

TOWN OF WALLKILL PLANNING BOARD

MEETING

MARCH 19, 2008

MEMBERS PRESENT: G. Lake, W. Capozella, R. Carr, A. Dulgarian, T. Hamilton,
C. Najac

MEMBERS ABSENT: H. Ross

OTHERS PRESENT: J. Bacon, D. McGoey

1. **McCAREY LANDSCAPING** - SITE PLAN/SPECIAL USE PERMIT - Tower Drive (41-1-27.11) #08-08

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

T. DePuy: My name is Thomas DePuy with DePuy Engineering and I'm representing McCarey Landscaping.

G. Lake: Go ahead.

T. DePuy: Basically this the building located as you come out Tower Drive right down here from the Town Hall. McCarey's Landscaping is looking to purchase it and move in. Basically what we're looking for is, I guess, a modification to the Special Use Permit and an Amended Site Plan. Basically there's no change to the footprint of the building. We went out and updated the Site Plan information. The base of the overall site plan remains the same. They are looking to install a dumpster here in the rear. They would like to continue the chain link fence around. They want to grade this off and put down new item #4 in this area. Additionally we're going to extend this stormwater pipe out here and berm this up and put some landscaping in here. I will show you a detail landscaping plan that I also have. Basically also to clean up the overall site itself. We've also upgraded the parking areas which we will be striped and also upgrade the handicap parking areas. They also would have proper signage. On this bank back in here we're proposing a reenforced concrete retaining wall which would come in here and then they want to put in a movable bin separators in here so they store some of their material like crushed stone, ornamental stone, etc. Additionally, they are landscapers and want to do a good job on the project itself. They will be cleaning this whole are up in here and re-landscaping this. There is an existing stormwater pond in here which they will clean up and landscape. We will leave this overflow in here. This will also flow down this way. They are going to plant trees through here. They want to berm this

area up here and use this landscaping here to block this in the rear where they want to store material and then they are also going to plant some trees down in this area.

G. Lake: You say store material, that's strictly for themselves?

T. DePuy: Yes.

G. Lake: No retail?

T. DePuy: No. We did just in the Special Use Permit though, part of the area we did call for a second tenant of a small office area.

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

T. DePuy: Yes.

D. McGoey: Mr. Lake, I think most of them have been addressed actually. The plans re-submitted have addressed most of the comments. I wanted the Planning Board to determine whether that back chain link fence should have the evergreen inserts in or the black vinyl. They do show the evergreen inserts.

G. Lake: Is that satisfactory to the Board? Let me go through the Board.

A. Dulgarian: First off, I like the landscape idea. I like the use. I think that it's important to have that corner dressed up in accordance with what is going on in that corridor. Now, having said that, the storage area, the landscape material storage area what are you putting there?

T. DePuy: They want to store in the bins here the ornamental stones, etc.

A. Dulgarian: Not so much the bins but behind the bins in that wide open space?

T. McCarey: That is for the landscape trucks and trailers. That's why we intend to berm this area six or seven feet.

A. Dulgarian: So, there's no material out there?

T. McCarey: No, that will be in the bins like the crushed stone.

A. Dulgarian: That's what I thought but you've got an arrow there that's saying proposed landscaping material storage yard.

T. McCarey: That might be pallets of field stone or retaining wall blocks.

A. Dulgarian: That's what I want to know because the guy up in Fair Oaks his site looks nothing like what we approved and I want to avoid that. Mr. DePuy I'm also concerned about where the snow storage areas are and is that area that you are talking about is that big enough to hold all his equipment? Where are you storing your equipment now?

T. McCarey: A lot of my equipment is on jobs.

A. Dulgarian: You don't have it on North Street anymore, correct?

T. McCarey: No.

A. Dulgarian: You have some of it on Highland Avenue?

T. McCarey: Some on Highland Avenue. I have some in Westtown. I park my pickup truck on East Main Street and I have some in Goshen.

A. Dulgarian: Okay, so you want to consolidate it?

T. McCarey: Yes.

A. Dulgarian: I guess, Mr. Lake, what I want to avoid is I want it to look like what we're approving tonight and I would like to see everything designated. Mr. DePuy about that snow storage, there is a lot of blacktop and covering on this property.

T. DePuy: Right. We had shown we were going to store here and here and then we were looking to store some down in the back here. He doesn't do landscaping in the wintertime so it's not going to be in the way. I can designate some down in here.

A. Dulgarian: I would like it if you can show it on the map. I do think it's a great use for the property. I think being in the business he's in it's going to look very nice. Again, my main concern is what we're approving is what is going to end up. I know they will do a nice job.

G. Lake: Anything else, Mr. Dulgarian?

A. Dulgarian: No.

R. Carr: Nothing else.

W. Capozella: How about vehicle maintenance or anything like that on the property?

T. McCarey: Well, that's one of the big things with this property. We do have a mechanic that will be in one of the bays. Ninety percent of our trucks will be maintained. We've dedicated one bay.

G. Lake: Just so you know, I was there last week looking at it a little bit. There are bays underneath the building, I believe there are four.

C. Najac: Nothing else.

T. Hamilton: The bay doors will be staying.

T. McCarey: Two of the bays upstairs will be designated for office space. There are five bays on top, five bays on the bottom right now.

T. DePuy: We show the breakdown of the office area.

T. Hamilton: The lighting will remain as is?

T. DePuy: Yes.

G. Lake: Mr. Dulgarian did hit on one thing. I'm hoping it's different here and he is right. We did approve something else and it ended up being totally different. So, I think between now and the time it comes back if you're going to have extra storage and I'm assuming the only time you will have storage is something that you're going to be using right away.

T. McCarey: Yes. A lot of times if we can get a tractor load of stone for multiple jobs we will take it and store it as it's going out.

G. Lake: Right.

T. McCarey: Most of it will be on pallets, etc. It's all for our own use.

G. Lake: Like I said, I can see where Mr. Dulgarian was coming from on a prior applicant which was approved and ended up being entirely different. Maybe you want to pick out a

certain area where his trucks will be and give an approximate idea of how much bulk material would be there. We realize it's going to be gone in a month or so.

A. Dulgarian: I think he should show vehicle storage for a designated area and have Mr. McGoey review that. I don't know problem giving a subject to with Mr. McGoey reviewing it. I do think everything should be shown on the plan.

T. McCarey: My whole thing is I'm trying to make this berm as high as possible so I'd rather none of my stuff be seen.

A. Dulgarian: I like that idea to. What I am after is to see the final product of what we approve.

T. Hamilton: As you come in one of those entrances you could go right in and around.

T. McCarey: That's the whole game plan. Right now there's a gate here. We plan on coming in and park and go out the other one.

G. Lake: Anything else?

T. Hamilton: No.

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

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for SITE PLAN MODIFICATION subject to all of Mr. McGoey's comments and this Board's comments made by R. Carr and seconded by C. Najac.

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for SPECIAL USE PERMIT for landscaping and office subject to all of Mr. McGoey's comments and this Board's comments made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

2. **249 HIGHLAND AVENUE LLC** - SITE PLAN/SPECIAL USE PERMIT - Highland Avenue Extension (39-13-4) #96-06

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

S. Plass: My name is Susan Plass, the surveyor.

G. Lake: Okay. This is on for sketch only. I think the biggest problem we have is the zone since it was re-zoned. Maybe you just want to go through it and tell the Board what you want to do and then we will go from there.

S. Plass: It's a nine-tenth acre of land on Highland Avenue Extension. Currently in the building is a Chinese restaurant and recently they moved was a car sales/garage operation. What he would like to do is put a grocery store in that building and then some type of a personal service establishment.

A. Dulgarian: And, leave the restaurant?

S. Plass: Leave the restaurant and also farm repair but no auto repairs.

A. Dulgarian: You're talking about four different uses?

S. Plass: There's two different buildings on the lot also.

A. Dulgarian: Right, but there will be four different uses on site?

S. Plass: Yes.

G. Lake: I know this site has always been a busy site. We have a garage there, a used car dealership there and I think there was a salon there one other time. I think right now and let

me go to our Attorney, I think our biggest problem is the zoning has changed to the enterprise zone.

J. Bacon: That's right.

G. Lake: And the use isn't allowed?

J. Bacon: Yes. You would have to go before the Zoning Board of Appeals for those uses even though they were allowed in the past.

S. Plass: And, what about the parking. We would need a variance for that also?

J. Bacon: Yes.

A. Dulgarian: Depending upon your calculations.

S. Plass: We're a few spots short right now on the site.

A. Dulgarian: Let's talk about that. How much square footage if you open that back building? What you're calling enclosed car parking appears to be two additional rentals. So, you're looking at three rentals in that back building.

S. Plass: Those are existing bays that they use as parking spaces. The garage that they work in is on the left side of the building.

A. Dulgarian: Right. That's a four bay garage but the rest of that building has two separate bay doors. They each have a bay door and they each have an entrance. They were used in the past as a body shop, etc.

S. Plass: I don't know.

A. Dulgarian: I know and there's three separate rentals in the back. They even have the electrical service coming down, brand new on the building. There's three of them on that building. They wouldn't be on there if they weren't expecting to rent them so, what I'm suggesting is that the parking calculations reflect using that entire building.

S. Plass: Okay. He only has one tenant right now for the entire building. I don't know if they can change something. The four parking spots here, someone parks and stores their vehicles in there. That's what is in there.

A. Dulgarian: That's the use he is planning?

S. Plass: That's what has been there.

A. Dulgarian: I know there is body shop stuff there also separate from the auto sales.

S. Plass: Those bay will be used by individual people renting them to store vehicles and that's what it has been used for in the past.

A. Dulgarian: Is there an apartment above the Chinese restaurant?

Mr. Kim: Yes.

A. Dulgarian: I'm just trying to find out what is there.

G. Lake: Right now there is no apartment.

S. Plass: When he bought the property there was an apartment.

G. Lake: Is anybody living there, yes or no answer?

Mr. Kim: Nobody there.

A. Dulgarian: Mr. Lake, anything to dress this up is welcome. I mean, if they can get their variances they can come back. There's a lot of improvements that can be made but I do think they have to be a little bit more forthcoming in what's there and what they want to do. Mr. McGoey when you go look at this, there is a stormwater drain in the north east side of the property. It may not even be on their property but somebody is dumping oil or something in there.

S. Plass: There area in here?

A. Dulgarian: Yes.

S. Plass: It's not on this property.

A. Dulgarian: I don't think so but there is a lot of stormwater issues back there also. It may be the neighbor next door dumping but someone is. Mr. Lake, I'm done.

R. Carr: Nothing else.

W. Capozella: Nothing else.

C. Najac: Mr. Dulgarian said it all.

T. Hamilton: The grocery store is going to be new? It's not in the zone.

G. Lake: They're going to go before the Zoning Board of Appeals.

T. Hamilton: Maybe they should actually find out what they can put in there. Make it work without getting all of these variances.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

S. Plass: I have one question. The four bay rentals, where would I find that?

G. Lake: I have to assume.

D. McGoey: There's a use in the zone but they may not be allowed. I will have to check that.

T. Hamilton: What about storage?

S. Plass: So, we would have to revise the plan to come back or can we go before the Zoning Board of Appeals?

G. Lake: I think the first thing you have to do a little bit better job of defining what exactly you're going to be looking for now.

S. Plass: For the variances?

G. Lake: As far as the variances go and even us. Make sure you have to decide about the cars parking, how you're going to fit it in. Again, you have a lot of uses there so I think, I know this property has always been a challenge for us. I just think you have to do a little bit better job of defining exactly what you want to keep and not want to keep. I don't know if you want to go before the Zoning Board of Appeals first with that information and then come back to us. I'm going to leave that up to you.

S. Plass: Okay.

G. Lake: You may want to come back to us with a cleaner idea before you go before the Zoning Board of Appeals.

S. Plass: I think we will revise the plan and figure out exactly what we can put in.

G. Lake: Like I said, the apartment, are you going to keep it, etc. It sounds like there are a few other issues in the back.

A. Dulgarian: I have one question. On the right hand side of the property on the Cumberland side.

S. Plass: Yes.

A. Dulgarian: I know it's not your property but you're showing six trees there. There's one tree there. Mr. Najac and I were looking at the landscaping and correct me, if I'm wrong?

C. Najac: One live one and the rest we weren't sure.

A. Dulgarian: I don't think that's accurate. You may want to address that also.

S. Plass: Okay.

G. Lake: We will table you until you get back to another work session and bring you back in after that.

MOTION to TABLE for further review made by A. Dulgarian and seconded by C. Najac.

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

3. **KUNIS BEVERAGE STORE** - SITE PLAN/SPECIAL USE PERMIT - Dunning Road (50-2-43.1) #104-07

Cancelled.

4. **FAIR OAKS REALTY** - COMMERCIAL SUBDIVISION - Shawangunk Road west of County Highway 76 (3-1-112) #90-07

Cancelled.

5. **DECKER RESTORATION** - SITE PLAN/SPECIAL USE PERMIT (Amendment to Resolution) 307 Bloomingburg Road (3-1-33.1) #109-05

G. Lake: Mr. Bacon, maybe you can explain why he is here so we don't get bogged down.

J. Bacon: Okay. Originally these people had a requirement of a bond for twenty thousand dollars for the removal of the model homes in case the business terminated. The applicant has stated that it would be a burden to have that held for an indefinite time for a small business owner and they wanted to know if there was any way to work it out. So, what we did was drew up an agreement which was given to me as well as Mr. Greenwald and essentially what it does is it puts not only the businesses that are building that own the property but also the individuals that own the property and associated with the business. If it goes out of business for a period of three months then essentially they have sixty (60) days to remove the model homes. That seemed the best way to go about doing this in lieu of having a bond that ties up the money for who knows, how long.

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

B. Decker: My name is Bruce Decker.

G. Lake: I just figured it would be easier to have our Attorney explain that to everyone. Mr. Dulgarian, do you have any questions?

A. Dulgarian: I understand it and it does seem like it would be quite a burden. Mr. Bacon,

are you comfortable with this?

J. Bacon: Yes. It's a workable way to go about it. We really banged a lot of ideas around as to what would really work.

A. Dulgarian: So, you're saying you are okay with it?

J. Bacon: Yes.

A. Dulgarian: Then, I'm comfortable with it.

R. Carr: I'm satisfied.

W. Capozella: I don't have any issues.

C. Najac: No problem.

T. Hamilton: In the past, when they wouldn't do anything we had to drag them to court and it always took a long time for any action.

J. Bacon: The good thing with this is . . .

T. Hamilton: At that time the agreement wasn't in place at the time.

J. Bacon: Yes. And basically, these are empty structures.

T. Hamilton: In this case, we now will have something in writing.

W. Capozella: We have the time frame on it now.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

MOTION made to modify the approval to coincide with the document that Mr. Bacon produced to the Town Board made by W. Capozella and seconded by C. Najac.

A. Dulgarian: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES