the use. It was originally an auction pavilion along with an office space and an apartment.

Basically we're changing the auction pavilion use to a health club facility. The office space and the apartment on the second story will remain.

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

K. Duggan: Yes we do.

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

K. Duggan: We have no problems with them. One of the comments #10 particularly the applicant identifying whether the parking agreement between the adjoining properties continues to be in place.

Mr. Scarpulla's Lawyer has given us a letter stating that basically the agreement when this was first done a number of years ago as soon this half of the property, the auction pavilion, showed that they had enough parking. That, that parking agreement would become null and void and each person would have their separate parking on their own property. I have a letter from . . .

A. Dulgarian: A copy of the parking agreement?

K. Duggan: The agreement is shown on page 2.

Mr. Scarpulla: Originally the auction pavilion was only providing enough parking to facilitate the zoning ordinance of the Town of Wallkill. They had made an agreement for both parties which is still in place. Now, we will have enough parking so that won't be necessary at all.

D. McGoey: What will you do about the joint use of the entrance driveway?

Mr. Scarpulla: Like I said, it's really not an issue with it.

D. McGoey: Yes, but there has to be an easement for it.

Mr. Scarpulla: It's a double wide driveway that both parties would enter from.

D. McGoey: I understand that but we still need an easement.

K. Duggan: You would want an easement agreement written up for that driveway?

Mr. Scarpulla: Not a problem. The agreement was actually a little confusing because it referred to a particular use of the driveway. It actually is an agreement of sharing the parking. That's why it's based on note #9 that it says (not clear).

G. Lake: Mr. McGoey, so you will require an easement then?

D. McGoey: Yes for the joint use of the driveway. Previously they shared the parking now they're not going to share the parking but will be sharing the entrance.

A. Dulgarian: Where does that lead the rest of this agreement?

Mr. Scarpulla: That's in there.

A. Dulgarian: That's not null and void?

D. Brodsky: I haven't seen the note. I'm going to have to take a look at it.

K. Duggan: It's pretty lengthy.

D. Brodsky: As I understand it, there's an agreement already before you?

K. Duggan: Yes.

D. Brodsky: I have not seen it.

K. Duggan: Specially in terms of the parking #9 on the plan says they will have joint parking rights until such time as it is no longer needed. In terms of the other comments that Mr. McGoey had we're changing it to curbing instead of concrete bumpers. We re-calculated the office space. It's nine hundred square feet. The storage space is now shown in the parking. The tax lot lines will be shown on the new drawing. We've adjusted the aisle width for the parking in the back. Dimensions are now shown on the drawing. We added some landscaping details that we will have Mr. McGoey review with the next submission.

G. Lake: How about the eating and drinking?

K. Duggan: There will be no eating and drinking in the facility. That was put on the plan.

G. Lake: I will go through the Board.

A. Dulgarian: I have a couple things. My first question is did you do an on-site survey or did you just copy it from an existing map?

K.. Duggan: We took the existing map. We adjusted it. We were out on the site to count parking spaces and to locate the buildings and things of that nature.

A. Dulgarian: You located the buildings?

K. Duggan: We checked the depth dimensions on the buildings.

A. Dulgarian: The only reason I said it is because this shed is not where it's supposed to be. It's not

even close. We went out and looked at it today and if you shoot from that building it goes right through the shed where you're showing the parking. I looked at the old map that Mr. Yanosh did and it is the same as in his drawing and in the same spot. So, I find it hard to believe that you did an on-site survey. That's number one. Number two is, if we're calling your building #1 and the other guy is shown as #2, the auto repair if you meet parking now what's to say he needs parking. Does he have enough parking to stand alone on his side and where does that leave us in the agreement?

K. Duggan: He always had enough parking on his side. The agreement was to benefit the auction pavilion.

A. Dulgarian: Do you know that for a fact?

Mr. Scarpulla: By the square footage of the building.

A. Dulgarian: I mean, we're going to have to make sure both can stand alone before we say the agreement is null and void.

Mr. Scarpulla: Okay.

A. Dulgarian: Other issues I have, I mean you're showing the landscaping. I don't see any dimensions on the building. I see some of the setbacks from the lot line and such. What are you doing for a well and a septic system?

Mr. Scarpulla: We have a well that's located on building #2. We're planning on building another well and having our own water.

A. Dulgarian: So, you don't have water for this building and you also don't have a septic for this building?

Mr. Scarpulla: We have our own septic. We do not have our own well.

A. Dulgarian: Where is your septic?

Mr. Scarpulla: The septic is out here in the parking lot outside between like where it says the eight proposed parking.

A. Dulgarian: Is it on the map?

Mr. Scarpulla: Apparently it's not located here, no.

D. McGoey: So, you're going to have a new well?

Mr. Scarpulla: Correct.

D. McGoey: That will need the proper separation distance between the septic and the septic from the other septic.

G. Lake: Mr. McGoey, did you have a work session on this?

D. McGoey: No. I wasn't aware of these issues. I thought the well and septic were satisfactory. These are new issues.

A. Dulgarian: My only other concern is that they can get all this parking on there. It's better than it was but I still question that . . . Mr. McGoey, the use is fine with the parking?

D. McGoey: Yes.

A. Dulgarian: I'm good for now.

P. Owen: The parking needs to be squared away and making sure that the well and septic on the property is going to be located a sufficient distance. A lot of these are technical issues. The other thing, is if the garage will be able to stand on it's own with the parking.

R. Carr: I agree with the other members. It would be good to get something in there so it will be utilized. Parking is the big issue here.

T. Hamilton: As a matter of fact, on the landscaping, we were out there and on the second sheet you're showing the symbols for three different types of landscaping but yet on the plan I don't see any of those things that show you have pre-existing or existing landscaping. We were out there today and we couldn't find hardly any of them and the whole complete edge of the building that faces the side parking lot, those circle of things, I don't know what they are because there's no symbol that tells me what that is and how many. The landscaping is not explained at all.

G. Lake: I'm not going to reiterate what's been said. I think we brought up a couple of items that you're going to have to get cleared up. I'm going to recommend that we table this for further review and get you back to a work session.

MOTION to TABLE for further review made by G. Lake and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

4. **NEXTEL** - SITE PLAN MODIFICATION (Co-Location) - Tarbell Road (3-1-8) #114-04

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

A. Gioffre III: My name is Anthony Gioffre and I'm here this evening on behalf of Nextel Communications.

G. Lake: Go ahead.

A. Gioffre: Nextel is proposing to co-locate on the existing tower located at 131 Tarbell Road. The existing monopole is one hundred and forty eight feet tall. It currently services the needs for Sprint and it's also been approved for services to be utilized by Verizon as well as Cellular One. Nextel proposes to install it's antenna's at the one hundred and seven foot level of the monopole. It's antenna's will be ninety six inches tall by six and a half inches wide. At the base of the monopole within the fence compound and a two foot extension of the fence compound Nextel will be placing a twelve foot by twenty foot equipment shelter that's necessary to operate its wireless facilities. The proposed target of coverage and service area is Route 17, Route 17K, Goshen Turnpike and the local surrounding areas in the vicinity of the proposal. If you have any questions, I would be happy to answer them.

G. Lake: I will go through the Board.

A. Dulgarian: I will wait until after.

P. Owen: I have no comments.

R. Carr: No comments.

T. Hamilton: I think it's a good move and finally going in the direction that we were trying to do by having one tower and having numerous users on it co-locating and this is what the Board and I would want.

G. Lake: A question for you then, do we need a Public Hearing on this?

D. Brodsky: I don't think so. It's been your position in the past that the Special Use Permit already granted and since they're co-locating to have another user on it unless the Board feels that the Site Plan is anything more than a minor revision I don't think it requires a Public Hearing.

G. Lake: Okay. Good. I think this is what we worked on so many years ago and as Mr. Hamilton said, is to have this exact thing happen. If nobody has any other problems . . .

A. Dulgarian: No, let's poll the Board.

D. McGoey: I have one issue and that is the structural report is prepared by an Engineer in North Carolina. It has to be certified by a New York Engineer.

A. Gioffre: I would respectfully submit that we will get that for you.

MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey's comments and the structural report being New York State certified made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

MOTION for SITE PLAN MODIFICATION subject to all of 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

G. Lake: Aye

MOTION CARRIED. 5 AYES

5. **SCHWAB MOTOR VEHICLE REPAIR** - SITE PLAN/SPECIAL USE PERMIT - Route 17M (36-1-39) #44-03

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

A. Fusco: My name is Al Fusco and with me is Alfred Schwab. Mr. Chairman, I represent Mr. Schwab in his request before you right now for a motor vehicle repair. This is an existing retail/commercial establishment on Route 17M known as ECS Auto. We have appeared before you previously. Basically what we're requesting is a motor vehicle repair shop in the back as proposed. We will be providing some motor vehicle repair or equipment that would be sold in the shop in the front. They will be purchasing items in front of the store and it will be installed in the back. It's not the typical heavy engine work or things of that nature. It's the installation of the after-market amenities that would go along with vehicles. Towards that end, we did need to the Zoning Board of Appeals of which we did do. The variances are noted on the plan. We did need a lot area variance, a front yard variance, and a rear yard variance as well as a parking variance which we did receive on August 9, 2004. Towards that end we did have a Public Hearing at that time and we had published that and we did not have any of the neighbors attend although Mr. Schwab had people ask about it and they were satisfied with his explanation. Again, we did receive some comments from Mr. McGoey all of which we've identified. We can do everything that was requested. Again, we are requesting that we proceed with this. We understand that we had a Public Hearing proceeding procedure already. We would ask if your counsel would consider that again. We do not have any problems with the Planning Board Engineer's comments and we would like to proceed.

G. Lake: Let me go through the Board.

A. Dulgarian: First off, I understand the need for this building. I don't really have a problem with it at all. But having said that, did you do an on-site survey of this?

A. Fusco: Yes.

A. Dulgarian: You're sure? The building measurements are totally off. We were there today and you're off by seventeen feet on the side of the existing building. We couldn't find any monument markers. There's a bunch of fill in the back. The topography on the map is pre-existing.

A. Fusco: Well, we took the existing survey. I'm not quite sure what you're talking about.

A. Dulgarian: I'm talking about number one, there's a jog in the building. You're showing this building as the same length as the building in the back which is sixty feet and this building is

seventy seven feet. So, the map is totally off.

A. Fusco: We took the existing survey that had been done and used that.

T. Hamilton: But you didn't do your own survey?

A. Fusco: I've been there several times.

T. Hamilton: How could you since there is a jog in the building that doesn't show.

A. Fusco: We will re-verify that.

T. Hamilton: We couldn't find concrete monuments. We couldn't find. We saw brand new fill on the right hand side by the railroad. The grading doesn't match at all from what it shows.

A. Dulgarian: The survey is a poor job.

A. Fusco: There has been some fill added since then.

A. Dulgarian: There is a storage shed in the back that's probably going to be taken down but we were looking for it on the site so we could just tell where we were on the site.

A. Fusco: That's going to be eliminated.

A. Dulgarian: But, it's existing now so it needs to be shown on the map. The purpose of us looking for it was to determine how close it was to the lot line so we could figure out where the lot lines were. That's not shown on this map either. We had a terrible time figuring out where anything was on this.

G. Lake: That jog, was that an addition at one time or was this pulled off an older map?

A. Dulgarian: The jog is only eight feet. The measurement is off by seventeen feet.

G. Lake: I was just trying. I know the jog you are talking about.

T. Hamilton: We measured the back of the building and it comes out to seventy eight feet and it shows you ended up with a sixty foot building here.

A. Fusco: We will re-verify that.

T. Hamilton: Nothing matched.

A. Fusco: We will re-verify the dimensions of the building.

A. Schwab: If I may add, that fill, that landscaping that was done. That was done about a week and a half ago. We had some fill that we had gotten probably the end of the Summer which was piled up there and it was getting close to where we had to level everything off.

A. Dulgarian: I understand that but my point is none of that is shown on the map. We don't know where it is in relationship to the rear lot line. We don't know the topography difference. We don't know if there will be any detention/retention will be required because it is so steep. Our Engineer will have to verify that. It looks like about fifteen or eighteen feet of fill in the back which is again, not shown on the map. It's very hard for us. I would love to say, go ahead with this. It's a good deal. I understand why you need it but what we're looking at here it's not good enough.

A. Schwab: I understand what you're saying. In all fairness to Mr. Fusco, I just wanted to state that the grading was done well after these plans were done unfortunately.

A. Fusco: That's fine. We will re-verify that. That's not a problem.

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

P. Owen: The map has to be corrected for the site.

R. Carr: I agree with Mr. Dulgarian. My one concern is that is a narrow driveway to get back there. I was wondering how that would be worked out. Right now it doesn't look aesthetically pleasing. Overall, I think the project is a good one.

T. Hamilton: The other item, on the existing building one section is marked existing retail 9,700 square feet and then right behind that it says existing storage 2,700 square feet. I'm looking at the minimum requirements in your bulk table here I don't see the 2,700 square foot storage added to the existing.

A. Fusco: Okay.

T. Hamilton: Where is it? Now, with the difference in the size of the building, does it have enough parking now?

G. Lake: I think the question I have to ask, is this the map that you went to the Zoning Board of Appeals with? Are the variances what they should be?

A. Dulgarian: Well, we have to schedule a Public Hearing.

G. Lake: What I'm saying is . . .

T. Hamilton: Are the variances correct?

G. Lake: The building is off with the jog not being on the plan. That isn't here.

A. Dulgarian: Okay, I now know what you're saying.

G. Lake: So, the Zoning Board of Appeals gave a variance on something that we see here or did they give you a variance on . . .

D. McGoey: They got a variance on parking.

A. Fusco: We will re-work that aspect with the Public Hearing.

G. Lake: If it doesn't match. I guess what I'm asking our Attorney right now, where do your variance stand with this Site Plan? Your site is already different than what's on this Site Plan which the Zoning Board of Appeals acted on. What I'm asking our Attorney is . . .

D. Brodsky: I think it would be prudent to refer it back to the Zoning Board of Appeals for a determination of their variances based on the above circumstances.

A. Fusco: Well, we need to determine if they are different first.

G. Lake: Listen. First off, we have to find out what the Zoning Board of Appeals feels about basically looking at something that's different between the plan and what's out on the site.

D. McGoey: Why don't we have them do it this way. Have them do an as-built survey and come back to a work session and we will look at it and see if it needs changes in the variances and have him go to the Zoning Board of Appeals then.

G. Lake: Okay. He can get to a work session on February 7, 2005. We will schedule the Public Hearing for February 16, 2005. It would give us a couple of weeks or we could just then take him back off if we decided he had to return to the Zoning Board of Appeals to show them the as-built drawing.

A. Fusco: That makes sense.

A. Dulgarian: I say put him on because we can always take him off.

G. Lake: That's what we're going to do.

MOTION to schedule a PUBLIC HEARING for February 16, 2005 made by P. Owen and

seconded by R. Carr.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

6. **ST. JOHN'S LUTHERAN CHURCH** - SITE PLAN MODIFICATION - Mount Hope Road (69-1-2.223) #20-04

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

S. Bova: My name is Scott Bova.

J. Chumard: My name is Jeff Chumard with Clark Patterson & Associates.

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

S. Bova: We're here to present to you a proposed addition to the St. John's Lutheran Church at 391 Mount Hope Road. We are proposing a (size not clear) addition to the existing church. We are in a final agreement with A.H.R.C. our neighbor next door. Once we have their final we'll present that to the Orange County Health Department for their review. We are also in process with our sewer easement agreement with the State Hospital, the next neighbor over for a city sewer connection. The comments we received prior to this meeting was questions on landscaping. We understand that you may want additional landscaping along Mount Hope Road. There is some existing now. We will add along the new parking area and along the side of the church as well. The easement agreements are in progress. There is a request for additional landscaping along the parking lot from the adjacent property. We will probably put low lying shrubs in that area to screen that area. We will be providing additional landscaping out in the front of the church.

G. Lake: Okay. Let me go through the Board.

A. Dulgarian: I have nothing.

P. Owen: Nothing.

R. Carr: Nothing.

T. Hamilton: Only if Mr. McGoey had something.

G. Lake: Do you have the latest set of Mr. McGoey's comments.

S. Bova: Yes I do.

G. Lake: The Orange County Health Department water main extension?

J. Chumard: That's going to be finalized in the next week.

G. Lake: The sewer easement from Middletown State Hospital.

J. Chumard: I'm in negotiation with them.

G. Lake: How does that look when you say in negotiation?

J. Chumard: We have to get a short extension for the sewer force main into their property. They were concerned that we might be interfering with their trap. We are not. We

re-configured the easement and we show a shorter penetration into the property and less intrusion into their land.

configured the easement and we show a shorter penetration into the property and less intrusion into their land.

G. Lake: Are you close with that?

S. Bova: Yes we are.

G. Lake: Mr. Brodsky, do you need a municipal agreement with Middletown for sewer and water?

D. Brodsky: Yes. It also has to go through our Town Board also.

J. Chumard: There is a meeting between the client and the City of Middletown for the use of water and we understand that the agreement with water is very close to being signed by the City.

D. Brodsky: And the Town of Wallkill Town Board?

J. Chumard: I don't know if it's been submitted to the Town. It's city water.

D. Brodsky: But it's still going into the Town of Wallkill. You will have to have a municipal agreement between both municipalities. Call my office tomorrow so we can get you on the right track.

G. Lake: Make sure you call our Attorney on that. We talked about the landscaping to beef that up.

S. Bova: Absolutely.

G. Lake: Fire Department comments, did we receive any? Mr. Dulgarian, do you have anything else?

A. Dulgarian: No.

P. Owen: No.

R. Carr: Nothing.

T. Hamilton: Nothing.

MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey's comments made by T. Hamilton and seconded by R. Carr.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

MOTION for SITE PLAN MODIFICATION subject to all comments made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

7. **SCOTCHTOWN MEWS** - EXTENSION to PRELIMINARY - Silver Lake Scotchtown Road (20-1-40) #53-03

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

B. Walker: My name is Bill Walker.

D. McGoey: Did you receive my comments?

B. Walker: Yes I did. I received your comments and have no problem do them. The only outstanding issue we have at this time is the Health Department approval. I have a letter.

D. McGoey: But, you don't have Health Department yet?

B. Walker: No. We're still in the process through the Health Department.

G. Lake: Mr. McGoey, where are we on this project?

D. McGoey: We're ready for approval subject to getting the regulatory approvals.

B. Walker: We received the Negative Declaration.

D. McGoey: He received Preliminary Approval in June.

D. Brodsky: It would be more appropriate at this time to give them an extension.

G. Lake: Okay. What else do you have outstanding beside the Health Department?

B. Walker: That's all.

D. McGoey: I asked for a developer's agreement which, I believe Mr. Brodsky can help you with. You're going to contribute to the area wide traffic improvements?

G. Lake: You didn't do that yet?

B. Walker: No. I apologize. I was under the assumption that the Town Attorney would supply me with the agreement.

D. Brodsky: It's a standard agreement.

B. Walker: We have agreed all along the way to contribute to that with no problem.

G. Lake: I realize that.

D. McGoey: The big thing is the Health Department.

T. Hamilton: Can't we just give him an extension?

D. McGoey: Yes.

G. Lake: The best thing we can do for you tonight is to give you an extension for six months.

T. Hamilton: Do you have Mr. Lippert's comments?

D. McGoey: I will read it. Right-of-way widening should be bonded. Water main and utility connection should be shown on plans. Detail for storm water trench is not shown on plans. Run of bank gravel under catch basin is not allowed. It must be crushed stone. Street opening permits required for all utility work. Curb in right-of-way should have under drain pipe per Town specifications.

B. Walker: Okay.

G. Lake: Let me go through the Board.

A. Dulgarian: Nothing.

P. Owen: Nothing.

R. Carr: Yes, I thought we had talked about the old growth trees here but I couldn't find how we did that.

B. Walker: Discussed this with Mr. Carr.

T. Hamilton: Nothing.

G. Lake: The best thing we can do at this time is to give you a six month extension to finish up with the Health Department.

B. Walker: Okay.

G. Lake: We can't give you Final this evening.

MOTION for a SIX MONTH EXTENSION to PRELIMINARY made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

8. **LIBERTY COMMONS** - FINAL - Goshen Turnpike (44-1-49.2) #50-03

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

A. Fusco: My name is Al Fusco and, I'm here representing Liberty Commons.

G. Lake: I'm going to ask our Attorney to give us his wisdom on Mr. McGoey's first comment which is the Planning Board Attorney should advise as to whether this project, which has received a Negative Declaration and Preliminary Approval is subject to the moratorium.

D. Brodsky: They have a Negative Declaration and Preliminary Approval?

G. Lake: Yes.

D. Brodsky: Then, they wouldn't be subject to the moratorium.

G. Lake: Okay. I just wanted to make sure. You can continue on with this.

A. Fusco: Thank you. Liberty Commons, as you know, we've been here several times. It is a project that had been previously approved as an apartment complex for many more units. We came back to you and to the Town Board to get a zoning change to allow for townhouses and we've been

approved for forty four units. We're back with thirty five units of condominium site townhouse project with a Homeowner's Association. Towards that end we have gone through the approval process. We have received from Orange County Health Department approval for the water system. We had, so that there is no confusion, we had a preliminary plan before to run the water line up Goshen Turnpike to be attached to a high pressure system. However, the Orange County Department of Public Works was not in agreement with that because the Town did not have ownership for that line and they did not want any Homeowner's Association having that line in their right-of-way. So, we took that and put it in a pumping station on site and will be maintained by the Homeowner's Association. Mr. McGoey has seen it in work sessions. We went back to Orange County Health Department and we have approval in letter form that had been submitted to you. I have copies here. We do have approval letter also from Orange County Department of Public Works also which was sent to you. Those are two of the comments that Mr. McGoey had, that the applicant should verify with the Orange County Health and the Orange County Department of Public Works. Approvals have been received. I have copies here. I don't know if you have them.

G. Lake: You know what, just for the safe side, we would appreciate that.

D. McGoey: I have a slight lapse of memory of this about the pump station because it's not on the Site Plan.

A. Dulgarian: Is that the blue (not clear)?

A. Fusco: Yes.

D. McGoey: Is it on the plan?

A. Fusco: Yes.

D. McGoey: With the details?

A. Fusco: Yes. It's been approved by the Orange County Department of Health so, it's fully approved at this point. There are some other comments that Mr. McGoey has.

G. Lake: Why don't we just start with item #2.

A. Fusco: Item #2. Comments from the Water Department should be received in regard to a revision in the water line which resulted in the applicant tying into the low pressure water system. The applicant's engineer should verify that adequate pressures are available and that the Water Department has approved the revision in the water connection location. I just went over that.

G. Lake: Okay. Is that satisfied with Mr. Smith?

A. Fusco: We have a letter from Mr. Smith saying that there is water and sewer available to the site. By the way, Mr. Smith was the one that first called me to tell me that they wouldn't allow us to use the line going up Goshen Turnpike and the pump station was the really the only viable alternative other than trying to obtain easement from everyone along the way. That was his suggestion.

G. Lake: Okay.

A. Fusco: Item #3. The handicap striping detail has not been provided as requested in our comments of September 20, 2004. In addition, a sign detail has not been provided and the width of the handicap aisle in the public parking area is not sufficient. We will make that change to include that detail. Item #4. The applicant should verify that Orange County Health Department and Orange County Department of Public Works approvals have been received. I just gave you copies of these letters. Item #5. Details of the dry hydrant must be provided. I do believe we have it on page five and six but we will re-verify that. That is on the retention pond. We're putting a dry hydrant there.

G. Lake: You're putting a dry hydrant to that pond across the street?

A. Fusco: No, the one on site. There's a retention pond and they wanted a dry hydrant on that.

D. McGoey: The wet pond.

T. Hamilton: How does that meet with the new stormwater specifications?

D. McGoey: I don't think a dry hydrant . . .

T. Hamilton: No, I mean stormwater at all on the site?

A. Fusco: It meets the requirements.

T. Hamilton: Is this going to go into the pond without being treated?

D. McGoey: It goes into the pond to be treated and then it goes out.

T. Hamilton: Do you have the details on how they are going to treat it?

A. Fusco: Yes. I believe it is on page five and six but we will re-verify that with Mr. McGoey. Item #6. We would recommend that the landscape plan be revised to include evergreens and hard woods around the dwelling units in lieu of the junipers. In addition, additional hardwoods should be planted between the white pines on the access road. Further, the number of trees to be planted should be stated on the plan. We will make those changes and some more hardwoods instead of all

pinus. Item #7. We would recommend that the oak trees be replaced with Bradford Pears and that other flowering hardwoods be proposed throughout the site. We will make those changes. Item #8. We would recommend that a street light be provided closer to the intersection with Goshen Turnpike to light the entrance. We will move that. Item #9. The Planning Board requested that the chain link fence include evergreen inserts. In addition, the fence detail should include the height of the fence and the width of the gate for the detention pond area. We will do that. Item #10. Soil erosion control plan appears to be incomplete. Although details have been provided for siltation fencing, the location of the siltation fencing has been shown on the plan sheets 3 and 4. I believe he is saying he wants some additional details on pages 3 and 4 so, we will tack those on. Item #11. The Site Plan roadway profiles show a ten foot cut however, it does not show how the cut will be accomplished. At one point this was going to be a Town road and then we had a retaining wall there. After it was going to be a private road we were going to re-grade it so it wasn't going to have a retaining wall. We will put the retaining wall back in. Basically what we also did. I've had several conversations with the Planning Board Attorney and I prepared a potential draft final approval letter and I did it using Mr. McGoey's comments as an acceptance to the approval. It would be approved subject to Mr. McGoey's comments and also the bond amount. We've given a bond amount on there which I believe was \$1,423,000 which is the amount of the performance bond that we had given to the Planning Board Engineer.

G. Lake: I will go through the Board.

A. Dulgarian: Yes. On page 11-12.

A. Fusco: Where are you talking about, Mr. Dulgarian?

A. Dulgarian: Where it says Orange County right-of-way pavement. I was interested as to where that might be. I was just wondering how that participates with the stormwater. I don't even know what it is.

A. Fusco: That was actually a detail that we had that really is no longer actually necessary. At one point we were looking at doing an open swale but now it's totally piped. It's just an extra detail.

G. Lake: Will you be taking that off the final plan?

A. Fusco: We can, yes.

A. Dulgarian: This has been around quite a while. It looks like they've answered the comments and I'm pretty satisfied with it.

P. Owen: I'm satisfied with it.

R. Carr: I agree.

T. Hamilton: Talking about changing some of the landscaping on item #7. Now, on the side of the one residence there, you're showing one pine and two oaks. Any reason why we can't get pines to shield the side of that house from those cars coming out of there with the headlights out of that driveway facing the house?

A. Fusco: What page on you on?

T. Hamilton: Page 7. You show two oaks and one pine there. He's going to get hit with those headlights coming down through there out of that driveway?

A. Fusco: What would you like there?

T. Hamilton: Mr. McGoey, would you go with pines there?

D. McGoey: Yes.

A. Fusco: Okay.

G. Lake: I don't think we want it all pine. Let's do a variation to screen that.

A. Fusco: We had all pines in there and we were mixing them up. You're point is well taken with the headlights.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: Mr. McGoey, you mentioned the pine slats with the chain link?

D. McGoey: Yes.

T. Hamilton: Do you think the dumpster enclosures as being wooden is a good move or should we go with the chain link?

D. McGoey: Wooden rather than the chain link?

T. Hamilton: I don't know about the upkeep of maintaining that wood over the years. I'm not sure.

D. McGoey: The wood does tend to deteriorate over the years that's for sure.

T. Hamilton: That's what I'm saying.

A. Fusco: You would rather have chain link?

T. Hamilton: Yes, with the evergreen slats.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: That's all.

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

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

9. **SEEKAMP REALTY** - LOT LINE CHANGE/SUBDIVISION - Route 302 - (24-1-47.1) #120-04

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

K. Preston: My name is Kevin Preston. I represent Seekamp Realty.

G. Lake: Okay.

K. Preston: This is a proposed boundary line change. We first appeared before the Board a couple of years back and at that point it was determined that there was a possible issue about one of the lots whose boundaries were being changed as not meeting the minimum lot width requirements. We went to the Zoning Board of Appeals and applied for an area variance and received a variance on June 14, 2004. Now we're back before you requesting approval of the boundary line change.

G. Lake: And, that's just this one corner right through here?

K. Preston: Correct. It's about .6 acres. This was a piece of property that had been used by Seekamp Lumber for many years as a storage area and it was discovered at some point that the property was owned by the adjoining land owner.

G. Lake: I will go through the Board.

A. Dulgarian: I have no issues.

P. Owen: No issues.

R. Carr: No issues.

T. Hamilton: Nothing.

G. Lake: I have none.

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

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

MOTION for LOT LINE CHANGE/SUBDIVISION 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

G. Lake: Aye

MOTION CARRIED. 5 AYES

10. **DR. LEE** (Retail) - SITE PLAN - Neeley Street (50-1-16) #121-04

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

D. Yanosh: My name is Dan Yanosh and with me is Dr. Lee.

G. Lake: Okay.

D. Yanosh: We have this piece of property in the Highway Commercial zone at the corner of Neeley Street and Silver Lake Scotchtown Road. It is an existing two-story building and garage. Inside the two-story building, the first floor is an apartment and the second story is an office building for Dr. Lee as he has office space there. The garage is vacant right now. He wants to convert the garage into an artist studio. He wants to do some painting, sculpture work and things like that inside. We're going to close off the front doors up and make it look a little nicer than it is right now. Right now the lot has two entrances. One off of Silver Lake Scotchtown Road and at the corner of Neeley and Silver Lake Scotchtown Road. We're going to cut that one off, the one at the corner. That has been a dangerous intersection. It's been there for years. We will widen the parking lot a little bit for more parking spaces. Again, it's a small little operation.

G. Lake: Mr. McGoey's comments, you won't have any problem with them between now and the Public Hearing?

D. Yanosh: The question about curbing. Again, it's been there for years. The entrance is at the slightest spot is twenty three feet wide. I can make that twenty five to meet the code. Backing out of the other spot is twenty five feet. It's minimal traffic in this place. I don't know whether additional curbing would be needed for something like this or not. It's the Board's discretion to put curbing on. It is something that's existing. He's cleaned it up a lot from what it was.

A. Dulgarian: We're setting a Public Hearing?

D. Yanosh: We've been discussing whether to put a bathroom in or not. I guess now he has agreed to put a bathroom into the place. He was going to use the office next door for a bathroom but we will put a sewer line and water line into the building for the services. The concrete ramp and the sidewalk to the existing building are existing. We have no problem with that. The only question, the Public Hearing date. Since this is an approved use as an office and a small little retail business. Do all Highway Commercial uses require a Public Hearing?

D. McGoey: The medical office requires a Public Hearing.

D. Yanosh: There's no medical office. It's his own personal office.

Dr. Lee: Yes.

D. McGoey: Oh, you're not going to have a doctor's office?

Dr. Lee: I'm not a doctor. I received my PhD.

T. Hamilton: He is not a doctor.

A. Dulgarian: Is it necessary to have a Public Hearing? The only reason I'm asking is it doesn't matter to me but if we have a Public Hearing and have a chance to actually visit the site and see about possibly about curbing and if not. I know it's small and doesn't have a big impact on anything.

T. Hamilton: But under what use will you have the Public Hearing for?

A. Dulgarian: I don't know.

T. Hamilton: I don't think it's listed.

D. Brodsky: He's turning the garage into an artistry studio?

D. Yanosh: Yes.

D. Brodsky: I don't see anything that would requires a Public Hearing on this. The Site Plan itself looks like a minor modification.

G. Lake: Anything else?

A. Dulgarian: Is it possible to table this and get him right back on even though it is kind of minor? It would give us an opportunity to look at it more. No, I'm just thinking.

G. Lake: Our agendas are pretty full.

A. Dulgarian: What will it take, five or ten minutes? If the rest of you don't want to do it, it's fine.

P. Owen: I don't think it's really necessary.

R. Carr: I'm comfortable with the project. The only thing I would add is just putting a little bit more landscaping in.

T. Hamilton: I would go along with the additional landscaping.

MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey's comments and the comments of the Board made by T. Hamilton and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

MOTION for SITE PLAN approval subject to Mr. McGoey's comments with no curbing and additional landscaping made by P. Owen and seconded by R. Carr.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

11. **SCHLEIER** - 3 LOT SUBDIVISION - Derby Road (21-1-44) #77-04

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

D. Yanosh: My name is Dan Yanosh surveyor for the project. I was here back in September, I think, and was supposed to have a Public Hearing on November 17th, but that was cancelled because we changed the moratorium on me with three lots versus the four, thinking I was going to have three new lots but it was two new lots. Now I'm back with a three lot subdivision, two new lots off of Derby Road with the existing house being on lot #3. I cut it down from a four to a three lot subdivision to circumvent the moratorium. I guess what I need now is another Public Hearing. The

only question I have is the comments from Orange County Planning. I never got a copy of those comments to see what they wanted. I know I prepared an overall plan for the remainder of the property a while ago.

G. Lake: I will go through the Board.

A. Dulgarian: Nothing.

P. Owen: Nothing.

R. Carr: Nothing.

T. Hamilton: Highway Superintendent's comments, have you seen them?

D. Yanosh: No.

T. Hamilton: It says widening specifications to apply to existing frontage. Fences, stonewalls, trees and utility pole to be moved back as required. Driveway culvert length to extend five feet minimum beyond end of property with appropriate end sections.

D. Yanosh: Oh, the widening detail? I don't show that. Okay, I will take care of that.

G. Lake: Mr. McGoey, do you have anything else?

D. McGoey: No. Just to schedule a Public Hearing date.

MOTION to schedule a PUBLIC HEARING for February 2, 2005 made by P. Owen and seconded by R. Carr.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

12. **PADUCH** - TWO FAMILY - SITE PLAN/SPECIAL USE PERMIT - Highland Avenue Extension (39-14-4) #124-02

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

M. Paduch: My name is Michael Paduch. I'm before you tonight asking for a two-family on a lot I own on Highland Avenue Extension. It's in the water and sewer district and in the R-1 Medium Density Residential District. I didn't get a copy of Mr. McGoey's comments.

D. McGoey: They were sent to Mr. Yanosh. Basically it's non-conforming lot. The lot area required for a two-family is 12,500 square feet. However, the lot presently contains 7,750 square feet. In addition, the lot width and side yard are less than allowable. The Planning Board Attorney should advise as to whether the application requires an area variance.

A. Dulgarian: So, it's a referral to the Zoning Board of Appeals.

D. Yanosh: It's a pre-existing lot.

A. Dulgarian: Right, but he wants to have a two-family.

D. Yanosh: That's why we're here.

D. Brodsky: You should make a referral to the Zoning Board of Appeals.

R. Carr: Is there a way to have one driveway and have a use of the driveway since everything is so compact there. It would give you an extra couple more feet.

M. Paduch: Actually the way that it's drawn is on this drawing that you have, the next driveway is right there. I don't have a problem at all.

R. Carr: You wouldn't have a problem with a shared driveway?

M. Paduch: No problem at all.

MOTION made to refer applicant to the ZONING BOARD OF APPEALS made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES