

TOWN OF WALLKILL PLANNING BOARD

MEETING

JUNE 17, 2009

MEMBERS PRESENT: G. Lake, W. Capozella, R. Carr, C. Najac, H. Ross

MEMBERS ABSENT: A. Dulgarian, T. Hamilton

OTHERS PRESENT: J. Bacon, D. McGoey

1. PUBLIC HEARING 7:30 P.M. - **DIORIO** - SITE PLAN/SPECIAL USE PERMIT - 1050 Route 211 East (44-1-31) #11-07

G. Lake: Public Hearing started at 7:30 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, Building "A", Middletown, New York 10941 in said Town at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Silvio DiIorio, 180 Conners Road, Middletown, New York 10941, for approval of a proposed 7,450 square foot addition to an existing commercial facility located on the south side of New York State Route 211 approximately 450' east of the intersection with Scotchtown Road/Goshen Turnpike under Section 249-19 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.

Unidentified Individual: I am representing Mr. DiIorio for an addition to an existing commercial facility located on the south side of New York State Route 211 approximately four hundred fifty feet east of the intersection with Scotchtown Road/Goshen Turnpike.

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

H. Ross: After.

R. Carr: I will wait.

W. Capozella: After.

C. Najac: After.

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

M. Hunt: Yes.

Y. Mirro: I have some questions about this. I would like to know how the building will be managed (not clear).

G. Lake: They will answer when we're done. Let's have all of your questions. Give us everything so we have it.

Y. Mirro: Okay. I would like to know what's going to be happening in that building, the uses going in that building I would like to know if there has been any kind of a traffic indicator about this facility. It is a very heavily traffic area. I also want to inquire about the drainage in the area and also about water usage or will it be connected (not clear).

L. Tuthill: I live at 1660 Route 211 East near this. I'm worried about the drainage. I know it could affect me and there could be a problem. (Not clear).

G. Lake: Anybody else?

M. Hunt: No.

G. Lake: Do you want to answer those questions? Please speak up.

Unidentified Individual: As far as the drainage we are required by law to not have any more water taken off the property and the existing conditions. We're going to have a water pond on the west end of the property to take care of that. As far as the building there is a separation on the (not clear) side. Some of it will be removed. We will increase the parking and as far as the traffic study (not clear).

G. Lake: As far as the runoff we also check it by our own engineer. He's not allowed like he just said to allow more water off his property than what it would do on a natural basis. He has to retain that water under the stormwater management and our engineer has already done a detailed report to follow up on what he is saying. If there is water running off his property because of the dirt that he has filled in it should improve by the time it's done instead of getting worse. Anybody else from the Public?

D. McGoey: We requested that the applicant's engineer verify that there is proper site distance. The amount of traffic that would come in and out of this site in comparison to the traffic on the road really didn't warrant any traffic movement study but in respect to entering and exiting we did ask them to look at it.

G. Lake: Anybody else? Hearing none,

MOTION to close the PUBLIC HEARING at 7:44 P.M. made by W. Capozella and seconded by H. Ross.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

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

Unidentified Individual: Yes I do.

G. Lake: Do you want to go through them?

Unidentified Individual: Item #1, it's a matter of changing (not clear).

G. Lake: Did you look at the new landscaping specifications in the code?

Unidentified Individual: Yes. There is buffering on both sides and we did add all of the shrubs.

G. Lake: Okay.

Unidentified Individual: That is about the calculations (not clear).

G. Lake: If you have sufficient parking we have done banking. I think the Board and I don't want to speak for the Board but I will go through the Board about banking but most of the time we do feel it is a good idea. I will go through the Board and make that decision. What do you want to bank, fifteen?

Unidentified Individual: Well, we have fifteen extra right now. We would like to bank on the very back line.

G. Lake: How many uses are in this building again?

Unidentified Individual: When we calculated the parking we did it on (not clear).

G. Lake: Medical and restaurant?

Unidentified Individual: Yes.

G. Lake: So, you're willing to bank twelve?

Unidentified Person: Ten. We can bank along that back line.

G. Lake: How do you guys feel about that before we move on?

D. McGoey: I would suggest they landscape it.

R. Carr: I'm in favor of it.

W. Capozella: You're not going to disturb the back. In other words you're not going to bulldoze it and leave it. As Mr. McGoey said if you do some landscaping, I'm for it.

C. Najac: I in favor of it. It will be an improvement for the stormwater management.

G. Lake: Let's finish Mr. McGoey's comments. The septic. Eustance & Horowitz will have to examine it. You realize that, right?

Unidentified Individual: Yes.

G. Lake: The lighting? We usually look for a three foot candle underneath the lights.

Unidentified Individual: No problem.

G. Lake: And the Department of Transportation and the Department of Environmental Conservation.

D. McGoey: The last one is the stormwater management. Do you have any problem?

Unidentified Individual: No.

G. Lake: Have you looked at them to make sure?

Unidentified Individual: Yes.

G. Lake: I just wanted to point out that you will have to do them anyway. Let me go through the Board.

H. Ross: No.

R. Carr: I think it's a good project. I think it will improve that property. I do have concerns on the drainage and the comments are quite extensive. I like the idea of reducing some of the parking and using banking.

W. Capozella: It's not town services, Mr. McGoey? I mean he's already got a well and septic on this and will expand that.

D. McGoey: Yes.

W. Capozella: We discussed the usage. It is just what is proposed on the map?

D. McGoey: Yes, and retail.

W. Capozella: Nothing else.

C. Najac: I think it's a positive that we're removing those ten parking spaces. I have more concern on the drainage, stormwater. You're sure this is going to work because I didn't understand how you're going to get from the difference in elevation, how you're going to get from a lower spot to make the drainage work but you're saying it will. That's it.

G. Lake: I don't have anything else.

MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments and this Board's comments made by H. Ross and seconded by C. Najac.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

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

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

2. **FAIR OAKS REALTY LLC.** - 8 LOT COMMERCIAL SUBDIVISION - SEQRA
Consideration - Shawangunk Road (3-1-112) #90-07

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

C. McDermott: I'm with Reilly Associates here representing our client Fair Oaks Realty LLC.

G. Lake: Go ahead.

C. McDermott: This plan has been before the Board multiple times over the last year. We were last formally before you I believe last January at a Public Hearing. Prior to that time and in the Fall of last year the content and the layout of the plan was reviewed by the Board and I will give a brief description. The property is located off of Bloomingburg Road, Shawangunk & Gillen Road, a forty eight acre tract. We are proposing to subdividing it into eight lots. The lots would be accessed by an internal road system. The main entrance will be off of Gillen Road with emergency entrances proposed off of Bloomingburg Road, Gillen and Shawangunk Roads. The lots would be served by on-site sewage disposal and on-site wells. The environmental assessment process was initiated. It was determined that there was not a significant impact. The other issues were resolved by Mr. Eustance in November. Since that time we have been work diligently addressing those issues. You have a set of drawings in front of you which were prepared to address those issues. We also provided a culmination of many items. Along the way we prepared the Environmental Impact Assessment which Mr. Eustance has reviewed and submitted some additional comments late last week. They have been addressed and we provided a new copy of that. The traffic impact study was provided and we showed that there would not be a significant impact. There was no evidence of any pre-historical impacts on the site. The specific species were looked at on the site (not clear). We did provide a narrative and we do not anticipate a (not clear) would be required. We looked at the soils for suitability for sewage disposal. Noise impacts were evaluated on the background noise and evaluations done to address the background noise. I would say that the noise impacts would probably be more significant during construction. The emergency services were evaluated. Portable water and sanitary services were looked at. We did provide an analysis to extend the facilities. Within the document we also provided some architectural renderings which I believe you have. The buildings would be used for other light industrial or warehouse use and the architecture would be for that type of building. They will have a brick facade near the main entrance and the height would not exceed thirty five feet. We spent a lot of time with your engineer addressing the stormwater management. We would provide a very detailed plan that would show the controlled runoff from the proposed road system and from the grading of lot #1. We also prepared a thorough analysis of the stormwater from the other lots. It shows that we could provide stormwater from those lots. We really don't know at this time what those buildings would look like. We are showing a conservative approach.

G. Lake: Are you happy with that? Have you had a chance to look at it?

W. Eustance: Yes. (Not clear).

C. McDermott: We've provided the road profiles, the storm sewer profiles to show that they will work. The lighting was addressed and landscaping throughout the entire development. The emergency access for Shawangunk Road will be proposed with the development of that lot. The emergency access of Bloomingburg Road and Gillen Road will be provided with the initial first phase. At this time we're not asking for approval of this development plan. We've really spent a lot of time addressing the environmental aspect. We believe we're at a point where we've shown that we will not have a significant impact and we're really here tonight to ask for action under the Negative Declaration. We will be back for each site and the main road. On the road we've been in discussions with Mr. Lippert on the road conditions on Shawangunk Road. That is a very narrow road and on our side of the road there is a steep embankment. We are working with Mr. Lippert to provide some improvements along Shawangunk Road. We have shown the area on sheet #1.

G. Lake: Let me ask you something. In your discussions with Mr. Lippert I was left with the impression that he was leaning towards accepting the internal roads. Was that a yes or a no?

C. McDermott: Yes.

G. Lake: What has he told you? Is he going to accept this or not?

C. McDermott: It's our understanding that they would accept the road and that we would provide improvements along Shawangunk Road.

G. Lake: I remember being at that meeting where he was asked and I remember him saying that he was going to do a little swap deal there. I guess he wanted it brought up to a decent width. Okay, but he has left you with a full indication that he expects to accept the roads.

C. McDermott: Yes.

G. Lake: And, I believe at that point you decided not to go to the Town Board for an open development, is that also my assumption?

C. McDermott: Yes.

G. Lake: Let me go through the Board to see if they have any further comments. I've been fortunate to have been at a lot of your work sessions.

H. Ross: I have concerns with wetlands.

C. McDermott: We've identified the wetlands. The area involved is roughly under eight thousand square feet. We're providing culverts to minimize the impact and we've only crossed where we had to. We've minimized the impact in those areas.

R. Carr: I think it's a great project and the professionals have done a great job. As you sell the lots we will get an individual site plan, is that correct?

C. McDermott: That's correct.

R. Carr: My only issue was just the internal road. I just felt that a commercial subdivision like this the internal road should not be a Town road. On the other hand in your discussions with Mr. Lippert on Shawangunk Road but I think the project is a good one and you've done an excellent job.

W. Capozella: I have the same concerns. I like the project. I made a note about the dedication of the road to the Town and if we vote tonight does that mean that those roads are definitely dedicated to the Town or are we just voting on . . .

G. Lake: That we would the direction he will be going if we vote on the Negative Declaration.

W. Capozella: Okay. That was my only concern and without something from Mr. Lippert I'm just questioning in writing saying that those roads are dedicated to the Town. We don't have anything in front of us to say that he has approved those roads. It's not etched in stone.

C. Najac: My concerns were for the residents on Gillen Road to make sure that the buffer is adequate. You said you've measured the noise now. Have you measured the noise at or near those residents?

C. McDermott: Yes.

C. Najac: So that we can have a base for when you come back in the future to build something in one of these buildings we know where we are and what those levels are. Also, in your lighting plans there is way too much lighting in some places.

C. McDermott: We can certainly further address that in the development plan.

G. Lake: Anything else, Mr. Najac?

C. Najac: No.

G. Lake: As far as the road goes I don't have a problem with it being a Town road. That was the impression I got at the meeting and that was the way it was going to go. I also think it's a little more attractive as far as say your on a road instead of within and I also think on the emergency service end of it. I know myself I've plowed many times to get an ambulance into a place, into a house, or even getting a fire truck in a couple of times because the owners of projects or long driveways have waited to the very end of a storm and these people get there and the Town monitor during snow storms are sending trucks to plow something out to get an emergency vehicle in so I don't have a problem with a Town Road. I just wanted to put that up front so everybody can think about it. That's not what we're here for but that discussion came up. I don't have anything else. Are you all set?

W. Eustance: Yes.

MOTION for a NEGATIVE DECLARATION subject to all of Mr. Eustance's comments and this Board's comments made by H. Ross and seconded by R. Carr.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

3. **AOK WAREHOUSE** (Extension) - SITE PLAN/SPECIAL USE PERMIT - 10

Wesley Court - (41-1-116) #54-07

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

G. Bergman: My name is Gerald Bergman an engineer and I'm here representing AOK this evening to ask for another one year extension to conditional final approval.

G. Lake: How many have you had? Is this your second one?

G. Bergman: Yes it is.

G. Lake: Mr. Bacon, can we give him a second one? He's had one extension so, we can give him a second one, right?

J. Bacon: Yes. You can grant one more extension.

G. Lake: Does anybody on the Board have anything? If not,

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

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

4. **SAWRANSKY** - 2 LOT SUBDIVISION and LOT LINE CHANGE (Extension to Preliminary Subdivision and Lot Line - 480 Midland Lakes Road (24-1-4.32) #37-08

G. Lake: Is anybody here for Sawransky?

M. Hunt: I think we got their letter.

G. Lake: Mr. McGoey, is there any reason why we can't give it to him?

D. McGoey: No.

MOTION for a ONE YEAR EXTENSION to PRELIMINARY SUBDIVISION and LOT LINE CHANGE made by H. Ross and seconded by C. Najac.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

5. **BOWSER** - 2 LOT SUBDIVISION - Bowser Road (21-1-27.4) #82-08

G. Lake: Is anybody here for this application?

M. Hunt: I think we got their letter.

G. Lake: Mr. McGoey is there any reason why we can't give it to him?

D. McGoey: No.

MOTION for a ONE YEAR EXTENSION to PRELIMINARY SUBDIVISION and LOT LINE CHANGE made by H. Ross and seconded by C. Najac.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

6. **WALLKILL ACQUISITIONS** - 3 LOT SUBDIVISION - 360 Route 211 East (50-2-36) #05-09

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

J. Sweeney: My name is James Sweeney and I'm here on behalf of the applicant. What we tried to do and what you suggested at the last meeting was to give you three documents. The first document is the Site Plan. The second document being for the subdivision and the third document is the Master Plan for the entire project. I've also presented to your professionals the Developer's Agreement which locks in the developer with the items that are shown on the plan. That was one of your major concerns the last time we were here. It is built into the Developer's Agreement what we think are what the developers need to get done and when it has to be done. That may have to be changed a little bit. I've had conversations with your attorney today. Nothing that I think is really substantial. I will let Mr. Higgins talk about the details of the Site Plan, Subdivision and Master Plan.

D. Higgins: My name is David Higgins. We've put in the parking lots and the landscaping. The previous plan showed the islands, etc. We also showed along Carpenter Avenue we show the landscaping, trees and shrubs and also by the entrance way near Route 211. The details are shown on sheet #2. We show a typical layout and obviously the islands (not clear).

G. Lake: Before the meeting Mr. McGoey and Mr. Bacon explained to all of us how we can arrive where it's best for everybody. I don't know if you want to add anything at this point Mr. McGoey as far as how we handle a lot of this in the Developer's Agreement. Mr. Bacon, I don't know if you have anything else and I will go through the Board. I think from what I understand after a couple of conversations the last couple of weeks with Mr. McGoey that

we've gotten to where everybody should be fairly happy. Mr. McGoey, do you have anything else?

D. McGoey: I explained during our work session that the concept here is to approve the subdivision which includes the Developer's Agreement which will require the tenants to appear before the Board each time a new tenant moves in. The Certificate of Occupancy of that tenant would be contingent upon a portion of the parking lot being completed. The common areas would be completed in accordance with the Developer's Agreement by the developer at a time where the occupancy is fifty percent. The sidewalk along Route 211, the access drive to Cheeseburger Paradise will be done as part of the subdivision so, that will be done now. Jumping Jakes, that Site Plan shows (not clear).

J. Sweeney: One thing I think the Developer's Agreement has to have in it (not clear)

D. McGoey: Mr. Bacon, had one concern about the stormwater management

D. Higgins: The parking would be upgraded with each Site Plan.

G. Lake: Let me go through the Board.

H. Ross: The islands would go in after fifty percent, right?

J. Sweeney: Yes.

R. Carr: Mr. Higgins, you've done a great job.

D. Higgins: Thank you.

R. Carr: I have no problems with going forward with Jumping Jakes tonight. I think we can do some constructive things with the islands. On the other hand, you did a great job.

W. Capozella: I just had a question about the road that it is dedicated to them and the Town no longer owns it.

J. Sweeney: The Town has to do that. We will ask the Town to give it to us.

D. Higgins: The Town had indicated that they would act on it.

W. Capozella: Just for what it's worth, I know we were concerned about traffic going from the access road to Cheeseburger Paradise, just a thought. Maybe a speed bump or something

but I'm not saying it's conditional but something that we may want to look at.

C. Najac: As Mr. Carr stated maybe we should look at the stormwater management in the parking lot because we have so much parking lot. We asked quite a bit of you and you came up with it. We asked you to put it on a schedule which is what we needed the last time you were here. Now we have the schedule. Nice job.

G. Lake: Is that it?

C. Najac: That's it.

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 C. Najac.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

MOTION for a 3 LOT SUBDIVISION APPROVAL subject to all of Mr. McGoey's comments and this Board's comments made by C. Najac and seconded by R. Carr.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

7. **JUMPING JAKES** - SITE PLAN/SPECIAL USE PERMIT - 360 Route 211 East
(50-2-36) #14-09

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

J. Sweeney: My name is James Sweeney representing the applicant.

G. Lake: We already know you're going to do the parking lot in the front. Let me go through the Board.

H. Ross: Nothing.

R. Carr: Nothing.

W. Capozella: Nothing.

C. Najac: Nothing.

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

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

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

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

G. Lake: Aye

MOTION CARRIED. 5 AYES

8. **MILLENIUUM** - SITE PLAN/SPECIAL USE PERMIT - County Highway 78
(69-1-1.2) #62-07

Cancelled. Applicant to set up for a work session.