

<p align="center">TOWN OF WALLKILL PLANNING BOARD RESOLUTION GRANTING First - One Year Extension</p>	<p align="right">Med Parc Lots 4 & 5 PB File No: 2018-048 Tax Lot: 78-1-98.4 & 98.5</p>
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WHEREAS, an application was made to the Town of Wallkill Planning Board by Med Parc LLC ("Applicant") for a Site Plan, Special Use Permit and Subdivision Approvals in relation to the development of a two vacant commercial parcels of land situate along East Main Street, which parcels are identified on the Tax Maps as Sec 78, Block 1, Lots 98.4 and 98.5, and such lots are herein after collectively referred to as the "Site"; and

WHEREAS, the proposed development consists of two, 4-story hotels (one with 112 rooms and the other with 144 rooms) with related infrastructure and a lot line change; and

WHEREAS, the Town of Wallkill Planning Board previously granted on November 16, 2022 the requested special use permit, site plan approval and subdivision approval for the development of the Project, which approvals were subject to certain conditions stated in the relevant approval documents; and

WHEREAS, the Applicant has not satisfied all conditions incorporated into the approval documents; and

WHEREAS, the Applicant is desirous of not having said approvals lapse by reason of the failure to satisfy the required conditions of approval; and

WHEREAS, the Planning Board classified the proposed action as a Type 1 Action under SEQRA, and after giving due notice of its intent to serve as Lead Agency for the required SEQRA review, the Planning Board declared itself the Lead Agency for the purpose of SEQRA review and engaged in coordinated review; and

WHEREAS, the Planning Board conducted a public hearing during the course of its review of the applications for Site Plan, Special Use and Subdivision Approvals; and

WHEREAS, on November 16, 2022, before the close of the public hearing, the Town of Wallkill Planning Board adopted Parts 2 & 3 of the EAF, and a SEQR Negative Declaration was

made that incorporated the mitigation measures identified in its EAF and traffic study; and

WHEREAS, it also appears that there has been no change in circumstances since November 16, 2022 that would change the basis for the prior determination that there will be no significant environmental impacts resulting from the development of the Site as then proposed and that the mitigation previously identified and incorporated into the Site Plan are still effective relevant, and meaningful; and

WHEREAS, the Applicant submitted certain information to the Planning Board, including a presentation by its engineer on May 17, 2023, to show its diligence with respect to attempting to resolve the outstanding conditions of the aforementioned approvals; and

WHEREAS, the Applicant now requests a one (1) year extension of its site plan approval within which to satisfy the open conditions of the same; and

WHEREAS, after giving due consideration to the relevant factors, the Planning Board determined that there is no basis at the present time not to extend the approvals previously granted this Project;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Wallkill Planning Board finds:

1. The Applicant is granted its **first** one (1) year extension of said Site Plan Approval, which one (1) year extension expires on **May 17, 2024**.
2. The within extension does not relieve the Applicant from satisfying any conditions stated or incorporated into the approval(s) previously granted by the Planning Board as aforesaid.
3. The within extension does not relieve the Applicant from securing any other permits and/or approvals needed from other agencies, boards and/or departments that may be necessary to develop and use the Site as depicted in the Site Plan.

4. The within extension does not vest any rights against changes in the rules, regulations, laws and/or local codes that are applicable the Applicant's lands, and the Applicant does not acquire any grandfathered rights by reason of this extension, unless the same are permitted by statute and/or the common law.

5. That the extension of the approval is conditioned on the Applicant resolving those matters and conditions set forth in the Technical Review Comments of the Town Engineer, all comments and conditions rendered by outside agencies having jurisdiction over this matter.

6. Nothing contained herein shall relieve the Applicant of any conditions of any prior approval of the Planning Board.

7. Nothing contained herein shall relieve the Applicant of any condition and/or requirement pertaining to making an deposit for construction inspections, entering into a construction inspection agreement, making any required dedication of lands and/or easements, entering into a stormwater maintenance agreement and/or other applicable agreement as such may be required or provided for.

8. That as a condition of this extension, all fees due the Town of Wallkill, including any fees due its consultants, such as the Town Engineer and/or the Town Attorney, be paid in full within sixty days of the date hereof.

continued on next page

NOW, THEREFORE, BE IT RESOLVED

On a motion by A. Guattery, seconded by T. Hamilton, and carried by a vote of 7 Ayes, 0 Nays, that the Town of Wallkill Planning Board grants a one (1) year month extension of said site plan, special use and subdivision approvals, subject to the terms and conditions stated herein as well as all prior approval documents, which extension expires on May 17, 2024, unless other action is taken by the Planning Board with respect thereto.

Dated: May 17, 2023

TOWN OF WALLKILL PLANNING BOARD
[Signature]
Hon. Gary Lake, Chairman

The original of this resolution was filed with the Town Clerk on May 22, 2023
A copy of this resolution was mailed to the applicant on May 22, 2023

Town of Wallkill Planning Board Escrow Fees

Adopted by Town Board Resolution# 2 Of 2021

*******Procedure for establishing Escrow Account for payment of Consultant Review Fees*******

Upon application to the Planning Board for any action or approval required in accordance with the procedures set forth by the Town Law, the applicant shall post with the Town of Wallkill a deposit to cover all Engineering and Attorney consulting fees deemed necessary by the Planning Board. All consulting fees are billed directly to the applicant. These fees include work sessions, site inspections, attorney fees, etc. that are not included in the application fees. Please refer to the escrow schedule below to calculate the necessary escrow due upon submittal of the Planning Board application. The fees must be submitted to the Secretary of the Planning Board before the scheduled work session and at submittal of the Planning Board Application.

_Worksession Escrow	\$300.00 Per Worksession
Lot Line Changes	\$ 500.00
Administrative Approvals	\$ 500.00
Residential Subdivisions	\$3000.00
Multi Family Site Plans/SUP	\$3000.00
Site Plan/Special Use Permits	\$3000.00

ADDITIONAL ESCROW FEES:

Retaining Walls Greater than 4' review	\$2000.00
Applications requiring SWWP review	\$2500.00
Applications requiring Septic Review	\$1500.00 per lot
Applications requiring Traffic Study Review	\$2000.00
Site Inspection fee TBD at approval -	4% of approved cost estimate
Site Inspection fee for Administrative approvals and change of occupancy permits-	\$2500.00

Your application is NOT deemed complete until all applicable fees have been paid in full. The consultants will bill the time for their services against the deposit in our Escrow Account. If your Escrow Account has a negative balance, then the Planning Board has the right to suspend review of your application, and you agree that its doing so will not entitle you to a default approval. Your escrow balance must be kept at a minimum of 40% of the original escrow deposited at all times to remain on any Planning Board schedule of review

TOWN OF WALLKILL PLANNING BOARD APPLICATION

DATE 01/24/2022 APPLICATION Site Plan

FEE \$4,571.73 PAID _____ TAX MAP 78

ESCROW \$5,500.00 PAID _____ PROPERTY ZONE Office & Research

1. Med Parc, LLC

Name of Owner/Applicant

Phone Number

100 Ward Street Montgomery NY 12549

Mailing Address

2. Devitt Management

84-457-9666

Name of Applicants Representative

Phone Number

100 Ward Street Montgomery NY 12549

Mailing Address of Applicants Representative

3. Location of Proposed Application & Nearest Cross Street East Main Street

4. Description of Proposed Use Proposed 4 Story 130 Room Hotel & 5 Story 100 Room Nursing Center

*****PLEASE ADVISE ASSESSOR'S OFFICE OF ANY NEW ROAD NAMES BEING PROPOSED FOR 911 PURPOSES.**

5. Public Hearing Required? Yes X No _____

6. ARE YOU CONSIDERING A CONSERVATION SUBDIVISION? YES _____ NO X

APPLICANTS SIGNATURE



EMAIL (CONTACT PERSON) marcdevitt@hotmail.com

You must print & submit Environmental Assessment Form – follow this link to complete and submit a paper copy with the application: www.dec.ny.gov/eafmapper

Plan Submittal For Worksessions:

PLEASE SUBMIT 2 PAPER COPIES & A PDF OF THE MAP AND THE EAF. \$300.00 FEE

For Meetings:

PLEASE SUBMIT 12 SETS OF SIGNED/SEALED COPIES WITH EAF ATTACHED TO EACH AND EMAIL A PDF OF THE PLAN AND EAF TO planning@townofwallkill.com, SUBMITTAL DATE IS 15 DAYS PRIOR TO THE MEETING. ALL PLANS MUST BE FOLDED. CALL 845-692-7814 IF YOU NEED ASSISTANCE.

**APPLICANT DISCLOSURE FORM – ORANGE COUNTY, NY REVIEW UNDER SECTION 239-M OF
GENERAL MUNICIPAL LAW**

The following is information relative to the below named project which is presently pending before the
(City/Town/Village) of Town of Wallkill (Planning/Zoning/City/Town/Village Planning Board.

Title of Project: Lot 4 & 5 Med Parc

Municipality: Town/Village/City of Town of Wallkill

(underline one of above)

Nature of Owner or Owners (LLC, Corporation, Partnership, Joint Venture, natural person, professional
corporation or other type of business entity or combination of the above):

The names of the Members, Officers, Shareholders, Directors, Beneficial Owners owning at least five
percent of the Stock or Membership or Partnership Interest or Beneficial interest in the project are:

Devitt Management

****TO BE COMPLETED ON ALL COMMERCIAL SITE PLAN APPLICATIONS****

IRREVOCABLE PERMISSION

TO: The Town of Wallkill
99 Tower Drive – Building A
Middletown, NY 10941

Marc Devitt am a member of _____
(Name), I reside at _____
Med Parc, LLC with offices at 100 Ward Street Montgomery NY
I am the owner of East Main Street (property address),
which is designated on the Tax Maps as Section: 78 Block: 1 Lot: 98.4 & 98.5

- I am the a member (position), of _____
Med Parc, LLC (name of corporation), who is the owner of
East Main Street (property address), which is designated on
the Tax Maps as Section: 78 Block: 1 Lot: 98.4 & 98.5

On behalf of the owner of the above-referenced property, permission is hereby given to the Town of Wallkill to perform such inspections and/or patrols as the Town of Wallkill deems, in its sole discretion to be reasonably necessary, of the public areas of the above-referenced property.

Said inspections and/or patrols of the public areas can be performed without notice or pre-conditions as the Town of Wallkill considers appropriate under the circumstances.

Said inspections and/or patrols can be performed by any authorized person acting for the Town of Wallkill, including its police officers, code enforcement personnel, and/or its parking enforcement patrol personnel.

The permission granted hereby is in addition to any other right the Town of Wallkill has to inspect the property, and it is not in limitation thereof. This permission shall not be revoked so long as the property is used and operated in the Town of Wallkill that is open to the public and/or pursuant to an approved site plan or special use permit.

Marc Devitt

STATE OF NEW YORK

COUNTY OF ORANGE

On the 25th day of January, 2022, before me, a Notary Public in and for said State, personally appeared Marc Devitt, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies) and that by his/her/their signature(s) on the instrument, the individual(s), or the person on behalf of which the individual(s) acted, executed the instrument.

Cathryn Jane White
Notary Public

CATHRYN JANE WHITE
Notary Public, State of New York
No. 01WH6279602
Qualified in Orange County
Term Expires April 15, 2025

**Town of Wallkill
PLANNING BOARD MINUTES**

OCTOBER 19, 2022

**MEMBERS IN ATTENDANCE: Gary Lake
Bill Capozella, Jim Keegan, Doug Dulgarian,
Tom Hamilton, and Andrew Guattery**

Absent: Clark Najac

**Also in attendance: Mike Weeks, MH&E PC, Consulting Engineer and
Gardner Barone, PB Attorney**

7:00 PM MEETING

Gary Lake – Ok, we do have two public hearings tonight. If you want to speak at a public hearing tonight, come up and fill out blue card and we will call you at the proper time.

**Med Parc Hotel – 599 E Main St, Lot 4 & 5 – SP/SUP/Lot Line Change
(78-1-94.5, 98.4, 98.5) #2018-0048**

Gary Lake – First public hearing is Med Parc Hotel, 599 E Main St, Lot 4 & 5. You have their mailings Rudy and I'll have you read the notice as it appeared in the paper.

Rudy Charles – I do not have the mailings.

Keith Woodruff – I believe they were dropped off at your office.

Rudy Charles – Ok.

Keith Woodruff – I believe for this project and the subsequent one.

Rudy Charles – Ok, I'll check.

Gary Lake – Tad?

Gardner Barone – We can proceed subject to the applicant producing proof of mailing.

Gary Lake – Ok, then we will. Couldn't end up leaving this open anyway I think so. Ok go ahead, name for the record.

Keith Woodruff from Engineering & Surveying Properties representing Med Parc.

Gary Lake – And I'll Rudy read it as it appeared in the paper.

Rudy Charles - Notice is hereby given that on Wednesday, the 19th day of October, 2022, at 7:00 pm, or as soon thereafter as the matter can be heard, there will be a Public Hearing conducted by the Planning Board of the Town of Wallkill at the Town Hall at 99 Tower Dr,

Building A, Middletown, NY on the application of Med Parc, LLC – Lot 4 & 5 for Site Plan approval under Section 249-26.2 C (5) of the Town Code to construct and/or operate a Motel on the premises located at Med Parc Road, which premises is located in the Town of Wallkill, Orange County and identified on the Town's Tax Maps as Section 78 of Block 1, Tax Lot 98.4 & 98.5. All parties of interest will be heard at such time and place.

Gary Lake – Ok, thank you. Ok go ahead.

Keith Woodruff – Tonight we're providing plans for the site plan and subdivision or lot line change for the two existing tax parcels that were previously approved with the subdivision subsequently filed last year. What they are currently proposing is the development of lot #4 and 5 for which, lot 4 is 4.6 acres for the construction of a four story 112 room hotel. Lot #5 is encompassing 5.7 acres with the construction of a four story 144 room hotel. Adequate parking has been provided for each of the subsequent uses. Lot #5 also providing an additional 34 manmade parking spaces and 6 RV/Trailer spaces. The stormwater for the facilities are going to be located within lot #5 for both development of lot 4 and 5 for which lot #4 is anticipated to start construction first with the subsequent stormwater also being constructed at the same time. There will be a common use or an easement agreement for both lots for the stormwater and access which is being granted through the existing access currently servicing the Holiday Inn Express and the Quick Check. The rendering provided shows the anticipated construction for lot #4's hotel, which is again in phase #1 and the, I believe all the other SEQR requirements are met aside from the traffic. The traffic consultant for the town had issued some comments specifically asking for an updated traffic count. We did receive the updated traffic counts this week from the County, which was provided to our traffic consultant a copy to the Towns consultant as well and our consultant will be updating their design or their traffic report reflecting those new numbers.

Gary Lake – Ok. So the update traffic, you have received it our man has received it to review it but they haven't done that yet.

Keith Woodruff – Correct. They're currently in the process...

Gary Lake – Ok in the process, ok. That's really what I was getting at. Ok, let me go through the Board and then we'll go to the public. Doug? Anything?

Doug Dulgarian: No.

Gary Lake: Jim?

Jim Keegan – After public.

Gary Lake – Bill?

Bill Capozella – After.

Gary Lake – Andy?

Andy Guattery – After.

Gary Lake – Tommy?

Tom Hamilton – After.

Gary Lake – Ok I'm going to open this public hearing at 7:08 pm., anybody Rudy?

Rudy Charles – No.

Gary Lake – Ok. Close public at 7:09 pm. Motion:

Gardner Barone – We were going to keep this one open.

Gary Lake – That's right, you're 100% right, I'm sorry Tad.

Keith Woodruff – That will be four of you continue with public hearing, what I request that we close public hearing with the continuation noted that we will have to come back for the subdivision public hearing in order for it to complete SEQR process. Or complete SEQR process and then come back for the public hearing for the subdivision aspect. Currently because of the current notices the notices were only listing the project as a site plan application not as a lot line or subdivision application. Since there hasn't been anybody here for the public to speak on the project if we can close it we can reopen it as part of the subdivision and discuss the project in detail at that point as well.

Gary Lake – Are the parcels as they exist big enough to satisfy what needs to be on each independent parcel?

Keith Woodruff – I'm not 100% sure as far as where the lot line change is fully ended. But the application would be looking for a joint final determination not necessarily looking for a site plan approval tonight.

Gardner Barone – I can't give you a site plan approval without the traffic.

Keith Woodruff – Right. It was just more of a closing of the public hearing reflecting the site plan application and then we can re...

Gardner Barone – I get that. My concern would be segmentation, because you have multiple approvals and all are joined into one project or projects that are interconnected and to break apart the SEQR process invites a criticism that we're engaged in segmentation. Although, we know that we're not looking at these things separately and trying to segment, to an outsider it would seem to have that appearance and we should avoid that. So my recommendation is that they would have to notice a public hearing for the subdivision, note that this public hearing remains open as being continued and you would also have to redo mailings for the subdivision application.

Keith Woodruff – Yeah, we're aware of that. We have the list.

Gardner Barone – So you're really not getting ahead by closing this hearing and getting any type of approval now or later on is the site plan that we avoid this segmentation.

Keith Woodruff – Ok.

Gardner Barone – Any questions?

Gary Lake – No, no, no we're going to follow your lead, you know we're not the lawyers

here so.

Mike Weeks – Gary I think if you wanted you could declare yourself lead agency for this.

Gary Lake – Yeah I was going to come to that after I asked if he had any problem with the any of the comments that you provided and then go through the Board. So anyway moving on, did Mike's comments do you have any problems with any of them?

Keith Woodruff – No. We've received them, we've reviewed them...

Gary Lake – Probably the biggest one is the traffic study which you're working on right now.

Keith Woodruff – Correct.

Gary Lake – Ok let me go through the Board to see if they have anything new on the site plans. Doug?

Doug Dulgarian – I'm interested obviously in seeing what the traffic study shows but I'm also interested in seeing a better interpretation of what this landscaping is going to look like. Looks like you have seven different stormwater management storage areas and only one is existing currently, is that correct?

Keith Woodruff – The stormwater that's currently serving the Holiday Inn Express that's the existing location and so it will be six more at build out. It's more of, it's not necessarily six larger pump ponds, its six subsets of the overall drainage.

Doug Dulgarian – Well two of them are huge.

Keith Woodruff – Yes and unfortunately they have to be.

Doug Dulgarian – So I'm interested in what are they going to look like. Some places they end up almost almost enhancing the property and some they absolutely are eyesores. So while we have a blank sheet of paper and while we are looking at a landscape plan I want to see what you're proposing as part of the overall project with the stormwater management areas as incorporated in the landscape plan. That's what I'm looking for as one member. That's all I got Gary, the traffic and the landscaping, everything else we beat to death.

Gary Lake – Ok. Jim?

Jim Keegan – Yeah, I agree with Doug, especially since you got two big ponds right there in the middle where the main part of the road is going to go through. Also, I think I asked last time, when is that road going to be open through to Dunning? Is that uhh...

Keith Woodruff – There still under construction, I don't have a timeframe as to when they're going to be completed.

Jim Keegan – Alright, I have no issues with the hotels.

Gary Lake – Ok, Bill?

Bill Capozella – The only thing that I noticed here you got shared parking for both hotels, right?

Keith Woodruff – It's yeah there's sufficient parking on each individual lot to serve each individual hotel. So the parking within lot #4 satisfies the parking for the hotel lot.

Bill Capozella – So where's the parking anyways.

Keith Woodruff – On the coversheet it does breakdown the parking requirements.

Bill Capozella – Ok, alright, because again I was going to say about maybe a walkway on that street or something but if both of them are sufficient parking for both of them.

Keith Woodruff – Yes.

Bill Capozella – Ok. No more.

Gary Lake – Andy?

Andy Guattery – I'm going to agree with Doug on the traffic obviously. You're mentioning we don't know about the final lot line delineations being correct I'd like to see that obviously. I will tell you this, the comments about handling the stormwater I mean I'm right behind that great big pond that they got done as part of that road construction that we overtopped the other day when it rained really hard. So it's not better it's just different. So it's really important to pay close attention to that, I've been saying it from day one, there's a hell of a lot more water on this site and everybody's given the credit for it. You need to make sure because you're going to overtop something heavy coming off of 88 Dunning and then it all comes in behind where this warehouse is and you've got it coming down that swale right behind this Lot 4 you're going to flood the parking lot if you make sure that you're high enough. You got Mandelbaum doing his 75 apartments down on the other side of that pond and they raised the entire property four feet. They built on top of the property rather than digging for footings because they know that there's water issue so I would really like to see better calculations on that. I've been asking for that right along other than that for now I'm ok Gary.

Gary Lake – Tommy?

Tom Hamilton – Yeah that stormwater that's a big item it's a you know make sure that that is straightened out where we can figure out what we're going to do. That's it.

Gary Lake – Ok, thank you. Ok so we're going to make a motion to declare ourselves lead agency they have circulated already so we can do that.

Motion Bill Capozella/2nd Andy Guattery. Rudy call the roll.

Rudy Charles – Mr. Dulgarian.

Doug Dulgarian – Yes.

Rudy Charles – Mr. Keegan.

Jim Keegan – Yes.

Rudy Charles – Mr. Capozella.

Bill Capozella – Yes.

Rudy Charles – Mr. Guattery.

Andy Guattery – Yes.

Rudy Charles – Mr. Hamilton.

Tom Hamilton – Yes.

Rudy Charles – Mr. Lake.

Gary Lake – Yes. Ok. And then I guess and correct me if I'm wrong here Tad because now we are into this new, they're going to have to do a subdivision application and then we got to neg/dec it before we can move forward?

Gardner Barone – Correct, so what we're going to do before they leave here tonight is waive the 62 days to close this hearing and they're going to do a public notice in the paper and a mailing for the subdivision so we need a hearing date for that public hearing to be opened on and joined with this public hearing and then presumably at some point along the way in that hearing we'll be able to make a SEQR determination and then proceed forward from that point.

Gary Lake – Ok. So let's go to the big but, do you waive your 62 days?

Keith Woodruff – Yes.

Gary Lake – Ok, thank you. Now I guess we got to set you a date for a subdivision public hearing. Are you prepared to pick a date tonight?

Keith Woodruff – The next available Planning Board meeting would be sufficient. We anticipate having the comments back from our traffic consultant soon so we should be able to make the submission deadline and we can also, since we have the listing for the mailings we can post it tomorrow.

Gary Lake – Did you bring the book in with you Rudy?

Rudy Charles – The mailings are already done so.

Gary Lake – The book for the meetings.

Rudy Charles – I don't have it.

Keith Woodruff – The next available meeting would be November 2nd.

Gary Lake – Yeah, but I don't know what's on it yet.

Mike Weeks – I think that would probably premature knowing that we don't have information on traffic. We're going to need the USB to review it.

Keith Woodruff – We can get notices out tomorrow and Friday and it would be in time for the meeting on the second if we didn't receive it back.

Gary Lake – I'm going to guess you're going to be looking at the 16th to be honest with you. That should give us our traffic study back our traffic engineer study back and plus whatever else you got to clean up and we should try to wrap this thing up. Yeah the 16th. Motion to set up a public hearing for the subdivision on the 16th. And continue on with this part of the application.

Bill Capozella/2nd Andy Guattery 6 AYES 0 NAYS.

Dunkin Donuts – 595 E Main St – SP/SUP/SD/Lot Consolidation (78-1-98.1) #2019-0123

Gary Lake – Ok the next public hearing is Dunkin Donuts, I'll have Rudy read it as it appeared in the paper.

Rudy Charles - Notice is hereby given that on Wednesday, the 19th day of October, 2022, at 7:00 pm, or as soon thereafter as the matter can be heard, there will be a Public Hearing conducted by the Planning Board of the Town of Wallkill at the Town Hall at 99 Tower Dr, Building A, Middletown, NY on the application of Dunkin Donuts for Site Plan and Special Use Permit approval under Sections 249-38, 249-39, 249-39.1, & 249-40 of the Town Code to construct and/or operate an Eating and Drinking Establishment on the premises located at 589-594 Main St., which premises is located in the Town of Wallkill, Orange County and identified on the Town's Tax Maps as Section 78 of Block 1, Tax Lot 98.1 & 49. All parties of interest will be heard at such time and place.

Gary Lake – Ok, thank you. Name for the record please.

Zach Szabo, Engineering & Surveying Properties. I'm here for the...

Gary Lake – Excuse me, one moment. Hey Rudy, is there a sheet up there for them to sign in on?

Zach Szabo – Yes, I signed.

Gary Lake – Hey, did you sign in.

Keith Woodruff – I'm not going anywhere.

Gary Lake – Ok. Go ahead I'm sorry.

Zach Szabo – I'm here for the applicant (inaudible) Realty LLC. The applicants proposing to build a 2933 sq ft Dunkin Donuts at the corner of E Main and Med Parc Dr. The project is located in the HC district, its split by the OR district. This project had previously been in front of the Board for a public hearing and received a negative declaration and the additional final approval back in I believe December. The applicant had then purchased the adjoining property next to Michael's Appliance Center and have shifted building up towards that Michaels Appliance Center building, so we're back in front of the Board with a new application for pretty much the same project we also included some additional parking, with that expanded the stormwater area but the access still comes from E Main St., and as a right in right out and full access from Med Parc Drive.

Gary Lake – Ok, let me go through the Board before we go to public. Doug?

Doug Dulgarian – After.

Gary Lake – Jim?

Jim Keegan – After public.

Gary Lake – Bill?

Bill Capozella – After.

Andy Guattery – After.

Gary Lake – Tom?

Tom Hamilton – After public.

Gary Lake – Ok. I'll open this public hearing at 7:23 pm. Anybody Rudy?

Rudy Charles – No.

Gary Lake – Motion to close this public hearing at 7:24 pm.

Gardiner Barone – There's another one with a subdivision issue.

Gary Lake – So this has to stay open now too?

Gardiner Barone – The notice you read referred to a subdivision.

Zach Szabo – The application consists of a lot consolidation. Town of Wallkill doesn't have anything in their code. That's lot consolidation so it's technically a subdivision. So we would have to do the same as the last project, but plans should not change, we don't have anything for traffic that was included...

Gary Lake – Yeah I know, but you heard Mr. Barone's definition of the law that we're trying to adapt to now with this neg/dec before anything else.

Gardner Barone – That and the fact that the public notice that went out did reference a subdivision.

Gary Lake – Right.

Gardner Barone – in the overall scheme of things, it's not going to illicit anymore public participation that we saw tonight, but we need to dot our I's and cross our T's.

Zach Szabo – I understand. We will also have to provide an application for a subdivision.

Gary Lake – Ok.

Zach Szabo – And we provided to Mike that a lot consolidation plan.

Gary Lake – I apologize, we're learning this new procedure as we go and I'll leave it at that. Ok, so we're going to leave it open and have to get you back on for subdivision lot line consolidation. I guess subdivision it has to be called now. Myself and Mr. Barone and Mike, we already talked it would take an act of the Town Board to change whether it would allow us to do lot line modifications. Am I correct in saying that?

Gardiner Barone – Yes.

Gary Lake – So I guess we got to look at it as a subdivision and then go from there. Let me go through the Board and see if they have anything else and, I'm sorry that's the news for tonight.

Doug Dulgarian – So what are we exactly trying?

Gary Lake – I'm going to have Tad try to explain, for me to explain exactly what we're doing would be an injustice.

Doug Dulgarian – Ok.

Gary Lake – Ok, so after the meeting I'll have Tad try to you guys a breakdown. So let's try and talk about the site plan for now and then we'll go from there.

Doug Dulgarian – This is basically the same footprint we saw last time.

Zach Szabo – Yes so

Doug Dulgarian- Obviously we worked on a double lane and you have a pass through.

Zach Szabo – Yes.

Doug Dulgarian – Where the second car can get through if he changes his mind.

Zach Szabo – Yes, we provided a bypass lane.

Doug Dulgarian – And you slid this property over to accommodate the Cracker Barrel over here. And on E Main it's a right in right out only?

Zach Szabo – Correct, yes. It's always going to be proposed that way. The DPW requested it to be that way so, like I said, it's a right in right out.

Doug Dulgarian – Now in a sense that you took you removed some of the parking?

Zack Szabo – No, so the parking has remained the same actually from the last iteration that you've seen we've added for parts service. We had originally...

Doug Dulgarian – It says here that the revised plan shows less banked parking.

Zack Szabo – Yes. It shows less land and parking.

Mike Weeks – I probably could have worded that differently. So instead of providing as much land bank they actually converted it to actual parking.

Doug Dulgarian – Ok. Why so much parking for such a small?

Zach Szabo – I believe her...

Gary Lake - Who?

Zach Szabo – That the applicant had indicated that it is for future development. Those Dunkin Donut sites don't typically need 46 spaces by code we're required to have (inaudible)

Doug Dulgarian – Hence the double pass.

Zach Szabo – Yes. So he wanted to add it for future development.

Doug Dulgarian – Why we just don't add it when you come back for the future development, I hate black top, it's stuff we don't need to, so it's says here based on square footage. There are 59 required? How many are you showing?

Zach Szabo – 46 and then 14 are banked.

Doug Dulgarian – Alright Gary.

Gary Lake – Jim?

Jim Keegan – I agree, if it was just a Dunkin Donuts property I would say we need 46 spots but I know he has something else in the works so I'm ok with the way it's laid out.

Gary Lake – Bill?

Bill Capozella - Yeah I asked for the walkways and stuff, they're on there. I'm ok.

Gary Lake – Andy?

Andy Guattery – The only thing I would add to this is the access road, the right of way in the back that comes around to the Michaels Appliance property. You should note on the plans, no thru traffic signs.

Zach Szabo – Ok.

Andy Guattery – It should be in there because that's supposed it always was supposed to be that way I don't see them on the plans now I know they were there before. Other than that I'm fine.

Gary Lake – Tommy?

Tom Hamilton – Nothing more.

Gary Lake – Ok. Motion to leave this public hearing open for further action and waive your

62 days:

Zach Szabo – Yes.

Jim Keegan/2nd Tom Hamilton 6 AYES 0 NAYS.

Gary Lake - Ok so anyway you're going to have to republish this stuff for the...

Gardner Barone – You need a motion to schedule a date.

Gary Lake – Well that's what I'm going to ask him now does he want to be on the November 16th?

Zach Szabo – Yeah, November 16th works if earlier if that's possible, we...

Gary Lake – Yeah no, I'm looking, I've already, plus you don't have a traffic issue. Not waiting for any...

Mike Weeks - There would be no issue for plan submission. The plans...

Gary Lake – Can you get it done? I mean you got to get it done tomorrow for November 2nd.

Zach Szabo – Yes, we can get it done.

Rudy Charles – That second newspaper.

Gary Lake – Tomorrow, I know, but he has to get everything done.

Rudy Charles – Tomorrow.

Gary Lake – Tomorrow, yeah. Ok, we'll put you on for the second. Motion for November 2nd:

Andy Guattery/2nd Bill Capozella 6 AYES 0 NAYS.

Safe Haven RV Storage – 360 Rte. 211 E, SP/SUP (50-2-68) #2021-0072

Gary Lake – Safe Haven. Good evening, you're name for the record please.

Hi, good evening, David Higgins for Lanc & Tully Engineering and Surveying. So we previously submitted this plan, this is for RV storage at the Caldor Plaza site on Carpenter Avenue. This was reviewed earlier in the summer I believe we had sketch plan approval and there was some additional information that was requested at the time we had submitted the plans that you have before back August and I know because of the applicant was actually away on travel and holidays we had bumped it out till today's and tonight's meeting. Again this is for the RV storage I know one of the things that was requested was that we show a profile of the view basically from Carpenter Avenue looking into the site so that you could see that on (inaudible).

So what we've had is basically the line of site from Carpenter Avenue looking up towards the building all along Carpenter Avenue we do have a proposed landscape buffer and also behind that is an 8 ft high chain link fence with privacy slates. Again that's to screen the view of the building from Carpenter Avenue and then we also have landscaping along the side in between the RV storage and the main building where the offices of Safe Haven are located. We do have on the second sheet a landscape plan that basically details what we just spoke about. All the landscaping along Carpenter Avenue and that is on our property. If you remember it was originally planned for landscaping but that was originally shown on the County right of way. The County said we can't do any of that so we now have basically that area to work with along the property line in between the edge of the existing parking for landscaping for that privacy fence. Also, I believe you should have some photographs of essentially would be a similar looking facility if you don't have that, I believe I brought some extra copies tonight just so that you can look at those but it essentially shows what these specifically...

Gary Lake – I know we saw that time. Pretty neat actually.

David Higgins – Yes and the applicants intent is you know at some point to have solar panels installed on the roof of that but I know that's one of your comments Mike, is to provide the information on that. Basically, the applicant is here tonight, he has said that you know any of the companies that would be doing that really don't want to invest the time and effort into looking at until we have site plan approval. So I mean if we do have to come back to the Board with the information we'll do that but we don't have that equipment information what that's going to be on the roof at this point in time anyway.

Gary Lake – Ok. Mike's comments, are you going to have any problems with any of those between now and public hearing?

David Higgins – No I don't think so. I mean I had some ideas on the dumpster area, we might shift those but I'll review that with you Mike so you can see what I have in mind. The second one we talked about solar panels, again, we won't have that information until really site plan approval is obtained and then the applicant really has some discussions with the companies that do that. Evergreen trees, swapping out with some deciduous ones, we can do that. There will be some lighting proposed along the RV storage, we will provide that with our next submission. There was a question about the sidewalk along Carpenter Avenue basically what we had said before, is the County will not let us put anything along the right of way and that right of way is actually quite wide along Carpenter so we don't think we really can do anything there as far as the sidewalk is concerned. And then improving the existing (inaudible), I've spoken to the applicant about that and basically he can't do all of it all at once but he's been doing repairs to the (inaudible) as he goes along so. You'll look at that and you can see he has made a lot of progress over the years. It looks a hell of a lot better than it did maybe ten years ago.

Gary Lake – Ok, let me go through the Board before we do the public hearing, set the date. Doug?

Doug Dulgarian – I like the project, I don't have any real critiquing of it. The landscaping I agree with the combination of plantings. Let me get my table down here is there any outstanding things on this property? I know we have a kind of time table where this improvement had to be done as they moved along, moved along. Are we caught up with all that? I mean the front of it looks great, the 211 side.

Mike Weeks – So I had Dave Fritts from my office actually pull the previous resolution of approval go out to the site and kind of do a side by side of what was in that resolution against what's been done and any of the things I think maybe aren't done are incorporated here with really...

Doug Dulgarian - This is the area that really needs.

Mike Weeks – Things along Carpenter Ave that now are a part of this plan, so...

Doug Dulgarian – So once this project is done we're going to be pretty golden?

Mike Weeks – Yes.

Doug Dulgarian –Yes another reason to like the project. Alright, thank you.

Gary Lake – Jim?

Jim Keegan – I think it fits there, it cleans up an area that needed to be cleaned up so set public, and I'm good.

Gary Lake – Bill?

Bill Capozella – Yeah I like it, great. It's actually a good location for it low impact. Are boats considered part of RV's? Do we consider them? Because we're calling it RV storage so we get the terminology right to make sure we include the show boats in this picture. I'm assuming all the places, a lot of these, storage places have boats. I just don't see where we say Boats are part of RV's.

Gary Lake – Recreational vehicles.

Bill Capozella – It is a recreation boat. Nothing else.

Gary Lake – Andy?

Andy Guattery – It's a good project and it finishes up that last piece that was really bad in that corner, I have no problems with it.

Gary Lake – Tommy?

Tom Hamilton – No problems.

Gary Lake – Yeah I think this is going to be a really good thing, I know people have a lot of money invested in these vehicles and stuff and I think it's going to be a win win for the town and the landowner. So with that we need to schedule a public hearing. Can you be ready if you have all this tomorrow for the 2nd, if not the 16th. OK, November 16th. Motion to set a public hearing for November 16th:

Doug Dulgarian/2nd Andy Guattery 6 AYES 0 NAYS.

JJH Properties Dogwood - 39 Dogwood – SP/SUP (14-2-11.1) #2019-0122

Gary Lake – Ok, JJH Dogwood. Good evening, name for the record please.

Steven Green.

Gary Lake – Ok, go ahead.

Steven Green – It's been a while since we've been here, we've had the problem with the retaining wall the engineer didn't get back to us, so we eliminated the retaining wall in this project, this is up on Dogwood the garage it's going up on the back. So we've eliminated the retaining wall changed it around a bit and (inaudible).

Gary Lake – That's it?

Steven Green – Yes as far as the project yes. I did get comments back from Mike.

Gary Lake – Are you going to have any problem with them.

Steven Green – No. I actually I emailed the SWPPP last night but what I'm going to do is mail it out asked for a copy the paper so. I think the only thing that might be questionable is the width on the driveway.

Gary Lake – The width on what?

Steven Green – The width on the driveway. Because it's, you've been down in there where you see the banks are already steep on the sides and the code's requiring, is it 24 foot.

Gary Lake – What do you got there now?

Steven Green – It's probably 20, its close but it's not 24.

Gary Lake – How about number five? On Mike's comment about the 20 space to be paved. I know you had a work session, but I can't remember, it's been a while.

Steven Green – We're paving the parking spaces, as far as the entrance I believe the entrance should be paved because we're having trucks so.

Gary Lake – I think you'll have to pave it.

Steven Green – Yes that's going to be paved.

Gary Lake – Now, let me go through the Board and move on. But I truly believe that maybe you already plan on putting them someplace that no trucks can go down Dogwood Road onto yours.

Steven Green – It's already noted.

Gary Lake – Ok, but I mean I think there should be a sign right there to remind everybody. I mean you're in a semi-touchy area, there's a good solid neighborhood hopefully you don't go in there too much at night, I don't believe he's going to.

Steven Green – No, he says he doesn't...

Gary Lake – I know he takes his stuff home a lot of times and parks over there and then drops it at his shop, but it really needs to stay on Hotel Rd and I didn't look at the latest map, shame on me, but I'm hoping that it says here, it does right there. I'd like to see that note expanded where no right hand truck traffic coming out of your driveway.

Mike Weeks - You actually want a sign on the driveway no right hand turn.

Gary Lake – Yeah I want something, like I said, it's a good solid neighborhood it hasn't changed a bit in a long long time and I just think a little extra caution to keep everybody as happy as we can. Let me go through the Board. Doug?

Doug Dulgarian – So, what are we exactly trying to accomplish tonight?

Gary Lake – This is it. This is you know, we'll neg/dec him and

Doug Dulgarian – You want to approve tonight?

Gary Lake – Yes. He's had his public hearing and he's been back to a couple of workshops.

Doug Dulgarian – So what does this thing look like from route 17? I mean this is the route 17 corridor we make them jump through hoops.

Gary Lake – I don't think they're going to see it.

Doug Dulgarian – They're not?

Gary Lake – No, you know where that old hotel is?

Doug Dulgarian – Yes. That's the structure?

Gary Lake – This is up behind that. I know when I walked up in there couple of times I couldn't even see the highway.

Doug Dulgarian – Okay. So you don't think any kind of landscaping is required?

Gary Lake – I think it's pretty well wooded, but I mean you know. I mean if you want a few more pine trees.

Doug Dulgarian – No I'm asking because I've never saw a landscape plan or anything like that and I didn't have a chance to visit the site.

Gary Lake – I don't think you're going to see it. I've been there a couple of times.

Doug Dulgarian – Ok. Hours of operation?

Steven Green – Are on the map.

Mike Weeks – In response to your landscape comment Doug, there are some tree's proposed along the side property line, which was I think intended for buffering from lighting because we had some comments from the public about that, so that's actually one of my comments was whether or not maybe there should be some additional screening along the adjoining side property line just so that we make sure that if he is coming in or out of there at night there aren't headlights glaring on them the neighboring properties. He does have a small row of trees there, I guess the question was is that adequate.

Doug Dulgarian – Alright. It sounds like you guys are satisfied with it. I'm a little late to the party, I'm good then.

Gary Lake – Jim?

Jim Keegan – The only question I have is are they going to leave the gate at the front?

Steven Green – No, that right of way is for two properties. Jeremiah just happened to cut through so I could get to his. So the gate will inside at the entrance to his lot. Right now it's just temporary.

Jim Keegan – I like that better, this way they're not idling getting out trying to open the gate. I'm good Gary.

Gary Lake – Bill?

Bill Capozella – I have nothing additional.

Gary Lake – Andy?

Andy Guattery – I have nothing additional.

Gary Lake – Tommy?

Tom Hamilton – Nothing.

Gary Lake – Ok, so then with motion for neg/dec part 3 EAF taking into account all comments from the Town Engineer for the Board tonight:

Andy Guattery/2nd Jim Keegan 6 AYES 0 NAYS.

Gary Lake - Special Use Site Plan Approval subject to our comments in the neg/dec:

Tom Hamilton/2nd Bill Capozella 6 AYES 0 NAYS.

Gary Lake - Ok, thank you.

Lands of Madnick – 319-329 Bloomingburg Rd, SP/SUP (3-1-35.1) #2022-0067

Gary Lake – Ok, Lands of Madnick on 319-329 Bloomingburg Rd. This is a little discussion about the billboard and sketch only. Name for the record.

Keith Woodruff, from Engineering and Surveying Properties.

Gary Lake – Signed in?

Keith Woodruff – Yes. This is a brief overview of the project it's a, I apologize that I don't have a board to present to you, however the project is currently before you for a sketch plan review and approval. We are currently looking to develop the vacant 4 acre piece of property to create three 7,500 sq ft warehouse/storage buildings. Each individual 7,500 sq ft building will have a 2,500 sq ft leasable area for which 300 sq feet would be for office with remaining square footage for storage of materials. More of a contractors leased portion of the property for a office building plus warehouse. We've provided 24 or the required is for 24 parking spaces, we provide 45 parking spaces throughout. The rear portion of the property we have allocated five outdoor storage areas, each building approximately 900 sq feet for again, storage of contractor's materials or equipment or whatever they need to. The property itself will have its own stormwater management facilities with an onsite water and septic.

Gary Lake – So the idea between these three small independent warehouses is each one could have three different tenants in them.

Keith Woodruff – Correct.

Gary Lake – And then go from there. Or there could be one tenant.

Keith Woodruff – Correct.

Gary Lake – And how many total square feet?

Keith Woodruff – Between all three of the 7,500 sq feet?

Gary Lake – Yes.

Mike Weeks – Sorry for the typo, it's 35,000-37,500 sq feet.

Gary Lake – Ok, let me go through the Board. Let's talk about the billboard first, where's that?

Keith Woodruff – The billboard is on the eastern portion of the property, it's labeled on the plan as the billboard. It's currently owned and operated by the property owner so there is no easement for the billboard presently. If the developer decides to sell the property, he would obviously have to create an easement for this billboard, but at present we haven't even addressed that as of yet.

Gary Lake – And he wants to keep that.

Keith Woodruff – I believe so.

Gary Lake – I'm assuming.

Doug Dulgarian – This billboard has been a topic of conversation before, correct?

Gary Lake – I don't think this one but ones on property that has been

Doug Dulgarian – Right next door to them, I mean this, by the old diner...

Andy Guattery – Wasn't this part of the conversation when Gary Mann was building down there? This was part of that whole thing.

Gary Lake – Tad, this is non-conforming use obviously, I know the Town Board has passed that new billboard law of something like 2,500 feet apart or something. But since this is already there.

Gardner Barone – I'm going to review the new law to see if it has a grandfathering provisions that would allow this to survive or if the grandfathering is extinguished when the site is approved with some other use.

Gary Lake – Ok, then the applicant's option then would be he could go to the ZBA for relief.

Gardner Barone – Correct.

Doug Dulgarian – Was that provision about creating a separate use or different kind of income on the property as well?

Gardiner Barone – I don't recall off hand, I know there's a limitation in terms of distance from one billboard to the next. I'm assuming this is a static non-illuminated some garden variety billboard.

Gary Lake – I know the last one Doug that we did was down off of Cemetery Road on the bend. I'm just saying that one ended up going to ZBA. I remember we did that because the guy wanted to keep it obviously because of income reasons. So I guess that's where we're at with that right now, we'll get that out of the way. He's going to research it and you could end up with the ZBA with it. Ok, now we'll talk about sketch, Doug?

Doug Dulgarian – I think it's a good use of the property and I don't see any negative impacts out there. It's a pretty full footprint, he's going to have to do his self-storage homework and landscape homework that type of thing, but I mean the use part of it is good.

Gary Lake – Jim?

Jim Keegan – Commercial buildings and between commercial buildings is the only thing again is the stormwater pond is going to be right up front by the road, you're just going to want to make sure that's screened pretty well not like some of these that they talk about throughout the town. And same thing if you're going to have outdoor storage in the back towards 17 or 86 whatever the highway is just how it's going to be screened with trees and stuff. That's it Gary.

Gary Lake – Bill?

Bill Capozella – I guess it's just sketch but again we want to see what type of vehicles are going in there, they got room to turn around it looks like you're using all the space I don't know what the deal is that you're going to propose for them to get to the back of these buildings. I guess you got the space for whatever type vehicles are going to be in there to turn around. And as Jim said the outside storage concerns me a little bit we'd like to maybe get a little bit more detail on that but for sketch I'm ok.

Gary Lake – Andy?

Andy Guattery – Well, I'm kind of echoing everybody else, I mean, the sketch is a good use, there is a lot of trees on the property already, they are going all the way out towards 17, I really like that to be screened typically when we see these we see the driveways go around the building, you can go all the way around them. You know rather than having all the parking spaces and that makes it easier to do snow removal and all that so we'll be looking at that as well as we go but I don't have a problem with the idea of it up front. As Doug talked about the previous project it's on the 17 corridor now that one on Motel Road you're really not going to see it, it's tucked way in the trees you've got the ability to keep a lot of that natural landscaping right there now, and the vegetation and still get your project in. So I'd like to see that when we see the landscape plan or what you intend to do, what's it going to look like from 17. But for now I'm ok with the project.

Gary Lake – Tommy?

Tom Hamilton – Ok with the project, but I'd like to see landscaping and everything else that we normally do on any other project.

Gary Lake – So motion then to accept this as sketch.

Tom Hamilton – The outdoor storage, what kind of storage? What are you going to have in there?

Keith Woodruff – It would be to serve the tenants so it would be for materials or equipment anything that would basically be corresponding with business itself. It's hard to say without knowing who would lease out the facilities to what they would be storing within it, but we intend to fully enclose it with the tenants and obviously the landscaping would have to abide, screen it further from 17 and any adjoining properties.

Tom Hamilton – Ok, that's all.

Gary Lake – I think you got it hopefully, and maybe just talk to your client. Outside storage would not have been on the top of our list for a long time because what is said a lot of times and what happens you know is two different things. And just take that into consideration and see what if he real feels he needs it. Because I'm assuming it's going to be like a carpenter or plumbers or somebody that's selling knick knacks some place that's going to rent small units like this, right? It's not like it's going to be Pratt Whitney moving in there building jet engines, so just take that into consideration because like I said, outside storage has been on the top of our list for a long time. So motion for sketch plan approval:

AndyGuttery/2nd Jim Keegan 6 AYES 0 NAYS

Gary Lake - Mike are you going to need them back in a work session when he gets...

Mike Weeks – Yes.

Gary Lake – So when you're ready call back in and get on a work session and we'll get moving. Have a good evening.

World Buddhism Buddhist Temple – 480 Mt Hope Rd – SP/SUP (69-1-64.1) #2013-0087

Gary Lake – World Buddhism Temple on Mt. Hope Road, anybody here for that? State your name for the record.

Good evening, David Higgins from Lanc and Tully Engineering and Surveying. Ok, Should I get right into it?

Gary Lake – Yes get in to it.

David Higgins – This was presented to the Planning Board back in March of 2020. This is for the Chinese Buddhist Temple, it's located on Mt. Hope Rd, it's adjacent to the 12th Rock facility and in the Pocatello Fire District. There's a number of structures that are involved, they're listed on the plans and I can go through them if you'd like. Basically you have the Hall of Main gate, this is starting from a, b, c, d, e, f, g. A. The Hall of Main Gate, B & C is the Drum tower – Bell Tower, D is the Hall of Heavenly King, E is the right side pavilion, F is the left side pavilion, G is the Main Temple Hall the Main Mahavira hall, and the living quarters are H here. So the proposed driveway comes off of Mt. Hope Rd, comes up into site, we have a parking area here and then just basically some access trails to get to the buildings. The buildings will be constructed in accordance with traditional Buddhist Chinese Architecture. This is sort of a

schematic that was provided by the architect, so I don't know if you can see it from where you are, basically the builder's style structures for the Bell and Drum Towers and Main Mahavira Hall again traditional Buddhist architecture. At that time the Planning Board had granted sketch plan approval and referred us to the ZBA for variances that we needed. The building height, I remember I think it was 35 feet...

Gary Lake – Did you ever go to the ZBA?

David Higgins – We did yes, and hopefully you should see it in the letter that we have, it kind of summarized where we've been. We made applications to the ZBA in August of 2020 for the required height variances and as part of the review the ZBA had requested that we provide a visual impact evaluation with photographs of leaf off conditions. So that kind of delayed us a little bit, COVID was going on at the time and then Wellman Wu who was the main drive behind the applications, the property owner and unfortunately he became ill and passed away in that time period. So there was a bit of a delay in that time period because of that. The property is still owned by Lexington Avenue Realty, again it was Wellmans company and he basically left the property to his family. We have provided the ZBA with an updated application just to show that it's still the same applicant for this project.

Gary Lake – Did you get your ZBA variances?

David Higgins – No.

Gary Lake – So if you need, I'll send you back there.

David Higgins – So what happened was we did do the visual impact analysis. I did bring copies of that tonight if you wanted to see them, but basically what they were showing was the visibility of the buildings was very very limited for the areas they asked us to look at. We went back to the ZBA and they said because of the time frame that had lapsed they wanted us to come back to the Board to refer us once again back to the ZBA.

Gary Lake – Mike's comments they are all something that we can work on during the process. Do you see anything that jumps out at you on those?

David Higgins – I'm not sure I actually received the comments.

Mike Weeks – Where are we exactly with the SEQR?

David Higgins – So, yes we had provided the EAF form, we also provided that to the ZBA as well and we had estimated the total, I think was 12.3 acres. The ZBA attorney had advised that because of that basically it's considered a Type 1 action and that they can't review and approve that until this Board concludes SEQR as I understand it. Either that or it would have to be a coordinated with you.

Mike Weeks – I didn't know if it had circulated and if there had been any action.

David Higgins – No, nothing yet. We wanted to go back to the ZBA but they had asked that this Board refer us again because of the time period that had lapsed. With regards to SEQR I think we have to ultimately come to some, what impacts do we evaluate which ones, again I think it's somewhere between having to finalize a plan and having enough to show what the impacts will be for the project, that's what we're all going to have to get to.

Mike Weeks – This is tough because obviously you don't want to invest too much effort into a plan that maybe doesn't meet the variance. You can't find out if you're going to get the variance until you actually have a neg/dec.

David Higgins – That's the dilemma yes. And really the variance, the height of this structure here is 109' 8" and I took that as my interpretation and your definition which calls the elevation from the floor outside the building to the highest point of the structure. Now some of this is steps and patio and it's not exactly your typical structure. I took worst case scenario from this elevation here to the roof, 109 ft 8 inches. But clearly if we can't get a variance for the height we can't build the temple in accordance with traditional Chinese architecture so that's kind of where we're at and we'd love if we could a decision on the variance maybe they'll...

Gary Lake – They won't entertain you until we do SEQR.

Mike Weeks – Until you have neg/dec, yes, because it's a Type 1 action. You have to do a coordinated review meeting, so the zoning board can't take an action until there's a neg/dec. And also I believe the Planning Board would be the lead agency.

David Higgins – I mean they didn't say they wouldn't review it, they said that we had to come back here to get referred back to them. But they didn't say that we had to conclude SEQR before we returned to the ZBA.

Gary Lake – Ok, so we'll sending you back to the ZBA and at the same time we'll start our end of it.

Gardiner Barone – In a minimum the applicants going to want us to allow them to circulate a notice of intent to become lead agency to get that time clock running and then they can decide based on their agenda and their economic considerations on how they want to pursue their approvals.

David Higgins – I was thinking the Board would reaffirm the sketch plan approval that was originally granted because of the time frame. It seemed that the ZBA was hung up on that gap in time and refer us to the ZBA and like Tad just indicated, circulate the notice of intent. So those were, I thought the steps the Board would take.

Gary Lake – Let me go through the Board and the only other thing I'm going to talk about real quick before I go through the Board I understand and I talk to a commissioner out of the Pocatello Fire District, and I understand that there was an agreement at one time or is in effect I really don't know the legal end of it but that, they were not going to opt out since this is a religious institution they're probably going to want to file those papers eventually, but they feel they were told they would do the district tax. So I would say maybe you should contact Pocatello Fire District and see what they have on their files and since the gentleman that was in charge of this has passed away I don't know what they would have on where it could be in their files that they are willing to be involved in the Pocatello Fire District assessment against the property. Let's go through the Board. Doug?

Doug Dulgarian – Well if he wants to go to ZBA and our Counsel says it's ok I guess that's where we started right unless we get two more (inaudible).

Gary Lake – Ok, Jim?

Jim Keegan – Yeah ZBA, I got nothing else.

Gary Lake – Bill?

Bill Capozella – I'd let them go to ZBA right now.

Gary Lake – Andy?

Andy Guattery – Yes, let them go to ZBA and we'll do a circulation for lead agency.

Gary Lake – Tommy?

Tom Hamilton – ZBA, but I have a question. You said Drum and Bell Tower? When do they use that Bell and that Drum?

Dave Higgins – I don't know that answer.

Tom Hamilton – How often?

Dave Higgins – I'll ask that question and find out. I know they are ceremonial towers and I don't know specifically what the drum is or the bell.

Tom Hamilton – It's not too far away from nearby houses.

Dave Higgins – I'll ask that question.

Tom Hamilton – That's all.

Gary Lake – So we're taking care of sending them to ZBA first, motion to send them back to the ZBA:

Andy Guattery/2nd Tom Hamilton 6 AYES 0 NAYS.

Gary Lake - Now Tad, we can accept the sketch and we can send out intent to become lead agency?

Gardner Barone – Correct.

Gary Lake – Ok, motion to accept sketch and send out to become lead agency:

Bill Capozella/2nd Jim Keegan 6 AYES 0 NAYS.

Gary Lake - OK, thank you have a good evening.