

TOWN OF WALLKILL PLANNING BOARD

MEETING

DECEMBER 5, 2007

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

MEMBERS ABSENT: W. Capozella

OTHERS PRESENT: J. Bacon, D. McGoey

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

G. Lake: Public Hearing started at 7:41 P.M. M. Hunt read the Public Hearing notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York will be held at the Town Hall at 99 Tower Drive, Building "A", Middletown, New York 10941 in said Town on the 5th day of December, 2007 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of AOK Food Service Realty Holdings LLC, 365 Route 32, Central Valley, New York 10917 for the approval of Site Plan and Special Use Permit for a warehouse/office facility located on 10 Wesley Court, off of Wes Warren Drive, in the Town of Wallkill (Tax Map 41-1-116) under Section 249-27 (1) 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: Did we receive the mailings?

M. Hunt: Yes I did.

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

G. Bergman: My name is Gerald Bergman, engineer for Clough Harbour Associates. I'm representing AOK Food Service and with me tonight is the manager of AOK and our architect.

G. Lake: Do you want to since you were last here to bring the Board up and then we will go to the Public?

G. Bergman: As we discussed the last time we're proposing a fifteen thousand square foot

building, twelve thousand five hundred square feet of which will be for the warehouse/storage and twenty five hundred square feet offices for the facility. The facility, AOK Food supplies Gasho Restaurants. It's a warehouse for their own restaurant. They have their own trucks and will be delivering and storage at the site. There's only two trucks, by the way. There are four restaurants that they currently serve. The project architect, David Wieboldt is here and if you have any questions after I finish we will be answering. It's located at the end of Wesley Court which intersects with Wes Warren Drive. It's in a EID-Enterprise Light District which replaced the MI District. It is allowed in that district by a Special Use Permit. We are not requesting any variances on this project. It's located, for those who know the site adjacent to the cul-de-sac on the end of Wesley Court. In addition to the fifteen thousand square foot building we're proposing sixteen (16) parking space parking lot for employees. The maximum employees will be ten. We don't expect the public to come but we supplied sixteen (16) parking spaces, two of which are handicapped. Four loading dock spaces, two are required for this building. Sewer and water will be public sewer and water. There is an eight inch sewer line and an eight inch water line in Wesley Court which we will make connections to. There will be a single entrance into the site off the cul-de-sac. We propose a stormwater pond and this has been a point of some discussion. There's an existing one on Orange & Rockland property. It was probably built for this parcel but we've been unable to find this in any of the title searches. There has to be an open ditch that runs through the project that takes water through and because we couldn't find any agreement we went ahead and designed our own pond for the project which meets current standards.

G. Lake: Let me go through the Board.

A. Dulgarian: After the public.

H. Ross: After.

R. Carr: I will wait.

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 7:46 P.M. made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

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

G. Bergman: Yes I do.

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

G. Bergman: There were two sets of comments since the last meeting. The first set dated November 16, 2007 only has to do with stormwater. We met with John from Mr. McGoey's office and we've agreed on making all those changes and supplying Mr. McGoey with all the additional information. The second letter dated November 27, 2007 we also met with John from Mr. McGoey's office. He was at the site last Friday. He walked the site looking for wetlands. He's in agreement that there are no wetlands on the site. So, that takes care of comment #1. Comment #2, I think maybe you mean the north property line and not the south for the existing trees. We still, and there are existing trees on the north property line.

D. McGoey: The north side.

G. Bergman: Yes. What we would propose is put a note on the plan saying prior to any clearing we will stake the clearing limits and bring the Planning Board engineer out and see if he's in agreement whether the trees can be saved or not. We think that they're really close to the existing sewer line that's proposed for there and even though the catch basins may not bother and the building conforms. If that's alright with the Board we will add that note on the plan. The remainder of comment #2 we'll comply with. Comment #3, the three foot

visual relief, we have added quite a bit of landscaping to the parking area. We'd rather not put a three foot high hedge in but if that's what the Board wants it's fine but this landscaping along here has all been added to the front of the parking areas. This will grow to be three foot high or better but it's a mixture rather than a solid hedge line. If that meets the requirement, that's fine. If it doesn't we'll eliminate some of this and put in a hedge in.

G. Lake: I will go through the Board and get their comments on that.

G. Bergman: Okay. Comment #4, we agreed to a little more screening around the detention pond. The sidewalks need to be discussed by the Board. We have agreed on all the SWPPP comments and we will re-submit that to Mr. McGoey's office.

G. Lake: Comment #5. I thought we talked about that the last time you were here. Because of your location and being a dead-end next to Orange & Rockland, I thought we and correct me if I'm wrong but we kind of thought they weren't needed because there are none in that location. Let me go through the Board.

A. Dulgarian: Since you're on that subject, I agree. I don't think it's necessary there. Mr. McGoey's comment #1, are you still discharging stormwater onto adjacent property then or you said that was corrected?

G. Bergman: No. We are discharging but less than is presently being discharged onto neighboring property.

A. Dulgarian: Across the creek?

G. Bergman: Yes. There's an existing ditch that runs through the site that shows on the existing topography and it really comes from off-site.

A. Dulgarian: It's an existing situation and you're not adding to it? You're actually lessening the impact.

G. Bergman: Yes. And we're putting a kind of a spreader in there to spread the flow into it so it will lessen the discharge from what it was.

A. Dulgarian: This is servicing your client's own restaurants only?

G. Bergman: Yes.

A. Dulgarian: And, it's not going to seek any other restaurants to serve?

G. Bergman: No.

A. Dulgarian: Mr. McGoey, the flow of it is good?

D. McGoey: Yes. They have plenty of room.

A. Dulgarian: I think it's a good location for this type of use and it's consistent to what we have going on in that general area. I don't have anything else. As far as the screening, I like the variety up front instead of a hedge row. I understand what Mr. McGoey is looking for but I kind of like the variety. I have nothing additional.

H. Ross: I also agree with Mr. Dulgarian with the variety of screening in the front. He doesn't need (not clear) because the water is coming through someplace else?

J. Bacon: It looks as though from the standard topography I was looking at, there's some kind of a panel that's going out it already has been going into an old detention pond there anyway.

H. Ross: I like it but I'm a little bit hesitant of letting go of this little bit of a precedent for a sidewalk but I will be okay with that. That's it.

R. Carr: I have nothing to add.

C. Najac: We did discuss the sidewalks. I am concerned about the outside lighting after hours.

G. Bergman: We will try and do that, yes.

T. Hamilton: What was that point on the north side about the trees?

G. Bergman: Mr. McGoey asked us if we could save some of the existing trees. There's really only two large trees on the north side. We're proposing a storm sewer down that north side. If we can save the trees and still build the storm sewer then we'll do that but what I said was I suggested we put a note on the plan that we'll stake the clearing limits prior to clearing the site and then have Mr. McGoey or somebody from his office come out and make the decision at that time if those few trees can be saved.

T. Hamilton: Is that the only way that storm line can go?

G. Bergman: I'm afraid so because we're collecting from the neighboring property.

D. McGoey: I just thought that they didn't need to clear cut everything right up against that property line.

G. Bergman: I don't quite know where the trees are in conjunction with the property line. They may be in the parking lot.

D. McGoey: I think you should change this limit of disturbance and move it back off the property line so that the contractors who go out there don't clear cut.

G. Bergman: I will look at it.

T. Hamilton: If it's going through his property right now, it doesn't show now.

D. McGoey: The plans do not conform to the landscape requirements with respect to the number and type of trees.

G. Bergman: And, we agree to put those in.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: I agree that it doesn't require sidewalks.

G. Lake: Okay. You have no trouble with any of the Board's comments. You are going to bring it up to the landscape specifications and you are going to make sure an inspection is done before a lot of cutting and digging is going on?

G. Bergman: Yes. I really don't have anything else. I think it's going to be a good project for down there.

T. Hamilton: The Highway Superintendent's comments?

G. Bergman: I do not have them if there are any.

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 T. Hamilton.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED.

MOTION for SITE PLAN/SPECIAL USE PERMIT subject to all of Mr. McGoey's comments and this Board's comments made by A. Dulgarian and seconded by T. Hamilton.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

2. PUBLIC HEARING 7:35 P.M. - **GOLDEN TRIANGLE** - SITE PLAN/SUBDIVISION (Covered Bridge - Preliminary Re-approval) - Silver Lake Scotchtown Road (40-1-16) #74-02

G. Lake: Public Hearing started at 7:30 P.M. M. Hunt read the Public Hearing notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York will be held at the Town Hall at 99 Tower Drive, Building "A", Middletown, New York 10941 in said Town on the 5th day of December, 2007 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Golden Triangle Developers LLC, P.O. Box 271, Monroe, New York 10950, for the approval of Preliminary Site Plan and Preliminary Subdivision for property located on Silver Lake Scotchtown Road, West of Route 17, North of Route 211, under Section 249-40 of the Zoning Law and the Subdivision Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

G. Lake: Do we have their mailings?

M. Hunt: Yes.

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

L. Wolinsky: My name is Larry Wolinsky from the law firm of Jacobowitz & Gubits. I'm here tonight on behalf of the Golden Triangle project. With me tonight are Lorraine Potter from Lanc & Tully and Phil Griely from John Collins. As the Public Hearing notice stated this is a hearing on the reinstatement of Preliminary Approval for a project that has been approved for quite some time and it's been in the Health Department, which is the only outside agency that requires approval but it has been a very significant time in the Health Department. Between the last time we met in October and this evening, the Health Department has approved the project. Essentially subject to the reinstatement of the Preliminary Approval the project is also ready to be considered at some point in time for Final Approval as well. Basically the project is ninety (90) units Phase I of a larger project that was studied in a Full Environmental Impact Statement that resulted in the issuance of a SEQRA Statement of Findings that this Board issued. There have been no changes to the plan since the original Preliminary Approval and now, we're just looking to have it reinstated so we can move forward.

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

A. Dulgarian: After.

H. Ross: After.

R. Carr: I will wait.

C. Najac: After.

T. Hamilton: After the Public.

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

MOTION to close this PUBLIC HEARING at 7:59 P.M. made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

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

L. Wolinsky: Yes. Would you like me to go through them?

G. Lake: Why don't you just . . .

L. Wolinsky: I'll go through the ones that are direct and there are a couple of them directed to Mr. Bacon but I'll go through the ones that are directed to the applicant. Item #1 is directed to Mr. Bacon so I will just skip over that. Item #2. The status of complying with all conditions of Preliminary Approval including the Health Department and the Department of Environmental Conservation. There was no Department of Environmental Conservation condition required as part of the Preliminary Approval. Preliminary Approval has essentially two conditions. One was the compliance of all outside agencies and like I just said there was just one outside agency, the Department of Health and then also compliance with all technical comments of the engineer. We've been doing that on-going in work sessions and getting things pretty much cleaned up. Item #3. The environmental findings for this project

allow the Planning Board to choose from three (3) different traffic improvements including the following: Mud Mills and Cottage, Bert Crawford and Silver Lake Scotchtown Road and construction of a traffic signal at Maltese and Bert Crawford. When we discussed this previously to the Board when the Board was leaning towards the construction of the traffic signal at Maltese and we're okay with that but obviously it's the Board's decision which way they would like us to go.

G. Lake: Mr. McGoey do you have that written down which way the Board was headed for?

D. McGoey: I don't recall but I do recall us leaning that way though. We also have a contribution towards that of \$47,000 from the Wallkill Manor Apartments.

G. Lake: Okay then, let me ask the Board. If you remember we had this chart made up.

A. Dulgarian: Absolutely, and to my best recollection that Maltese signalization was going to be one of the first things we address. To me, it's one of the most dangerous especially for people not from the area.

G. Lake: That's what I was getting to.

A. Dulgarian: If we're taking a poll, my poll is for that.

G. Lake: Which, I think was what we were leaning towards on the traffic review that we did.

H. Ross: That figure is available for that?

D. McGoey: Yes.

H. Ross: Then, that should be the priority.

D. McGoey: I think the design is done also.

R. Carr: I'm in agreement.

C. Najac: I agree.

T. Hamilton: I agree.

L. Wolinsky: Okay. Item #4, just requires the subdivision plan to be included as part of the

Site Plan that includes metes and bounds. That will be taken care of. Item #5. The Site Plan should show the one hundred (100) year flood limits which should be compared to the most recently received flood hazard maps available at Town Hall. We will do that. Item #6. The subdivision plan, as well as the Site Plan should show all appropriate iron pins and concrete right-of-way monuments which I think is the standard for Final Approval. We will, of course, take care of that. Item #7. The water system improvements, there is a conflict between Sheet 3 of 16 and Sheet 5 of 8 of the Collins plan. The Collins plan and the Lanc & Tully plan has to and it looks like. . . and we will take care of that. Item #8, #9 and #10. Detailed specifications for roadway improvements including traffic signal modification, pavement details, cross section are not complete on the Collins drawings for final review. We're going to take care of that. Item #11. The issues with respect to the Home Owner Association documents and the issuance of building permits should be received prior to final submission. Mr. Bacon and I had some discussion and I will defer that to him.

J. Bacon: I think that when the Chairman signs the maps that we make sure that we have the document to make sure that there are no conflicts.

L. Wolinsky: We have no problem with that. We think that makes sense and that way you assure yourselves in what we say in the offering plan doesn't conflict with what's represented on the Site Plan. Item #12. Compliance with the newly adopted Town Stormwater Management Ordinance, including appropriate notes and the signing of an agreement for maintenance should be accomplished prior to final. I need to contact Mr. Richard Guertin on behalf of the Town and take care of this. We will have that done before final approval. Item #13. Finally, the applicant should verify compliance with all stormwater management comments. According to Mrs. Potter, we've done that. We have a sign off from Mr. McGoeys' office dated January 9, 2007 and we can provide you with a copy of that. I'm not sure that there is anything additional. Again, where we are, we need a . . . it's a little bit complicated because we need a reinstatement of the Preliminary Approval and assuming that is okay with the Board depending on whether we're in position for Conditional Final or not. If we're not in position for Conditional Final then we're going to also need an extension of our Special Use Permit because the Special Use Permit runs out in January so I don't have to keep coming back.

G. Lake: Right.

L. Wolinsky: However you want to handle it is fine.

G. Lake: Basically you are done with the Health Department right now?

L. Wolinsky: Yes.

G. Lake: With the reinstatement you can then go to work and solve up the rest of these little problems and get the Home Owners Association document pretty close with Mr. Bacon for him to look at.

L. Wolinsky: What we would want to come back again at some point in getting Conditional Final because in order for us to finish those Home Owners Association documents we really need a Conditional Final.

G. Lake: Right.

L. Wolinsky: Before you sign them, we will take care of that.

G. Lake: Let me go through the Board.

A. Dulgarian: Mr. McGoey, you're comfortable with all of the technical comments?

D. McGoey: Yes.

A. Dulgarian: Explain to me, Mr. Bacon, reinstatement. I don't recall anything being a reinstatement.

J. Bacon: Well, because the Preliminary Approval lapsed, basically you're granting it again.

A. Dulgarian: So, it's a re-approval?

J. Bacon: Re-approval.

A. Dulgarian: Okay.

G. Lake: And, this is why we're having the Public Hearing, correct?

J. Bacon: Right. You did exactly what you would. Basically once it expired, it's no longer in effect so that's why you had the Public Hearing was to make sure that you had all the procedural requirements were taken care of.

A. Dulgarian: Okay. Just one quick question for the applicant's representative. As I reviewed this map again, it reminds me when we originally looked at this covered bridge at Golden Triangle and that was the center piece of this development. As I look at it again, now

we end up with that little covered bridge over the sidewalk instead of that covered bridge centerpiece.

L. Wolinsky: I want to tell you that is the engineer's fault and not the attorney's fault.

A. Dulgarian: It's unbelievable but that's all I have.

H. Ross: This is a fine project.

R. Carr: Just one thing as I go by there and where the work has been done. Is there anyway, I realize all the work along Silver Lake Scotchtown Road has been done regarding the wetland mitigation.

L. Potter: Right.

R. Carr: Is there anyway that the side lot and the front lot can be place on the inside of the trees and keep the trees there because they're large trees. The only way you can put a sidewalk . . .

L. Potter: It would be a disadvantage.

R. Carr: I mean just to keep it inside and also keep those trees. I think it would also help with the extended wetlands.

C. Najac: The wetlands, have they been looked at?

D. McGoey: We have to look at that.

L. Wolinsky: It's complete, by the way. It has been completed but subject to you're taking a look at it.

D. McGoey: It will be between now and final.

L. Potter: Just so the Board is aware, I have a letter from Mr. Ferguson on that.

C. Najac: And, the light pole. Is there anyway to move that so it doesn't shine . . .

L. Potter: You mean within the site?

C. Najac: Yes.

L. Potter: They are nice lights. They don't glare out to the side. They do shine down.

D. McGoey: Just give us the catalog cut on that with the particulars on the glare.

L. Potter: Okay.

C. Najac: Or with the light fixture that works similar and is shielded.

G. Lake: Anything else, Mr. Najac?

C. Najac: No.

T. Hamilton: Mr. McGoey with the close proximity with the stormwater management, what about the two hundred feet?

D. McGoey: I don't think that is a classified stream. Am I right?

L. Potter: Correct.

D. McGoey: They do have permits for the stormwater management and the discharge to the stream.

J. Bacon: Actually I had the same question also.

L. Wolinsky: No. It's not a classified stream. I don't think we were disturbing the stream?

L. Potter: No. The streams up above are not classified streams.

L. Wolinsky: We have a note . . .

J. Bacon: With the wetland mitigation, you'll also need a water quality.

L. Wolinsky: I believe Mr. Ferguson will or has prepared that.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: I just wanted to make sure what was happening there.

L. Potter: That was the wetland mitigation

T. Hamilton: Was that all?

L. Potter: That was the only thing being done on the site was the wetland mitigation. That had to be done prior to anything proceeding on the site. And, we had a time frame in which it had to be completed by.

T. Hamilton: The time frame. Mr. Bacon, what we have to watch out for is if we change and call it a Conditional Final right, my problem with that is with the new regulations that the Town has once Final has been granted there are strict time frames with Certificate of Occupancy and everything else if we go conditional. It could go on forever before they finish those conditions unless we impose a strict time frame for them to accomplish those items.

J. Bacon: The first item would be the Preliminary Approval and then the Board should discuss whether they want to go with a Conditional Final.

G. Lake: I don't think we were going to do Conditional Final tonight. We were going to .

T. Hamilton: No, but even when we do then we now have to set a better time frame on that so it will kick in the time limits that the Town Board passed.

G. Lake: Right, which obviously they have to look at and you just reminded him about it. I didn't think we were going to do that tonight though.

L. Wolinsky: That's fine with us.

T. Hamilton: That's all I have.

G. Lake: But, you do know about the section that Mr. Hamilton is talking about?

L. Wolinsky: For the completion of construction once you start.

G. Lake: I believe so.

L. Wolinsky: Yes, I looked at it and I'm aware of it. I'm not aware about what the status is on Conditional Final. I know what it is for subdivision but not in respect to Site Plan.

J. Bacon: Conditional final site plan and conditional subdivision.

L. Wolinsky: Conditional final subdivision you have essentially one hundred eighty (180) days. Site Plan, that's under Town law.

G. Lake: Mr. Hamilton, anything else?

T. Hamilton: No.

MOTION for PRELIMINARY (Re-approval) for SITE PLAN and SUBDIVISION approvals made by H. Ross and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for SIX MONTH EXTENSION on SPECIAL USE PERMIT made by H. Ross and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

3. PUBLIC HEARING 7:40 P.M. - **DCM MANAGEMENT** - SITE PLAN/SPECIAL USE PERMIT - Crystal Run Road (60-1-15.3) #38-05

G. Lake: Public Hearing started at 8:17 P.M. M. Hunt read the Public Hearing notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 99 Tower Drive, Building "A", Middletown, New York 10941 in said Town on the 5th day of December, 2007 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of DCM Medical, Crystal Run Road, Middletown, New York 10940 for Site Plan Approval of a 20,000 square foot medical office and associated access drives and parking under Section 249-26 (2) of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

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

J. Samuelson: My name is James Samuelson. I'm with Engineering Properties representing DCM Medical.

G. Lake: Okay. Just go through the project quickly on what you've done since the last time you were here.

J. Samuelson: Since the last time we were here the project is proposed as a ten thousand square foot medical office on Crystal Run Road located east of Ballard Road across from Sarah Lane. The medical office building will be for Dr. (Name not clear), he's a Pediatrician. He's not what I call a normal Pediatrician but more of a Specialist for serious illness of children. This building, as we show today, is currently proposed to front along Crystal Run Road with the accessing provided by a roadway through a neighboring right-of-way that may become a future road for a Town roadway. As proposed, this building will have two access points off that future Town roadway. The first one will be a one way drive that goes across the front of the building to a drop off point and then will continue around the building to the rear parking area. There will be a second access off this proposed future Town road into the parking area. We are proposing screening and landscaping in accordance with Town of Wallkill regulations. There will be a stormwater management basin in the back.

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

A. Dulgarian: I will wait.

H. Ross: After is okay.

R. Carr: I will wait.

C. Najac: I will wait.

T. Hamilton: After.

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

MOTION to close the PUBLIC HEARING at 8:21 P.M., no I take that back. I don't want to close it. I withdraw that motion.

G. Lake: Mr. McGoey?

D. McGoey: Yes. You're saying he's having a problem making?

D. McGoey: The setback requirements. He has, I hope tonight, several alternatives but are not desirable to the applicant.

G. Lake: Right.

D. McGoey: It's up to the Board if you think they could pursue this or whether he should proceed with the layout that does meet the ordinance with regard to setbacks.

G. Lake: If I remember correctly the last time you were here, the Board commented in favor of it.

J. Samuelson: Correct.

G. Lake: Parking in the back, minimum parking out front and we kind of felt that it was a pretty good idea, the layout. I'm just saying that to refresh everybody's mind. Show us what your alternatives are.

J. Samuelson: I would like to start with the original plan and show you where the changes came about. This plan started back before the Zoning changes and some things I missed on my part. The side yard was twenty (20) feet along this side has now changed to thirty (30) feet but the front yard has also changed to thirty (30) feet in the OR district. Being that this is going to be a future Town road would also in my opinion be considered a front yard. So, it would be thirty (30) on this side and thirty (30) on this side. We originally had twenty (20) here. To keep the same shape of the building that the applicant is looking for, we would be over the setback by ten (10) feet on this side. The other issue that we run into with this plan is we had a comment from the Fire Department regarding the width of the road going around the building. Currently we have that road as twelve (12) feet wide. To go any wider than that we will lose the landscape buffer on the east side to the next parcel. So, if we were to widen that, it would be a second variance that we would be required to seek. Those are the two issues that I have with this layout.

G. Lake: Your first entrance, how wide is that?

J. Samuelson: Here?

G. Lake: Yes.

J. Samuelson: Twelve (12) feet. Twelve feet all the way around this building, just the one way to the drop off point here in the front of the building.

G. Lake: Can that front entrance be widened?

J. Samuelson: This entrance from here to here could be widened. We can't widen here because we have a drop off but going around this side being there's a sidewalk going around to the side entrance, a very minimal landscape area of twelve (12) feet and then the required landscaping on that end. This is the area that I would not be able to make any wider than twelve (12) feet.

G. Lake: Right. I'm not questioning the Fire Department too much. I think it's something we should ask them if the entrance to that part is wider that will give them access to the front and the back.

J. Samuelson: Correct. So, that would leave a ten foot variance requirement for that. The alternative that I did bring, I did look at a couple of other alternatives that I didn't draft up because of what I had heard at our last meeting. The other one was to shift this building way

up to the front which will put the front of the building right up off of the edge of this setback eliminate the road in the front but it moved the building so close to the road I remembered the Board saying that they liked it set back and like the landscaping in the front. So, I didn't bring that up as an option. The other one was rotating it and putting it in the back which I know the Board commented. They liked the building in the front and the parking in the rear so I didn't bring that as an option either. The one option I did bring was to rotate the building ninety degrees. This allows for us to have wide landscaping here in the front with the main entrance here in the back and still have the drop off lane and a wider access on this side and still meet all of the setbacks. From what I showed in the original rendering this front here would now be along the future Town road. The architectural drawings have not been finalized on this building. I know that this is the corridor that the Town is interested in. We could have the architect do something on this side of the building to make that more a front rather than a side and this not to be so much of a rear but also as another side so it fits in architecturally with what the Town is looking for.

G. Lake: Do you end up with the same amount of parking?

J. Samuelson: The same amount of parking. Actually I think there are one or two more spots on this plan.

H. Ross: You meet all your setbacks?

J. Samuelson: This drawing would meet all the setback requirements.

H. Ross: And the real front of the building?

J. Samuelson: There's thirty (30) feet here.

A. Dulgarian: Well, I will say that he did a lot of things correctly on his first submission to us. It's unfortunate that he had a little stumbling block here where he didn't meet it. Now, I do believe where you can meet the code you should meet code. And, I do like alternate #1. My concerns are the same as this gentleman that the front of the building that faces Crystal Run Road, I'd like to see the architectural elevation there.

J. Samuelson: We would make it look better and do as we propose for the other sides. That's not an issue.

A. Dulgarian: Alternate #1 complies. I think it flows good. You don't need to go before the Zoning Board of Appeals. To me it's a no brainer. I like that and you have plenty of room

on the Crystal Run side to do some nice things. The parking is still in the back. I think they did a very nice job on this again. It's just unfortunate they had a small stumbling block but I think it's going to benefit us as a Town in the long run with alternate #1.

H. Ross: I think this is a nice change as Mr. Dulgarian said.

R. Carr: I could go either way. I appreciate what Mr. Dulgarian had said. I think the traffic flows well there and it will front on Crystal Run Road.

C. Najac: I think the flow for the traffic is better than what the original had.

J. Samuelson: Now, it's only an exit and not an entrance.

T. Hamilton: I like alternate #1.

G. Lake: Now, you said that is only an exit?

J. Samuelson: This would only be an exit here. You would have to come down here to enter.

G. Lake: And then they would have to go back out onto the external road and then back.

J. Samuelson: Like I said, people coming here are children who have serious illnesses so, it's not one parent who's coming. They will be able to drop them off with one parent and then the other parent will have to make that turn to go back. I don't think it will be a major issue.

G. Lake: No, but I . . .

J. Samuelson: The concern I would have would be people stacking up to exit out of this road blocking the traffic that way.

T. Hamilton: We don't know about that road at this time either.

G. Lake: I don't think there will be six or eight cars at a time.

J. Samuelson: The traffic coming out of the development down here that would stack up and this person wouldn't be able to make the left.

G. Lake: Mr. Bacon, can we . . . Obviously he's going to have to go back now.

J. Samuelson: I've got some engineering to do.

G. Lake: But, should we close this Public Hearing? Is that a big change?

J. Bacon: It's basically the same footprint. I think it's close enough.

G. Lake: So, we can close the Public Hearing?

J. Bacon: Yes.

G. Lake: And then, are we involved in any time frames that we have to worry about?

J. Bacon: I mean, if the Board wants to leave the Public Hearing open until the next time he comes in.

G. Lake: No. I don't think we need to. I just want to make sure we don't get into trouble.

J. Bacon: Will you be willing to waive the sixty two (62) day time frame?

J. Samuelson: Yes, I would be willing to waive that.

G. Lake: I just wanted to make sure. Anything else?

MOTION to close this PUBLIC HEARING at 8:36 P.M. made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

4. **PETRILLO** - 2 LOT SUBDIVISION - Extension to Final - 301 Route 211 West
(49-1-71.2) #32-07

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

D. Yanosh: My name is Dan Yanosh, surveyor for Mr. Petrillo.

G. Lake: Okay.

D. Yanosh: I got subdivision and Site Plan approval for Mr. Petrillo back in June. Since then, Mr. Petrillo had passed away and he's given his family all his transactions. The new buyer wants to come in and move in and take care of everything. It hasn't been transferred yet so we're waiting for the Estate to be cleaned up so we can do this.

G. Lake: Okay. His request was here on time. Any other questions?

A. Dulgarian: No.

H. Ross: No.

R. Carr: No.

C. Najac: No.

T. Hamilton: No.

G. Lake: What should we give him, six months?

J. Bacon: Six months.

MOTION for a SIX MONTH EXTENSION to FINAL APPROVAL made by R. Carr and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

5. **COUNTRYSIDE MEADOWS SUBDIVISION** - Extension to Final - Shawangunk Road (3-1-23.2) #26-04

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

L. Torro: My name is Larry Torro with J. L. Consulting. We're also looking for an extension of a previously conditional approval. A few items, Mr. McGoey's comment that he hadn't received revised plans. I do have those. The outstanding items that we have just trying to get the credit in place and hopefully file the maps.

G. Lake: How about the Health Department?

L. Torro: The Health Department, that's all been signed off and the signature is on the map. The issues regarding the drainage and lighting district. The drainage district was formed by the Town but the Board rejected the lighting district. And, Mr. McGoey wanted a note on the map that in the event in the future that the Board decides to put lighting in there, the conduits will be in place for it.

G. Lake: I will go through the Board.

A. Dulgarian: First extension?

L. Torro: Yes.

A. Dulgarian: Nothing.

H. Ross: Nothing.

R. Carr: Nothing.

C. Najac: Nothing.

T. Hamilton: Nothing.

MOTION for SIX MONTH EXTENSION to Final Subdivision made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

6. **ORANGE COUNTY EMERGENCY ANIMAL HOSPITAL** - SITE PLAN REVISION - 517 Route 211 East (41-1-42.1) #63-07

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

S. Buholtz: My name is Scott Buholtz. I work with Roger Ferris. Mr. Ferris was supposed to be here tonight and he was sick so I'm here. The Orange County Animal Emergency Service is here in the Town. We went to the Zoning Board of Appeals and we received some variances however, we haven't been able to get the variances in writing yet from the Zoning Board of Appeals.

G. Lake: When did you get them?

A. Dulgarian: The variances, September 10th.

S. Buholtz: Yes. We called about four or five times and we've gotten no response. I don't know what's going on trying to get a hold of them. We have an architectural rendering of the building that they are proposing. I only have one copy.

D. McGoey: They will have to be noted on the plans.

G. Lake: Hold it up so everybody can see it.

S. Buholtz: Okay. I don't know if you know what the building looks like right now. We are showing the last improvement of what it does look like. It's just a house so we're going to be putting a lot of money into it

A. Dulgarian: Is that the color?

S. Buholtz: Pardon?

A. Dulgarian: The colors that go along with Panache?

S. Buholtz: That is the color right now. This is going to be built around the existing structure because it's my understanding that they still have to continue operating the business while this is being built.

A. Dulgarian: And, that's just going to enclose or . . .

S. Buholtz: Somehow or other they will work the building into . . . I can submit a sample of the color.

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

S. Buholtz: Yes we do.

G. Lake: You already talked about the Zoning Board of Appeals. The handicap spaces?

S. Buholtz: Yes.

G. Lake: It has to be posted and no parking along with the detail on the plan.

S. Buholtz: Yes, we will supply that.

G. Lake: And, the landscaping has that been done?

D. McGoey: It's in the Town right-of-way and obviously he will have to get permission from Mr. Lippert because there won't be anything built there. I would rather see some landscaping to bring it out.

S. Buholtz: Okay.

G. Lake: You should get in touch with Mr. Lippert on that. Mr. McGoey, what are you looking at, the amount of the lighting?

D. McGoey: Are you proposing lighting?

S. Buholtz: There is proposed lighting. We were waiting for the architect rendering before we supplied you with the lighting plan.

D. McGoey: We will need to see that.

G. Lake: And, the do not enter and one way signs?

S. Buholtz: Yes, I've supplied those.

G. Lake: The lighting, check with Mr. McGoey as far as the candle power when it hits the ground and how far out. I know you're open twenty four (24) hours?

Unidentified Person: Just on the weekends.

G. Lake: Right.

D. McGoey: I like the three foot candles so the light doesn't spread out over the road.

S. Buholtz: Okay.

G. Lake: I will go through the Board.

A. Dulgarian: Well, I do think it's an improvement for that piece of property. It's going to look nice. Not only with new construction but also re-development as they come back to us we do look to get some landscaping. I think it is very important especially on the Route 211 side that it be beefed up and also considering the easterly side you have a variance to cut

down on the buffer so that makes it even more important to have the buffering in the front. I think it's a good project. I have nothing additional.

H. Ross: Nothing as long as we get some landscaping and the proper lighting. I think it will be a nice change.

R. Carr: Yes. It's a very intensive use of the property however it's existing and it does fit there. It's definitely an improvement and I agree that we have to know the proper color so it is an asset to that part of the Town.

C. Najac: I would want to make sure that the lighting is proper so it doesn't spread out onto the highway.

T. Hamilton: Maybe I missed it but (not clear).

D. McGoey: That would take away some of his parking.

T. Hamilton: I just want to make sure it has the proper flow.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

G. Lake: You've heard from the Board. Give us the color. I think it's going to be a great improvement from what we see.

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 H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for SITE PLAN REVISION approval subject to all of Mr. McGoey's comments and this Board's comments made by R. Carr and seconded by A. Dulgarian.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

7. **ADVANCED CHEMICAL** - SITE PLAN - 136 Excelsior Avenue (76-1-2) #76-07

Cancelled.

8. **FAIR OAKS HOMES RE-DEVELOPMENT** - SITE PLAN/SPECIAL USE PERMIT - Shawangunk Road (3-1-46) #33-07

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

L. Wolinsky: My name is Larry Wolinsky from the law firm of Jacobowitz & Gubits. I'm here on behalf of Fair Oaks Bungalow Colony. With me this evening is Leonard Jackson, the Civil Engineer and also Barry Millowitz, the Architect. By way of background, I'm just going to give you a little bit of background and turn it over relatively rapidly to Mr. Jackson because this is an existing bungalow colony, as you may all be aware of located in the Fair Oaks section of the Town essentially adjacent to Shawangunk Road and Tarbell Road. It's currently operating and has been operating since the early 1950's. It's a seasonal use bungalow colony. This had been before the Board a little while ago and at that time the zoning for this piece of property was commercial and the Board directed them to either to the

Zoning Board of Appeals in terms of them wanting to upgrade this property and to the Town Board with respect of getting different zoning on the property. What happened actually in the comprehensive planning process the Town said that the property was essentially zoned R-A and the bungalow colony is by a Special Use Permit within the R-A district. Tonight, this is an application for a Special Use Permit for a bungalow colony and in the proper zoning district and therefore should be proper before the Planning Board at this point. In general these guys would like to, and when I say these guys what I mean is that there are a number of families coming up here for a good many years and they recently, several of them actually, and these folks are interested in continuing to come there as they have been like all the other folks who come in the summertime. They want to upgrade it to today's standards. The buildings are alike and are a typical bungalow colony. They want to upgrade that and they would also like to enhance it. Essentially now there are existing bungalows there and these guys would like to essentially knock everything down and replace them with modernized bungalows. Again, I want to emphasize this is for a seasonal use. Without further ado, I'm going to turn it over to Mr. Jackson and he will give you the details, etc.

G. Lake: Mr. Wolinsky?

L. Wolinsky: Yes.

G. Lake: Before you go, how many units are there again?

L. Wolinsky: Seventy five (75).

G. Lake: And, they want to put it up to, what?

L. Wolinsky: One hundred twenty four (124). That's what we would like to do. Mr. Jackson will explain that it's still below the existing density requirements for a bungalow colony in that district but Mr. Jackson will explain it.

G. Lake: Mr. Wolinsky, stay here for a minute. The approximate size of the existing use?

L. Wolinsky: Square footage wise? They have to range from, I would say, anywhere from six hundred to nine hundred square feet.

L. Jackson: Good evening. I'm Leonard Jackson. As Mr. Wolinsky said, we have an existing bungalow colony that has been there for many years. The site is thirty four (34) acres. It is in the R-A zone. The re-development of the site is permitted with a Special Use Permit by this Board. What we propose to do is re-develop the site in conformance with all

of the existing requirements in the R-A zone. The site will be served by on-site water, new on-site water supply, a central water system, a sewer system and a sewer treatment plant. The proposed density of the site in the R-A zone is allowed to be four units per acre which would be over one hundred thirty six units. I've shown a conceptual plan in a row system and that conceptual plan has one hundred twenty four (124) units in it with a density of 3.7 units per acre. The building concepts and we have those, we will show them to you in a minute and were prepared by Mr. Millowitz. The buildings will be constructed according to current standards as permitted by the New York State Building Code and so forth. We are here for discussion purposes to find out what the Board says. Eventually it will need a Special Use Permit and that's where we are. Mr. Millowitz can show you the conceptual drawings.

B. Millowitz: The easiest way would be to hand out what I have.

G. Lake: Are there more than one type units?

B. Millowitz: Singles and doubles.

G. Lake: Right.

B. Millowitz: It's really one style.

A. Dulgarian: This single unit is three thousand square feet?

B. Millowitz: No. The single unit would be roughly one thousand to twelve hundred feet and the double could be roughly two to twenty four hundred feet.

A. Dulgarian: The single units again?

B. Millowitz: The single units are proposed to be one thousand to twelve hundred feet each.

A. Dulgarian: What am I reading wrong?

B. Millowitz: Where?

A. Dulgarian: Single units roughly two thousand square feet, times forty three (43) units.

B. Millowitz: The doubles attached is one thousand square feet per unit and two units would be two thousand square feet.

A. Dulgarian: A single unit two thousand square feet.

B. Millowitz: I think that's probably a typo. The single wouldn't be the same as a double. It would be considerably smaller.

A. Dulgarian: So, the size of the single family cottage is what?

B. Millowitz: Roughly a thousand to twelve hundred feet.

A. Dulgarian: Not bigger than twelve hundred. Thank you.

B. Millowitz: As you can see, it's a cottage style of architecture. It's got to be built according to standards in terms of weather proofing and energy. On the other hand these still are basically bungalow colonies for seasonal usage even though it's going to be built to current standards. It's basically a cottage in the woods and is less dense looking.

R. Carr: What's the difference in a single family and a bungalow?

B. Millowitz: I'm not sure I understand your question, a single family home?

R. Carr: Yes. These are bungalows.

B. Millowitz: I would probably guess, size.

R. Carr: Some of the sizes it's a bungalow?

B. Millowitz: Pretty much with room sizes and things of that nature. If you were to build a single family home today chances are you would build about twelve hundred square feet. If you're going to use the place for a weekend use, the people tend to have smaller units.

R. Carr: What makes it a . . .

B. Millowitz: There's no mandated square footage that takes it from one to the other. It's basically the philosophy of the size of the unit that takes it from where I would consider a full time single family residence and I'm going to use the term resort for the moment. If you were to have a single family home with beds for children and things of that nature. These type of units tend to be a combination of living room/dining room. We intend not to do that in the single family units.

G. Lake: Okay. So, basically you're describing an open floor plan?

B. Millowitz: Very much so.

G. Lake: Where the living room/kitchen combines into one room or what ever you want to call it?

B. Millowitz: Correct.

G. Lake: How many bedrooms in the single units?

B. Millowitz: It could be two or it could be three. We have not defined the exact layout of the units.

G. Lake: Why don't you finish up and then the Board can ask questions.

B. Millowitz: I'm here to respond to questions.

G. Lake: Okay. Why don't you let the Board try to get a feel exactly what's going on. Are you going to have basements in these places or will they be on a slab?

B. Millowitz: Probably a crawl space.

G. Lake: Now, water. You're showing now one hundred twenty four units, are you going to run like a water system or one hundred twenty four wells?

L. Jackson: It will be a central water system.

G. Lake: Have you spoken to. . . Do you expect the Town to take that over?

L. Jackson: We haven't really gotten into the ownership.

G. Lake: Have you talked to the Health Department?

L. Jackson: I have consulted with the Health Department and the Department of Environmental Conservation, not only for water supply but also sewage.

G. Lake: The reason I'm asking and I know I asked in the work session but I want to get it on record. The reason I'm asking that is because I really don't know what the cutoff is where

the Health Department is going to say yes we can let you have one hundred twenty four at this point. We don't accept that many on a private system . It has to be a Town functioning and you would probably have to go to the Town Board and talk to them about it. I know there have been cases with much smaller ones and the Town wound up taking them for whatever reason. No matter how far along, I think you have to go to the Town Board and find out how much protection their going to want from maybe ending up with another little water district. The only other question I also have is, I think it's going to be a packaged plant?

L. Jackson: Yes.

G. Lake: And, I have to assume that I don't know if you would be very successful having Orange County accept package plants. I don't know.

D. McGoey: The Department of Environmental Conservation might but Orange County won't.

G. Lake: Okay. I know we've tried to do it in the past.

D. McGoey: We tried to do some innovative systems and more clustering of the dwelling units and would be under review with the Orange County Health Department and they've denied them. The Department of Environmental Conservation will review this and they will probably be able to meet their regulations.

G. Lake: Now, on the packaged plants because I'm just curious because I don't know much about them. Do they build it or do they discharge it?

D. McGoey: It varies with the stream standards. This will probably be a high quality discharge because the stream is very small. There is a lake there.

L. Jackson: There is a stream. We have, in fact, looked at it and it will have to be a high quality treatment plant. We prefer doing the treatment plant only because you can buy some of these things off the shelves and they come on a slab and so forth but the fact is that sometimes depending on the requirements of the Department of Environmental Conservation and the degree of treatment sometimes you just can't buy from the shelf. By the way, the reason packaged plants are sometimes disfavored because most of these units are sealed and they start deteriorating. I don't know if you can just buy this as a package.

T. Hamilton: Just one thing on that. In our zoning under that same area it allows bungalows

as a Special Use Permit and states that it shall be connected to water and sewer approved by the Orange County Department of Health and by the Town of Wallkill. Mr. Lake, also it tells you any building or lot shall not be located within one hundred feet.

G. Lake: The only other thing, the roads going off Tarbell Road. You have one, two, three entrances off of Tarbell Road. That's a pretty (not clear) road so I suggest you talk to Mr. Lippert and even Shawangunk Road you have two there and again, I would get together with him just to see what he has to say about it. The only other thing that I will give you at this point is that we did receive comments from the Bloomingburg Fire Department which I will give to you right now. I think this is the Circleville Fire District line. I don't believe it is Bloomingburg so you will have to check on that.

L. Wolinsky: Your correspondence came from the Bloomingburg Fire District?

G. Lake: Yes. So we will check on that. It seems to me that's the Circleville Fire District responsibility but I will give you that just in case it is Bloomingburg.

L. Wolinsky: Okay.

G. Lake: I will go through the Board.

A. Dulgarian: I have to tell you there's a part of this project that appears attractive like a nice little bungalow out in a rural area and thankfully we still have some of them in the Town but there's a larger part of this that absolutely scares me. We're going from approximately seventy five (75) units at five hundred square feet to one hundred twenty four (124) units at one thousand to two thousand square feet. It's like two and a half times the impact of what this is now if it was full. I just think that it's a very intensive use for that piece of property and it's very ambitious. I think it may be a little much in my opinion. The sewer thing scares me. Mr. Hamilton mentioned one hundred feet. They probably have about twenty (20) units or more, maybe twenty five (25) units that don't fall within that one hundred feet from the property line. In the nutshell I think this is a very ambitious plan and what we were presented here tonight and I think it has impacts that we really have to look at.

H. Ross: I have to agree with Mr. Dulgarian. I agree it is ambitious. It is much too intent. Actually if you maintain the connection of seventy five families with the bedrooms that you have fine, leave them in there. The packaged plants terrify me. They always fall back on the taxpayer in one form or another. The Town's intention of bringing water up to the end of Route 17M comes mighty close here. We haven't even begun to look at traffic impacts of

one hundred plus families having to wait to get on the quickway at Bloomingburg. I would have a very hard time with this.

R. Carr: I agree with both Mr. Dulgarian and Mr. Ross. I mean it's a very intensive use for the property. The other thing is the number of units within one hundred feet of the property line. I just think there will be a lot of impacts out in that area.

G. Lake: Anything else, Mr. Carr?

R. Carr: No.

C. Najac: I kind of like the concept of what he wants to do but going from seventy five (75) to one hundred twenty four (124). I wouldn't have a problem with you replacing those buildings but you also want to double the size and also double the amount of units. In my mind, a bungalow is for summertime use. We're not talking about heating but you can't do that now in New York State. So, now we're looking at affordable housing.

T. Hamilton: It's too ambitious and the amount of units, etc.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

G. Lake: Ownership, condominium ownership, one ownership?

L. Wolinsky: Probably either a condominium or cooperative. We don't want it to be a rental facility.

G. Lake: Right. A cooperative, explain that to me please.

L. Wolinsky: A cooperative form of ownership you own shares. Everything is divided into shares as if you were a corporation and there's a number of shares assigned to each unit.

G. Lake: Almost like a time share then?

L. Wolinsky: Yes. You don't own or have title to the unit itself. You have shares to the unit with a cooperative board similar to a Home Owner's Association. That decision hasn't been made but the thing is . . .

G. Lake: I just wanted to get it fixed in my mind.

L. Wolinsky: Yes.

G. Lake: The cooperative, you would go that route rather than the condominium route? Would it be possible then to say that one unit could have more than one owner?

L. Wolinsky: No.

G. Lake: So, it's still one ownership per unit?

L. Wolinsky: One ownership per unit. This is not a time share or fractional ownership kind of thing.

G. Lake: The decision hasn't been made yet whether it's going to be a cooperative or a condominium?

L. Wolinsky: Yes, that hasn't been made at this time. It could be either.

G. Lake: Okay.

L. Wolinsky: The importance of that is it's to build (not clear) into it. The people who have been coming here have been doing so for a long time. I just want to try and address a couple of issues. We here your message loud and clear in ambitiousness. We have no desire or intent to do anything that would require a variance. These structures, a typical bungalow colony that you and I are all used to seeing up here are passe. We're not going to reproduce that in terms of size or quality. You can't by law reproduce in terms of quality. Families that occupy these units intend to be larger families and have to be sized accordingly just in terms of the larger square footage but they have to be brought up to a modern standard. The design as presented when you look at it appears to be single family homes. We will go back and address these issues. We understand that we have to address all the impacts and so forth. In terms of sewer and water just to hone in on that. I don't think there's an issue with the Health Department approving a community water supply as long as you have a Home Owner's Association there who owns and runs that. You start getting into different kinds of mechanisms where you have if someone wants to sell water in there in which case it would be a transportation corporation which this Town just had a transportation corporation. We're not proposing anything like that.

G. Lake: I think it was good tonight.

L. Wolinsky: Yes.

G. Lake: I think the whole Board got a chance to speak to you.

L. Wolinsky: Yes.

G. Lake: They're ideas across you have a little work to do now, not only resetting, etc. I know at the work session what's going to prevent this from becoming a year round community and it was stated that we're really looking for the summer and holidays, etc. I don't know about the rest of the Board but I just want to put that out for everybody to think about. I do have a certain amount of concerns with sewer and water at this point. I just don't want five years from now or ten years a well to dry up during a dry season in the dead of summer and we have one hundred twenty four families and all of a sudden it becomes, how did this happen and also with the sewer. Just from my experience on the Board it's just been a hard sell but Mr. McGoey indicated that it would be the Department of Environmental Conservation thing so. I think tonight was good and everybody got a chance to look at it and will have a little time to think about it. You have to go back and redesign to get the setbacks correct and I think Mr. Dulgarian has one more question.

A. Dulgarian: I do. Mr. Wolinsky, the way your client represented this, it's not going to have any impact on schools whatsoever?

L. Wolinsky: Correct. These people all have principal residences in the New York Metropolitan area.

A. Dulgarian: Okay. My second question and correct me if my language is wrong. Based on the type of ownership, the different ownerships you were talking about. How does that affect the Town of Wallkill from the assessment point of view when you go from ratables, etc.

L. Wolinsky: It will be the same thing we went through with Golden Triangle. In this case it would only be a rental project. Never in this case would it become a single family.

A. Dulgarian: Does that affected also by being seasonal?

L. Wolinsky: Probably, yes because when they do the rental value calculations but I'm not sure because I'd have to look into that to be honest with you.

J. Bacon: I know you're concerned about it being year round but the code does state summer use.

L. Wolinsky: When they meant year round, they may want to come up for the Jewish New Year and stay for the weekend and for the other holidays, etc. There's no intent for any year round stays. I know the code talks about summer.

D. McGoey: I also asked him to research whether duplex's were allowed because duplex's are not allowed in the R-A zone.

L. Wolinsky: We can look into that. We have a lot of stuff to do here and we appreciate your review and your comments.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES