

TOWN OF WALLKILL PLANNING BOARD

MEETING

MAY 18, 2005

MEMBERS PRESENT: G. Lake, W. Capozella, R. Carr, H. Ross, P. Owen

MEMBERS ABSENT: A. Dulgarian, T. Hamilton

OTHERS PRESENT: D. Brodsky, D. McGoey, S. LaBruna

G. Lake: The first thing I would like to do is welcome Harry Ross who was just appointed to the Board. We wish you luck, Harry and welcome aboard.

H. Ross: Thank you.

1. PUBLIC HEARING 7:30 P.M. - **FOXWOOD** - 3 LOT SUBDIVISION - Mount Hope Road & Reinhardt Road (62-1-6) #16-05

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

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 600 Route 211 East, in said Town, on the 18<sup>th</sup> day of May, 2005 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Foxwood Enterprises, LLC, Route 32, Central Valley, New York 10917 for the approval of a three (3) lot subdivision at the corner of Mount Hope Road & Reinhardt Road under Section 249 of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

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

J. Atzl: My name is John Atzl.

G. Lake: Give us a brief update.

J. Atzl: This is a three lot subdivision located at the southeast corner of Reinhardt Road and Mount Hope Road. The minimum lot area required for each lot is two acres. The total parcel is seventy seven acres. Lot #1 is in excess of sixty three acres, I believe, lot #2 is two acres and lot #3 is 3.8 acres. All lots conform to the zoning. I spoke to Mr. McGoey about his comments. His comments are actually very minor in nature. We respectfully request that the Board grant Preliminary Approval tonight subject to Mr. McGoey's comments, this Board's comments and Eustance &

Horowitz sign off on the septic design.

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

P. Owen: I will wait.

R. Carr: I will wait.

W. Capozella: I will wait.

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

D. Schiff: I've lived on Reinhardt for about thirty five years and a Town of Wallkill taxpayer for about forty years. What's going on? This is the first time I'm hearing about there being a project planned or houses being built. I have no knowledge. All I received was the notice of this meeting. What's going on?

G. Lake: Okay. It's a two lot subdivision. You have the map right there. Can you please indicate to him?

D. Schiff: I've never seen a map.

J. Atzl: Had a conversation with Mr. Schiff.

G. Lake: That is all he is here for, is two new lots on that piece of land and nothing else.

D. Schiff: How many houses can be built on each one of those lots?

J. Atzl: One house per lot.

D. Schiff: So, a total of three houses.

R. Carr: He's looking for two additional houses.

G. Lake: On the two new lots.

D. Schiff: How many can he build?

R. Carr: If there's an existing house on the lot, he wants to break off two lots that he could put a house on each, so two additional houses.

D. Schiff: Okay. We're concerned about water supply and has there been an environmental impact study done on this proposal?

D. McGoey: There's an environmental assessment form that gets submitted with the application. If the Board thought that there was a serious concern groundwater for two lots they would have asked the Orange County Health Department to look at it but in this case there are only two new dwelling units being proposed on a very large piece of property.

D. Schiff: Okay. I was hearing like seventy houses were being planned.

D. McGoey: No. Two new homes, that's all.

G. Lake: If that did happen he would have to come back to this Board again and then there would be a full blown impact statement done.

D. Schiff: I know the Board sometimes questions environmental impact statements, for example, the one around the Middletown Motel area that the builders presented an environmental impact statement that the Board had questioned that.

G. Lake: That's all being done. He's been to work sessions on this with our Engineer. He's presented this project to the Board. The Board then decided to set the Public Hearing which is happening tonight in case you bring up something that we might have missed.

D. Brodsky: It was originally before the Board in March.

G. Lake: Before that, he had a work session.

D. McGoey: On January 25, 2005 he had a work session.

D. Schiff: And, everything seems okay?

G. Lake: Yes. It's just two houses.

D. Schiff: Are you aware also that from a traffic standpoint, an extremely dangerous intersection where there are accidents after accidents because you can't see the cars coming toward the City of Middletown along the Mount Hope Road when you pull out from Reinhardt Road, that corner? Has any consideration been given to the traffic and the possible need for a traffic light there?

G. Lake: You're not going to get a traffic light for two houses. That's a Town road, I believe, out there and they would be the ones to decide that, not us.

D. Schiff: Okay. Well, anyone building should know that, building with access to the Mount Hope Road, that the cars come down there at lightening speed and you can't see the cars as you pull out into the Mount Hope Road because there's a big knoll there and you don't know what's behind that

knoll. Whatever you intend to do, you need to at minimum alert the people in those houses or seek some sort of traffic control

G. Lake: Anything else, sir?

D. Schiff: I guess not right now.

G. Lake: Thank you. Anybody else on this one?

S. LaBruna: My notes from the last time indicate that the Planning Board asked to provide the conservation commission with complete development plans before the moratorium. I guess it was a ten lot subdivision at that time. We haven't heard anything or gotten anything. The only maps I have are for the three lot subdivision. I do have a map that indicates lots #8, #9, and #10, but it doesn't give the full project. My concern is that ultimately I see this entire lot may be developed and we wanted to take a look at the wetland situation at this stage early on.

J. Atzl: Mr. Chairman, actually this project was submitted to the Planning Board last year prior to the moratorium. It was a full build out with ten lots and I brought some additional copies of that submission.

G. Lake: Anybody else from the Public?

Z. Saronwitz: I have property on Reinhardt Road. Can you just explain the location of those three lots and the size of them again? We couldn't hear in the back.

G. Lake: Yes. He will point them out to you on the map.

Z. Saronwitz: Are there future plans for a subdivision along Reinhardt Road on that one big lot?

G. Lake: There might be.

J. Atzl: Most likely once the moratorium is lifted, depending upon the new zoning.

Z. Saronwitz: Is the zoning at least two acres along Reinhardt Road? Is that correct?

G. Lake: As of right now.

Z. Saronwitz: Thank you.

G. Lake: What will happen, when the moratorium is lifted but we really don't know what the new standards may or may not be along there. They might stay the same or they might change. All I can say is . . .

Z. Saronwitz: We're just concerned about the lot size being two acres for the area.

G. Lake: Right now that is the minimum. Anybody else?

**MOTION to close the PUBLIC HEARING at 7:46 P.M. made by P. Owen and seconded by R. Carr.**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Abstain**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 4 AYES, 1 ABSTAIN**

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

J. Atzl: Yes.

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

J. Atzl: Yes. Item #1. We will be tying into the local datum. Item #2. We will be sending maps, we brought maps tonight that will be sent over to Eustance & Horowitz. Item #3. The limits of the site clearing have been shown on the map but we will make them more descriptive and easier to see. Item #4. The overall development plan, we brought that tonight. Item #5. The concrete monuments, we will add the two concrete monuments in front of lot #2. Item #6. We can move the homes back further. We moved them back ten feet from the original location after last month's meeting. That's not a problem. Item #7. We provided the septic details. Item #8. The size of the culverts under the driveway. We will supply that. That's a very minor issue. Item #9. The negative grade on the driveway we can supply that. We have no problems with any of the comments from Mr. McGoey.

G. Lake: The board historically has asked if you can get the houses off the road a little bit more. The more the better.

J. Atzl: Not a problem.

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

P. Owen: I was going to address that. I would also like to see the houses back a little more.

J. Atzl: Can you give me an idea?

P. Owen: How far can they go?

J. Atzl: We can go quite far as long as we're twenty feet away. We don't want to go too far away so we can leave area for a pool, etc.

P. Owen: I think another forty feet would be good.

J. Atzl: We will try to accommodate that.

P. Owen: The other thing that I don't understand is on the site distance table on page three, lot #1 the southern distance is three hundred fifteen feet and the New York State Department of Transportation standards is seven hundred feet. I understand lot #1 with the existing dwelling. But then if you look at lot #2 site distance to the south is four hundred fifteen feet plus or minor feet and the Department of Transportation standards are seven hundred feet. I was just wondering if that can be explained.

J. Atzl: That's actually prior to the clearing coming out of the driveway. Once we clear that we will have the site distance.

D. McGoey: Can you show them the site distance that you will obtain with the site clearing?

J. Atzl: Yes.

G. Lake: Anything else, Mr. Owen?

P. Owen: That's all.

R. Carr: The only thing I had was what Mr. LaBruna brought up was the whole build out. Why would you not run the lots back further? Are there plans for the middle?

J. Atzl: No. There's no real plans for the middle area. The middle is all wetlands. We're not encroaching into the wetlands at all.

R. Carr: I have nothing further.

W. Capozella: Again, when I checked my notes from the last time, I did bring up about the traffic. Obviously looking at two lots, these are probably the only two lots you can really build on that piece

of property on Mount Hope Road with the line of site. There is an existing house up there and Mr. Schiff brought it up and that there have been some accidents in that area with that. However, there is a house after those that have even less site distance. Basically looking at the traffic, this pretty much conforms. The one lot, you made bigger due to wetlands and the third thing is I would like to see the houses moved back also.

H. Ross: I also would like to see the homes moved back.

J. Atzl: The requirements from the front is sixty feet. Right now, they are about seventy five feet off the right-of-way line. The road probably is another twenty five feet so the houses are probably in the neighborhood of about one hundred feet off the road.

G. Lake: Mr. McGoey, Preliminary?

D. McGoey: Yes. I don't have any problems with this other than Eustance & Horowitz for the septic systems.

**MOTION for a NEGATIVE DECLARATION subject to all Mr. McGoey's comments and the Board's comments made by P. Owen and seconded by R. Carr.**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Abstain**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 4 AYES, 1 ABSTAIN**

**MOTION for PRELIMINARY APPROVAL subject to all Mr. McGoey's comments and this Board's comments and between now and final get together with Mr. LaBruna who is with the Conservation Commission made by P. Owen and seconded by R. Carr.**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Abstain**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 4 AYES, 1 ABSTAIN**

2. PUBLIC HEARING 7:35 P.M. - **HRABOWSKY** - 3 LOT SUBDIVISION - Dosen Road (22-1-39) #144-04

G. Lake: Public Hearing started at 7:55 P.M. M. Hunt read the Public Hearing notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 600 Route 211 East, in said Town, on the 18<sup>th</sup> day of May, 2005 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Robert and Elizabeth Hrabowsky, residing at 9 Dosen Road, Middletown, New York for the approval of a three lot subdivision, one with an existing house, from a parcel located at the intersection of Dosen Road and Van Burenville Road, further identified as Tax Map parcel Section 22, Block 1, Lot 39, under the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

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

J. Nosek: My name is John Nosek with Roger Ferris Land Surveying.

G. Lake: Give us a brief description of what you want to do.

J. Nosek: This is a 12.9 acre parcel. We're looking to do a three lot subdivision. One lot approximately five acres will contain the existing house, shed and existing garage that's on the premises now and then lots #1 and lot 3 are 4.2 acres and 3.7 acres. Those are proposed single family homes each having their own access. One having access on to VanBurenville Road. The other having access on to Dosen Road. There are existing Department of Environmental Conservation wetland that has been flagged by the Department of Environmental Conservation and we've also shown it on the plan as well as the one hundred foot buffer. We're not going to disturb the wetlands and the lots will be serviced by individual wells and sub-surface septic systems. The soils testing has been completed to verify that the soils are acceptable for sub-surface septic systems.

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

P. Owen: I will wait.

R. Carr: I will wait.

W. Capozella: After the Public.

H. Ross: After the Public.

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

M. LaBagh: My name is Michael LaBagh. I'm the nearest adjacent neighbor on M & M Road. I'm on the corner of M & M Road & Dosen Road. This is the first time this has been brought to my knowledge so, I would like to look at the map and I have several questions that I would like answered. I see on M & M Road you show just my well but you don't show the distances or grade lines from my well to the septic system. I don't know whether it is uphill or downhill or level nor the distance from the well to the septic system.

J. Nosek: The proposed well is two hundred feet and your well is a lot more than two hundred feet. There is maximum separation requirement. The minimum is one hundred feet.

M. LaBagh: The next thing I see, this map doesn't show that there is an existing pond on this lot right here. There's definitely a pond. I know there's water in it right now. This map doesn't show that pond at all. My next question, where is the pond on the map? It should be there. There's water in the pond. You mentioned a sub-surface septic system. Is that a system where fill is brought in? From the location of the house and from what I see of the location of the septic, it appears to me that it would have to be pumped. That's a question for me. While I'm on to the septic, this is another question that I have for the Board. I don't see anything on here on the existing house showing the existing septic system. The existing house is a one hundred year old farm house. I don't see anything showing the existing septic system or the design of it. If this subdivision does go through, I would want to see a new septic system be installed on the existing home property. Granted, right now, there's only two people living in the existing house and it's not a problem but we've had odors in the past and I would like to see a new system design for a proven fact that the system in the existing house is working. I don't want to see a problem down the road. I would like to know that it will be addressed. I think that's probably one of my main concerns. Also, on this map where it comes to the corner, it's kind of vague. Something is distorted there, the driveway location for the lot opposite of me. Other than that I don't think I have other questions. The septic system for the existing house would be a key question of mine.

G. Lake: Is there anyone else who would like to comment on this application?

J. Nosek: We show the existing improvements within the area of the proposed homes. The wells and septic locations are shown. The gentleman said there is a pond in the area. I'm sure there is. We will survey it. We have no problem there. We are pumping lot #3 which will have a gravity feed

system. Lot #1 is a pump system. Originally we had it in the area where the house was, but the soils were much better up here on the higher elevation. We will pump to it. It is a conventional system. It will have to be approved by the Town Engineer with Eustance & Horowitz. We will have to obtain their approval once we receive Preliminary Approval from this Board. As far as the existing dwelling, we do show the existing (not clear) and we do show the existing well. Generally speaking, as far as what's existing, I'm sure it's an older home nobody probably knows what's actually existing. As a general rule, if it appears to be pumping properly we don't really go any further.

G. Lake: Mr. McGoey, in the past, is that correct what we've done?

D. McGoey: Yes, that's correct. Somebody has to report to the Health Department or the Building Department if there is a septic system failure.

G. Lake: Now, if somebody thinks there's a septic system failure, the agency they would go to would be the Orange County Health Department.

D. McGoey: Yes.

J. Nosek: It's also important to point out that he has five acres. So, if there was a septic failure there is a substantial amount of area if necessary.

G. Lake: Is it useable area?

J. Nosek: Yes. Obviously the area of the pond isn't but the rest is. The limits of the pavement on Dosen Road, those are shown and located. What you're seeing here should be actual survey locations.

G. Lake: When you surveyed did you tie in with the Town data?

J. Nosek: Yes we did.

G. Lake: I think Mr. LaBagh had one more question.

M. LaBagh: The question that I have is you say that those areas are useable areas but I know there is a pond in the middle that you're not showing. I don't know how useable those areas are that you're pointing out. Event though there is five acres, as far, have you done; what are the percolation tests on those areas?

J. Nosek: These are 77B soils and 40B soils. This area up in here, the high area, I don't know exactly but this area has very good soil. I believe the area up here is very good also.

M. LaBagh: Did you do any percolation tests on the existing?

J. Nosek: I believe we did some soil testing in here because at one time we were looking at possibly doing another lot

M. LaBagh: What about on the existing? That's what I'm curious about.

J. Noesk: There were no percolation tests done to the existing septic area and as a general rule we don't do that.

M. LaBagh: I believe this would require that. That's my feeling of it as a neighbor and as a builder and somebody in the trade, I believe that it would be necessary in this situation. If the Board has gone out and observed and look at the lot, or I hope you have, I would actually like you to do a physical walking inspection of this prior to an approval. If they missed the pond, I have the feeling that they missed something on the septic area of the existing.

R. Hrabowsky: My name is Robert Hrabowsky. I'm the owner of this property. That pond, I don't consider it a pond. What happens during the wet season, it's a low spot and the water comes maybe at the most two feet high at the peak of it. After the rainy season ends, midway through summer that just completely dries up.

G. Lake: How about the, the gentleman has questions. I think his big question is about the old house and the septic system that he seems to be worried about.

R. Hrabowsky: Yes.

G. Lake: Do you have problems with that?

R. Hrabowsky: No, not at all. I have it pumped out every two years.

G. Lake: Is it a conventional septic system?

R. Hrabowsky: It's got a tank and a leech field that comes out.

G. Lake: Which, you have no idea.

R. Hrabowsky: I haven't had any problems with it so I haven't done anything to it.

G. Lake: Do you live on that property?

R. Hrabowsky: Yes.

G. Lake: Do you smell anything?

R. Hrabowsky: Once in the while, I do.

G. Lake: I will go through the Board.

P. Owen: Nothing.

R. Carr: Nothing.

G. Lake: The percolation tests we did for the new houses, no problem. The old house, you're right, we normally don't ask for that. This pond that isn't there, is that in a wetland or is it like the gentleman said, just a seasonal type of thing? Were you down that way at all?

J. Nosek: I recall a low area that was kind of wet.

D. McGoey: Mr. Lake, that's what I was referring to in my comment #3. The wetland areas should be shown.

M. LaBagh: The question that I have, I call it a pond because he has water in it. The only time it doesn't have water in it is if we have a super dry summer it could actually go dry.

J. Nosek: Does it have water in it right now?

M. LaBagh: You can't walk across it. What I'm saying is, what I would like to know can the pond be filled?

G. Lake: No. We have a couple of concerns here. I say we're going to table this. Let's go out and take a look at it. Mr. McGoey, let's get out and see what kind of pond this is.

D. McGoey: Okay. I've been out there already. It's a wetland. It should be shown as a wetland area on the plan.

J. Nosek: If, in fact, it is a wetland, we have no objection showing it as a wetland.

G. Lake: Let's get it straightened out and on the map.

J. Nosek: If it's a wetland area, I have no objection to showing it.

G. Lake: You have a neighbor that is concerned of the smells and in all fairness Mr. LaBagh, you should call the Orange County Health Department. That's the agency that can help you immediately instead of waiting.

M. LaBagh: I like my neighbors but I don't know who my new neighbors will be.

G. Lake: I'm just saying, that's the official agency to get the help that you might need to get straightened out. Let's get this wetland thing straightened up, the pond. I'm going to say let's table this.

D. Brodsky: Mr. Lake, are we going to ask for a waiver first?

G. Lake: I was going to close the Public Hearing and then get him back on in July so we can get this stuff cleared away.

**MOTION to close the PUBLIC HEARING at 8:14 P.M. made by R. Carr and seconded by P. Owen.**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Abstain**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 4 AYES, 1 ABSTAIN**

**MOTION to TABLE for further review and be put back on . . .**

G. Lake: Can you get this squared away by July 20<sup>th</sup>?

J. Nosek: Absolutely.

G. Lake: Maybe take Mr. LaBruna out there also, the Conservation Commission, so we get a report back from him. Will that be enough time, Mr. LaBruna?

S. LaBruna: Yes, that's fine.

G. Lake: Do you waive the sixty two day time frame?

J. Nosek: Yes.

**MOTION to TABLE for further review and be put back on July 20, 2005 made by R. Carr and seconded by W. Capozella.**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Abstain**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 4 AYES, 1 ABSTAIN**

3. PUBLIC HEARING 7:40 P.M. - HAMRE - 2 FAMILY - SITE PLAN/SPECIAL USE PERMIT - 1661 Route 211 East (46-1-4) #09-05

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

M. Hunt: NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York, will be held at the Town Hall at 600 Route 211 East, in said Town, on the 18<sup>th</sup> day of May, 2005 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Kevin & Kathleen Hamre for approval of a Special Use Permit (Two-Family) at 1661 Route 211 East, Middletown, New York under Section 249-19-11 of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place.  
S/Gary Lake, Chairman

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

J. O'Rourke: My name is John O'Rourke with Lanc & Tully Engineers.

G. Lake: Give us a brief description of the project.

J. O'Rourke: This is the proposed project located off of New York State Route 211 East. Currently there are two parcels. A landlocked parcel of 3.51 acres. The front parcel has the existing house of 4.94 acres. What we're proposing is to eliminate a lot line, combining the two lots into one lot and do a two-family.

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

P. Owen: I will wait.

R. Carr: I will wait.

W. Capozella: You want to change that lot line in the back?

J. O'Rourke: Yes.

H. Ross: Nothing.

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

Mr. Kubik: I own property right in front of this property. He's got a right-of-way running along the side of my property approximately five hundred feet. It's real narrow and his property where the main house is has got property up behind there, landlocked. Now, that's zoned for one-family homes?

G. Lake: What he's proposing is a two-family?

Mr. Kubik: On that lot?

G. Lake: He's going to combine, he's going to take that back piece.

Mr. Kubik: The existing house that's there now is going to stay there?

J. O'Rourke: The existing house is going to stay and it's going to be expanded. There's no house proposed on the rear lot.

Mr. Kubik: Oh, he's going to expand the original house?

J. O'Rourke: That's correct.

Mr. Kubik: Oh, there's no problem there. I thought he was going to put a two-family in the back.

G. Lake: No.

Mr. Kubik: He's just going to add on to the existing home. I have no problem.

G. Lake: Anybody else on this?

E. Valentine: Where exactly is 1661 Route 211 East?

J. O'Rourke: It's on Route 211 Route 211 East, there's a bar here on the left.

G. Lake: I would say it's about a mile or up to three miles out.

J. O'Rourke: This house you really can't see from the road, because it's so far back.

E. Valentine: Once the total project is completed, it will be a one (two-family) house.

J. O'Rourke: That's correct.

E. Valentine: On how big of a lot?

J. O'Rourke: 8.4 acres.

E. Valentine: That's all. Thank you.

G. Lake: Anybody else?

**MOTION to close the PUBLIC HEARING at 8:20 P.M. made by P. Owen and seconded by R. Carr.**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Abstain**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 4 AYES, 1 ABSTAIN**

G. Lake: Mr. McGoey's comments is Eustance & Horowitz. Have you been to Eustance & Horowitz yet, or he's doing that?

J. O'Rourke: No we have not gone. We've done the septic design but we have not submitted it for their review.

G. Lake: Let me go through the Board.

P. Owen: Normally I'm not a big fan of two-family homes. This area I don't think it's going to be a problem especially when a neighbor comes here and has no problem with it. He's combining two acres to be over eight acres and is somewhat in an out of the way area. I have no problem with it.

R. Carr: I agree with Mr. Owen and the lot meets the two-family. It's isolated. Where is the trailer park in relation to this?

J. O'Rourke: Showed Mr. Carr.

R. Carr: It doesn't change the character of the area. I really don't have any problem.

W. Capozella: I just had a question about the right-of-way. Does anybody else share that road?

J. O'Rourke: That is not a right-of-way. That is our ownership.

W. Capozella: So you will be using that?

J. O'Rourke: Yes.

H. Ross: I have nothing.

G. Lake: I have no other comments.

**MOTION for a NEGATIVE DECLARATION made by R. Carr and seconded by W. Capozella.**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Abstain**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 4 AYES, 1 ABSTAIN**

**MOTION for SITE PLAN/SPECIAL USE PERMIT (Two-Family) subject to Eustance &**

**Horowitz review of septic system made by R. Carr and seconded by P. Owen.**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Abstain**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 4 AYES, 1 ABSTAIN**

4. **SCOTCH VALLEY** - 44 LOT SUBDIVISION - EXTENSION to PRELIMINARY Silver Lake Scotchtown Road (99-1-1) #06-03

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

L. Potter: My name is Lorraine Potter with Lanc & Tully Engineering. We're here requesting an extension of our Preliminary Approval for the Scotch Valley forty four lot subdivision located on Silver Lake Scotchtown Road. We received an extension in November and we're requesting a second extension.

G. Lake: How come?

L. Potter: We're currently before the New York State Department of Environmental Conservation for a stream crossing, sanitary sewer and review of the storm water pollution prevention plan. We received comments. We've been responding to their comments. We just received additional comments on April 28<sup>th</sup> which we're in the process of responding to. The Army Corp of Engineers, we received a jurisdictional determination on August 3, 2004 which we have submitted to the Planning Board Secretary. At that time plans were submitted to the Army Corp for wetland disturbance with mitigation approval. We received a letter from the Department of Transportation from the Poughkeepsie office with no additional comments. We are currently working with the Middletown office on a highway permit, working permit however, the permit will not be granted until we receive final approval. Plans have been submitted to the Orange County Department of Health for water of which I received a telephone call today that the water has been approved. A letter will be forthcoming. Subdivision has been submitted to the Orange County Health Department. We received comments. We responded to those. I received another letter with a couple of minor clarifications. Also, the subdivision cannot be approved subject we receive approval from the New York State Department of Environmental Conservation for sanitary sewer.

We received a letter from Mr. McGoey's office in regard to the storm water pollution prevention plan. We responded to those comments. We received an additional comment today which we will respond to by fax. Petitions have been formulated and submitted to the Town Board for the formation of drainage and lighting district which would be done by the applicant's attorney.

G. Lake: Basically, you're still tied up with a whole bunch of agencies?

L. Potter: Unfortunately.

G. Lake: I will go through the Board.

P. Owen: I have nothing.

R. Carr: I have nothing.

W. Capozella: We're voting tonight on the extension?

G. Lake: Just the extension, nothing else.

D. Brodsky: They're entitled to a reasonable extension upon hardship shown.

G. Lake: They are tied up with a whole bunch of different agencies.

H. Ross. Nothing.

**MOTION for a SIX MONTH EXTENSION to PRELIMINARY APPROVAL granted through November 19, 2005 made by P. Owen and seconded by W. Capozella.**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Abstain**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 4 AYES, 1 ABSTAIN**

5. **TOWNSEND** - SITE PLAN/SPECIAL USE PERMIT (Guest House) - 1166 Goshen Turnpike (19-1-22.1) #162-04

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

D. Yanosh: My name is Dan Yanosh, surveyor for the applicant Mr. Townsend. This is a 5.46 acre parcel in the RA zone on Goshen Turnpike. Mr. Townsend lives in the existing two-story house in the back and has an existing one story building in the front, which he's had as a cottage for years. In order to meet site plan approval we have to prove the lot is subdivide-able into two lots. We show that on this plan and we just need an approval from the Board for this use right now. It's been in existence since . . .

Mr. Townsend: Many years.

G. Lake: Okay. This map just shows that you could subdivide it if you had to.

Mr. Townsend: We don't want to and have no intentions of doing so.

G. Lake: I will go through the Board.

P. Owen: Nothing.

R. Carr: It meets. I have no problem.

W. Capozella: Is there an easement for lot #2?

D. Yanosh: If it ever does get subdivided they will have to share the driveway up front in the beginning with an easement over lot #2 for lot #1.

W. Capozella: Okay.

H. Ross: Nothing.

G. Lake: I don't have anything. It's been there for a long time.

**MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey's comments made by P. Owen and seconded by R. Carr.**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Aye**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 4 AYES, 1 ABSTAIN**

**MOTION for SITE PLAN/SPECIAL USE PERMIT subject to Mr. McGoey's comments made by P. Owen and seconded by R. Carr.**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Abstain**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 4 AYES, 1 ABSTAIN**

6. **WALLKILL MANOR APARTMENTS** - SITE PLAN/SPECIAL USE PERMIT Silver Lake Scotchtown Road (50-1-1.2) #51-02

**CANCELLED.**

7. **SPECTRASITE** - SITE PLAN MODIFICATION - Tarbell Road (3-1-8) #30-02

D. McGoey: They were just bought out by another company.

**DID NOT APPEAR.**

8. **ALTA EAST** - 2 LOT SUBDIVISION - Highland Avenue Extension (39-10-6) #30-05

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

D. Yanosh: My name is Dan Yanosh, surveyor for the applicant. Mark Thumble from Alta East.

It's an existing 1.91 acre lot on the southeast side of Highland Avenue Extension. The property is vacant right now. We're proposing a two lot subdivision. Both lots would equal in acreage of .95 and .96. The proposal is for a two-family on each one of the lots. It's allowed in the zone. Two driveways, one on each lot coming in. They are both served by Town water and sewer.

G. Lake: I will go through the Board. We will be setting a Public Hearing on this.

P. Owen: I have nothing at this time.

R. Carr: Nothing at this time.

W. Capozella: I had a question, the minimal for a two-family house versus a one family, is there any different?

D. McGoey: In one of the districts, there is a different lot size but I'm not sure for this. There doesn't appear to be any lot different in lot size. There is no table for duplexes.

G. Lake: Anything else, Mr. Capozella?

W. Capozella: That was my main question.

G. Lake: We will be setting a Public Hearing on this.

H. Ross: Nothing at this time.

G. Lake: We need a motion to set a Public Hearing.

D. Brodsky: Mr. Lake, before you do, you have two duplexes that has the potential for four (4) units depending on how you define units. Depending upon how the moratorium law is interpreted, I can see an argument being made that you're doing two, two-family homes and creating four (4) units. I have spoken with Mr. McLaughlin and it's his opinion that the moratorium does not apply. Nonetheless, I would like to bring it to the applicant's attention that we do need it to investigate it further and get a formal memorandum from the Town Board as to their interpretation of the moratorium law. I don't have anything formal.

G. Lake: My quick comment to that is, he's not creating any new lots. He's only creating one lot.

D. Brodsky: Again, the moratorium law speaks in terms of units, not lots although we have been advised that it does apply to lots. I'm not sure that the word lots should have been used exclusively. I expect it does not apply.

P. Owen: Question, Mr. Brodsky. It would apply to say an apartment complex. Whether it's three or one hundred, under the moratorium.

D. Yanosh: You still are reviewing condominium projects.

D. Brodsky: Not new applications. The way I would look at it would be that they have the right to build the two-family on the existing lot and then by subdividing it they're really only adding two additional units.

**MOTION to schedule a PUBLIC HEARING for July 20, 2005 made by W. Capozella and seconded by R. Carr.**

**P. Owen: Aye**

**R. Carr: Aye**  
**H. Ross: Abstain**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 4 AYES, 1 ABSTAIN**

9. **MT. CARMEL** - SITE PLAN REVISION - Willow Avenue (69-1-18, 19 & 18.2) #28-05

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

D. Yanosh: My name is Dan Yanosh, surveyor for the project. This is the Missionary Society of Mt. Carmel on Willow Avenue and County Highway 78. It is in the R-1 zone. The existing chapel and the residences for the retired priests and office space is on this complex right now. The proposal is for an addition of a 7,350 square foot addition to the building. The other offices are presently over on Route 17M. They want to own rather than renting. It would be office space only, some conference rooms. All the plumbing and stuff. One of Mr. McGoey's comments is the plumbing. It is all tied into the existing structure. There will be no additional sewer or water hookups or anything like that. It will be tied into the existing. We do sheet on Sheet #2 a blowup of the plan. We do have a landscape plan and Mr. Cirillo has an architectural rendering of what the buildings will look like.

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

D. Yanosh: Sure.

G. Lake: Let's go through his comments.

D. Yanosh: Item #1 needs no explanation. Item #2. Parking calculations. Again, if you've been out there, there is a spot for the residences for the priests who are retired. The chapel requires quite a bit more spaces. Sheet #2 has the spaces for the chapel. We're going to need about seventy five spaces for that and office space and rest of it will be thirty eight. We're looking at quite a few spaces. When there's church on Sunday, there will not be anything going on in the office space. Also it's existing now. We do use the parking lots over here. They do park along the curb in the middle. They use the service road around. There is parking across the street. There's never been a problem for the church so far for the parking spaces.

G. Lake: Do they get many visitors to this facility?

D. Yanosh: When they do, it's normally by bus loads. They do come up from the City and all over. A lot do come in with charter busses.

G. Lake: I take it, it's off-times.

D. Yanosh: Not during the church time, for sure.

D. McGoey: After I went out there I felt bad with my comment about the landscaping. It's beautiful out there. As far as parking, they have existing lots.

D. Yanosh: The building will be a one story. The ramp goes around. I will show some erosion. We will be doing grading through there. Sewer and water can be tied into the existing building.

G. Lake: I will go through the Board.

P. Owen: Nothing.

R. Carr: Nothing.

W. Capozella: Now, you do a building like this and not subdivide or anything along that line even though you have plenty of acres and stuff like that, we don't have to consider it?

G. Lake: He has. . . Are you worried about parking?

W. Capozella: That wasn't really. I know he's got the acreage and was wondering if he was subdividing it?

G. Lake: No subdivision. The setbacks are there. He has to meet all that.

W. Capozella: Okay.

H. Ross: Nothing.

**MOTION for a NEGATIVE DECLARATION made by W. Capozella and seconded by P. Owen.**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Abstain**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 4 AYES, 1 ABSTAIN**

**MOTION for SITE PLAN MODIFICATION made by R. Carr and seconded by W. Capozella.**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Abstain**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 4 AYES, 1 ABSTAIN**

10. **COOPER** - 2 LOT SUBDIVISION - Lendle Lane (10-1-2.21, 3 & 4) #20-05

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

D. Yanosh: My name is Dan Yanosh, surveyor for the applicant.

G. Lake: Go ahead.

D. Yanosh: One of Mr. McGoey's first comments when I came in was to sort of make it more simpler. What we're doing out here, if you look at sheet #1 it shows existing lot lines. If you go to

the back on Sheet #3 there are two copies of two subdivisions that were done years ago, 1978 and the other one was done in 1975 showing subdivisions and what ever that was done to the property back then, signed and filed maps that were done. It's a strange situation. My office is right in front of this. I know the property very well. The existing Lendle Lane that goes into the back right there. There are existing two houses that we show. Also, the Cooper/Fontana lot which is lot #10 on the left hand side going in, they also use that access going out. Mr. Cooper is a paver who has been improving the driveway over the years with some extra blacktop. The rest of the property along the back here, we do have majority of wetlands back here. They have been flagged by the Department of Environmental Conservation and signed off. The existing driveway comes back in there. What we propose to do is a couple of things. We are going to try and clean up the acreage's with tax lot #3 and #4 to give a little bit more land. Right now, lot #3 has just really the building, that's it. I don't know how it got subdivided years ago but that's what happened. We're going to try to give them some more land to give them some front yard and a buffer zone. Lot #4 the same way. It was a box that was drawn around the existing house and that's what happened. Around the back, we have a driveway built already just to get back there. He proposes two single family homes, one on the four acre lot and the other one. There are legal questions as to an open development road. It is a private road today. It's been there since the 1970's and 1980's.

R. Carr: That one house is at that weird angle?

D. Yanosh: Yes. We want to clean it up a little bit, give them a little bit more acreage. We will be talking about the Cooper/Fontana lot #10 maybe take a little corner off right there to give them some more side yard and make their lot a little bigger also as we go along here.

G. Lake: Basically, we're kind of looking at trying to get it squared away and have an open development area.

D. Yanosh: Yes.

G. Lake: That's going to end up with four places on it, correct.

D. Yanosh: It will be four pieces off of this property and I guess the Cooper/Fontana property lot #10 also has rights to that right-of-way. So, it would be five lots off of that private road, total.

D. McGoey: You're creating one more additional lot?

D. Yanosh: Yes. It's nice back there. It's secluded.

D. Brodsky: I think the only option they really have is to go for the open development. I don't think we can do a public road with a cul-de-sac that reaches all the back way.

D. Yanosh: Again, it's existing.

D. Brodsky: You will be providing the new homes with the proper access.

W. Capozella: What's the footage on that?

D. Brodsky: Close to one thousand feet.

G. Lake: It's there.

D. McGoey: The driveway is already in basically all the way to the back.

D. Yanosh: He's going to do some improvements to it. He has to go to the Department of Environmental Conservation to get permission to do some improvements out there. We will be doing a buffer zone. If everything looks okay, we will proceed as we go along here with this. Go to the Town Board and ask for an Open Area Development.

D. McGoey: Orange County Planning has some comments, which is unusual. They question the limits of the right-of-way that connects parcel #2 to the Town owned land in the back. They must be talking about the driveway that goes up the side of the property.

D. Yanosh: In the back.

D. McGoey: Is the right-of-way into the Town property.

D. Yanosh: I will have to check that. You can walk all the way back there to the rail trail back there.

D. McGoey: The other comment is that the Town owns the adjacent buffer and the parcels as part of the large park system should be negotiated for the possibility of adding the

wetlands to this property creating un-fragmented (not clear). They're suggesting that the Town negotiate taking that wetland as part of their property.

D. Yanosh: I can talk to him about that.

G. Lake: This is here for sketch.

P. Owen: I guess I would like to see an open development area.

R. Carr: It's a very strange layout, but less strange than the existing.

W. Capozella: I guess I would want some assurance on the driveway with maintenance and so forth.

D. Yanosh: There's nothing in place right now. There are just easements that go through. Mr.

Cooper does all the maintenance now. The agreement will have to signed by all the parties and these two parties have agreed already.

G. Lake: The one benefit sending him on to getting an open development will clear all that up, everything you're worried about.

H. Ross: An ODA, is open development, what?

D. Yanosh: Open Development Area.

H. Ross: The fire company may have issues with backing the truck.

G. Lake: We will send it to the Circleville Fire Company for their comments and sometimes they come back and they ask for a little bit wider driveway or they might ask for a little turn around within reason. We always send every application basically to the fire company.

D. Yanosh: If you walk back there, you will see how nice it is back there.

G. Lake: Anything else?

**Tabled for further review.**

**MOTION made to refer applicant with recommendation to the Town Board for an Open Development Area made by P. Owen and seconded by R. Carr.**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Abstain**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 4 AYES, 1 ABSTAIN**

11. **TACO BELL** - SITE PLAN REVISION - Orange Plaza Redevelopment - Route 211 East (50-2-5) #09-05

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

C. Bazlyo: I'm council for the project. We're here on behalf of New York Restaurants in Orange Plaza. What we're here to discuss with the Board tonight is a revision to the Site Plan and Special Use Permit for the plaza in regards to a scraping and re-build of the Taco Bell Restaurant. Basically what the franchise here is hoping to do is to take the existing restaurant, knock it down and re-build a new building, basically the same dimensions at the site. It would be a more model store in the franchise. They're scheduled and hoping to start that right after Labor Day, this year and build it back up and have it back up and running by Christmas time of this year. It is a quick re-build. With me I have Gerald Fitamant from Langan Engineering who's the engineer for the project and Moe Morangen from the New York Restaurants to see if the Board has any questions about that.

G. Lake: So, we're taking that building down, the drive-in going around the back.

C. Bazlyo: Still will be in the back. It's the same basic layout. I think the building is slightly smaller.

G. Lake: Is there any hope, I don't know if you guys were down there, but trying to get out. Is there any hope of trying to get at least just one to have closed.

R. Carr: That was exactly what I was thinking. Especially now, it just seems you're going to encourage everybody coming to this lot already is always backed up. If you close that one spot, it just seems it avoids all the issues here.

C. Bazlyo: The one that's closest to the driveway coming in.

R. Carr: Yes.

C. Bazlyo: The problem with doing that is that the lease that Wal-Mart has, in particular, the access and how the parking spaces were laid out are part of the lease agreement with Wal-Mart. We would have to modify the lease agreement and I don't know whether they would agree to it or not by closing off that driveway.

R. Carr: What would their objection be?

C. Bazlyo: I think what their objection would be, and I think it is valid, it makes those parking spaces less desirable for customers. I know you may disagree with that but that would clearly be their argument.

R. Carr: Well, then, how about closing this off so you come here so you're not sending all this traffic right to where people are always waiting.

C. Bazlyo: We haven't thought about these things.

G. Lake: I surely appreciate everything your saying but I have to tell you if this was a new restaurant coming in here, the queuing around the entire parking lot is a nightmare. I don't even want to say that tonight because I think we're going to approve this and make it better. I have no doubt about that. Nobody has come in from the Orange Plaza property. You just can't go there. You can't go there Monday through Sunday. It's just a miserable parking lot to get around. I hate to say that. We're asking for a little something to help and unfortunately it's this guy.

C. Bazlyo: Again, I would ask the Board to consider the fact that it is just the one small building here.

G. Lake: You know what. That's what we considered at Kentucky Fried Chicken. That's what we considered at Krispy Creme and all the other little stores and, you know what, I've always been a firm believer that if the retailer sees something wrong with his property, he will turn around and do something about it. We have the Wal-Mart people here and, you know what, I don't even see stop signs. I just don't understand it. I think it's a safety issue. I think it's getting worse. If this property came in today, and I knew. If Wal-Mart walked in today then what I know today, there would be one property owner and that would be Wal-Mart. It's dangerous. I just can't understand it. We're just asking for a couple little things to try and make it better somehow.

H. Ross: If you were possibly to close that last access closest to the stop sign, wouldn't there be the possibility of creating two additional parking spaces where that cut exists?

C. Bazlyo: Again, I think the issue is beyond the spaces. It is the access. It makes it less conducive for people to want to get to them because they would have to drive up and around.

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

C. Bazlyo: We have his comments.

G. Lake: Let's go through Mr. McGoey's comments.

G. Fitamant: I'm with Langan Engineering. We did receive the letter from Mr. McGoey. We responded on the 3<sup>rd</sup>. Comment #1, we have inserted the evergreen inserts into the fence as requested. There was a request for hardwood flowering trees. We did add one. We added a red maple. A note should be placed on the plans which indicates that all signs shall be approved by the Building Department. No problem with that. We have done that. With respect to the traffic issues, we've already done.

G. Lake: I will go through the Board.

P. Owen: You know, I'm not an engineer.

G. Lake: And, neither am I.

P. Owen: I don't profess to be able to come up with a solution to this traffic problem but I'm a person and can identify when there is a problem as a practical matter. And, there is a problem. To be able to try and do something while we can and people here asking to change things and modify things. I would like to try and modify or do something. With that being said, I don't have necessarily the solution for it.

G. Lake: I think, in all fairness, I'm not going to hold Taco Bell up doing their facility and making it more efficient and a little bit smaller. How much smaller?

C. Bazlyo: Four square feet.

G. Lake: At the same time, at least I hope nothing else will go along with frustration for the Planning Board. This is the second time they've heard it. They heard it at the work session and now.

R. Carr: I have to echo Mr. Owen's comments. I disagree in one sense, this is going to empty the drive-through to here and it increases the problem.

C. Bazlyo: The corner, in particular, that's something that we can deal with because it is on the Taco Bell area. We could put a no right turn sign to make sure that people get directed out to the second aisle over.

R. Carr: I don't know if putting up a no right hand turn will work. There has to be a better way of doing this.

C. Bazlyo: What we're doing is replacing the building structure. We're not really modifying the parking lot area on the outside. I mean, the stop sign or the no right turn, it's an enforceable traffic sign. It is a detriment.

D. McGoey: I agree with Mr. Carr. You are modifying the traffic flow because now you prevent traffic from getting out that first aisle. There's a curve there. It makes them go to the second one. Maybe we should just put that curb back in.

G. Lake: Let's move on. Let me get the rest of the Board, please.

R. Carr: Nothing else.

W. Capozella: I can't say we have the remedy for it but we hit on it.

H. Ross: In looking at what Mr. Carr was talking about, to be a solid curb in there so it forces them to go to the second aisle, that we could do because it would still within the lease area of Taco Bell.

C. Bazlyo: They still will go over the curb.

D. McGoey: That's going to change the front of your building. You have to pull that curb line back to the face of the building.

G. Fitamant: If we carried this curb line and matched that with this one. We would have to bring this back a couple of feet, yes. I see that as a possibility. In here, after this last stall we would have enough for this car to back up and get out. It's still a dead end for those who have to come in this way which is why the no right sign would eliminate.

G. Lake: Is it workable?

D. McGoey: Yes, it's workable. They're going to have a dead end.

C. Bazlyo: With the difference being that it's in the lease area for the tenant that has to control it.

G. Lake: Wal-Mart leases this part of the parking lot?

C. Bazlyo: Yes.

G. Lake: Does anybody else have anything else on this?

H. Ross: The purpose of the curb is to eliminate the through traffic after you take out and using the first driveway closest to the site.

C. Bazlyo: The first aisle they would be forced over to the second aisle.

H. Ross: It would make it worse if they don't do that.

G. Lake: Anything else?

**MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments and this Board's comments about the curbing made by W. Capozella and seconded by R. Carr.**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Abstain**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 4 AYES, 1 ABSTAIN**

**MOTION for a SITE PLAN MODIFICATION (Taco Bell) subject to all of Mr. McGoey's comments and this Board's comments about the curbing made by P. Owen and seconded by R. Carr.**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Abstain**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 4 AYES, 1 ABSTAIN**

12. **FRASSETTO BUILDING #10** - SITE PLAN/SPECIAL USE PERMIT - Tower & Industrial Drives (41-1-101.12) #26-00

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

D. Schmalzle: My name is Donald Schmalzle from Tectonic Engineering & Surveying.

G. Lake: Okay. Tell us what you've done since you were here last.

D. Schmalzle: We've gotten Mr. McGoey's comments and basically from our discussions during our work session. The biggest issue is the easement coming around, going up to the new Town Hall and so on which is a work in progress because it also affects the site #4 entrance at the intersection.

G. Lake: The last time you were in they were supposed to, there was a question of the new Town

Hall on Tower Drive. Years ago on the backside there was an easement proposed that went to Industrial Drive and Tower Drive. The Town Board was interested from the time you were here last until now. I think they talked to the Town Hall and they have straightened out or have some agreements.

M. Blustein: Yes. I was at the meeting. I'm the Attorney for the Frasetto's. I headed the meeting with Mr. McGoey and the Supervisor and Mr. Frasetto. We talked about what the Town wanted and what Mr. Frasetto needed to make it work. Because it's going to go along side another site #4 and we want to match up that easement to the light that's going to be at Tower Drive and Industrial Drive so that it would not be, just like you were talking about with the last proposal where it doesn't work. We would actually re-align it a little bit to make a four way intersection at Tower Drive & Industrial Drive. It's something that we can't commit to because site #4 might require a variance if we move the road too far in and the building that we would put up on site #4 might be too close to the road and we can't commit to the exact location because we don't know how it can be aligned. I think everybody's in agreement on doing the easement to benefit the Town and the Police. It's just a question of coming to a final arrangement. We all know what we need.

G. Lake: And, actually you are right now with the Town.

M. Blustein: Yes. I met with Mr. Ward and Mr. McGoey and we talked about what the Town might do to improve it, what the applicant would do. We just can't commit to the exact location of it.

G. Lake: That's what Mr. Ward indicated to me. That he was happy with that meeting and happy with what arrangements were done to this point. Am I correct in assuming that?

D. McGoey: Yes. I was hoping we could get them to move the emergency access road intersection right across from Industrial Drive.

M. Blustein: That's what we would like to do.

D. McGoey: You're saying you can't do that now?

M. Blustein: No, we would like to do that but we want to align it all up so it's a four way intersection.

D. McGoey: As part of this project?

M. Blustein: As part of this project but also to make . . .

D. Schmalzle: Site #4 is the parent parcel of that whole arrangement at that intersection.

M. Blustein: If you move this access easement over enough it actually moves it right over the site.

D. Schmalzle: Right next to site #4 and then you have problems with parking in the front setbacks, side setbacks, and so on.

D. McGoey: For which you would need a variance?

D. Schmalzle: For which you would need a variance.

D. McGoey: And, the Town Supervisor said that you would recommend to the Zoning Board of Appeals the variances. You are saying, you can't commit to that until that happens, the variances received?

D. Schmalzle: I don't think we can commit to the exact location of it.

D. McGoey: Okay.

M. Blustein: Normally we would commit an easement with a meets and bound description and it would be reviewed. What we're saying, we really can't commit to the exact location until it's worked out a little further. I think everything else.

D. McGoey: You will agree to move it if you receive the variances?

M. Blustein: That's it.

R. Carr: Is that an actual road?

M. Blustein: Right now, what it is, it would be a gravel road.

R. Carr: It would only be used for emergencies?

M. Blustein: Correct, and what the Town is talking about and what we talked to the Town about is maybe the Town would want to improve it.

R. Carr: But I was just stressing it would only become a problem if you had a problem with the variances.

M. Blustein: What we're talking about is making it into a Town road at some point in the future. That was also part of what we discussed at the meeting. At some point if we further developed another piece of property that abuts our property we were talking about making it into a Town road.

D. Schmalzle: The biggest concern or problem here is that long skinny strip of property. It's only twenty five feet wide at some points. You can't make it into a full road at this point without incorporating the other property which we don't control.

M. Blustein: If we were to acquire another piece of property it might make it feasible then to put in a regular sized Town road to specifications. We talked to the Supervisor a little bit about that and obviously he can't sell us a piece of property.

G. Lake: The main thing is we want to make sure that the Police have that emergency access out and I think that's been achieved.

M. Blustein: I was at the meeting with the Supervisor.

D. Schmalzle: The rest of these, the engineering comments are minor and there's no problem with any of those.

G. Lake: Mr. McGoey, do you agree with that?

D. McGoey: Yes. I think the Board has the biggest concerns with item #1 which would be the amount of blacktop. I had an opportunity to go out and inspect their other facility on Industrial Drive and quite frankly they don't have enough room back there. They're going on top of the curbs and the lawn areas are being broken up. I have to agree that it is probably necessary.

G. Lake: I will go through the Board.

P. Owen: I don't have anything.

R. Carr: I don't have anything.

W. Capozella: I don't have any issues.

H. Ross: I have nothing.

**MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments and this Board's comments made by R. Carr and seconded by P. Owen.**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Abstain**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 4 AYES, 1 ABSTAIN**

**MOTION for SITE PLAN/SPECIAL USE PERMIT subject to all of Mr. McGoey's comments and this Board's comments made by W. Capozella and seconded by R. Carr.**

**P. Owen: Aye**

**R. Carr: Aye**

**H. Ross: Abstain**

**W. Capozella: Aye**

**G. Lake: Aye**

**MOTION CARRIED. 4 AYES, 1 ABSTAIN**