

TOWN OF WALLKILL PLANNING BOARD

MEETING

OCTOBER 5, 2005

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

MEMBERS ABSENT: None

OTHERS PRESENT: J. Bacon, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - HASBROUCK/FREEHILL - 2 LOT SUBDIVISION -
Silver Lake Scotchtown Road (24-1-23.2 #51-05

G. Lake: Public Hearing started at 7:31 P.M. David read the Public Hearing Notice.

David: 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 5th day of October, 2005 at 7:30 P.M. or as soon as the matter can be heard that day on the application of Gordon V. Hasbrouck, 231 Blumel Road, Middletown, New York, 10941, for approval of a three (3) lot residential subdivision, located at the North side of Silver Lake Scotchtown Road, 700 feet West of Blumel Road, under Article III, Section 2A of the Subdivision Regulations 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, surveyor for the project.

G. Lake: Give us a brief description.

D. Yanosh: This is a thirty seven acre parcel of land on Silver Lake Scotchtown Road with one existing lot off of it right now. The property is vacant. There are some farm lands and hay fields. The proposal is to cut two lots off of it. Both lots will be 1.00 acres in size. We're in the R-2 zone. We are in the sewer district. We will be hooking up to the sewer line that's out in front. We are not in the water district. We will be drilling an individual well for both of those two lots.

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

A. Dulgarian: Nothing at this time.

P. Owen: Nothing.

R. Carr: I will wait.

W. Capozella: I will wait.

H. Ross: I will wait.

T. Hamilton: I will wait.

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

J. Knospjay: My name is Jay Knospjay: I live on 2 Longview Lane. I just wanted more detail. I wasn't sure how many lots, how many homes will actually be on that parcel?

D. Yanosh: Two new houses being built on Silver Lake Scotchtown Road. Single family homes, hooked to the sewer line that's out there in front and we're going to drill a well for each one of the houses. There's two houses, that's all we're doing. One acre lot a piece.

J. Bacon: Mr. Yanosh, are you planning at some point to put a house on the thirty five acres?

D. Yanosh: Not now, no.

J. Bacon: This is a build-able lot right now.

J. Knospjay: Just the actual locations, close to the existing homes?

D. Yanosh: Yes.

J. Knospjay: Minimum lots and where are they actually located?

G. Lake: Mr. Yanosh, why don't you post the map so everybody can see?

D. Yanosh: The existing house is on this lot right here. We're going to build two new houses to the left and to the west towards Longview Lane over that way. They both have frontage on to Silver Lake Scotchtown Road. They are both one acre lots.

G. Lake: Anything else, sir?

Knospjay: No, that's all sir.

G. Lake: Anybody else? Come on up.

Mrs. Young: I'm on Mills Avenue and my property backs up to the back of those properties. So, I would like to know . . .

G. Lake: You're property backs up to a big field right now?

Mrs. Young: Yes. I would like to know where the houses are and the layout of the property and how it would affect my house because I back up to this property.

D. Yanosh: Had a conversation with person. Madam, please, you have to ask us. I'm only letting him show you.

Mrs. Young: My question is, though, what is where this stone wall is going to be, right over that stone wall is my property.

T. Hamilton: You're way back.

G. Lake: He's using one acre each for both houses out of that entire thirty seven acres.

Mrs. Young: So, nothing is going to be done in the back there?

T. Hamilton: Not at this point.

Mrs. Young: At this time, does that mean that a road can be put in there and houses can be built back there?

G. Lake: At this time, that is not a proposal and, if he was to do that he would have to come back to this Board. It would be a much bigger process than a two lot subdivision. That's the

only thing that's here at this time. Could that happen in the future? I have no idea what the owners of the property.

Mrs. Young: So, this one acre fronts on Silver Lake Scotchtown Road back and I'm up here.

T. Hamilton: See the property lines. That's probably where her backyard is.

D. Yanosh: She lives on Mills Avenue, which is, what's your name? Young. You must be up here at the corner, Stephens and Mills Road?

Mrs. Young: Stephens and Scott Drive, actually.

D. Yanosh: You're far enough away from us from where that is.

Mrs. Young: Okay. Thank you.

G. Lake: Is there anybody else from the Public?

MOTION to close this PUBLIC HEARING at 7:36 P.M. made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

G. Lake: Mr. McGoey's comments.

D. Yanosh: Right.

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

D. Yanosh: His technical comments I have no problem with at all. Highway Superintendent, I don't know if we addressed them or not. I don't know if you received any.

G. Lake: No. We do not have comments.

D. Yanosh: I had comments last month and he had no problem with it but I can check. I can change the culvert to HDPE. Lowest sewer-able elevations, no problem. We have enough pitch for that. I don't know about the two hundred foot wide lots in R-2. We were here two months ago and nobody mentioned two hundred feet. The big one question is the comments from your Attorney.

J. Bacon: From the feelings from the other files, I think this Board has been fairly consistent that if you're going to approving a project that as a result have three build-able lots and would have to go

by the moratorium. I spoke to Mr. Yanosh about this today in my office. That's why I was asking about the build-ability of the thirty five acres. If that thirty five acre parcel could not be built upon because of wetlands or whatever it might be, then you would have two dwelling units. But if that third lot is build-able then this Board has interpreted that you would have to comply with the moratorium.

G. Lake: Mr. Hamilton?

T. Hamilton: Now, these two lots are coming from which parcel?

D. Yanosh: The whole overall thirty seven vacant piece of land.

G. Lake: And, the other one is more than ten years old?

D. Yanosh: Correct. Again, it's a situation and I've talked about this back and forth. The moratorium reads, you cannot create no more than two building lots. Today, the parcel is a vacant piece of property. It doesn't matter to me if it has a house on it or not, it's still one piece of property.

We are creating by the moratorium rules, two new dwellings and that's what it says. You can't create more than two. Right now it's vacant. There's no plans of putting another house on there right now and we're creating two. What I'm doing here is okay with the moratorium.

G. Lake: I will go through the Board on this.

A. Dulgarian: I very rarely go against our professional table. But, I have to agree with Mr. Yanosh that if there's one lot there now, you're adding two. I mean, that lot was build-able yesterday and can be built tomorrow. I hate to not take his advice but I don't agree with it. I think this lot now is a thirty seven acre parcel. You can put a house there now. He's creating two new ones.

G. Lake: It's been a problem in a grey area and hasn't been clear enough.

P. Owen: The way that it's written is, it appears to me that it's intended to be two additional dwelling units. That being said, there could have been a dwelling unit on that lot before and there isn't going to be another one on there, it's two additional lots in addition to the one that could have been there. It's one of those grey areas where the moratorium doesn't necessarily cover.

R. Carr: I guess I'm just trying to follow up. If there was a house on this lot right now, would you say that this two lot subdivision was permitted?

J. Bacon: Yes, because you're only adding two new dwelling units.

R. Carr: So, it would seem to me that you're only adding, the fact that there is no house on that lot, it seems like the action that's proposed today only creates two new dwelling units. The actually we're really looking at just creates two new units.

J. Bacon: Over the short term, you show the two existing new dwelling units. Over the long term probably something else is going to go on the other lot. You have to assume that the remaining land is build-able. We talked about this before and if the Town Board wanted to give you more insight direction they certainly could. The way I read it, is the net is three new dwelling units and that's the way other applicants have been treated.

R. Carr: Oh, we have done that previously?

J. Bacon: Whether it's been existing or whether demolishing an existing one, that's a little bit different.

R. Carr: I believe we had the one four weeks ago where there was a house that was actually going to be torn down.

J. Bacon: Right.

R. Carr: It's really not suit-able but it just seems like one of those things that this is pretty much the same as that one. That one, they're going to have to rip down the whole structure that's dilapidated but because it's there somehow you said that's okay.

J. Bacon: I think that one wasn't habitable.

G. Lake: Let's get back to this application.

R. Carr: I guess I feel that we're only creating two new dwelling units.

W. Capozella: I'm a little leery but I have an idea. My personal thing is based on what I think we've done in the past. The way I look at it is it meets the code right now. The one question would be on lot #2 you made the driveway obviously, these two driveways for lot #1 are because of the line of site, right?

D. Yanosh: Yes.

W. Capozella: I guess if I had another look at this I would have tried to have done something a little bit better than lot #2 because one way or another if you do (not clear).

D. Yanosh: Hopefully down the road if we do develop and Mr. Hasbrouck wants to develop more we would have to probably put a road into the back here someplace with a small little cul-de-sac which would eliminate.

H. Ross: Two or three is not a big difference. I'm okay with it.

T. Hamilton: The way I say it is at this point we're only creating two new buildings.

G. Lake: I agree. It's been a problem since day one with the moratorium. I don't have a problem with this.

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

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for SUBDIVISION APPROVAL subject to all of Mr. McGoey's comments and this Board's comments made by R. Carr and seconded by T. Hamilton.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

2. PUBLIC HEARING 7:35 P.M. - **FRANK** - TWO FAMILY - SITE PLAN/SPECIAL USE PERMIT - 343 Seaman Road (5-1-68) #53-05

G. Lake: Public Hearing started at 7:49 P.M. David read the Public Hearing notice.

David: 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 5th day of October, 2005 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Jason and Elizabeth Frank for approval of a two family dwelling at 343 Seaman Road, Circleville, New York off of Route 17K, under Section 249-19 (11) of the Zoning Code of the Town of Wallkill. All parties of interest will be heard at said time and place.
S/Gary Lake, Chairman

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

J. Horton: My name is John Horton, Architect.

G. Lake: Just give us a brief description on what you're doing.

J. Horton: Okay. The Frank's house on Seaman Road they've prepared and constructed an addition to the rear of the existing residence for the purpose of allowing Elizabeth's mother to move in and stay with them for some personal care. The purpose of our visit here is to seek a variance to allow for the construction of a kitchen in the space so that she is capable of taking care of herself, just needs a little help some times.

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

A. Dulgarian: After the Public.

P. Owen: I will wait.

R. Carr: I will wait.

W. Capozella: I will wait.

H. Ross: I will wait.

T. Hamilton: After the Public.

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

anybody who wishes to speak on this?

MOTION to close this PUBLIC HEARING at 7:49 P.M. made by P. Owen and seconded by H. Ross.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

G. Lake: Do you have Mr. McGoey's comments, there was one about a note saying that when the times comes that it would revert back to a single family house. I know we talked about that the last time.

J. Horton: I don't have a copy of those plans. The comments were faxed to Gottlieb Engineering. As discussed as the August 3rd meeting, a condition be placed on the approval requiring that once the family member living in the apartment moves out that the two family use would be terminate. The Planning Board Attorney should advise as to how this condition can be placed on the approval and if a map note is required.

G. Lake: I think what we're looking for is that you want to put that on the plan. You can get in touch and work out that note.

J. Horton: Correct.

G. Lake: And, the other thing is the septic which will have to be approved by Eustance & Horowitz. I don't know if it was done or not.

Mr. Frank: That was done.

G. Lake: We're going to need something from them.

Mr. Frank: That was also faxed to the Building Inspector.

G. Lake: Okay. Mr. McGoey, did you need to see that also?

D. McGoey: The septic, no. I just wanted to see a letter from Eustance & Horowitz.

Mr. Frank: We have no issues with the contingency whatsoever. My next question, when it reverts back to a single family home, do they have to rip out the kitchen?

G. Lake: That's going to become a Building Department issue.

Mr. Frank: And, if it's a legitimate family member . . .

A. Dulgarian: Sure, no problem.

Mr. Frank: Can that be put down as well, because we don't want it as a rental?

A. Dulgarian: We're not going to name the family member. What we're trying to avoid is to establish that neighborhood as a multi-family neighborhood.

G. Lake: Let me go through the Board.

A. Dulgarian: Nothing.

P. Owen: Nothing.

R. Carr: Nothing.

W. Capozella: Nothing.

H. Ross: Agree-able.

T. Hamilton: No problem.

MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey's comments made by T. Hamilton and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for SITE PLAN (TWO FAMILY) subject to all of Mr. McGoey's comments and this Board's comments made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

3. **SCENIC VIEW** - 7 LOT SUBDIVISION (Extension to Final) - Scotchtown Collabar Road (19-1-8.12) #47-03

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

R. Daly: My name is Robert Daly representing Scenic View Development.

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

R. Daly: Yes.

G. Lake: For final?

R. Daly: Mr. Chairman, we're looking for an extension of Final Approval for the seven lot subdivision located on Scotchtown Collabar Road under Section 19, Block 1, Lot 8.12.

G. Lake: This is going to be your what, second?

R. Daly: Second.

G. Lake: Are you tied up in another agency?

R. Daly: We had difficulty back and forth with the language for the letter of credit. We finally agreed on that and closed the letter of credit on Monday so we're about ready to proceed. We did get a letter from Mr. McGoey the other day. We put this request in on July 20th asking for the extension not knowing exactly where we would be at this point, that the letter of credit would be resolved.

G. Lake: You said you put a letter in to us on July 20th?

R. Daly: That's correct.

G. Lake: For the extension?

R. Daly: For the extension.

G. Lake: Mr. McGoey, did you get that?

D. McGoey: For the extension, yes.

G. Lake: You have five outstanding comments. Mr. McGoey, has he . . .

D. McGoey: Yes. They have been resolved. I talked to the Engineer and the Department of Public Works did not request an easement for the stormwater pipe because the pipe exists and the County did not want to have a site line. I leave it up to Mr. Bacon about the deed covenant and the note on the plan with respect to that future road.

T. Hamilton: What about your comment #5 though about other technical comments from 2004?

D. McGoey: They've been taken care of.

G. Lake: Mr. Bacon?

J. Bacon: Yes. It took a while to get together on this. The drainage easement has all been worked out and we did work out the letter of credit language and that's been ready to go. I don't have the original. I got a fax but I haven't gotten anything in the mail yet.

R. Daly: I know that they did close on the letter of credit on Monday at the bank.

J. Bacon: Yes.

R. Daly: So, whatever language you and Mr. Johnson had to do.

J. Bacon: And then, the original should be kept at the Town Clerk's office. Your note #9, I don't have a problem with that.

G. Lake: I will go through the Board.

A. Dulgarian: Nothing.

P. Owen: Nothing.

R. Carr: Nothing. I thought they did a nice job on the silt fence and it has been all nice and graded.

W. Capozella: Nothing.

H. Ross: I just wanted to know the location. Where are these going?

R. Carr: Just down past the church.

H. Ross: I just wanted to be clear on that.

T. Hamilton: Nothing.

G. Lake: Mr. Bacon, one year extension or . . .

J. Bacon: This is for conditional final, right?

G. Lake: Yes. This is his second request.

J. Bacon: I think you're limited to a ninety (90) day on the second request.

R. Daly: That was explained to us originally, so we're here asking for the second extension.

J. Bacon: No problem.

MOTION for a FINAL (90) DAY EXTENSION made by R. Carr and seconded by A. Dulgarian.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

4. **JACKSON** - 7 LOT SUBDIVISION (Extension to Preliminary) - Reservoir Road - (32-2-53) #11-03

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

J. Jackson: My name is Jim Jackson.

G. Lake: You're here looking for a second extension also?

J. Jackson: Yes. I would like to ask for an extension on the 7 lot subdivision on Reservoir Road.

G. Lake: How many lots?

J. Jackson: Seven lot subdivision. The problem I had was getting a well drilled to get the approval from the Orange County Health Department. I started last October with the well driller and he

showed up on August 28th of this year. We have complied with them and from my understanding it may take a couple of months.

G. Lake: So, right now you're basically in to the Orange County Health Department at this time?

J. Jackson: Yes.

G. Lake: Mr. McGoey's comments. You have three comments on here.

D. McGoey: There were a number of comments of Preliminary Approval that really haven't been satisfied yet including the stormwater management.

J. Jackson: I thought Mr. Ptak has talked to you on that.

D. McGoey: No.

T. Hamilton: And, that's from 2004 which were conditions of the original Preliminary that should have been taken care of long before this.

D. McGoey: Right.

J. Jackson: The stormwater?

D. McGoey: Yes, stormwater, the width of the road, etc.

J. Jackson: They haven't been satisfied?

D. McGoey: I haven't received revised plans.

G. Lake: What you're going to have to do is, I will go through the Board.

A. Dulgarian: I have no problem with an extension depending on whether Mr. McGoey says if we can do it or not because of what Mr. Hamilton pointed out.

G. Lake: This is Preliminary so, he has to come back for final.

A. Dulgarian: Then I have no real issues.

P. Owen: No problem.

R. Carr: Not a problem.

W. Capozella: Nothing.

H. Ross: Nothing.

T. Hamilton: I don't want to step into this where we're going to wait another long period of time before we get the initial comments straightened out from the original Preliminary. They've had more than enough time. We shouldn't let this go too much further without getting something. Granted, the Orange County Board of Health with the well and that but there were a lot of comments from 2004 that he still hasn't seen yet. So, technically really

haven't even accomplished your Preliminary because they were conditions on that and you haven't even gotten that far yet.

J. Jackson: I will discuss that with the Engineer.

G. Lake: Mr. Hamilton pretty much told you what I was going to have to tell you. This would be your second request so it is crucial between now and the time this runs out to get your Health Department stuff straightened out that you don't walk in here without those issues being solved.

J. Jackson: Okay. Would that be another work session with Mr. McGoey?

D. McGoey: Yes. We have a number of issues.

J. Jackson: Okay, we will set that up.

G. Lake: Mr. Bacon, the first extension was six months?

J. Bacon: A six month extension.

MOTION for a SIX MONTH EXTENSION (Preliminary) made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

5. **NICAJ** - 9 LOT SUBDIVISION (Extension to Final) Sands Road (14-2-22.3) #40-01

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

J. Nosek: My name is John Nosek with Roger Ferris Engineering and Surveying. I'm here before the Planning Board tonight requesting a six month extension to Conditional Final approval. I think the Board is aware that the road construction has started and so, there's still a lot to be done out there and Mr. Nicaj would like some more time to try to get as much of the road completed before we submit the maps for signing.

G. Lake: Yes, is that the only reason though? You don't have your final stuff in?

J. Nosek: I'm sorry.

G. Lake: Are you before the Health Department or anything?

J. Nosek: No. We have all of our approvals and have approval from this Board for Conditional Final. He started his road construction. We have all our approvals including the Health Department. We're asking just for an extension for the road.

G. Lake: But it's already started.

J. Nosek: Correct.

G. Lake: This has already started. What does he need an extension for? He's out there working.

D. McGoey: They have conditions. They have a right under Preliminary Approval to construct the improvements without bonding it.

T. Hamilton: He's in Final.

D. McGoey: Even with Preliminary Approval you have the right to construct it. He wanted to avoid monument improvements is what they want to do. They can't file the maps.

G. Lake: Until they get the road done?

D. McGoey: Until they get the road completed or they bond the unfinished portion.

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

A. Dulgarian: I'm not sure I understand that. Did it expire or did it not expire?

J. Nosek: It did not expire.

A. Dulgarian: How come you had a six month extension in February?

J. Nosek: That's correct and when I had submitted a letter about seven weeks ago and I was told by Mary Lynn not to worry about it as long the letter was submitted was submitted it could be put on the agenda.

T. Hamilton: It was us getting him on an agenda.

A. Dulgarian: Should we be leery of that?

D. McGoey: Should we be leery of it?

A. Dulgarian: Yes.

D. McGoey: It's at his risk. He can't sell any lots. He can't file the map. It is being inspected.

J. Nosek: He's paid his inspection fees.

A. Dulgarian: Then I have no issues out there.

P. Owen: No issues.

R. Carr: No problem.

W. Capozella: What about that #2 comment. Does that come into play yet?

D. McGoey: Yes, we should talk about that. Item #2 in my comments, we were informed by the Highway Superintendent and Eustance & Horowitz that the electrical be installed above

ground rather than below ground which major subdivisions require. I wanted to confirm with the Board as with all major subdivisions that the electric should go below ground.

T. Hamilton: The applicant knew that.

J. Nosek: I think the issue here was the fact that those utility poles were existing and they are

existing and they were moved to accommodate the road installation so the question was or is, given the fact that those utility poles are existing can they continue to be existing overhead? That's entirely different than a new subdivision with new utilities going under the ground. These utility poles were, in fact, there. In fact, they're shown on our subdivision maps as existing poles to be re-located to accommodate the roadway so, there is a distinction here between new utilities on a new subdivision versus existing utilities that were already there.

T. Hamilton: Now, the existing utilities isn't there a house in there now?

J. Nosek: Yes.

T. Hamilton: Those utilities were for that existing home. How many lots do you have past that existing home?

J. Nosek: There's seven more.

T. Hamilton: That's probably where we're requesting.

J. Nosek: There's two houses. One is to be torn down. I don't know if it's been torn down yet. That was part of the approval. It was an older house not as in good shape obviously as his house but there were two homes that had utilities off of those utility poles.

T. Hamilton: Yes, but from the point back past those existing homes into the new subdivision then they should go underground.

J. Nosek: If you look at the approved subdivision map, those lots are in the back of the property. So, the new lots are pretty much are along the front along the existing utilities. There might be one more lot beyond that but pretty much those lots are before the homes that are in the rear.

T. Hamilton: Does it show on there, Mr. McGoey?

D. McGoey: The poles show but it says remove and replace. I think with our understanding that major subdivisions that they go underground.

J. Nosek: I told him that he could discuss that with the Town Board. I don't know if it's the Planning Board's call or the Town Board's call as to whether they go overhead or underground.

G. Lake: I don't think the Town Board does utilities. They do the lighting district.

J. Nosek: Okay.

G. Lake: If there's going to be a lighting district.

J. Nosek: Which there is.

T. Hamilton: They don't do our Site Plans.

G. Lake: I have to tell you I prefer them in the ground. I have to encourage my fellow Board members that they go underground. It's just less trouble in the future.

J. Nosek: The only stipulation is he has already moved them so, he's gone through the expense. He did that without . . .

T. Hamilton: He did the road at his own expense without being bonded.

G. Lake: If you would like, I can poll the Board and see if they want you to leave them or put them in the ground.

A. Dulgarian: I would rather that they be underground.

P. Owen: Underground.

R. Carr: I think the intent is to have them underground.

W. Capozella: I'm just thinking here. Originally we thought these were going to be under. Now, we're talking about moving some and needing easements and everything else that had to be changed on the original Site Plan.

D. McGoey: There is a Town right-of-way.

W. Capozella: There has to be some stipulation there. I don't that plan in front of me to even look at. Just based on that alone, I'm going to say that I would like to see them buried at this point based on the fact that's was what we established in the beginning.

H. Ross: I believe they should be underground.

T. Hamilton: Underground.

G. Lake: I can't remember when we did above ground.

MOTION for a SIX MONTH approval to Final subject to Mr. McGoey's comments and this Board's desire to have the utilities underground was made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

6. **MILLER** - 2 LOT SUBDIVISION - Stivers and Van Duzer Road (65-1-2.23) #40-01

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

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

G. Lake: Go ahead.

D. Yanosh: We want to cut one more lot off of the old lot #3 making it a two lot subdivision. The proposed lots on lot #1 that was approved on the original subdivision 3.52 acres. They will have their own septic and wells.

G. Lake: You're adding just one more lot there?

D. Yanosh: Yes, that's it. It was filed in August 2004.

G. Lake: When was it done before that, more than ten years ago?

D. Yanosh: Oh, yes. The first subdivision that came off of this was August 2004.

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

D. Yanosh: Yes.

G. Lake: Do you want to go through Mr. McGoey's comments?

D. Yanosh: I have no problem with any of these comments except for the comments #1 or #2 as to

whether this subdivision is major or minor. The three lot subdivision was approved and filed.

G. Lake: Was this property included?

D. Yanosh: Yes.

G. Lake: So, we do need a Public Hearing.

D. Yanosh: Right. I have no problem.

G. Lake: Mr. McGoey?

D. Yanosh: The only other question is #2. My only other question I have for the Board also, the other subdivision was approved and filed six months ago. The moratorium did not state how many lots.

T. Hamilton: I don't think so.

D. Yanosh: The moratorium started September 2004.

G. Lake: I certainly don't believe that they intended people to do two lots, wait a couple of months to come back and do another lot.

G. Lake: I don't read it that way. I really don't think we can move forward, Mr. Yanosh.

D. Yanosh: The moratorium started September 2004. This was filed in August so, it beat the moratorium. This lot was created before the moratorium started.

G. Lake: There was action on this and now you're asking again.

D. Yanosh: No.

G. Lake: If it was ten years ago when you did this and you came back with the one, I would say you beat it. You got the two lot subdivision during the moratorium.

D. Yanosh: No. I got the subdivision before the moratorium started. The map was filed August 2004 and the moratorium started September 2004. The map was filed before the moratorium started and it's now an existing lot that was existing before the moratorium.

T. Hamilton: What's this Site Plan you have in front of you?

D. Yanosh: That's the one you have now, the two lot subdivision.

T. Hamilton: That's the lot that was approved before the moratorium?

D. Yanosh: This was lot #3 that was approved before the moratorium.

T. Hamilton: It was the original two lot?

D. Yanosh: Three lots originally.

T. Hamilton: Which lot are you looking to?

D. Yanosh: This is lot #3, of that we're cutting two off.

J. Bacon: The moratorium that I have shows that it was started September 2004. He filed his map in August, then that wouldn't be covered by the moratorium.

T. Hamilton: Where's the Site Plan with the stamp on it. I'm looking for a signed one to know when you stamped it. If you stamped it after September.

D. McGoey: He had to stamp it before September because he filed it in August 2004.

T. Hamilton: I'm just trying to see.

D. Yanosh: The rest of the comments I have no problem with at all.

G. Lake: Did you talk to the Highway Superintendent?

D. Yanosh: I met with him a long time ago with the other ones.

T. Hamilton: Do you have a date somewhere that shows when it was filed?

D. Yanosh: I don't think so.

D. McGoey: The map note on the plan, at the very bottom, map reference

G. Lake: I will go through the Board. We're setting a Public Hearing.

A. Dulgarian: No problem.

P. Owen: No problem.

R. Carr: No problem.

W. Capozella: Being what it is and based on the date, I have no problem.

H. Ross: Public Hearing.

T. Hamilton: Public Hearing.

MOTION to schedule a PUBLIC HEARING for November 2, 2005 made by P. Owen and seconded by A. Dulgarian.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

7. **FREEHILL (Hasbrouck)** - 2 LOT SUBDIVISION - Goshen Turnpike & Heather Court
(24-1-17.3) #86-05

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

G. Rich: My name is Gary Rich.

G. Lake: Go ahead.

G. Rich: I'm here for a minor subdivision for Kevin Freehill. It's a two lot subdivision. He's looking to put a single family dwelling on the property and is in the sewer district. I will have to verify the water again.

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

G. Rich: Yes.

G. Lake: Do you want to go through those now? You're on that side of Goshen Turnpike. Do you think you're in the water district or not, I don't think you are.

G. Rich: No, I don't think after further research, after I had made the prints and drawn the map and I believe I will need a well but I am in the sewer district. I will double check that to make sure. I'm going to contact the Town Department of Public Works on the driveway entrance.

G. Lake: Typical Town details will be needed.

G. Rich: Yes.

G. Lake: Any comments on that?

G. Rich: No.

D. McGoey: Item #5 have you determined whether you're within five hundred feet of lands in agriculture use or an agricultural district boundary?

G. Rich: I didn't think I was.

D. McGoey: Because if you are you need notes on this plan and notifying the property owners.

G. Rich: Is there an overlay for the agricultural district?

D. McGoey: There's maps on the wall in Town Hall that show the lands of agriculture use and the tax map identifies the agricultural districts.

G. Rich: Okay. I will take care of that.

D. McGoey: The agricultural notes, we can get you a set from another project.

G. Rich: Okay.

G. Lake: I will go through the Board.

A. Dulgarian: The houses further up, setback on those are they similar to that seventy five?

G. Lake: The edge of my house is probably about that.

G. Rich: Originally at the work session I had it under forty five and Mr. McGoey asked me to move it back, so I moved it back.

A. Dulgarian: Okay. I was just wondering if that was sufficient but I have no other issues with that.

P. Owen: Other than Mr. McGoey's comments, I don't have any issues with this.

R. Carr: I agree with Mr. Owen.

W. Capozella: I'm just clearing this one out. This is three lots and I'm just trying . . .

G. Rich: No, this is one lot.

G. Lake: No. The comments were reversed.

W. Capozella: That explains it.

H. Ross: It's a two lot subdivision. The smaller lot, the driveway for the remaining lot.

G. Lake: That's a hay field.

G. Rich: I'm not proposing anything else on the other lot.

H. Ross: Okay, no problem.

T. Hamilton: Nothing.

W. Capozella: I have nothing further.

MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey's comments and especially comment #5 regarding the agricultural district made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for TWO LOT SUBDIVISION approval subject to Mr. McGoey's comments and especially comment #5 regarding the agricultural district made by R. Carr and seconded by A. Dulgarian.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

8. **BALTERA** - LOT LINE CHANGE - Avenue C (77-4-8 & 9) #66-05

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

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

G. Lake: Okay. Tell us what you want to do.

C. Foti: Our client owns two tax lots at the intersection of Avenue C and Schutt Road. Tax lots Section 77, Block 4, Lot 8 and Lot 9. These two lots are under one deed but I guess they are two

separate tax lots. There is an existing trailer. The client is looking to put up a house and we're looking to remove one tax lot.

G. Lake: So, actually he's going to take the two and make it one?

C. Foti: That's correct.

G. Lake: I will go through the Board.

A. Dulgarian: I think it's very good. It would be a lot better situation than they have there now. Are you going to keep those two trees in the front?

C. Foti: I would say so, yes.

A. Dulgarian: You have no idea. Have you seen the site?

C. Foti: No, I haven't been on the site.

A. Dulgarian: They are very nice mature trees. I'm sure it's in his best interest to keep them. Is this the same owner that's owned it all along?

C. Foti: Yes, that's correct.

A. Dulgarian: I would like to see that note on the map. They're really not interfering with the construction.

P. Owen: I'm fine with it.

R. Carr: It improves the situation.

W. Capozella: It's moving in a positive direction. I'm for it.

H. Ross: Just one question about the existing shed. Will it be removed?

C. Foti: As far as I know, the sheds will stay.

H. Ross: Okay.

C. Foti: I will make a note that the trees and sheds will stay on site.

H. Ross: I have no problem. The consolidation of two lots is happening all over the Town.

T. Hamilton: Nothing.

G. Lake: Mr. McGoey has a couple of comments. The second one, are you going to be using the existing or will they be proposed?

C. Foti: Well, the sewer line I guess will be proposed. The water line from the curb valve will be used.

G. Lake: Why don't you between now and the final map just straighten that out and we will do it as a subject to?

C. Foti: Okay.

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

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

9. **JZM L.L.C.** - 2 LOT SUBDIVISION - Cross Road (19-1-11.2) #65-05

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

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

G. Lake: Go ahead. This is here for sketch only.

C. Foti: Our client owns a one hundred acre parcel just off of Cross Road and she is looking to give her children a parcel of land which we have identified as lot #2. At this time, there is no proposed planning to construct this lot #2 but what we have shown is the lot is develop-able and a house can be put on it with a sanitary and a well.

G. Lake: So, all this other stuff isn't there?

C. Foti: No. Mr. McGoey had asked us to a comprehensive plan to show how this could be developed and so, this is what we did. The plan now is a two lot subdivision.

D. McGoey: I didn't see the overall.

C. Foti: Lot #2 is the bottom twelve acres of that plan.

G. Lake: Mr. McGoey, could you please maybe explain to the Board what you were trying to achieve?

D. McGoey: There's very little road frontage on Cross Road. On Cross Road are all these existing houses. So, the road frontage is needed from here to here. I wanted to make sure that with all this land back here which is part of lot #1 or lot #2, I don't know which?

C. Foti: Lot #1.

D. McGoey: Lot #1 that he would be able to get a road or two access drives out on to Cross Road to subdivide this. So, what he did on lot #1 was to include the development of that road.

T. Hamilton: He took out a big chunk of it though.

G. Lake: Yes, he did. You're looking at this real quick, is it feasible with the amount of wetlands on this map?

D. McGoey: I don't know. It's only here for sketch. I need a better chance to look at it. Mr. Dulgarian has a good point too that the same property owner owns a lot here.

C. Foti: That's correct.

A. Dulgarian: Why don't you draft this road out here?

C. Foti: As an overall plan . . .

T. Hamilton: He's not doing that now.

A. Dulgarian: If we approve this thing tonight, will it be affected later on if he does something else to the property. If he was using the existing property here then hopefully it would have no effect on what we do tonight.

G. Lake: We're not doing anything tonight.

C. Foti: We just did that one lot. She does own that other lot that we can put a road through.

T. Hamilton: Do we want him to take that line out of that?

D. McGoey: That certainly could be a consideration although it's a filed lot.

T. Hamilton: If he could take that line out . . . If we don't get him to take that line out of that other small parcel that goes out to the road, we could lose it because technically they could sell that one lot now and wouldn't even have to come in to us and then we will have lost that access.

G. Lake: Let me ask you. How long is this cul-de-sac?

C. Foti: It is very long.

G. Lake: The cul-de-sacs now are no more than one thousand feet. I also don't know if you will be crossing any wetlands because that's a lot of wetlands. I think Mr. Dulgarian just gave you maybe a feasible way of doing a better layout. I don't think even in the present zoning that a cul-de-sac that long would be approved without a variance.

C. Foti: We're not trying to make this comply. We're looking for a two lot subdivision.

T. Hamilton: Yes but we don't want to get locked out of accessing that larger parcel if we don't get that lot line taken off of that small piece that goes back.

G. Lake: I think that's what we're trying to avoid.

C. Foti: We will make a sketch revising that other lot.

G. Lake: Even, like I said, the reason we asked you this at a work session was that he knows the Board is interested especially up in this area where you have some developed parcels that go deep.

C. Foti: I was going to say we worked on that parcel twice and it's very hard to make something work up.

G. Lake: Right.

C. Foti: To work up in there.

G. Lake: So, you know the problems that we could have or may be and I think what we're trying to do is show us how some of the problems are going to be solved.

C. Foti: We will make up another sketch. The other thing which I just got today, there are nineteen residences on this site.

D. McGoey: There are nineteen residences on this site?

C. Foti: Yes.

G. Lake: On which lot?

D. McGoey: On the remainder.

T. Hamilton: Well, that's pre-existing.

G. Lake: That's been there.

D. McGoey: Yes, but he's reducing the lot size and I think he should verify that the density . . . I think we should have another work session.

G. Lake: Yes, that sounds like a good idea. Maybe get Mr. Bacon to look into where we actually stand if we change the lot with having that many multiple units on it. I forgot there were bungalows down in there. Call in to get placed on another work session.

C. Foti: Okay.

MOTION to TABLE for further review made by P. Owen and seconded by W. Capozella.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

10. **GOLF RIDGE ESTATES S/D** (Revision) Sands Road (14-2-13) #58-02

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

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

G. Lake: Okay.

J. Nosek: This is basically a two lot subdivision. It's a further subdivision of a previously approved lot of the Golf Ridge Estates Subdivision on Sands Road. The lot referred to as 6A, that was previously approved as is. We're looking to cut that off right down where the stonewall is and propose a new lot which would be 8B and would be approximately 2.85 acres. I know there was a discussion regarding moratoriums and so forth. If you look at reference note #2 this was lot #8 of subdivision map Golf Ridge Estates which was approved and filed in the Clerk's Office on June 28, 2004. So, it was pretty well before the moratorium took effect. That's pretty much what we want to do. It will be serviced by an individual sub-surface septic system and an individual well with access directly off of Sands Road.

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

J. Nosek: Yes I do.

G. Lake: Let's go through those.

J. Nosek: The first two comments are just general statements regarding the project. Any comments from the Highway Superintendent, we haven't gotten any. There is plenty of site distance but we will get his comments and address whatever needs to be taken care of. It is just a question of whether or not a Public Hearing is required. We feel that it's a two lot subdivision so a Public Hearing could be considered to be waived.

G. Lake: This lot #8 is also part of fifteen lots?

J. Nosek: Thirteen lots.

G. Lake: This was two lots because you couldn't get to the Health Department.

J. Nosek: That's correct.

G. Lake: Have you gotten to the Health Department?

J. Nosek: No. If you look at the site 8B specifically, we had the septic system in the front of the house and we did have some percolation out there but soil conditions were not very good. We decided at that time to just combine it and make it one lot. Since then, we've gone out to the very back of the property and we're going with a pump station and then a fairly elaborate "Elgin" type system to pump up to the rear where we did find acceptable percolation's and deep test pits. We will need to submit to the Orange County Health Department and get their approval so we will request if the Board would consider waiving the Public Hearing and granting a Preliminary so we can go to the Health Department to get septic system approved. That's really about the only issue.

G. Lake: Mr. Bacon, did you understand that?

J. Bacon: Yes.

G. Lake: I guess we're looking for your advise, since it was approved at one time by this Board and now they re-established another place for the septic and go back to the Health Department. I guess the big question is can we re-subdivide this to the original line?

J. Nosek: To the original line, out of which we had the Public Hearing for.

G. Lake: For which they had the Public Hearing for, or do we have to go and have another Public Hearing for these two lots?

J. Bacon: As long as the map was filed.

J. Nosek: We received Preliminary Approval on both of those lots. We had a Public Hearing and received Preliminary Approval. When we came back for Final Approval, we combined

them into one when we were at the Health Department so when we came back for Final, we showed one lot.

A. Dulgarian: What was it called at that time?

J. Nosek: It was called eight. The Public Hearing did show those two lots.

G. Lake: So, they have Preliminary on exactly what he's showing. I guess the question to you, since it came out of a bigger subdivision that had a Public Hearing, does he have to do it again?

J. Bacon: I don't believe a Public Hearing is necessary.

G. Lake: Let me go through the Board.

A. Dulgarian: I just have two questions. Mr. McGoey, on lot #8B, the well, is two hundred feet from the sanitary on lot #9 but it's probably only one hundred ten feet from the sanitary on lot #8A. Is that okay?

D. McGoey: Yes.

J. Nosek: It's two hundred feet when the septic (not clear), on the upper elevation is only one hundred feet.

A. Dulgarian: The other thing is, he's changing the area of disturbance on #8B, correct? I'm looking at your line there and I don't remember what it was before but I doubt it went all the way in the back.

J. Nosek: No question that the lands of disturbance which are shown in that light slotted line that goes around everything, the limits of disturbance will now be greater. The total area of disturbance is 2.2 acres.

A. Dulgarian: I know we tried to keep that down but I don't know what other alternative you have there. I don't have any other issues other than the Health Department.

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

R. Carr: No issues.

W. Capozella: I understand what you're doing in terms of splitting the lot. I guess the question is really what point do you say all of a sudden the lots good and before it was bad.

T. Hamilton: He found another spot to put it.

W. Capozella: Yes, he's going to have a pump station which I hate any way.

G. Lake: The Health Department will also be looking at this.

H. Ross: What is the elevation between the septic in the back of #8B and the well on #9?

J. Nosek: That's uphill. That's an existing well on lot #9 and that is the contours are going downhill

towards the septic.

H. Ross: You show two hundred feet to the existing well and one hundred feet on the flat.

J. Nosek: You're talking about the proposed septic for #8B?

H. Ross: Yes.

J. Nosek: That is downhill of the existing well on lot #9.

H. Ross: Okay.

J. Nosek: It's pretty tight with the separation distances also we do meet them.

T. Hamilton: Nothing.

MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey's comments and advise that our Attorney gave us that he is basically re-subdividing made by R. Carr and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

MOTION CARRIED. 7 AYES

MOTION for PRELIMINARY APPROVAL subject to all comments as was made in the Negative Declaration made by R. Carr and seconded by A. Dulgarian.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

11. **ELGREEN ORCHIDS** - LOT LINE CHANGE - Prosperous Valley Road (6-1-71 & 72)
#54-05

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

R. Smith: My name is R. J. Smith for the applicant Elgreen Orchid Farm, L.L.C. The application that was submitted is for the elimination of a lot line between these two tax parcels, thereby merging these two lots into one tax map parcel. What we've done and the consensus has been is that this is an agricultural use that is in a rural agricultural zone and in an agricultural district. As a permitted use, it appears by our interpretation and others it doesn't require a Site Plan approval. There are three classifications of use. One is permitted uses, two is accessory uses, and three is special uses or no uses that require plan approval. Permitted uses there are only three uses. Single family home, agricultural, and usable buildings. Everything else is in the Special Use Permit and they all require Site Plan approval and Special Use Permit. With that being said, we've done everything that's required for a Site Plan approval. We've addressed all of Mr. McGoey's comments. We've satisfied the Department of Environmental Conservation by filing a plan with the Town and filed notice of intent and we received verification of that and the permit number. We've address numerous comments in addition to Mr. McGoey's. The Conservation Commission had asked that the greenhouses be relocated slightly away from the wetlands. We did that. We also had a meeting with the Building Department and Councilman DePew. Some of the neighbors had some good comments and we've addressed them by eliminating overhead lighting, eliminating a fence, including a berm in the front of the property landscaping to screen the greenhouses from the road and eliminating one of the curb cuts. Even though a Site Plan is not required we've addressed everything. So, the application this evening is requesting a lot line change by eliminating and merging the two lots into one.

G. Lake: Since the last time you were here, there has been a considerable amount of work done up there?

R. Smith: Yes.

G. Lake: I think the Building Department made a visit to you, a stop work order.

R. Smith: Rescinded.

G. Lake: Okay, it's been rescinded.

R. Smith: The stop work order was regarding the Department of Environmental Conservation notice of intent and that had been filed but what happened was they used an older form and was filed and five days went by and the notice came back that it was the wrong form and therefore, was denied. That notice came to the Building Department. They filed the new form and got their permit validation and the Building Department gave them the go ahead to continue.

G. Lake: Mr. McGoey, the stormwater management, they don't have to worry about that?

D. McGoey: Apparently not. Agricultural and Markets said that they were exempt from a stormwater management but they had to meet the soil erosion control. That's what they submitted the notice of intent for and filed it along with the plan and the soil erosion control.

R. Smith: We spoke with the official in White Plains and went over this with him and he verified that residential or agricultural less than five acres does not require the plan. The soils sediment control constitutes that. We did send them the plan and they did comment and on this particular plan that collecting the water off of the greenhouses in tanks, we're using that water for the irrigation of the plants.

D. McGoey: One thing, Sal from the Conservation Board said that although they moved some buildings, they're concern was not so much the buildings but the total of the fill next to the wetlands. They would like to have you pull the fill away.

R. Smith: Okay.

G. Lake: Basically the only thing you need is a lot line modification?

R. Smith: Yes.

G. Lake: Mr. Bacon, on Mr. McGoey's comment #3 he said we should ask you if there's anything else that we may need?

J. Bacon: Well, because the packing plant is also going to be a greenhouse, under the law that is considered equipment and not a structure and that it doesn't need a Building Permit and that takes it out of needing a Site Plan approval.

G. Lake: As long as you're satisfied. I know we talked a little bit about it.

T. Hamilton: It's all retail, everything is shipped out.

G. Lake: Let me go through the Board.

A. Dulgarian: I have no issues with the lot line change and I'm convinced that this doesn't fall under Site Plan review.

P. Owen: I feel the same way.

R. Carr: I have no problem with it.

W. Capozella: No issues.

H. Ross: What's the height for the proposed greenhouses?

R. Smith: They're twenty some odd feet. They're well below the maximum height of thirty five feet.

H. Ross: I have no problem.

T. Hamilton: Nothing further.

G. Lake: Do we have to give this a Negative Declaration?

D. McGoey: Yes.

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

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for LOT LINE MODIFICATION subject to all comments made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

12. **LOOS** - LOT LINE CHANGE - 139 New Vernon Road (32-1-62) #74-05

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

D. Loos: My name is Doug Loos.

G. Lake: Just tell us what you want to do.

D. Loos: Okay. I'm eliminating a separate tax line on existing lots. They're both deeded to me in order to meet the required setbacks that I will need for a proposed garage addition.

G. Lake: I will go through the Board.

A. Dulgarian: No issue.

P. Owen: Not a problem.

R. Carr: No problem.

W. Capozella: What is this, is it this one little lot here that's a separate lot?

D. Loos: It's about a third of an acre.

G. Lake: They're just making it bigger.

H. Ross: I can't see any reason not to.

T. Hamilton: Nothing.

MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey's comments made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for LOT LINE MODIFICATION subject to all comments made by A. Dulgarian and seconded by H. Ross.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

TOWN OF WALLKILL PLANNING BOARD

OCTOBER 5, 2005

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES