

7/11/18  
PB MINUTES

Town of Wallkill

PLANNING BOARD MINUTES

July 11 , 2018

Members in Attendance: Gary Lake

Tom Hamilton, Clark Najac, Bill Capozella

J. Keegan, & A. Guattery, Doug Dulgarian

No T. Hamilton

Also in Attendance: Dick McGoey, MH&E PC, Consulting Engineer

Tad Barone, PB Attorney

PLEDGE OF ALLEGIANCE

7:30 PM – MEETING OPENED

**Devitt 3 Lot SD – East Main St. (78-1-94.1) #17-15**

M. Hunt TOWN OF WALLKILL PLANNING BOARD NOTICE OF PUBLIC HEARING 0- NOTICE IS HEREBY GIVEN that PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York will be held at the Town Hall at 99 Tower Drive - Building A, Middletown, NY in said town on the 11th day of July 2018 at 7:30 or as soon thereafter as the matter can be heard that day on the application of Med Park LLC 100 Ward St. Montgomery NY 12549 for SD approval of 599 East Main St. 78-1-94.1 under Section 249-26 of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. I have rec'd the mailings.

R. Winglowitz Ross Winglowitz with Engineering Surveying Properties. We have proposed a 3 lot SD with one lot which contains the approved Holiday Inn Express Hotel. It is on East Main St directly behind the Quick Chek. Lot 2 is the remaining lands – 37 acres and lot 3 is the proposed roadway (4 acres) . The hotel was subject to a SEQRA review for site plan approval by this board last fall. We are here currently to SD out that parcel for financing purposes and insurance reasons.

G. Lake Thank you. Motion to open this PH at 7:34 pm. Motion to close this PH at 7:35 pm. Bill/Jim 6 ayes. What we will have to do tonight is close the PH and ask you to waive your 62 day time frame because you still are in the process of the Town Board approval for the cluster authorization. Once you get that approval you won't have to come back the maps can be signed. We are going to give you conditional approval tonight.

G. Barone You will have to neg dec this again, it's a new application. There is no material, environmental change or impact – this is a legal application. Then you can give them conditional approval subject to all the conditions, and securing the TB action for the zero lot line SD. When he comes in with the TB approval we don't have to bring him back to final, he is just satisfying that condition. Technically you should give him preliminary and conditional final approval tonight. U9

G. Lake Ok – any problem with Dick's comments? (no)

D. Dulgarian No issues.

J. Keegan No issues.

B. Capozella I'm ok with subject to.

C. Najac Nothing further

A. Guattery Nothing.

G. Lake Motion for a neg dec/part 3 EAF subject to all comments. Andy/Clark

D. DULGARIAN AYE

J KEEGAN AYE

B CAPOZELLA AYE

C NAJAC AYE

A GUATTERY AYE

G. LAKE AYE

Motion for preliminary approval subject to same including cluster approval and motion for conditional final. Andy/Clark

D. DULGARIAN AYE

J KEEGAN AYE

B CAPOZELLA AYE

C NAJAC AYE

A GUATTERY AYE

G. LAKE AYE

**LAC PLAZA SP/SUP- Bert Crawford Rd. (53-2-7) #90-17**

M. Hunt TOWN OF WALLKILL PLANNING BOARD NOTICE OF PUBLIC HEARING 0- NOTICE IS HEREBY GIVEN that PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York will be held at the Town Hall at 99 Tower Drive - Building A, Middletown, NY in said town on the 11th day of July 2018 at 7:30 or as soon thereafter as the matter can be heard that day on the application of Gina Realty Inc. with offices at 7 Renaissance Square, 4<sup>th</sup> Fl. White Plains NY for approval of an expansion parking lot serving an existing office bldg. conversion to medical office space at 2 Bert Crawford Rd. and 453 Rt. 211e aka 53-2-7 & 28 under Section 249-26 of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. I have rec'd the mailings.

K. McManus Kevin McManus on behalf of the owner. As presented in the notice our purpose is to expand an existing parking lot on a lot that is known as 2 Bert Crawford Rd. there are currently a few dozen spaces on that property and we would like to expand that to 114. As you know we went to the ZBA to seek relief on some side yard setbacks and rec'd the approval. We have made revisions to the plan and the purpose of the expansion of parking is to try and repurpose for current needs for medical office space. I have an existing 30,000 s.f. bldg at 453 Rt. 211e. We have been thru reviews with McGoey and have no issues with the current comments.

G. Lake Motion to open this PH 7:42 pm. Motion to close this PH at 7:43 pm – Bill/Jim 6 ayes.

D. Dulgarian We have seen this and discussed this and we like that the bldg will be used again. I can work with the ZBA with the variances they gave them. The comments are technical in nature but the snow storage is a problem. I don't know if there is a note that states in the event that the snow needs to be removed from the site it will be (it's there). Ok – I like the project and have no issues. Do you have a tenant?

K McManus We have negotiations with a tenant but not specific as yet.

J. Keegan I agree. I'm not crazy about the light at Maltese and Bert Crawford but there is no better option right now. The Bldg. looks great too.

B. Capozella On these plans do you show the variances listed? (no but I will)

C. Najac Once you make that kind of investment in the bldg it doesn't make sense for us not to approve this. Not happy with all the blacktop though. No problem, Gary.

A. Guattery It's the best we can fit in there – I'm ok with it.

G. Lake It's a great re-use of the bldg. As far as the Maltese intersection I believe the Tate is going to be reconfiguring that a bit. I thought it might be this year when they are repaving 211 but I don't know if that is in the plans. There has been a ton of talk on it.

Motion for a neg dec/part 3 EAF subject to all comments. Doug/Bill

D. DULGARIAN AYE  
J KEEGAN AYE  
B CAPOZELLA AYE  
C NAJAC AYE  
A GUATTERY AYE  
G. LAKE AYE

Motion for site plan approval subject to all comments in the neg dec Andy/Clark.

D. DULGARIAN AYE  
J KEEGAN AYE  
B CAPOZELLA AYE  
C NAJAC AYE  
A GUATTERY AYE  
G. LAKE AYE

**Middletown Self Storage SP REV. – 295 Ballard Road (78-1-82) #42-18**

B. Hardy Brent Hardy, Merit Hill Capitol. Not much is changed, the board asked for some items to be modified. The s.f. allowed per your ordinance – the center aisles and we have accommodated for the fire egress. This is the follow up sketch based on your comments and the ws with McGoey. WE are asking for approval to go to a PH.

G. Lake What about the parking spots on the back corner?

B. Hardy Those can be changed if needed. However, based on the fire code requirements egress is satisfied by the width.

G. Lake I think our fire inspector will reinspect these plans – we will set a PH. Check with him on the plan.

M. Hunt I had previously sent it to Ron Rollings and he had no comments on it.

G. Lake The other changes were handled at worksession.

D. Dulgarian I like the surface they are using. I'm interested in seeing how the moveable units work out. I'm looking at the plans and they like they have the exact same units on each map?

B. Hardy Page A1.1 – you show a total of 60 units?

D. Dulgarian That didn't change?

B. Hardy            On the new one the unit mix is a total of 60 units. 7800 s.f.

D. Dulgarian            Ok, I see it now.

J. Keegan            Great fit – no issues.

C. Najac            It's cleaning it up. you won't have outside storage. I am excited to see if the new surface works.

G. Lake            Motion to set a PH for 8/15/18. Clark/Andy 6 ayes. Thank you and good luck. Give Marylynn a call in the morning to check on the Fire inspector end of it.

**Deerfield Commons SP/SUP –Inwood Rd/Rt. 211e (44-1-25.1, 25.2, 42.2 and 43) #105-16**

J. Pfau Joe Pfau representing Mr. Mandelbaum. We are here for an amended site plan/subdivision approval of the plans you approved a few months ago. The SP has been modified only as far as use. It is now a Senior Housing and Workforce Housing project. the plans themselves have not changed. The building sizes have not changed, the parking is the same. The only difference on the parking calcs is for workforce housing, add'l space had to be added and we added them in the form of banked parking since we anticipate a majority of that housing will remain senior housing because most units are one bedroom units. It is a funding stream. The other thing is the layout is the same – the SD map has been modified slightly. One of the lots now includes that area where the banked parking is proposed. The original sd had one remaining lot and we have met with the Town and finalized the outline of the commercial lot and the lot that is going to be dedicated to the TOW which is the rear parcel. Those are the only changes. We have met all the conditions of the original approval and requesting an approval with no conditions as it will help us with the funding of the State.

D. Dulgarian    I have no problem with Senior to Workforce changes. There is a need for both. Is that going to change – school bus drop area? They cannot come into the complex.

J. Pfau I would suppose they would be picked up on Inwood Rd.

D. Dulgarian    Typically, we are looking for a little gazebo, pull off with a couple parking spots there. I think that could be done by the Engineer and Chairman's approval. My question to Tad is with the lot line changes we can do that?

G. Barone            They were here previously for a SD approval. You are not changing the intensity of the use. It's not like he has a 25 lot SD and wants 30 now. It's not like a 5 lot Commercial SD and is going to continue with that but the way he is changing the lines it's pushing the bldg. back closer to an adjoining property owner that might be offended... the layout is not changing, the intensity is not changing and nothing has been built.

J. Keegan            No issue with the change but I agree about the children.

J. Mendelbaum This is identical to what is down the street. We have no issues with the school buses. The same with what we did on East Main ST. as well. No difference whatsoever. This is bigger but identical.

J. Keegan We do have developments in Town with children that have nowhere to go so they end up standing in grassy areas that turn into a mud pit.

G. Lake I think he is willing to do that.

J. Mandelbaum I'll build a gazebo and put it up there.

B. Capozella From Seniors to Workforce, is there a ratio in mind?

J. Mandelbaum The only change inside the bldg is we are adding 2 apts, 2 bedrooms. The rest is still 1 bedroom. It is very small amt. of bedrooms with 2 bedrooms. Only 12 (2) bedrooms.

B. Capozella Could be workforce 1 bedroom.

J. Mandelbaum Mostly seniors that don't drive, some of the workforce don't have cars either.

B. Capozella It doesn't seem like the greatest mix in my mind. Ok.

C. Najac Only 2 two bedrooms in each unit and only 1 three bedroom for the super – no issues.

A. Guattery Other than the gazebo and some line striping where the sidewalks come across the street, no issues.

G. Lake Motion to reaffirm the prior negative declaration and lot line revision – Andy/Doug 6 ayes. Motion for final site plan approval for senior/workforce housing Doug/Jim 6 ayes.

**Kensington Manor Lot Line Modification- Freezer Rd. (81-10-1) #16-16**

J. Pfau As you recall we rec'd site plan approval from the board. As part of that approval we also had a lot consolidation plan. There were 2 lots involved with the project. the existing lot is this little sliver here that comes out on the Connors Rd. ROW. The remaining parcel is the existing complex. My client went in for financing and there is an existing mortgage on the existing property and the new lender wanted the project separated to make it a clean mortgage. There are 2 separate lenders. So we are modifying the lot line so the entire tax parcel is within the new construction.

G. Lake So, for financing purposes to isolate the 2 properties.

G. Barone You will need to provide cross easements.

J. Pfau Yes, we did that in the form of a notation for now.

7/11/18  
PB MINUTES

G. Barone Utilities access, parking, dumpsters, all the common areas.

D. Dulgarian No issues.

(no issues from any board members).

G. Lake Motion for lot line modification subject to all comments ( to create a separate lot for the 2 new bldgs) Bill/Andy 6 ayes.

**Pravin Patel 2 lot SD – 355/365 Bloomingburg Rd. (3-1-110) #52-18**

J.DeWinter I am the engineer appearing for the applicant Mr. Patel. It is a 19.99 acre parcel. He wants to do a 2 lot SD. This is the lot that has the Fair Oaks Drive In and the service Station on it. The Drive in would be lot 1 (16.55 acres) and the service station would be the remaining 3.44 acres. There is no proposed new construction or modification to the site. There is an existing 50' ROW that goes from the road to the India Temple that has been there and there is an agreement in 1995 on it. We want to do a maint/access agreement over lot 2 in favor of lot 1.Mr. Patel has an active SPEDES permit which the septic system for both uses goes into a sand filter and is given by DEC . they will (lot 1) maintain their septic tank and pump station and all piping to the sand filter and maintain the sand filter. The mobile station will have to maintain their own septic tank, the pump station and their pipe that goes to septic.

G. Lake The field is going to be maintained by lot 1.

J. DeWinter That is correct. That is who is presently.

G. Lake I'm assuming you need a legal agreement.

G. Barone They should have a fairly robust cross easement that is recorded with the County Clerk giving each property owner the right to enter, repair, use etc. this is the type of thing if you get 2 separate property owners in a dispute you want them to have full legal rights. I can email you agreements that have been submitted in the past for you to go by.

J. DeWinter The easement to the Temple is already recorded. I will try to find that.

G. Barone You can get it on a title search. Now would be a good time to make sure it was recorded.

G. Lake When you share septics it's important. You have anything else with Dick's comments.

J. DeWinter Monuments are shown on corners.

D. Dulgarian India Temple – that has been more than 10 years since it was subdivided out?

7/11/18  
PB MINUTES

J. DeWinter 1995.

J. Keegan I have a concern about the septic so make sure that gets done.

B. Capozella Who maintains the septic? (lot 1) I don't like the shared thing but I like that both owners are involved right now. I would like to see from both owners a letter saying they agree.

J. DeWinter Lot 1 – Mr. Patel owns the entire parcel and the SPEDES permit is in his name.

C. Najac No issue as long as attorney gets the wording correct.

A Guattery We are going to SD this and have this agreement about lot 1 maintaining the septic area. Should there be language in there saying when the septic/sand area or should that area fail it be divided at that point?

J. DeWinter Lot 2 has a lot of wetland in it. I think one of the reasons they had the sand filter was because of the existing soil conditions.

A Guattery Not saying sand area should become septic but should there be an issue and it fails then we need to be uncoupled from one another. So they are separate entities. Right now we are sharing the drain field. Now we sd it and 10 years down the road the station is sold and then the sand area fails. Should there be language saying at that point it will get remediated?

G Barone To implement what you are saying is that point in time where the operator has to come in and get a building permit that a determination should be made whether or not is should be separated. What we will do in terms of the cross easement language will be in one document for recording with the OC Clerk. People will buy property and not see the site plan and won't see the notes. We will have a separate document which will very likely get picked up in a search that language will be cut and pasted onto the SD plat.

G. Lake Thank you. Motion for a neg dec/part 3 eaf subject to all comments. Doug/Bill 6 ayes. Motion for subdivision approval subject to same. Andy/Clark 6 ayes.

MOTION TO ADJOURN.