

Town of Wallkill
PLANNING BOARD MINUTES

August 15, 2018

Members in Attendance: Gary Lake

Tom Hamilton, Clark Najac, Bill Capozella

J. Keegan, A. Guattery, Doug Dulgarian

Also in Attendance: Dick McGoey, MH&E PC, Consulting Engineer

Tad Barone, PB Attorney

PLEDGE OF ALLEGIANCE

7:30 PM – MEETING OPENED

295 Ballard Rd. SP/SUP- Self Storage -295 Ballard Rd. (78-1-82) # 42-18

M. Hunt TOWN OF WALLKILL PLANNING BOARD NOTICE OF PUBLIC HEARING - NOTICE IS HEREBY GIVEN that 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, NY in said town on the 15th day of August 2018 at 7:30 or as soon thereafter as the matter can be heard that day on the application of Merit Hill Capitol, MHC2 LLC East 14 ST. Suite 26 Brooklyn NY 11238 for approval of the addition of proposed movable storage equipment to the existing tax parcel at 295 Ballard Rd. (78-1-82) under Section 247.27.1 of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. I have rec'd the mailings.

B. Hardy I am here with Mr. Kossar Atty. As well. I am Brent Hardy and I work for Merit Hill Capitol. We are in Brooklyn NY to discuss approval for an addition for an expansion of 7800 s.f. of moveable storage structures located at 295 Ballard Rd. Those are proposed on the left side of the property where there is currently trailers and equipment being stored there. We have had several w/s with Mr. McGoey. We have incorporated his comments in this current submittal. We are sensitive to the Towns feeling on self-storage, the way it looks and we are proposing to match the existing exterior on the bldg that is there now.

G. Lake Thank you. Motion to open this PH at 7:39 pm. Motion to close this PH at 7:40 pm. 7 ayes. Any problem with Dick's comments?

B. Hardy No problem we have incorporated them into this plan.

D. Dulgarian I like the project. they changed the widths of the lanes and I am also interested in seeing how this geotech is going to work. there is no outside storage now and I would like to see a note on the plan. I'm good.

J. Keegan I agree, I like the project.

B. Capozella I like the idea of the surface I just want to make sure it really works. I've seen it in some places where the product underneath comes up so I would like to see it in a couple years. It does require maintenance? (yes we will have a contract)

C. Najac Nothing more.

A Guattery I agree, it looks like a good plan, I'm ready to see how the permeable pavers work as well.

T. Hamilton The pavers and the rendering look great. I'm good.

G. Lake Motion for a neg dec/part 3 EAF – Andy/Clark

D.DULGARIAN AYE

J. KEEGAN AYE

B. CAPOZELLA AYE

C. NAJAC AYE

A GUATTERY AYE

T HAMILTON AYE

G. LAKE AYE

Motion for SP approval subject to all comments Tom/Andy

D.DULGARIAN AYE

J. KEEGAN AYE

B. CAPOZELLA AYE

C. NAJAC AYE

A GUATTERY AYE

T HAMILTON AYE

G. LAKE AYE

Oya Solar SP/SUP – Pocatello Rd. (65-1-7.3 and 7.2) #20-18

Mel Farmer We are here to present the Oya Solar Array project. Oya was founded in 2009 they have over 500 solar project across Canada and the Midwest US. They have several applications in NY for solar arrays in the area and are currently working with Jim McCarey in Orange County on a PILOT agreement. The 2 mw solar array spans 2 parcels owned by George miller. There is a small parcel fronting on Pocatello Rd. that will still be owned by George and there will be cross accesses across that to the 42 acre parcel behind that which he will be selling to OYA Solar. The fenced area comprises 0.9 acres. We will be requesting relief from the ZBA from the 10% lot acreage (10 acre) and 15% vegetative removal. The gravel access drive will be installed at grade so there is no added impervious area or grading other than what is planned to satisfy the OC DPW. The solar panels are installed at grade. The wetland specialist did identify a flagged wetland that is a federal stream. We are going to install engineered grids to expand that so there will be no impacts to wetlands. It's a tree lot so there is habitat there but tree

cutting will be curbed until March 31st as required. The project is quiet and dust free, minimal traffic. We are in receipt of the County comments and take no exception to those. Comment 22 – we did identify the habitat but will the board require a field investigation? With that I will open it up for questions and comments.

G. Lake You are looking to go to the ZBA for a variance?(yes)

R. McGoey They can get DEC's input on the bats. There are 20 acres of woods and this is big. Once you cut that ...

G. Lake Any problem with Dick's comments? You have no problem with any of them?

M. Farmer We are not adding any impervious since the panels are so low to the ground. We are not adding anything out by the road except where we have to satisfy the OC DPW.

R. Mcgoey When you clear these trees are you going to grub?

M. Farmer Yes, during construction we would have temporary siltation(?) base.

G. Lake It's a Town road – you will have to satisfy the Town .

D. Dulgarian the lot size is 42 and of that on your map the buildable area is 14.75 acres. How is that calculated?

M. Farmer I believe it's a straight code requirement for the R2 district. That is the percentage we are allowed. The solar code is different – I believe its 10 acres, 10% lot coverage etc.. 15% removal..

D. Dulgarian So it's 15% lot coverage, 15% veg removal. What are you seeking?

M. Farmer The fenced area is about 20.9 acres. We are removing that much vegetation. Plus or minus 50%.

D. Dulgarian the majority of that is weeds, trees? (trees). We had one of these awhile back. I understand the need that they are doing it to preserve the environment yet we are cutting down 20 acres of trees. I'm not fond of that.

J. Keegan I see that it is setback from the road and will not be seen.
I like to see plenty of screening.

B. Capozella Concerning the ZBA with all the solar farms coming up and the couple we have approved this would be setting a precedent. That is a concern to me. One thing about them is the

public will be out with a lot of questions. Be prepared to educate the public on this. Noise, hazardous, use of water etc.

Is there a power generating bldg. etc.

G. Lake You heard the board comments. Tonight we will move forward to send out NOI to become Lead Agency – Tom/Andy 7 ayes. Get together with Tad Barone to see what you need and get back together with Dick to see who you have to notify.

Haitian Church SP/SUP – 257 Rt. 211w (49-1-74) #31-13

DEPUY REPRESENTATIVE I'm here to represent the new Haitian Church for a 2,777 s.f. bldg. on 257 Rt. 211w. they will remove the current bldg. for the new construction and make new sidewalks and parking area. The lot will be serviced by City of Mtown water and will also be getting City of Mtown Sanitary sewer by a proposed easement over the rear adjacent property on Brewster Dr. we have been talking to the City of Middletown and they are pending the plans.

G. Lake So you are going thru the back on Brewster Drive.

DEPUY REPRESENTATIVE Yes it will go across the back property into Brewster Drive. We are going to create the easement.

G. Barone There is no clear line on when something that previously had a Ph that was approved requires a further PH if there is some level of completion. You have determined whether or not there has been a sufficient change or alteration to the site that will warrant what comment from the PH. The engineer says there has been substantial change.

G. Lake It's a whole new bldg with 2 stories.

G. Barone Substantial enough to warrant a PH.

G. lake Any problem with Dick's comments? DOT access you will have to work with. want to show the elevation to the guys? You will have to come up with an agreement between the Town and the owners about the City of Mtown W&S.

D. Dulgarian The parking calcs are done on seats Dick?

R. McGoey It gives you the option. Depends on whether the seating is fixed or movable. If it's fixed it's by seat, if its moveable it's by s.f.

D. Dulgarian They are calculating it by seats. You are saying total is 35 or 28?

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It is 28 but we are showing 35.

R. McGoey 109 seats. 1 space per 4 seats.

D. Dulgarian I know that there are only certain times it is used and not daily but when it is in use it is packed. They don't have much room there. I don't know where the overflow would go.
I agree it needs a PH.

J. Keegan I like it, nice bldg. is there a reason they went for a bigger bldg? It shouldn't be that much of an issue.

B. Capozella Parking is tight – you are pulling in when someone is backing out. I get it and understand it. The main thing is where they will be all over the place. We might have to put some note on the plan to that effect. That will be my one concern that might come up at PH.

C. Najac I think the parking may be a problem but it looks like the site is being improved.

A Guattery I agree the parking will be the devil. We will have traffic backed on 211 waiting to get in. the building height is proposed at 35'. Dick, does that include when a church has a cross at the top? Also how many congregants are there (less than 100) – that may be where we start.

R. McGoey I have to look at the code, there are some exemptions.

T. Hamilton there was a lot of questions on the previous site plan with parking. They are saying their numbers are not changing from what they had before? The stream in the back won't they need to show us the stormwater?

G. Lake I think it will be a great improvement. Take a look at the parking and comments from the board. Motion to set a PH on 9/19/18. Bill/Jim 7 ayes. Return to WS.

Distelburger SP/SUP – 430/432 East Main St. (73-1-23) #39-17

R. Winglowitz Good evening. We are here on behalf of Joe Distelburger. We are representing a new applicant – Farrell Corp. We are here to talk about whom they are and what they do. They are the contract purchaser of the property.

Steve Sager I'm from Farrell Bldg. Company in Long Island. I'm in charge of all the commercial development. We are working in several towns locally including Wappingers, Fishkill, Newburgh and now Wallkill. We are very excited about this project and glad to have Ross representing us. Please let me know if there are any questions about myself for my company. Thank you.

R. Winglowitz We were here and met with Dick last month. We did some minor tweaks that we wanted to show to you. The addition of a pool, clubhouse, play area and tennis court. The only change that occurred is we set it directly at the end of the entry road so it becomes a focal point as you enter into the development. You would be coming into the residential portion which is directly ahead. The other change to the overall concept is in talking with Dick regarding liability of what to do on the front left parcel. We had shown a bank or something there. our feeling is a medical office may be more viable. We are not proposing that site plan at this point but we are putting it there for SEQRA purposes for a SEQRA analysis on the property. We will come back at some point with a detailed site plan for that project. We were here in April and you adopted the sketch plan ..

G. Lake the Dunkin Donuts is going to be part of the overall property?

R. Winglowitz yes, it will be transferred to Farrell. They have been marketing it since the previous applicant decided not to pursue it.

G. Lake The proposed medical office lot, is that being pursued as a separate lot.

R. Winglowitz yes it will be – they hope to address it only for SEQRA purposes.

G. Lake Any problem with Dick's comments? (no) Have you talked to Orange County?

R. Winglowitz Yes, we had gone back and forth with the traffic consultant for the Town. We sent that out to the DPW.

D. Dulgarian We are looking at this for sketch? (yes) I have no issues; I think it will be a nice project. When you come back and these progresses I think traffic is the biggie. We have to take into consideration all the other projects happening on that corridor. There is a lot to be looked at there. With the new school configuration as well has to be considered. I will be looking at the aesthesis of it – the Ginsberg Project has an excellent entrance feature as well as the one on Schutt. Especially something as highly traveled as this, we even asked the Cumberland to dress it up. we will be looking for something like that. Dick mentioned the silo – I like the stone wall effect. Where has your company done projects that we can go online and see?

S. Sager We are actually relatively new, we just finished one project in Long Island at Kings Park. I can send you info on that. you can also look on our website, Farrell building company. It will show a lot of SF homes that we did previously but we build better than most in the apartment business. I am familiar with the project you are referencing and we are prepared to do exactly that kind of nice entrance. We never do a project like this without a clubhouse and additional facilities. We are building 164 units in Newburgh. We could show you those plans.

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D. Dulgarian If you could set up with the Secretary the location – I'm sure a lot of other members would be interested as well.

S. Sager We will have the elevations done as well.

D. Dulgarian I know it's low where you are going to put the medical office. That is within your conservation area?

R. Winglowitz The conservation area is beyond that – everything to the left would be the tennis courts and the pool area.

D. Dulgarian So that is not where all the wood and fill is?
I think it's in the conservation area.

R. Winglowitz The barn is in the back of the front lot (number 1) – it is behind that.

A Guattery All that fill is behind bldg. units 1-16. The first building.

D. Dulgarian I wish we gotten the Dunkin Donuts bldg. right with the Stormwater in the front. I hate the look of that – the first thing you see is weeds.

R. Winglowitz It was a 30" high stone wall..

J. Keegan The big thing is the traffic. I like it more than the original project now with the recreation factor, pool and tennis courts. 30,000 s.f. potential medical office – we will have to look at that when it comes in.

B. Capozella East Main St is a big traffic issue. McGoey's notes # 5 references the Town Consultant. You also mention OCDPW – wouldn't this type of plan be sent there?

R. McGoey We send it and get feedback.

B. Capozella Note number 6 about the archeological study- I know they always throw that in there. NYS has so much stuff they don't want to even bother digging up more stuff but they still want people to waste their money to see if there is something that may be there. It's crazy!

C. Najac I'm glad to see they are willing to make some concessions and make it look nicer. I mentioned before that we need to make sure we speak to Lou Ingrassia about the possible path on the railroad track. If that is a possibility maybe while you are doing construction you can make it look nice before they get there.

R. Winglowitz We don't own the railroad bed. It's adjacent to us. One of the ideas of the conservation area is to use that to have access to that parking so people can park and walk thru here to the rail trail.

A Guattery I agree, traffic is the problem. The idea of building on the front lot will get a lot of scrutiny. I would like to see it further back.

R. Winglowitz We try to minimize parking in the front and put more in the back.

A Guattery The silo thing, it does carry more than history, if you are from anywhere in this area, it's a landmark. The Distelburger name and Dairy Barn are well known and would be feature if you can build around it. All the individual units are laid out linear and perpendicular and parallel. It would be nice if they were angled or something.

S. Sager If we start doing some different things with the roof lines...I can have something for the next meeting.

A Guattery I would love to see something creative. It takes away from our beautiful Town. That's it for now. Thank you for putting in the amenities.

T. Hamilton I'm glad we are coordinating with the school across the street.

R. Winglowitz Part of the traffic analysis required is to study the approved traffic for the school district. That will be in place when this project is built out.

T. Hamilton Seven apartment buildings, 2 bedrooms? Where do the school kids get the bus? How will that happen?

R. Winglowitz We will reach out to the School District.

T. Hamilton They won't go on private property.

A Guattery They may not have bus service to Junior or Senior High. They may be walkers.

R. Mcgoey Mr. Barone might have an issue with SEQRA.

G. Barone This is in an AG district. That reduces all the SEQRA down to 25%. It would make it a TYPE 1 – need a notice of intent and circulate it.

R. Winglowitz Yes, we did all that already.

G. Barone Ok.

D. Dulgarian The proposed conservation easement area – who will end up owning that

R. Winglowitz We were going to approach the town Board about dedicating it as part of additional parkland that run along the existing parkland that is there. We plan on approaching them in the next couple of months.

D. Dulgarian It's all swamp, what is not filled. Do we know if this will require a traffic signal?

R. Winglowitz We do not, it's part of the traffic study for signal warrants at the intersection. We did do a signal warrant analysis for Dunkin Donuts. With the add'l use this may very well be required and a left turn lane – we will have to study the signal warrants again to determine that.

R. McGoey We have sent out the NOI but we have not assumed lead agency. Proof of mailing has bene rec'd? (yes).

G. Barone The board can adopt LEAD AGENCY notice. It's been over 30 days.

G. Lake Motion to accept this as sketch so you can continue on. Andy/Clark 7 ayes. Motion to adopt Lead Agency Status – Bill/Jim 7 ayes.

281 Rt. 211e SP/SUP (sketch) (50-1-27.22) Fitzgerald Drive. # 69-17

B. Watts Good evening, MA Day Engineering for the applicant. The applicant currently owns the block between Fitzgerald and Certified Drive. He owns everything but the Burger King. He has remodeled the corner properties. He is seeking to take the 3 lots and consolidate them into 2 lots and further develop the Fitzgerald side of the property. This is the remainder of the lot with the Enterprise strip mall there. This will be new lot and he intends to put in a number of bldgs for a total of 78 units (apartments). He also is going to give to provide for stormwater ponds to help with flooding issues in the area. They will be designed by others.

G. Lake A reminder, they have been working with the Town and Supt. of Highways and the last 2 Supervisors to try and straighten up the drainage problems a little downstream from there. This is finally getting to us to review. I don't know if they have any written agreements but I think they have verbal agreements on developing those 2 ponds which would be great benefit to the Town. I think that is one of the corrections that we need to think about. That is why we are here for residential. It was talked about a few months ago.

B. Watts Rezoned to accommodate these uses. He's looking to make these look real nice, he always does. Whatever landscaping is no problem. We are showing buffer vegetation in the parking areas and buildings. It will evolve as we go thru the process.

G. Lake Dick's comments. They are mostly engineering and working out the details with the Hwy. Supt. and the Town as far as the pond agreements. I guess the height we discussed before the meeting, is 3 stories and the zone says 2 stories. We have to send you to the ZBA to request that variance. I would recommend that you contact the Supervisors office or Mr. Ingrassia office to send a letter in support to the ZBA explaining why that variance is being requested. I think that would be a great help and they would get the entire story firsthand from the people involved.

D. Dulgarian Just listening to the last couple minutes it sounds like the Town is in favor but it looks ambitious to me. At first look I don't like it all.

B. Watts they will be working on architectural renderings.
This is just basic sketch.

D. Dulgarian What is with the parking away from the building – people are going to park and walk 300'? It won't happen.

B. Watts It was to meet code and not require variances for the parking. It is to show we could put enough parking whether or not it makes sense but it is possible. My understanding is that the pond may actually change a bit – instead of the pond going across they may do something more around this area..closer. They are by Fitzgerald.

J. Keegan Does he own the old Pool Supply place? If he does he needs to take a look at it – its run down and a disaster. We like to see sidewalks, street lamp detail. It's a densely populated area of the Town where people walk all the time to stores, restaurants etc. we want to see how this really integrates with the neighborhood to access it without jumping in a car 350' away from their apt. Maybe we can see a street plan..

B. Watts We have tried to exercise pedestrian circulation and maybe some bike racks, etc.

B. Capozella Parking all the way over there – you do get a lot of traffic in apt. complexes. That is my main comment. On the EAF it is not really signed number 18 is not checked – it should be yes.

C. Najac I understand the stormwater management issue we have there. this will help immensely. It does just look like more boxes with no imagination. We can make it look better than what you are showing here. That would be helpful. Send it to the ZBA and we can continue to work on making it look nicer.

A. Guattery I am going further than visual. This is an excellent candidate to think outside the box. The ponds – this is a challenging lot to do something with. Nobody is parking over here to park to bldg. 300 never mind bldg. 400 or 200 it won't happen. Now it is time to be creative. If you need a variance for height maybe you should be thinking of changing bldgs and parking. Mr. Keegan is right about the walking in the area. A big emphasis on that. Let's design this around the idea that we are going to put these people into the apartments that are not interested in getting in their car to go across the street but may want to walk and be part of the community. Let's get creative.

T. Hamilton This has been around for a while and has had changes made to it. The stormwater management – there has got to be a way you can shift that to move the parking lots. The apartments will be a big improvement to that area.

G. Lake I understand the Town wants to clean up the drainage and that is important. I think you heard the board – a little imagination goes a long way. We realize that Mr. Fidanza is a top notch builder. I know you will have to discuss this with Lou Ingrassia but maybe even moving it here. we are going to send you to the ZBA for the height for 3 stories. Maybe you should go up 4? All the hotels are 4. I don't think that's impossible and maybe make 2 bldgs. You still achieve the same thing. We realize we are dealing with the right guy to get the job done.

G. Lake I didn't have a chance to check with our people to find out if this is where the drainage has to be or not. So, a little imagination and we will go from there. Motion to refer to the ZBA (for extra height on stories) We could send a recommendation with our reasoning over to the ZBA for the 4 stories. Andy/Jim 7 ayes. Thank you.

Blumel Rd. 15 Lot SD – Final approval Blumel Rd. (41-1-15.1) #104-16

B. Watts MA DAY Engineering for the applicant. We had a recent WS that was very productive. We were trying to eliminate any encroachment we had on the 30' buffer. Through miscommunication or misunderstanding we did have the final grading in with the intent to restore some vegetation when we were done. We said at our meeting we would change it so the grading in that area would remain the same and this area with the pond. To accomplish that we had to consider a retaining wall there. now we are proposing a retaining wall in that area to eliminate all that grading – no encroachment there from that point. Right now we have added a fence- that was a preliminary location. Maybe we can put that all the way around. We have addressed the comments. We created some others which are easy fixes.

G. Lake So no problem with Dick's comments?

B. Watts No, Mr. Hamilton – are you in favor of an easement to replace that pipe?

T. Hamilton I did not have a problem with that I just did not like the grading you had from the fence line and that 30'. That was sending run off down to my lot and 2 others now. Now that you are doing the wall I can work something out with that. the pipe is in there now but there was never an easement filed.

B. Watts If there is any language for the easement for the Town..

T. Hamilton If you can call me when he goes out to survey I can see where he is setting that.

B. Watts Not a problem.

D. Dulgarian I like what we did with this along with the ZBA on the lot sizes. Dick's comments about the tree sizes. Landscaping will be important.

R. McGoey It is my understanding you will have more mature trees.

G. Lake You will get bigger trees and the lighting was decided on already. We are also going to have a nice decorative entrance in front. it just needs to be finished up. I still don't see the name of the road on here.

B. Watts I will get that from him tomorrow.

D. Dulgarian I agree that the landscaping and entrance feature need to be done. We made a commitment with the surrounding community members. It's a great project.

J. Keegan I agree. I'm happy with the layout – ready for final approval.

B. Capozella I mentioned the layout of the homes. It is differentiated a little bit now. Also the colors – that every one of them is not white in this development.

C. Najac if we build what we agreed to it will be a nice project. For the record, I don't like the lighting fixtures.

A Guattery I think the Chairman touched on everything, we put a lot of work into this so it has to be right.

G. Lake Motion for final conditional subdivision approval. Andy/Clark 7 ayes. Good Luck.

Dollar General SP – Bloomingburg Rd. (1-1-61.21) #49-18

Caryn/Bohler Eng. I represent the Hix Snediker company and they have the 1.8 acre parcel at 882 Bloomingburg Rd. in the HC District. They are proposing a 9100 s.f. Dollar General retail store. When we here last we did not have a site survey yet, just a general sketch plan. The sketch plan was accepted. Since then we had a survey done of the property and have a civil engineer and site plan that we submitted and we conferred the layout of the sketch plan is a good it based on the survey and the engineered site plan. It has not changed from sketch that was approved. We are still proposing 33 parking spaces although the code is 53. We do not feel those are necessary for this use. We have it the land banked parking behind the bldg. which would bring it up to code. We are proposing to leave a good portion of the tree buffer along the south side and in the back as well. We have laid out the site to achieve the minimum landscape buffer out front and proposed most of the stormwater behind the bldg. There will be one small area in the top NE corner but we wanted to keep it back behind the bldg. and out of site. There is no municipal water and sewer so we have an onsite well and septic system. One of the things we noticed with the first layout was the drainage and the current property owner for this parcel owns right here and here as well. To our knowledge the Town is under contract to purchase that parcel to the rear. We do have confirmation that they are willing to give us a drainage easement back to Shawangunk Kill since our stormwater is in the back. Eventually it goes to the low point which is the river that is there. the biggest change is we found Section 19 in the code about the Shawangunk Kill which talks about a 200' offset. Our surveyor went back and located it and took that 200' offset. That would fall about here and goes at an angle and cuts thru the back corner of the bldg. and everything back would be within that 200'.

G. Lake Mr. McGoey did talk to one councilman out that way.

R. McGoey I did – to clarify, the new ordinance, the Shawangunk Kill Preservation Overlay District prohibits certain uses to be located within 200'. Those uses include septic systems and tanks, stormwater management ponds, bldgs, ponds. They have all of those uses proposed within that 200'. My suggestion has been they go back to the Town Board and discuss whether there is any flexibility they can give them in their negotiation of the purchase of that 3 acre parcel that would give them some relief from the overlay district regulations I'm recommending you table this until they make that alternative.

G. Lake It is something that the Town did about 4-5 years ago. The old Town Board did this along the whole stretch and sometimes you just don't realize what that is going to do. I think it will be a positive outlook with the Town Board. I will make a point to see the Supervisor tomorrow or Friday to talk about it. Mr. McGoey has already talked to one of the councilman as well.

R. McGoey He asked me to ask the engineer if they can get a septic system outside the 200'.

Caryn/Bohler Eng. I think we could move the septic up into this area. The well would go back. We are looking for clarification as to what board we approach. Can we be sent with a positive recommendation. I'm not sure what else you can use this property for.

G. Lake Right now we will have to table you for your own benefit so you don't continue to spend money for no reason. I believe the Town Board is going to act pretty quickly. When they do we will put you right back on.

Caryn/Bohler Eng What is the action we are going to the TB for?

R. McGoey The owner of the property should be going back to the Town Board and discussing the sale of the 3 acres and an agreement associated with that sale that gives them the right to build some uses in the restricted areas.
The sale is the parcel behind it but he also owns this place. I'm talking about the 3 acres he is selling to the Town. Its' a matter of negotiation.

Caryn/Bohler Eng. They would be seeking relief to propose uses that are presently restricted within the 200'.

R. McGoey Then you would come back to this board and we would send you to the Zoning Board if needed.

G. Lake I want to find out myself what the Supervisor would have to say before I make any decisions. I think at that location we have a good chance of relief being given but I can't say that for sure. The owner will need to continue to negotiate the sale of the 3 acres to the Town.

Caryn/Bohler Eng. Ok, we also submitted the revised rendering. It has come a long way. I think that based on the area in it is in that it is a big improvement than what is out there. it's a typical retail store. We are flexible to colors and we can soften it up.

G. Lake Ok – thank you. Motion to table for further review. Tom/Andy 7 ayes.

MOTION TO ADJOURN.