

TOWN OF WALLKILL PLANNING BOARD

MEETING

SEPTEMBER 2, 2009

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

MEMBERS ABSENT: None

OTHERS PRESENT: J. Bacon, W. Hauser

1. **251 HIGHLAND AVENUE** - SITE PLAN/SPECIAL USE PERMIT (Extension to Final) (39-13-4) #96-06

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

S. Plass: My name is Susan Plass, surveyor with Leo Carroll's Office.

G. Lake: You're looking for an extension?

S. Plass: Yes.

G. Lake: Why?

S. Plass: Basically, there have been some issues with the project outside of the Site Plan.

T. Hamilton: Did we receive their request?

G. Lake: Yes. Is this your first extension?

S. Plass: Yes.

G. Lake: I will go through the Board.

A. Dulgarian: No problem.

H. Ross: No problem.

R. Carr: I have no issues.

W. Capozella: Nothing.

C. Najac: Nothing.

T. Hamilton: Have they handled all the new zoning?

J. Bacon: I don't think it's changed since.

G. Lake: We've been giving everybody a one year extension so,

**MOTION for a ONE YEAR EXTENSION to FINAL for SITE PLAN/SPECIAL USE PERMIT made by H. Ross 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**

2. **SKY RIDGE** - 9 LOT SUBDIVISION (Extension to Preliminary) - Hazel Street  
(37-13-9) #130-04

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

Mr. Trochiano: My name is Mr. Trochiano from Pietrazak & Phau Engineering.

G. Lake: Go ahead. Is this your first extension?

Mr. Trochiano: No. This would actually be the third six month extension. We already received two six month extensions.

G. Lake: Mr. Bacon?

J. Bacon: Is this for Preliminary Subdivision approval?

Mr. Trochiano: Yes.

J. Bacon: It's up to the Board.

G. Lake: Can we give them one more?

J. Bacon: One more extension based on hardship so the applicant should explain what the hardship is.

Mr. Trochiano: We're currently working with the other agencies including the Orange County Health Department for a water and sewer main extension and also with the New York State Department of Environmental Conservation.

G. Lake: Okay, so you're still with the Orange County Health Department and the New York State Department of Environmental Conservation?

Mr. Trochiano: Yes.

G. Lake: I will go through the Board.

A. Dulgarian: I have no issues.

H. Ross: I have no issues.

R. Carr: Nothing further.

W. Capozella: Nothing.

C. Najac: Nothing.

T. Hamilton: Nothing.

**MOTION for a ONE YEAR EXTENSION to PRELIMINARY made by A. Dulgarian and seconded by C. Najac.**

**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. **KUHL** - SITE PLAN (Change of Use - Apartments) - 512-514 Highland Avenue Extension (36-2-40.1) #13-09

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

S. Plass: My name is Susan Plass, surveyor for Leo Carroll's office.

G. Lake: Did you go before the Zoning Board of Appeals?

S. Plass: Yes we did.

G. Lake: How did you make out?

S. Plass: Very well. The variance was granted.

T. Hamilton: For what?

S. Plass: The apartments.

T. Hamilton: Two apartments or four apartments?

S. Plass: There are two existing apartments in the building since the 1950's give or take and we're adding two more. I don't have any paperwork from them.

T. Hamilton: Did they know you were going to four?

S. Plass: Yes. They knew there were going to be two additional apartments.

G. Lake: You should verify that.

S. Plass: Yes. I'm just waiting for the paperwork.

G. Lake: What I'm saying you should clarify that they knew there were two existing apartments and that you were adding two more.

S. Plass: They definitely knew there were two existing.

G. Lake: And, two more being added?

S. Plass: Right.

G. Lake: Landscaping?

S. Plass: Basically, what's there but if you want to suggest anything but there is already landscaping on the site.

T. Hamilton: We have new landscaping regulations.

G. Lake: I guess on the landscaping, I guess the question is since there will no longer be any retail.

S. Plass: Right.

G. Lake: Can you give us a little more landscaping around it? I'm looking at eighteen spots.

S. Plass: So of the parking is actually for Kuhl's Highland House.

G. Lake: I'm not counting those. I was just counting the ones around the house.

W. Hauser: Spoke to Mrs. Plass.

G. Lake: Okay, look at the new landscape regulations.

S. Plass: We will look at it and see what we can come up with.

G. Lake: Mr. Hauser, was there something on the sewer?

W. Hauser: Mr. McGoey advised me earlier today or yesterday that this is not on the sewer system?

M. Kuhl: No. It's been like that for years.

W. Hauser: What we need is verification of the capacity of the sewer system to support two additional dwellings.

M. Kuhl: What we're doing is basically just taking the rooms and changing them into apartments for living space and I understand what you're asking. I had a hair salon in there and they used water and was able to take that and the apartments would you a lesser amount.

W. Hauser: And that's exactly what we're asking for. We're asking that your design professional to show that there is a way to calculate the additional units. I'm not doubting what you're saying.

M. Kuhl: Okay.

W. Hauser: What I'm saying is your design professional has to use the calculations as mandated by the County Department of Health just to substantiate that your new flow will be less than or equal to what the system was originally set up for.

M. Kuhl: It will be a lot less. Maybe we will go back one step and go back to parking. You had told us to put this parking in place and that's only seven or eight years ago. The way it sits right now it's gone through three Planning Board situations.

G. Lake: But those situations was detailed for a service and now it's strictly going to be

residential and we're just telling you professionally to check the code and see what you can do with it.

M. Kuhl: I mean I planted trees and everything that was asked for.

G. Lake: They may go out and do the count and say you are fine. I don't know. You need to check the new code requirements.

M. Kuhl: Just to let you know the building behind me that you approved, two story buildings I don't want to say minimum but almost no backyards, etc.

G. Lake: Are you talking about the houses?

M. Kuhl: Yes, the houses.

G. Lake: I go in there probably once a month. I think that's very nice.

M. Kuhl: It is in great shape.

G. Lake: Okay, let's move on.

M. Kuhl: I think that's why I come here to make sure that I get the variance because if you put in four hundred people. I've only got two apartments I'm asking for.

S. Plass: We will check it.

G. Lake: That's all, just check it and verify the septic.

M. Kuhl: So, when do we get acceptance? We have been here four months.

G. Lake: Mr. Kuhl, please let your professionals handle it and then we can move on and get it done for you because we can do this subject to. There might not be another meeting.

M. Kuhl: Thank you.

G. Lake: It's up to the Board but that is going to be my recommendation. Let your professionals handle it for you. Let me go through the Board.

A. Dulgarian: I have no problem with it going from a service to an increase of two

apartments to four. Again, like what was stated before I think it needs to be a little clear on the map that it is four. Landscaping, I have no problem subject to Mr. McGoey's office approving it and what the applicant's engineer finds as well as far as meeting code. I have no problem with doing a subject to.

H. Ross: I have nothing.

R. Carr: No problem.

W. Capozella: No problem except for verification of the septic.

C. Najac: No problem.

T. Hamilton: As long as he meets the code and we get the landscaping that the code calls for.

G. Lake: You don't have any problem with any of the comments from the Board?

S. Plass: No.

**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 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**

**MOTION for SITE PLAN approval for two apartments 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**

4. **H & K PLAZA** - SITE PLAN/SPECIAL USE PERMIT - Retail/Flea Market - 333 Route 211 East (50-1-31.1) #46-08

**Cancelled.**

5. **VALLEY VIEW MOBILE HOME PARK** - SITE PLAN REVISION - Route 211 East (46-1-72) #37-09

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

J. Pittangaro: My name is Jason Pittangaro with Eustance & Horowitz representing the applicant.

G. Lake: Go ahead. Tell us a little bit since the last time you were here.

J. Pittangaro: This is the first time at the Planning Board evening meeting. We've been attending work sessions. Valley View Mobile Home Park has been working with the Town to get permission to discharge sewage waste from their facility there on Route 211 East to the

Town Treatment Plant. That has been going on for several years. They have gotten that approval and they've gone ahead and formed a Transportation Corporation to do that. After meeting in the work sessions they determined that we need a Special Use Permit to construct the building itself that's going to house the pump station for the Neighborhood Commercial or the Residential District that it's in. It's being considered a public utility although it is privately owned and serving the public there and we need a Special Use Permit to erect the structure.

G. Lake: And, you have all the questions for the Town Board?

J. Pittangaro: Yes. The Town has approved the transmission of waste from our site to their plant. I believe we provided a copy of the agreement to the Supervisor's Office. The only thing left for the Planning Board is the Special Use Permit to erect the structure. Beyond that the plans are to get an approval from the Department of Environmental Conservation for that extension.

J. Bacon: Does the Planning Board office have a copy of the agreement?

J. Pittangaro: I believe we provided it to you.

G. Lake: We will check. Let me go through the Board before we schedule a Public Hearing. How long is this line? Maybe you can just tell . . .

J. Pittangaro: The line is about two miles. I'm sure you're familiar with where the trailer park is. It's going out Route 211 toward Montgomery on the left hand side. Right now there are about sixty units that are occupied and there is a potential for maybe about one hundred or one hundred fifty or so but that's a whole other issue. The units that are there now if they get vacated for any reason cannot be re-occupied until the waste issue is resolved. That's what we're working on right now. We will make the connection in the intersection of Goshen Turnpike and Route 211 East. It's a pretty standard system with a duplex pump station, generator. Actually we don't even need a Building Permit. We chose to provide a building for esthetic reasons at the owner's request. It's just like several of the pump stations that we built in the Town of Wallkill for the Town. The building isn't absolutely necessary. It's a choice for the owner at this particular project.

G. Lake: Let me go through the Board.

A. Dulgarian: How many units are in there now that are occupied?

J. Pittangaro: About sixty.

A. Dulgarian: And you're saying you can build out, to what?

J. Pittangaro: That's not even determined yet.

A. Dulgarian: What is the capacity?

J. Pittangaro: The capacity of the pump station is seventy thousand gallons a day. It's way over what's being discharged now. That capacity has been agreed to by the Town. Actually we have authorization to provide sewer only for a certain area but we can provide additional capacity for the Harmony Baptist Church down the road if they at some time chose to put forth whatever money they use to discharge up to our pump station. The Town wanted to make sure that other people in the area would be able to pump their sewage all the way back down to the intersection.

A. Dulgarian: You have the capacity. This is the construction of this pump station allowing you to further develop your property.

J. Pittangaro: It will allow us to further develop the property in the future, yes but at this time that's not what the plan is. I'm sure the owners are planning that but it's not before the Board.

A. Dulgarian: Without the approval can you manage?

J. Pittangaro: No. We can't even use the trailers that are vacant right now. If you were living there and moved out we can't put anybody else in.

G. Lake: The problem is they have a failing system.

J. Pittangaro: Yes.

G. Lake: And, I believe this is the second one that has failed. One failed a few years back also.

J. Pittangaro: The owners have chosen to develop this pump station rather than sink any more

money in the existing system.

A. Dulgarian: Mr. Bacon, by allowing this does this fall into any kind of SEQRA because of the future expansion or is that something that would be addressed at that time? If we're allowing capacity of almost double the size for the residential development doesn't that fall under traffic and everything else?

J. Bacon: That's a good question. They say they're doing it to handle the existing problem.

J. Pittangaro: If I may, the Town has already gone through the Town Board and approved it as an unregulated action under SEQRA. So, SEQRA has been completed by the Town Board. What we're asking for right now is just a Special Use Permit to erect the structure and not to develop for any other development of the property.

A. Dulgarian: I'm always reluctant to open the door for something else that we didn't plan on but I know he has to come back.

H. Ross: I also have similar concerns along with any environmental impacts that should be addressed. I don't like the way this has unfolded. How many units a day would it have to pump to move seventy thousand gallons?

J. Pittangaro: I have all the calculations . . .

H. Ross: For instance if we ended up with ten times as many people living out there on Route 211 and it is a State Highway and should develop. If you pump continuously could you accommodate that many more? I'm just worried about the growth and the future development in the area.

R. Carr: Outside of Mr. McGoey's comments I don't really have anything.

W. Capozella: Will you have to shut the current system down while you're doing this?

J. Pittangaro: It's basically the same thing as an overgrown septic system. The current system is not viable at this point and they're kind of nursing it along and have been for a couple of years.

G. Lake: If you did shut that system down and you did hope to and if you wanted to start it

up again you would have to go back to the Department of Environmental Conservation anyway.

J. Pittangaro: Yes, and the other thing is once it is down it's going to be down. It's not good to start it again

G. Lake: Anything else, Mr. Capozella?

W. Capozella: No.

C. Najac: I have similar concerns as my other Board members.

J. Pittangaro: I believe your Sewer Superintendent has already looked at the plans and it would be built in compliance.

C. Najac: Not clear.

J. Pittangaro: Although there is a potential for further development, the way we look at this site is we're providing a more affordable housing so to speak. A lot of people can't spend four hundred thousand dollars on a home. This is something where you can go in there and own your unit, although you don't own the land and have a place of your own to live in.

C. Najac: What about the sewer district that's being formed?

J. Pittangaro: In the agreement there should have been a sheet showing the transportation corporation. That is the only area that will be allowed to discharge to this pump station. That corporation will be incorporated and that is the only area allowed by the Town to contract to the pump station. There are a number of tax lot #'s, probably four or five lots that are allowed. There are a bunch of lots there that are connected.

J. Bacon: Is that a sewage district now?

J. Pittangaro: That's already been formed and that's what's taken two years. The formation of that sewer district and the transportation corporation that will own the pump station and force main that will run from our location.

W. Hauser: So, this sewer district only encompasses the transportation corporation?

J. Pittangaro: Exactly.

W. Hauser: So, any other connection would require an extension to this?

J. Pittangaro: Yes.

H. Ross: And, how is that not segmentation?

W. Hauser: Because you have no idea what and if anything unless you pushed it out and said what is the potential full development if it were extended. There are no future plans for anything up there and the only application before you is this.

C. Najac: I would be concerned with the maximum build out.

J. Pittangaro: That's what is shown.

C. Najac: So, the system will only handle that package.

J. Pittangaro: No, our system has additional capacity at the Town's request. I believe the package was provided to the Town in two different segments. There should have been a sheet that showed the building, etc.

G. Lake: Between now and the Public Hearing make sure we have everything.

J. Pittangaro: Sure, we can send it over.

G. Lake: So, that each Board member has a packet.

J. Pittangaro: Sure.

T. Hamilton: What about the water and sewer fees? This was never brought to us. The zoning in that area is going to dictate what happens and they still have to come to us whenever anything does get built. The Water and Sewer Superintendent, etc.

J. Pittangaro: That has happened and the other thing is the other thing I want to stress is that we cannot build anything here without a Building Permit or without coming back to the Board. We want to have our generator and pump station pumped inside the building for the overall longevity.

T. Hamilton: The Town also has new regulations on mobile homes.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: No.

G. Lake: We will schedule you for a Public Hearing.

W. Hauser: Two things, and legal counsel for the Town may have already looked at this. What if the Transportation Corporation dissolves and the Town may then be forced to take over the operation and maintenance. I think the Board should have their counsel look at this agreement so that there is a provision that somebody can take over the duties and responsibilities of the transportation corporation should it become necessary.

G. Lake: Also, provide a copy of the agreement to Mr. Bacon.

W. Hauser: I want you to make sure that the retention ponds are not so effective so that it has the potential to cause odor from the pump station due to an increase of use.

G. Lake: I think the benefit of this is that the failing system that has been out there I think this is a better way to go.

**MOTION to schedule a PUBLIC HEARING for October 7, 2009 made by C. Najac and seconded by T. Hamilton.**

**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. **FOXWOOD** 7 LOT SUBDIVISION - Mount Hope Road (62-1-16) #57-06

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

P. Brady: My name is Patrick Brady, engineer for the applicant.

G. Lake: Go ahead.

P. Brady: I'm here tonight seeking Final Approval. We have received approval from the Orange County Health Department for the subdivision on July 21, 2009. We also received some comments from Mr. McGoey in his letter dated August 24, 2009. He had four comments which we can address.

G. Lake: Okay. Let's address them. You did get approval from the Health Department?

P. Brady: Yes and that was item #1 of Mr. McGoey's comments.

G. Lake: And then item #2 regarding the stone wall?

P. Brady: We will provide that detail.

G. Lake: And you will have that stamped by the engineer?

P. Brady: Yes. The sealed engineering drawings will be done at the time of the Building Permit. The note will be placed on the subdivision plan stating that.

G. Lake: How about the Highway Superintendent?

P. Brady: To the best of my knowledge I believed he had signed off around Preliminary Approval.

W. Hauser: I have comments about the driveway entrance detail and trees and also about the

street specifications to be shown.

P. Brady: We can make those necessary changes.

G. Lake: Do you know why they don't meet and the other ones do?

P. Brady: I don't know.

G. Lake: You will have no problem then?

P. Brady: No. The Orange County Health Department stamps the plans and it comes back to you. It has to go through a whole process. What they've been doing lately is they give a technical approval letter. I can provide any revisions that you require from the Town Engineer and then I just go back and show them the changes and they compare it to what they have. So, what we have is a technical approval letter which is pretty common. I think you will see that more and more in the future.

G. Lake: And item #4, the fifteen inch pipe?

P. Brady: That will be changed as required.

G. Lake: Mr. Hauser, that letter says approve-able so, before we stamp off he will have to back down.

W. Hauser: He will have to bring you the final one before you stamp yours.

G. Lake: I just want to make sure you understand that also.

P. Brady: I'm fully aware of that.

G. Lake: I will go through the Board.

A. Dulgarian: No issues.

H. Ross: No issues.

R. Carr: No problems.

W. Capozella: No issues.

C. Najac: No issues.

T. Hamilton: Just one other comment from the Highway Superintendent about the driveway entrance.

W. Hauser: That certainly needs to be verified.

**MOTION for FINAL APPROVAL subject to all of Mr. McGoey's comments and this Board's comments made by A. Dulgarian 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**

7. **FILMORE** - 2 LOT SUBDIVISION - Stony Ford Road (61-1-7.22) #18-06

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

T. DePuy: My name is Thomas DePuy with DePuy Engineering. I'm here representing the Filmore subdivision.

G. Lake: Go ahead.

T. DePuy: A little history. Mr. Weeden had started the project and had passed away. I've

taken over the engineering to help finish this project up. Basically we had some previous comments which we have answered. Initially it was a three-lot subdivision and is now a two lot subdivision. We've upgraded the plans showing the actual houses that are going to be built and we've performed the detail layout showing the garage and the entrances. We've revised the driveway slightly. A portion of this was a comment that was from the Orange County Planning. We've pulled the driveway around and put our turn-around on the opposite side to get it away from the wetlands as much as possible. The actual two dwellings have been pulled forward slightly mainly to get away from some of the wetlands that the previous plan had and it also shortens the two driveways slightly. Orange County Planning actually wanted them closer but I think when I talked to Howard the Town tended to want them back a little bit. Plus there was actually two spots on the full site that would support a septic system. I think that was basically it. I have comments from Mr. McGoey.

G. Lake: Have you answered them?

T. DePuy: We had answered the previous ones. Most of these are minor. I can go through each one if you want.

G. Lake: I don't know if you need to unless Mr. Hauser sees one in particular or one of the Board members. As long as you tell us you can satisfy everyone of them. I don't see the need to go through them.

T. DePuy: We don't have a problem with anyone of the comments. I think the big item we have left is to go through the septic designs with Eustance and Horowitz.

W. Hauser: How about the trees?

T. DePuy: What happened was we didn't have them on the map at the time of submittal and they have since been located. We are actually removing six on lot #2 and basically several of them we can't do anything about because they're right in the septic area. One lot #1 we have six.

W. Hauser: Did Mr. McGoey did that plan that shows that?

T. DePuy: No he does not have it. It was after-the-fact. He will get one.

W. Hauser: The clearing limit line?

T. DePuy: I think what happened was the all the information was on but it wasn't in the

legend both on the wetlands and the clearing line. That's all been delineated on the plan.

J. Bacon: Mr. DePuy, did you get a copy of this letter from the Department of Environmental Conservation? It may not be anything but . . .

T. DePuy: Okay.

W. Hauser: Did you see Mr. Lippert's comment?

T. DePuy: I had met with him. Yes. Our previous comments appear to have been addressed.

G. Lake: I will go through the Board.

A. Dulgarian: No issues.

H. Ross: The north lot, is that no further subdivision, no usage, etc?

T. DePuy: The large lot?

H. Ross: In the back, on the other side of the right-of-way?

T. DePuy: This one here?

H. Ross: There is no plan for use, no driveway cuts?

T. DePuy: No.

H. Ross: I can't imagine how you would.

R. Carr: I have nothing.

W. Capozella: No problem.

C. Najac: Nothing.

T. Hamilton: Nothing.

G. Lake: I don't have anything to add.

**MOTION for a NEGATIVE DECLARATION 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**

**MOTION for a TWO LOT SUBDIVISION subject to all of Mr. McGoey's comments and this Board's comments made by C. Najac 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**

8. **MAPLE FIELDS** - SITE PLAN/SPECIAL USE PERMIT (Scoping) - Schutt Road  
(72-1-12) #51-08

G. Lake: We need to schedule a Public Hearing for Maple Fields.

**MOTION to schedule a PUBLIC HEARING for SCOPING on October 6, 2009 made by C. Najac 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**

