

TOWN OF WALLKILL PLANNING BOARD

MEETING

APRIL 6, 2011

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

MEMBERS ABSENT: None

OTHERS PRESENT: J. Bacon, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - **TRIGGERS** - SITE PLAN/SPECIAL USE PERMIT - 100 Orchard Hill Road (14-2-31.42) #11-07

Public Hearing not published in time.

Motion to re-schedule Public Hearing for June 1, 2011. 7 AYES

2. PUBLIC HEARING 7:35 P.M. - **TOWVAC** - SITE PLAN/SPECIAL USE PERMIT 85 Excelsior Avenue (75-11-27) #11-01

G. Lake: Public Hearing started at 7:43 P.M. M. Hunt read the Public Hearing notice.

M. Hunt: NOTICE IS HEREBY GIVEN that a 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, New York 10941 in said Town on the 6th day of April, 2011 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Town of Wallkill Volunteer Ambulance Corps for approval of 85 Excelsior Avenue with cross street being Victory Street under Section 249-22 C of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. S/Gary Lake, Chairman

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

J. Myrow: My name is Jay Myrow with Blustein, Shapiro, Rich and Barone for the applicant.

G. Lake: Go ahead.

J. Myrow: This is an application for a Site Plan approval and Special Use Permit to relocate

the Town of Wallkill Volunteer Ambulance Corps operation to 85 Excelsior Avenue. It's a three-bay building with offices. TOWVAC would be operating their ambulance service out of this facility. It's on a rental basis and I believe that you have the revised Site Plan. The Board had asked the last time we were here that we provide you with copies of the revision to the standard operating guidelines for TOWVAC to assure that lights and sirens would not be used coming out of the facility because of the nature of the surrounding area. I have copies to the revision of the standard operating guidelines. I also have a copies of the call logs for the January, February and March so you can see what kind of calls are coming out. I can give everyone a copy if you would like.

G. Lake: Yes please.

D. McGoey: Do you have any problems putting a note on the plan on that?

J. Myrow: No.

D. McGoey: Because the compliance would be from the Building Department.

G. Lake: And, that was the sirens and lights, Mr. McGoey?

D. McGoey: Yes.

J. Myrow: I will read it into the record after.

G. Lake: Right.

J. Myrow: And the call log is on the second page. I will just read this into the record. Standard guideline procedures in the file. No lights or sirens will be used leaving the building until the first intersection of Victory Street or unless absolutely necessary. We don't have a problem putting that note on the plans. It is certainly our intention to abide by that.

G. Lake: The only other question you're going to be utilizing the three bays. How about the apartment? That is not going to be used?

J. Myrow: Absolutely not. I think we put a note on the map.

G. Lake: Now, you're leasing this for the next couple of years.

J. Myrow: Three years.

G. Lake: Do we have the owner's endorsement?

J. Myrow: We filed a notice of consent with the application.

D. McGoey: It is on the map.

G. Lake: I was just making sure that you had the authority from the owners.

J. Myrow: Yes.

G. Lake: Let me go through the Board before I go to the Public.

A. Dulgarian: I will wait until after the Public.

H. Ross: Same here.

R. Carr: I will wait.

W. Capozella: After.

C. Najac: After.

T. Hamilton: After.

G. Lake: Is there anyone from the Public who wishes to comment on this application?

L. Williams: I live directly across the street. We are very concerned. There are a lot of vacant houses that haven't been taken care of in that area. It's an honorable that they do. I just think it's not the right area. That is a very popular street with kids all over the streets. We're worried about the children and we're worried about the neighborhood degrading further.

G. Lake: Did you get the list of your neighbors notarized?

L. Williams: No. I did not have it notarized.

G. Lake: Anything else?

L. Williams: No.

M. Morstatt: My name is Michael Morstatt. I'm a Fire Chief with Silver Lake. Just in regard to the remark I heard about putting it on the plans about policy. Personally I don't think that is fair to the ambulance corps. There is another fire department right next door and you don't have restrictions on them. That has to be taken into consideration.

G. Lake: Anybody else? Hearing none,

MOTION to close this PUBLIC HEARING at 7:51 P.M. made by H. Ross and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

G. Lake: You stated and I'm going to say it again that the apartment above this is not going to be used at all for anything or anybody including the ambulance corps. Is that correct?

J. Myrow: Yes.

G. Lake: As far as the last comment as being unfair, this is something that came about a couple of meetings ago where we were talking to protect the neighborhood a little bit and it was compromised that the ambulance corps actually offered. We also thought it was a good idea until they get down to at least the firehouse and then they would go. I really don't think that is a hardship. And obviously if a situation occurred they would have to use their sirens and lights.

J. Myrow: Only if it was absolutely necessary and that would only be for certain instances

provided by law.

G. Lake: Right. Mr. McGoey's comments, the no parking signs and handicap aisle spaces.

D. McGoey: They can be resolved.

G. Lake: And to remove the light on the back of the building so it won't shine on the houses.

J. Myrow: It's being removed.

G. Lake: And the new lights you're going to make sure that they shine down onto your own property.

J. Myrow: If we have to put new lights up, we will comply.

G. Lake: Let me go through the Board.

A. Dulgarian: What we always try to do here besides looking at all of the zoning and laws that in effect is to look at the impacts that it could have as well. And, one of the things that we look at is does it change the characteristic of the neighborhood. Is it going to have any negative impacts? Is it consistent with the use that's going on there? In these cases, for me, the answer to all of those is yes. It is consistent with the use of the fire company a couple blocks away. We have another ambulance corps up on Fairfax. So, it's consistent with what's going on there. I also do believe they also provide the necessary and important service to the community as well. I'm comfortable with the notes on the plans that address the lighting, that also address the noise issues. And, as far as it being more of a negative impact to the community where it is being occupied I see it as being more of a negative impact being vacant. That's when things happen. I support this particular project. As with all commercial buildings that we see come back to us for approval, this are existing buildings. What we try to do is get the landscape beefed up and get it a little bit in line with new construction. I'm comfortable with us doing a subject to on that with Mr. McGoey's review. I know there is not an extensive plan on here but he always knows what we're looking for. Other than that, I have no other issues.

H. Ross: I concur on the landscaping. We need emergency services and they have to go someplace.

R. Carr: Everything was covered very eloquently

W. Capozella: What we do as a Board is we have to look at everything from how does it fit in the neighborhood. We are always looking to protect the residents as far as health and safety goes. In saying that I know that noise was a concern and a note will be placed on the plan. I believe that was one of the major concerns our Board had as far as the residents were concerned. According to the trip report, it appears that the majority of the trips are during the day hours.

C. Najac: The only negative I see is geographic. You are only a few blocks away from a major thoroughfare so you can still access.

T. Hamilton: I believe we've covered everything. I know it's going to be tough and it may be a liability if they aren't on. I thought it was almost mandated that they had to have it.

J. Myrow: We talked long and hard about it and I think that everybody is comfortable with it. From the building to where we would activate it, it's not that far. We don't see it as being an issue.

T. Hamilton: I have nothing else.

G. Lake: The only other comment is we have no comments from the Water and Sewer Department. The Highway Department has only the right-of-way if you do any work in that area you will require a permit from him.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for SITE PLAN/SPECIAL USE PERMIT subject to all of Mr. McGoey's comments and this Board's comments made by A. Dulgarian and seconded by W. Capozella.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

3. **SUMMIT** - SITE PLAN/SPECIAL USE PERMIT (Extension to Final) - 146 Tower Drive (40-1-13.11) #50-09

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

W. Greenlaw: My name is William Greenlaw and I'm a Summit employee.

G. Lake: You're here for an extension basically?

W. Greenlaw: Yes.

G. Lake: We did get your letter in on time. Let me go through the Board to see if they have any new questions.

A. Dulgarian: Nothing.

H. Ross: Usually with the hard times and the economics (not clear).

W. Greenlaw: Actually we didn't get the Building Permit until I believe it was actually in March so we could have moved ahead anyway. But yes with the economic times but basically with this project is that we don't have it nailed down yet.

R. Carr: Nothing.

W. Capozella: Nothing.

C. Najac: Nothing.

T. Hamilton: Unable to hear.

W. Greenlaw: Actually we did buy the facility out of receivership so that was actually purchased by (not clear) so we haven't purchased anything for the project.

T. Hamilton: I still have noticed that your trucks and all that are still parked along the side and as part of the approval they weren't going to be parked where they currently are.

W. Greenlaw: On the Enterprise Place side?

T. Hamilton: Yes.

W. Greenlaw: Okay. I will look into that.

MOTION for a ONE YEAR EXTENSION to FINAL made by R. Carr and seconded by H. Ross.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

4. **POP-T REALTY LLC** - SITE PLAN/SPECIAL USE PERMIT - 104 O'Haire Road
(46-1-76.2) #06-11

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

J. Dillin: My name is James Dillin and with me this evening is Peter Malone.

G. Lake: We tabled you at the last meeting to send you back to a work session and basically at the work session we talked about the two main issues about keeping trucks on the County Road and if any odors did come out . It was stated at that point that if there was a complaint we would address that and you were willing to put that note on the plan. Is that correct?

J. Dillin: Yes. We've added three more notes to the plan. In regard to that the comment about the outside storage came up and we added a note about that.

G. Lake: Let me go through the Board to see if they have anything else. Mr. McGoey did you another field review and he did notice the weight limit signs are on Ferrara Drive and you already stated that no traffic would go on Ferrara Drive, correct?

J. Dillin: Yes. The note says that trucks and employees will not use Ferrara Drive and will use only O'Haire Drive to gain access to the site.

G. Lake: Let me go through the Board.

A. Dulgarian: I think the outstanding issues have been addressed and mainly that any odors coming off the site will be enforceable by our Town. I'm okay with this.

H. Ross: I concur with Mr. Dulgarian.

R. Carr: Yes I have to agree. The issues of traffic and any odors have now been addressed.

W. Capozella: I'm okay with this now.

C. Najac: I'm okay.

T. Hamilton: I wasn't here when this came in. I'm looking at the plans in front of me and where is the engineer's stamp and where is his name?

J. Dillin: The only thing we need an engineer stamp on if for the septic system and they sent a letter out.

D. McGoey: I have a letter on that.

T. Hamilton: We don't need it on this?

D. McGoey: The land surveyor who prepared the Site Plan. There is no engineering on this site plan. The site plan can be signed by the land surveyor.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

G. Lake: We are going to follow up with a letter to the Department of Public Works to make sure the signs are appropriate for Ferrara Drive. I have no other comments.

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

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for SITE PLAN/SPECIAL USE PERMIT 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

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

5. **DRAGO** - 2 LOT SUBDIVISION (Final) - Goffredo Court (36-1-74) #19-04

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

S. Plass: My name is Susan Plass surveyor.

G. Lake: Go ahead.

S. Plass: We have a two lot subdivision and Mr. McGoey's comments. We were here in October of last year. We were granted Preliminary Approval subject to the Health Department. We have since received our Health Department approval so we're looking for final approval at this point.

G. Lake: I will go through the Board.

A. Dulgarian: Mr. McGoey, your comment #1. The applicant is seeking final approval, correct?

D. McGoey: It is now seeking final approval. Typo error.

A. Dulgarian: Mr. Lake, I have no issues.

H. Ross: No issues.

R. Carr: No problems.

W. Capozella: I'm okay.

C. Najac: Nothing.

T. Hamilton: Nothing.

G. Lake: I have nothing.

MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments and this Board's comments made by W. Capozella and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

MOTION for FINAL SUBDIVISION (two lot) subject to all of Mr. McGoey's comments and this Board's comments made by W. Capozella and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

6. **RANDALL PLAINS** - SITE PLAN/SPECIAL USE PERMIT (Sketch) - East Main Street & Schutt Road (73-1-5.1, 33, 12, 26.1, 5.2 & 35.21) #44-10

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

J. O'Rourke: My name is John O'Rourke with Lanc & Tully Engineering.

G. Lake: Go ahead.

J. O'Rourke: We're here again to present the Randall Plains project. At the last meeting some of the Board members had suggested doing a potentially larger scale because it was very hard to see the whole concept. So, we took a portion of the plan and blew it up to a forty scale and provided that to you. The portion of the plan shows all the single family residences, the estate homes and a portion of the wetlands and the road. We indicated the lot sizes and potential drainage areas. We received comments from your Conservation Commission and we've incorporated some rain gardens. Since that time we attended a work session. Again we're here seeking sketch plan approval from this Board which not only allows us to seek financing but it will allow us to go to the Town Board so we can get the sewer district extension which is the next step we have to do.

G. Lake: Let's talk about the sketch plan right now. We kind of asked for an alternative which is in the code. You're going to have to do it for SEQRA anyway.

J. O'Rourke: We realize that.

G. Lake: Right, and historically. I will call the Board if you want but historically at this point and time without seeing the alternatives and there might not be any. We're kind of looking at this as a favorable thing. I'm not speaking for the Board. But to give you sketch and I've said it a hundred of times once you have sketch go with it. I still think there are a couple of things that we need to iron out a little bit. I know we haven't finished talking about the recreational area. We had talked about it. I'm prepared to tell you tonight what the Town would like. We're going to have to work that in a little bit. We do have a negative kind of letter from Orange County as far as going out onto East Main Street if I read it correctly. I think that needs to be addressed a little bit. Sketch tonight I don't know.

J. O'Rourke: I can do a little defense. This is the plan we wanted to submit. We met with this Board and we met with the Town Supervisor. Basically we couldn't get an answer on the recreation area. And on most sketch plans we wouldn't even show one. We didn't get an answer of what you really wanted so it's hard for us to develop a sketch plan.

G. Lake: And, unfortunately sometimes it's not easy for government to make a decision.

J. O'Rourke: I completely agree and that's why we thought we would go through it at the SEQRA process.

G. Lake: I wanted to make sure that the decision on the other side of the hall is on the same page now. Basically since I'm talked about the recreational area we would like to see maybe instead of a little tot areas all through. It's a big project but I think we would like to see a park setting where it would be a big enough piece of land to do baseball, soccer, a combo field, and maybe a tennis court. We did talk about a basketball court and we kind of leaned away from that and obviously a play area for young kids. Now, I also have a couple of ideas because I realize that's a big ticket. You have recreational fees anyway but I think it should be discussed further at a work session so it would be fair for everybody. I think there is a chance to spread that around. As of right now a park setting through the neighborhood. I think we should get everybody together and maybe work that out.

T. Hamilton: The main thing is that Orange County has a problem with East Main Street. If that can't happen then will all the traffic go. I don't think it would be wise to have it all go down Schutt Road toward the Meadows. We have to get that East Main Street resolved before I'm ready to move forward.

J. O'Rourke: If I may, what the County is asking for and what you're asking for is very

involved. The County basically said show us everything. I don't think our client is going to pursue that if we have some indication from the Board. For us, if we don't get the sewer district extension then the project realistically and that's the only control we don't have. Then the project really doesn't work. I don't think the County would ever deny us and again through the SEQRA process that's when we would generate all the traffic studies and reports and give them to the County. At that time the County will say yes or no. We don't have a huge investment in this for us to make before sketch and before we have sewer.

T. Hamilton: I also think what Mr. Lake is saying that we have enough questions here that we don't think you're ready for sketch (not clear).

J. O'Rourke: That's fine. The reasons you have questions is because we offered. We came to you and didn't have answers and we said we would look at everything under the scoping document. We will look at clustering if that's what you may want. We will look at larger park areas if that's what you want.

G. Lake: Let me ask you something. You say you went and talked to Mr. Ward?

J. O'Rourke: We've spoken to Mr. Ward. He told us to go to this Board get a sketch plan approval and go back to his Board so they can work on the sewer. He did not want us to go in front of his Board until this Board was satisfied with the layout.

T. Hamilton: I've been here a while and I've seen extensions given.

J. O'Rourke: Again, we went to him and we were scheduled before this Board.

T. Hamilton: The sewer extension should have been given long before it came to us.

J. O'Rourke: So, we're doing something right now.

G. Lake: This is the problem.

D. McGoey: I suggest you write to the Town Board saying that the Board is looking favorable on the project and would you please consider this as we move forward.

J. O'Rourke: I don't know what the sketch plan is locked into that you're concerned about. Two things lock me in. Getting the rest of the financing for the project. Obviously we have outside investors. The second one honestly was the sewer. If you can address the sewer issue with the Town and we can go in front of them. I can give you sketch if you just tell me

what you want.

G. Lake: Right across the street they got both a water and sewer extension and we never saw a thing. Let me see what the Board has to say. Financing to me has always historically been done and again it's a new world out there and I realize that. Let me go through the Board. Let's go through Mr. McGoey's comments first.

D. McGoey: Quickly. The biggest thing I have in my comments has to do with phasing. We talked about this in the work session. You will be coming back for phasing. The plan does not lend itself to phasing unless you're willing to construct a through road all the way through to East Main Street and build all of that infrastructure for the three lots. I don't think the applicant or the developer will be willing to do that. I think we need to see on the sketch plan a plan that would lend itself to phasing.

J. O'Rourke: You're asking me for a re-design?

D. McGoey: I'm asking you to show us a realistic plan for a Phase I development without having to ask this Board to compromise and propose a dead end road.

J. O'Rourke: We did discuss it and my understanding is that we would like to do it in the scoping at it would be included at that time. If you're asking me to lay this project out so I have a break and I can have a loop road, I can come in with a cul-de-sac and meet your current regulations and get my first cul-de-sac in as Phase I. Other than that, that's it. If you're looking for a phasing that has a loop road out and if you're asking that's fine.

D. McGoey: I don't think you can do a cul-de-sac.

J. O'Rourke: Again, this is sketch. I can give you a phasing.

D. McGoey: I know it's for sketch.

A. Dulgarian: We usually ask for design after we approve for sketch. That's the whole purpose.

J. O'Rourke: That's what we wanted to do. Once we have scoping when you go through SEQRA and you look at the scoping document you look at alternatives. One of the things we would look at under SEQRA obviously would be construction phasing.

A. Dulgarian: I believe your investors want sketch in hand to invest the money is the same

reason we are reluctant to give sketch prematurely is because we give you the idea that we have accepted this and that's what we always come up against.

J. O'Rourke: I've been in front of this Board a lot and I don't think I've ever done that.

T. Hamilton: We're talking about this project.

J. O'Rourke: I don't know if I can give you a loop road unless I can tie into that existing residential neighborhood.

D. McGoey: Then what you're saying is in Phase I you would be asking for things that the Board may not be able to approve.

J. O'Rourke: No. I'm asking for Phase I with the front end of that cul-de-sac. Phase II would be from that cul-de-sac which is the long one, the loop road to the existing residential and then Phase III potentially would be the internal road.

G. Lake: You know what. I don't want to see us get bogged down on something that seems like a lack of communication. So, you're telling us the Board would not entertain your extension for the sewer?

J. O'Rourke: Your Supervisor asked us to get approval from this Board and we've already approached the Town Board.

G. Lake: I have to tell you. I look back on my history here and I look at a project at Silver Lake. I just have this history I have to go by the ended being chopped up, sold off and it became a nightmare for the Town. That's probably the worst one but there has been other projects that have gone half way and never finished. I'm not saying it is going to happen here. Our job is to protect the Town. I'm willing to say you know what and if the Board agrees we can come back on April 20, 2011. The first thing tomorrow I will go see Mr. Ward and find out the procedure that they want to follow and if what you're saying is correct then we have for another work session. We're not that far apart. I don't want anybody to get discouraged. We have to look at what has happened in the past to us and try and make sure that this works for everybody.

J. O'Rourke: I don't disagree with you but I need some direction.

G. Lake: Tomorrow I will talk to Mr. Ward and find out exactly how they want us to go. Come back to another work session and start working. No matter what, you're going to have

to show if there is an alternative.

J. O'Rourke: We're trying to work with you.

G. Lake: I think the burden is on you. If you want to look at clustering and see if you can do it. It may not work but I don't know.

T. Hamilton: Here is one. Say the County says no to coming out to East Main Street. Show us how you're going to get the traffic in and out.

MOTION to TABLE for further review made by A. Dulgarian and seconded by R. Carr.

A. Dulgarian: Aye

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 7 AYES

A. Dulgarian:

G. Lake:

J. Dillin: