

TOWN OF WALLKILL PLANNING BOARD

MEETING

DECEMBER 21, 2005

MEMBERS PRESENT: G. Lake, W. Capozella, R. Carr, A. Dulgarian, T. Hamilton, P. Owen

MEMBERS ABSENT: R. Carr

OTHERS PRESENT: J. Bacon, D. McGoey, S. LaBruna

1. PUBLIC HEARING 7:30 P.M. - **SAM'S CLUB** - GAS STATION - SITE PLAN/SPECIAL USE PERMIT - 300 North Galleria Drive (72-2-5.12) #18-05

G. Lake: Public Hearing started at 7:32 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 600 Route 211 East, in said Town, on the 21st day of December, 2005 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Wal-Mart Stores, Inc., 2001 SE 10th Street, Bentonville, AR 72716 for approval of a Special Use Permit and Site Development Plan for a gasoline filling station at the property known as Sam's Club, 300 North Galleria Drive at Route 211, Middletown, Town of Wallkill, New York under Section 249-27(C)(10) and 249-40 of the Zoning Law of the Town of Wallkill. All parties of interest may be heard at said time and place. S/Gary Lake, Chairman

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

L. Snyder: My name is Leslie Snyder with the law firm of Snyder & Snyder. May I make a brief presentation to the Board?

G. Lake: Go ahead and then we will have Mr. Bergman get us up to date on the site.

L. Snyder: Good evening and Happy Holidays. I'm here tonight along with Mr. Bergman and also (not clear). The project is here for a Special Use Permit and Site Plan approval to install a gasoline filling station on approximately a twenty acre piece of property located at 300 North Galleria Drive. The property is in the Manufacturing District where gas stations are permitted by a Special Use Permit. A little background, it should be noted that this application was first review by the Board back in June. At that time the Planning Board requested certain changes and referring the applicant to the Zoning Board of Appeals to seek a variance under Section 249)(A)(5) due to the location of the gas station in front of the club. On September 12, 2005 Sam's Club received the variance approval. It should be noted that also under 249-M under the

General Municipal Law the application was referred to the Orange County Planning Board. In a letter dated October 18, 2005 the Orange County Planning Board recommended approval of the project noting that "that the proposed action will have no major impact upon State or County roads and the application will be an improvement to the traffic pattern. In addition, the applicant saw Mr. Lippert and in a letter dated October 17, 2005 he also recommended approval and indicated that the traffic improvements were logical and would improve the traffic pattern. The traffic improvements include upgrading the traffic signal at North Galleria Drive and Metro North to repair signals as you enter Metro North. Provide an interconnect at Metro North, Sam's Club Drive, Route 211 and constructing a left turn lane in the existing medium at the southbound approach at North Galleria Drive and Metro North access. The applicant memorandum prepared the application was documented that the gas station meets the special criteria.

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

G. Bergman: My name is Gerald Bergman. I'm an Engineer with Eustance & Horowitz in Circleville, New York and I represent the Sam's Club addition of a gas station in their lot. The project is located in the northeast corner of Sam's parking lot. It presently is used mostly for employee parking if any parking at all. Here's Sam's store over here. The project is proposing six pumps, twelve filling stations and a two hundred square foot kiosk. You must be a Sam's Club member to buy gas at this station and there will be no cash transactions. The kiosk is for safety reasons only to have an attendant in the kiosk during hours of operation. The hours of operation are 5 A.M. to 10:30 P.M. The bulk of the issues are traffic concerns. Phil Griely of Collins Engineering is here.

P. Griely: My name is Phil Griely with John Collins Engineers. We prepared the traffic studies for the proposed gas service and those studies looked at existing conditions, looked at traffic generated by the addition of the gas and also identified the serious improvements to improve the existing conditions and to accommodate the Sam's Club traffic. With respect to the traffic study we followed standard procedures for projecting traffic for this pattern facility and in fact or probably conservatively high in some of the traffic in terms of the roadway caused by the nature of this facility which is only available to Sam Club members to be able to purchase the gas. With that, the study had identified other existing conditions and especially we looked at all the access points that serves the Sam's and Gander Mountain

property, looked at Route 211 and North Galleria Drive and various intersections along North Galleria Drive including the accesses to the current Sam's access and well as the intersection of North Galleria Drive and Lowe's/Metro North access. The access to the train station. Other existing conditions we identified as existing problems some of which are geared to equipment not functioning properly and also other shortcomings in terms of the road system. They were described earlier. Just to highlight some of the areas again, at the intersection of Metro North and North Galleria Drive, the existing traffic signal is not functioning properly. It's creating long delays for traffic taken from Lowe's and on North Galleria Drive primarily staging operations creates level of

service “F” at certain times of day because the actuation for the train station is not functioning. So, that phase, even though exiting from the train station comes up each cycle so, each cycle there is wasted time in terms of the traffic. We’ve identified that and will repair all the actuation’s upgrade the traffic signal and one other item that we uncovered is if you’re heading South on North Galleria Drive in towards the Galleria and you’re turning left into the train station you do not have a protected left turn lane. You are turning out of a lane that handles through traffic going toward the Galleria. So, as shown on the plans we are going to be constructing in the median a separate left turn lane and some of that left turn lane will be part of the signal modification that will make a left turn arrow and, of course, actuation. The other signals that are proposed, the signals along North Galleria Drive and up to Route 211 East are not working together. We have identified the need to coordinate and interconnect those signals and we have discussed that with the Highway Superintendent and we have a specific proposal for coordinating those with a radio microwave system. What that does is allow traffic to flow along North Galleria Drive more efficiently so you don’t stop at each signal that will be controlled and coordinated. Those improvements would not only handle existing conditions but would accommodate traffic generated by the Sam’s gas. Some of the other areas that we focused on and I will get into a more detail plan to describe the access. This is the entrance to the Sam’s store. This is the primary area where people have to get into the store. The gas facility is going to be off to the property quadrant and as you enter in from North Galleria Drive this is being widened so that we provided a separate stacking lane and also right now if you wanted to get into this parking area you can actually turn right around here. So, what we’ve done is we’ve pushed the entry point into this area much further away from the North Galleria Drive for two purposes. One, to be able to separate and isolate people that want to turn left to go into the gas facility from those that are continuing to go over to the parking areas for Sam’s itself. Also, we have created a designated aisle where there will be no parking maneuvers, people entering and existing parking to activate the area. People coming in from North Galleria Drive, there signs to identify that gas is only for Sam’s Club members here and here, so as you come in again, this is now widened, so you would have a separate stacking lane for people that would turn left to come in to get gas, have this designated drive aisle to come over and access the various pumps. The pump islands are located here and on this drawing we show the ability to stack vehicles approaching the gas islands so they do not interfere with the parking area of Sam’s Club. Also shown on this plan and was shown on the other plan is the truck path in terms of deliveries of fuel for the site so that even if vehicles are stacked at the pump island fueling their vehicles that a delivery truck delivering fuel has a clear path in addition to the fill-up area or the dump area for the fuel. So, it will not interfere with the stacking of vehicles. Is has an isolated area so you don’t have traffic coming from all directions. Everything is controlled. In terms of, there are some other landscaping features. Essentially this is the path to come into the facility and there is also some sign to direct motorists when they leave the facility. Getting back to the external improvements, this shows the area with the turning lane at Metro North and that the signal would be upgraded and also coming out of that area there’s some removal of raised aisles and curbing work to improve the ability to turn out of that cutoff. Also, as pointed out earlier by the Planning Board to accommodate traffic leaving Lowe’s heading back towards Route 211 the current median has been cut back in order to improve this turning radius for vehicles to make that more efficient. So, those are the primary off-site improvements. Also, with

this study and previous studies, the town is pursuing improvements at the intersection of Route 211 and North Galleria Drive in order to construct a double left turn for traffic coming from Route 211 turning off on to Tower Drive and this applicant similar to other applicants would have to make a fair share of contribution towards that improvement. So, in addition to the globalized improvements they will be participating in that improvement. I think that pretty much sums up the overall traffic recommendations and as I said, we have adequate areas to stack vehicles. We have a circulation pattern that accommodates the deliveries adequately. That's pretty much it.

A. Dulgarian: Can you flip the map back over?

P. Griely: Sure.

A. Dulgarian: At the Metro North left turn lane we talked about a "U" turn there. What do you say about that?

P. Griely: We looked at the rest of North Galleria Drive and essentially, for example, at the (not clear) there are no "U" turns around at various intersections. What we've done is we've proposed no "U" turn so that the entire corridor doesn't make "U" turns. Not only for southbound traffic but also for the northbound traffic to have no "U" turns. We have cut back to accommodate but our proposal is to direct exiting traffic and on the plan you will see we will direct traffic back out to the traffic signal that we're improving. There, people can

make their turns under controlled conditions and with the improvements that we're making the signals will be better than they are today.

G. Lake: On that same question but up more when you turn into Sam's.

P. Griely: Yes.

G. Lake: You don't believe there will be "U" turns there, maybe trying to come back down.

P. Griely: No. Based on the count that we did today, the existing conditions, there are not recurrence to get back to Sam's. Traffic coming from the south accesses Sam's Club from this direction. Our signing would identify the Sam's Club guests. We usually have a left turn lane there.

We have an arrow. We would have them enter in this direction to access not only Sam's Club but also the gas. Again, this is only for Sam's Club.

G. Lake: Let's go back. You're one hundred percent right. There probably are not too many people making "U" turns at that point now because there is no reason to. Let me open the Public Hearing.

P. Griely: Sure.

G. Bergman: Before you open the Public Hearing would you like us to address some of the landscape concerns?

G. Lake: No. Let's open the Public Hearing and then we can go back into the comments. Is there anyone from the Public who would like to comment on this application?

R. Capowski: My name is Robert Capowski and I'm a Traffic Engineer. I would like to offer a few comments on the proposed development. I have some photographs to share with the Board to give you a general idea of the traffic volumes.

A. Dulgarian: When were these photographs taken?

R. Capowski: Last week.

G. Lake: Okay. Just for the record, I just want to get something clear here. You said these photographs were taken last week?

R. Capowski: Yes sir.

G. Lake: Okay. I just want to share my own opinion with my fellow Board members here that this is probably the busiest time up and down that road. It does not maybe necessarily reflect the other eleven months of the year. I'm not trying to put a damper on what you're trying to say but we've been working on this for six months. I just wanted the Board to realize you have photographs at the busiest time of the year and not June or July. I think that's important to keep in mind.

R. Capowski: Yes, these pictures were taken during the shopping season and shows the congestion at this point. I've actually reviewed the traffic report and have a few comments. The report utilizes the IZE manual for the standards. The intention that traffic volumes would be less for the gas station shows the figures to be conservatively high. I know I myself will drive out of my way to avoid that. The amount of traffic may be more running to this site. And, I believe the purpose of Sam's Club application is to have the gas for Sam's Club members. If that is the case, then certainly you would expect more going to gas customers. My second observation has to (not clear). As you look at the front here, the radius for parking the car leaving the two most southerly pumps will not be able to turn and the assumption is that as you leave that traffic after having that vehicle continue out in an apparent clock like manner at the station to avoid a conflict.

T. Hamilton: Excuse me. Are you showing the Board or are you showing the Public? Because I would like to see what you're talking about.

R. Capowski: Certainly. My assumption, is it's not shown on the topography, you can't drive in that direction. It would also be a problem with the kiosk. Those are my observations.

G. Lake: Anybody else?

R. Commerford: I'm not actually here for this but I do have a question about the signage.

G. Lake: Give us your name for the record, please.

R. Commerford: My name is Robin Commerford and I do have a question about this because this woman here was speaking about your traffic coming out to North Galleria Drive with two lanes and stuff. Now, I want to know about the signage because there's always a problem coming out of North Galleria Drive and a lot of people do not have, and I have spoken to the Town Board about this. I spoke to Mr. Ward. You need signage that shows another way to Route 17 other than a left hand turn. And signage coming out showing

people how to get the Ballard Road and coming around a loop because to me it would be a lot less stuff going all the way to the left if you know what I'm saying.

G. Lake: Yes.

R. Commerford: It would also stop all that everybody is lined up in two lanes trying to go left where the right lane is going no where. There's nobody there and then when you get down there and there's no signage on Route 211 they go in my driveway making a "U" turn.

G. Lake: The signage they're talking about would be more of a State and Town function up on North Galleria Drive on to Route 211.

R. Commerford: Right, but wouldn't . . .

G. Lake: The applicant will be doing some of that signage.

R. Commerford: No, I understand but I think this would be a good time to address that because you're going to add more people coming in and I don't have a problem with the road. I have a problem with it not, do it right the first time and you do have that right lane that's not being used that often.

G. Lake: We are working as a Town to do improvements down Tower Drive, North Galleria Drive, Route 211. We would have to get the State involved and the Town involved but there is an effort

R. Commerford: But,

G. Lake: There is an effort. There are a whole bunch of projects.

R. Commerford: Well, I understand that but . . .

G. Lake: We are trying to get it cleaned up.

R. Commerford: Yes and I understand that but I've been trying to get my driveway being used as a "U" turn and I think this is a good time since we're doing that kind of stuff to get back on it. There's a simple solution for making it flow a lot more than it is now. Okay.

G. Lake: We are looking at those areas. Anybody else from the Public?

MOTION to close this PUBLIC HEARING at 8:03 P.M. made by R. Carr and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

G. Lake: Mr. Berman?

G. Berman: Yes.

G. Lake: Do you want to come up and discuss Mr. McGoey's comments?

G. Bergman: These are the comments of December 8, 2005.

G. Lake: Correct.

G. Bergman: #1, Mr. Griely covered that somewhat but I think the reason we showed the plan on the left that there really isn't. We went out and topographed that area and on the plans it shows a little better than it does on the exhibit but I believe there is only eight feet coming back to the curb to the top of the top of the grade, top of the slope. There is an awful steep slope just coming out of the Metro North and in that eight feet there's guide rail, two different sets of guide rails, as a matter of fact. There's one that comes down to within a foot of the curb as well as a signal pole so I'm not sure how you could widen that road. What we did was take out the island coming out of Metro North and change that intersection. Mr. Griely explained that but if you would like him to explain a little more.

G. Lake: No, unless the Board wants to hear it again.

D. McGoey: I think it's going to cause a problem with trying to make that left on that side.

G. Bergman: The left or the right?

D. McGoey: Both.

G. Bergman: Well, "U" turns, we just determined that we moved the island back in order to allow easier turns out of Lowe's but a "U" turn, I'm not sure there's enough room there.

P. Griely: The response to that, one of them in terms of both directing at North Galleria Drive, we felt being consistent and not start creating new turning areas. In terms of the area that Mr. Bergman talked about we could pull that curb back a little bit but we don't want it so wide that now we're encouraging more people to come out and make a "U" turn because that normally wouldn't be there.

What we tried to do with signage and a very controlled situation in terms of where the traffic comes into the gas pumps and when they leave to bring them out at the signalized intersection.

A. Dulgarian: I have to disagree that you want to keep it but by adding this type of business where it is regardless of the signage that's on the site and how you're directing people to leave if somebody comes out and makes that right. We have this all the time in front of Wal-Mart and McDonald's and it's going to happen. And, I'm not saying you should promote it, I understand you should be prepared when somebody does. You're saying it's not going to happen but it will happen. I mean, coming out of there, North Galleria Drive people still run up that right lane and make a left at the end. We're talking about real situations that could happen and how we can plan for this. You can put up all the signage in the world, you can tell me you want to be consistent throughout but what you're requiring at this particular intersection may not apply down further so, you can throw the consistency out the window. It is not disrespect. I know that you know what you're talking about.

P. Griely: I agree.

A. Dulgarian: I just feel that or I feel that this is going to be a problem.

P. Griely: We will look at that and we really felt we had a solution that would work. There is probably some widening we can do here but if that's something the Board wants us to pursue we will pursue that. We extended the stacking of vehicles.

G. Berman: I think item #2 had to do with landscaping but let me go over. I'll ask Karen to do that. If you turn the page over to item #3, we did bring an elevation with us and I believe those elevations were passed out at the last Planning Board meeting and I'm possible that (not clear). I also have in the back of this plan an actual engineered elevation. We can submit this as part of the planned package if you would like.

D. McGoey: I think in terms of the canopy is the height and the fact that all of those lights are under the canopy are going to be too much light and you would be looking into the light of those.

A. Dulgarian: Is this something of the site?

D. McGoey: The height of the canopy and the elevation of the road particularly coming north on North Galleria Drive.

T. Hamilton: What is the height of that canopy?

G. Bergman: Eighteen and a half feet to the soffit and fifteen to the bottom.

T. Hamilton: How many fifteen foot high vehicles do we have that are going to go to a gas pump that we need it fifteen foot high?

G. Bergman: You're asking us to lower the canopy?

T. Hamilton: I brought up before, why do they have to be so high?

G. Lake: I would myself, that's a good question. I would recommend that they match fire codes.

L. Snyder: To accommodate the truck deliveries, (not clear).

G. Bergman: We also presented it at the last Planning Board meeting that all the lights in the canopy are recessed which is different from any other station you're going to see and I can ask Gerry Hluchen to go over that again for the Public Hearing. He can give you a quick summary of the lights on this canopy as well as others that we tested in the area.

G. Lake: Why don't we hold off on that one and go back to item #2.

G. Bergman: I will ask Karen Arent, our Landscape Architect to come up and address the landscaping.

K. Arent: I want to refresh myself on the items of concerns. As far as the islands, I know on the plan here.

G. Bergman: Did you want us to address all the items in item #2?

K. Arent: I'm an Landscape Architect from Goshen, New York.

G. Lake: Tell us what you plan on doing there and at the same time maybe covering any of these

items.

K. Arent: We show thirty five deciduous trees and some evergreens. There's a combination provided (not clear). Of the thirty five deciduous trees, are located in these areas. One of the key features of the landscape plan are screening from travelers towards the Galleria Mall along the North Galleria Drive. That, I felt, was the most visible spot along this drive so I showed quite a bit of screening there. There's some more shrubs shown here just because these cars have a view from this road. Another area, there's another island planted here because when you stop at the light the view from here is something that you would see a long time so I did some planting in here to make a better view. Once you go from a larger tree the roots are a lot larger and take longer to grow back. The larger trees also need quite a bit of roots than the smaller trees do. So, in order for that tree to grow again, all the roots have to grow back that were lost. So, we're better off planting small trees, small I mean about four to six feet in height. They're better off putting in more smaller trees rather than a couple of big trees. That's one of the reasons why I showed this. The other comments are in reference to the extending branches. By the time they descend they are quite tall and large so, all those lower branches would be trimmed off. I think that's it on the, as far as the irrigation we are not proposing any irrigation. There's a one to two year landscaper on the scene so they are watered for up to two years and then they should survive with the exception of a very total drought. Irrigation is not necessary because they will have someone to water the trees.

G. Lake: Do you want them to go over the lighting again?

T. Hamilton: One of the questions, once he said they were recessed it changed. There are some canopies that had the lights sticking down but if they're recessed.

G. Bergman: They all do in this area Mr. Hamilton except for the Hess in Newburgh, New York and in Montgomery. They both have recessed. They're very new stations. I don't know of any others in this area.

T. Hamilton: A lot of us have been looking at but most of them are not recessed.

D. McGoey: Is the perimeter of the canopy going to be lit?

A. Dulgarian: Why don't you get him up here? We haven't talked to him in a while.

G. Hluchen: Good evening. My name is Gerry Hluchen. I'm an Engineer with Gerard Associates and located in the Town of Wallkill. I would be happy to address any questions you have or do you want me to go through the whole deal again I can do that.

D. McGoey: Is the canopy lit?

G. Hluchen: The four signs are externally lit. We have a generated photograph here that shows two of the facades with the Sam's Club gas signs on either one of them and there's a fluorescent strip light that extends out over the sign and shines the light back in on each one of the four signs. The box light sticks out about sixteen inches from the top of the sign as you can see here and it's got outlets that direct the light back in towards the sign as opposed to straight down on the ground or a lot of billboard signs that are just the opposite that have it above and you get all kinds of skylight around.

D. McGoey: Do you have a catalog cut on this?

G. Hluchen: I do.

D. McGoey: On the recessed lights.

G. Hluchen: In fact I have cuts on the sign fixture as well as the recessed lights. The bulb is fully recessed up within the canopy and has no drop lens. As Mr. Bergman mentioned earlier, all the service stations that we surveyed in the Middletown area all have drop lens. They are very visible from afar perhaps, in part, that they wanted that attention to the canopy and the fact that it's there.

D. McGoey: The lens itself is going to be flush with the bottom of the canopy.

G. Hluchen: That's correct.

D. McGoey: That, still in my opinion, could be a glare problem.

G. Hluchen: Well, it's a flat lens that's there primarily to protect the lamp and try and keep dirt and bugs out of it. If it was an open fixture where the lamp is exposed you get an awful lot of insects and dirt problems with it.

D. McGoey: Well, I was thinking. When you said recessed I was thinking the lens would be recessed up into the canopy several inches.

G. Hluchen: No. As far as the bottom of the canopy it's just clear glass.

A. Dulgarian: So, in essence it's just to cover it.

G. Hluchen: Correct.

A. Dulgarian: The bulb is covered.

G. Hluchen: The lamps are recessed above the ceiling level, this happens to be a prismatic lens so it spreads the light out in all directions. There is no attempt to spread the lens one way or another.

G. Lake: Any more questions on the lighting?

D. McGoey: I think the canopy is high.

G. Lake: The people coming up and down this drive, I think it is. I think there will be a certain amount of glare.

G. Hluchen: I would also note that if you compare it to a typical box type or pole mounted site hiding fixture which are up and down North Galleria Drive as well as in the Sam's Club parking lot, those fixtures amount to twenty five to thirty feet depending upon the area. So, this is considerably lower than those.

D. McGoey: But a lot more concentrated.

G. Hluchen: Absolutely.

D. McGoey: The foot candles are a heck of a lot higher.

G. Lake: Let me go through the Board.

A. Dulgarian: On lighting or anything?

G. Lake: Any general comment that you might have. Right now, Mr. McGoey us not recommending any action at this time.

A. Dulgarian: I think we should discuss.

G. Lake: Go ahead. Let's have your comments and we will go from here.

A. Dulgarian: First off, this is the second plan we've looked at from the first plan they have the meets and bounds. This third version, if you will, from the second there's nothing really other than stacking. I never thought this would take this long to review. There are still a lot of little odds and ends. The snow storage issues is always a pet "peeve" of mine especially right now if you go to any mall in the Town, what we show on our plan where it's supposed to be, it's never there. Your showing twenty three parking spots is going to hold all the snow for this project. That doesn't seem realistic to me.

G. Bergman: We did add a note.

A. Dulgarian: Yes, that it would be removed off-site. That doesn't happen. And no disrespect to you, I just know what happens and either the guy who has the contractor and what ends up happening is that the one lane roads end up getting blocked off and people have to back up and it's

just ridiculous. It's a safety hazard. Other issues I have with this, I still don't really get the flow on the site. I was hoping you would come up with something a little bit better. Mr. Griely was talking about (not clear) and looking at where the tanks are and if a truck is there fueling during hours when cars are there, it will be impossible for them to get by the truck, in my opinion. As much as I hate to use information that somebody gives up that definitely adds something to gain that just doesn't happen, I looked at that left turn out of there. I just have some issues. I think this can be done and with all the good people we have working on it I thought it would be a better plan than what we have. The issue I have is this twenty six places boxed in here. Then, we're promoting the people to come into the gas station right next to that. I think what we need is one of those speed bump walkways across that. If they have to use those twenty six spaces there, we need to do something like we did in front of the new donut shop, Krispy Creme. I think that should be there. The other issue I have is there's signage coming in on both areas that tells these people don't even bother going to the gas pump unless you're a Sam's Club member but what happens if somebody goes in the lot. I think it will be confusing for a lot of people going up the road and also on site. That's all I have. It's a lot of little things.

P. Owen: Yes, I also think there's a lot of little loose ends and I agree with Mr. Dulgarian on the snow issue.

R. Carr: This is a much better proposal than we first saw. This just doesn't go with the surrounding business. All gas stations generate traffic. Here, you're directing the traffic through the parking lot which I don't like. There are a lot of improvements with some on the off-site. One of the things is the Landscape Architect has worked on does make a lot of sense. To have people go through a parking lot, I don't know.

W. Capozella: I know when I first looked at it was a huge project with the amount of space you had to work with. I know you've heard from all the Board members about the traffic flow. I mentioned previously about the traffic flow. Do I really see a lot of improvements, not necessarily. Everything that goes up and down that North Galleria Drive obviously we're looking at as far as adding traffic to it and what can be alleviated. I commend you on what you've done with the traffic lights and trying to alleviate the traffic there but again, my main concerns are with the issues with the traffic in the parking lot. And I will add the one comment which the gentleman had spoken about that first pumping station about making a left hand turn. That's a question mark now in my mind which I hadn't actually looked at that previously.

T. Hamilton: Just to jump on to the landscaping. It was mentioned in the beginning when you first come into that road to heavily landscape, it was mentioned that along North Galleria Drive that the landscaping was too tough along there to screen the parking that shows there but yet these according to the schedule they're only twenty four inches high. They're not high enough to hide anything and that's the majority of all those plants along North Galleria Drive from fifteen, eighteen and twenty four. I see a "wfb" but I can't find it on the chart. I don't know what size that is. It isn't listed here. Our Landscape Architect recommended deciduous trees to be between two and half or three inch

calibers. Some of them are a lot less. They're also saying you should have ten foot wide (not clear) where the landscaping is. Now, the customer is going to come in through here to get their gas. If the same customer is looking to go to the store to shop they're not going to come around here and go back out to here and get into this traffic. They're going to come out through here and cut through this parking lot right through all those parking lots. The customers that are in the store first that are parked in here, they're not going to come out and go back around and back in here in front. They're going to cut through here where everyone had parked. Now, what happened to the traffic that goes out the other way of the building, the new road that runs along the side of Gander Mountain, Lowe's and goes out to Route 211 and the one coming in also. You have people now that are coming in and out of this road through here and back out to get to Route 211. Did you check out what's coming this way because they're going to come here off of Route 211 now and they sneak down through this way. They're going to cut through here and go to that gas station. They're not going to follow this all the way over here and go back around. It's like a zig saw puzzle or a maze. The landscaping along here, fifteen to eighteen inches high does screen a thing. And also the canopy height, I would also like to get some kind of answer why it has to be that high. And this rendering, Mr. McGoey, if you look at this rendering and I was coming down along North Galleria Drive here, I would see everyone of those lights.

D. McGoey: Yes.

T. Hamilton: That's all I have at this time.

G. Lake: You know, I'm not going to go towards anything the Board said but I will say when we back in the very first work session that we had I thought this was going to be a very hard sell. I don't believe the parking lot works but I also believe and a person of experience that Lowe's Drive doesn't work. I got behind two trucks the other day and until that red light changed it was suicide alley there. That was at nine thirty in the morning when there wasn't a lot of traffic. I've been very honest up front from the beginning I had a lot of reservations on this and I still have a lot. I think it is a safety issue on the internal movements. I'm not an expert but my gut feeling and sitting through the last work session and luckily I didn't have an accident but that was only two trucks. I think you have already addressed the Board. I don't know if you want to go back to another work session, do we ask you to take another look at it. I don't know if you want us to take action on it tonight but I think you know the feeling of the Board at this time.

A. Dulgarian: Are we talking about the Site Plan?

G. Lake: Mr. Bergman, come on up here please.

A. Dulgarian: I just have a question on parking requirements and the size of these buildings, I'm looking at the parking data and the existing outside parking you said six hundred ninety three for Gander and six hundred ninety four for Sam's Club which totals thirteen hundred seven. Now, in your little information box here, we're talking about a building area of one hundred thirty eight

thousand. Is that just for Sam's Club?

G. Bergman: Yes, I believe that is just for Sam's Club.

A. Dulgarian: Okay. Here's my follow-up question. If you need six hundred eleven, I only get five hundred forty six spots on that side of the property.

G. Bergman: We will re-count them but we counted them a number of times.

A. Dulgarian: I think there's a whole lot more parking on the Gander side than there is on the Sam's Club side and I think each one should be able to stand alone. People aren't going to walk from one end of that project to the other.

G. Bergman: I agree. If you remember we initially just had Sam's Club and we were asked to put the other spaces in also. The Board had wanted us to show both Gander and Sam's Club. Originally I only had just Sam's Club on.

A. Dulgarian: I don't recall that.

G. Bergman: I think it was five hundred eighty eight is required, isn't that right?

L. Snyder: Yes.

A. Dulgarian: Five hundred eighty two.

G. Bergman: But, I think the gas station also.

A. Dulgarian: Then, my other question is following up on the snow storage thing, you're showing one spot for snow removal equipment. I know that sounds minor but that's been an issue for us around Town. We get hammered on that.

G. Bergman: We kind of asked Sam's themselves and asked what they would store at the site. They said they would not store any trucks, only the loader.

A. Dulgarian: One loader for that

G. Bergman: One loader is what would be stored permanently there. The other vehicles would be brought in.

A. Dulgarian: Yes, I understand but for thirteen hundred spots you have one loader. The rest will be brought in.

D. McGoey: Mr. Lake, we had recommended back in October to have the Town's Traffic Consultant to look at this. It has not been done yet.

G. Lake: We did close the Public Hearing. Will you waive the sixty two day time frame if we decide to table this for further action?

G. Bergman: Yes.

L. Snyder: As long as we have a work session.

G. Lake: You would have to call in to be scheduled for the first available one. So, you are willing to waive the sixty two day time frame?

G. Bergman: Yes we are.

G. Lake: You heard the comments of the Board. We will make a motion to table, go back to another work session, call in so we can get you on the first available work session and then at that point we will re-schedule another Board meeting.

G. Bergman: We will submit these directly to the consultant?

D. McGoey: Yes.

G. Lake: I think the Board is in agreement to send this down to our Traffic Consultant.

A. Dulgarian: Oh yes, and like Mr. McGoey said, a lot of it is internal.

G. Bergman: Should we maybe wait for his comment letter to come back before the work session?

G. Lake: Why don't you let us talk to Mr. McGoey and give him a call in a couple of days.

MOTION to TABLE for further review made by T. Hamilton and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

2. PUBLIC HEARING 7:35 P.M. - **LeBARON** - WAREHOUSE - SITE PLAN/SPECIAL USE PERMIT - Goshen Turnpike (60-1-24) #49-05

Cancelled.

Applicant failed to publish the Public Hearing notice.

3. PUBLIC HEARING 7:40 P.M. - **DAVIDIM LLC** (State Farm Building) - SITE PLAN/SPECIAL USE PERMIT - 643 Route 211 East (41-1-112.1) #64-05

G. Lake: Public Hearing started at 8:41 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 600 Route 211 East, in said Town, on the 21st day of December, 2005 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of Davidim LLC, 144 East 44th Street, New York, New York 10017 for approval of a Site Plan for the property of 643 Route 211 East, at crossing of State Route 211 East and Imperial Park Drive under Section 249-40 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.

A. Nussenum: My name is Alan Nussenum.

G. Lake: Go ahead. Bring the Board up to date on this project.

A. Nussenum: I'm one of the owners of the building and also an Architect. I've come prepared the application. If you recall, I was in front of the Board about a month and a half ago for an application to convert the garage area to office space which was approved. Tonight we're requesting approval for the entire building to be used as three uses. One being a medical office use and the second being a retail use. We've prepared one drawing for each of the uses with the appropriate zoning compliance issues. We find that the existing building complies with both the medical office use and the retail use as per zoning and appropriate parking. Both uses are subject to Planning Board approval.

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

A. Dulgarian: Nothing right now.

P. Owen: Nothing right now.

R. Carr: I will wait.

W. Capozella: I will wait.

T. Hamilton: I will wait.

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

J. Clerc: Can I see what they're going to do there?

G. Lake: Okay. That's why I asked if there was anybody from the Public. I'm sorry. Yes, come on up.

J. Clerc: What kind of a store is it going to be?

A. Nussener: I don't know at this time.

J. Clerc: Is it something that's opened

G. Lake: Hold it. Please ask the Board, not the applicant.

J. Clerc: My name is John Clerc. I live on Ebert Road. I just want to know what they're going to do with the building. I don't necessarily have any objections to it but I would just like to know what's going on. Is it going to be some kind of a twenty four hour store?

G. Lake: You can answer that.

A. Nussener: Very unlikely. We don't have a user. We're just asking for permission for either use because the building is currently half vacant and we're out there looking for a tenant. It is very difficult to find an office user in this area with the current market. So, instead of finding a tenant in advance and going through the process we felt we could get permission in advance.

J. Clerc: I don't have any problem with the use. I just don't want something like a twenty four hour store.

G. Lake: Right.

J. Clerc: With lights on all the time because it backs up into a residential area.

G. Lake: How much square footage will be used for retail?

A. Nussener: We have a ten year lease for fifty percent of the building. The maximum would be fifty percent if at all.

G. Lake: Which is how much square feet?

A. Nussener: About sixty five hundred square feet.

T. Hamilton: Now, the bank you're saying has the lease?

A. Nussener: Yes. The Community Bank of Orange.

G. Lake: He might not but I can't believe the present tenant that he has there.

J. Clerc: I understand that.

G. Lake: Unfortunately, retail does cover.

J. Clerc: I know.

A. Nussener: We consider it a Class "A" office building so we're not looking for a twenty four hour tenant.

G. Lake: Anybody else from the Public?

R. Commerford: I have nothing against like I said but how much square footage is going to be rented out?

A. Nussener: Sixty five hundred square feet.

R. Commerford: Sixty five hundred. Is it divided up in a certain way or is it all empty space right now.

A. Nussener: Basically there is a small conference room existing but more or less open.

R. Commerford: It's just an open floor plan so whoever comes in can make it into a retail or a physician office?

A. Nussener: Yes, or just to make an office depending upon what we have approval for.

R. Commerford: You're talking one store.

A. Nussener: Right.

R. Commerford: So, if you're talking retail. I know you don't know what kind of retail that you're doing but you're not talking about a 7-11 type like stores like that?

A. Nussener: It wouldn't make sense for us to do that. It would devalue the property.

R. Commerford: Okay, so I'm thinking if you do a physician's office. Most physician's office are (not clear).

A. Nussener: I know very well that one of the problems in the market up here is that we don't have many uses for that so that's part of the issue.

G. Lake: We're not here to discuss a business problem.

R. Commerford: I'm just trying to get a feeling. I want to get an idea.

G. Lake: We can't sit here and say he isn't going to do a store but I can't visualize a 7-11 or a Cumberland Farms.

R. Commerford: Well, but I understand that but I mean when I put up an eight thousand square foot office building in this Town I had to say what I was putting in.

G. Lake: He's going to be restricted under what is allowed.

R. Commerford: Right.

G. Lake: If he changes, he has to come back.

R. Commerford: Okay. We're just talking retail of any kind.

G. Lake: He has office approval and now he's asking retail.

T. Hamilton: If you look up and down Route 211 now you've got all kinds of stores that are opened different hours so how do you determine which one isn't in character.

J. Bacon: Does the backyard of the property?

T. Hamilton: We have to look at the current screening around it.

A. Nussenum: But the bank use is already a twenty four hour use.

T. Hamilton: It's got a drive up window and an ATM.

MOTION to close the PUBLIC HEARING at 8:54 P.M. made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

G. Lake: Mr. McGoey's comments. How about the landscaping? Mr. McGoey?

D. McGoey: Right. Well, I didn't see a picture of it. I think he could probably ask for more.

A. Nussenum: At this time I brought a drawing. State Farm built this building and they did a great job. There's a lot of landscaping on the property.

G. Lake: Now, the Bank of Orange is on the left hand side looking at it?

A. Nussenum: Yes.

G. Lake: And, the little out-shoot, what's that?

A. Nussenum: That's what was approved last time for an office.

T. Hamilton: That's where the drive-through was.

G. Lake: I will go through the Board.

A. Dulgarian: Is the parking requirements on this, is it shown for both uses?

A. Nussenum: Yes, on each sheet. There's currently one hundred and nine spots.

A. Dulgarian: So, the eighty is for what use?

A. Nussenum: The eighty is for retail and the ninety five is for medical office and then an appropriate amount of handicap spaces for each use.

A. Dulgarian: I have nothing else.

D. McGoey: Why do we have two separate maps?

A. Nussenum: I guess we did it for each use.

D. McGoey: Where is the

A. Nussenum: Right there.

D. McGoey: I had no way of knowing that you had put in retail parking.

G. Lake: Anything else?

A. Dulgarian: I have no issues really. I still would like to see a little bit more landscaping by the sign right out by the road. The rest of the property, it doesn't really matter but I have no problem doing it subject to Mr. McGoey's signing off on it but I would just like to see something up there.

P. Owen: I'm fine with this project.

R. Carr: I agree with Mr. Dulgarian's comments.

W. Capozella: Just a question again about the landscaping. Now, that is proposed at the sign.

A. Nussenum: It's all there. I assume that it was approved.

W. Capozella: What's that?

A. Nussenum: Everything is existing except for the one tree.

W. Capozella: Nothing further.

T. Hamilton: Nothing more.

G. Lake: How does the whole Board feel about the hour issue? I wouldn't think it's an issue.

W. Capozella: I think the comments from the Public were more concerning with the lighting.

G. Lake: That would go along with a twenty four hour operation.

P. Owen: I'm not really concerned about that.

A. Dulgarian: I am and only because it's very similar to the situation we had further up on Route 211 with the neighborhood on the City line. We have no chance at this point to increase any buffer to protect the nearby homes. For that reason, I think it's in our best interest to limit the hours of operation.

T. Hamilton: One house and then the apartments.

A. Dulgarian: The apartments?

T. Hamilton: Have you been back there? There is a lot of landscaping.

A. Dulgarian: I know the property but I just know looking at the map.

T. Hamilton: The bank is there now.

A. Dulgarian: Yes, but it's not occupied. They can drive through.

T. Hamilton: But the bank is there.

A. Dulgarian: I know but it's not occupied.

T. Hamilton: But it's still a twenty four hour operation.

G. Lake: Mr. McGoey, if he up's the site lighting does he have to come back to this Board?

D. McGoey: Not really.

G. Lake: I don't see any pole lights out there right now.

A. Nussener: In the front there are pole lights.

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 P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

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

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

4. **SHEAR PERFECTION** - SITE PLAN - Hulse Avenue (76-6-1) #84-05

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

D. Yanosh: My name is Dan Yanosh, surveyor for the project.

G. Lake: Go ahead. Tell us what you want to do there.

D. Yanosh: This is the existing Frankie's Sausage Bar. Joe's daughter is in the hair salon business. They want to convert the existing building from a Frankie's Sausage Bar to a Hair Salon. The parking remains the same. The Site Plan remains the same. The use is allowed in the zone. The Building Department sent them here for a Site Plan approval on the change of use.

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

D. Yanosh: Yes.

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

D. Yanosh: Item #2 is for the site. Everybody knows the site. We have photographs if anyone wants to look at them. It's been paved for years. I talked for Joe about tearing up some blacktop. You're going to have problems with drainage and stuff like that. He is going to take that facade off the front. He will leave the overhand there and a nice looking facade will dress it up. Some of the aluminum will be taken off and make it look nicer as a building. We have no real concerns about doing the landscaping..

A. Dulgarian: You have no concerns about it or

D. Yanosh: He wasn't looking to do landscaping. I don't know how we can do that.

G. Lake: I don't think that's a, we've asked everybody to try and do a little landscaping.

D. Yanosh: We've looked at potted plants and stuff like that but people will throw them away.

A. Dulgarian: Put a couple of planters on the side.

T. Hamilton: What about the concrete planters.

A. Dulgarian: You know, the guy across the street he just went with sidewalks and all kinds of stuff to dress his place up.

D. Yanosh: Yes.

A. Dulgarian: So, this would be minimal.

D. Yanosh: Would you accept those concrete things with landscaping inside of it?

T. Hamilton: With plants, right.

G. Lake: I don't think we're asking for a lot.

D. McGoey: How about along the Wisner Avenue spot where we do have a grass strip?

D. Yanosh: That's on the Town property though.

T. Hamilton: Get Mr. Lippert to okay it.

D. Yanosh: Okay.

A. Dulgarian: Ask the applicant.

D. Yanosh: I will see if we can do something on the Wisner Avenue side.

A. Dulgarian: What about that sink hole?

D. Yanosh: Where's that?

A. Dulgarian: You see where you have your twenty four foot side yard is? See where that arrow is?

D. Yanosh: There is a hole.

A. Dulgarian: It's more than a hole.

T. Hamilton: Mr. Yanosh, have you been out there?

D. Yanosh: I walked it once before.

A. Dulgarian: I don't think it's there all the time. But this is a good opportunity to fix that because it good be a safety issue.

G. Lake: The lighting?

D. Yanosh: The lighting will stay the same. The lighting is in that facade. It shines down. We're not going to add anymore. There's some lighting across the street. This is a day time business. All the lighting will stay under that sign.

A. Dulgarian: Mr. Yanosh, do you have enough parking there?

D. Yanosh: The Site Plan shows service shop.

A. Dulgarian: What about using the basement for storage?

D. Yanosh: There's not much down there.

G. Lake: I will go through the Board.

A. Dulgarian: I think it's a good use. It's going to dress up that corner.

P. Owen: I don't have a problem with it as long as Mr. McGoey checks on the parking.

R. Carr: Nothing further.

W. Capozella: Nothing further.

T. Hamilton: Nothing further.

MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey's comments and this Board's comments made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for SITE PLAN approval subject to Mr. McGoey's comments and this Board's comments made by T. Hamilton and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

5. **TIME WARNER** - SITE PLAN REVISION - 27 Industrial Drive (41-1-25.1) #60-03

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

T. DePuy: My name is Tom DePuy.

G. Lake: Go ahead.

T. DePuy: Time Warner is looking to put a new standby generator, a larger one, which is actually going to be repositioned in front of this building. They have an existing one on to the side here. After this one is installed they'll eliminate this one over here. Basically what happens is this building here still has the computers and they do have a small studio in here which they're planning in the future to enlarge for a larger studio.

G. Lake: So, there won't be any structural?

T. DePuy: No structural changes or anything. The other issue is why they're there, we're going to rehab their parking lot and some of the curbing, sidewalk which has all deteriorated now. We have a separate plan on that. We will be overlaying some of the parking lot. Some of the parking lot we'll be grinding out and bringing in additional sub-base material. We have one spot where we want to install a catch basin where the water goes now.

T. Hamilton: You're not changing anything?

T. DePuy: No. Parking wise, we need forty three parking spaces, we have sixty six. I do lose one there because in the back we laid out the new parking regulations on the handicap spaces.

A. Dulgarian: But you're still more than you need.

T. DePuy: Still more than what we need but we're going to re-stripe everything back to code.

D. McGoey: Do you have the double striping?

T. DePuy: We have a double stripe detail and I have a detail of the standard parking and the standard handicap parking also.

G. Lake: Do you have any problem with any of Mr. McGoey's comments?

T. DePuy: No.

G. Lake: Let me go through the Board.

A. Dulgarian: No issues.

P. Owen: No issues.

R. Carr: No issues.

W. Capozella: Just looking over this, I know Mr. McGoey is pretty sharp. My only question is they're going to be putting a generator in this obviously for oil. Is it an oil generator?

T. DePuy: I think it's natural gas.

T. Hamilton: No issues.

MOTION for a NEGATIVE DECLARATION subject to Mr. McGoey's comments and this Board's comments made by A. Dulgarian and seconded by P. Owen.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for SITE PLAN REVISION subject to Mr. McGoey's comments and this Board's comments made by P. Owen and seconded by A. Dulgarian.

A. Dulgarian: Aye

P. Owen: Aye

R. Carr: Aye

T. Hamilton: Aye

W. Capozella: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES