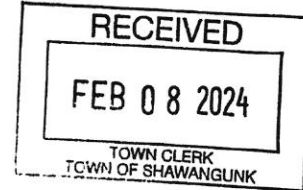


APPROVED

Minutes of a Regular Meeting held by the Planning Board of the Town of Shawangunk, County of Ulster, State of New York, at the Town Office Building, 14 Central Avenue, Wallkill, New York, on Tuesday, 2nd day of January 2024.

Those present were: Sal Patella
Todd Widmark
Rich Barnhart
John Szarowski
Patricia Turner
Mark Watkins, Chair
Vacancy



Also present: Richard Hoyt, Esq.; Bonnie Franson, AICP CEP, PP of Nelson, Pope Voorhis; Steven J. Green, Professional Land Surveyor (PLS); Alex Danon, Town Councilman; Ryan Reid, ZBA Board Member; Kathy Ebbrell, Court Clerk. Please see sign-in sheet for rest of attendees.

Meeting location: Town Hall, 14 Central Avenue, Wallkill, NY 12589

Open Regular Meeting: 7:00 pm

Emergency Exits Announcement

Pledge of Allegiance

Approval of Minutes of December 5, 2023

A first motion was made by Todd Widmark and seconded by John Szarowski to approve the Meeting Minutes of December 5, 2023. Vote: All Ayes: 6, Vacancy: 1, Abstain: 0.

PUBLIC HEARING:

CONTINUATION OF PUBLIC HEARING:

APPEARANCES:

Mr. Joseph Russek - Third Generation Homes (Applicant No. 2023-14):

SBL: 104.1-3-27, 2.3 acres, Address: Corner of Weed Road and NYS Route 52 in Walker Valley, Commercial Site Plan 4,800 sq. ft. with three businesses and two residential bungalows. Property Class: Vacant, SB (Small Business), Pine Bush School District, Walker Valley Fire Company

Entered into record: Special Use Permit and Site Plan Application dated November 15, 2023. Proposed project drawing/sketch of buildings and materials, and 8 x 11 map. Memorandum dated December 1, 2023 by Ms. Bonnie Franson, AICP CEP, PP of Nelson Pope & Voorhis with comments dated January 2, 2024.

Project Description:

Mr. Steven J. Green, PLS stated the following: The project is on the corner of Weed Road and Route 52 on 2.4 acres and we are proposing to put in roughly 5,000 sq. ft. of buildings. We are showing a main structure with two out buildings. This will be apartments that might have discussed previously. The building will be for three commercial spaces, two restaurants and a brewery, and apartments across the parking lot. There is a venue that is part of it. The parking

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will be along Route 52 with roughly 60 parking spaces, which is more than we need. With a venue hall, we need this space.

Restaurants and Apartments – Building Structures:

Mr. Watkins questioned there are three commercial businesses? Mr. Green stated with the two apartments. Mr. Barnhart questioned two restaurants and a brewery? Mr. Green stated correct.

Mrs. Turner questioned the size of the venue and is it comparable to a catering hall? Mr. Russek stated yes. It will be a restaurant and catering. One restaurant will be with catering abilities, and a separate restaurant pizza shop. Mrs. Turner questioned the seating capacity of the catering facility? Mr. Russek stated he will provide and believes it was noted. Mr. Green stated it would be on the floor plan and it is still preliminary. We are basing it on 200 sq. ft. per space, 200 divided by 22 sq. ft. per person for the floor space. Mr. Russek stated the maximum will be 100 in catering or less. Mr. Watkins questioned both restaurant and catering is going to be maximum of 100 and if there were any floor plans to look at now? Mr. Russek stated he will have a floor plan for the next Planning Board meeting.

Mr. Watkins questioned the way the plan shows, the bungalows are separate buildings/outlets? Mr. Russek stated correct. Mrs. Turner questioned if the bungalows/apartments are for single-family? Mr. Russek stated yes like an A&B tenant with two apartments. Mr. Green stated one apartment per unit. Mr. Watkins questioned roughly how big will the bungalows be? Mr. Russek and Mr. Green stated they will be 600 sq. ft., (20' x 30') and two stories. Ms. Franson questioned the size and stated that would be 1,200 sq. ft. per unit for a two story? Mr. Russek stated it would be less than that and total is going to be 600 sq. ft. and will provide the exact dimensions. Ms. Franson stated we are trying to establish usage and see how it fits into the zoning and go from there. Mr. Watkins stated you are still looking for two apartments that are 600 sq. ft. each? Mr. Russek stated yes.

Mr. Barnhart questioned the modern cottage, if that was the concept shown on the hand-out? Mr. Russek stated yes, that is the concept. I am using the term bungalow but the drawing is a version of what it might look like or similar. Mr. Watkins questioned the diagram having a garage? Mr. Russek stated it could have a garage for the first floor but without knowing what can and cannot be done was not worth overly developing the plan, but to at least start the conversation. Mr. Barnhart questioned if he is looking at shed roofs or something else? Mr. Russek stated more like a shed roof and a buffer between residential property. Traveling from Route 52, there is 10 ft. driveway right of way that goes up to the property behind us on Weed Road. Another residential property behind that. This is also to be another buffer between the commercial property and the next residence. There is a tree line and for development, there is zero tree removal because the lot has been 100% cleared to do anything. Trees may be added. Mr. Watkins questioned if that buffer is going to stay? Mr. Russek stated yes, on both sides. Mr. Green stated there will be asphalt recycled parking lot. Mr. Watkins stated we are still looking at 1,200 sq. ft. of bungalows and 4,800 sq. ft. of commercial building? Mr. Green stated the total will be 5,000 sq. ft. or less.

Outside Smoker – Hood System:

Mr. Green stated there is one section with the smoker we went over with the Health Department regarding the size we are installing outside of the building on a concrete slab. This is not part of the actual building. Mrs. Turner questioned the foot print of the smoker and the impact on the site? Will it be covered with a roof? Will it be on the concrete pad? Mr. Green stated certainly on a concrete pad. The roof is still being determined as sometimes the roofs are built onto the smoker. The smoker size is 3' x 11'. Mrs. Turner questioned the hours of operations due to the cooking odor early in the morning? Mr. Russek stated this all depends on the hours of operation. What they are cooking and how people are being served in order to know exactly

what time the smoker would start. Mrs. Turner stated if there is a residential component around this, it might be a nuisance to the neighbors or at least we should know when the smoker is going to be operating. Is there anything to mitigate the odor? Mr. Russek stated this is why we moved the location to the outside so we can install a hood system above it and send the odor upwards high into the air. Mr. Green stated it will be filtered and will install a hood system off the top of the cooker. Similar to cooking inside with a hood. Mrs. Turner questioned where is it going to be located on the site? How far from the property line? When are you going to operate it? Will you be operating at 7:30 AM in the morning like Billy Joe's does? Mr. Russek stated there is only so much we can mitigate at this point and will address those questions.

Parking Lot:

Mr. Sal Patella questioned will paving with recycled asphalt be for the entire parking lot? Mr. Russek stated that is the intention and the sections for handicap you need solid surfaces for those spots such as asphalt or concrete. Mr. Green stated or pavers just in the areas of handicap and access into the building. Mr. Patella stated to be clear, the rest of the parking lot in the initial plan is gravel. Mr. Russek and Mr. Green both stated correct.

Septic System:

Mr. Patella questioned if there was any indication of where the septic will be for the residence? Mr. Green stated it can use the same septic as the main building and should not be a problem. Mr. Patella questioned they are entitled to this proposed septic? Mr. Green stated that is correct as he pointed on the map. Mr. Russek stated it is 200 ft. away. Mrs. Turner questioned the location of the garden waterfall? Mr. Russek stated behind the back of the building on the property. Mrs. Turner stated it would be helpful if it was on the site plan. Mr. Green stated it will show-up on the landscape plan.

Sprinkler System:

Mrs. Turner stated since it is an assembly building with a catering hall, she questioned the sprinkler system. Mr. Russek stated less than 100, there is no sprinkler system. Mrs. Turner questioned if this was checked with the Building Codes? Mr. Green stated yes. Mr. Russek stated Third and Company has 99 seating. Over 100, there is a sprinkler per room.

Mr. Szarowski stated the foot print of the building does not scale 4,800 sq. ft. and is more like 6,000 or 7,200 sq. ft. Mr. Green stated it is going to be 4,800 and Mr. Szarowski requested that be adjusted.

Driveway Access:

Mr. Watkins questioned access will be off of Weed Road and not Route 52? Mr. Green stated off of Weed Road. That is already a really tough area coming off of Oregon Trail more than it is off of Weed Road and Route 52 side. That is a tough corner from the other side that has had enough accidents on it so we are proposing about 100 ft. back from the stop sign so you have more than enough to have some cars existing and more than enough sight distance. Mr. Szarowski stated you might want to fix the driveway because it looks like you are trying to go through the road.

Review of Ms. Franson's Memo – Preliminary Comments:

Ms. Franson stated, you refer to the two as bungalows/apartments and these are not terms we use in our zoning and would be classified as single-family dwellings which may not be allowed there. Mr. Watkins stated they are here tonight to ask us what they can do; this is just an idea. We are trying to straighten out what they can do and take it back to the drawing board. We are trying to tell them how it fits into zoning and how we can get their project approved and steer them in the right direction. They need to go back to the drawing board and present us with a real plan.

Ms. Franson stated if this is something you wanted to pursue it may need to go to different Boards. Mr. Green stated this is a how to do something and if we need to go to Zoning Board for a variance, we will. Ms. Franson stated when you submitted the application for a special use permit and a site plan application, the site plan application had not been signed but the special use was filled out and I do not know what the special use is that you are applying for. Mr. Russek stated that he did not know what determined it as a special use permit and may have been incorrect. Mr. Watkins stated the special use is for single-family in the SB zone and you are not allowed to have a single-family in an SB zone. Ms. Franson stated your application actually has to say what the special use is that we are reviewing. Mr. Watkins stated that it is not pre-existing as there is nothing on the lot. If someone has a single-family home in an SB zone, it is pre-existing, but building new you are not allowed to build a single-family home in a SB zone. Ms. Franson stated multi-family dwellings are allowed and I do not know what the standards are in terms of density or minimum of lot area. Mr. Russek stated when he proposed something a couple of years ago, you are only allowed one apartment per acre of zoning in the SB and it took a while to get there and we were at 2.48 acres but we got to round down to 2 acres. Ms. Franson stated the applicant should review the zoning regulations because there were various overhauls done to it the last couple of years. The way the Zoning Law was at that time, you were only allowed one unit per minimum lot area and that standard has changed. If you have three seasonal dwellings that you attach together and it falls under multi-family, that may actually work for you. We can discuss this in more detail but you need to look at what the Zoning is now because it may have possibly benefited you, but it depends on the minimum lot area among other things. It still may require variances, but right now the hurdle may be that you may require a use variance in the SB zone, and I defer to the Planning Board Attorney, which is a higher hurdle than an area variance. This is related to what is the special use you are requesting that is still in question. Mr. Hoyt noted that a single-family home is allowed by special use in the SB zone provided certain conditions are met.

Bulk requirements - some of those requirements still apply with the one per lot area and we will have to take a look at that because right now you are not needing it. Again, a variance situation possibly. When you do dwellings on a lot, the way they appear now, it might be interpreted as a detached single-family dwelling. Then you also have to show that you can subdivide in the future. There are a lot of complications to having those individual units there. You may want to consider if there is an alternative orientation that would be easier for you and we would be happy to help you out.

Mr. Russek stated the idea of it being multi-family, there were two units that were attached. Ms. Franson stated you have to have three. We need to look at it more detailed; that is not what you proposed. It may still require a special permit and you have to meet certain standards. Take a look at it because some of that was updated. One of the bulk requirements is 30 ft., you have 29 ft. on the site plan and I do not know if you are not meeting the 30 ft. You should take a look at the bulk requirements because the plan is suggesting a variance that may not be required.

Ms. Franson questioned whether there is a stream that goes along the edge of the property because of the dot-dash line? Mr. Russek stated it is in the rear in the wooded section as a buffer between the neighbor and is a 1.5 ft. wide. Ms. Franson stated if you look at the aerials and the information, there is a stream on the other side of Route 52 and there may be some kind of culvert drainage ditch that is bringing that around the edge of your property and back out to Weed Road. It is a big loop that shows up on the map. Take a look at the net lot area requirement in the law; you may have to subtract that out when you determine your density. Mr. Russek stated it runs down the 10 ft. buffer of the neighbor's property. Ms. Franson stated it is showing on the map on your property. Mr. Russek stated he would take a look at it.

Ms. Franson stated you have to go through a general SEQR process and at some point, the Planning Board will decide if the Environmental Assessment Form should be circulated. A site plan will be required and still the question of a special use. The Planning Board needs to review any plans to outside agencies. One review that has to happen is the New York State Department of Transportation (DOT). If you are within 500 ft. of the road, DOT will weigh-in on where the access point should go. If there is a special use permit, it will be required to go to the county for review as well as the site plan. Public Hearings are required for a Special Use Permit. At some point, this may go to the Engineer for review, once it is more detailed, as it is very preliminary. It would be useful if you have digital copies to send in as a PDF file. As mentioned by the Planning Board, in scaling off the building foot print, it makes it look bigger than the actual size and needs to be checked. Another point is to have the local Fire District to take a look at the plan and make sure all your egresses around the buildings are okay. Town highway will also get involved because of curb cut on Weed Road. This is very preliminary and you know that you will need more details if you progress.

Ms. Franson stated the way the parking is drawn, one of the things that we will take a look at, if you are doing gravel, making sure that there is something visual so people know where they can park and it is not a free for all. The way the lines in the parking are drawn, then it goes to just space. This is unclear as to why it is like this and to provide more details.

Ms. Franson stated on the building there is small boxes coming off the building as outlined and questioned if they are lights? Mr. Green stated they are going to be lights. Ms. Franson stated at some point, we will need a lighting plan, etc. Ms. Franson stated she looked at the SEQR forms and a lot of the pieces were not filled out but as you go through this, you will be able to answer the questions more clearly. You will need to update it since some of the items were not filled out. You stated most of the trees are removed but there is still a tree line on the map. Mr. Russek stated for the development, there are no trees being removed. Some trees on the property that might be existing are not where the development will be and no trees are being removed. Ms. Franson stated for the pavement, you talked about gravel. We need to make sure that it is a useable parking lot.

Ms. Franson stated in-terms of sprinklers, whether you need them or not, based on discussions, Engineering will need to determine. Unsure if that means you need more water supply and a tank. Depending what you want to do, you do not want to limit yourself but design to have more people. You are referring to an event venue and we do not have anything in our code yet for event venues. Mr. Russek stated it is a restaurant with a room that you would have dinner and is the same setup as Third and Company; a restaurant with space and additional space for gatherings. Ms. Franson stated an event venue is suggesting more and a question is whether the residences are for guests of the event venue or residents. Mr. Russek stated they would be for long-term rentals. This is all based on what we can do and very preliminary to see what we can do and get some good ideas. Ms. Franson stated in-terms of the imagery you provided, that is fairly consistent with what the comp plan anticipates for the Walker Valley area and has a rustic look. Mr. Russek stated that is why we wanted to at least provide you with something because it is hard to visualize what we are talking about. Ms. Franson stated it is very helpful.

Mr. Hoyt questioned location of the 29 ft. set back? Ms. Franson stated on the maps she received, and on the bulk requirements, it stated 29 ft. Mr. Hoyt questioned the legend across the top and lot depths provided by Mr. Green? Mr. Green stated some of those have to be corrected. Mr. Szarowski stated the dimensions on the plan has a set back of the building of 137.8 ft. not 30 ft. and is greater than 29 ft. Mr. Watkins stated this is a sketch and none of the information is accurate. This was brought in for us to look at and now they have to go back and refine the plans.

Mr. Szarowski questioned location of the stream? There is a setback that you need if the stream is included and the DEC regulates it for a septic system. It does not matter if it is seasonal; it is a ditch. Ms. Franson stated it looks like the stream may have come through the property, and ended up being diverted around a long time ago. Unsure if it is seasonal, but you can tell the way things are out there. Mr. Green stated they will get that all verified and perc tests were done and are very good.

Mrs. Turner questioned if the building is a one store or a two story? Mr. Green stated it is a two story. Mrs. Turner stated a two story you do need a sprinkler. Mr. Watkins stated it cannot be two story because it is only 4,800 sq. ft. Mr. Russek stated we are trying to put ideas out there to find out what can and cannot do in order for us to finish. Mr. Watkins stated we have given you a lot of ideas and the ability to take it back to the drawing board and bring it back to us, and then we can do something possibly with a real project. Mr. Russek questioned is the 5,000 sq. ft. the total of the project or is the 5,000 the foot print? Ms. Franson stated it is a foot print and you can go up. Mr. Russek stated that might trigger other things like a sprinkler system. Ms. Franson stated yes. Mrs. Turner stated over 5,000 sq. ft., you require a sprinkler. If you have a second story and it is assembly based, you require a sprinkler. If your occupant load is over 100, you require a sprinkler. Mrs. Turner stated the per room does not really make sense. The other caution is if you build a multi-family, you require a sprinkler. Mr. Hoyt questioned Mrs. Turner, multi meaning three or more? Mrs. Turner stated yes. Mr. Hoyt stated two or one family is not, but three you do. Mr. Green questioned if it is required with a fire wall as well? Mrs. Turner stated yes. Ms. Franson stated the fire wall is not relevant from a planning review perspective. Mr. Watkins stated we had another project in Town where they had a fire wall in the center and it eliminated the sprinklers. The sprinkler system has to do with the Building Department and not the Planning Board.

Harrier Ridge Estates – Mako Homes 10 Lot Subdivision (Applicant No. 2023-09)
SBL: 106.1-3-29.421, Address: Dubois & Malloy Road, 26.5 Acres, Property Class: Abandoned Ag-2, Wallkill Central School District, Wallkill Fire District. Ten lot subdivision application.

Entered into record: MNTM map dated December 15, 2023 of revised conventional subdivision sketch plan and cover letter. Memorandum dated January 1, 2024 by Ms. Bonnie Franson, AICP CEP, PP of Nelson Pope & Voorhis with comments addressing Harrier Ridge Estates revision of conventional subdivision sketch plan.

Mr. Larry Marshall stated the following: As discussed at the last meeting, the previous conventional plan that we presented for the subdivision was not financially feasible because of the cost of the road. We went back and looked at the layout to see what we can do with a shorter road and reducing the overall road length to lot ratio. What we are presenting this evening is a 7-lot subdivision conventional plan with a 775 ft. cul-de-sac off of Malloy Road with a very minor turn. Six of the lots have access to the cul-de-sac with the 7th lot accessing DuBois Road from the existing opening on that side. There are two proposed flag lots, lots 5 and 7. They are both doubled the acreage at 4 acres each with twice the front yard setback at a 150 ft. as opposed to 75 ft. Additionally, we have provided a 7-acre lot for Lot 3, which includes the entire conservation easement area that was conserved by the adjoining Mako Homes subdivision and roughly just under 5 acres. Over two acres of Lot 3 remaining for development. That is the 30-year conservation easement. After 30-years, that would be up for development of some sort. This is very preliminary in nature. We have to complete all the soil testing, design, grading, drainage, etc., and demonstrate what it would ultimately look like when it is built out. We will also have to demonstrate to the Board, how much land we are going to have to disturb as part of this subdivision. We are not sure whether or not we will be under the 5 acres of total disturbance. If we are not, we will provide storm water treatment and detention facilities as required. The soils on the site are extremely good and it is all sand and gravel. We will be able

to use infiltration facilities to get that water back into the ground. We wanted to present an updated plan to the Board for your feedback so we can hopefully progress to an agreement.

Mr. Watkins asked each Board Member to address their concerns. Mr. Patella had no questions at the time. Mr. Barnhart questioned if the road is not economically feasible for the developer to do, are there other avenues that might be pursued? Would an HOA cover the bulk of the road surface in providing a road? Would the Town buy into funding the road? Are there other avenues that would complete the road? Mr. Marshall stated no, not that he is aware. An HOA is just a Home Owner Association that is a governing body. It ultimately oversees a built-out development. The developer still bears the cost of providing the road. The previous subdivision conventional plan had ten lots on a 1,900 ft. road; 190 linear feet of road per lot. For 775, that brings it down to 110 linear ft. per lot. It is still an expensive development but much more economically feasible.

Mr. Widmark stated he is not big in cul-de-sacs but this way is much better than last months without a doubt. Mr. Szarowski stated it is fine the way it is. Mrs. Turner stated she has no comment and it was fine.

Mr. Watkins stated this is a pretty good alternative from everything else that had been presented. You have doubled the acreage to 4 acre lots behind houses that are only 2-acre lots. You have 4-acre lots cornering basically all the other properties except for MAKO homes. There is one lot that is 2.34 acres, Lot 6, that is still bigger than the lot that is in front of it. All the lots are within zoning of the area that we are trying to look at. This is a pretty good alternative submitted compared to everything else. I do not think there is anything Larry can do about the road being in a close proximity to Gonzalez's house. All the other layouts were for subdivision around this except for the last one we created because of the farm lot we wanted, but everything else in the area is 2-acre zoning and I think this answers it. You have the three 2+ acre lots, and three 4-acre lots, and one 7-acre lot. They are good sized lots for the homes and I think this is something if the Board decides, we can move forward.

Mr. Sal Patella questioned Lot 5, the way it is, cuts down as it approaches the cul-de-sac, is there a reason for that? I am curious why the flag on Lot 5, as it approaches the cul-de-sac, would not go straight over? It goes straight down to Lot 6 but it would appear it would still be over 2 acres. Mr. Marshall stated that would violate your code. Your code specifically states that property lines "should"; I guess it does not violate it because it is a "should". This was something Ms. Franson brought up in an earlier version of our plan, "should" hit roads at right angles. That is a radial line. Every line that comes off of the cul-de-sac is a radial line that comes off at the right angle so you have that pie shape created for that lot.

Mr. Marshall stated with a round cul-de-sac, it is hard to make the lots look right. When you go out in the field, when construction actually goes through, generally they work fine. T-type turnarounds are much easier and look better on paper because you do not have the radial lines. We would put a driveway for Lot 5 down the center of that flag to give them a buffer on both sides of the driveway and to answer your question regarding Lot 6, we did not lay the driveway in there. Mark is right, it would likely be where that 775 is on the map.

Mr. Watkins questioned the board how they felt and if this was something they could move forward with or it needs to be thought about more? Ms. Franson stated there is not much to address in terms of planning comments. If the Planning Board pursues or wants applicant submitting a conventional, does this have go to the Town Board? Mr. Watkins stated we would send it to the Town Board anyway. Mr. Hoyt stated the Town Board reserves the right to reject a cluster, but if the conventional plan meets zoning, it would only need the road acceptance. Rich Blazeski, Highway Superintendent, would weigh-in on this. I do not see this going to the Town

Board, but what I do see is; does the Board have to find a reason why you are not clustering? Is there a matrix in the code? Ms. Franson stated I know we have to find why we would pursue cluster. In my prior memos, I have an outline of all the things that have to be preserved as part of a cluster. In fact, I think we were finding, other than agriculture and ecological use, there were not many other reasons to cluster. Mr. Hoyt questioned if we can come back to that? I do not see the Town Board involved on a conventional plan.

Mr. Barnhart stated Law 177.36, Number 4. "Town wishes to discourage this type of subdivision where it will have a negative impact on the Town's rural landscape and natural resources". To me a cluster does have a negative impact and a conventional is more keeping with everything up in that entire area of Malloy and DuBois Road. The conventional to me is more keeping with what is there; a cluster is not. Mr. Hoyt stated he is not disputing that and under Subsection 6, the Town Board determines not to pursue or approve a cluster and as to why a cluster to be rejected. Mr. Watkins stated he will go with what Mr. Hoyt has, as to why, and keeping of the Town layout with these other lots here and staying in conformance with that, so this is the reason we are rejecting the cluster and accepting the conventional plan. Mr. Hoyt stated under 177.36, A6, A through K, we need to make findings and this does not involve the Town Board. Mr. Watkins questioned if everyone on the Planning Board is okay with us, as a Board, going through A through K at the next meeting? The Planning Board Members stated yes. Ms. Franson stated as a procedure we will need the updated EAF. Mr. Marshall agreed with Ms. Franson. Mr. Marshall stated he would like to provide the Board with a preliminary plan showing the grading and provide an updated EAF at that point. It will then be much more consistent with the actual plan. The desire is to have this by next month. Ms. Franson stated at that point, we need to decide if this will be a coordinated or uncoordinated review.

Ms. Franson stated as far as the SWPPP for the yield is to ensure that if you are within 5 acres, it does not require a basin. Mr. Marshall stated they will not have a basin on the site. The topography does not allow to have water underground unless it is infiltrated. We do not have the elevation to put in the significant amount of basin and piping to bring it to stormwater basin and then to convey it out. It is simply not there. It is a slightly rolling site and we have to work with that.

Mrs. Turner questioned on Lot 1, could the house be turned to face Malloy Road and consistent with the other houses? The driveways can come off the cul-de-sac. Mr. Szarowski stated it cannot be done due to the septic systems. Mr. Marshall stated the wells that are on the adjoining lots limit the location of the septic system for Lot 1. With the requirements from Ulster County Department of Health for a realty subdivision to have 12,500 sq. ft. of reserved area for a septic area, it limits the space we need to have. Mrs. Turner questioned if you could move it further down Malloy Road? Ms. Franson questioned if you could move it closer into the cul-de-sac so it is not seen from Malloy? Mr. Marshall stated it is going to be visible either way. You are going to see the house from Malloy but you are going to access it from this new cul-de-sac and it would feel odd as you drive down the cul-de-sac and pull in to the side of the house as opposed to when you pull-in to face the front of the house. I understand what you are saying for people who are driving along Malloy Road, but I always found it odd to drive into the side of a house as you are approaching, as opposed to seeing the front of the house. Ms. Franson stated at building permit time, they will decide which way the house will face. Mr. Marshall stated the orientation is going to be decided by the Building Department. Unless you specifically put a restriction on it. Mr. Patella stated you can shield Malloy with planting as that would help as well if you are concerned what it looks like from Malloy. Mr. Marshall stated that will be part of this development as we do have a street tree requirement. Mr. Watkins stated the past Building Inspector has given us the leeway to do as the Board wishes with the location of the trees as long as they meet the tree count. In the past, we have bundled trees in certain areas to stop the light from going in homes and we could possibly do this for the screening for that house.