

TOWN OF WALLKILL PLANNING BOARD

MEETING

DECEMBER 6, 2006

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

MEMBERS ABSENT: None

OTHERS PRESENT: J. Bacon, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - CICCARELLI - TWO FAMILY - SITE PLAN/SPECIAL USE PERMIT - 108 Shaw Road (24-1-55.52) #60-02

G. Lake: Public Hearing started at 7:42 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 6<sup>th</sup> day of December, 2006 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Ciro & Vicenza Ciccarelli, 108 Shaw Road, Middletown, New York 10941 for approval of Two-Family for Site Plan/Special Use Permit of Home at 108 Shaw Road, Middletown, New York 10941 (cross street - Baker Road) for a re-approval under Section 249-20 (12) of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

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

A. Elia: My name is Angela Elia.

G. Lake: And, you're here to have a re-approval on a two-family, correct?

A. Elia: That's correct.

G. Lake: Before I go to the Public, let me go through the Board.

A. Dulgarian: After.

H. Ross: After.

R. Carr: I will wait.

W. Capozella: I will wait.

C. Najac: I will wait.

T. Hamilton: After the Public.

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

**MOTION to close this PUBLIC HEARING at 7:45 P.M. made by H. Ross and seconded by A. Dulgarian.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**

G. Lake: Your septic, have you had that re-done by Eustance & Horowitz?

A. Elia: I talked to them this morning and they said it was okay.

D. McGoey: Generally the Health Department says five years.

G. Lake: Okay. This was approved back in December 2002 but there was a little misunderstanding on the applicant or with the County, I forget but . . .

A. Elia: Right.

G. Lake: Let me go back to the Board.

A. Dulgarian: If we saw fit to approve this before and nothing has changed, I really don't have a problem with it. I just want to make sure that we didn't have restrictions to this prior approval?

D. McGoey: Nothing that we didn't straighten out.

A. Dulgarian: I have no problem then.

H. Ross: I don't have anything.

R. Carr: No issues.

W. Capozella: I just have a question. The two-family home is already built, right.

A. Elia: No. It's a one-family home right now.

W. Capozella: One-family now and you're dividing it into a two-family?

A. Elia: We didn't do anything inside.

W. Capozella: Nothing else.

C. Najac: Nothing.

T. Hamilton: I just wanted to make sure on the septic approval.

D. McGoey: Is that okay with Eustance & Horowitz?

A. Elia: Yes.

**MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments and this Board's comments made by H. Ross and seconded by T. Hamilton.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**

**MOTION for SITE PLAN/SPECIAL USE PERMIT (two-family) subject to all of Mr. McGoey's comments and this Board's comments made by T. Hamilton and seconded by W. Capozella.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**

2. PUBLIC HEARING 7:35 P.M. - **LAST LICKS** - SITE PLAN/SPECIAL USE PERMIT - 2097 Route 302 (9-2-1) #50-06

G. Lake: Public Hearing started at 7:48 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 6<sup>th</sup> day of December, 2006 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Joanne and Casey Gross, 93 Boyce Road, Pine Bush, New York for approval of a Site Plan for an ice cream stand at 2097 NYS Route 302 at the intersection of NYS Route 302 and Berry Lane, under Section 249-40 of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

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

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

G. Lake: Bring us up to what you've done since the last time you were here.

D. Yanosh: I did put on the plan about the sidewalk in front. I don't know how the Planning Board felt about that back and forth but I did leave a five foot strip in front in case the Town does decide to put a sidewalk district in or whatever. The applicant has no problem doing that. To bring the Public up to speed also, this was the old Citizens Bank which is now rented to the Walden Savings Bank. It will now be not a Last Licks Ice Cream Stand. The applicant now has found a client who wants to put a Chinese Restaurant in the building itself. It falls under the same use, an eating and drinking establishment. The gentleman from Pine Bush is interested in moving out and putting up a Chinese Restaurant here. Again, the same Site Plan with the same amount of parking as before. Just interior renovations to the building and exterior a little make up. The Site Plan itself, I changed it. The front entrance off of Route 302 will be eliminated. I will put some planting in there and have some more landscaping and shrubs, grass. The only extra blacktop will be on this side where the proposed dumpster was before. We really taking away from the drainage holding that entrance off on that side. It's better for the Department of Transportation. They don't like all the entrances going back and forth. It gives us a little more parking too. We have the spaces along the front. Other than that, I think it's up to speed.

G. Lake: So, right now basically the ice cream is out and a Chinese Restaurant is in?

C. Gross: Correct. It's strictly take-out.

G. Lake: How about no seats inside.

D. Yanosh: We have no problem putting that note on the plan.

G. Lake: Not even one or two?

D. Yanosh: At any Chinese Restaurant you go into, there's always seats while you order your food. But no real defined area to sit there and eat.

C. Gross: They're considered as waiting tables, that's all.

D. Yanosh: Every Chinese Restaurant you go into there is always a place for you to sit and wait.

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

A. Dulgarian: I will wait.

H. Ross: I will wait.

R. Carr: I will wait.

W. Capozella: I will wait.

C. Najac: After the Public.

T. Hamilton: After the Public.

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

C. Jenkins: Things have changed. I came in here knowing it was going to be an ice cream stand. I live right across the street from it. At the present time we have problems with traffic in and out of the Grand Slam which is right next to this property. They come out from behind the bank, out on to Berry Lane and sometimes they don't come out or even slow down, stop or look. As an ice cream stand with young fellows hanging out at night we felt it was going to add to the problems we've got now at the Grand Slam but now that it's been changed to a Chinese Restaurant take-out, that changes the situation. The big problem there is between the opening between the Grand Slam and this property that they can go through as they wish. There's no fence to stop them. But since this is now a Chinese Restaurant, the whole situation changes. So, that was my biggest concern was the traffic coming through there.

G. Lake: Thank you.

K. TenKate: I live on the end of Alton Road, just at the end of Berry Lane. I'm just concerned about the added traffic that's going to be there. Alton Lane and Berry Lane are narrow country roads. Has anything been or any thought been given into traffic control there? Most of the neighbors on both streets have young children. There is a lot of traffic coming down at Route 302 at the light. I'm concerned about the amount of traffic there. This will generate a ton of additional traffic.

G. Lake: What we can do, no matter what, we can surely ask the Town Board to have the Highway Department put up a no thru traffic sign.

K. TenKate: Is it possible to put it so they can't exit out of the restaurant and go down Berry Lane so that they have to go out by Route 302?

G. Lake: That I don't know. At the end of the Public Hearing I would have to refer that question to our Attorney. I don't know if that's legal to do. But as far as putting a no-thru traffic sign we can write a letter to the Town Board and ask them. It allows the law enforcement to enforce it if they so wish. I know what you're talking about.

K. TenKate: Okay.

G. Lake: Thank you.

R. Sullivan: The concern that I have now the garbage bin is not secure enough because there is a lot of garbage down the road. Do you say on the map there is a chain link fence?

D. Yanosh: (Not clear).

R. Sullivan: Again, with the traffic since we have gotten that light. This is supposed to be Neighborhood Commercial according to the Master Plan. Of course, that's what we want to see there and it's going to happen. We have a responsibility to regulate the traffic going down that little road. I don't know if it should be discussed with you, can you request a traffic study going down there or is it a Town Board issue because it is Neighborhood Commercial and a small store like this there, but how is it going to affect the neighborhood to control that traffic because it is a residential area and there are a lot of small kids who live on that road. Can you request a traffic study?

G. Lake: For a small project like this, I think it would be pretty tough to do. It's a pre-existing building. I think it would be pretty tough to do.

R. Sullivan: Would the Town pay for it?

G. Lake: I would have to ask the Town Board.

R. Sullivan: Could you do that then? Do you have the power to request that?

G. Lake: I will see what the Board wants to do it as a whole. If the Board so desires, we'll ask the Town Board. When I say the Board, it would be the whole Planning Board. As I have said, it is pre-existing a full blown traffic study would cost thousands of dollars. I'm not trying to defend the applicant or get them off the hook but . . .

R. Carr: Are you talking about a traffic study in regards to that whole area or just this project?

R. Sullivan: Obviously the whole area that should be responsible for it. I don't think it should be a target of one project.

G. Lake: Right now, the question is who is going to pay for that.

R. Sullivan: You take cases one by one. I'm asking somebody to look at the whole picture instead of taking them one by one and consider what that area needs. Since you're going to be closing the Route 302 entrance . . .

J. King: The one thing that I will say with that building being presently a bank. You're going to see a different traffic pattern because I assume that a Chinese Restaurant is going to be open well after banking hours. That will do something different with the traffic in that area. One question I have, this requires a Special Use Permit, correct?

J. Bacon: Yes.

J. King: Okay. This is now a bank and we're making it a restaurant. Are we opening the door if by some chance in the future that this business fails or it wants to change, are we opening the door now for another establishment that may go in there and start serving alcohol? By changing this from a bank to a Chinese Restaurant, are we actually opening up the door possibly for alcohol beverages?

S. Vasey: Is it possible that the Alton Road at Goshen Turnpike could become a dead-end street and eliminate traffic going through altogether? From what I understand that was actually was a dead-end street at one time years ago before I lived here and eliminate the traffic there altogether?

G. Lake: This Board couldn't do that.

S. Vasey: I'm just saying that's a possibility to eliminating thru traffic there and the only people that would come down that road would be the people who live on that road.

G. Lake: True but I think (not clear) let's stop traffic and maybe cause a problem with emergency services. We try not to have too many dead-ends as possible but that would be strictly a Town Board function. We can't close a road.

S. Vasey: Is it a fact that it was a dead-end road at one time?

G. Lake: I never remember it being a dead-end road since I can remember. It's always been the way it is now.

S. Vasey: Another thing. I even noticed that when the pizzeria opened there, sometimes when they're cooking, you have a lot of smell from grease and stuff like that. With a Chinese Restaurant are we going to have odors? Will there be grease traps or vents out through the roofs?

G. Lake: Grease traps will have to be put in and it will need to have exhaust just like any other restaurant. Is there anybody else from the Public who wishes to speak on this?

**MOTION to close the PUBLIC HEARING at 8:07 P.M. made by R. Carr and seconded by A. Dulgarian.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**

G. Lake: Mr. Yanosh, you've heard the comments from the Public. Do you want to answer any of them now or go through Mr. McGoey's comments first?

D. Yanosh: The traffic that comes from Grand Slam, I talked to the applicant and he's advising that he would consider putting a speed bump along that line between the Boniface property and our property so people don't cross that. We want to get a hold of Mr. Boniface to make sure it's okay to stop the cars with the speed bump. Trucks will use this back and forth. We will look at that for a speed bump possibly to slow that traffic down a little bit. I guess the biggest issue, traffic. Whether we're here or not people go on Berry Lane on thru. I know I've used it before. I don't use it anymore. There are people who do that and the bank across the street is going to have more people. A study of the whole area is a Town issue I think. It's not really something that my client should be looking at doing. There is more use of the parking during the night. Any Chinese place that I've seen, maybe one or two cars just a steady flow. Traffic is not a big rush and I don't think there are issues here.

G. Lake: What would the time frames be?, opening and shutting any idea?

Mr. Gross: I'm not sure. What you're gaining, if it was a bank, what you're gaining in the evening hours as a Chinese Restaurant, you're probably losing in the morning hours. The bank is open earlier. Obviously the Chinese Restaurant probably wouldn't open up until eleven o'clock for lunch. Eleven o'clock to maybe nine o'clock at night. He closes in Pine Bush at nine o'clock and that's a sit-in type restaurant. He's not open very late there either.

G. Lake: Okay.

D. Yanosh: In the case of the building itself with the kitchen and the grease traps, again one of Mr. McGoey's comments is and we do it all along is that the Orange County approval has to be acquired before we can move in and the condition on this one here is that it would be conditioned upon the Site Plan being approved by the Board before it is signed.

D. McGoey: Mr. Smith will want an exterior grease trap also.

D. Yanosh: What ever the Health Department requires we will take care of. We will have no

problem doing that.

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

D. Yanosh: Yes.

G. Lake: Go ahead.

D. Yanosh: Sidewalks. I have them on the plan in case the Town does require them. We will do the landscaping. The note about Health Department approval, I have no problem putting that on. The stones and stuff around the front we have no problem with that note. Health Department is the other one.

G. Lake: Let me go through the Board.

A. Dulgarian: Yes. I have a couple of questions. Mr. McGoey, where do we stand right now on the whole sidewalk issue on the State roads or Mr. Bacon?

J. Bacon: There's nothing that I've seen that indicates that it is limited to the Board.

A. Dulgarian: Are we limited? Can we ask for them in the State right-of-way and do we have permission from the State to permit it?

J. Bacon: I've spoken to (not clear) a number of times about this to see whether or not there have been any restrictions on this and I haven't seen that it's limited.

A. Dulgarian: So, we can?

J. Bacon: Yes, as far as I can determine.

D. Yanosh: We have no problem putting the sidewalks in. Like I explained the last time we were here I did talk to the Department of Transportation and I do have a strip in there to be dedicated to the State if you do wish to have sidewalks there. The State Department of Transportation does not want sidewalks on private property. They have to be in the State right-of-way which means once my client puts them in the property is turned over to the State Department of Transportation. Who will maintain it? If something breaks or something happens to them, the Town of Wallkill will be the one who will be responsible.

G. Lake: Who did you speak to about that?

D. Yanosh: (Not clear). Department of Transportation in Middletown.

J. Bacon: They said they should be in the State right-of-way?

D. Yanosh: They will require it. What you guys did before when I mentioned the Site Plan down here on the corner, when you made them put sidewalks in along the Perkins down here, that's not what they want. They don't want the public walking on private property. Do you want the public walking on your private property?

G. Lake: Wait a minute. Down at Perkins, they did go to the State Department of Transportation because we were shocked at that when they came back.

A. Dulgarian: My thoughts on the sidewalks are is good planning is what is it going to look like down the road. We always talk about little community centers and I think it's a very small span there. If we can get it, fine. Mr. Yanosh, the flow on this across the lot because you have that entrance that's closer to Route 302 and the entrance that's further from Route 302, you're talking about traffic coming from the other property, which one of those do they primarily use?

D. Yanosh: Showed Mr. Dulgarian on the map.

A. Dulgarian: So, that's where the majority of the traffic is coming?

D. Yanosh: The bar area on this building here and the back over here.

A. Dulgarian: Why would you have the handicap parking there, the furthest point from the building.

D. Yanosh: No it's not. If you look at the distance from there to the ramp itself where the ramp ends, that's the closest place to the building. I can move the handicap to the front. I do worry about that at all but . . .

A. Dulgarian: I'm just curious as to why that's there.

D. Yanosh: It's right there. It's the closest spot. The ramp ends at the back of the building. You have to come up that way through there and that's the closest.

A. Dulgarian: Is that the only vacant spot you have?

D. Yanosh: Let me ask you this, I mean I don't want to be sarcastic but how many handicap people really would wheel themselves into a Chinese take-out restaurant? If it were a sit-down restaurant, it would be a different story but you're going to be in a situation as to how many people are going to be using it..

A. Dulgarian: We usually are used to looking at plans where the handicap parking is closest to the front entrance. Again, I see the ramp.

D. Yanosh: If you want me to move it I have no problem.

Mr. Gross: That ramp goes towards the rear of the building and not towards the front.

A. Dulgarian: Right. I imagine it did. Now, there's no eat in, it's all take out?

D. Yanosh: Yes. Again, you do have chairs inside for people. There's always a place to sit while you're waiting for your order.

A. Dulgarian: Mr. McGoey, is there any additional outside lighting that would affect the neighborhood there?

D. McGoey: I think they should plan on using the existing lighting.

Mr. Gross: Actually one of the lights that may actually get re-directed is the light that shines toward your house that they had there for the ATM machine. The bank had an issue with State code for having an ATM machine so that one light we're going to re-direct so it won't shine at the neighbors.

A. Dulgarian: So, Mr. McGoey, the intensity would be equal or less?

D. McGoey: I would have to see.

A. Dulgarian: That's all I have.

D. Yanosh: The lighting will be reviewed.

H. Ross: Given everything that Mr. Dulgarian had and especially moving the handicap spaces to the front and people more or less expect them to be near the door I think we should not make any exceptions for those spaces. Delivery to the bar on the adjacent property . . .

Mr. Gross: Most of it might come off the front but they also come out to Berry Lane.

D. Yanosh: So, if we put in a good sized speed bump in there it would be re-directed.

H. Ross: Then the parking on the Boniface property we would be eliminating that because of the traffic going through there?

D. Yanosh: The Site Plan was approved before. We can fence it but I don't know whether it will work for something like that.

H. Ross: I'm mostly concerned after the safety issues so anything we can do to bring traffic away from that direction. A left hand turn only out that driveway would solve a lot of problems. Also, I'm concerned about those kids over in the Circleville Town Park who decide they're not going to be able to live without an egg roll and come running down for a Chinese egg roll and don't find a sidewalk on the far side. I'd love a sidewalk on Route 302. I think we also have to consider a sidewalk around the side of the property. Those are my thoughts.

J. Bacon: Mr. Lake, on the user question unless you determine the cross easement in allowing them to cross the property . . .

H. Ross: This is the parking access to the side of the building because there's only one way in there, correct? Maybe to the first driveway cut.

R. Carr: Yes. One of the things and I'm guilty of it myself when I leave the Grand Slam I go through the back. I do see that, I don't see why that would be such a problem to somehow block that back part off. I just don't see it and you're cutting through a parking lot and you're actually encouraging it. You can put up a left hand turn lane but it's all asphalt there but I don't know that anybody will pay attention to it. It's easy to go that way and people are going to go that way. That's my opinion.

Mr. Gross: My concern is with eliminating that, you're actually, the property line between obviously you would want people to stay on my side of the property coming down that driveway between my building and the liquor store. So, now that you're going to be squeezing cars that are going to be coming out through that way or coming in through there what you've completely eliminated which will be a problem for me for deliveries or stuff for the store, you're actually going to be pushing the cars closer to the building in order to accommodate closing off that back entrance.

R. Carr: These cars here are going to go around the back and come up?

Mr. Gross: Not necessarily but if you have a delivery vehicle that's going to go between the two buildings to come to the back of the building.

R. Carr: To me, I guess the delivery would probably be coming during the day at a low traffic time.

D. Yanosh: Sure.

R. Carr: Then you've got most of that parking lot. I'm thinking about when there are lots of cars when this is actually being used. That's when you have everybody coming out.

Mr. Gross: I think that the opportunity to put a speed bump in there, a good sized speed bump to slow people down. Obviously everybody is talking about the traffic issues but this building has been a bank or an establishment of some kind for years and I don't think that having a Chinese Restaurant here is going to increase the amount of traffic going down Berry Lane. I'm more for the idea of having a no right turn exiting both of those areas and make everybody that comes through there exit left to go Route 302. I have no problem with that as long as the residents that don't mind getting Chinese food don't mind going the long way. I have no problem with that. I just think it would be very cumbersome if you close that down on that side.

R. Carr: And, my point isn't that this is all due to the traffic but this is an opportunity to fix the situation as it exists now. A left hand turn only there, I just don't know. We put up the islands on Chili's. There's an island that makes you go this way and people still go right around that. Putting up a sign isn't going to work.

D. Yanosh: If we were to close that off between the two what we can stop pulling out onto Route 302 going out Berry Lane and making a right turn and going down the road anyway.

R. Carr: I don't think you can stop them.

D. Yanosh: You're not going to. The only thing we can do is put in a speed bump which limits the speed of those people coming out of there. It would help some but there's nothing else we can do. They're still going to make that turn anyway whether they can get out that road or not.

Mr. Gross: They're going to cut across the front part now where you approved the handicap spaces.

D. Yanosh: You're screening everything in. Who wants to fence every piece of property.

G. Lake: Anything else?

R. Carr: One other thing. Can we at least limit on the use as there's no sit down eating, cannot be served . . .

Mr. Gross: No alcohol beverages?

R. Carr: Well, no alcohol. I don't know how we would do that.

J. Bacon: Well, under the Special Use Permit you have factors to determine. You're able to include conditions and this might be a good time to do that but this applicant is not proposing any alcohol anyway.

Mr. Gross: If it would please the Board and the people in the neighborhood, we can make it contingent upon that if the establishment were to change back to anything that would serve alcohol that they would have to come back before you. I have no problem with that.

R. Carr: I would propose that. I am happy actually with this use because we had concerns that we would have even more traffic with an ice cream place.

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Mr. Gross: As far as the curbing is concerned, we had originally said we had no problem with putting the curbing in the front but as far as the kids coming across just for the Chinese Restaurant. I mean it's the same thing for Grand Slam or getting a slice of pizza, so my thirty feet of curbing isn't really going to dramatically change that. I think a more defined cross walk in that area would suit better than really getting that curbing in. The sidewalk wouldn't make that much of a difference. We were okay with putting the curbing in the front.

R. Carr: So, you would go from where to where?

Mr. Gross: Actually from the corner of the building to the corner of the lot. Whatever can be conducive. I was concerned initially when we had the handicap in the back that I didn't want the people in wheelchairs having to go over a speed bump obviously but if we're going to move that to the front then I would have it from the corner of the property line towards the corner of the building.

D. Yanosh: Where the chain link fence was.

Mr. Gross: The chain link fence is by the corner of the steps.

R. Carr: As far as the traffic issues, it would be a Town issue and I don't know what can be done about it. That whole area fails. That whole intersection fails. The problem with Berry Lane is the fact that the intersection fails over there. You can be coming down Route 302 from the school and you can have that light signal three times and you're still not through it and then the traffic backs up. It's something that I don't know what the answer is but something needs to be done by the Town.

G. Lake: It might be a timing issue.

D. Yanosh: There is a problem early in the morning and also between four o'clock and six o'clock in the evenings.

G. Lake: There is no doubt about it.

W. Capozella: The parking in general. It's an existing building. I think the traffic needs to be looked at. It will increase some traffic but probably more towards the later hours.

C. Najac: Yes. I'm for the sidewalk and would also like to have it around the corner. I remember in one of our other meetings we required only one direction.

G. Lake: East Main Street.

C. Najac: Yes. I don't know why we can't ask you to make a left turn coming out of Berry Lane. That would alleviate a little bit of it. It wouldn't solve it. I understand that the traffic is involved there now. Maybe a letter to the Town Board and the Department of Transportation. The Town Board to see about a traffic study and the Department of Transportation with the possible timing issue with the light so there won't be a huge line of people backing up.

T. Hamilton: In fact, Mr. Clark's suggestion about wrapping the sidewalk around that corner on Berry, can you bring that to the end so that you can actually mark out where the parking spaces are because right now they're going to cut across those first two parking spaces when they pull in here otherwise these people coming in would be cutting right across that curbing. About that easement out there, a project is supposed to stand on its own. They shouldn't have to worry about not having room on their side of the building going over onto somebody

else's property and I don't know if we ever had a cross easement between them between the Boniface site and this one. If they agree to have this thing wide open, whose's going to be liable now if we sign off without having some sort of a cross easement?

D. McGoey: For one thing, I will have Mr. Bacon answer your question about the liability, the traffic works now.

T. Hamilton: He had mentioned that he was worried about squeezing himself on that side. He shouldn't have to if he stays on his own property.

D. Yanosh: He can stay on his own property but the Boniface property would be squeezing in.

T. Hamilton: I would like to see something in writing on that cross easement on what happens when they cut through from one side to the other and we approve this.

J. Bacon: We do that with a lot of projects.

T. Hamilton: And, we get cross easements for it. I don't think we have anything here.

J. Bacon: I don't know. I think you need something in the record.

T. Hamilton: Do we need a problem to ask for a cross easement? We've had new projects come in and made them get cross easements.

J. Bacon: Your question is asking them to provide an easement for the Boniface property?

T. Hamilton: Either way. We've always done it before when one project uses another. If you're saying we don't need it . . .

J. Bacon: If you want to do that you would really giving a stamp of approval saying that they can cross this property to get to Berry Lane and maybe you don't want to do that. I thought that want you wanted to do was to try and direct the traffic out to Route 302.

T. Hamilton: Then, Mr. McGoey, eighteen parking spaces on Berry Lane?

D. McGoey: Right.

T. Hamilton: Do they pre-exist?

D. McGoey: Yes.

T. Hamilton: They are. Usually we try to eliminate where we can people having to back out onto that road in and out for safety wise.

D. McGoey: The comments from the Highway Department actually called for curbing.

T. Hamilton: Then, you wouldn't be able to use those parking spaces.

D. McGoey: However, I think there was correspondence with a meeting that Mr. Yanosh had with Mr. Lippert and previously said it was taken care of.

D. Yanosh: Yes, it's existing. The spaces were there for the use as a bank for many years. We never had a problem with anybody backing up onto that road and the situation is by nature.

T. Hamilton: I think we can say now that there will be no eating and that would eliminate anybody with a bar situation. A liquor place you have to have a place to sit down. Then we can eliminate that right now and they would always have to come back to us later if they

wanted to switch. This way we can make sure that there is no eating and drinking. And then, Mr. McGoey, has the septic and stuff been looked at for the change.

D. McGoey: They have to go to the Health Department to get Health Department approval of the septic.

T. Hamilton: They haven't designed it yet?

D. McGoey: No. They have an existing septic.

T. Hamilton: I mean, for it to be a restaurant.

D. McGoey: You're right.

J. Bacon: The only thing Mr. Hamilton on the traffic if the Board felt that this was going to be a tremendous traffic generator that was going to really cause a safety hazard on Berry Lane, I think we could say well, we're going to send it to the Town Board and see if they can

close off Berry Lane on use.

D. Yanosh: We're trying to leave it as green as possible.

G. Lake: I just wanted to make sure.

D. McGoey: With a Chinese Restaurant, I would suggest that you check the direction of exhaust of fumes.

Mr. Gross: Whatever direction we have to go to make it work whether it be through the roof or out the commercial side.

G. Lake: Okay. If the Board has nothing else, do have any problems with any of the comments?

D. Yanosh: My only question to you is sidewalks, yes or no.

G. Lake: On what, the sidewalks. You've got them there, let's leave them.

D. Yanosh: My note says, I wasn't sure if you wanted them or not.

A. Dulgarian: And, Mr. Lake like to Mr. Clark said to also wrap around like we did on the corner of East Main Street and Fair Avenue.

G. Lake: I just assume we wanted that.

D. Yanosh: And, we will dedicate that portion of the property to the Department of Transportation and again, we will put the sidewalk in. Again, you have to understand that there will be a Department of Transportation right-of-way. The Town Board will be in charge of taking care of that in case anybody falls.

G. Lake: I'm not sure that's one hundred percent right but he's going to have to check that and find out the legal ramifications because I don't know what's going to happen if the State says no, we're not taking it from you.

D. Yanosh: Right. Again, I'm not a lawyer but I've told my client not to put a sidewalk in on his property so John Q. Public can walk up and down.

A. Dulgarian: Well, you can't have approval unless you put in the sidewalk so that's where

we're at now.

D. Yanosh: What I'm saying is any sidewalk you see in the City of Middletown or any place you go to it's within the street right-of-way. There's not a sidewalk out there that's owned by the private owners.

J. Bacon: Would you have to dedicate that portion?

D. Yanosh: I have to dedicate that piece of property. I have no problem doing it.

G. Lake: You're going to put a sidewalk in. You're going to dedicate it to the State and if the State doesn't take it, then you have to solve the problem.

J. Bacon: The last thing for the Board is the hours of operation. Now is the time to do that.

G. Lake: Well, he's already stated nine or ten o'clock.

Mr. Gross: I'm estimating. I don't imagine him staying open past ten o'clock. It's not going to be a twenty-four hour Chinese take-out.

G. Lake: No. Is the Board worried about the time frame?

A. Dulgarian: I'm not. Ten o'clock is fine.

R. Carr: Can I just get a clarification? What's the restriction on the liquor store, no interior eating.

G. Lake: Mr. Yanosh, any other comments?

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

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**

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

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**

3. **QUICKWAY #10** - SITE PLAN/SPECIAL USE PERMIT - Tower Drive  
(41-1-100.12) #26-00

G. Lake: We had this scheduled for February but they need to be moved up.

**MOTION to re-schedule a PUBLIC HEARING for January 3, 2007 made by H. Ross and seconded by R. Carr.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**

4. **GOLF RIDGE ESTATES** - 2 LOT SUBDIVISION (Extension to Preliminary) - Sands Road (14-2-13) #58-02

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

S. Stoltz: My name is Stan Stoltz.

G. Lake: You're looking for an extension?

S. Stoltz: Possibly looking for an extension on Preliminary hearings for a two lot subdivision on Golf Ridge Estates, either an extension or . . .The perks were witnessed by the Board of Health however we were given a verbal approval. My engineer indicates to me we have not yet seen it in writing. It will be two or three weeks before we get the paperwork in. Whatever the pleasure of the Board. It's either an extension of Preliminary Approval or Final Approval subject to the Board of Health approval.

G. Lake: We would have to give you Preliminary because you're still in another agency. Any questions?

A. Dulgarian: Six months? How many extensions has it been given?

D. McGoey: This would be the second extension.

G. Lake: But, he's in the Health Department.

A. Dulgarian: Mr. Bacon, are we okay giving him another one then?

J. Bacon: Yes.

A. Dulgarian: This would be their last. We have to make sure it's long enough, what are we doing, six or twelve or we're limited?

G. Lake: It's six months.

A. Dulgarian: If that's the case I have no problem doing the second six month extension.

T. Hamilton: Under Preliminary, on the sheet you gave us, it says reasonable extensions are allowed for hardship and he's in the Board of Health.

A. Dulgarian: Okay. Thanks, Mr. Hamilton.

H. Ross: I just want to be clear on this. Is this the last extension on this allowed?

G. Lake: No.

H. Ross: A hardship can go beyond? I just wanted a clarification on it.

G. Lake: Yes.

R. Carr: Mr. McGoey, what did you mean when you said we should clarify that the subdivision extension to Preliminary Approval is for the subdivision of lot #8 into two conforming lots?

D. McGoey: Yes. This was originally an eight lot subdivision or more than that.

R. Carr: This sheet says it's a fifteen lot subdivision. Is this the one that goes around the barn?

D. McGoey: Yes.

W. Capozella: Nothing.

C. Najac: Nothing.

T. Hamilton: Nothing.

**MOTION for a SIX MONTH (6) EXTENSION to PRELIMINARY APPROVAL made by A. Dulgarian and seconded by H. Ross.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**

5. **GOSHEN GREENS** (Parkside) - SITE PLAN/SPECIAL USE PERMIT - Inwood Road (44-1-42.2) #14-06

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

J. Queenan: My name is John Greening from Lanc & Tully Engineers for the applicant.

G. Lake: Now, this is the other half of Hillside, right?

J. Queenan: Correct.

G. Lake: Okay. Go ahead.

J. Queenan: As the Chairman said, this is the Phase II of Hillside Village which is located here. Basically we're developing the property next to it. It's a thirteen (13) acre parcel. This is Inwood across the road. This is Scotchtown and we were before you probably back in July with a sketch plan. Since that time, we want to update you where we are. The property still proposes forty nine (49) townhouse units within eleven buildings. Each building will have two and three bedroom units. What we're doing here is we are in the R-1 zone and have before you a conservation site plan. The last time we were before you, we modified the layout pretty significantly. If you remember the last we had a road that looped and we have a dead-end here. Since that time we basically made it so it would be completely internal. We also, have the connection to Hillside Village. That was what the Board had kind of directed us to do. We now provide a twenty four wide entrance right here. We've also moved the recreational area out from between all the buildings and somewhat out into the middle of the units and the conservation areas are around. We also had several meetings with the Conservation Commission and has given us a letter. They're satisfied with this sketch that we had. We performed a tree survey for them and that's on the site plan also. Most of the

trees are centered around this area here. I'd like to get some sense that this is the layout that everybody is comfortable with. I don't want to keep going back and forth.

G. Lake: Okay. Mr. McGoey, your comments?

D. McGoey: Right.

G. Lake: Do you want to go over Mr. McGoey's comments shortly or are they more technical and you're going to work them out in a work session?

D. McGoey: I referred to Behan's comments and they are somewhat significant as to what the Board had requested from the applicant previously. I would like to go over and highlight those. One of her comments is that she thinks that the access drive between the adjoining apartment complex should be a permanent access. The Board had previously said it not be a permanent access.

G. Lake: Is it their problem as far as getting out?

J. Queenan: It comes right up to the parking lot. We wouldn't actually be encroaching on their property. There was an issue with whether or not they were right in using it. The Home Owner Association really does not want us to connect to it at all. We've had conversations with them and have gotten nowhere. The parking lot and curb that's right here comes right to

the property line so. Whether it's Phase II or Phase I, it kind of falls in the development of Phase II.

G. Lake: Go ahead Mr. McGoey.

D. McGoey: She's suggesting that all the building clusters be moved and relocated so that the conservation easement can be made wider here and attached to the Palisades Park property which will never be developed and it would give more of a buffer to the project.

J. Queenan: Is that the first one?

D. McGoey: That's the first one.

J. Queenan: Because she said move (not clear) and that was our concern.

D. McGoey: This is the northeast corner so, maybe she thought this was a building. And, some of the lots to the east are vacant and does not have direct access to the road. I think she's talking about this. Consider conserving that parcel as an open space buffer for multi-family housing units with agreements from Palisades Park. I don't know how that would be accomplished. It's privately owned. I don't know how we can get involved in that. The entrance location at this location she's suggesting that this be moved in this direction along Leewood. However, personally I think this is steeper here and the applicant has agreed to widen Foster Road to solve the problem with the narrowness of Foster Road.

J. Queenan: The other issue I have is on the slope side and the headlights from our property.

G. Lake: I agree. You also had a couple of meetings with the Conservation Commission?

J. Queenan: Yes.

G. Lake: And, how did you make out there?

J. Queenan: Very well. I think you have the letter that was sent in. They were satisfied with this plan and they were happy about preserving as many trees as possible. They felt that the boundary between the park and our property even though, they didn't think that this piece was significant enough. They said they would rather see this stay natural here so that to protect this building and then you can't see on the Route 211 side.

D. McGoey: There are a couple more issues with my comments. You said on the plan that you were going to preserve the stonewalls as possible but you didn't show the stonewalls so I couldn't figure out where they are. The clearing limit line should be shown. Also, the Board should discuss sidewalks for the interior of the project as well as along Inwood Road.

J. Queenan: If I can touch on the sidewalks. We have proposed to have an internal sidewalk loop and we actually agree to extend the sidewalks from Hillside basically to ours.

G. Lake: Let me go through the Board.

A. Dulgarian: I like the way it's ending. I have no real issues with this.

H. Ross: You're having the sidewalks from the corner of Hillside back all the way to your driveway, right?

J. Queenan: Yes and I believe the sidewalk ends right there and we will extend that here and here. Showed Mr. Ross.

H. Ross: Are there problems with connecting or not other than I understand that the Home Owner's Association doesn't want it connected?

D. McGoey: I think that the emergency access road provides a safety issue.

R. Carr: I agree. I like the project better now. I don't agree that those northeast buildings should be moved. I don't remember why.

A. Dulgarian: When we looked at it, that connection road went right through this parking lot and making backing out to that lane. Remember how tight that was.

G. Lake: You know what. Show it from Inwood Road. They would have to come all the way down that road, then across.

R. Carr: They have to go up to that sidewalk.

G. Lake: Drive down in there and see. I have to disagree with you there.

R. Carr: I just don't remember.

W. Capozella: My comment would be with Mr. McGoey's comments on the plans. He will

look at those to make sure it will be indicative what the area is.

J. Queenan: We will provide all that.

W. Capozella: I'm sure you're going to give us something.

C. Najac: It is a much better plan.

T. Hamilton: As long as the Conservation Commission having approved the large growth trees. Also, I have noticed that they have included the other two parking spaces.

G. Lake: I've sat in on a couple of work sessions with this and I think it has come a long way. I think you've heard the comments from the Board and I think that's what you were looking for this evening to see whatever comments we might have. I don't know if you need to see the Conservation Commission anymore about anything but just keep them in the loop as we move forward.

J. Queenan: I will follow up because they may want to see what the final product is.

G. Lake: Right. Also, work on the storm water management a little bit. If you have nothing else . . .

D. McGoey: Follow up with another work session.

**MOTION to TABLE for further review made by H. Ross and seconded by R. Carr.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**

6. **BALTERA** - LOT LINE CHANGE (Re-approval) Schutt Road & Avenue C (77-4-8)  
#66-05

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

C. Foti: My name is Cecil Foti with Al Fusco Engineering.

G. Lake: Go ahead.

C. Foti: Basically this project was before the Planning Board approximately a year ago and received Final Approval for a lot line approval. There is an existing trailer with two different tax lots. We're going to combine them and remove the trailer and put up a house. The project received Final Approval but the client, I guess, never picked up the maps to be filed. We have to now come back before the Board and I guess in the meantime the zoning has also changed. Now the lots are sub-standard and require area and lot depth variances.

G. Lake: Mr. Bacon, does he need to go before the Zoning Board of Appeals now?

J. Bacon: Yes.

T. Hamilton: Is there an exception to this?

D. McGoey: Yes.

J. Bacon: The code says it that it had to be before 1951. So, yes he has to appear before the Zoning Board of Appeals.

G. Lake: He does have to go?

J. Bacon: Yes.

G. Lake: Let me go through the Board.

A. Dulgarian: Nothing.

H. Ross: Nothing.

R. Carr: Nothing.

W. Capozella: Nothing.

C. Najac: Nothing.

T. Hamilton: Nothing.

**MOTION to send applicant to the ZONING BOARD OF APPEALS made by A. Dulgarian and seconded by H. Ross.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**

7. **DELGROSSO** - 17 LOT SUBDIVISION - Gap Road (19-1-4) #25-06

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

K. Phillips: My name is Keith Phillips from ERS Consultants.

G. Lake: Basically, he's here for sketch to get our comments. I know a couple of us did a

work on for a field review and he also wants to call this a conservation subdivision.

K. Phillips: Correct.

G. Lake: Okay. We will also be sending this plan to our planner to get his comments since we're still working out the conservation subdivision and how it really can work. I wanted to bring the Board up on this. Go ahead.

K. Phillips: We're presenting a seventeen (17) lot subdivision off of Gap Road. We're not sure if Gap Road is actually a Town road because all surveys have indicated that it ends at our property. The wetlands have been delineated but the name and dates will be added later. We're just confirming that the wetlands to the right are Department of Environmental Conservation. The site is developed for the worst case scenario and then it will be submitted to the "HEOE" and the Department of Environmental Conservation for verification.

G. Lake: You are saying that will come off Gap Road basically?

K. Phillips: Correct.

G. Lake: And, if Gap Road doesn't really exist then what are you going to do, try and come in off of Tice Lane?

K. Phillips: Gap Road exists up to our property and what we would like to do . . .

G. Lake: It's a paper street basically at this point. I mean, it's not a road and it's not like to walk out to Tower Drive.

H. Ross: Aren't there two landmarks on either side of Gap Road?

G. Lake: They are but you also have to realize that there's two houses on Gap Road that I think are on different lots. We will have to check into that. The only reason I asked that because over the years I can remember back of conflicts always being there because it stops at the end of that second house in on Gap Road but it does go all the way back but you're going to have to verify it somehow.

K. Phillips: Our survey shows that it goes up to our property line but the tax map shows it going through our property line and there's no indication on the deed of Gap Road going through our property.

J. Bacon: Is there anything on the deed (not clear)?

K. Phillips: I believe there was indications on the two lower lots.

G. Lake: Do you plan on having access off of Tice Lane at all?

K. Phillips: Quite frankly, no. It's too steep.

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

K. Phillips: Yes.

G. Lake: Let me go through the Board because you're only here for sketch.

A. Dulgarian: You're talking about a conservation subdivision for this?

G. Lake: That's what they're proposing it as at this point.

A. Dulgarian: And, that is the first page here?

R. Carr: The conservation subdivision is the clustered plan.

A. Dulgarian: The first one is what they are allowed to do and the second one is for the conservation subdivision. I have nothing at this point.

G. Lake: Mr. McGoey, Gap Road when it goes in don't they have to be so far back off that? This is still new to us.

D. McGoey: You have to be two hundred feet from the Town road so, the answer is yes.

G. Lake: So, these houses that face Gap Road are they scaled out to two hundred feet back?

K. Phillips: These here we would be planning on doing an extension on part of the road and part of the road doesn't require the setback.

G. Lake: Wait. You can't have a Town road that big. You would have to go to an open development, wouldn't you?

D. McGoey: Town Board.

G. Lake: I would never in a million years, never in a million years would I send this to the Town Board recommending seventeen (17) lots on open development. Four would be the tops. To put seventeen (17) houses on a private road and then try and figure out who is going to maintain it unless you're going to have a Home Owner's Association and everything to go along with that.

K. Phillips: Okay.

G. Lake: The only way and I'm only talking about myself that's a sore issue. I'm telling you right now my feeling. I will have the rest of Board tell you their feelings on that. So, get back to the two hundred feet then you would make it on your property line going to Gap Road. The first road would be back two hundred feet?

K. Phillips: Correct, and on the right hand side that was basically, that was to get rid of a lot of lots. That two hundred foot setback would just push everything into the wetlands so, I guess we would be asking for some kind of a variance.

G. Lake: Right now, you might be looking for a variance on this and you're leaning toward an open development for a private road. And, with a private road you have to some kind of association. That's a lot of road. Okay. Any other surprises tonight?

J. Bacon: I just had a question on Gap Road. Does it extend to your property line right now? Is that existing?

K. Phillips: Showed Mr. Bacon the map.

J. Bacon: Mr. Lake, we were talking about Gap Road and how far that extended and trying to get a sense of where the property lines are.

G. Lake: Gap Road, there's actually a couple of roads back in there. Gap Road is one and if you look at the old maps, Gap Road actually runs into a road that would have been called Hollywood Road and end up on Lybolt Road and Tice Lane would end up on the foremost corner. You're not going to see it on this but at one time. I believe that Gap Road is a paper street with the Town at this point. Our question would be is the Town going or are we going to be in a situation like Second Street off of Silver Lake Scotchtown Road. But, Gap Road does exist per se. Anything else you want to tell us on this at this point?

K. Phillips: Not that I can think of.

G. Lake: Let me go through the Board.

A. Dulgarian: You did me.

G. Lake: I did?

A. Dulgarian: Yes.

G. Lake: Okay.

H. Ross: I agree that Gap Road exists maybe. I'm quite concerned about the one family and I know it would be a problem with them.

R. Carr: I don't even know what we're looking at because Gap Road is critical as to whether the whole thing exists. Outside of that, a conservation subdivision, absolutely not. I don't know what it does in terms of the conservation. Do I like it? No. It doesn't meet any of the criteria for what the Town set up for a conservation subdivision. The difference between the real map and the conservation subdivision is minimal. I just don't care for it.

W. Capozella: I agree with Mr. Carr. If you look at the line up the way these houses are lined up. There are a lot of wetlands around this.

K. Phillips: We're highly restricted by the wetlands on this property.

G. Lake: Let me finish with the Board.

C. Najac: I agree with the rest of the Board. What you're calling a conservation plan here looks like a standard subdivision. Have you seen anyone from the Conservation Commission.

G. Lake: They have a backup. This is at the very beginning of the process.

C. Najac: Maybe they should spend some time with them before we go any further.

T. Hamilton: Definitely go before the Conservation Commission. It's very important. Like Mr. Najac was saying the only thing this applicant accomplished here was he moved this building away from the wetlands. None of the other criteria of the conservation has been met. The comments from the Highway Superintendent has nothing indicated about Gap Road which surprises me. I think we need to know the status of that. Does the Town Board

want to take that and use it as a road? It will have to be straightened out.

G. Lake: The road obviously, you really caught me off guard. Shame on me but I didn't realize you wanted that to be a private road. But, saying that I have to agree with the rest of the Board as far as where is the conservation subdivision as it was laid down to us by the fathers of the Town come in effect here. So, I think what we should do is set up a meeting with Mike, the planner for the Town who has actually been the architect of what the conservation subdivision should be. At the same time maybe you can get Mr. LaBruna from the Conservation Committee so you hit two birds with one stone and go from there. Again, as far as that full private road that turns into open development and I could never and I've been on the Board a long time, and I'd never in good conscious recommend to anybody seventeen (17) lots for an open development. There would be too many problems with that. We're going to table you. Call in and get back on another work session. We will try and get set up with the planner, the Conservation Committee some time late in the day and then, let's see what they say.

**MOTION to TABLE for further review made by H. Ross and seconded by C. Najac.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**

8. **SILVER** - 2 LOT SUBDIVISION (Final) - Midland Lake Road (24-1-42.21) #32-06

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

J. Miro: My name is Jay Miro appearing for the applicant. I'm just seeing Mr. McGoey's comments for the first time.

G. Lake: Why don't you just tell us what you want to do here?

J. Miro: The last time we were here basically the plans needed a little work. We had to move one septic so we could preserve the stone wall. We had to relocate a driveway to preserve some trees. We concurred at that time that if we were able to move forward tonight you could consider proceeding without a Public Hearing since it's a two lot subdivision.

G. Lake: Is it out of any parent parcel within the last ten years?

J. Miro: It was twenty years ago. We discussed that the last time.

G. Lake: Mr. McGoey, your comments?

D. McGoey: I have a few. The site distance on the driveways is somewhat of an issue. The northeasterly driveway needs to be moved to the easterly direction to improve the site distance. You could combine that road with the adjoining driveway. That's a tough spot around that curve. Lot #2 could be moved in the easterly direction and lot #1 as much as possible. We're asking that the tree survey be superimposed on sheet 2 of 3 and make it part of the set of plans. Identify which trees are going to be preserved.

G. Lake: Let me go through the Board.

A. Dulgarian: Other than Mr. McGoey's comments, I have no problem.

H. Ross: I have nothing.

J. Miro: I'm not sure this issue came up the last time and we went out of here thinking that the driveway locations were fine and moved the one. It's the first I've heard of this and we've addressed everything that were in the comments.

A. Dulgarian: Mr. McGoey, is that site distance at prevailing speed?

D. McGoey: It's close. The prevailing is fifty miles per hour and he certifies that it has to be four hundred feet. We've got four hundred eighteen and four hundred twenty six feet but I think it could be optimized on lot #1.

J. Bacon: Mr. McGoey, did you go out there?

D. McGoey: I was out there December 1, 2006.

J. Miro: So, just for my clarification we do comply but you want it optimized?

D. McGoey: Right.

J. Miro: I don't have a problem with that but I would certainly hope that won't hold us up tonight.

G. Lake: As long as you comply.

J. Miro: We are in compliance but we would gladly cooperate.

A. Dulgarian: I have nothing.

H. Ross: I have nothing other than complying with Mr. McGoey on the driveway issue.

R. Carr: I agree. I still feel that there's plenty of property there however the wetlands make it a tough lot. I still think two houses on the lot will change the character of the neighborhood.

W. Capozella: I don't have anything.

C. Najac: The houses are right up front but there's nothing you can do with that lot.

T. Hamilton: I would have liked to see the houses back further but you really can't. And, Mr. McGoey on the leech field they can build right up to that line?

D. McGoey: They can go up to a wetland buffer.

G. Lake: Mr. McGoey, your only issue is moving the driveways a little bit?

D. McGoey: Yes.

T. Hamilton: Mr. McGoey, on the Highway Superintendent's comments. Driveway details provided does not meet Town specifications.

D. McGoey: He will have to address that.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: That's all.

**MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments and this Board's comments and signing off with Eustance & Horowitz and the Highway Superintendent's comments made by W. Capozella and seconded by H. Ross.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Nay**

**W. Capozella: Aye**

**C. Najac: Nay**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES, 2 NAYS**

**MOTION for 2 LOT SUBDIVISION approval subject to all of Mr. McGoey's comments and this Board's comments and signing off with Eustance & Horowitz and the Highway Superintendent's comments made by H. Ross and seconded by W. Capozella.**

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Nay**

**W. Capozella: Aye**

**C. Najac: Nay**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES. 2 NAYS**

9. **FILMORE** - 3 LOT SUBDIVISION - Stony Ford Road (61-1-7.22) #18-06

**Cancelled.**

10. **GRS MANAGEMENT** - SITE PLAN/SPECIAL USE PERMIT - Foster Road  
(44-1-44.22) #55-06

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

K. Phillips: My name is Keith Phillips with ERS Engineering.

G. Lake: Go ahead.

K. Phillips: We are presenting two plans. One consists of a twelve (12) lot subdivision, eleven of which are build-able and another which has eleven lots, ten of which are build-able. There's a water tank at the north end and there are issues with if we have access to Poplar. We understand it is.

G. Lake: That road hooks into those townhouses, correct?

K. Phillips: Yes.

G. Lake: And, you want to bring two single family homes to that?

K. Phillips: It would actually be duplexes under a Special Use Permit.

G. Lake: Okay, so we're looking at a duplex project here.

K. Phillips: Correct.

G. Lake: You're saying on this one there's eleven lots, ten build-able.

K. Phillips: Correct.

G. Lake: Lot #11 is the water tower?

K. Phillips: Correct.

G. Lake: Do you own that?

K. Phillips: The client owns that, yes. It was never dedicated to the Town or to anybody else that we can find.

T. Hamilton: Are you willing to dedicate it now?

D. McGoey: You could give the intent.

K. Phillips: I would have to talk to the client about that. It depends upon circumstances.

D. McGoey: Just a little history. I talked to Edward Smith. He provided a file with a copy of the original taking map and claims that the Town paid Mr. Fisher original owner of the property for that lot. It was never transferred.

G. Lake: Okay. Mr. McGoey, did you have a work session with him?

D. McGoey: Yes.

G. Lake: Inwood Road, that's being updated, correct along there?

D. McGoey: That portion is narrow where these driveways come out. I think what he needs is some direction from the Board as to whether you like the subdivision lots not on Inwood and Foster or whether you would like interior roads.

A. Dulgarian: The fewer the curb cuts the better. Where is the road line with the one we just had?

D. McGoey: Pretty much across from lot #4 on the alternative.

G. Lake: As of right now you're not sure you can use three of these lots, is that correct?

K. Phillips: We're pretty sure but we're still looking into it.

G. Lake: Okay. I think we need to know that for sure. I realize they are duplexes but everything from that point forward on that side of the road if my memory serves we is condominiums and townhouses. To me this doesn't make sense to wind through this type of living, My feeling is to try and make it work out to these other ones some how instead of mixing like that but that's me. Let me go through the Board. I think we have the water tank issue and I also think he has to prove that he can off Poplar.

A. Dulgarian: I think those are the two issues. I also want as few curbs as possible. Other than that I don't care for either of his plans. I care less about the one that has all the curbs. I think he could be more creative. I don't know.

H. Ross: I have to agree with Mr. Dulgarian. I prefer fewer curb cuts. The water tower has to be straightened out. I'm not crazy about the plans. Where does two-family come in here?

D. McGoey: By a Special Use Permit.

A. Dulgarian: It's not in hand, is it?

J. Bacon: It's not as of right. If the Board found that it not be harmonious then . . .

A. Dulgarian: Oh, the way I was listening I thought it was in hand already.

J. Bacon: No.

R. Carr: I agree. I'm not as enthusiastic about either of the plans. I think he could be more creative.

W. Capozella: My general comment is to have what we have in that area.

C. Najac: I realize that it is high density. The water tower definitely has to be resolved.

T. Hamilton: I have to agree.

G. Lake: Okay. The only other comment I have is you've heard the Board's comments. I have to agree, the less curb cuts the better. I think you do have to use a little more imagination like, duplex, single family might be the case but I also want to pre-warn you now. Just because you have eleven lots, twelve lots it doesn't necessarily mean the end product is going to be eleven or twelve lots. You're here with the maps right now and now is the time, you've heard the Board's comments, go back and be a little bit more creative and get back on another work session.

C. Najac: And, the other question from me would be sidewalks.

G. Lake: I think you should like at what side they are on.

C. Najac: On Inwood they are on both sides. They will extended on the opposite side with the other project. On Poplar, they are on the upper side.

G. Lake: Sometimes we put them on one side of the street.

K. Phillips: And, I would like to ask to be put in front of the Town Board for the original plan with the housing, how they like the road coming in.

D. McGoey: As an open area road, I think he's proposing that to be private.

G. Lake: You want to do this as open development?

K. Phillips: We just want to see how the Town Board thinks on this. We're not proposing a private road yet. I just want to get input from the Town.

T. Hamilton: Your buffer, what are you trying to accomplish?

G. Lake: I don't think there is enough here for us to send you there. I think there are too many questions to be answered yet. And, I'm going to go back to the other application. I would not recommend anything above four (4) lots in an open development. I think you have to get through us a little bit as far as what we like. If you go down the hall and get an open development road maybe and then us be stuck with it. I think that's very industrious for me letting that happen. I think you need to get a little bit more creative and back to another work session. If you want to pursue that, and I'm going to tell you this up front. I've never, never done it on two-family houses or this many single family.

K. Phillips: Okay.

G. Lake: Again, I'm only one. I'm just giving you my feelings.

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

**A. Dulgarian: Aye**

**H. Ross: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**C. Najac: Aye**

**T. Hamilton: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 7 AYES**