

TOWN OF WALLKILL PLANNING BOARD

MEETING

DECEMBER 7, 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, S. LaBruna

1. **DUSO** - 3 LOT SUBDIVISION - Final - M & M Road (14-1-103.2) #73-03

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

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

G. Lake: Go ahead.

J. Nosek: This is a proposed three lot subdivision on the East side of M & M Road and borders the old railroad right-of-way. The Board has seen this application a number of times. The last time we were here was to seek Preliminary Approval and instructed to go to the Town Engineer, Eustance & Horowitz for septic approval. We have since been there and have received the approval letter. I think Mary Lynn has a copy of it.

M. Hunt: Yes.

J. Nosek: We are now before the Board requesting Final approval. I did get Mr. McGoey's comments. One comment just asking for Eustance & Horowitz approval. Any comments from the Conservation Board, which I believe have been addressed. There are no agricultural operations within five hundred feet of this particular property. It's residential on both sides, across the street, North and to the South along the County Highway. The issue of the lot #3 trying to move the front yard setback line back further we had discussed that at length at the previous Board meeting and had pretty much agreed that to move it back further would make it so that we were pretty much on top of the wetlands in the back and wanted to give him a little bit of a backyard. In light of that, we agreed not to move it back any further.

G. Lake: Let me go through the Board.

A. Dulgarian: I have an issue with this. Exactly what are we looking at, thirty five feet. It's almost on the line.

J. Nosek: That's the one that we had talked at length about going to a pump station if we moved it back any further and some Board members felt that, the majority of the Board members felt that to put a pump station in to move it back an additional ten, fifteen or twenty feet didn't seem to make sense.

A. Dulgarian: And, there's no way to, I wish I had taken it upon myself to, why are we limited to the lot configuration the way it is. It's not our fault that there's wetlands on that property. I do remember the conversation though and I think Mr. McGoey said something about the pump station not being feasible.

D. McGoey: No. The pump station is feasible. The other two lots have pump stations.

A. Dulgarian: Then, what was the problem with this one?

D. McGoey: The Planning Board didn't feel, pump stations aren't the best anymore.

J. Nosek: The other two lots needed a pump station either way. You can see the septic are pretty high up front. So, regardless of where we situated the houses, we needed pump stations. That particular lot we didn't need a pump station.

A. Dulgarian: And the other lots were based on the topography?

J. Nosek: Yes.

A. Dulgarian: Mr. Chairman, that's an issue with me. I don't know if it's enough of an issue to deny but you can go through the rest of the Board.

P. Owen: I remember the discussion about the pump station. I can go either way but the other two lots have pump stations, why can't this one?

R. Carr: Yes. This has been before us so long and every time you come in we're asking to move the houses back. I could probably go either way if the Conservation Committee doesn't have a problem. If you were to push the house back where would the septic system go?

J. Nosek: The septic system would have to, sheet #2 has a better picture and more accurate, the house is lower in elevation to the septic system.

G. Lake: Let me ask you something. You designed a forced pump here anyway, is that right?

J. Nosek: No. We're approved from Eustance & Horowitz. We've got two pump stations on the other two lots.

G. Lake: Anything else, Mr. Carr?

R. Carr: No.

W. Capozella: My opinion hasn't changed. I was for not having the pump station. Personally I wouldn't approve any of them if it was up to me. I don't like them and don't like the way they work and the aggregation that's caused down the road. I haven't changed on that. I don't have any real issues with this and as far as the pump station my answer would be no.

H. Ross: I would not like a pump station.

T. Hamilton: This is the same conversation we had the last time.

G. Lake: Mr. McGoey's comments, did we go through them?

J. Nosek: Yes.

G. Lake: I'm sorry.

T. Hamilton: Did he answer about the agricultural district?

J. Nosek: Yes. We're surrounded by residential to the North, behind us and on either side, and across the street.

G. Lake: I have agree that pump stations are a pain. I'm more interested in making sure that the people are aware that there is a pump station involved so they don't come back to the Town. On each one of these I would like to see a note added that they had to have a pump station right on the plan.

A. Dulgarian: Nothing.

G. Lake: If the Board has nothing else, motion for Final Subdivision approval, you know what? This is a three lot, right? Can we do this yet?

D. McGoey: We know that but there's an existing house there.

G. Lake: Okay, as long as, I know we're close but . . .

J. Nosek: We had a discussion on that the last time when we received Preliminary Approval.

MOTION for FINAL 3 LOT SUBDIVISION APPROVAL subject to all of Mr. McGoey's comments and this Board's comments made by T. Hamilton and seconded by H. Ross.

A. Dulgarian: Nay

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES, 1 NAY

2. **FOXWOOD** - 3 LOT SUBDIVISION - Final - Mt. Hope & Reinhardt Road (62-1-16) #16-05

Cancelled.

3. **PHILLIPSBURG** (Tetz) - SITE PLAN/SPECIAL USE PERMIT - Acceptance of Findings Statement - Cemetery Road (78-1-28.21, 28.22 & 5-1-4) #35-04

G. Lake: Mr. Owen has stepped down from acting on this application. Your name for the record, please.

R. Stack: My name is Rosemary Stack, Attorney for Tetz & Sons and with me is Jim Ullrich with Alpine Environmental.

G. Lake: Bring everybody up to speed with what is happening and where we're at, with changes again and Mr. McGoey will step in because of something that was missed or a mis- understanding.

R. Stack: Well, there was, at the last work session we went over some additional changes that the Board had wanted in the Findings Statement. My understanding is that Mr. Ullrich made those changes. I had a chance to look at those today and them seem in accordance with our discussions and what the Board had requested in the last work session. Do you want me to go through any of those?

G. Lake: I will go through the Board in a second. I just want to say that I believe that we have worked pretty hard to make sure that we have in there the Board's wishes and I think we have it phrased, thanks to the help of our Attorney and our Engineer.

A. Dulgarian: I agree. A lot of work was done on this applicant and what we're looking at seems pretty accurate and pretty complete.

R. Carr: I concur. I know all the concerns I voiced are now in and I feel comfortable.

W. Capozella: Again, with this project my concerns have been with the truck routes. I will say that my view has definitely changed after a review of the emission's as the Site of the plan and so forth. I know we talked about addressing traffic and so forth as far as what was going on. I know we've asked the applicant to work on it over and over again how to handle traffic. Again, it's still some reservations in my mind that the traffic is still an issue on all the truck routes, how many trucks. Again, the noise as far as the corner, you consider that some of the trucks and it becomes subjective because of the fact and I did mention it previously, on exactly how you measure it. I know I did talk about the noise with the Site and I believe that's an issue with this report. The issue still remains in my mind, the noise that is generated by the trucks themselves. You have to idle the trucks at the intersection and of course, the emission's that are generated by the truck route and the number of trucks. It is still my issue today. The Site, I think that's been addressed to me satisfactorily as far as the noise and the emission's.

H. Ross: On the whole I'm satisfied with the Findings but I would prefer to see the truck trips and their impacts. All I'm saying, if they were recognized in the Findings. I'm uncomfortable with the Findings Statement in regard to serious detail of estimated hours of truck trips, the variety of truck trips associated with the different operations of the plant. The Public deserves findings that reflect the actual impacts. I regret that my experience caused me when we accepted the Final Impact Statement that I did not have a few more questions at that time but that was my error. I also am a little unhappy with the characterization that there will be no reduction in property value. I certainly agree that anybody who is planning to work within the zoning of Manufacturing/Industrial will certainly not have a problem next to the facility but there are a small handful of residential home owners that ought not be ignored who, I can't say they will lose money, I'm sure if I were to check the records I would find that nobody sold their homes for less money than what they bought it for thirty years before. I'm not satisfied with it. Other than that, I like it.

T. Hamilton: I think it's been a long time coming and we've used Engineers. We've gone to the Town meetings. We've done Site visits. We've gone over and over the facts. We've gone through different Attorney's and it's been a long time coming.

G. Lake: Mr. Ross did pass that information concerning the truck traffic and the real estate. I believe it was in the findings. Do you want to comment on that?

J. Ullrich: Sure, I can address that. With respect to the truck trips and the hours that they occur, that's all spelled out in the Draft Environmental Impact Statement and the Final Environmental Impact Statement. The traffic study specifically takes at full build-out all of our traffic, and that includes employees, the concrete plant that will be moved over, the asphalt plant, all that. It puts that out onto the local highway network and addresses the peak hours in both AM and FM. I'm not a traffic engineer and I know you're not a traffic engineer but it is all in the Draft Environmental Impact Statement exactly when the trips are generated. A logical reason that the impacts aren't greater is that most of the traffic that is generated occurs before any of the peak on the local highway. Mr. Tetz's employees get to work before most people even get up, so most of the strain isn't on the intersections. The one thing that is key and our traffic study demonstrates it and Mr. McGoey has looked at this is that the mitigation measures that we're proposing and we're agreeing to do more than mitigates the impact that we're going to have. The intersections will actually have a higher level of function, higher level of service than what they would have if we weren't there. I think that's the key thing. It will actually be better with us there. I would like to address the property value issue because the study that we did, did look at residential uses in and around the asphalt plants in Maybrook and in Goshen. It doesn't take much of a road trip to go and look at the one in Goshen and see the subdivisions that are very high ended and those home values continue to climb. So, it's really very clear. There's no impact there in terms of property values. I will go back one, if I can, on Mr. Capozella's comment's on the emissions. The Draft Environmental Impact Statement does contain a study of air quality at the intersections that we studied. That study demonstrates that we won't have an adverse impact on the air quality at those intersections.

G. Lake: I hope you guys, I think, unfortunately as Mr. Ross did state, he's come on the Board after years of working on this and I hope you've helped him a little bit along the way. At this point, I will have Mary Lynn read that. Mr. McGoey, do you have anything at this point?

D. McGoey: No. I just would like to say that things have improved. The step after this would be the Noticing the various agencies and the applicant will do that and makes sure that the Board gets a copy. That would be the next step.

R. Stack: Do you want us to take care of the Findings Statement circulation or coordinate it with Mary Lynn?

D. McGoey: You take care of the mailings.

J. Ullrich: And, for us to do the "END", we will need an electronic form to e-mail to me and Rosemary.

G. Lake: Why don't we finally get done and then let's see if we get that far.

R. Stack: That's true.

G. Lake: Let us get done first and let me call the vote and, I think we're letting everybody know what the next step is and then you can work out the particulars.

M. Hunt: "Having considered the Draft and Final EIS and based upon the preceding findings and facts, the Planning Board, as Lead Agency certifies that consistent with social, economic and other essential consideration, including consideration of reasonable alternatives, potential adverse environmental impacts revealed in the SEQRA review will be minimized or avoided to the maximum extent practicable by incorporating as conditions of the decision those mitigative measures which have been identified as practicable in the DEIS, FEIS and these Findings. The Planning Board as Lead Agency certifies that the requirements of 6 NYCRR Part 617 have been met. The Findings were adopted and motioned by:

MOTION to accept the FINDINGS STATEMENT made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

R. Carr: Aye

T. Hamilton: Aye

H. Ross: No.

W. Capozella: No.

G. Lake: Aye

MOTION CARRIED. 4 AYES, 2 NAYS

G. Lake: The Findings Statement has been accepted by this Board and Mr. McGoey has already mentioned, we will do the part and publish it and then the applicant can take care of their part.

4. **GOLDEN TRIANGLE** - Acceptance of FEIS for public distribution (40-1-16) #74-02

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

L. Wolinsky: My name is Larry Wolinsky, Attorney for the Golden Triangle. With me is Fred Welke from Tim Miller Associates. We prepared the Draft and Final Environmental Impact Statements. Mr. Chairman and members of the Board. We're basically here tonight for the Board's consideration of acceptance of the Final Environmental Impact Statement as being complete under the State Environmental Quality Review Act. The Final Environmental Impact Statement was

originally drafted about a year ago, December 2004 and during the past year we have been addressing the impact statement to the satisfaction of the Board, all the concerns that had been raised. We have met together with the Board at various work sessions and also with your consultant in various work sessions over the time. We're at a point where we now have the final information all verified and corrected so that the document can be accepted as complete. We've gone to the very last kind of minute with this because the last items we were waiting for was the completion of the Town wide traffic study that was done by the consultant for the Town. They had some additional recommendations. Those recommendations have been (not clear) to this project. So, we were dealing with that stuff right up until the end. Hence, we've gotten some additional information tonight which are basically some substitute pages for the traffic section. If you have any questions we would be happy to answer them and we will take it from there. Thanks.

G. Lake: Okay. Mr. McGoey?

D. McGoey: Yes.

G. Lake: I realize you just got this. Is the realignment of the traffic some of it on Mud Mills and Cottage?

D. McGoey: Right.

G. Lake: Can you just come up and give us a brief?

A. Dulgarian: This is what we were told an hour ago?

D. McGoey: No. The mitigation for the roadway improvements changed on this project in light of their immediate neighbor MKA to construct the improvements at Tower Drive and Silver Lake Scotchtown Road. This project proposes to improve this as part of their mitigation. They were asked to change the mitigation from that intersection and do the work that was identified in the Sells Engineering report retained by the Town Board to look at the comprehensive traffic study. He made some recommendations on Mud Mills Road and Cottage Street and Mud Mills Road and Silver Lake Scotchtown Road. So, the mitigation that's in this handout that you received tonight includes those improvements. We received verbally from Sells a dollar amount that they have to contribute to the costs. Supposedly, those dollar amounts now built into it divided amongst the various projects that are contributing to the traffic and the Final Environmental Impact Statement also has a statement. In general, the improvements that we're asking this applicant to mitigate are the site distance problem and the geometry problem in the section of Cottage Street and Mud Mills and in the alternatives those are going to be completed by other projects but they needed a traffic signal for the project on Silver Lake Scotchtown Road and the alignment of the intersection of Mud Mills Road and Silver Lake Scotchtown Road.

G. Lake: Basically, I believe this is (not clear).

L. Wolinsky: That's correct. Again, between Monday and today this material was finalized by Sells. That's the reason we're giving you stuff tonight.

G. Lake: I realize that. The Town, as you guys know, is way in the back of your book has hired an independent traffic consultant to look at, not only this project, but in the general area of Mud Mills, Cottage Street, Tower Drive, down to Route 211 and Tower and Bert Crawford Road, etc. We have worked using that. We were also told tonight that this is not the final which I have no way of saying that it is or it isn't because I haven't had time. I really don't have any more comments on that because I don't know what to say about that. Outside of that, let me go through the Board and get any new comments.

A. Dulgarian: Let me first say that I respect the applicant and the knowledge of how they do the process. He supplies us with enough information. Now, having said that, given the information that we have in a timely manner, I don't think has occurred. And, listening to Mr. Carr tonight and Mr. Ross tonight and especially with what Mr. Ross had said earlier about and Mr. Bacon for that matter that although we're not accepting as being final, we are saying that we agree with almost everything that's in there. It just has to be massaged. I tend to agree with in order for this to be as complete as possible before we accept it.

G. Lake: Just so everybody does understand, this we got tonight. I believe it came in . . .

D. McGoey: Less than a week.

G. Lake: Six days. This is a continuation of what we've had. This is the result of conversations that came up in a work session where Mr. Bacon, Mr. McGoey, and myself were there. I apologize to you guys because you weren't there to understand. Correct me if I'm wrong on this Mr. McGoey. I know exactly what was said by my fellow members but as far as this goes it should not be held against the applicant for coming in tonight for something that us, trying to make sure that all basis are covered, working with a consultant that we haven't had a lot of contact with. We made personal telephone calls to try to get this information and this is when it came in. This would have been here if it wasn't for the setback.

A. Dulgarian: But, even so, Mr. Chairman, our comments two weeks or ten days before the meeting. This showed up in our office six days before and not everybody could get here. I don't know what the happy medium is. I understand what you're saying about the applicant. I know he's done a lot of his stuff correctly. I don't know where you would compromise.

G. Lake: Again, that's up to you guys. We worked extremely hard to get as much as we possibly could here tonight. We put in a lot of hours this last two weeks.

P. Owen: I agree with Mr. Lake, that we shouldn't hold anything against the applicant. On the other

hand I also want to be very diligent and careful with a project of this magnitude in making sure that it's complete.

J. Ullrich: Mr. Chairman, if I may comment?

G. Lake: Let me go through the Board first. Mr. Owen, are you done?

P. Owen: Yes.

R. Carr: I feel the same way and it doesn't reflect on the project itself. The question in my mind is it complete? I have not had the opportunity to study it for myself. Just because it's been on the back burner and I would pretty much say I would with you and Mr. McGoey on the more technical aspects of it. I really don't have as much problems with the information received tonight. I just want the opportunity to feel like I've had a chance to look at it. That's all and I know you guys have worked hard on it and that's probably why you're a lot more familiar. This kind of went on the back burner and I'm not saying it's your fault.

L. Wolinsky: There's been a time line here and, in fact, the version we're submitting tonight has very little new information in it. In fact, you guys have had the gist of it for almost a year.

G. Lake: Anything else, Mr. Carr?

R. Carr: No.

W. Capozella: I've had a question about many of these projects that we've had. I came in the middle of a lot of them and coming into the Board not realizing each individual project is taken into account. This is quite a substantial project. Do we have to take any considerations whatsoever and that's just a general question for us as far as what application this belongs with all the other projects we have in conjunction with this one. What I say by that is the natural resources as far as our water. Again, when you look at all the projects that we have in front of us and the ones already in place yes, this is just a little piece of that pie but adding to that burden that, I personally haven't considered. Again, I say that with respect to the fact that I know a lot of these projects have been in the works for many years. What I'm bringing up is just something that I need to throw out for my understanding.

H. Ross: I would like to have more time to review this.

T. Hamilton: The main time line is December 1st. This didn't give us enough time for us to go through this and pick out what was changed and what wasn't changed. Granted, the latest traffic study that came in, it's not their fault.

G. Lake: Mr. LaBruna, from the Conservation Commission.

S. LaBruna: Yes. I received a copy of this on Monday. My only concern is, the general rule for me, is to identify the areas of concern right away. The rest of my commission hasn't had a chance to look over this document. I know the traffic has been done by an independent consultant has no concern for me. The one thing that we had, was the stormwater issue. If we had a little bit more time we could submit comments.

G. Lake: I thought that was in the Site Plan, the stormwater.

D. McGoey: The wetland mitigation?

S. LaBruna: The stormwater calculations.

G. Lake: Okay.

L. Wolinsky: I here what you're saying. Please understand that when the State Environmental Quality Review Act was enacted there were time frames put in there that obligated on both sides for production on the review processes. We're way beyond those and we really don't have a problem with that. We're closer and we understand that but at the same time I'm constrained to put this time line on the record tonight because we have been going through the process in the correct fashion. We've met with members, not just in work sessions but we have had meetings with members of this Board and you have had this document in pretty much it's current form for a very long period of time. There's been absolutely ample time to review most of this document. The changes that have occurred are primary with respect to traffic which, again has been explained. If you're not prepared to accept this tonight, I'm going to request that this be placed on the next agenda which is probably two weeks from tonight and I think that will be ample enough time for you guys to review those changes so that we can get this acted upon one way or the other.

G. Lake: Okay. The one thought listening tonight with the other Board members is I had the advantage being on a lot of these work sessions. I know you want to be on the very next meeting. I will do what I can to try and get a work session together and then put you on after that but what I can't see us doing is letting everybody go home and read this and maybe not understand how we got to some of the things. I guess what I'm asking you right now is to give us that courtesy and let's pick a night right now, have a separate work session where we can have this in front of everybody and we can spend the time with everybody at that meeting and then we will get you on a meeting right after that. That's just a suggestion and I'm hoping you would go along with that.

L. Wolinsky: Where do we stand on this new traffic information that was just proposed?

G. Lake: I have to check that out.

L. Wolinsky: I'm going to tell you whoever it is that's telling you, that it's got to come to an end.

G. Lake: It was a surprise to us.

L. Wolinsky: I understand but there's a point of cooperation and there's a point when it crosses the line and it starts becoming unfair. I think we're at that point. Let's do what you want. We will have a work session meeting.

J. Bacon: I just want to say to Mr. Wolinsky I think the Board is operating in good faith in trying to get this answered more than the fact is that we have members that haven't had enough time to read the document. It's been a long time since the Public Hearing closed on October 2004. Some of them need to refresh their memory on this and will work with you.

G. Lake: I will give some dates.

A. Dulgarian: Next Wednesday is good for me.

G. Lake: I think Wednesday is easier because we already posted alternate Wednesdays at the beginning of the year.

D. McGoey: Make it as early as possible, December 28th.

P. Owen: No problem.

R. Carr: No problem.

W. Capozella: No problem.

H. Ross: I'm out of town but don't change the date because of me.

T. Hamilton: No problem.

MOTION to schedule a WORK SESSION with the Planning Board members on December 28, 2005 at six o'clock made by A. Dulgarian 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

MOTION to TABLE for further action made by H. Ross 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

Applicant to be placed on January 4, 2006 agenda after the work session.

5. **COCHRANE/ROGERS** - LOT LINE MODIFICATION - Ridgewood Avenue (76-6-9.2 & 11) #94-05

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

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

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

E. Johnson: This project is on 183 Brookline Avenue. Mrs. Cochrane and Mr. Rogers would like to trade parcels on a 25 x 209 foot parcel to the northerly side of Mrs. Cochrane's lot to give her access

to her backyard.

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

E. Johnson: Yes, I have his comments.

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

E. Johnson: I believe I gave Mary Lynn the proxy for ownership of both sides. I made the changes. We changed the minimum lot size. Mrs. Cochrane's lot is now seventeen thousand six hundred twenty six square feet and Mr. Roger's lot is down to twenty seven thousand eight hundred ninety one square feet.

G. Lake: I will go through the Board.

A. Dulgarian: Come back to me please.

P. Owen: Me also.

R. Carr: No problem.

W. Capozella: I just want the numbers again. You're moving the lot line.

E. Johnson: Sure. Showed Mr. Capozella.

H. Ross: Nothing.

T. Hamilton: Nothing.

A. Dulgarian: No issues. It looks pretty cut and dry. No negative impacts.

P. Owen: No comments.

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 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

MOTION for LOT LINE MODIFICATION subject to all of Mr. McGoey's comments and this Board's comments made by A. Dulgarian 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

6. **SENIOR CITIZEN HOUSING** - SITE PLAN REVISION - Robertson & Senior Way (50-1-75 & 23) #92-05

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

T. DePuy: My name is Thomas DePuy with DePuy Engineering.

G. Lake: Let the record show that Mr. Carr has stepped down from acting on this application. Go ahead.

T. DePuy: The Senior Citizen project up on Senior Way is proposing to do some minor additional parking spaces to the overall project. Just over time they found out that they had, every once in a while they have a parking problem. So, they just want to add. We did two different plans. We did a

Phase I which adds parking along the existing interior roadway, about eleven (11) spaces. We also show a Phase II project which shows building a separate parking lot off to the side if necessary. They want to build the Phase I out first to see if it resolves their problem. If it became necessary they would look to do the Phase II portion.

G. Lake: Do you meet everything?

T. DePuy: Yes. Mr. McGoey had one comment. We widened the access roadway to twenty five feet.

G. Lake: I will go through the Board.

A. Dulgarian: I really have no issues. I do have a question for you though. Why, just for my own knowledge for future senior centers, why do they need more parking? Is it more for health?

T. DePuy: It was a combination of a calculation change. Some times they need more parking and some times they don't. They had some additional nursing help so occasionally they have had some occasional problems.

A. Dulgarian: The impact is very minimal. I'm just curious for our own knowledge for the future.

P. Owen: Nothing.

W. Capozella: For my information. On this now, the four parking spots that you have there is there parking to the left or right of these?

T. DePuy: Yes. There's parking all along here.

W. Capozella: I really don't see a problem.

H. Ross: No problem.

T. Hamilton: Mr. Dulgarian, my mother lives in a Senior Complex in Rockland County. And they ran into the same problem with visiting nurses that come and individual cleaning people that come. They had to add extra.

A. Dulgarian: Let me ask you something. Are these strictly for seniors because the one by the Price Chopper has a school bus drops off a kid every day.

T. Hamilton: That is private and there are other people in that complex.

G. Lake: This project and the one located right behind it is strictly for seniors but I think the one you're talking about is has a different mix.

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

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Abstained from acting on this application.

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES, 1 ABSTAIN

MOTION for SITE PLAN REVISION subject to Mr. McGoey's comments and this Board's comments made by P. Owen and seconded by A. Dulgarian.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Abstained from acting on this application.

T. Hamilton: Aye

H. Ross: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES, 1 ABSTAIN

7. **FOTOPOULOS/INDIAN VILLAGE** - 2 LOT SUBDIVISION - Youngs Lane (1-1-5)
#91-05

Cancelled.

8. **JZM** - 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.

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

C. Foti: We're proposing a two lot subdivision on one hundred one acres. The parcel is located on Cross Road. One lot will be approximately 11.75 acres. The remainder will remain.

G. Lake: Mr. McGoey?

D. McGoey: Yes.

G. Lake: We have eight comments on a two lot subdivision. Did we get to a work session?

D. McGoey: Yes. We had a work session. This has also been before the Board previously.

G. Lake: Right.

D. McGoey: Item #1 has to do with the overall development plan.

C. Foti: I have no problems except with comment #1. Right now, we are showing actually three. Basically the overall development plan we are now showing three means of egress. For us to, that one separate lot, if it's a build-able lot, to tie it up with some sort of easements for the access road. I think is just unfair.

G. Lake: Just explain to the Board.

D. McGoey: This is a fairly large piece of property and there is a good opportunity to further subdivide this property. My thought was that rather than have two lots right next to each other out on to Cross Road it would be better to have one down here and one here. This lot, although it's a separate tax lot is owned by the same person. What I'm suggesting is that we can provide a right-of-way here for a future road.

A. Dulgarian: Isn't that shown on that map?

D. McGoey: It's shown on this map but what the applicant is saying is they don't want to encumber this lot because it's a build-able lot.

A. Dulgarian: This is what we brought up the last time though.

D. McGoey: We did talk about that, yes.

C. Foti: There's an access road here, a ring road and another alternative is from this intersection.

G. Lake: But, he's saying take that one thousand feet from the secondary road. Are we still working on what is going to be one thousand feet from where?

D. McGoey: Yes. I don't think we've got a clear definition.

G. Lake: And, that hasn't really been addressed by some of the new things that are coming down. In that case you would be taking it from Cross Road in one thousand. It would have to be the worst case scenario.

C. Foti: But isn't the idea of a cul-de-sac a dead end road and if we have a complete loop and then we could traverse one thousand feet away from a circular road?

G. Lake: I have to tell you I kind of like this if you entertain to subdivide. It just makes better sense. That's only my opinion. We're sometimes accused of not looking further enough down the road and we have a chance with this big piece of land owned by the same people. That's only my opinion. Let me go through the Board.

A. Dulgarian: If I recall, I'm one of the one's that brought that up that it's a better idea. I would kind of agree with that. Whether it's a build-able lot now or not is kind of mute because it's give and take and if you want to develop the rest of that property, you need that for access. Again, like you say it's just good planning.

P. Owen: Overall looking at it at outward distance (not clear).

R. Carr: In my opinion there's no question that the road coming out up much further on Cross Road is a much better development in the future and a couple of weeks ago someone brought up on the property on East Main Street where we missed an opportunity to plan ahead. What I don't want to see here is that we do this and we say that's okay and then five years down the road somebody comes in and says well, that piece of property is no longer available and so we want to do this fifteen foot cul-de-sac or a cul-de-sac off that road. This is the opportunity right now to make sure that it doesn't happen. I don't know how you do it exactly at this point but somehow we should to see how to do that.

G. Lake: I think that's part of our job to make sure things like this are done.

W. Capozella: I think everybody's good on the road issue. Mr. LaBruna have you looked at this as far as wetlands.

S. LaBruna: Yes.

W. Capozella: That would be my question. Other than that I don't have any other problems with this.

H. Ross: I believe we're looking at two lots here even though there is another nineteen lots but I do know that was at our request. I know this particular lot and it is not fabulous and holding water like a sponge. I'm very concerned about extensive road work back in here and with the additional runoff. I think you should strongly ask the applicant to sacrifice that piece of frontage so that they could have adequate roads to service a large number of lots. It mitigates the runoff. I'm particularly concerned, this one road close to the corner, anything between that corner and the little old house on the bend toward Cross Road is problematic because of rise and fall of the land and the curve. A road on the far side of ponds and wetlands strikes me as a real possibility. I know that we're not looking yet other than these two lots but when we do we will be looking at serious wetlands.

T. Hamilton: I think that explains it. I think from the Planning end of it, we're always looking ahead at some of these parcels.

J. Bacon: Mr. Chairman,

G. Lake: Yes, go ahead.

J. Bacon: What the applicant has to remember is that when he comes back with the future development, the Board might be a different Board and there might be new zoning in place regarding the impact. He may be prevented from doing what he wants to do due to the ponds and wetlands with that road. Right now he's got a clean shot through that other parcel to the back.

C. Foti: The nineteen lot subdivision was made at the Town's request just to show what could happen. All the applicant is looking to do is subdivide one lot of 11.75 acres. That's all they want to do. I've been told at the present time they don't even want to build on it. It is just the idea that we can put a house and sanitary sewer on there just to prove it was a build-able lot. All this idea of roads through here was just something that we put together at your request to show what perhaps could be done. There was no planning.

G. Lake: You know I realize that and this Board realizes that. I think, though, that this is nothing that we have not done in the past with other applicants. I fully understand what you're saying but at

the same token what do we do ten years from now when somebody walks in and we blew it because we didn't get that right-of-way.

C. Foti: I see the Board's point . . .

G. Lake: What we're trying to say I think we're just trying to . . .

C. Foti: I will have a talk with the client and see if they're willing to give a fifty foot right-of-way through that lot and if that's the case we could comply with all of Mr. McGoey's comments.

G. Lake: Okay. I would also recommend that the Conservation Commission receive a copy of this for their review. Let's show it to them now.

T. Hamilton: The applicant should get a copy of the new zoning laws that have been passed and hand delivered in Albany before he starts trying to figure out what he can do there. It was hand delivered to Albany.

J. Bacon: The new development would apply to projects that haven't received Preliminary Approval as of the date the moratorium took affect or have not received a Negative Declaration or not received a note of completion of a new Environmental Impact Statement.

T. Hamilton: Where does that put this applicant?

J. Bacon: He would have to comply with the new regulations.

T. Hamilton: That's what I'm saying. He better go look at the new zoning for that area because it's in affect right now.

MOTION to TABLE for further review 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

MOTION CARRIED. 7 AYES

9. **FINI** - LOT LINE CONSOLIDATION - Bellevernon Avenue #100-05

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

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

G. Lake: Go ahead.

D. Yanosh: This is two lots, two existing tax map parcels on Bellevernon Avenue. Mr. Fini is in the process of buying both lots from Mr. Ullrich. They are both forty feet wide and one hundred twenty feet deep. Combine the both of them together, we still don't meet the zoning codes for the twelve thousand five hundred square feet that's required in the R-1 zone. We still need a variance from the Zoning Board of Appeals to build a house in the first place.. The other question that arose is that tax lot #6 which is to the southwest is in the R-1 zone.

Tax lot #5 which is in the northeast is in the HC zone. R-1 allows two-family houses with a Special Use Permit, HC zone allows a single family house. That was one of Mr. McGoey's questions as whether we could put a two-family on to begin with because of the zoning. We know we need a variance. We have to take that step but we're going to combine the two lots together into one.

G. Lake: My guess is if you go for the two-family, I don't know, I will ask the whole Board if they're going to go to the lesser of two evils. Maybe they will ask for an interpretation from the Zoning Board of Appeals.

D. Yanosh: Highway Commercial allows a single family. We go to the Zoning Board of Appeals next month, we will ask for a variance or whatever for the two-family or how ever that works on that. I know the zoning says the most restrictive use when you combine.

A. Dulgarian: As a matter of fact, I built a two-family up on Schutt Road. So, it's not going to change the characteristic of the neighborhood. But having said that, I would rather see it on a one hundred twenty foot wide lot than an eighty foot lot because of the four cars plus that are always going to happen with two-family. It's probably not going to be owner/occupied. Especially with the topography on this particular piece of property. It's very steep, a lot of runoff. They're looking to have retaining walls and such up front. Perfect for a single family home but if you can get another forty foot lot I would have no problem.

I think it's ambitious to have a two-family on an eighty foot lot. I think it's a good idea to combine the two lots. You can't do anything with them anyway. I agree with that but if it ever came before a vote for me to have a two-family, I would be against it.

P. Owen: I agree.

R. Carr: I also agree.

W. Capozella: I like the idea of combining the lots. I'm not too sure about a two-family home. That's got to get a variance anyway.

T. Hamilton: It will also need a Special Use Permit.

W. Capozella: But that doesn't (not clear). We can actually vote on those two lots.

G. Lake: The question would be since that lot would be crossing two zones.

W. Capozella: Now, I understand.

H. Ross: I have no problem with combining the lots but I agree with the lesser of two evils.

T. Hamilton: I question how many two-family's there are in that area?

A. Dulgarian: Off the top of my head probably four.

G. Lake: No matter what, you still have to go before the Zoning Board of Appeals. We should make that a motion and deny him and send him to the Zoning Board of Appeals.

A. Dulgarian: We can refer but I would prefer to take a vote and deny him.

MOTION for LOT LINE CONSOLIDATION for a two-family made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Nay

P. Owen: Nay

R. Carr: Nay

T. Hamilton: Nay

H. Ross: Nay

W. Capozella: Nay

TOWN OF WALLKILL PLANNING BOARD

DECEMBER 7, 2005

MOTION DENIED. 7 NAYS