

**Town of Wallkill
PLANNING BOARD MINUTES**

October 4th, 2017

Members in Attendance: Gary Lake

A. Guattery, , Bill Capozella

T. Hamilton & Clark Najac,

No Jim Keegan

Also in Attendance: Dick McGoey, MH&E PC, Consulting Engineer

Tad Barone PB Attorney

PLEDGE OF ALLEGIANCE

7:30 PM – MEETING OPENED

ZBA Liasion Update

- 1. PUBLIC HEARING – 7:30 pm – Gingras SP and Lot line – 252/256 Bloomingburg Rd. (14-1-21.22 & 36.2) # 45-17**

M. Hunt TOWN OF WALLKILL PLANNING BOARD NOTICE OF PUBLIC HEARING. NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York will be held at the Town Hall at 99 Tower Drive, Building A, Middletown, NY in said Town on the 4th day of October, 2017 at 7:30 p.m. or as soon thereafter as the matter can be heard that day on the application of L. Joseph & Bonnie J. Gingras, 224 Comfort Trail, Montgomery, NY12549 for approval of site plan and special use permit for proposed 6,300 SF building including 1,500 SF addition and associated septic systems located at 256 Bloomingburg Road, Middletown, NY 10941 at the southwest corner of Bloomingburg Road (County Route 76) and M&M Road, also known as Section 14, Block 1, Lot 31.222 and Section 14, Block 1, Lot 26.22, under Sections 249-39 and 249-40 of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place.

T. Depuy it is on the corner of M&M and Bloomingburg Rd. it is a 6800s.f.bldg with a septic and well here and the project is calling to put a septic system in for the 2 office shops on the adjacent piece of property. Since we were here last we are proposing a lot line change which will separate the 2 septic systems. It will also make the rear access so there is no need for any cross-easements or maint. Agreements between the 2 lots.

G. Lake I'll open this PH at 7:34 pm. Motion to close this PH at 7:35 pm. Bill/Tom 6 ayes.
You have any problem with Dick's Comments?

T. Depuy We are good – we also submitted our drawings to KC Engineering for the septic and have a joint site inspection tomorrow. I have drawings for the bldg. (renderings)

J. Gingras I'm not sure what I am going to do- I'm either building to rent or lease or just keep it.

R. McGoey What use is noted on the site plan?

T. Depuy We showed it as part office/storage use. A contractors, landscaper, electrician, etc.

G. Lake If you go to certain uses the parking would be greater than what you have on the plan.

R. McGoey So you list it as a service shop basically.

I'm satisfied with the comments, there are a few highway comments. Detail for the driveway,etc.

D. Dulgarian This kick in the lot line was for the septic?

T. Depuy Yes, I have a separate application for the lot line change. we are kicking that over and giving this access to this bldg. that will prevent any cross easements/agreements as discussed at the last mtg.

D. Dulgarian Note on the plan for no outside storage. It's very visible there. a perfect use for the area. You have snow storage room, I'm good.

J. Gingras I don't plan on any.

B. Capozella I'm happy he got away from the easements and add'l septic- I'm ok.

C. Najac Much better split up with the septics. If you rent or lease this out to someone with chemicals we will need to get a note on the plan that they need to provide a list to the F.D.

A. Guattery It will be a great improvement. I have nothing to add.

T. Hamilton It looks much better than the original site plan.

G. Lake Motion for a neg dec/part 3 EAF subject to all comments. Andy/Clark

D. DULGARIAN AYE

B. CAPOZELLA AYE

C. NAJAC AYE

A. GUATTERY AYE

T. HAMILTON AYE

G. LAKE AYE

Motion for site plan approval subject to all comments and lot line change subject to same.

Andy/Tom

D. DULGARIAN AYE

B. CAPOZELLA AYE

C. NAJAC AYE

A. GUATTERY AYE

T. HAMILTON AYE

G. LAKE AYE

Thank you and good luck.

2. PUBLIC HEARING – 7:35 pm – Dunkin Donuts SP 364 Rt. 211e (50-2-46) # 27-17

M. Hunt -TOWN OF WALKILL PLANNING BOARD NOTICE OF PUBLIC HEARING/
NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of
the Town of Walkill, Orange County, New York will be held at the Town hall at 99
Tower Drive, Building A, Middletown, NY in said Town on the 4th Day of October 2017
at 7:30 p.m. or as soon thereafter as the matter can be heard that day on the Application
the Sardinha Brothers Realty LLC Site Plan for a proposed Dunkin Donuts to be located
at 364 NYS Route 211, Middletown, NY on tax lot 50-2-46 under section 249-26.C (3) of
the Zoning Law of the Town of Walkill. All parties of interest will be heard at said time
and place. Mailings have been rec'd.

R. Winglowitz This site is the former Friendly's site. The proposal is .9 acre lot for the
building to be razed and parking to be refigured for a Dunkin Donuts – 2700 s.f. it will have drive
aisle provided around the bldg. with significant queuing and we will reconfigure the parking lot
to provide an in and out as one way to the main parking area. We are going to connect to
existing Stormwater services that are there and 2 existing drain pipes that service the site. There
is less impervious area, we will provide more green space as part of the plan. There is a
substantial landscaping plan and some comments we will address about landscaping along
Schleman Rd.

G. Lake Motion to open this PH at 7:43 pm. Motion to close this PH at 7:44 pm. Andy/Clark 6 ayes. Dick's comments and the comments had last time you were here – any problem?

R. Winglowitz No, they are minor in nature.

G. Lake We rec'd a letter from the owner of the Plaza. They disagree with the use of the parking.

R. Winglowitz We got a copy forwarded from the attorney. My reading of this is that we disagree. This document was to provide a friendly site to the entire common area of the Caldor Plaza. We talked to our counsel.

G. Lake I would like you to waive the 62 day time frame. (I agree to waive that). Before I go back to the board to talk about the comments I think that you need to talk to the Plaza people. Maybe look at old files to see what you can find. I would like to see it work out between the 2 parties. This would continue new life that is going into that property. Thank you for waiving the 62 days. I'll go thru the board for further comments. Then we are going to table you for further action until you can return with a resolution of some kind.

D. Dulgarian it fits the area. They do a nice job with these. The only viable access for pedestrians is to come all the way over to the corner bc of the topo there?

R. Winglowitz We have 2 access points – one along Schleman Rd. and the other entrance. 2 walkways are shown. It needs to come all the way up from 211 bc of the topography to enter the bldg.

D. Dulgarian I'm glad this board asked for 2 entrances. To get into the drive thru lane you have to go all the way to the east side of the property? (yes). How does a customer pick or choose to park and go in or go into the drive thru? There is no in between. There is going to have to be good signage directing people where to go.

R. Winglowitz There is a sign plan – drive thru, thank you for coming, if you turn into the parking lot its one way. We don't create a cluster. Enter one way and exit right out. If you entered the drive thru incorrectly we provide and exit in and out of drive thru to get around.

D. Dulgarian in a way it's good. Some drive thru do not have that and then you have people backing up to get out. The crosswalk, did anyone talk about a speed bump there? that seems to have worked very well by Starbucks. It just is a long hump that really requires traffic to slow down

R. Winglowitz I have concerns because of the grading of the easement and the language. It clearly tells us we cannot do anything to obstruct any traffic on that 40' strip adjacent to our property. That would be my concern, does a speed hump obstruct?

D. Dulgarian You need to talk to them anyway so I appreciate you checking it out. Typically in drive thru they do not have something ready and they have you pull up and bring it out. Where would that happen here?

R. Winglowitz We only provide that when we don't have enough queuing space.

D. Dulgarian Historically it happens everywhere. It's not a deal breaker, just to have it built in now when we have a spot where they can come out on the other side. How do you get deliveries here?

R. Winglowitz No problems, they make the donuts across the street on 211. The box trucks are 20 and the distribution trucks are 50'. They deliver 2x a week and we can dictate the times – probably lower volume times in late am or early pm. Hours will be 4:00 to 11:00 pm at the latest.

D. Dulgarian I think you need to show how that turning is going to be dropping stuff off. Snow Storage?

R. Winglowitz We have a lot more green space here. We have it banked behind the bldg. there is an island between the parking lot and dumpster and also the other side of the parking lot. It will not interfere with the plantings, they will be low shrubs along Schleman.

D. Dulgarian Please show it on the plans when you come back. I like the use and can't understand the problem with the parking, I think it's a benefit.

B. Capozella Overall, with DD this one has the stacking. You are going to need it. We asked for crosswalks and double entrances and you did it. The thing hanging over what we discussed will be the add'l parking. How much parking do they need – is it really 67?

R. McGoey Fast food is one per 50 s.f. gross area. It's quite a bit.

C. Najac Excellent use of this bldg. I love the fact you have room to stack. Make sure you take care of the lighting comments. Is your sign LED lit?

R. Winglowitz The signs are internally lit with LED lights. Dick was concerned about this and we plan on using the lowest temperature. Site lighting is 4000 degrees – We will provide for the internal sign.

C. Najac Put the landscaping replacement note on the plan. That is a nice spot and we want to keep it that way.

A. Guattery the facility across the street, how many parking spaces are yours? That is a shared lot as well. There is maybe 10-12 for Dunkin and another 6-8 along the old mattress bldg. We managed to serve all the people there. it's a question since we have requirements for a reason and we are certain it is the queue that is going to be full. Please put the snow storage on the plans.

T. Hamilton I can see needing more parking if you could count the stacking on the drive thru- you are saving all the parking you don't need. You can't count the stacking in the drive as parking?

R. McGoey We have never done that to date. I'm not sure if you want to start that precedent.

T. Hamilton The signage in the parking lot – can you put parking only, no drive thru access?

R. Winglowitz there will be drive thru signage here and then there is the parking here. You can see both of them at the same time. I don't know if the Board read the easement conditions?

G. Lake We read it and we have it. We are putting it in the file. We discussed it ahead of time and Mr. Barone will give his comments on it.

T. Barone My concern is notwithstanding the language seemingly permits the old Friendly's site to use parking on the Caldor Site. If the current owner is objecting to this we surely don't want to give them an approval where down the road there is a court battle that goes against them. If they can't work it out between them in the next 30-60 days we can come up with some interim arrangement or duke it out in the local courts.

R. McGoey Sonic was part of the Caldor plaza until they subdivided. They made a deal as part of the SD to share parking.

R. Winglowitz Caldor has to maintain the same number of parking spots to us. I wonder if that has been modified. Thank you.

G. Lake We did talk about the road going in. that used to be a Town Road.

T. Barone If you research whether or not you have any level of deeded access to that road – can you provide me with that? (yes)

R. Winglowitz The next filed document is the easement for access.

G. Lake Motion to table for further action. Doug/Andy 6 ayes.

3. Pocatello Firehouse SP REV –Ext to Final Approval - Pocatello Rd. (69-1-4) #06-16

G. Lake Motion for one year ext. to final approval after Mr. Barone contacts them.
Doug/Andy 6 ayes.

4. Fisher Retail SP/SUP – Ext. to Preliminary Approval- Tower Drive (41-1-94.21) # 05-15

D. Finery (fusco) Good Evening.

G. Lake I have had a conversation with Dr. Fisher and he is still trying to market this property and still involved with the DEC or Health Dept.

D. Finery They are before the NYSDOH, NYS DEC and NYS DOT working on completion of a resubmission.

D. Dulgarian How many is this?

T. Barone Their first was on 12/7/16. This will be the 2nd.

G. Lake Motion for one year extension. Tom/Andy 6 ayes.

MOTION TO ADJOURN