

TOWN OF WALLKILL PLANNING BOARD

MEETING

DECEMBER 15, 2004

MEMBERS PRESENT: G. Lake, W. Capozella, R. Carr, A. Dulgarian, P. Owen

MEMBERS ABSENT: T. Hamilton

OTHERS PRESENT: D. Brodsky, D. McGoey

1. **MOULTON** - 2 FAMILY - SITE PLAN/SPECIAL USE PERMIT - Baker Road (24-1-44.1) #54-04

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

K. Moulton: My name is Keith Moulton and my wife, Ruth Moulton.

J. Nosek: My name is John Nosek from Roger Ferris Engineering & Surveying.

G. Lake: Okay. I realize you're here to re-talk about a denial. We will entertain a motion. No matter what, we do have to re-set a Public Hearing because it was denied and will have to go through the Public Hearing process again.

K. Moulton: I believe that we were denied because the Town Board was not fully aware of what our intentions are. I believe they assumed we were going to build a two- family house and rent it out. This home that we want to build is four our own private home with a small apartment above the garages which would be for my two daughters. I believe that I wrote a letter to the Town and I do have those letters if you would like to look at them.

G. Lake: We did distribute them to everybody on the Board, the ones that you sent in.

K. Moulton: And, we also had a picture of the house.

G. Lake: We also received that. We will take this from you and add it to the record.

R. Moulton: Would you like to have a picture of the house?

G. Lake: We have that in the file, don't we?

M. Hunt: Yes.

K. Moulton: I just want to say, too, that this home that we intend to build does not look like a two-

family house like some of the neighbors think it's going to look like. We did speak with the neighbors too that had some objections as to the house and we found that they were in favor of what we were intending to do at this time. Now, we looked for property for several years to find the piece of property that was large enough with the acreage that we have to build one house on it with a two-family on 34.4 acres. I just thought that, and also the land that when we bought it we were understood that it was available or could be used as a two-family dwelling because of the zoning that it had. In fact, just down the road a little ways is another two-family house in that same area. We felt when we saw that and we looked at the property we would be able to do a two-family very easily there. The thing is this is a home that my wife and I are going to retire at the end of this month and we want to build a house and live there for the rest of our days. Also, we mentioned about the children being in the apartment. If, for some reason they should marry and move out, we thought that as we got older and we needed somebody to look after us that could be a nice place for an aide to live in that little apartment. Again, like I said, if you look at the pictures it does not look like a two-family house. It's a very lovely home and it's an enhancement to the area. It's not going to take away from the area. It's a house on thirty four acres of land with woods all around. It is an older lot where we're going to build a house and beyond that is forest. Our intentions are to have it remain just that way.

G. Lake: Okay. Let me go through the Board to see if they want to ask any questions.

A. Dulgarian: How close is this two-family home that's currently existing from your property?

R. Moulton: It about six tenths of a mile on Midland Lakes Road.

A. Dulgarian: Oh, it's on Midland Lakes Road?

R. Moulton: Yes. Around the corner from us.

A. Dulgarian: Alright, and we need to set a Public Hearing?

G. Lake: Yes. We would have to since it was already denied. I already checked with both consultants. We would have to re-schedule a Public Hearing for them.

A. Dulgarian: Okay.

P. Owen: Where is the apartment going to be?

K. Moulton: We intend to have it above the garages.

P. Owen: So, the . . .

K. Moulton: The entrance to the apartment will be on the side by the garage doors which would be

on the side of the property.

R. Moulton: Also, the house is on a tilt so you don't even see that portion of it.

P. Owen: And then, you're going to have another separate garage?

R. Moulton: Yes. That's in the plans to have it there.

K. Moulton: That's going to be a garage for our tractors and lawn equipment and so forth. That's not in our immediate plans.

P. Owen: But, it's shown on the plan?

R. Moulton: Yes. It shows it on the map.

R. Carr: If it got approved, would it be limited to something?

G. Lake: The approval they would receive would be after the Public Hearing what exactly, yes.

R. Carr: It would be incorporated into the approval?

G. Lake: Yes.

K. Moulton: It's not a full blown two-family where you would have equal amounts of space on either side or up and down, no.

R. Moulton: It's not a duplex, no.

A. Dulgarian: So, the apartment is going to have a kitchen also?

R. Moulton: Yes, that's why we came to you to have it a legal two-family for my daughters so they could have a kitchen up there.

G. Lake: Anything else, Mr. Carr?

R. Carr: No.

W. Capozella: I guess you guys pretty much addressed it. There was one question about the dual driveways or something.

K. Moulton: We would like to address that too because.

G. Lake: I will come to that and tell you what you're going to have to do there. You're going to have to speak to the Highway Superintendent and it's basically his policy the way I read his comment that he will not permit it. That's something between now and the Public Hearing you can talk to Mr. Lippert and see if he changes his mind.

K. Moulton: Because there is a dual driveway across the street. Mr. Elliott has a dual driveway on his property. What we wanted to do was to have a half circle coming in and going out. It's going to be something that's going to be real nice.

G. Lake: Let me finish with the Board.

W. Capozella: That was the only question I had.

G. Lake: To get to the apartment are you going to go through the main door?

R. Moulton: It's on the side where you see a little porch?

G. Lake: Okay. So they will have their own entrance?

K. Moulton: Yes. A lot of garages have a single door that they can walk into the garages as opposed to opening the garage door. That's what it would look like.

R. Moulton: Right.

G. Lake: You have thirty four acres. I think that's something the Board maybe in the back of their minds wondering if the other acreage will become two-family or . . .

K. Moulton: No. At present I have no intention of doing anything like that. If it comes down to subdividing and having to put another house on it sometime in the future, that's something else but that's not our intention at the present.

G. Lake: Okay.

K. Moulton: The reason why I bought the property is I love the land. I love being in the woods. I love to hunt and I've got all of that.

G. Lake: Okay. Anything else from the Board? I want to remind everything that this had received a split vote. We can continue on.

A. Dulgarian: Well, it's up to him if he wants to continue on. I still don't like it but he has the right to go through the Public Hearing process.

G. Lake: Do you want to continue on with this?

J. Nosek: Yes.

D. Brodsky: The application has actually has been denied. I think the question as to whether the Board wants to re-consider and put him back on for a Public Hearing based upon new information or modification of the site.

G. Lake: Right. Does the Board then have a problem putting it on for further consideration?

A. Dulgarian: Poll the rest of the Board. I have no problem putting it on.

P. Owen: I don't have a problem putting it on.

R. Carr: No problem.

W. Capozella: No problem.

G. Lake: I don't have a problem with it. Do you want to continue on?

J. Nosek: Yes.

**MOTION to schedule a PUBLIC HEARING for February 2, 2005 made by R. Carr and seconded by W. Capozella.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

2. **ANNE WARNER** - 2 LOT SUBDIVISION - Prosperous Valley Road (3-1-83.2) #134-04

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

D. Yanosh: My name is Dan Yanosh, surveyor for the project and with me is the potential purchaser of the property and he wants to put a building on it.

G. Lake: Two lots?

D. Yanosh: Two lots. It's in a PID zone on Prosperous Valley Road and County Highway 76. The proposal is to cut 1.508 acres away from the property and the remaining 31.38 acres with the existing house on it.

G. Lake: Mr. McGoey had comments. Did you receive them?

D. Yanosh: Yes.

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

D. Yanosh: When the subdivision goes through, the next thing on the agenda would be a construction of a storage building. He is a masonry contractor with a small office that he wants to put there. I will have to work with the Highway Superintendent about the access and the person for the wetlands will be out there tomorrow and flag the small portion that's out front. We will check with the Highway Superintendent about the application of the drainage swale there. There is a low area where the water comes down the hill. It's a small little spot.

D. McGoey: Is it a wetland?

D. Yanosh: I think it is. It's going to be a Federal Wetland, I'm sure. Anything that's under water like that. It's a small little area. We're not even going to touch it. We will have it flagged tomorrow and we will see what we can do with the drainage through there.

G. Lake: Let me go through the Board.

A. Dulgarian: Come back to me please.

P. Owen: I don't have anything.

R. Carr: Other than Mr. McGoey's comments.

W. Capozella: I guess the subdivision is an acre and a half or something like that.

D. Yanosh: Correct.

W. Capozella: I notice it's for a building. It doesn't matter what it's for I thought it had to fall under the two acres?

D. Yanosh: No. In the PID zone, the zoning is sixty thousand square feet.

W. Capozella: That's the minimum lot size.

D. Yanosh: We tried a couple of months ago or about a year ago to change this area to residential but the Board denied us and also the Town Board denied us.

A. Dulgarian: Why are you dividing it into this fashion?

D. Yanosh: He needs sixty thousand square feet and the minimum lot frontage is two hundred feet. The lot is sixty thousand square feet.

A. Dulgarian: What are you going to go down further and along Prosperous Valley Road later and subdivide that?

D. Yanosh: He may want a few more if possible.

A. Dulgarian: But you have no sketch of what it may look like?

D. Yanosh: No. The back of the property back here, you will see the 89 soils. It's pretty wet back there and not develop-able. This is right next to the sand and gravel, C. M. & Sons.

A. Dulgarian: Oh, now I know. There's a lot of big dips in there.

D. Yanosh: This was probably part of the gravel bank many years ago.

A. Dulgarian: You tried to get it residential and it didn't happen. I don't have a problem with that.

G. Lake: Does anybody have anything else? Mr. McGoey, you feel we shouldn't . . .

D. McGoey: I think you should wait for the Public Hearing on the Site Plan.

**MOTION to TABLE this application until the PUBLIC HEARING is held on the SITE PLAN made by R. Carr and seconded by P. Owen.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

3. **ANNE WARNER** - SITE PLAN/SPECIAL USE PERMIT - Prosperous Valley Road (3-1-83.2) #139-04

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

D. Yanosh: My name is Dan Yanosh, surveyor for the project and with me is the potential purchaser. The Site Plan is fairly simple. We're going to scale it down and make it a ninety eight foot by seventy five foot building. It will be a steel building. We have a small little sketch of what he wants to do here.

A. Dulgarian: Is it two floors?

D. Yanosh: No. Just double windows for more sunlight.

A. Dulgarian: What's the proposed use?

Unidentified Person: Warehouse, masonry.

G. Lake: Anything stored outside?

Unidentified Person: No.

D. Yanosh: He wants to have his stuff inside.

G. Lake: Well sometimes they have stuff left from jobs.

A. Dulgarian: Is it for your own business use or is it stuff that you're selling?

Unidentified Person: It's for my own purposes.

A. Dulgarian: It's very similar to what we approved right up the road. I have no problems.

P. Owen: It's simple.

R. Carr: Nothing further.

W. Capozella: Nothing further.

G. Lake: You have Mr. McGoey's comments.

D. Yanosh: Yes.

G. Lake: You don't have any problem with them between now and February 16<sup>th</sup>?

D. Yanosh: Like I said, we met with Mr. & Mrs. Warner. He had no problem leveling the property off. There is a little valley in there.

D. Brodsky: Is the applicant the contract/vendee?

D. Yanosh: Yes.

D. Brodsky: Do we have an owner's consent on file?

D. Yanosh: Yes. We had all the applications signed.

**MOTION to schedule a PUBLIC HEARING for February 16, 2005 made by R. Carr and seconded by A. Dulgarian.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

4. **FRASSETTO** - Site #10 - SITE PLAN/SPECIAL USE PERMIT - Tower Drive & Industrial Drive (41-1-101.12) #26-00

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

G. Barone: My name is Gardiner Barone.

D. Schmalzle: My name is Donald Schmalzle with Tectonic Engineering.

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

D. Schmalzle: We have Mr. McGoey's comments here and we're here to get some input from the Board on some of these comments. Then, we would like to have a Public Hearing set for this property.

G. Lake: The project, itself, is on the very top of the hill?

D. Schmalzle: No. It's right down at the end of the one that's being built now.

G. Lake: At the end of Turner Drive?

D. Schmalzle: Yes.

G. Lake: Okay. I just wanted to make sure. Is this tenanted yet or is it a speculative again?

D. Schmalzle: This is a spec.

G. Lake: Going to be a spec again also?

D. Schmalzle: Correct.

G. Lake: I will go through the Board.

A. Dulgarian: Yes. I didn't look at Mr. McGoey's comments unfortunately but when Mr. Carr and I were out to the site a couple of things came up. This is going to have it's own retention or detention plan?

D. Schmalzle: Yes. This is . . .

A. Dulgarian: Or, is it going to hook up to the existing one, that huge thing out there?

D. Schmalzle: Yes. That is for the quantity portion of the stormwater. The new one is going to be for quality.

A. Dulgarian: Okay. What about that stream that runs through there along side of the other one that is not being treated?

D. Schmalzle: What we're doing is, we're going to be pipe that from one side to the other.

A. Dulgarian: At no point that's going to be treated?

D. Schmalzle: No.

A. Dulgarian: That's not generated by your property?

D. Schmalzle: No, that's coming from up above.

A. Dulgarian: That's similar to the situation at Howard Johnson's?

D. McGoey: Yes.

R. Carr: It's sits right down by the highway.

A. Dulgarian: There's a pond down by the . . .

D. Schmalzle: Had a discussion with Mr. Dulgarian.

A. Dulgarian: My question is the existing stormwater runoff almost looks like a stream there?

D. Schmalzle: Right.

A. Dulgarian: It's totally on your property and is that going to be addressed? I understand you're piping it and you're filling it in because you're not generating it but if it's fully on your property who is liable for that?

D. Schmalzle: It's on both sides of the property.

A. Dulgarian: I would like to see what the story is with that. That's question one, all the stormwater concerns for that. I would love to see, they did an excellent job with the screening of Route 17 over there. I understand that this is setback just a little bit more and there are some woods but I would like to see that screening continued out. I mean, it comes

all the way up any way. It turned out really nice. Those are my two biggest issues. This is the project that you were here before and had a ton of parking?

D. Schmalzle: Right.

A. Dulgarian: This is definitely better. I wish we were getting rid of a little bit of the blacktop.

D. McGoey: They reduced the spaces down from two hundred twenty four down to seventy eight.

A. Dulgarian: Right. But there's still a lot of blacktop. There are just no parking spots on it. When you come back I'm going to be looking at the landscaping. The other issue is, on the pre-existing

building there's another retention pond between the two buildings.

D. Schmalzle: Correct.

A. Dulgarian: That's pretty deep. I think there should be something around it. This is very, very deep here and now it's going to be accessible.

D. Schmalzle: This one is a total of fourteen feet.

A. Dulgarian: This one is more than fourteen feet. What's this, about twenty five feet?

D. Schmalzle: Approximately.

A. Dulgarian: I'm wondering once you get this road in and once . . .

G. Lake: Any problems with the comments between now and the time you come back?

P. Owen: How much site coverage did we save by reducing the parking spaces?

D. Schmalzle: In reality we didn't reduce the coverage at all.

R. Carr: I have concerns about the stormwater management. Where does the water go, in this deep retention pond? Is there an overflow there?

D. Schmalzle: Yes.

R. Carr: And, where does that go?

D. Schmalzle: That goes into . . .

R. Carr: Right down into . . .

D. Schmalzle: That stream that goes underneath Route 17 and eventually ends up into the lake.

R. Carr: Okay. So, the stream that is going there, is now going to be piped under the building?

D. Schmalzle: Right, because that stream really just starts at the edge of our property. At that point, there is a little marshy area up there on the end property and then that's where that stream actually starts.

R. Carr: Are the trees right now that border the property between this site and the back building, are they going to remain?

D. Schmalzle: Had a conversation with Mr. Carr.

G. Lake: Anything else, Mr. Carr?

R. Carr: No.

W. Capozella: I'm just going to go back to the parking. I know when we first looked at this we said there were too many spaces and now it's still going to be blacktopped. Just coming from an office environment myself, there are seventy eight spots. That isn't really that many. I'm going to probably get beat up on this but since they're already blacktopped what's the difference whether they mark the spots or not because eventually a lot of these buildings end up being office buildings?

A. Dulgarian: If the use changes, they will have to come back.

G. Lake: What is your percentage of office anyway? Do you have any idea yet?

D. Schmalzle: What we have listed is about fifteen percent.

P. Owen: I agree somewhat that if it doesn't cause problems in the turning radius' of the trucks and doesn't cause a concern with safety why not have some added parking spaces in there?

D. Schmalzle: One of the things that we did do is we changed some of the auto parking into trailer parking off to the side because of the spacing of the trailers coming and going and where do you put them when they are not being loaded or unloaded. That's why we provided some parking in the back along there also. Again, it is a speculative building. If the percentages change a little bit some of that parking can be converted into car parking as opposed to truck parking.

G. Lake: Anything else, Mr. Owen?

P. Owen: No.

G. Lake: Is this going to be very similar to the other buildings that are up there right now?

J. Frassetto: Yes.

G. Lake: And the view from Route 17, is it going to be similar to what we see as far as the angle from Route 17 up?

D. Schmalzle: No because Route 17 cuts away from the property here.

G. Lake: Okay. I have to agree with Mr. Dulgarian on that wall and fence that went along there I would also like to see that we continue to see what we see now.

D. Schmalzle: That's what we were planning on having there was continuing the same wall along that area with the fencing with the green privacy on it and then a guard rail on the top of it..

G. Lake: Okay. Anything else from the Board? Mr. McGoey, are you going to need another work session?

D. McGoey: Yes. There are a lot of drainage issues.

**MOTION to schedule a PUBLIC HEARING for March 2, 2005 made by P. Owen and seconded by W. Capozella.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

5. **SKY RIDGE** - 2 LOT SUBDIVISION - Hazel Street (37-13-29) #130-04

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

M. Siemers: My name is Mark Siemers with Pietrzak & Pfau.

G. Lake: Do you have the owner's endorsement?

M. Siemers: The signature. Terry tried to get it before I could come and she wasn't able to get the signature.

G. Lake: Okay. Hold up. Mr. Brodsky, on the application we do not have the owner's endorsement signature? It's here for sketch only.

D. Brodsky: I would suggest that the next time it comes on we should have it certainly before the

Board spends a lot of time on it.

M. Siemers: You did receive the check though?

M. Hunt: Yes.

M. Siemers: That's the important thing. This is the first time we're in front of the Board. We have approximately two and a half acre parcel. It's divided into two zones, the R-1 zone and the RA-H zone. Basically it gains access by two unimproved right-of-ways basically paper streets Hazel Street off of New York Avenue and Sheridan Street off of Pleasant Avenue. What we would like to do is cut off two lots in the R-1 zone. My client has no problem improving both roadways, Hazel Street and Sheridan Street in order to do that. The remainder of the property to place basically a restriction with a note stating that it's not for building purposes at this time and must return to the Planning Board for an approval prior to receiving a Building Permit.

D. Brodsky: Do you know who owns the paper streets at present?

M. Siemers: Yes. Well, I have the filed maps and the current tax maps. On the filed maps, I can give you a copy. It shows basically a fifty foot right-of-way for both Hazel Street and Sheridan Street just as it shows the fifty foot right-of-way for New York Avenue.

G. Lake: Hold up a minute. Mr. McGoey, this was part of Mr. Jack Stack's . . .

D. McGoey: Affordable housing?

G. Lake: Affordable housing. Wasn't there supposed to be something in there as part of that whole project?

D. McGoey: Yes. He had some apartments to be put in there.

G. Lake: He had like affordable senior housing or something?

D. McGoey: He also had single family homes.

G. Lake: I believe they're done.

D. McGoey: I think he also came in for multi-family or duplexes?

G. Lake: Right. I thought he had also received the bonus density in the back also?

D. McGoey: I don't know about that. We should check that.

G. Lake: I mean I always thought that. I know they were never built and I know when I rode up through there.

D. McGoey: We better check that to make certain.

G. Lake: I thought that was the reason he got that bonus density was to provide housing for, and I can't remember if it was for seniors or affordable?

D. McGoey: It was affordable housing for Horizon Heights.

D. Brodsky: That was taken from the signed map. A title search should be done on this.

G. Lake: What's going to happen on the rest. You said about having a note not to be built at this time? What's going to happen to the rest of it?

M. Siemers: Well, obviously it has future prospects for development. After the moratorium is over the client will probably be coming back to cut as many lots out of this.

G. Lake: I don't think there's a problem with you showing us the total bulk that is on this property. By the time you get to a work session at least the Board even if it's not, we can see the total picture of what you want to do up there.

M. Siemers: Right. And, just shade it in?

G. Lake: Yes and discuss that at a work session.

M. Siemers: Okay. That won't be a problem with the moratorium?

A. Dulgarian: No.

G. Lake: No, because you're only going to be doing two lots at this time.

D. Brodsky: Mr. Lake, I'm going to recommend a title search be done because I don't think this map is going to be conclusive as to the right-of-way or who has the access of the roads. Obviously that needs to be addressed.

G. Lake: Okay. Mr. McGoey, do you agree with us about showing the entire layout?

D. McGoey: Yes. We can discuss it at a work session.

G. Lake: Let me go through the Board.

A. Dulgarian: Section 37 Block 5 Lot 2, that's an existing house?

M. Siemers: Yes.

A. Dulgarian: Obviously the shed it on what's proposed to be a road. Do you have any of the property behind there also? Is anything going on back there?

M. Siemers: That, I really don't know. My client has informed me that this shed is a movable shed so it could be moved over.

D. Yanosh: I did that survey years ago.

A. Dulgarian: I agree with Mr. Lake. I would like to see what the whole site would look like or what you think it may look like and I also agree with our Attorney, about who actually owns the streets right now. Does municipal water and sewer exist? I know it runs to a certain point.

P. Owen: Obviously the street ownership is important. I would also like to see what the overall site will look like. The moratorium could very well be over if not extended by the time you get back for a Public Hearing.

M. Siemers: Right.

P. Owen: You're in early enough. I think it's a good idea.

M. Siemers: Actually we did have this all cut out and designed prior to the moratorium. We just couldn't get in.

R. Carr: I agree.

W. Capozella: I agree.

A. Dulgarian: I have a question.

G. Lake: Go ahead.

A. Dulgarian: Why is there a kink in that road like that? Why can't it be straight from Sheridan to New York Avenue?

M. Siemers: To get the required lot area for lot #2..

A. Dulgarian: Why don't you just continue it up?

M. Siemers: Showed Mr. Dulgarian where the existing property line is.

G. Lake: Anything else from the Board?

M. Siemers: We have to provide a title search.

D. Brodsky: Yes, and tell us who owns it and also we need to know what the rights are for access over because even though there may be an easement there, it may not be an easement for the public and then there may be a problem.

M. Siemers: Yes. We believe that these right-of-ways were dedicated with the New York Avenue and Pleasant Avenue.

D. Brodsky: It should be shown in the documents.

M. Siemers: Right.

G. Lake: Just so you know, Mr. Brodsky, back then Mr. Stack came in and did this little development back there. I seem to remember some of that being abandoned and then some of it being kept.

D. Brodsky: Okay.

**MOTION to TABLE for further review made by R. Carr and seconded by P. Owen.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

6. **SAWKA** - FINAL APPROVAL/EXTENSION - Hubbard Road (6-1-24.23) #48-02

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

E. Johnson: My name is Ernest Johnson, the surveyor for the project..

G. Lake: Go ahead. Tell us how you made out.

E. Johnson: Basically what Mr. Sawka would like to do is he has a five lot subdivision off of Hubbard Road. We've got five lots ranging in sizes from 6.37 down to a smaller one of 2.74.

G. Lake: This is an Open Development, right?

E. Johnson: Open Development, and we have that approval.

G. Lake: Mr. McGoey's comments. Have you satisfied them?

E. Johnson: We're satisfying them right now. Your first comment was about the letter of the maintenance agreement and the drainage easement going over to the Attorney.

D. McGoey: I haven't seen anything yet.

E. Johnson: And, finishing the review for you by Eustance & Horowitz on the septic design.

D. McGoey: You should have that before you get Final Approval. That's the reason for Preliminary Approval.

E. Johnson: They're just finishing it up. It should be done within a week.

D. McGoey: I'm just telling you what the Board has done in the past. You get all your agency approvals before you get Final Approval.

E. Johnson: The rest of them are no problem. The last one that you had was that the engineer was to verify that we're not in the agricultural district and you were talking about getting a note. I was at Orange County Planning and they will not give us a letter on this because he doesn't want to start a precedent. He said if you had any questions he would verify it with you.

D. McGoey: Okay.

G. Lake: What's that? That you're not in the Agricultural District.

E. Johnson: I went to Orange County Planning and they said we're not and Mr. Jones said Mr. McGoey could call him and he would verify that.

G. Lake: Isn't that in the application packet that you were supposed to do that before this?

D. McGoey: This was kind of before the Agricultural District started.

G. Lake: Okay. It's been around that long?

D. McGoey: It's been around since May, 2002.

G. Lake: Let me go through the Board.

A. Dulgarian: Other than Mr. McGoey's comments, I don't have any issues. But I do agree that all the other agencies sign off before granting final.

P. Owen: I agree also.

R. Carr: I agree.

W. Capozella: I just had a question on . . . I know Mr. McGoey made a comment in his item #6 about the cul-de-sac dimension or what ever. Is it supposed to be a certain amount of footage there for each lot?

D. McGoey: No. The diameter of the cul-de-sac is set by the Town Highway Department. It's also a private road.

E. Johnson: We just have to put the dimension of the pavement on.

G. Lake: Anything else, Mr. Capozella?

W. Capozella: No.

G. Lake: We really should have Eustance & Horowitz' approval in.

E. Johnson: Like I said, it will be ready next week.

A. Dulgarian: Mr. Lake, is it possible we can get him on sooner because he probably won't be very long?

G. Lake: Why don't we let him get that to us and then if we can get him on an agenda, we will.

A. Dulgarian: Yes, because I don't think he will be on very long.

G. Lake: It surely wouldn't be fair to past applicants that we've made come back.

E. Johnson: I should get that this week.

G. Lake: Get that to us and we will put you back on the earliest that we possibly can.

**Tabled for further review.**

D. Brodsky: Do we have an issue here on the Preliminary Approval for an extension?

E. Johnson: Oh, so we need to ask for an extension?

G. Lake: Even though he's in another agency?

D. Brodsky: That's why he should be given the extension, so he can get his approval from Eustance & Horowitz.

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

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

7. **GOBINPERSAUD/CHANKRICA** - 3 LOT SUBDIVISION - FINAL APPROVAL/EXTENSION - VanBurenville Road (13-1-17.2) #13-03

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

E. Johnson: My name is Ernie Johnson, surveyor for the project. This is a three lot subdivision off of VanBurenville Road with lot #1 having an existing house already on it and we're proposing two more lots. Do you want me to go over Mr. McGoey's comments?

G. Lake: Yes.

E. Johnson: First of all, I have the letter from Eustance & Horowitz for the septic system. It's been approved. I made the changes for the right-of-way. Depending on what you want tonight, either put a stamp underneath there for the site distances or a letter?

D. McGoey: It's got to be on the plan.

E. Johnson: On the plan, okay.

D. McGoey: Who's the Engineer?

E. Johnson: Dave Buckstad. The last comment is in regard to the Highway Department. I spoke to the Highway Department. They said these were recommendations or options but they weren't that we had to do them. It was more to widen that road if we couldn't get site distance on it.

D. McGoey: Well, his comments today indicate that my previous comments requesting an additional widening strip have not been addressed. This is necessary due to accident history. I had also asked to meet on site to discuss these issues and there has been no response. Sight distance table should specify source of information. The culvert extension has not been drawn on plan as I requested.

E. Johnson: He just called me today at four o'clock and tell me that they were just an option.

D. McGoey: Let me just add a couple of things. I did a follow-up field visit out there and you've got to do more on these subdivision plans. You don't show the stone walls along the frontage. You don't show the stone wall between the two properties where the existing house is located. These are significant features. This Board likes to see them preserved and so noted on the plan. You're going to have to fill in that stuff.

**MOTION to TABLE for further review made by A. Dulgarian and seconded by R. Carr.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

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

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

8. **MATHIESEN** - 2 LOT SUBDIVISION - Goshen Turnpike (7-1-47) #126-04

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

D. Yanosh: My name is Dan Yanosh, surveyor for the project. It is a two lot subdivision in the RA zone on Goshen Turnpike with an existing house on lot #1 and a flag lot for lot #2 in the back of the property. Lot #1 would have 2.39 acres and lot #2 with 5.50 acres with a single family house on lot #2.

G. Lake: I will go through the Board.

A. Dulgarian: I have nothing. What did you say about a two-family?

D. Yanosh: No, I said single family.

A. Dulgarian: I really don't have any issues.

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

R. Carr: No problems.

W. Capozella: It meets the requirements.

G. Lake: Mr. McGoey's comments, do you have a problem with any of them?

D. Yanosh: No problem. We got the AASHTO stuff from Mr. Collins the other day. We meet them

with no problem at all. I will put them on. The deed for this property was filed was done in 1981. It has not been subdivided since then. Again, we did the percolation tests and deep tests.

G. Lake: What about the agricultural note?

D. Yanosh: I know we just barely meet the agricultural.

G. Lake: Anything else from the Board? Mr. McGoey, we're just doing a subdivision on this?

D. McGoey: Yes. It's a minor subdivision.

**MOTION for a NEGATIVE DECLARATION made by P. Owen and seconded by R. Carr.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

**MOTION for a TWO LOT SUBDIVISION subject to all of Mr. McGoey's comments made by P. Owen and seconded by R. Carr.**

**A. Dulgarian: Aye**

**P. Owen: Aye**

**R. Carr: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 5 AYES**

9. **SAHAN LAL** - SITE PLAN/SPECIAL USE PERMIT - East Main Street & Carpenter Avenue (74-9-1 & 2) #132-04

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

J. Wortmann: My name is John Wortmann and I represent the applicant.