

TOWN OF WALLKILL PLANNING BOARD

MEETING

JULY 20, 2005

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

MEMBERS ABSENT: P. Owen

OTHERS PRESENT: J. Bacon, D. McGoey, S. LaBruna

1. PUBLIC HEARING 7:30 P.M. - **ULTIMATE BUILDERS** - 3 LOT SUBDIVISION
Reservoir Road (32-1-43) #154-04

G. Lake: Public Hearing started at 7:39 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 20th day of July, 2005 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Ultimate Builders, 65 Reagan Road, Spring Valley, New York 10977 for approval of three lot subdivision, Section 32, Block 1, Lot 43 and located on Reservoir Road near the intersection of Boorman Road and Abrahamson Road under Section RA 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.

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

G. Lake: Give us an update since the last time you were here, please.

C. Foti: Basically we're proposing to subdivide a twenty five acre parcel that's lying northerly on Reservoir Road. The twenty five acre parcel has one existing dwelling on it. We are proposing two new lots with individual water and sewer.

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

R. Carr: I will wait.

W. Capozella: I did have a question. On some of the areas even though they're in the Town of Wallkill it's actually the City of Middletown, right that water line?

C. Foti: That is an easement.

W. Capozella: That's just an easement.

C. Foti: That's correct.

W. Capozella: And, it is the water line?

C. Foti: That is correct.

W. Capozella: Some of those lots that they have set up now these people are actually able to get water for those lots.

C. Foti: Basically that's the water line that runs into our client. That water line was built somewhere during the early part of the century.

H. Ross: Nothing at this time.

T. Hamilton: After the Public.

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

T. Mikulski: Good evening.

G. Mikulski: We just have a couple of questions that we would like to ask. Our property borders the back part of this property. Once these are subdivided and approved will the new owner be able to subdivide this property any further?

G. Lake: There is a note on the subdivision on lot #1.

G. Mikulski: So, none of them would be able to be subdivided?

G. Lake: No and if they did, for one they would have to get through that note and then they would have to come back here within the next ten years.

G. Mikulski: The other question being, where the easement is that goes from Reservoir Road to Ridge Road, that wouldn't be considered a road that they could use for driveways or anything right, driveway entrances.

G. Lake: No. I believe that easement was already explained as a City of Middletown water line.

C. Foti: That's a haul road now. There is a deed that the City of Middletown trucks used the old

haul road to haul fill. They tunneled this line in and what happened was, they used the haul road as a driveway for this lot and it will stop right there.

G. Mikulski: The reason I ask that question is after the meeting that they had prior to this one I went and asked at the Highway Department. I was told that because this was an easement it's only a twenty foot right-of-way. If they really can't use it as an entrance. The driveway isn't going to come out onto a Town road.

R. Carr: No. The easement just gives someone the right-of-way on that twenty feet right-of-way through that property. They can put a driveway on it. The driveway is going to be where that road is.

G. Mikulski: Okay. When you make a driveway going out off of your property, doesn't it have to go onto a Town designated road?

G. Lake: It will.

G. Mikulski: Okay, so they're going to make the driveway come out onto the easement and then use the easement as a road?

G. Lake: As a driveway, not as a road.

C. Foti: Excuse me. There actually is an existing road that ends up in this area right here. Basically all we're going to do is improve the existing road and use it as a driveway.

G. Mikulski: Okay. Those were our questions and concerns that we had.

G. Lake: Is there anybody else?

M. Hunt: No.

MOTION to close this PUBLIC HEARING at 7:44 P.M. made by T. Hamilton and seconded by R. Carr.

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

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

C. Foti: Yes I do.

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

C. Foti: Yes. Item #1, basically at the Planning Board meeting of April 6, 2005 a Public Hearing was scheduled for June 15th. We contacted Mary Lynn and set up a work session for Monday, May 23rd. Approximately two weeks, ten days later, Mary Lynn called the office to notify us that the Attorney was of the opinion that since the existing dwelling did not have a Certificate of Occupancy this subdivision could not proceed while the moratorium was in affect. The Public Hearing and the work session dates were then cancelled. Approximately June 1st we received a phone call from Mary Lynn saying that the Town Attorney advised her that we could proceed and we were back on the agenda for June 15th Public Hearing. We stated we could not make the revised submissions in time to meet that date and Mary Lynn then scheduled us for July 20th.

G. Lake: I agree with that with the chain of events that occurred.

C. Foti: Basically we've answered a number of these comments. Mr. Lippert called me yesterday. I have not received his comments. He stated that his comments actually go to the whole Planning Board. I did not receive them. Mr. Lippert did fax me a copy of a driveway detail. The other thing was after the comments regarding the stream we contacted Mr. Thorgensen. He was on the site on April 11, 2005 and took a look at the wetlands stream that Mr. McGoey said was there. Basically Mr. Thorgensen was of the opinion that it was occasional drainage and he said it wouldn't really matter if we went ahead and flagged the area. That wetland "C" is actually there and there is occasional drainage with a fifteen inch "HDTV" pipe that crosses the road just to the east of the intersection of the driveway. Basically we consider it as occasional drainage and our fields are approximately sixty feet away from the edge of the wetlands.

G. Lake: The septic, you have that. How about Middletown?

C. Foti: We submitted a set of plans to the City of Middletown and basically we didn't get a letter back. We got a verbal okay from the Commissioner of Public Works that it was okay to use this driveway.

G. Lake: Mr. McGoey, are you looking for him to . . .

D. McGoey: He should get that confirmed and if they have any other concerns about crossing the water line. We should get something in writing from them.

C. Foti: Yes, we will get something in writing from the City of Middletown.

T. Hamilton: On that same thing Mr. McGoey, in other words is the City going to stop using that right-of-way from where the driveway meets the house back to that back lot line?

C. Foti: They don't, actually that road does not exit to this day. The driveway (had a discussion with Mr. Hamilton).

T. Hamilton: Mr. McGoey, can we ask to see if we can have that remaining part that goes from there to the back lot removed, that right-of-way? There's no sense in having it. If we take it out then we know it's not going to be used to access anything in the back.

D. McGoey: I suppose.

T. Hamilton: Why leave that little piece of right-of-way that extends from their back and can't use it. Let's eliminate that little piece of right-of-way if the City of Middletown will go along with it.

C. Foti: I can ask the City and whether the City gives it up or not basically it's really an old easement for the haul road where they took the debris from this water line and hauled it into the back.

T. Hamilton: Yes, but why leave that easement there if it's not going to benefit.

C. Foti: Right.

T. Hamilton: It will clean up that lot so that easement doesn't exist.

C. Foti: You basically can't see.

T. Hamilton: It's on Town paper though that it actually exists.

G. Lake: I think what he's asking you to do is see if it can be removed.

D. McGoey: I have a question. I didn't realize Mr. Brodsky changed his mind on the moratorium issue.

C. Foti: Excuse me. I spoke to Mr. Brodsky after Mary Lynn called me the first time. It was not him that gave us the opinion. It was the Town Attorney. I never caught the name. I spoke to Mr. Brodsky and he said it wasn't from him.

J. Bacon: You know what. I'm Mr. Bacon. I'm the new Planning Board Attorney. I didn't an

opinion from him that it was not subject to the moratorium. I think it is subject to the moratorium. I would certainly check with him again but my reasoning and understanding of where the construction of the house that's there now was under construction as of April. It seems to me that the moratorium would apply as three or more dwelling units and that's the way the Board has been trying to apply it to the moratorium.

C. Foti: My statement is that approximately the end of June when Mary Lynn called us and said that there was an opinion from an Attorney.

G. Lake: You know what. Have Mary Lynn check the files.

A. Dulgarian: Came in at this time.

J. Bacon: Mr. Lake, just so the Board understands the file that I received from Mr. Brodsky, there's a questioning memorandum from him to the Town Board and to Spencer McLaughlin and there's a hand written note on it from Mr. McLaughlin that says it qualifies as a three lot subdivision even if the formerly constructed house was on the (not clear). I don't know if the Board has a copy of it.

T. Hamilton: Mr. Bacon, just a quick question on that same thing. The understanding that we were given previously is if there are three lots like this and one of those lots is a pre-building, we are only creating two new build-able lots so it wouldn't fall under the moratorium. That's what we were going by at that time because we're not creating three brand new build-able lots. You have a pre-existing house on there.

J. Bacon: I didn't talk to Mr. McLaughlin about his note on Mr. Brodsky's letter. I think there was a question as to whether or not the house is a pre-existing house. I think Mr. McGoey had said that as of April the house was under construction and didn't have a Certificate of Occupancy.

T. Hamilton: Yes, but it's no different than somebody coming to us before the moratorium and getting Preliminary and not putting anything on it. It's the same thing. We should justify when he got his Building Permit and if it was before the moratorium.

D. McGoey: It is likely not before the moratorium. If he received it before the moratorium then I could agree.

J. Bacon: Do you know when they got the Building Permit?

C. Foti: No I don't.

T. Hamilton: That would answer it.

J. Bacon: You need to find out when he received the Building Permit to see whether it is covered by

the moratorium. If it was before the moratorium then there's no problem with going ahead. If it's afterwards, then is not okay.

G. Lake: You don't have that information tonight with you?

C. Foti: No I don't.

G. Lake: You will have to find that out. Your Public Hearing is closed. Do you waive the time frames?

C. Foti: Yes I do.

W. Capozella: On that easement, when you go through there it's really a right-of-way. An easement is to ease onto someone's property. You need a right-of-way to use that road. According to the documents you gave us, it actually says right-of-way.

C. Foti: I will check it. I think it is an easement. I will check the actual document and actually send the Planning Board a copy of the document.

T. Hamilton: Back on this Mr. McGoey, the Conservation Committee is questioning some of the slopes and so forth.

D. McGoey: There are splits out there and deep gullies. It's a tough site. I know I wouldn't want to put a house there.

T. Hamilton: Mr. McGoey, as an Engineer, do you feel it's going to impact the wetlands and what ever because of these slopes. That's what he's looking for also.

D. McGoey: No. I think they can put it and still protect the wetlands. I don't think it's a high quality at all. I think it's been created by the water line.

R. Carr: Can I ask a question? I hear those concerns about the slopes. You've got to put a lot of fill in there. The house all the way at the top are they using the same road that's already there. Because not only do you have the slopes right at your back door, you have the utility line running right at your porch unless you're going to move those. If you move those you're going to have to take down all the trees along the road. The house already sits below grade on the road. There's just so many things wrong where that house is.

C. Foti: Basically, if the Planning Board would give me a shared driveway, that back of that lot I would shift the lot line over. Lot #3 is a beautiful site.

R. Carr: I was looking at the site. It looks great and it's not on the road.

C. Foti: If I could have a common driveway that basically would (not clear). After Mr. McGoey's comments and after we're back on the agenda, we've gone to the inspections with Eustance & Horowitz basically to prove that we could dig seven foot holes back up along there, if I could get a common driveway.

D. McGoey: It makes sense.

T. Hamilton: Before he goes through and does that though, I think the question of the Building Permit should be straightened out first.

G. Lake: I think the common driveway is a good idea. So, when he comes back he can make that determination. Guys, do you think it's a good idea or no.

A. Dulgarian: Yes.

R. Carr: Yes.

T. Hamilton: Yes

H. Ross: Yes

W. Capozella: Yes

G. Lake: Yes.

C. Foti: Actually just the letter from the Conservation Committee they're letter expresses concern about having the driveway and the grade by grading the driveway from the front of the house. There is some grading that's going to be provided to get a slope of ten percent on the existing driveway.

MOTION to TABLE for further review with applicant waiving the time frames made by H. Ross and seconded by W. Capozella.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

2. PUBLIC HEARING 7:35 P.M. - **ALTA EAST** - TWO FAMILY - SITE PLAN/SPECIAL USE PERMIT - Highland Avenue Extension (39-10-6) #30-05

G. Lake: Public Hearing started at 8:01 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 20th day of July, 2005 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Alta East, Inc., P.O. Box 2201, Middletown, New York 10940 for approval of a two family house, located on the East side of Highland Avenue Extension, opposite Electric Avenue, under Section 249-22C (9) of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

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

D. Yanosh: My name is Dan Yanosh the surveyor and Mark Trumble from Alta East.

G. Lake: Since you were here the last time . . .

D. Yanosh: Yes, we took off one of the buildings because of the moratorium. We propose one two-family dwelling on the property located on the southeasterly side of the building. We did most of the details required by Mr. McGoey for the Site Plan except for the soils erosion control, silt fence.

G. Lake: Let me go through the Board.

A. Dulgarian: After the Public.

R. Carr: Just a clarification. This was originally two (2) two-family?

D. Yanosh: Correct.

R. Carr: Because of the moratorium.

D. Yanosh: You can only have two units at one time and that's what we're doing right now.

R. Carr: That's all.

W. Capozella: I will wait.

H. Ross: I will wait.

T. Hamilton: After the Public.

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

MOTION to close this PUBLIC HEARING at 8:03 P.M. made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

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

D. Yanosh: Yes.

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

D. Yanosh: Highway Department comments should be received and addressed. Did Mr. Lippert submit any comments?

D. McGoey: The neighbor's encroachment . . .

D. Yanosh: I talked to Mark about that. We're going to get an easement from them or we will have a legal driveway. We have no problem with that.

D. McGoey: And, the culvert twenty four foot minimum.

D. Yanosh: Okay, twenty four foot minimum, we can do that.

D. McGoey: And, the french backfill.

D. Yanosh: No problem. Soil erosion, we can put that on. The silt fence. I talked to him about this, he has no problem. I don't know whether he's look at them or not. I will send him a copy of the plan. I have all the details from what he required from before.

G. Lake: Mr. McGoey, did we get special comments from Mr. Smith on this?

D. McGoey: We didn't, no.

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

A. Dulgarian: Yes. Tell me a little bit why that house is located on the property?

D. Yanosh: We first came to the Board with a two lot subdivision and two (2) two family houses, one on each lot. Since the moratorium was in affect they caught us with the fact of creating four units. Two (2) two family houses means four units.

A. Dulgarian: So, you're going to come back at some point.

D. Yanosh: Yes.

A. Dulgarian: Okay. Then my next question is why we couldn't line the driveway . . .

D. Yanosh: Because the other lot will have a driveway right next to that one.

A. Dulgarian: I don't really have any issues. There's a few of them out there on Highland Avenue Extension. I don't think it changes the characteristics of the neighborhood.

R. Carr: I really don't have any problems. It fits in with the neighborhood there. I hate seeing the parking up in that corner.

D. Yanosh: Do you think they can park in the back?

R. Carr: Having it right up front, it's just not like a yard. It takes away from the project.

D. Yanosh: In the beginning we had the house back further but again, one of the requirements was locating the houses next door on either side, which we did, to have them sort of line up with each other.

T. Hamilton: Going back on Mr. Carr's statement, is there a way of driving to the rear of the house and putting the parking spaces behind it? Running that driveway to the rear of the two family and park in the rear. Then we will just have grass and what ever in the front.

D. Yanosh: Had a discussion with Mr. Trumble. Again, your access is in front of the house. How do you get in your house, usually through the front door.

T. Hamilton: It's a thought. One way of getting rid of the blacktop in the front yard.

M. Trumble: It would be a problem coming in that wasn't part of the family, they wouldn't know to enter the house from the rear.

D. Yanosh: Also, security wise.

M. Trumble: Security wise, with people coming in the back of your house. It's all wooded back there.

T. Hamilton: I think security, I would rather have my parking in my rear yard where they're not out close to the road.

G. Lake: Will you look at it?

D. Yanosh: I will look at it.

W. Capozella: Is there any significance of listing that trailer, or you just listed it on there originally?

D. Yanosh: It's just a landmark that's out there.

W. Capozella: And, you did mention about coming back probably looking for another two (2) two family home, right?

D. Yanosh: Correct. The original Site Plan had a lot next door here.

W. Capozella: It's just a thought as far as building the second home, maybe some originality rather than building two homes exactly the same, same size and everything else. I know there are some like that already on that street and it sticks out like a sore thumb. It's something to think about the next time.

H. Ross: I have nothing.

G. Lake: I think the Board gave you their comments and using some imagination.

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

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for SITE PLAN/SPECIAL USE PERMIT subject to Mr. McGoey's comments and this Board's comments

T. Hamilton: Are we going to wait and see what the driveway does?

G. Lake: I think . . .

T. Hamilton: When we do Site Plan approval, is he going to put the driveway in the front or the back? Can we vote on that now or what until we find out? I don't know.

D. Yanosh: I will have to say, if I do parking in the back, I only have a sixteen foot side yard. There probably would only be a one way driveway through there, if that's okay. If won't be a two-way access.

T. Hamilton: Any thought on when you come back with the other one, about combining the two driveways?

D. Yanosh: If you allow us to, we have no problem doing that.

T. Hamilton: Mr. McGoey, when they come back with the other one, maybe you can look to have those two driveways together.

D. McGoey: It would require more blacktop. They have the one driveway already constructed.

D. Yanosh: We could construct this one here right on that new line that we're going to hopefully draw later on.

G. Lake: Don't forget then, you're going to have some easements and stuff or agreements.

T. Hamilton: The ones we tried to stay away from is the ones that were all on one and then branched off, with a property line down the middle of it and each one had a width to stay on their own to alleviate any legal problems.

D. Yanosh: You will have the width of your driveway to go back in there, they will just be side by side.

G. Lake: I'm not telling you. We usually stay away from situations like this. Are you willing to do that?

D. Yanosh: We're willing to do that. Would it be possible to move the building up a little bit so that it's more in line with the other homes. I can move it up about another ten feet.

G. Lake: I think you have a certain amount of freedom with the Building Permit.

D. Yanosh: Okay.

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

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

3. PUBLIC INFORMATIONAL HEARING 7:40 P.M. - Amendment to **Chapter 249** of Town of Wallkill Code to implement the **Town of Wallkill 2005 Comprehensive Plan**

G. Lake: This is basically for us to gather information. We will have the Planner give a little presentation of what it is about and then we will take your comments. There will not be a question and answer. We're here just to get the information and at some point in time we will forward some kind of a response to the Town Board within the next couple or three days. So, I will have Mary Lynn read it as it appeared in the paper.

M. Hunt: Please take notice that a Public Informational Hearing will be held by the Planning Board of the Town of Wallkill at the Town Hall, 600 Route 211 East, on July 20, 2005 at 7:30 P.M. or as soon thereafter as the matter can be heard on the proposed Local Law amending Chapter 249 of the Code of the Town of Wallkill, County of Orange, creating new zoning districts and amending certain other provisions of the Zoning Code in order to implement the Town of Wallkill's 2005 Comprehensive Plan. All parties of interest will be heard at said time and place. By order of the Planning Board, Gary Lake, Chairman

G. Lake: At this time I will have the Planner get on the highlights of it and then at that point I will open it up to the Board and to the Public.

M. Buser: Just to get a sense, the Board asked me to be here and maybe give you the information you're looking for. Just by a show of hands, just let me see if you have concerns and questions on RA, conservation subdivision, if these are your concerns or the whole thing. Anyone interested or have questions on the performance overlay districts, for instance. Let me try to be brief and quick. First of all I want to thank everyone who made comments in previous sessions. There have been excellent ideas and especially Elizabeth's especially. I appreciate your comments and I think working together to really make this a good project. This blue package is the first step of the implication of the plan. It's part of the plan in response directly to the moratorium which is why these are first. These are pretty much based on residential areas involved and potential uses during the moratorium as related to residential uses. We have the Conservation subdivision section, which is first in the packet. There is one that rural ready, which is a buffer between residential districts and uses. Industrial uses and Commercial uses provide a larger buffer between those uses. There are individual districts and also a plan of (not clear) in certain areas. I know that most of you are concerned about density calculations and I would like to talk about that. This isn't a fair deal and I agree, it's not. This is new law is designed to encourage the use of the conservation subdivision process. The conservation subdivision process is in the plan highlighted as the process that the Town is encouraging to be in the throughout the residential normally occurs throughout the Town. As that works, if the landowner is using the conservation subdivision process which is a fancy word for clustering, but there are a lot of interesting components which make this different. If that is the landowner use of the process it is calculated at exactly the same numbers as are allowed today to occur so that there is no change in the density for that. If you expected twenty (20) units under this,

you will have twenty (20) units. That will not change. What does change is that there is the open space requirements. Fifty percent in the RA district, for example, is open space and there are some buffers. None of that relates to your actual density. That is part of the project and the Site Plan. The way that's accomplished is smaller lots are allowed in the development area of the subdivision. There's some flexible stages in terms of this versus other similar laws that allow flexibility in the conservation areas as I mentioned in the RA district, for example, fifty percent of that lot is open space. However, uses that would be allowed in that would be active recreation, passive recreation, agriculture, even the stormwater management and the septic systems for the homes if the ownership follows the appropriate (not clear) would allow and encourages that protection to happen and allows smaller lots to be developed. So, the goal is to encourage developed style that respects the natural pieces and the value throughout the Town. That is what this is encouraged to do. The existing development doesn't do that. It doesn't protect those features which make the Town. It doesn't allow even for those areas to be developed. This flexibility encourages a more sensitive design without changing the density. The way that this is set up is through, if you want to think about it, it is lower density if you should opt to do a conservation approach. That is fifty percent across the board and yes, and all of the soils calculations are used at fifty percent. It is used to encourage everyone to use the conservation approach. The RA district, R-2, and all the other residential districts, the requirements are similar. That process is the same. I think I have pretty much discussed on the conservation subdivision and to add in the nutshell, the others I would like to highlight is there is an overlay district, performance overlay district, visual standards in two areas. One, initially in the residential districts, the next would be the PID or the MI districts. Both of those districts have a lot of potential uses which can happen there. This creates a little bit more certainty in the type of uses to those that are less intrusive in the traditional pattern. For example, warehouses and manufacturing uses are really from two hundred feet. Other uses can happen in this buffer area. There are different requirements. It works on both sides of those districts. The reason is to provide the same protection over the residential units within those districts. Again, all of these are residential entities in some way have been looked at to create that incentive to go to the conservation subdivision. For the most part, the lot size stays the same and then if you use the conservation approach it is typically less. One other thing, very specific to the PID districts. This covers a part of the Town. In the PID the conservation plan is highlighted to become several different districts and several different places. In the future, there is an area designated for possible commercial, an office, light industry in the residential areas actually and in the Town center also. So, it is to highlight and create several different areas. With that in mind the high intensity residential use that normally are allowed. Those are eliminated from the PID as being not in conformance. In its place essentially in appropriate areas is a floating residential district having a three quarter acre type, more like R2, Scotchtown type density or only areas that are in conformance and that would require a zoning change. It would require Public Hearings. In the PID until those districts are looked at in more detail, a zoning change may be required. There is a process set up to allow for that to happen. I know there are a lot of people. I've heard a lot of comments and I know there are a lot of comments. I'm wondering if it would really help me in understanding it better. If it is the general size of the property you're concerned about, what your thoughts are for it and how do you see the impact either beneficial or an adverse way. In the RA districts, there's no clustering

allowed in the Town so, that is another process. If someone wants to do a subdivision and maybe get full value of all of the units that are allowed on the entire property if they cluster those, half of it and (not clear) the other half. What it does is allow the landowners to get full value on the property and then on the other half there are very little uses that are allowed to encourage this clustering. With that, I hope that helps.

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

A. Dulgarian: I will wait.

R. Carr: I will wait.

W. Capozella: I do have a question and one that really bothers me. On the RA, on page 3, you talked about fifty (50%) percent of the property was going to be permanently protected, right?

M. Buser: Yes.

W. Capozella: Now, the twenty five feet that is build-able, what does that really mean? Does it mean that really seventy five percent of the property is going to be really tied up?

M. Buser: The fifty percent is open space. So, if it's one hundred acres, fifty acres are set aside. If the property has, say it has, a portion, it's twenty five percent of the build-able land. So, if there are seventy five acres of land that is not in the slopes or wetland, twenty five percent of that must be within that conservation area. What that does, is makes sure that if your property is fifty acres of wetlands, fifty acres of development that all the conservation area is not wetlands. Part of that open space will be simply use-able for some purpose other than an actual buffer. I will say why that's there. There are other ways to do that and this actually assures also that the developed area, that you never take more than twenty five percent of the area into this conservation. You will always be able to fit these lots. Basically seventy five percent of your developed area will always be there.

W. Capozella: One quick question. Twenty five percent built. What describes build-able? Is there something in there?

M. Buser: It would be . . .

W. Capozella: To be sure that certain wetlands are not build-able and so forth and that part is excluded, and they we need twenty five percent?

M. Buser: It would be based on the subdivision regulations for what a build-able lot is in the area.

W. Capozella: That's it for now.

H. Ross: I will wait.

T. Hamilton: I will wait.

G. Lake: At this time we will take comments from the Public. Again, they may not be answered as we go through this as we're gathering this information. Once everybody does speak, I might have Mike try to re-define some of the things and then I will go back to the Board. At this time, I will open this Public Informational Hearing at 8:26 P.M.

E. Fogarty: My name is Elizabeth Fogarty and I own one hundred forty one acres plus or minus in the RA district on Lybolt Road. I've lived there for forty six years and in that time I have cut out three building lots. One for a family member, the second one for my niece and my personal slave because that's what it was zoned at that time. My land soils is soil "B" so, that calls for one and a quarter acres so my niece's house was two acres and I sold my house with three acres because the people indicated that they might want to have a horse and would need more land. I feel I've been a responsible landowner. I mean, I've kept the open space for forty six years. Quite frankly, just listening to the comments, I don't think this is all about conservation. I think it's about cutting down the growth and the building lots in the RA district. I think it's very unfair. This whole thing was supposed to be voluntary. It was supposed to be your choice that you wanted to go to the conservation area. People have been to the Planning Board before proposing a cluster development and it wasn't allowed. So, now you're going to allow it on three quarters of an acre. I have to build on one and a quarter acres so, you're not giving me anything nor nothing is there to persuade me to go with the conservation land. There's a lot of other points in there. I don't understand why you want twenty five percent of building land. If you're talking about open space, the wetlands. There's nothing to it, that's okay. You can build a factory and put up trees to cut down on the smoke and I don't think that's a fair thing especially since the plan says that you cannot put any structures other than maybe a shed or something for farm use on your land. So, to me that's a hoax and it shouldn't be at all. There are several other things like the two hundred foot setback. You brought this up at the meeting and I explained to Mr. Buser that a two hundred foot setback on a one hundred acre parcel say one thousand feet across the front door, one thousand feet deep or approximately. Use five acres on the front of the property and then the land around is for conservation and you lose five acres wrapped around the back part, five on the front and twenty on either side. That's your neighbors and that would be your conservation but then what's left. I mean I have to get a road through there and you have wetlands you have to go around. No way, would I possibly get the lots that I could put there. I think it's very unfair and I'm not for it. My land is my boil and bait. I've got mine up to the point that I am now, I can sell off my land and live very nicely hopefully for the rest of my life and in the Town of Wallkill but with all the restrictions it would be very difficult to do. Now, if I ask everybody that is a homeowner or anybody in the Town or anybody to making these decisions to give up all the apartments by fifty percent. How many will volunteer to do that. I don't think anybody should volunteer. We got together because I was the only one that spoke against this at the first Public Hearing. At that time, we got together and said this is ridiculous. People did not know what was going on in this Town. My good friend and I got together and we

started calling people. Ninety nine percent of the one hundred people we called knew nothing about what was going on and this is involving their land and their livelihood and, I think it's not fair at all.

I have a couple more comments here. The other thing that I wanted to ask Mr. Buser was if this is supposed to be voluntary why did they change the environmental factor for conventional subdivisions against the conservation? This is the old list that we've worked with for years. Now they cut it in half so when they're telling you you're going to get three acres and have thirty three lots out of a one hundred acre build-able lot parcel. It's not true because this environmental factor will determine how many houses you can get out of your parcel is calculated using this environmental factor. So, why is it cut in half? That means you're only going to get fifty percent. So, instead of fifty lots, that means you're starting out with twenty five and then you cut out the rest.

This is not just about conservation. It's about stopping growth in the RA areas, R1 and R2 and I don't think it's fair. It's our land. They ask us to pay the taxes and we do that. Now, we're paying a library tax which is ridiculous and it's just totally unfair and all the people that we've spoken to, I think sixty people came out just to ask questions. Nobody left me with the impression that they're all willing to do this with their land and I don't think you're going to find very many takers in this proposal. I ask that my Town Board representative vote no and I will ask all the other Board members to vote no. Let's start it over again or at least make some corrections to this. Thank you.

T. Lloyd: I'm going to listen and take some notes. Thank you.

I. Townsend: I would strongly urge you to send this plan back to the Town Board and ask them to make serious revisions and do not pass it on July 28th. This conservation subdivision severely affects landowners rights. It's a conservation plan that focuses all the responsibility for conservation on the larger landowners. You're given a choice. You've got us between a rock and a hard place. A choice which is no choice. Choose the conventional plan with the three acre minimum zoning but don't encourage or coerce into the conservation plan with the requirement of a large percentage of the site remains unbuild-able. Here, two acres of clustering are allowed. But in the RA a minimum of fifty percent of the site must remain unbuild-able. Restricted permanently protected and a minimum of twenty five percent of the total build-able land must be included in the conservation area. In R2 and PDR districts it's forty percent conservation, twenty percent total build-able land. R1, thirty percent conservation, fifteen percent total build-able land. What has to be configured here is (not clear) you're talking three acre with wetlands, slope and soil conditions and water testing all have limiting factors as well. So, by the time you're dealing with three acres, you're averaging parcel end ups anywhere from four or five. In a cluster zoning, there's a very real question about clustering being used as a bonus. As to whether clustering will work at all in an RA zone where you need to have water and sewer and good soils, something that we really don't have. In my opinion this is de facto seizure of land, the permanent taking of development rights without payment. This is a no growth, anti-growth plan. It affects everyone. There are a lot of questions that really have to be raised. I would like to ask all of you where is the SEQRA plans for us to review. Have they been done? The Town seems to be setting itself up for a lot of lawsuits. There's been no analysis as to the revenue growth in the Town and how that will be affected by a plan like this. Who's going to be

picking up the slack? Is the Town Board going to cut back on their budget when the growth income goes down to a trickle or are our taxes going to go up? The plan is discriminatory, grossly unfair and largely unnecessary. In my opinion the present two acre zoning which really when you figure slopes, wetlands, soil conditions, well testing will come down to three to five acres anyway in most parcels. It's certainly adequate. I think that this Planning Board has done a good job over these last few years of keeping a lid on unbridled growth. And, I think planning has to be flexible. I heard the planner use the word flexible however, that can't be applied to this plan. For the most, the landowners are going to discover that they can't use cluster zoning. It's not profitable and you're going to be put into three acre zoning that's going to turn out to be five acres of zoning and you're going to be paying taxes should you go with the conservation route, you're going to be ending up paying taxes on this land that has been de-valued and I want to talk about that also. In terms of the plan there is an overall idea that it hasn't de-valued. Well, it will raise the value of the land because this is for amenities only. The fact is, that has worked in actual suburbs. It will not work here in the Town of Wallkill in my opinion. I would like to see some studies done on areas like this. Consequently I really ask that you recommend that revisions be made to this plan. Be made more reasonable, less stringent, less extreme and certainly not constrictory. Thank you.

P. Kelvasa: Hi, I'm Pat Kelvasa. I live out on Howells Road and I have to agree with everything that they showed me and (not clear). I haven't seen of all (not clear) in the Town of Wallkill. There is property still out there that is build-able in the Town of Wallkill. How much of that is actually, therefore this whole three quarter acre in a crock of crappola. You're not going to get a house on a three quarter acre lot in an area where there is no water or sewer, public water and sewer. Three quarter acre lots will not hold a well and a septic. Now, there's claim that you can use the open space for your septic system. You will have to purchase a larger lot because no bank is going to hold the mortgage on a house on a three quarter acre lot with their system on a lot owned by someone else. That, in itself, is a fallacy. It's a false statement. If you look at the open spaces out there the actual build-able property before the study is not going to hold up. It just isn't because most of us who have farms in the Town of Wallkill have poor soils. Open space is open space and you can't put structures on it. You can still walk on that land. This Town is constantly coming back and utilizing the land of the homeowner. There are commercial buildings out there and with all this nonsense we get stuck with all this petty nonsense. I'm paying on my land, thirteen thousand dollars for my taxes for my property. Thirteen thousand dollars a year. I'm not a wealthy person. I work hard to make that money to pay those taxes and now you come in and tell me I can't do anything with my property. I've got two children there. I have farm land. I've lived here for a very long time. My parents moved here when I was a Freshman in High School. I would like to continue living in the Town. My family loves in there. I don't want to leave here. The point is I still have to pay the taxes on it. If you tell me that fifty percent of my property I can't use, if you're not going to lower the value of the land for the assessment that I'm paying all the taxes on, what good is it. I feel I'm paying thirteen thousand dollars and getting nothing in return. I do wish you would all think about this and make, and here is another important thing but the Town Board has certain responsibilities to go out and look for all kinds of grants and look for all kinds of (not clear) from the Federal Government to apply to these programs for the open space program. They've done nothing.

They've done none of that. So, as far as I'm concerned why should I have to pay a price when your Town hasn't done their part. All of this should be thrown out. I really hope you will take this very seriously.

J. Malagne: Good evening. My name is Joseph Malagne and I own a number of parcels of land in this Town and I've been reading this conservation subdivision law and I question tonight about this fifty percent and the twenty-five percent build-able and sometimes for some reason you only have a one hundred acre lot, give them sixty acres, that's very questionable there. My biggest concern as I have listened tonight and I do agree with what they're saying. The cluster subdivision will not work in this Town because of the soil tests out there. The soils throughout this County and the soils that are left on the parent parcels all around this area. You have wetlands, it would be very difficult. I asked this gentleman at this meeting, where else in this County to they have this conservation subdivision law and he came me an answer, somewhere out in Rochester, right?

M. Buser: Pittsburgh.

J. Malagne: Pittsburgh, I don't know but somewhere. Well, we're in Orange County, New York and he told me that there's nowhere around Orange County or Sullivan or Ulster that even has the law. So, I say if you want to put a conservation law in this cluster development, with the cluster will you put the sewer in. Are you going to put a small water plant and a small sewer plant to handle that cluster? It will take you a while to do this. There's a million questions out there concerning this. From a developer's point of view or an owner's point of view, anything five acres and up you're taking a financial loss. A lot of people are talking retirement, that's they're retirement money at age sixty two. I just think that the Board, the Town Board, Planning Board, everyone should take a good look at this type of law. Right now working with your Planning Board, your Engineers they way they work out the wetlands and in the rural areas they want wider roads. Everything ends up nowadays and you still end up having open space around. I also think in the long run the tax structure over the years get higher and higher. Montgomery is a typical example of what's happening when the moratorium got extended three years they patched up on the financial structure. There's no revenue. I just hope that you look at every angle before you pass this law. In the future it could really hurt this Town. Thank you.

D. Yanosh: My name is Dan Yanosh. I'm a small landowner and do help for clients. My comments are really just addressed to that. I agree with a lot of what the Public has said about their lots. Some clustering is fine. Every individual lot in the Town of Wallkill is different. Just a general comment to the planner. A cul-de-sac needs one thousand feet that the Town adopted about two months ago. I know there are a lot of subdivisions out there, Lybolt Road is one gorgeous subdivision. There are nicely built homes up there and the people like their small little communities. If we don't have a longer cul-de-sac it will kill that subdivision. We may have to extend the road to another piece of property next to it which will be a through road. It would mean more roads for the Town to take care of. Then they changed the lot width of the lots to the building setback line which means thirty five feet or forty five feet, whatever it would be which with a cul-de-sac will mean about twenty

three lots at the most. The changes are crazy. I always thought the soils formula worked fine. Clustering was one of those things that was farming. I don't know how many active farms there are in the Town I know there are very few. Some may have horses and cows and hay. I don't know if clustering (not clear). Scotchtown is nicely built with affordable houses, small little lot.

G. Lake: Is there anybody else that would like to speak on this?

Unidentified Person: My name is Betty (not clear). My husband and I own sixty acres in the Town of Wallkill. This will cut people's 401K let me tell you. When you have land and do want to eventually build, we might not want to. We're not planning on it but I have a right to.

L. Wolinsky: Good evening. My name is Larry Wolinsky. I'm an Attorney for Jacobowitz & Gubits. I'm not here this evening for any particular client. I'm in a similar situation as Mr. Yanosh. I represent a lot of folks in the Town of Wallkill and have done so since 1984. I guess to best characterize these folks in the development. I hadn't planned on speaking tonight actually but listening to the dialogue and having myself thoroughly reviewed the proposed draft zoning local law I thought I would just say something that you should all know. I've been a professional planner since 1956 as well as an Attorney. Therefore I have practiced over twenty years in the Mid Hudson Valley and represented clients and municipalities in various issues. Without going into great deal tonight I could tell you that there, the way this law is currently drafted, there are numerous legal questions, issues and ambiguities, clarifications, etc. that should be addressed. I don't really think that's in the best interest for any development in community or the Town of Wallkill. I think some of these issues that were raised tonight mentions the conservation subdivision. My message is twofold. One, that the Town Board has done a very good job getting this to the point where it's at but now that they're at this point, I think it's very imperative not to rush through the adoption of this legislation until the rules of the road are very clear. You will find in the development communities in most instances that the rules are clear. I would like to volunteer my services on behalf of the developing community to sit down to either with the attorney's of the Planning and Town Board, whoever is responsible in doing this legislation to go over in detail and try and point out some of the problems that I see into some of these strategies and policies so that it is clear and also that the policies that are sought to be forwarded in the Master Plan are actually (not clear). For example, restricting clustered conservation subdivisions and the land cut in half from what I hear and to encourage these conservation subdivisions but for example, what pops up in my mind in regard to that is that every time you have a conservation subdivision you're going to create your own streets and to get some land which is going to require an approval from the Attorney General's Office and you're going to create many homeowners associations unless you can find conservation organizations which will take the individual open space and oversee. You might find that but if you're going to retain the common rights and everything and having a lot of new homeowner's associations popping up in the Town of Wallkill which will require a payment that we shall be, liability insurance which is not getting any cheaper, as we know nor to continue with whatever names there might be in the open space areas. This is a financial obligation that any smart person thinking about whether to do a conservation subdivision or not will consider the main fact saying we

don't want to get involved in that and go the conventional route. And although the conventional route appears from what I've heard to push away in terms of the number of lots to be there. It's still lot a means of preservation of open space. That's just one example. I have many examples. The message I'm trying to get through is this really needs to be gone through a lot more coming up to a date at the end of this month that the Town Board may act. I hope the Planning Board hears that message and maybe agrees. I know there is a moratorium and everybody wants to get rid of that but at the same time I think everybody wants to get a piece of decent legislation in place that accomplishes both the Town's interest and in regard to a proper (not clear).

G. Lake: Thank you. Anyone else?

P. Thompson: My name is Priscilla Thompson. My family has two hundred sixty two acres. Most of it cannot be built on. I would appreciate it if you would leave the zoning the way it is. That's it.

G. Lake: Anyone else? Mike would you like to answer anything that was brought up to this point or would you rather have me go through the Board and maybe hear what they have to say and to everything in one shot?

M. Buser: There were a few things I thought I would highlight and clarify. Maybe I will start backwards since those are the ones that you remember most. In terms of the ownership there are four options in there. Homeowners is one but there are also two others which can be used and one that we recognize would probably be the way that the majority. The conservation area can actually be in sketch. The conservation area can be dissected and owned by individual landowners. For example, if I provide a two quarter acre house, the build-able of the land that I may own is another ten acres it will be for the conservation area. It is just that area will be restricted by the type of amenities that could be used in that area. The ownership, as well, would create the number of home ownerships association. There's a home ownership association and I know another situation which may be appropriate is if the Town wanted to do is to accept part of the land as open space as a lighting district or a sewer district and then they would probably collect fees based on that particular area. That would only be proposed by a developer deed.

I. Townsend: Has the SEQRA been done.

M. Buser: The SEQRA forms are being worked on. On the cul-de-sac question, that's actually we will give you a waiver from the existing one thousand foot cul-de-sac to allow for a two thousand foot cul-de-sac. Right now, it's one thousand feet, correct and this would allow actually a longer road to allow the clustering to be set further back and further away. That could be requested and allowed. In terms of the conservation area no more than fifty percent. Questions about build-able, if you have one hundred acres, the requirements are not more than fifty acres. There are site plan issues that may make it difficult. The conservation area would always be fifty percent or lower, never higher. There were questions about paying taxes on the conservation areas. Those will be taxed for their use and de-valued with no more homes allowed on it and that would be conservation

easements that may not have the same rate as a piece of land that has the potential of building. I believe there was also a question about the three quarter lot. There's a density calculation that has to do with two acre minimums and three acres and soils and the whole nine yards. Once you get down to that site plan process and you go down to a three quarter acre lot, there's no soils formulas at that part. That is not an issue in determining the conservation subdivision. That is only determined with the density up front and then you can cluster them on a small three acre plot.

E. Fogarty: Then why try and use the environmental factor?

M. Buser: The environmental factor again has been changed to create the difference between the conventional and the conservation. The conservation subdivision, those environmental factors were changed from what it is today.

G. Lake: I will entertain because it could probably go on all night but I'm willing to entertain a couple more questions, Mr. Yanosh?

D. Yanosh: Just a question about the two thousand feet. That's only if you're going for the conservation subdivision. The conventional subdivision in an RA zone, the three acre lots are still. Just a question about the cluster subdivision, the perimeter setback. You're saying two hundred foot setback. You're taking the whole one hundred acres, surround it you're saying two hundred feet around the perimeter you can't build in, is that correct?

M. Buser: Yes it is.

D. Yanosh: So, is that part of your conservation easement then?

M. Buser: All setbacks can be part of that.

G. Lake: Does anybody else have questions, come up?

E. Fogarty: Mr. Buser you are saying that you get three quarters of an acre and then you lose another quarter of an acre for the septic tank. Why bother with the restrictions if there's nothing there that can be built on? Why would we have restricted deeds? This whole thing is very un-friendly to the landowner. All it says is you must, permanent and restrictive deeds are going to be watched over by the Town Board. All of these words are very un-friendly and I said I don't think you're going to get any favors if it is passed this way. Thank you.

G. Lake: Anyone else?

MOTION to close this PUBLIC INFORMATIONAL HEARING before I go to the Board at 9:10 P.M. made by T. Hamilton and seconded by R. Carr.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

G. Lake: I will now go through the Board.

A. Dulgarian: You want comments at this point?

G. Lake: I want you to think about it and yes, if you would like to make a little comment tonight and then I will further explain how I think we're going to work this out and get something back to the Town Board.

A. Dulgarian: The soils formula really hasn't changed based on the cluster. If you do not cluster then at that point we're using the environmental formula. Are there going to be any shared services on a cluster lot?

M. Buser: Septics.

A. Dulgarian: Septics and everything like that and using multiple wells.

M. Buser: They're not restricted but they're not compilable.

A. Dulgarian: The only thing that over the years when we had developers come in, I liked the concept of a cluster at it's best. Now, what we're looking at has raised a whole bunch of more questions that I think really need to be researched. I'm very concerned that the allowable building lots remain the same regardless of what you can do previously and the cluster still allows the same amount and it sounds like we have that area covered. The other thing that I'm worried about is right now if you have a sub-standard lot you have a form of relief to go to the Zoning Board of Appeals. If you have an acre in a PID or MI lot, that's a permitted lot of one acre and you have to have a two hundred foot setback, is that useless?

M. Buser: I'm not . . .

A. Dulgarian: Those are the things I would be concerned about. And if so, can that property owner seek some sort of relief from the two hundred foot buffer because he has this parcel he's been paying taxes on and we're just making it worthless. So, again there has to be some flexibility. I really appreciate Mr. Wolinsky's offering his services and I think they're knowledgeable gentlemen and we should probably sit down on a couple of things, whether it's at our level or someone up on the food chain. I think it needs to be looked at a little bit more. I do like the concept. I think it has a place in this community and it can be beneficial for the property owner and all the residents. We have to be really careful. Thank you.

R. Carr: There's no question. Somewhere in here, there's good in the conservation area. There is good in there. Mr. Yanosh brought up about the subdivision with the cul-de-sac that propagated the cul-de-sac law. If there was one thing and this Board did approve that length of cul-de-sac for it to continue on to an approved road but if there was one thing you could do to improve that subdivision I think from the point of view of the Town, is not have those houses in that first field where they dominate the road and change the character of the road. In the past I think the intent in a two hundred foot setback is a very difficult thing to figure out what are the exact requirements that should go into that. Two waivers, changing the soil formula, coming down from a minimum building lot of three quarters. The word that keeps coming up is "flexibility" and that is what's needed. That subdivision, you can still get twenty three homes and you can still have twenty three homes in there and you don't have to be in that first field. Nobody, most of the people that are living in those homes have never ever to have a power mower to cut their grass. On the one hand when we went to the two acre zoning, people were saying two way service is too much. Maybe there's someplace in between in terms of what's affordable. It's a difficult decision and a lot of things have to be taken into account. The one thing that I feel about this while I think there's a lot of good things in the conservation subdivision proposal. A lot of good things came up. There's a lot of information. There's a lot that has to go into it. It just seems to me like your rushing into a decision and it's all being pushed because of the moratorium. To me, that's a bad way to make decisions that have such a great impact on the Town. So, while I see a lot of good in it, I think that with more input before we do that. I think you have to work in "flexibility" so that this Board can do what the Town wants. From my point of view you want to mitigate as much as possible. Regarding the POD, Mr. Dulgarian, your comment. Have we looked at how many parcels are affected and there's one house that's sitting in an MI area. How much of the MI area is (not clear) by that one house and how many lots are affected by POD. If you're doing a POD to mitigate the conflict between MI and PID using commercial uses and residential uses, why are we proposing a PRD to put large residential uses in the middle of PID and again, I don't know what the thought there is and I don't know what analysis has been planned on that as to what that does to the Town's tax rate. The two hundred foot setback around the perimeter I think Mr. Buser already said he was going to try to see if that could be changed. The idea is to move back large subdivisions that typically go into farms with that first four hundred, five hundred, six hundred feet are wide open and not to change the nature of a rural road. The twenty five percent build-able area, I don't understand the concept if

you're not going to use it actively. I think it's being approved too fast.

W. Capozella: I will start out with a general comment. As a Planning Board member, we have a responsibility to the Town and we have a responsibility to the Public. I don't think there's any issue tonight that we've had a clear view from the Public. I don't think there was really anybody that was in favor of the law as it is at this point. I think as a Planning Board member we haven't really discussed this with the Town Board in getting their views. So, at that least at that issue we're clear from the Public standpoint at the way the law is written. I think in saying that and looking at the law yes, there's a lot of open issues, how does it affect the owner, how does it affect taxes. Even the overall clarity of some of the law some of the people brought up, how is this going to affect them. My personal opinion is that I would like to see and I know Mr. Buser mentioned something about you had presented models. I don't think any of us have seen those. I would like to see how these models that taking somebody that has one hundred acres of land and really seeing a picture of it is worth more than just reading through each section here to see how it really affects. If we can see the models, that would explain a lot and would clear up maybe some of these issues and maybe it won't. To me, it has to be played out that way I think. Again, I have issues with this. I understand the intent. I think again it needs a lot of clarity. I will leave it at that for now without getting in much more of it. I think we know what some of the specifics are from the Public comments.

H. Ross: It's not really yet. I believe the comments received from the Public, it just needs more work. A long time ago I did public participation in these matters. I don't think that other people with other concerns have been heard. The larger owners who are directly affected in are smart enough to understand this and have met amongst themselves to make sure that they were here this evening but those people (not clear) particularly if it doesn't solve the problem. If it solved the problem we would get a much harder argument. I don't know that a two hundred foot setback here or the length of a cul-de-sac is going to be a decision that gets us. Also, I'm uncomfortable from an environmental perspective of the risk of segmenting habitat. There's still going to be a certain amount of land use at the end of the road. The habitat will be disrupted typically because it hasn't been disrupted by the drivers who go along the edge of the development doesn't mean that there hasn't been construction. Stormwater runoff could create considerable problems as it did with water across a certain area where we now have hills and dales and eighteen inches of dead plant matter soaking up all the water. I'm very uncomfortable with it. I'm sure the County Planning Department would have something to say about our clustering and cul-de-sacs without the benefit of those who do municipal services. I think I would probably make an agreement with their concerns there to. Sometimes two acres becomes five acres. That's just the way it is. There are many places in our Town and the County in general where the soils just aren't going to tolerate it anymore. I think it has to go back for more participation. I would rather have a later decision and a better result even if it means extending the moratorium so that they can further work on without hurting anyone.

T. Hamilton: The Public has asked many questions that I think we have to get resolved one way or the other. I think it needs more input. There was mention about the sewer and water. Is it on the individual's property or is it on the conservation thing. I don't think we need to get into

Homeowner's Associations with problems, etc. Two hundred feet, I can see the first couple of lots back but to go two hundred feet completely around a whole subdivision, all the adjacent properties, all pre-existing Town, County and State roads, two hundred feet. Now that barn is into that conservation easement and there's no barn next to it and he wants to build. So, now he has to go two hundred feet from anyone so now you have a four hundred foot setback between houses. It's not like a planned setback from a different type of commercial use or something else. There are several new zone areas that I don't know where they came from. We have problems with the existing areas now just trying to make a small buffer between a PID zone and a residential zone and the first time we have somebody in a PID zone that wants to build in a PID that it was meant for, the homeowners that are in that two hundred foot buffer are all up in arms. Now, you're looking to put residential in the middle of it. I don't understand that. In that PRD zone, it talks about roads. It says demonstrate direct access to State and County highways. What if that PID is surrounded by Town roads. There are a lot of items in here that I think they better go through and listen to what the Public said. The other item is, I think they better start to talk about SEQRA.. I haven't heard a thing yet.

G. Lake: Thank you, Mr. Hamilton. Yes, you and I wanted to talk about the housing in the PID. That I can't understand. I agree with you one hundred percent. We have enough problems there. I was going to bring up, like Mr. Carr said, there's a lot of good things here but I think they're things that are just hard to figure also. Everything is based on the laws land. Probably ninety eight percent of the things we do is probably twenty five acres or less or twenty acres or less. I know last night I was trying to figure out how that would apply to my three acres that I own. My lot is long and about two hundred feet wide. I'm kind of happy where I live. I think we do need to look at it again. I don't know what's going to happen. The Town Board, and I want to make this clear to everybody, we are going to try and rush a letter within the next day or two and please try to drop in any of the comments that were talked about tonight and give them to Mary Lynn and then we are going to try and get together to draft a letter combining these comments that everybody has, any new comments and then we will try and get it to the Town Board. I agree with Mr. Ross about one thing, wholeheartedly. I would rather see us take the extra time and make sure we get this right for the whole Town because I do think there are other issues involved here that might not show up today, might not show up tomorrow but the one gentleman in the Town of Montgomery he's one hundred percent right. That Town is running into some big headaches with some of the things. I know one gentleman that has filed a lawsuit against Montgomery. He's won the first round at appealing but you and I pay for those lawsuits, not the applicant or, in this case when somebody challenges the Town on some of these new laws, it might happen. I think we have a physical responsibility for everybody to look at and say what does happen down the road. A very valuable point, of which I didn't think about, who is going to control the extra land, who's going to insure it, who's going to use it. If I owned twenty acres, if my little plot of land is mine, I don't expect people to come out and clean my backyard unless I invite them. I think there are issues there that I don't know if anybody thought of but it was brought up tonight but at the same token this Board in years past have worked very hard at trying to figure out a way to do clustering. That's the good, that's the things we need to work towards to make it fair but yet at the same token all these other legal questions and it sounds like there are a ton of them. We realize that the Town of Montgomery has a ton and a half

instead of just a ton with some of this stuff. I thank everybody who came and thank you for the information. Some things came up tonight that I don't think we thought of. I know I spent a lot of time on the telephone the last couple of weeks listening to people about their concerns. I think this Board has also received a few dozen phone calls about it. I would rather much see and hopefully this might be a good document even if it takes us a little longer. I don't think we should be rushing. Again, I want to thank you for coming and thanks for the information and we will proceed to the next item.

4. **HRABOWSKY** - 3 LOT SUBDIVISION (FINAL) - Dosen Road (22-1-12) #144-04

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

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

G. Lake: Go ahead.

J. Nosek: The last meeting we were at there was some public concern pertaining to the wetlands along Dosen Road. I believe at that time the Board had directed us to further investigate that with the Town's conservation consultant. So, what we have done is we have scheduled an appointment and went out and met with him out in the field and have since revised the plans to show the limits of the existing isolated wetlands as well as what we call a "vernal" pool which is basically a pocket of water that does periodically dry up over the year and does have some environmental value to certain types of species. So, we identified that on the plans. I don't really think it impacts either of the two proposed building lots. They are shown on the maps and I think that's what the Board was looking for.

G. Lake: The only other big question is where the septic field is down here.

J. Nosek: There was a question regarding the septic. I'm not aware of a failing septic out there. I did walk by and I didn't see any signs of anything.

G. Lake: So, you are telling this Board that you did go out and did do a visual inspection?

J. Nosek: Visual, yes.

G. Lake: And you found no evidence of a failing system?

J. Nosek: That's correct. We did not perform a dye test on it or anything like that, but we did a visual.

G. Lake: Okay. And, this is just an isolated that comes and goes?

J. Nosek: Yes. In either event, we're not proposing to disturb that area.

G. Lake: Let me go through the Board.

A. Dulgarian: I have nothing.

W. Capozella: I guess originally on that wetlands, you're still going to have a sign off for the septic on lot #1 so it doesn't affect that. He is going to need that or he already has it.

D. McGoey: He needs approval.

W. Capozella: Really, other than that I don't have anything else.

H. Ross: I have nothing.

T. Hamilton: You said you meet with the conservation committee?

J. Nosek: Yes, Scott from our office did.

T. Hamilton: With Sal?

J. Nosek: Yes.

S. LaBruna: I submitted comments.

T. Hamilton: I'm not just questioning on who he's meeting with. I don't know what your expertise is. We have a Town Engineer who reviews the document and goes over the stuff with us. I keep seeing comments and I don't know who you're using to get your information.

S. LaBruna: It was to us.

J. Nosek: The Board asked us to have a meeting with him out there.

T. Hamilton: Your letters are disputing items that our engineer has done and I'm just wondering on whose feeding you with the disputes. That's what I'm questioning.

S. LaBruna: I will read the information we had and based on what we got at the Public Hearing. I went out to the site and met with Scott. I can't challenge delineation of a wetland area. I looked to their wetlands expert. Specially with the pool, I can identify to the applicant or their representative of what we were looking for but it's up to them to identify. I'm not challenging anything.

T. Hamilton: No, I just see a lot of comments from your committee questioning some of the stuff that our engineer has more or less gone over and reviewed and we didn't have problems up and then questions come from your commission. I was just curious on where this was coming from because it's being done twice.

G. Lake: Mr. McGoey's set of comments. Are you satisfied?

J. Nosek: Do you want me to go over them?

G. Lake: I think I'm okay with them. The only one is the Planning Board Attorney is going to have to check the easement. Does he have to give you a note?

J. Bacon: Is there another copy of the plan because I don't have a copy of the plan.

G. Lake: He will provide you with one and maybe he can give you a call and iron out exactly how you want the note.

J. Nosek: Just for clarification. This is the lot that accesses on Dosen Road. The clearing limits fall within the Town right-of-way for Dosen Road. It's the lot that has access on VanBurenville Road where we're actually going to need to cut beyond the property line, in which case an easement over lot #2 would be necessary.

G. Lake: Okay. Just make sure he sees those notes.

J. Nosek: Okay.

MOTION for a NEGATIVE DECLARATION subject to all comments made by A. Dulgarian and seconded by W. Capozella.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for 3 LOT SUBDIVISION subject to all comments made by A. Dulgarian and seconded by W. Capozella.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

5. **CUTHBERT** - 2 LOT SUBDIVISION - 21 & 23 Ora Park Circle (2-1-12) #2-05

CANCELLED.

6. **MAKAN LAND DEVELOPERS LLC.** - LOT LINE CHANGE - County Route 78 (69-1-5) #46-05

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

D. Yanosh: My name is Dan Yanosh surveyor for the project. This is the Propokov/Monsey Subdivision that was approved by this Board and filed a year ago, July 28, 2004. I will bring you up to speed while we're here. The problem was on Weber Road when we went to construct the road the inspector for the Town found out that what I had done is roughed Weber Road in the original right-of-way, forty, forty five feet wide whatever it was. And in discussion with Mr. Lippert and myself it could be a Town road fifty foot. So we had to widen the right-of-way on Weber Road to a fifty foot width so we could move the lots back a little bit, lots #1-#6 in that dimension there. We still meet all the zoning requirements. In the meantime there was a question about a cemetery that's located off of County Highway 78. I think it's an old pauper cemetery from the State Hospital from years ago. That's one of the questions that Mr. McGoey asked me to address. I just met the attorney for the first time tonight. I will give him a phone call about what we have to do with that situation. I don't know whether there are plots out there or not. It's labeled on the subdivision and it was done by the State. We will take care of that comment. The also comment that we had was from the Highway

Superintendent. I did meet with him and he wants to meet in the field and in his office also. The problem we're having here, is once the developer owns the property is in the process of selling it. It's a transition area as to who is going to be doing what. One of Mr. Lippert's comments and we will take care of that before the signing of the map. If we can meet with all the parties involved to get the situation squared away as to how we're going to improve Weber Road.

T. Hamilton: Do you have his latest comments?

D. Yanosh: Yes. The Propokov's didn't have the money to do this. We said when we're constructing we were going to see what it was all about. Now he wants to have it settled up and we have no problem with that.

D. McGoey: Before we sign the maps.

D. Yanosh: Before we sign the maps, no problem. We will take care of the attorney with the cemetery and Mr. Lippert with his comments.

R. Carr: Mr. Yanosh, we approved this?

D. Yanosh: Yes you did.

A. Dulgarian: I have nothing.

R. Carr: Did Mr. Lippert look at the road?

D. Yanosh: We had to move the line to accommodate a fifty foot road.

R. Carr: These houses are hooking up to what water?

D. Yanosh: City of Middletown sewer and water.

R. Carr: But, you're using to . . .

D. Yanosh: The Town of Wallkill soils formula to do it. It's a weird situation.

T. Hamilton: Yes because I think in our regulations that they had to follow the Town of Wallkill requirements.

A. Dulgarian: So, he had to meet the soils for the lot size.

W. Capozella: I just had a question and the water and septic but it's pretty much in there.

D. Yanosh: Yes. There was an agreement from the Propokov's years ago with the City of

Middletown.

H. Ross: It's not clear. They get water and sewer from the City of Middletown?

D. Yanosh: Correct.

H. Ross: And the tax bills are the Town of Wallkill.

G. Lake: It was an agreement that the City of Middletown and the Town are into. But our code on any project that is in that situation has to use our soil formula. Some day I will go through all the projects out there.

H. Ross: It sounds crazy.

G. Lake: Anything else?

T. Hamilton: No.

MOTION for a MODIFIED SITE PLAN APPROVAL subject to all comments made by R. Carr and seconded by A. Dulgarian.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

7. **MILLER** - 3 LOT SUBDIVISION (FINAL) - Van Duzer Road (65-1-2.2) #46-04

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

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

G. Lake: Go ahead.

D. Yanosh: This is a two lot subdivision on Van Duzer Road. We were here several months ago with a three lot and the remainder that since the moratorium has taken away one of the lots so it would be a two lot and the remainder of the property. The Public Hearing was quite a few months ago. So, we reduced it down to a two lot subdivision.

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

D. Yanosh: I have no problem with the rest of Mr. McGoey's comments and Mr. Lippert's comments. I met with him outside months ago when we started this project. I will meet with him again and make sure the site distance and the driveway is all taken care of and all the details are taken care of.

G. Lake: Item #6.

D. Yanosh: Yes. We did have it on but we might have left it off. We have to show the silt fence and erosion control around the southerly property where we will be doing some grading.

A. Dulgarian: I have no issues with this.

R. Carr: I have nothing.

G. Lake: Mr. McGoey?

D. McGoey: This is still a three lot subdivision. You have two building lot and the remaining. You can build a house on the remaining.

A. Dulgarian: Even if it is not proposed?

D. McGoey: He can easily get a Building Permit.

G. Lake: Can he put a note on, not for building at this time?

D. McGoey: I don't think so.

D. Yanosh: I do have the note on here.

D. McGoey: I will have to refer to our attorney on that. I had an issue with that on one of the other subdivisions that we had. This is a three lot subdivision.

T. Hamilton: Yes, we've seen them where there's a pre-existing house on which changes it but if you have a third empty lot.

D. Yanosh: I have a note, not for building purposes at this time. Future approval of the Town of Wallkill Planning Board is required.

D. McGoey: It should be referred to our attorney.

J. Bacon: The moratorium is pretty clear. Three or more dwelling units. If this was not a build-able lot or used as a conservation issue.

D. Yanosh: Well, we've gone to Health Department years ago with saying no future subdivision.

G. Lake: You know what, we haven't had a Public Hearing on this yet.

D. Yanosh: Yes you have.

M. Hunt: They were going to, and then the moratorium hit.

D. McGoey: We had one on the 6th of October of 2004 and he waived the sixty two days.

G. Lake: He feels it falls under the moratorium law?

J. Bacon: Yes. It's not fair for anybody else..

G. Lake: No, I agree with you. It's a slipup we got into somehow and didn't catch it. You've already waived the sixty two days. We will have to table you for now.

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

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

8. **MEADOW WOOD ASSOCIATES** - SITE PLAN - Dosen Road (14-1-31.11) #45-05

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

J. Tirolli: My name is Jim Tirolli. With me is Kevin Babock who is a principal. This plan envisions converting the existing three-bedroom dwelling to an office for his general contracting business as well as using the wood frame shop next door expanding that for storage. There is an existing driveway that comes in to the storage area. We're going to expand that and is shown on the hatched area to lead a new entrance into the dwelling to become an office with some parking shown. Our calculations indicate that the parking is seven in terms of requirements. We've shown thirteen. The applicant does want to try and save some of the large trees shown on our plan so he may not build out thirteen. Initially he may build seven required as long as he's got space to try and save the trees. The existing sewer system for the house, the three-bedroom is designed for around four hundred gallons a day. We're going to use one hundred sixty so we're cutting the usage in half. I think today we got a copy. I presume you did a letter from County Department of Public Works.

M. Hunt: I believe we did.

J. Tirolli: He's saying he reviewed it. You must have sent it to him and he returned it back to your Board for approval and is reminding the applicant that he needs a highway work permit before construction.

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

J. Tirolli: Yes. I will go on the easy ones first. We don't plan a commercial dumpster. We show out front a small trash bin in front of the building with the circle there. Item #8, we will certify that the plan in accordance with the Town's datum. The access for handicap, you will notice around the right hand side of the building looking from the road in, we show a paved area with grass around to the door which is essentially for handicap access. We show a pavement detail so, we do provide for access from the parking lot directly to the building and to it's doors with pavement for handicap access. Item #6 Planimetrics along Route 17M we've done that. It's not on this plan. We put a couple signs there which we show on the final plan. Item #4 stormwater management, it's such a small site that we would prefer not to collect the water with a catch basin in a pipe and then have to discharge it. We prefer to sheet draw it as it does now towards the rear of the lot and off the rear of the lot on vacant lands which is wooded. The amount of pervious area is extremely small.

D. McGoey: You need to guarantee that it doesn't go on to the adjoining lot. I still want that paved area discharging slower.

J. Tirolli: Okay. Item #3 concrete curbs. County Department of Public Works has started to move

away from concrete curbs where they're not necessary. When we applied for the permit he didn't say anything in his referral. We don't show them and he's not commenting on the fact that he wants them. We've found that their dropping the curbing requirement.

G. Lake: Is this a State road?

J. Tirolli: It's a County road. Actually it's an old State road but it's covered by the County.

T. Hamilton: The County has to give you that information about the curbs. If the Town is saying it's not a Town road then you need to contact the County.

G. Lake: You're going to have to contact the County.

J. Tirolli: What I'm saying, the County Department of Public Works, the engineer wrote today and said he reviewed the plan and has no objections. He did state we needed a permit for the driveway.

G. Lake: Okay.

J. Tirolli: In the end when we applied for the permit, if he wants the curb you will have it. I sense he doesn't so we didn't show it.

T. Hamilton: Did we ask for the curbs though? If we have it where we have him show the curbs, yes but if it's the County decision.

G. Lake: He's saying the County has gotten away from asking for curbs.

J. Tirolli: In some cases, I think it's because of plowing they find it's a problem. In a busy intersection with a big project I don't doubt that they would ask for it.

G. Lake: Okay. You know what. When you come back the next time why don't you have it, ask them to give you a definite answer.

J. Tirolli: By the time I have it here . . .

G. Lake: Ask them to give us a definite answer. That's the intersection where . . . I can tell you with the amount problems that are there for some reason we have spend a lot of time there so, I think we need from the Department of Public Works, I don't think it's the State or the County and you might want to ask the State since it's right on that exit, there is vacant land right on the corner with the next house in, right? I would feel a lot better if we have a letter from one of those other organizations.

J. Tirolli: Let me check with the County. I'm not quite sure what Mr. McGoey means on item #2. Parking calculations for the service shop. I don't follow at one space per two hundred square feet of service shop.

D. McGoey: Right.

J. Tirolli: And,

D. McGoey: The warehouse has to be calculated as one space per fifteen hundred square feet.

J. Tirolli: This is about two thousand square feet deep existing and the addition. So, that would be two spaces.

D. McGoey: Right. And then the office with the service shop. It's a service establishment.

J. Tirolli: It's not an office, that's where he conducts his business, payroll.

D. McGoey: Yes, but he's providing services for others.

J. Tirolli: Okay so, the two hundred square feet I use for the dwelling unit and then for the accessory building I use fifteen hundred square feet. I have it.

D. McGoey: Mr. Tirolli if you're less than twelve spaces, you don't need to pave that parking lot.

J. Tirolli: Less than . . .

D. McGoey: Twelve spaces, I believe.

G. Lake: Let me go through the Board.

A. Dulgarian: I have no issues on this.

R. Carr: Nothing.

W. Capozella: What's the height of this building?

J. Tirolli: The proposed one, it's going to be the same height as the shop.

W. Capozella: Your going to leave it the same height?

J. Tirolli: Right.

H. Ross: I have nothing.

T. Hamilton: As long as he meets Mr. McGoey's comments.

G. Lake: Mr. McGoey, do you need another work session?

D. McGoey: No.

MOTION to schedule a PUBLIC HEARING for October 19, 2005 made by R. Carr and seconded by H. Ross.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

9. **560 NORTH STREET LLC.** - 2 LOT SUBDIVISION (Sketch) - 560 Route 17M (37-10-5 & 7.3) #22-05

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

M. Olsen: My name is Mark Olsen, the architect for the applicant.

G. Lake: You're hear for sketch.

M. Olsen: The intent of our application is to in step one, bring the kennel building into conformance by providing a rear yard setback. Right now, the building is on the rear yard lot line. That being said, adding that or subtracting that area for the rear parcel and then dividing that into two residential lots. One of the comments made by the Planning Board engineer was with reference to exiting the back residential lot out to the easement parcel. We discussed that and have the possibility of combining that easement parcel with the rear lot to provide a flag lot and thereby providing access and frontage along Beakes Road.

G. Lake: First off, and I will ask our attorney but even if you wanted to do that I don't think we

would be allowed to.

J. Bacon: I think if that lot line were removed on lot #2 where the driveway is and then you combine with that easement slip, he owns the property but the Town has an easement over your property.

G. Lake: I happen to agree. Go ahead.

M. Olsen: That's basically where we're at.

G. Lake: Basically this is going to stay the same. You're going to give this land to this and then you want to (not clear).

M. Olsen: Correct.

G. Lake: And then this becomes one lot and the other a lot.

M. Olsen: Correct.

G. Lake: I will go through the Board.

A. Dulgarian: I have no issues.

R. Carr: One, I would like to see the houses that are there (not clear). With the new design, how much road frontage. I'm not crazy over it. There's not a whole lot of room there between the back of this building here and the other houses.

W. Capozella: I actually like the layout of it to break them up a little better.

H. Ross: I think it's okay the way it is.

T. Hamilton: Nothing that hasn't already been said.

G. Lake: Since you're only here for sketch, I don't think there is a lot of opposition on having two places right there. I think maybe the opposition is maybe a little more imagination and maybe if some of these lines were removed and turned things around a little bit, it would fit in. I think that's what sketch is for. I think the Board pretty much gave you direction.

MOTION to TABLE for further review made by R. Carr and seconded by W. Capozella.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

10. **AMODEO** - 2 LOT SUBDIVISION - Genung Street (72-1-6.221) #48-05

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

A. Fusco: My name is Al Fusco representing the applicant. Mr. Chairman and members of the Board. This is a proposed two lot subdivision on Genung Street. We have an existing lot. It's existing currently in an R1 zone. It's 24.29 acres. We're proposing to take off a two acre lot that has an existing dwelling on it. We have shown it on the plan before you. We do have good soils on the remaining parcel. We do not intend to build on it however, we did show that the soils are adequate for building, if it would occur but we have put a note on it not to be developed as a building lot at this time. We do meet all the bulk requirements. We have received comments from the Planning Board engineer. We have no particular issue with any of those. There is a question that was raised in relationship to when and if the subdivision is granted we will have an accessory structure on the lot. We do ask your indulgence in that regard. The owner does have that existing barn on there. He had utilized this previously as a truck hauling and selling vegetables out of that facility and they recognize that as a little truck farm that had been there previously. Again, that was his primary residence. He is subdividing that off at the present time. There has been a request for twenty five foot gratuitous taking which we have agreed to and we will agree working that out in subsequent meetings. Basically, the jest of what we're doing, we are in compliance with or will be in compliance with anything asked for. How would you like to handle the barn issue?

G. Lake: All that's going to stay, right?

A. Fusco: We would like it to if at all possible.

G. Lake: What can we do with the, is that a Zoning Board of Appeals interpretation?

J. Bacon: I was just asking Mr. McGoey. I know you don't want to put a house on that lot but what exactly is the purpose of the subdivision?

A. Fusco: The purpose of the subdivision is the owner wishes to sell off the existing house. He wants to sell off the house with the two acres.

J. Bacon: He's going to keep the barn as a business?

A. Fusco: He has used that as a truck farm in the past as a seasonal truck farm.

A. Dulgarian: He's not doing that this year, is he?

A. Fusco: He's not doing it this year, no. His brother went back to Italy and he's not doing it currently. He obviously does want to keep his options open if his brother does come back from Italy he may want to start it again. His brother had some medical situations and he had to go back to Italy. He would like to be able to keep the barn for those purposes. He has his tractors in it and things of that nature so he would like to keep the barn up for that purpose. He does wish to sell off his house and that's the purpose of the subdivision but he does want to keep the barn up and he isn't farming it this year but if he comes back his brother would start up the truck farm again.

G. Lake: So, basically the owner is going to keep it and just sell off the house. I think I would to know, what do we do with that? It is existing.

J. Bacon: Is this in the agricultural district?

A. Fusco: I don't believe so.

J. Bacon: I mean, one question is whether if it's being used as an agricultural use and if it is currently used. That's one way to look at it. Another way to look at is even if they're not intending to build a house on that second lot, if you show a typical house location then I think you should go to the Zoning Board of Appeals.

A. Dulgarian: Well, then the accessory is going to be in front of the house anyway. It's been a farm for ever and for ever. I don't know why it wouldn't be in an agricultural district since Mr. Distelburger is right down the road.

J. Bacon: I think that's probably the way to look at it.

A. Dulgarian: I mean, I have no problem with the subdivision. I hate to see him knock the barn down.

G. Lake: I agree with you one hundred percent.

A. Dulgarian: We're just trying to cover our . . .

G. Lake: Yes, I'm just trying to cover us and for me . . .

A. Dulgarian: If we can figure out a way to do it. Maybe he needs to research it.

A. Fusco: Okay.

G. Lake: I think that's probably the best route to go through tonight.

J. Bacon: I will look into that also.

G. Lake: I mean the man doesn't feel well this year. He has had in use in the past. Mr. McGoey's comments, are you going to have any problems with any of those?

A. Fusco: No.

G. Lake: Mr. McGoey, do you need him back for another work session?

D. McGoey: No, I don't think so.

G. Lake: Are you going to have any problems with any of Mr. McGoey's comments?

A. Fusco: The only one issue that we did have is taking it to the Town datum. We did try to locate two of the Town's datums. In fact, one was supposed to be on the site and we weren't able to find it. The next one is approximately one mile away. For a small project it does create a hardship. We will try to re-locate that. There was supposed to be right on the site.

G. Lake: Okay. If you cannot the Town's datum monument . . .

A. Fusco: Right. We will document that.

G. Lake: Document it and turn it into us so we can forward it to the proper place so we can get it replaced.

A. Fusco: We will, because there was supposed to be one right on the site, one hundred twenty five feet away.

G. Lake: So, where it was supposed to be and document that it's not there anymore and do us a favor, just give us a little letter so we can forward it to the proper people.

MOTION to TABLE for further review made by W. Capozella and seconded by A. Dulgarian.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

11. **WALLKILL MANOR** - SITE PLAN/SPECIAL USE PERMIT (Re-approval) - Silver Lake Scotchtown Road (50-1-1.2, & 50-1-12.2) #51-02

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

L. Wolinsky: My name is Larry Wolinsky for Wallkill Manor. We're here tonight simply for an extension of the Special Use Permit for this project. The project was granted a Special Use Permit on June 2, 2004. A request was made for an extension on August 18, 2005 and we were placed on this agenda.

G. Lake: What happened I thought he was here for something else to do with Second Street. They are still involved with the Town Board on Second Street. They did submit a letter in time asking for this extension.

A. Dulgarian: So, there's no re-approval?

G. Lake: No. There's no re-approvals.

A. Dulgarian: Is this your first extension?

L. Wolinsky: First extension on the Special Use Permit.

G. Lake: So, he had a work session and we did talk about Second Street and I will take the blame. It's not fair to the applicant not to have him in.

J. Bacon: I did speak to Mr. Wolinsky briefly today and I have no problem with the fact that the request for the extension came in to you. The concern that I have with, since Second Street hasn't been completely resolved yet, it was just that if the Board grants the extension tonight maybe it's

putting the cart before the horse because the window requirements for the Special Use Permit is that the Board shall find that the proposed use is properly located with regard to transportation and because that Second Street access issue has not been fully resolved the Board just may want to reserve judgment on it and not voting on that until that issue is completely resolved.

A. Dulgarian: But if we don't give him an extension he has to start at square one.

J. Bacon: Yes, but the request for the extension came, that's true. His request for the extension came within the year.

A. Dulgarian: So, he either gets it now or he gets denied now and go back to square one, correct?

J. Bacon: Well, I think the Board can table that . . .

G. Lake: Table what?

J. Bacon: Table the decision, not make the decision tonight.

A. Dulgarian: Table the extension?

G. Lake: In all due respect, first off, I don't think we've ever done that. So, I would be very hesitant to guide the Board in that direction. As far as the Second Street issue goes I don't believe anybody on this Board thought Second Street was going to become an issue at any time because this Board's knowledge of Second Street is that it is legally accessible to this traffic. I don't think it's been proven otherwise and maybe it hasn't been proven that it is. What I do fear is us going along for the last three and a half years assuming and all the things that we have done with this project, we're looking at Second Street as a viable entrance. I don't think we're moving it one way or not moving it the other way. But I think on the caution side until they get Second Street squared away I don't see the harm in granting this extension so they can continue on with the Town Board. I'm just afraid that we might open up something that we really don't want to open after three and a half years of being told Second Street is there. And, everything we've done shows that Second Street is there. So, you want to move them forward at all, you want to move them back at all, so they can do what they have to do with the Town Board to settle that problem and we have done this several times in the past with other projects and they have worked it out with the Town Board and come back at that point. I think past history is something to live on and for us to go by as far as what ever does happen after here.

J. Bacon: Again, I'm new coming into this one.

G. Lake: I just gave the history of this project and what we've done with other projects where we've run into the same situation. We had a sewer project that, we had a couple of those, who came to this point, stopped. Let them go and straightened it out. Once they straightened it out then they come

back and then we make our decision at that point. That's been the history of how we've done.

A. Dulgarian: I tend to agree. I don't think it would do any harm, nothing has changed in the Site Plan that we looked at. We're going to grant him an extension and if there's some other issues that have to be taken of that can be continued. I think it behooves us to continue the process on it and let them make the decision on Second Street or what ever they have to do.

R. Carr: I wouldn't want to set a precedence of indefinitely postponing extensions and just keep in running until we decide to vote on it and the other thing, if I understand, it really isn't about the Site Plan. I would be curious of what the status is since I really don't know about Second Street.

L. Wolinsky: We're in the process of meeting with the Town Board. The Town Board has come to determine whether it wishes to purchase, I mean, sell Second Street to the developer or not. That's the only issue that I'm aware that's outstanding. It's our legal position that we have access over it. We've spoken to the prior Town Attorney's on that. I believe the prior Town Attorney's or Planning Board Attorney spoke and agreed to the legal analysis on that. Mr. Bacon is going independently take a look at that issue as well and I will work with him on that and we will take it from there. I also want to make a point that in terms of status all of the permitting and approvals from all other agencies are all finished. This is the last main issue. So, I expect at some time after the Town Board finishes on the Master Plan process because that's been consuming and hoping we will get to meet with them and hopefully bring it to conclusion and get back to you.

R. Carr: I understand.

W. Capozella: I know this was a project before my appointment but based on what I've seen about Second Street and so forth, I don't see any legality to hold them up.

H. Ross: I think I understand. The use of Second Street is to guarantee you a Public road or sell it to the applicant.

L. Wolinsky: Correct. Just to jump back just briefly, what happened was originally when this was going through the process, it was sent to the Highway Superintendent to determine whether he wanted it as a municipal street. It was his opinion that he did not want as a municipal street.

H. Ross: The action we're planning to take now, I feel the same way. It seems to me it's the same result. We're holding this open so the process doesn't go back to square one.

T. Hamilton: No problem.

MOTION for a . . .

J. Bacon: Excuse me, Mr. Chairman. Just for the record because of the statute reading this way, Mr.

Wolinsky probably should put something into the record about this issue. It does say that the Board may grant a one year extension in cases of proven hardship. So, if Mr. Wolinsky would address that there is some evidence of proven hardship. There's no definition in the zoning of what a hardship is but there should be something under that.

G. Lake: Usually when an applicant comes to us asking for an extension and again, this are a lot of agencies within the Town and the Town Board, but usually I would ask. I should have asked for your benefit. I usually ask because they may be out with the Department of

Environmental Conservation or the Orange County Health Department which takes three years sometimes.

A. Dulgarian: That can be voted on, correct?

T. Hamilton: He has stated it in writing. He's asking for it.

L. Wolinsky: Hardship is not defined, if you look under use variances. Hardship is a financial issue. And certainly the expiration of the approval and having to go back to square one would be certainly a financial hardship to the developer who has proceeded with the Planning Board to bring the plans into compliance for Final Approval. It's received approval from all other agencies. The only thing outstanding is the Town Board regarding Second Street which I hope will be wrapped up shortly.

MOTION for a ONE YEAR EXTENSION of SPECIAL USE PERMIT made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

12. **MAJESTIC CARPET** - SITE PLAN/SPECIAL USE PERMIT - Fair Avenue & East Main Street (74-9-1) #131-04

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

B. Pas: My name is Brian Pas and I'm a partner with the firm Jacobowitz & Pas and we represent the applicant in this matter, Majestic Carpet. Standing here with me is John Wortmann who's been maintained by the applicant as their engineering consultant. I just want to introduce my client Anthony & Kelly Casovona. They're the principals of Majestic Carpet and they've owned the business for twelve years now and it's been at its present location on Route 211 East in the parking lot that used to hold Lloyd's but now has the newer shopping center Stop & Shop. The Planning Board has obviously had a previous opportunity to review the plans that were here and I believe this matter has been presented to the Board the late part of 2004. It's my understanding that all the engineer's comments have been addressed but I would like Mr. Wortmann deal with most of those and some of the most recent comments. I know and maybe we can get into this latter but there was some discussion regarding the architecture of the building. Here's a rendering of the proposed building. Hopefully by seeing the rendering that will alleviate any of the concerns that there may have been previously.

G. Lake: Yes. Is that the colors?

B. Pas: I believe this is exactly how it's intended that when the building is built it will be.

G. Lake: I think the last one we saw pretty bright.

R. Carr: What's the height?

B. Pas: The height of the building, I don't know the exact height.

J. Wortmann: It is eight feet.

B. Pas: I apologize for not having that answer. I will have Mr. Wortmann take over and then if there's any questions or anything then I can help out. Thank you.

J. Wortmann: We have no objections well, other than one or two. We've gone through the comments. We received the stormwater management, the Town Engineer's associates have received our drainage report and basically agreed and had no objections. The handicap space must be dimensioned on the detail sheet. I thought we had done that but we may have missed it. That's a very minor change to add that to the detail. I have a catalog cut of the free standing lighting fixtures. The open cut details is to be revised. I went through the Town code again, I will just take a second look at that. If there are any changes to be made it will be minor. Landscape plans to be reviewed for acceptability by the Planning Board. We had our landscape architect do the landscape plans for the project. We would be more than happy to take any comments that the Board has this evening

and get those back to her. She's very good and can make changes within a matter of a few hours. The architectural plan we just discussed. The final thing here is the sidewalks along Fair Avenue. We met with Mr. Lippert, the Highway Superintendent on April 8th regarding the overall scope of the project and he had no objections. One of the things that was already a comment at that time from the Town Engineer was sidewalks along Fair Avenue. He saw no compelling reason for them to be there. That was basically his take on it. It's a fairly wide street with decent shoulders. It's flat and there's really no reason for foot traffic there. There are a couple of houses across the street. He saw no reason as a Highway Superintendent for sidewalks to be there. We would rather avoid it. We don't think there is a lot of foot traffic along there. It would represent a fair significant cost for the project for something that they will have to maintain and worry about somebody slipping and falling on. It's our opinion that it's not a compelling need for sidewalks.

G. Lake: I will go through the Board.

A. Dulgarian: When we originally looked at this plan they were looking for an entrance on East Main Street, correct.

J. Wortmann: We've abandoned that idea.

A. Dulgarian: I like this a lot better. It's a lot safer. I like the look from East Main Street back. Now, there was an office building or a warehouse, we had him put sidewalks along Wisner Avenue, do you recall?

D. McGoey: Yes. There are already sidewalks on East Main Street.

A. Dulgarian: The guy that borders Wisner and the same two streets, Fair Avenue? It was too high on Carpenter Avenue.

D. McGoey: Right.

A. Dulgarian: And, we didn't think he needed it. The only thing I would question is the entrance being where it is that they just do the sidewalk to the entrance. I just think it would be a lot more aesthetically appealing if that's where the entrance is anyway. I can't see it along the entire parcel. I really have no other problems with the project. I remember back

in the Fall, I went out there and walked that site. There are some drainage issues in the back and will that be addressed?

D. McGoey: They've taken care of the roadside drainage along Fair Avenue. I think there is a fairly amount off of Hulse.

T. Hamilton: Mr. McGoey, what about Mr. Lippert's comment and what is that on?

D. McGoey: Which one?

T. Hamilton: Steep hills require k-Crete to full depth, what's that?

D. McGoey: That is the open cut detail which I mentioned in my comments.

J. Wortmann: I thought we did k-crete in there but I could be wrong.

A. Dulgarian: I have no real issues other than I would like to see sidewalks on the corner. As far as the landscaping, I'm looking at the picture. I guess I would be okay with Mr. McGoey signing off on it. We don't have our landscape architect, obviously.

G. Lake: We're very close.

A. Dulgarian: This would be a nice them for them to look at.

G. Lake: It would be unfair to hold them up because of that.

R. Carr: I think that the entrance is good. Two issues I have are the landscaping and the stormwater management.

W. Capozella: I think Mr. Carr said it.

H. Ross: I agree with the sidewalks at the corner is a good idea.

D. McGoey: What were you saying?

H. Ross: I'm saying that I agree with sidewalks on the corner but I would like the landscaping to be laid out in such a way (not clear).

D. McGoey: I don't think what they're proposing is going to include the sidewalks.

T. Hamilton: Mr. McGoey, you mentioned the freestanding lighting. Any lighting on the building we have to worry about being shaded?

D. McGoey: I don't think there's any wall mounted lighting.

J. Wortmann: No, I don't think so. I think they're all street mounted.

T. Hamilton: Any by the loading dock or whatever else?

J. Wortmann: That's right.

T. Hamilton: Because that's usually where we end up with glare.

J. Wortmann: And, we provided a contour map of the lighting impacts and what we've done is we've arranged the lighting so that there is impact off the property.

T. Hamilton: That's all I have.

G. Lake: Okay. I agree. I think the sidewalk is needed coming off the corner.

D. McGoey: To the first entrance drive.

G. Lake: Yes. I don't have any other problems. I think it's going to be a nice little asset to the Town. On the landscaping, I think we can leave that into Mr. McGoey's hands on this one and hopefully we will have the landscape architect in place.

MOTION for a NEGATIVE DECLARATION subject to all Mr. McGoey's comments and this Board's comments made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

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

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

B. Pas: So, do we have to come back to the Board now?

G. Lake: No. Just address the comments and make sure that the Highway Superintendent agrees and the landscaping for Mr. McGoey to review.

B. Pas: I just want to make sure because this is also part of a two lot subdivision.

12-A **MAJESTIC CARPET** - TWO LOT SUBDIVISION - Fair Avenue & East Main Street

B. Pas: It was my understanding that there needed to be a Public Hearing and if that's the case I'd ask this Board to set that Public Hearing as early as possible because my client.

D. McGoey: A two lot subdivision doesn't require a Public Hearing.

B. Pas: If we don't require a Public Hearing, terrific. My clients have certain time issues.

D. McGoey: This will be a separate lot.

J. Wortmann: Yes. A separate plan was submitted.

B. Pas: If we don't need one, terrific but I just want to make sure.

D. McGoey: Just to clarify the lot that's going to be for the convenience store on the other side on Carpenter Street, that will be the third lot, correct?

J. Wortmann: No. That's a lot line change. They're purchasing this lot from Currier & Lazier to put their building on and their lease where they presently are is up at the end of this year. This is going to take them three to four months to build. We need to get this thing going.

D. McGoey: We need a subdivision approval. We need a motion for that.

MOTION for a NEGATIVE DECLARATION subject to all comments made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for a TWO LOT SUBDIVISION subject to all comments made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

13. **A & D MANAGEMENT** - SITE PLAN - East Main Street (50-2-23) #33-05

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

J. Wortmann: My name is John Wortmann. Again, we submitted stormwater information and calculations and so forth for this particular project. I received essentially the same response from Mr. Matheson, it's less than that one acre so no stormwater management plan is required. We

submitted the calculations and he agreed with that. We're providing retention here at the bottom of the property so that pre and post conditions are essentially the same for the stormwater runoff. This was a little bit of a different situation. Apparently, we had submitted this and subsequent to submittal there was a work session with the engineer. As a result of the work session the comments that were received dated July 12th have been addressed. It's not what you have but they have been addressed.

G. Lake: I will go through the Board.

A. Dulgarian: Was this property approved before in a different Site Plan?

J. Wortmann: I want to say, yes but I don't know. Susan is doing the work on this matter.

A. Dulgarian: Is this including a lot in between two lots?

D. McGoey: They combined two lots.

A. Dulgarian: Okay, we were hoping he would buy it in the first place.

D. McGoey: That's correct.

A. Dulgarian: Now, when we did that we were hoping they would share the driveway between the two. His other office building is going up right now. Is it too late to do anything along those lines, correct where we would have one curb cut instead of two?

J. Wortmann: Which parcel?

A. Dulgarian: This parcel right here, this lot next to it.

J. Wortmann: This one?

A. Dulgarian: The one where the office building is being built now. The driveway is on the left. I don't know how close . . .

J. Wortmann: The driveways will be between this building and the other building.

A. Dulgarian: It's pretty close to the property line.

J. Wortmann: Whatever the requisite setback is, probably ten feet maybe a little bit more from the property line and then you have the setback here. So, twenty plus or minus feet. That is going to be a very tight fit.

A. Dulgarian: There are drainage issues in the back by the railroad tracks.

R. Carr: Yes.

J. Wortmann: Basically everything is going to come up against the curb line here and discharge through the back where the curb drops. Again that issue has been reviewed by the engineer. We worked with this. We tried to get this to work without it. It's certainly not my client's interest to provide all this blacktop but to be able to get the cars in there and make everything work it's just the way it works.

G. Lake: What we can do, we can pull the old file and get the minutes and find out we said and what they said.

A. Dulgarian: I mean he's doing a real nice job developing that corridor, don't get me wrong but it's up to us to make it as good as we can.

G. Lake: And, I think you're right. If that's the impression we got the last time he was here and we gave it to him with that impression then we will ask him to stick to it.

A. Dulgarian: We're also dealing with the school traffic and East Main Street traffic. There's no sidewalks on that side of the road.

R. Carr: I agree.

W. Capozella: I agree with everything that has been said. Did we get a chance to see what the building is going to look like?

J. Wortmann: It may not have been provided but it's essentially going to be the same building as the other. Maybe switched around a little bit but essentially the same building.

W. Capozella: The height of the building?

J. Wortmann: I don't know that it's on here. It's essentially a two-story peak building at the back side, the front is essentially one-story because it's cut into the side of the hill.

H. Ross: If we could have the one driveway cut, was it discussed at the work session?

G. Lake: Repeat?

H. Ross: One driveway instead of two.

G. Lake: Yes. I think that's the feeling. Like I said when they were here the last time and how they sold the project to us and Mr. Dulgarian is one hundred percent right and he's doing a fine job when

whatever they do out there but by the same token I think this is the opportunity to make sure that we get it.

T. Hamilton: It's also a County Road.

J. Wortmann: We did receive approval from the County for that curb cut.

T. Hamilton: Mr. McGoey, did you review the stormwater?

D. McGoey: Yes.

G. Lake: Yes, we understand. I would prefer to research the common driveway.

J. Wortmann: Essentially this is a separate Site Plan. How does that impact, obviously that's an approved site under construction, one doesn't impact the other. We have to make that driveway work into this property.

G. Lake: Right.

J. Wortmann: Of the other comments, is there anything that the Board wants to speak about?

T. Hamilton: Mr. McGoey, you're saying in lieu of the Fire Department comments. Were they addressed or they weren't addressed?

D. McGoey: They are here.

T. Hamilton: Because we're recommending the applicant meet with the Fire Department to resolve the outstanding issues.

J. Wortmann: We just received those

D. McGoey: Truss plate and it says no access for emergency responder, parking spots on four sides of the building is a major concern. No sprinkler or stand pipe connection. No fire hydrant on the property. He asked you to show the closest fire hydrant.

J. Wortmann: Some of these revisions were made after the fact. It's right there.

D. McGoey: We asked you to show that and the distance.

J. Wortmann: Again, that's an easy fix.

D. McGoey: Does the building have a parafait on the roof?

J. Wortmann: No.

D. McGoey: Mulch around the building should be stone rather than mulch. I think we asked for that also. We need clear access for emergency vehicles to enter and maneuver around the site. It says not clear if there is any access to the rear of the building, etc. It sounds like they had preliminary plans. You should get together with them.

J. Wortmann: If anything, I think if we go with the common driveway is that going to alleviate these issues or is it going to make them worse? In my opinion, coming in, I don't think there's any problem getting a fire truck in.

T. Hamilton: Let's use the Fire Department. That is who gave us these comments.

J. Wortmann: That's fine.

G. Lake: Let's get that done. And at the same token . . .

D. McGoey: We have one more issue, item #4 and that's the side yard setback is only ten feet and I've asked Mr. Bacon to look at that to interpret whether. The ordinance says one side yard twenty, both side yards thirty. The applicant's position is, one of them is ten. I'm not sure.

J. Bacon: Depending on what the precedent, if the Board had run across that before, if that's something that the Zoning Board of Appeals needs to have. It may be a good idea to see what the Zoning Board of Appeals has to say.

J. Wortmann: So, essentially what it's saying is twenty feet, right but it's saying thirty feet together.

G. Lake: Anything else.

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

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

TOWN OF WALLKILL PLANNING BOARD

JULY 20, 2005

G. Lake: Aye

MOTION CARRIED. 6 AYES